

# 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

Tuesday, June 11, 1985

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

Prayer by Reverend Nina Sedlock, East Pittston United Methodist Church, Pittston.

Quorum was called; was held.

The Journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:

THE SENATE OF MAINE

Augusta

June 10, 1985

The Honorable Edwin E. Pert

Clerk of the House

112th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised the President has appointed the following Conferees to the disagreeing action between the two branches of the legislature on "Resolution, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Senators" (S.P. 394) (L.D. 1093)

Senator Kany of Kennebec

Senator Violette of Aroostook

Senator Perkins of Hancock

Thank you.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act Converting Caswell Plantation into the Town of Caswell" (Emergency) (S.P. 636) (L.D. 1650)

Came from the Senate, referred to the Committee on Local and County Government and Ordered Printed.

Under suspension of the rules, the Bill was read once and without reference to any committee and assigned for second reading later in today's session.

**Unanimous Leave to Withdraw**

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Relating to Loitering on Public Sidewalks" (S.P. 416) (L.D. 1146)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning the Use of Motor Vehicles in the Commission of Theft and Related Crimes" (S.P. 424) (L.D. 1172)

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

**Divided Report**

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-245) on Bill "An Act to Protect Works of Art" (S.P. 415) (L.D. 1145)

Signed:

Senators:

CHALMERS of Knox

CARPENTER of Aroostook

SEWALL of Lincoln

Representatives:

COOPER of Windham

PRIEST of Brunswick

DRINKWATER of Belfast

PARADIS of Augusta

ALLEN of Washington

KANE of South Portland

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

Signed:

Representatives:

CARRIER of Westbrook

STETSON of Damariscotta

(Representative MacBRIDE of Presque Isle - of the House - Abstained)

(Representative LEBOWITZ of Bangor - of the House - Abstained)

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-245)

Reports were read.

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

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

Men and Women of the House: L.D. 1145 is a much needed bill for a very particular segment of our society, artists. What this bill does is it creates a cause of action. I am a lay person and I am not an attorney but what this does is permit an artist to go to court and to petition the court to have his or her name taken off a work of art. If they feel that work of art has been altered, and by doing so, causes loss of the person's professional reputation; in other words, an artist has a drawing or a sculpture of some sort and somebody reproduces that, or is changed so that the artist who created this work of art no longer feels that that looks well on his or her reputation as an artist, they can go to court, under this bill within a certain limit of time, and petition the court and say, please have my name taken off from that particular work of art. It is no longer mine, it is somebody else's because it has been altered. I think that is only fair to the artists of Maine to do that. They put their heart and soul, their personality, their identity into a work of art, and when somebody copies that in a way that is unfavorable to their reputation, their livelihood, they ought to have a right to say, I cannot take that away from you but I don't want my name associated with that piece of art. That is simply what this bill does.

I urge the acceptance of the Majority "Ought to Pass" Report.

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

Representative STETSON: Mr. Speaker, Men and Women of the House: I won't belabor this issue. I don't think it is a badly needed piece of legislation. I think that any artist could have brought a similar action without this kind of legislation but if you all feel that this is so necessary, I guess we will have to have more judges, more courthouses and certainly it won't hurt the lawyers any either.

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

Committee Amendment "A" (S-245) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-245) in concurrence.

**Messages and Documents**

The following Communication:

STATE OF MAINE

DEPARTMENT OF AUDIT

STATE HOUSE, STATION 66

AUGUSTA, MAINE 04333

June 10, 1985

TO GOVERNOR JOSEPH E. BRENNAN AND MEMBERS OF THE ONE HUNDRED AND TWELFTH LEGISLATURE

In compliance with statutory requirements, I submit herewith the 65th Annual Report of the State Auditor for the fiscal year ended June 30, 1984.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc. during the

year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected on the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1984 has been fairly presented in conformity and with generally accepted accounting principles applied on a consistent basis.

Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1984 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the staff of the Department of Audit for their continued loyalty and devotion to duty and to the State Officials for their cooperation with this department.

Respectfully submitted,

S/ ROBERT W. NORTON

State Auditor

Was read and with accompanying papers ordered placed on file.

The following Communication:

State of Maine

One Hundred and Twelfth Legislature  
Committee on Aging, Retirement and Veterans

June 10, 1985

The Honorable John L. Martin

Speaker of the House

112th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the first regular session of the 112th legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	41
Unanimous reports	38
Leave to Withdraw	17
Ought to Pass	4
Ought Not to Pass	1
Ought to Pass as Amended	15
Ought to Pass in New Draft	1
Divided reports	1
Carry Over Bills	

(Approved by the Legislative Council)2

Respectfully submitted,

S/ N. PAUL GAUVREAU

Senate Chair

S/ DANIEL B. HICKEY

House Chair

Was read and ordered placed on file.

**Reports of Committees****Divided Report****Later Today Assigned**

Majority Report of the Committee on Energy and Natural Resources on Bill "An Act to Require Voter Approval of the Disposal of Low-level Radioactive Waste" (I.B.1) (L.D. 615) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish a State Policy Relating to the Disposal of Low-level Radioactive Waste" (H.P. 1141) (L.D. 1649)

Signed:

Senators:

USHER of Cumberland

EMERSON of Penobscot

Representatives:

MICHAUD of Medway

JACQUES of Waterville

RIDLEY of Shapleigh

HOGLUND of Portland

BROWN of Livermore Falls

DEXTER of Kingfield

LAW of Dover-Foxcroft

COLES of Harpswell

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

Signed:

Senator:

KANY of Kennebec

Representatives:

MITCHELL of Freeport

HOLLOWAY of Edgecomb

Reports were read.

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

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

Mr. Speaker, Men and Women of the House: Basically, what you have before you is L.D. 615 and L.D. 1649. L.D. 615, the initiative bill, requires for voter approval for all low level radioactive waste sites within the State of Maine. It also adds for voter approval for an interstate compact, which if Maine chose to send its waste outside of the state, if that is part of the agreement, the voters have to go to referendum.

The Majority Report, 1649, does a couple of things. First of all, it will allow for voter approval if Maine chooses to dispose of its waste within the State of Maine with the exception of Maine Yankee. It also sets state policy. In the Majority Report, the first and desirable policy that we are setting, if approved by the voters, is that Maine dispose of its waste outside of the state, that is the first option.

The second option is for the State of Maine to enter into an agreement with the government or private agency to dispose of its waste.

Third and final policy that is set in the Majority Report is for Maine to dispose of its waste by itself.

In the Majority Report, if Maine cannot enter into a compact with some other state to accept its waste, then it would have to dispose of its own waste within the State of Maine and the voters would have to approve of that measure. The major difference is if Maine can enter into a compact with some other state, then the voters will not have the option to approve of that site and the basic reason behind the Majority Report is that, if some other state is willing to take our waste, then Maine people should not care whether or not it is disposed of safely, which I would assume that it would be if some other state is going to take it.

In 1982, Massachusetts passed a referendum similar to what the initiative bill does and what has happened to Massachusetts and why the Majority Report feels that it will hurt Maine's chances of negotiating some type of contract is that other states will be leary to any type of compact with the state that requires voter approval for that compact. I will give you a scenario. Say if the initiative of the Minority Report does pass by the voters, what will basically happen is Maine, more than likely, will be in the same situation as Massachusetts and no other state will be willing to negotiate any type of agreement with them. What will happen is Maine will have to have its own disposal site. Keep in mind that federal law says that, if the state cannot enter into a compact, that they cannot refuse any other state so if Maine can't enter into a compact with some other state, we have to have our own site. If we have our own site, and say Vermont wants to dispose in Maine, Maine can't refuse them under the federal law.

I hope you will go along with me in accepting the Majority "Ought to Pass" Report.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Representative Michaud is right, we have two bills here, we have the initiative bill which is Report B and that requires voter approval of any plan to dispose of low level radioactive waste, whether

it is inside this state or outside the state. The competing measure which is Report A, allows for disposal of waste outside of the state or Maine Yankees without voter approval but requires voter approval for disposal of waste with any other site in the state. It also sets a policy. My belief is that our policy for low level radioactive waste is that we should dispose of it in the safest, reasonable manner and that is a policy which is being developed and perhaps the competing measure is a bit premature in setting that policy into law.

There are three things that we can do today, we can pass the initiated bill and if you vote for Report B, that is what you will be doing. If you pass the initiated bill, there will be no referendum. I don't think that the initiated bill is probably the best in the world—the question is certainly loaded and I think that on any ballot, it will probably win. We have a serious problem and the federal law requires us to resolve that problem by January 1, 1986. If we pass the initiated bill, it is not the best thing in the world but I am sure we can live with it, we will not have to go referendum and spend all that time, which we would otherwise spend resolving problems dealing with this election. I think that if we pass the initiated bill, we can get down to work and do the job.

The other alternative is to kill both of these bills and if we kill both of these bills, the initiated bill will go out to the voters and the voters can vote for it, up or down.

The third alternative that you can face today is to pass the competing measure and if you pass the competing measure what you will do is give the voters three questions in November; to pass the initiated bill, to pass the competing measure, which the committee wrote, or to pass neither of those. One of those three questions must receive 50 percent of the vote or it will be resubmitted to the voters. If we pass the competing measure here and it goes out as three questions on the ballot, I would urge you all to vote for none of the above because I think that things are going along fine before this competing measure was introduced. This is a very, very technical matter and it is very difficult to make technical decisions in a public arena. I think that you would really do a service to this state if you went out and voted for none of the above in November, if we pass the competing measure today.

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

Representative CONNOLLY: Mr. Speaker, I move that this bill and all accompanying papers be indefinitely postpone.

Mr. Speaker, Member of the House: It is my understanding, and if I am wrong, I wish someone would correct me, that the only way to get that initiated bill and that bill only before the people for a vote is if the legislature were to indefinitely postpone both reports that are before us now. I am not an expert by any stretch of the imagination on all the issues that are contained in this legislation but I do know and I have been involved in initiated petitions in the past that the process is a somewhat sacred process and one of the ways that we allow laws to become laws in the State of Maine is to allow citizens to initiate a referendum and to collect a very significant number of signatures. If those signatures are certified as eligible voters, they then come to the legislature, and for all the years that I have been in the legislature, it is a fairly routine matter that the legislature then kills the bill and then it goes on to the people for a vote.

What we have today is Maine Yankee and Central Maine Power and other utility nuclear interest in the state who are scared to death by this initiated referendum because they think that it may pass and it may put some restrictions on their operations. Regardless of the merits of the bill or the petition, I think that

that issue, and that issue alone, ought to be put before the people for a vote.

In the Majority Report, we have what I refer to as the G. Gordon Liddy amendment because its initial draft was offered by David Flannigan of Central Maine Power and Maine Yankee. That is what is referred to as the competing measure and the only reason that that is before the legislature is to try to confuse the voters and try to prevent a 50 percent or a majority vote on the initiated question. The Majority Report, which says, that we should accept the bill and pass the bill as it came before us, is, in my opinion, another attempt to subvert the process. If we pass that bill, it would then allow the legislature, at some future point, the opportunity to amend it, to make it better, to deal with some of the problems that Representative Mitchell, in good faith, points out may cause a problem.

I have been involved particularly with two referendum questions in the past, both of which when they began, all the pollsters said had enormous support amongst the voters. One was the milk question and one was the bill that was before us a few years ago dealing with the election of the PUC Commissioners and the legislature took the position on those two questions, despite the seeming popularity and the fear on the people who didn't want them to pass that they would perhaps pass in the election in November, to send them out to the people for a vote and then the opponents had every opportunity to debate the issues, up or down, and in both of those cases, those referendum questions were defeated. The question of the election of the Commissioners to the PUC at time that that bill was before the legislature, the pollster, I forget his name, the fellow from Bowdoin, Chris Potholm, said that that issue had 70 to 75 percent support of the people of the State. By the time the PUC and the Governor's Office and Central Maine Power went to work, that question was defeated in November. I think the process is a sacred process and I think that the bill ought to be allowed to go before the people for a vote and I would hope, that based on that, that you would support a motion of indefinite postponement.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond for a moment to the Representative from Portland, Representative Connolly's comments about the sacred process, which I agree is a process which is part of Maine law and it is a very important process and is one that has caused many issues to be decided in the ballot box from the people. However, to say that that sacred process ought not to be dealt with in such a way that alternatives to that process can be offered, I think is very wrong. I had to smile when Representative Connolly said that the best thing we could do would be to send this issue to the people by itself. Then if there were problems, amend it after the people have voted affirmatively.

Let's go back a couple of years to the issue that was voted at the ballot box on repealing the retroactive portion of tax conformity. You may recall that that created great furor among the people. They had voted, they had made their intentions known and now the legislature was attempting to deal with the issue in its own way. I guess you might even say that the recent election in Lewiston-Auburn is another example of people saying, don't tamper with something after we have voted. I think the same is true here. We are not tampering with the sacred process, we are simply providing an alternative.

I would like to talk about the real issue. Maine, along with every single state in this nation, has a problem on its hands, and that problem is how we are going to deal with our low level nuclear waste. This is waste that comes

from nuclear generating facilities, such as Maine Yankee, which is the largest producer in this State, its waste comes from hospital laboratories, and so it is something that we have to deal with. As a result, the low level siting commission has been dealing with this issue, as Representative Michaud stated, for the last couple of years. It is a highly, highly, technical problem that Maine faces.

Representative Mitchell, very admirably I believe, said, that it is an emotional issue, which is difficult to discuss in the public arena and that is true. I think because of the emotional aspect of the question before us it became important for us then to look at the possibilities of a competing measure. Just so you will understand what you are voting for, the Majority Report provides the people with the opportunity, as Representative Connolly wants to have, to vote on the initiated referendum question. It provides, however, a second alternative for the people to vote on and again, Representative Michaud laid that out very well. If we did as Representative Connolly suggests and indefinitely postpone this bill, that means that only the one question will go out to the voters, one question only, and that is a referendum to hold additional referendums on any plan that Maine may develop to deal with low level nuclear waste. I don't think that the people of Maine necessarily want to wade through all of the technical questions and all of the technical problems that go into finding a permanent solution for the storage and ultimate disposal of low level waste. At that point, I believe we will be introducing the element of emotionalism, which is going to tend to dominate the discussion, and then the decision may be based on a emotionalism rather than a technical ability for our being able to get rid of the material.

I ask you not to indefinitely postpone this bill so that we can go on and accept the Majority Report so that in the Fall, the voters of Maine will have a choice. Let's not ask the voters of Maine to go back referendum after referendum to vote on every singly option that Maine, after years of research and development, may come up with to vote on something that is highly technical that I think could lead to an awful lot of confusion among the electorate. I think the issue before us is clear, it need not be made difficult and I urge you to vote against the pending motion.

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

Representative HOLLOWAY: Mr. Speaker, Members of the House: I do hope that you will not vote to indefinitely postpone these bills. I think today we should change some of the policy here in the legislature and, rather than send this issue out to referendum, I see no reason why we cannot adopt, right here, the people's initiative. 44,000 people collected signatures, put their name on line, and said they wanted this to either be adopted here at the legislature or go out in November. I believe that we can save ourselves a tremendous amount of confusion, we can save ourselves an alternate measure going out to the people by adopting it here today.

I happen to live in the area of Maine Yankee, just across the river from it, and a lot of my people are tremendously concerned about what will happen in that area. But I think if we adopt this measure today, the people's initiative, and say, yes to this question, which says: "do you want the right to vote for or against any plan for the storage of disposal of low level radioactive waste?" Now that would go on the statutes today and then in November there would be the question on a ballot that would give you the opportunity to vote for wherever the storage site would be. It is that simple so I hope you will vote against the pending motion, which is indefinite postponement, turn down the Majority Report, and accept the

Minority Report, right here today, and put this into statute right now and save ourselves referendums in November.

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

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote today, we should consider what is best for our constituents, not what we perceive is best for them. I believe that we should give them the opportunity to make the decision.

If you vote, not for the Majority Report, what you are doing is giving them yes or no. It is all or nothing.

I believe that the bill that the majority of the Energy and Natural Resources came up with is a good balance. It provides primarily a compact outside the state or disposal at Maine Yankee. The primary reason that these are in there is because 90 percent of the low level radioactive waste in the State of Maine is generated at Maine Yankee. They are the ones that have the expertise in disposal.

Now, before a disposal site is established at Maine Yankee, presuming this measure goes through and wins in the Fall, the site would have to be designed and it would have to be approved by the Department of Environmental Protection and then it would have to be approved by the Legislature. So, there is little chance that if the disposal site at Maine Yankee is not safe, is not the best place for the disposal of the low level waste, that it will then go out to referendum. I urge you to support the Majority "Ought to Pass".

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

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to prolong the debate but I do want to respond to a couple of things.

First of all to my friend, Representative Brown, you obfuscate the issue, the speech couldn't have better delivered if it had been written by David Flannigan. You said in part that I don't think that the people of Maine want to wade through all these particular questions. Who are you and who are we to tell the people of Maine what they should or should not want to wade through?

Representative Law said, all or nothing, if we send out the first question. Look at where the competing measure comes from. Look at who drafted it, look at why it was put before the committee. It came from David Flannigan and it came from Maine Yankee. It is a competing measure. The reason that it is competing is because it is an attempt to destroy an initiated referendum. If I were one of the 50,000 plus people that signed that initiated referendum, and I saw this legislature try to subvert that referendum, either by passing the bill in the legislature so it could be amended or by putting the competing measure on, I would be very, very upset.

Mr. Speaker, I ask for 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 Livermore Falls, Representative Brown.

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Connolly, you directed your comments to me and I am going to direct mine to you. David Flannigan doesn't write anything for me and neither does anybody else. I don't know what your policy is on your committee but nobody writes reports

for me.

I am going to tell this body exactly where the competing measure came from. When this bill was presented to the legislature, along with other bills dealing with low level nuclear waste, the low level nuclear waste siting commission, as part of its deliberations, considered all of those bills and made recommendations to the Energy and Natural Resources Committee on each and every one of those bills. When this particular bill was considered by the low level siting commission, we spent several meetings discussing it. One thing that came out of, I think, each and every discussion on that bill was the consideration for a competing measure. It wasn't to us by CMP, it wasn't given to us by Maine Yankee, it wasn't given to us by the University of Maine or David Flannigan. It came out of the commission. Henry Warren in particular, as the DEP Commissioner, was one of the proponents of a competing measure. There were several of us named to a subcommittee to deal with the coming up competing measure. Once we came up with a possibility, it was discussed, it was changed, it was altered, we spent many hours dealing with the right wording, the right concept, the kind of thing that we wanted to send out to the voters, the kind of issue that we thought would be a good issue for the voters to vote on as an alternative to the one that was being sent to them. That is the origin of the competing measure and I thought that I ought to set the record straight Mr. Connolly.

Representative Connolly of Portland was granted permission to address the House a third time.

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to respond — my remarks still stand.

The SPEAKER: The Chair would caution the Representative from Portland, Representative Connolly, from questioning the intent, the desires, and the motives of any member of this body.

The Chair recognizes the Representative from Portland, Representative Connolly, who may respond.

Representative CONNOLLY: Mr. Speaker: Just for the record Mr. Speaker, I did not question the motives of any member of this body.

The SPEAKER: The Chair's comments stand.

The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: This competing measure that the Committee on Energy and Natural Resources dealt with, we worked very closely with the low level radioactive waste committee. This is an important issue for the people of the State of Maine and Representative Brown is 100 percent correct. Not only did the low level radioactive commission work on this bill but the Energy and Natural Resources Committee dealt with this bill, we made a lot of changes in this bill. It wasn't handed to us by CMP or any other member.

As far as the signatures go, I had constituents call me up on the signatures and they thought the initiative bill should go through and they should have a right to vote. But once I explained to them, as far as the interstate compact, they had no problem with the competing measure. Their major concern is storage in the State of Maine, they have no concern where it goes outside the state, their concern is in the State of Maine and that is what that competing measure does.

I hope that this body would vote against the motion to indefinitely postpone and vote with the Majority Report.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to know if there is any possibility of explaining to me — if I vote for the ensuing

position, is there an opportunity for any referendum in going to the people?

The SPEAKER: The Chair would answer in the affirmative.

A roll call has been ordered. The pending question before the House is on the motion of Representative Connolly of Portland that the initiated bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 173

YEAS:—Brodeur, Carroll, Connolly, McCollister, McHenry, Nadeau, G.G.; Priest, Reeves, Rolde, Rydell, Scarpino, Sproul, Webster.

NAYS:—Aliberti, Allen, Armstrong, Baker, A.L.; Beaulieu, Begley, Bell, Bonney, Bost, Bott, Boutillier, Bragg, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Carter, Cashman, Chonko, Clark, Coles, Connors, Cooper, Cote, Crouse, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Handy, Harper, Hayden, Hepburn, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kimball, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McGowan, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pouliot, Randall, Rice, Richard, Ridley, Rioux, Roberts, Rotondi, Salsbury, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Taylor, Telow, Theriault, Vose, Walker, Warren, Wentworth, Whitcomb, Willey, Zirkilton, The Speaker.

ABSENT:—Baker, H.R.; Callahan, Carrier, Duffy, Kane, Michael, Pines, Racine, Ruhlin, Seavey, Tardy, Weymouth.

13 having voted in the affirmative and 126 in the negative with 12 being absent, the motion to indefinitely postpone did not prevail.

Representative Michaud of Medway requested a roll call vote on acceptance of the Majority "Ought to Pass" Report.

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

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

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

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I hope this House will think carefully before voting to accept this Majority "Ought to Pass" Report. If we accept the Majority "Ought to Pass" Report, the competing measure will go on the ballot for the voters. The voters will know that the legislature approved all of the things in this measure and will consider that the legislature is very seriously putting this measure before them as a responsible alternative to the initiated referendum.

I don't understand this competing measure. I am reading the ballot question. "Do you want to vote on any Maine site for disposal of low level radioactive waste if it is not disposed of safely outside of Maine or at the Maine Yankee site?" This is in pretty direct contrast to the question of the initiated referendum, which is, "do you want the right to vote on any low level radioactive waste disposal site in Maine?" I think that it would be fairer and easier on the voters not to have them wade through a lot of technical stuff, let them vote up or down on

the initiated referendum. I think all of the arguments can be made, as Representative Connolly said, against voting for it and that it will be a much fairer thing to do to the voters of Maine than put a very complex question in a very complex bill before them, which I don't believe any member of this legislature has totally considered before they actually voted it out.

I would move to indefinitely postpone the Majority Report.

The SPEAKER: The Chair would advise the Representative the motion is out of order.

The pending question is on accepting the Majority "Ought to Pass" Report, a roll call having been ordered.

The Chair recognizes the Representative from Bethel, Representative Mills.

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

The question is to the Chairman of the Committee — if we accept the Majority Report and Maine enters into a compact with another state, with Maine being the possibility of being the host site for the radioactive waste and we sign that compact, would the Maine voters at that time have a choice if the majority option was passed, in voting on whether or not they wanted to accept that compact?

The SPEAKER: Representative Mills of Bethel has posed a question through the Chair to the chairman of the committee, who may respond if he so desires.

The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: To answer the good Representative's question, yes they will, if Maine is chosen as a site, the voters will have a chance to approve it.

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

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I didn't phrase that quite the way I wanted to. What I want to know is, if Maine enters into a compact with Maine being the possibility of being a host state, not if they are chosen, but if there is a possibility that Maine is going to be a host state, will the voters of Maine have a chance to vote on that?

The SPEAKER: Representative Mills of Bethel has posed an additional question through the Chair to the Representative from Medway, Representative Michaud, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: The compact will state that if they enter into an agreement and they say that Maine will be a host state, then the voters will approve it. Also, I might add that it would have to be approved by DEP and the Legislature.

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

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: May I address a question to the Chairman?

To follow up a little bit on the question that Representative Mills just asked, there seems to be at least to my mind a lack of clarity in reading the bill. On Page 3, subsection 1484, paragraph 1, starting on line 27 under interstate compact, if the terms of a compact require this state to host any waste facility, that facility must be approved by the voters in a statewide election. I realize this is splitting legal words or legal hairs but that is what we have to deal with. It would appear to me, if the compact does not require that this state host the facility, then the voters would not have to vote on it, if the possibility existed within the wording of the compact for this state to host the facility and that possibility

could exist either by specific wording or by lack of specific wording, then the voters would not, based on my interpretation of this, get to vote on it.

I would repeat the question to my good friend Mr. Michaud and say, do the voters only get the right to vote on it, if it is required that this state host a site, not if the possibility, either that possibility be put in there by omission or formal wording, host the site?

The SPEAKER: Representative Scarpino of St. George has posed a question through the Chair to anyone who may respond.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: A compact is a very complex document developed between states. It is one that has to be approved by Congress and it does, in the compact, part of the compact, determine what state is going to be the host state. Therefore, to me, the wording is very clear. That is what a compact does. Compact tells where that material is going to be disposed of and, in this case, if it were Maine and frankly folks, the only compact that I can see ever being considered with Maine, would either be Maine, New Hampshire and Vermont together or Maine and New York together with the only possibility being New York being the host state. So, the only possibility then of Maine ever being a host state would be between the three states of Maine, New Hampshire and Vermont, as I see it. The compact would very strictly spell out which state would be the host state and yes, Maine voters would have the opportunity to vote on that compact.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: In our meetings with the low level waste siting commission with New Hampshire and Vermont — at this time period, we are talking about a compact where each state picks a site and then the governors — this is what we are talking about this time, nothing has been signed or anything — of the three states would get together and basically draw straws and see which state would be the host state. Now, if a compact such as that was signed, what I am asking is, would the people of Maine have the right at that time to decide whether or not they would go with that host state? In other words, if a compact was signed between Maine, New Hampshire and Vermont saying that each state picks a site and then afterwards they are going to get together and draw straws and Maine happens to draw the bad straw and we were picked as the host state, at that point, would the voters have a chance to vote on whether or not they wanted to accept that compact? That is what I want to know.

The SPEAKER: Representative Mills of Bethel has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the Representative's question, the bill provides and, in fact present law provides, that any compact will be subject to legislative approval before it becomes effective. If that compact has in it a provision that Maine will be the host state, then that compact would also have to be subject to referendum by the people.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: In this last series of questions, I think really points up the weakness in both approaches to the problem. The best way to dispose of this waste is to get ourselves involved in an interstate compact



but, because of the cloud that these two bills present us, we can't go out and negotiate in good faith with any other state. So, in fact, if the voters approve either of these questions in November, we are going to increase the whole likelihood that low level radioactive waste will be disposed of in Maine.

I guess we can probably live with the Minority Report but if the motion before you passes, I do hope you will all go out and really fight hard in November and encourage all of your friends to vote for the third alternative, which would be for neither of these bills.

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

#### ROLL CALL No. 174

YEAS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bonney, Bott, Boutilier, Brannigan, Brown, D.N.; Cashman, Coles, Connors, Cooper, Cote, Crouse, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Handy, Harper, Hayden, Hepburn, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Ingraham, Jackson, Jacques, Jalbert, Joseph, Lacroix, Lander, Law, Lawrence, Lord, Macomber, Martin, H.C.; Masterman, Matthews, Mayo, McGowan, McPherson, McSweeney, Melendy, Michaud, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.R.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pouliot, Randall, Rice, Richard, Ridley, Rioux, Roberts, Rotondi, Salsbury, Sherburne, Smith, C.B.; Smith, C.W.; Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Telow, Theriault, Vose, Walker, Warren, Whitcomb, Willey, Zirkilton.

NAYS:—Allen, Beaulieu, Bell, Bost, Bragg, Brodeur, Brown, A.K.; Cahill, Carroll, Carter, Chonko, Clark, Connolly, Holloway, Kimball, Lebowitz, Lisnik, Manning, McColister, McHenry, Mills, Mitchell, Moholland, Nadeau, G.G.; Nelson, Priest, Reeves, Rolde, Rydell, Scarpino, Simpson, Small, Soucy, Sproul, Taylor, Webster, Wentworth.

ABSENT:—Baker, H.R.; Callahan, Carrier, Duffy, Kane, MacBride, Michael, Pines, Racine, Ruhlin, Seavey, Tardy, Weymouth, The Speaker.

100 having voted in the affirmative and 37 in the negative with 14 being absent the motion to accept the Majority "Ought to Pass" Report was accepted and the Bill read once.

The SPEAKER: Hearing objection to suspending the rules for the purpose of giving the Bill its second reading at this time, the Chair will order a vote.

Those in favor of suspending the rules for second reading will vote yes; those opposed will vote no.

A vote of the House was taken.

104 having voted in the affirmative and 12 in the negative, the rules were suspended for the purpose of second reading.

Thereupon, the Bill was read a second time.

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

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: I have an amendment to this bill that was just delivered to my desk this morning. Actually, it was delivered to my desk a half an hour ago. I have signed it and am going to deliver it to the Clerk. I would appreciate it if someone would table this bill in order for me to have this amendment printed so I can present it.

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

#### Passed to Be Engrossed

Bill "An Act Relating to the Authority of

Medical Service Organizations and Nonprofit Hospitals to make Incidental Indemnity Payments" (H.P. 1129) (L.D. 1636)

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

Representative Higgins of South Portland moved the bill be recommitted to the Committee on Taxation.

The SPEAKER: The Chair recognizes the same Representative.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: As you may recall from yesterday's discussion, nearly all the debate on this subject was on the issue of the proposed tax. Rather tempered comments yesterday were offered by myself in hopes of working out a way to have a chance to review the tax provisions in this bill. Specifically, I am referring to Section 3.

Myself and other members of the Taxation Committee have met with Representatives Brannigan and Murray, as well as the lobby, in order to hopefully meet this goal. Unfortunately, it has been clearly apparent, somewhat to my surprise, that the lobby apparently doesn't want this tax policy reviewed by the Committee on Taxation.

Despite the aspersions cast upon the intentions of those wishing to review this previously unannounced tax policy, in order to instill confidence in the intentions of those wishing to review this policy, I offered to the lobby and to those members of the Majority Report, a commitment from taxation that we would review this policy on Wednesday afternoon and on Thursday we would report this bill out because of some of these aspersions that have been cast on those wishing to review the tax policy, the tax policy appearing to be the primary component of the bill. Unfortunately, this offer has not been taken up by those who have been involved in the bill.

Unfortunately, I find myself here anticipating what could be a debate, perhaps a turf fight at this late point in the session. I am sorry the House has to face this but the issue of tax exempt status, the insurance premium tax, Blue Cross-Blue Shield have been before the Taxation Committee at least during the last five years. The Taxation Committee is currently reviewing an apparent disparity in our tax treatment under the insurance premium tax between out of state businesses and in state, which is the subject of various opinions as to our current constitutionality.

I can only anticipate that those members on the Majority Report will argue against referral, the issue before us, by stating that the issue, is indeed, a business issue, despite the tax implications in Section 3.

I would only compare it with the Keyes Fibre bill. Clearly the issue of keeping Keyes Fibre and its employees working here in Maine is a business issue and a business policy. However, since this proposed policy, in trying to accomplish this goal, is a tax exemption, the issue came before the Taxation Committee. In a similar fashion, this bill before us hopes to accomplish a business policy through a tax policy proposed by an amendment. Section 3 of the bill has never been discussed in a public hearing. It is only through the work session process that the tax portion was put on this bill in what some have stated is a way of trying to bring a Majority Report on the policy together.

I believe that this bill has merit. I haven't been able to look at the policy. As a matter of fact, I even voted for the policy yesterday, as did other members of the Taxation Committee. I would only like to have a chance to look at this tax policy and how it relates to the other issue before us.

I would hope that this House would support this rereference at this late date in hopes that we can have it out immediately as I had promised the lobby in a good faith effort yesterday.

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

Brannigan.

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: First of all my colleague from Portland, Representative Higgins, I just want to say to him and the whole body that the lobby is not in control of this bill and it is in the control of the Committee on Business and Commerce at this time.

The Committee discussed it informally yesterday afternoon and felt that we would continue to have the bill as part of our intention to present it as a policy dealing with insurance carriers.

Let me just explain what we have done and what we saw and the decision will be up to you as to whether it should be rereferred or not. First, Blue Cross and Blue Shield, as you know, works in tandem with its insurance company, Blue Alliance. Blue Alliance does pay a premium tax.

All of these decisions are reviewed by the tax committee although in the past the whole issue of premium tax on these health carriers has been reviewed by both committees. Of late, the tax committee has had it more often than the business committee. At all times, it has been decided by both committees that their tax exempt status would continue. It was never intended that this be an end run or a fight between taxation. We saw that as we allowed Blue Cross to change some of their ways — what they now do under Blue Alliance and pay a tax on, that ten percent would be shifted over to a whole comprehensive package. So, the decision was that that part they pay tax on now would be shifted over. That is what the ten percent is all about. We didn't feel that that was a major tax issue and so we did not see it as violating any approach to policy with the tax committee.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Higgins of South Portland to recommit this bill to the Committee on Taxation. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 32 in the negative, the motion did prevail. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Bil "An Act to Establish the Maine Court Facilities Authority" (S.P. 564) (L.D. 1504)

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.

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

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

#### Passed to Be Enacted Emergency Measure

An Act to Make Supplemental Allocations from the Highway Fund and Changing Certain Provisions of the Law Necessary for the Proper Operation of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (H.P. 673) (L.D. 956) (C. "A" H-353)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Regulate Membership Camping (H.P. 773) (L.D. 1094) (C."A" H-356)

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 19 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 a Grievance Procedure Concerning Discrimination on the Basis of Handicap (H.P. 925) (L.D. 1327) (C. "A" H-354)

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. 110 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Clarify Taxpayer Information on Local Property Tax Bills (H.P. 1070) (L.D. 1551) (H. "B" H-270)

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

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

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: Could someone please explain to me what this bill does?

The SPEAKER PRO TEM: Representative Scarpino of St. George has posed a question through the Chair to any member who may answer if they so desire.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, there is a requirement currently in law that property tax bills indicate the amount of money in a dollar amount that has been adjusted on their property tax due to state revenue sharing. This bill changes that requirement from a dollar amount to a percentage to make it an easier calculation for the tax collectors.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 6 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Amend the Charter of the Winthrop Water District (H.P. 1114) (L.D. 1624) (H. "A" H-364)

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

#### Emergency Measure

An Act Increasing the Authorized Indebtedness of Veazie Sewer District (H.P. 1115) (L.D. 1625) (H. "A" H-365)

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. 111 voted in favor of the same and 2 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

RESOLVE, Creating a Joint Select Committee on Economic Development (H.P. 74) (L.D. 95) (C. "A" H-344)

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. 103 voted in favor of the same and 21 against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Amend the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financed Agencies (S.P. 166) (L.D. 453) (C. "A" S-222)

An Act to Amend Certain Provisions of the Maine Criminal Code (S.P. 499) (L.D. 1360)

An Act to Amend Judicial Certification Procedures (S.P. 500) (L.D. 1361) (C. "A" S-239)

An Act Affecting the Statutes of Agencies within the Department of Business, Occupational and Professional Regulation (S.P. 556) (L.D. 1502) (C. "A" S-232)

An Act to Ensure Adequate Services for Head Injured Persons in Maine (S.P. 572) (L.D. 1507) (S. "A" S-252; C. "A" S-246)

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 Establish Legislative Council Oversight of Expenditures for Joint Standing Committees, Joint Select Committees and Legislative Investigating Committees (S.P. 587) (L.D. 1544) (S. "A" S-236 to C. "A" S-210)

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

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Before we send this bill on its way, I would like to pose a question through the Chair.

Considering the past performance on fiscal responsibility of the Legislative Council, who is going to oversee the Legislative Council, while they are overseeing the rest of us?

The SPEAKER PRO TEM: Representative Jacques of Waterville has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Men and Women of the House: I find myself in a rather difficult position to answer that particular question but I would go on and just briefly explain that the bill does allow for line item budgeting and does force the committees to submit a written budget in several areas before the committee starts its own process.

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

An Act Concerning the Court Mediation Service and the Conduct of Mediation (S.P. 597) (L.D. 1566)

An Act to Protect Railroad Rights-of-way (H.P. 414) (L.D. 581)

An Act Concerning Access to Medical Care for Persons without Adequate Health Insurance (H.P. 552) (L.D. 824) (C. "A" H-341)

An Act to Appropriate Funds for Emergency Medical Services in Maine (H.P. 692) (L.D. 987) (C. "A" H-349)

An Act to Amend the Charter of the Bingham Water District (H.P. 779) (L.D. 1100) (C. "A" H-363)

An Act to Amend the Laws Concerning Immunity so as to Address Juvenile Crime (H.P. 1008) (L.D. 1456)

An Act to Allow the New Spouse of a Remarried Retirement System Member to be Covered After the Member's Death (H.P. 1020) (L.D. 1473) (H. "A" H-347 to C. "A" H-343)

An Act Authorizing State Employees to Purchase State Property Upon Retirement or Leav-

ing Office (H.P. 1036) (L.D. 1510) (S. "A" S-251)

An Act to Extend the Boundaries of the Gray Water District to Include the Entire Town (H.P. 1113) (L.D. 1623) (H. "A" H-366)

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

RESOLVE, Authorizing the Exchange or Sale of Certain Public Reserved Lands (H.P. 1060) (L.D. 1546) (C. "A" H-334)

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

Representative Mitchell of Freeport requested a roll call vote on enactment.

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. 175

YEAS:—Aliberti, Armstrong, Baker, A.L.; Beaulieu, Begley, Bragg, Brannigan, Brown, D.N.; Cahill, Carrier, Clark, Coles, Connors, Cooper, Cote, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Drinkwater, Erwin, Foss, Foster, Hayden, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Joseph, Lacroix, Lander, Law, Lawrence, MacBride, Martin, H.C.; Matthews, Mayo, McGowan, McSweeney, Michael, Michaud, Moholland, Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Pouliot, Randall, Rice, Ridley, Rioux, Roberts, Rolde, Rotondi, Small, Soucy, Stevens, A.G.; Stevens, P.; Stevenson, Tammaro, Tardy, Taylor, Theriault, Vose, Walker, Warren, Webster, Whitcomb, Willey.

NAYS:—Allen, Bell, Bonney, Bost, Boutilier, Brodeur, Brown, A.K.; Carroll, Carter, Cashman, Chonko, Connolly, Crouse, Dillenback, Farnum, Greenlaw, Hale, Handy, Harper, Kimball, Lebowitz, Lisnik, Lord, Macomber, Manning, Masterman, McHenry, McPherson, Melendy, Mills, Mitchell, Murphy, E.M.; Parent, Paul, Perry, Priest, Reeves, Richard, Rydell, Salsbury, Scarpino, Sherburne, Simpson, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Strout, Telow, Wentworth, Weymouth, Zirkilton.

ABSENT:—Baker, H.R.; Bott, Callahan, Duffy, Gwadosky, Higgins, H.C.; Jalbert, Kane, McCollister, Pines, Racine, Ruhlin, Seavey, Swazey, The Speaker.

84 having voted in the affirmative and 52 in the negative with 15 being absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

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

#### Papers from the Senate Non-Concurrent Matter

Bill "An Act to Prevent Discrimination Against Retired Maine Residents who have Previously been Members of the Maine State Retirement System" (H.P. 212) (L.D. 246)

— In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-342) on June 6, 1985.

— In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-342) on June 10, 1985 in concurrence.

— Recalled from Engrossing Department



Pursuant to Joint Order (S.P. 635)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-342) as amended by Senate Amendment "A" (S-249) thereto in non-concurrence.

The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to the Senate.

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

**Papers from the Senate  
Divided Report  
Later Today Assigned**

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-253) on Bill "An Act to Amend Certain Provisions of the Laws Pertaining to Child Support" (S.P. 385) (L.D. 1065)

Signed:

Senators:

CARPENTER of Aroostook  
CHALMERS of Knox  
SEWALL of Lincoln

Representatives:

COOPER of Windham  
PRIEST of Brunswick  
STETSON of Damariscotta  
DRINKWATER of Belfast  
LEBOWITZ of Bangor  
MacBRIDE of Presque Isle  
PARADIS of Augusta  
KANE of South Portland

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

Signed:

Representatives:

CARRIER of Westbrook

ALLEN of Washington

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-253).

Reports were read.

Representative Paradis of Augusta moved the House accept the Majority "Ought to Pass" Report.

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

**Consent Calendar  
First Day**

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

(S.P. 222) (L.D. 585) Bill "An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1985, June 30, 1986, and June 30, 1987" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-250)

On motion of Representative Carter of Winslow, was removed from Consent Calendar, First Day.

Report was read and accepted and the Bill read once.

Committee Amendment "A" (S-250) was read by the Clerk.

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

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

**Reports of Committees**

**Unanimous Leave to Withdraw**

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act to Provide Police Officers with Copies of Certain Laws"

(H.P. 759) (L.D. 1079) reporting "Leave to Withdraw"

Representative STETSON from the Committee on Judiciary on Bill "An Act Concerning Murder Cases and Cases of Sexual Abuse of Minors" (H.P. 965) (L.D. 1400) reporting "Leave to Withdraw"

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Require Certain Tax Classification Information to be Filed at the Registry of Deeds" (H.P. 1076) (L.D. 1565) reporting "Leave to Withdraw"

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

**Passed to Be Engrossed**

Bill "An Act Converting Caswell Plantation into the Town of Caswell" (Emergency) (S.P. 636) (L.D. 1650)

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

On motion of Representative Diamond of Bangor, the following was removed from the Tabled and Unassigned matters:

An Act to Increase Fees for Licenses Issued by the Department of Marine Resources (H.P. 761) (L.D. 1081) (H. "B" H-294 to C. "A" H-237)

TABLED — June 6, 1985 by Representative Hayden of Durham.

PENDING — Motion of Representative Crowley of Stockton Springs to reconsider failing of Passage to Be Enacted.

On motion of Representative Crowley of Stockton Springs, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-237) as amended by House Amendment "B" (H-294) thereto.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-237) as amended by House Amendment "B" (H-294) thereto was adopted.

Representative Salsbury of Bar Harbor offered House Amendment "C" (H-360) to Committee Amendment "A" (H-237) and moved its adoption.

House Amendment "C" (H-360) to Committee Amendment "A" (H-237) was read by the Clerk.

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

Representative SALSBUURY: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to add an appropriation and fiscal note to the bill. It also assures that the additional funds received will be appropriated for the wishes of the Marine Resources Committee. Approximately 80 percent of these new funds generated will ensure that we will receive five new positions for our Maine Marine patrol.

Whereupon, House Amendment "C" (H-360) to Committee Amendment "A" (H-237) was adopted.

Committee Amendment "A" (H-237) as amended by House Amendment "C" (H-360) and House Amendment "B" (H-294) thereto was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: RESOLVE, to Establish a Commission to Prepare a Revision of the State's

Motor Vehicle Laws (Emergency) (S.P. 321) (L.D. 810) have had the same under consideration and ask leave to report:

That the House Recede from its former action whereby the Resolve and Accompanying Papers were Indefinitely Postponed; Accept the Majority "Ought to Pass" Report of the Committee on Transportation; Read the Resolve once; Under suspension of the Rules, Read the Resolve a Second Time; Read and Adopt Committee of Conference Amendment "A" (H-370) and Pass the Resolve to be Engrossed as amended by Committee of Conference Amendment "A" (H-370) in non-concurrence.

That the Senate Recede from Passage to be Engrossed; Read and Adopt Committee of Conference Amendment "A" (H-370) and Pass the Resolve to be Engrossed as amended by Committee of Conference Amendment "A" (H-370) in concurrence.

(Signed) Representative CARTER of Winslow and Representative McPHERSON of Eliot — of the House.

Senator DANTON of York, Senator ERWIN of Oxford, and Senator SHUTE of Waldo — of the Senate.

Whereupon, the Committee of Conference Report was accepted.

The House receded from its former action whereby the Resolve and accompanying papers were indefinitely postponed.

Whereupon, the House accepted the Majority "Ought to Pass" Report of the Committee on Transportation and the Resolve was read once.

Under suspension of the rules, the Resolve was read a second time.

Committee of Conference Amendment A was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

**Papers from the Senate  
Non-Concurrent Matter**

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

— In House, Passed to be Enacted on May 29, 1985.

— In Senate, Passed to be Enacted on May 30, 1985 in concurrence.

— Recalled from the Governor's Desk pursuant to Joint Order (S.P. 634)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-258) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act to Amend the Wood Measurement Laws (Emergency) (H.P. 960) (L.D. 1381) (C. "A" H-272) which was Passed to be Enacted in the House on June 4, 1985.

Came from the Senate, Failing of Passage to be Enacted in non-concurrence.

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

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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

**Papers from the Senate**

**Unanimous Leave to Withdraw**

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act

Relating to Parental or Court Consent Prior to Performing an Abortion on a Minor" (S.P. 403) (L.D. 1113)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning Access to Birth Records of Adopted Persons" (S.P. 462) (L.D. 1265)

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

#### Ought to Pass as Amended

Report of the Committee on Human Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-244) on Bill "An Act Relating to Alcohol-related Birth Defects" (S.P. 431) (L.D. 1198).

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed.

The Committee Report was accepted, the Bill read once.

Committee Amendment "A" (S-244) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passage to be engrossed as amended by Committee Amendment "A" (S-244) and sent up for concurrence.

#### Non-Concurrent Matter

Bill "An Act Relating to the Authority of Medical Service Organizations and Nonprofit Hospitals to make Incidental Indemnity Payments" (H.P. 1129) (L.D. 1636) on which the Bill and Accompanying Papers were Committed to the Committee on Taxation in the House on June 11, 1985.

Came from the Senate, Passed to be Engrossed in non-concurrence.

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

#### Consent Calendar First Day

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

(S.P. 536) (L.D. 1437) Bill "An Act Concerning Access to Telephone Toll Records by Prosecutors" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-238)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Bill passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Papers from the Senate Non-Concurrent Matter

Bill "An Act to Amend the Laws Related to Motor Vehicle Dealers and to Address Certain Problems Related to Motor Vehicle Auctions in Maine" (H.P. 1084) (L.D. 1575) which was passed to be engrossed as amended by Committee Amendment "A" (H-348) in the House on June 6, 1985.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-348) as amended by Senate Amendment "A" (S-256) thereto in non-concurrence.

The House voted to recede and concur.

#### Non-Concurrent Matter

An Act to Amend Certain Motor Vehicle Laws (Emergency) (S.P. 605) (L.D. 1599) (S. "A" S-200) which was passed to be enacted in the House on June 5, 1985.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-200) and Senate Amendment "B" (S-259) in non-concurrence.

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

Strout.

Representative STROUT: Mr. Speaker, Members of the House: There is a section of this L.D. that, at least some of us on the committee, it was not our intent, to require that persons over 65 would have to have photo licenses. For that reason, I would hope that maybe somebody would table this until later in today's session so that we could take a look at this, if it is a concern of the committee that we should prepare an amendment to delete this section.

On motion of Representative Murphy of Kennebunk, tabled pending further consideration and later today assigned.

#### Bill Held

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

Representative BROWN: Mr. Speaker, is the House in possession of: Bill "An Act Relating to Cumberland County Budget Process" (S.P. 618) (L.D. 1629) (C. "A" S-237)?

(— In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-237) on June 10, 1985.)

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

On motion of Representative Brown of Gorham, the House reconsidered its action whereby L.D. 1629 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-355) to the Bill and moved its adoption.

House Amendment "A" (H-355) was read by the Clerk.

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

Representative BROWN: Mr. Speaker, Men and Women of the House: The purpose of this amendment is to reduce the number of members of the advisory committee from 10 to 9 and to remove the representation of Human Services agencies within the county. I can see no reason for Human Service agencies to be involved with Cumberland County budget.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Cooper.

Representative COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the amendment before you and I would ask for a Division on this.

Earlier in the year, the Cumberland County delegation met and decided that we wanted to have a different form of dealing with the Cumberland County budget and a subcommittee was formed to look into that. They held hearings in Cumberland County in three locations, Brunswick, Bridgton and Falmouth and the subcommittee came back with the unanimous recommendation and that is what is before you today.

The statement that we are asking for a Representative from the Human Services agencies is somewhat misleading. In Cumberland County, we have a Human Services board. It is a board appointed by the County Commissioners. At present, it has two legislators on it, an elected official from two of the commissioners district and from the third district, we have a town manager. There is a representative from United Way, who does not provide services but funds other services, a representative from the Community Health consortium in the area and a council of governments. These are agencies that do needs analysis and evaluations of the various agencies and help in evaluating all the requests that come into the county. The board makes its recommendations to the county commissioners on how much Human Services agencies should receive. They spend about 10 to 12 hours in public hearings and then make a recommendation after meeting a cou-

ple of other times to make decisions.

It seemed appropriate to the members of the subcommittee that somebody be included who could answer questions arising from the Human Services portion of the budget. The board, in the past, has attempted to make sure there is not a duplication of services and to make sure they are coordinated. Since we are involving the municipal officials in this process, one hopes that this would aid in the communications between the various municipalities and the county.

Again, I urge you to vote against the proposed amendment.

Representative Nelson of Portland moved the indefinite postponement of House Amendment "A".

I would request a roll call.

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

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

Representative Nelson of Portland moved that L.D. 1629 be tabled until later in today's session.

Representative Brown of Gorham 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 Representative Nelson of Portland that L.D. 1629 be tabled until later in today's session. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 176

YEAS:—Aliberti, Allen, Armstrong, Beaulieu, Boutillier, Brannigan, Brodeur, Brown, A.K.; Carrier, Carter, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Daggett, Descoteaux, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Higgins, H.C.; Hoglund, Jackson, Joseph, Lacroix, Lisnik, Manning, Martin, H.C.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, O'Gara, Paradis, P.E.; Paul, Priest, Reeves, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Rydell, Simpson, Smith, C.B.; Tamaro, Vose, Walker, Warren, The Speaker.

NAYS:—Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Connors, Davis, Dellert, Dexter, Dillenback, Farnum, Foss, Foster, Greenlaw, Harper, Hickey, Higgins, L.M.; Hillock, Holloway, Ingraham, Jacques, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Perry, Randall, Rice, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tardy, Taylor, Telow, Webster, Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT:—Baker, H.R.; Bost, Cahill, Callahan, Carroll, Cashman, Crowley, Drinkwater, Hepburn, Hichborn, Kane, McCollister, Parent, Pines, Pouliot, Racine, Ruhlin, Seavey, Stevens, P.; Theriault, Weymouth.

68 having voted in the affirmative and 62 in the negative with 21 being absent, the motion did prevail.

(Off Record Remarks)

On motion of Representative Lisnik of Presque Isle;

Recessed until three o'clock in the afternoon.

(After Recess)  
3:00 P.M.

The House was called to order by the Speaker.

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

The Chair laid before the House the following matter: Bill "An Act to Establish the Maine Court Facilities Authority" (S.P. 564) (L.D. 1504) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Gwadosky of Fairfield, the bill was recommitted to the Committee on State Government in concurrence.

The following was taken up out of order by unanimous consent.

#### ADMINISTRATIVE SUPPLEMENT

Reference is made to (H.P. 858) (L.D. 1217) Bill "An Act to Authorize an Award System to Aid in Coyote Control"

In reference to the action of the House on Monday, June 10, 1985, whereby it Insisted and Asked for a Second Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative Smith of Island Falls  
Representative Duffy of Bangor  
Representative Connors of Franklin

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent.

#### Papers from the Senate

The following Communication:

The Senate of Maine  
Augusta

June 10, 1985

The Honorable Edwin H. Pert

Clerk of the House  
112th Legislature  
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised the Senate joined in a second Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill, "An Act to Authorize an Award System to Aid in Coyote Control" (H.P. 858) (L.D. 1217).

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

June 11, 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 to the second Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill, "An Act to Authorize an Award System to Aid in Coyote Control" (H.P. 858) (L.D. 1217).

Senator Matthews of Kennebec  
Senator Usher of Cumberland  
Senator Webster of Franklin

Thank you.

Sincerely,

S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file.

#### Reports of Committees

##### Unanimous Ought Not to Pass

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Increase the Tax Exemption for Parsonages" (H.P. 29) (L.D. 30) reporting "Ought Not to Pass"

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Exempt State Agencies from the State Gasoline Excise Tax" (H.P. 786) (L.D. 1119) reporting "Ought Not to Pass"

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Amend the Definition of Income under the Elderly Householders Tax and Rent Refund Act and the Elderly Low Cost Drug Program" (H.P. 847) (L.D. 1196) reporting "Ought Not to Pass"

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Exclude Certain Disability Benefits from State Income Tax" (H.P. 1030) (L.D. 1482) reporting "Ought Not to Pass"

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

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

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: (S.P. 222) (L.D. 585) Bill "An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1985, June 30, 1986, and June 30, 1987" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-250) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

Representative Carter of Winslow offered House Amendment "A" (H-378) to Committee Amendment "A" (S-250) and moved its adoption.

House Amendment "A" (H-378) to Committee Amendment "A" (S-250) was read by the Clerk and adopted.

Committee Amendment "A" (S-250) as amended by House Amendment "A" (H-378) thereto was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

The Chair laid before the House the following matter: Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-253) on Bill "An Act to Amend Certain Provisions of the Laws Pertaining to Child Support" (S.P. 385) (L.D. 1065) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Paradis of Augusta that the House accept the Majority "Ought to Pass" Report.

(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-253).)

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: On behalf of the Judiciary Committee, I want to urge you this afternoon to accept the Majority "Ought to Pass" Report.

Let me briefly try to explain to you the essence of this legislation. In doing so, I would like to commend the Representative from Ellsworth, Representative Foster, and the Representative from Brunswick, Representative Priest, who are the cosponsors of this legislation.

What this legislation would do, if passed, would be to address the problem of those students who are in high school and who turn 18 years old. As it stands now, when that happens, the parent who is paying child support no longer has to pay child support since the person has reached the age of majority. This legislation would seek to correct, I think, a loophole in the existing law and would require in a divorce proceeding that this would be amended so that the person would continue in high school and the parent would continue to pay the child support to the mother or father, depending on the circumstance, so that child who is 18 and still in high school can continue and finish high school.

You often know that in a divorce that there is a lot of trauma involved and, often times, the child is the one who suffers the most. It is not uncommon for a child to move, to go from one school community to another school community, change locales completely and, because of that, many times these children lose a year. Some times they lose two years. So what we are having is the problem of 18 and 19 years olds still being in high school, like a 19 year old being a senior in high school.

This legislation seeks to address that problem and say, we want to encourage the students to stay in high school, not have to leave school and get jobs or not have to have the burden on the one single parent of having to pay the additional support and losing the support of a father or mother in paying for that child. It is at least a basic educational opportunity of 1985 in Maine that a child complete high school.

I hope you will go on record this afternoon in accepting the Majority Report of this bill so that we can make it adamantly clear that a responsibility to educate one's children continues beyond — not just simply the age of 18, but continues so that the entire high school experience can go forward. That is a basic education.

Originally, the people who drafted this legislation were even thinking beyond high school because it is so basic, but it was amended before it got to us so that only high school was included. I think, in all fairness, I can get up here and defend this report and say can we, as a legislature, go on record to say that these parents ought to pay the support until that child has finished high school. We put a cut-off date of 20 years old so no one has to be forced to pay if their child is 20 and has not completed high school. In all honesty, probably the ones affected are the 18 and 19 year olds, that they would soon complete high school so that crucial senior year would not be interrupted because someone cut off the child support in the middle or end of that high school experience.

I thank you very much, ladies and gentlemen, and I urge acceptance of the Majority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I signed the Minor-

ity "Ought Not to Pass" Report because I felt quite strongly that this legislation is not necessary. I feel very strongly that we ought to leave the law exactly as it is, which says that a divorced parent can be determined to support a child until his legal adult age, which is age 18.

I currently receive child support so I can understand and sympathize with mothers who are in the situation of having to support their child. This legislation will, in no way, affect me because it is meant to be perspective in any new divorce actions commenced after January 1, 1986.

My children, for instance, will turn 18 before they graduate from high school. While the law won't legally obligate my ex-spouse to continue child support payments, I believe that he will feel a moral responsibility to do that and we don't need to legislate that kind of moral responsibility. I think that we, as legislators, have a responsibility to see to it that we pass laws that encourage child support up until the age of 18. I feel quite strongly that 18 is an adequate age.

The arguments the proponents of this legislation would use would be that this would enable a child who turns 18 during his or her senior year to complete high school. Conversely then, the argument could be made that, if a student completes their senior year in high school at age 17, then child support payments at that point should be cut off. However, that is not what the bill says. The bill says that those child support payments "shall" continue until age 18. It also does not say specifically in the bill that we are talking about high school students completing their high school education and receiving a high school diploma.

This bill very much could affect those high school students who, for whatever reasons, decide to drop out of high school and say take a night course toward a graduate certificate. It affects those also. So, we are not simply narrowing the focus of this bill to enable kids to finish high school.

As a former educator, I can assure you after having dealt with lots and lots of students and parents that this bill, in effect, would be a negative incentive. In other words, if the custodial parent's concern and goal is receiving those payments as opposed to education, it would discourage that child to complete their education in a timely manner and, therefore, act as a negative incentive.

I would close with one final note. Those of us who remain married, our legal obligation to our children ends at age 18. I would ask, why our legal obligation should be extended beyond that if we are divorced?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: As one of the cosponsors of this bill, I think I should briefly state some of the reasons why I am for it but I would also like to clarify some of the points of the bill.

The bill itself does not require the child support be paid past the age of 18, it merely allows a judge to order, in specific cases, the child support be paid past 18, until the completion of secondary education. That is what the bill refers to, secondary education. We are not talking about college, we are talking about secondary education.

In those situations in which the judge does not feel that support should be continued or the fact that the mother is using this perhaps as an attempt to extract more payment and the child is not really getting an education, then the judge will not order that to take place. In those situations where the mother herself with determination of child support at age 18 is going to have to struggle to try to get this child through high school for another four or five or six months, then the judge can order child

support. That is all this bill does. It also sets a cut-off at 20. At the present time, the cut-off for certain situations is 21, we established it at 20. So, if there is a problem with the child, if the child has been moved from school to school, if the child has failed a grade earlier and now is 19 and in high school, it will allow that child to continue getting the high school education.

The situation we are trying to cure here occurs quite often from the testimony we heard before our committee. There is no law which allows a judge to order child support to be paid past the age of 18 no matter what the situation is. This bill does not require payment of child support, it only allows the judge to order it in certain specific situations. I think it is a good bill, I think it is a limited bill, I think it is a fair bill, and I hope you would support it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: I would also like to add at this time that this is for new action, commenced after January 1, 1986. It has no effect on any divorces that are now in effect. With mediation in the courts and recognized by the courts, any couple going to mediation now, getting a divorce, would have some counsel in regard to this child that might even at that stage of mediation be a little bit older than the average child. I hope you support the Majority Report out of Judiciary.

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

Representative CARRIER: Mr. Speaker and Members of the House: I am opposed to this bill and I signed the "Ought Not to Pass" Report for some different reasons. I was here and against the proposition a while back to make young people adults at 18 years old. I thought and still think that it is one of the worst things that we ever did, maybe with the thought that some people wanted to get rid of their kids at 18 with no future obligation, kind of bothered me at that time. It also bothered me for many other reasons and one of them was to specifically give them the right to contract. I believe that, as you well know, there is more young people of 18, 20, 22 years old that are financially bankrupt. They haven't gone through the process but they are financially bankrupt. They owe \$10,000, \$20,000, and \$30,000 in cars and homes and in all kinds of other goodies, which most of us that have worked for a life time are never able to afford. I don't think that this is right.

I think, because of stress, the young people today maybe drink a little more, maybe not, but you do see some people taking their lives. I think it is more prevalent today than it used to be. They have reasons, they have given up at 20 or 22 years old, they have given up that this can be a good life. They have been led into a situation of adulthood at 18 years old, which is too young for them to decipher what is right and what is wrong.

I submit to you that this bill, as is, not with the amendment, because the amendment hasn't been presented yet, that this bill right now can bring the people that are already paying support — that is what the bill says without the amendment — pay support again, and pay it beyond the age of 18. I know that the amendment will be presented but it isn't on there yet. Let's take it for what it is worth right now.

I feel that when the legislature passes, I think unwisely, something to put people as adults at 18 years old, what they didn't realize is that they were putting an awful burden on them, an awful legal burden, an awful burden of responsibility, which they were not able to handle at that time. I don't think that they are able to handle now. I think an extra two years or so of maturity would have helped them an awful lot.

I think that it was the equal of taking a liberal arts course, they wanted their freedom. They figured they were going to learn and the only thing they could learn from 18 to 20 years old was to be either nonconformist or against the establishment. They find in their peril that the establishment is not that bad, it is what you make it. I submit to you ladies and gentlemen that this is not right for the parents to have to support their kids up beyond 18 years old. I feel that there are some exceptions such as helping the handicap and such and I think we should. We recognize that. This is the same argument, ladies and gentlemen, that they used to pass the law back a few years ago. I don't think that there is any legal obligation now to support them beyond 18 years old. If they want to study beyond 18 years old, let them provide themselves with it. We did it, they can do it. If they do it on their own, they are going to appreciate it much more than if it is given to them. They are going to appreciate the importance of education.

I hope the motion is to accept the Majority Report. I hope that you vote against that report and think about the people today that you might, at some time, have to support your kids beyond 18 years old. There are a lot of people that do it and do it voluntarily. I think this is right, we all have a certain amount of compassion but to make it legal that you have to support another adult as such, I don't think that this is right. I hope that you vote against the motion that is on the floor.

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

Representative MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, there are parents out there today who do not take the responsibility for their children unless they have to. I think it is extremely important that just as many of our students as possible today have high school educations, have high school diplomas. Lots of times, there are extenuating circumstances to keep a youngster out of school. He perhaps has been ill and then as has been mentioned, he perhaps has moved from school to school and through no fault of his own is not able to finish at 18.

I do hope you will support this bill today. It is an 11 to 2 Majority Report out of Judiciary.

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

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: Could I pose a question through the Chair? Does this bill require the student to go full-time as a student until he graduates?

The SPEAKER PRO TEM: Representative Law of Dover-Foxcroft has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: The bill does not require the student to go to school but the bill says that the judge orders support for the purpose of the child completing secondary education only. Of course, if the child were not complying with the terms of the order, that is was not going to school, then clearly there would be a violation of the order and support could be cut off.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: That is one of the weaknesses of the bill, the fact that the student does not have to be a full-time student. As a matter of fact, the student does not have to receive a high school diploma.

One other thing that I would like to add at this time, we have set up a mediation system within the court that allows the divorcing cou-

ple to mediate the support agreement. This bill would enable the custodial spouse, after the fact, to go back into court to ask for support that would allow her son or daughter to complete high school up until the age of 20.

I would just like to say that I would encourage all students to finish school, that is not the reason I am opposed to the bill. The reason I am opposed to the bill is because I think the law as it stands meets parents legal obligation to educate or to provide support for their children. We don't need to go beyond that support. We can certainly encourage their moral obligation. There is no doubt about that but there is no need to go beyond that legally.

One other point that I would like to add. It bothers me, I guess you could say, in that parents, non-custodial parents, are painted with this brush of not willing to support their children and not willing to live up to their moral obligations. I think that the mediation process that we have set up is going to help that problem. Along with that, we have major laws on the books, both at the federal and state level that take care of child support collection. I think those parents who are unwilling to meet their moral and legal obligation to support their child are always going to be reluctant to do that. This law is not going to change that situation one bit. I think that there are parents who are more than happy to meet their moral obligation to their children and they currently do that and will continue to do that. I think this law is absolutely unnecessary, it is a law that is aimed directly at parents responsibility when those parents are divorced. It has absolutely no effect on you if you are currently married. Your legal obligation to your child, if you stay married, ends when that child turns 18.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Just very briefly. All of us are contacted from time to time by constituents who have a problem with the Department of Human Services support enforcement. I just want to share with you one brief problem of a constituent, who contacted me a few months ago and said, "My ex-wife is forcing the Department to go after my pay check. Can you help?" Normally we try to look into something. This is what I found. The person was \$7,000 behind in child support. He had traded his vehicle three times in the last two years, two new trucks and one new car. His daughter was 15 years old and just graduating from the eighth grade. Now, we have been talking about moral obligations that a parent has that isn't living with the family anymore, you tell me what kind of moral obligation that parent has? Unless they have legislation to force them to pay so that those children will complete at least a high school basic education, they are not going to do anything. You can speak all day and all night about moral obligation, but unless it is written down in plain black and white and the judge has power to enforce this, it isn't going to happen and we, the state, the taxpayers, are going to be forced to put these children through and have AFDC payments to the family and to continue the support, so that these absent fathers can continue buying new cars and new trucks and dune buggies and all these other vehicles that they like to spend their weekend playing instead of being fathers.

I urge you to support the Majority "Ought to Pass" Report.

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

Representative WENTWORTH: Mr. Speaker, and Members of the House: I urge you not to support this bill. I don't think we have any right to mandate that a child of divorce should be supported to an older age than a child of a legal marriage. If we are going to do that, we should

raise the age to 21 again.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I think that we have to think of the teenager here. We have got to remember that this is a very traumatic time in that person's life, the family unit has been disrupted. As one who has had parents get divorced, I can say that it is a very difficult time. Education plays a very important role in a child's life. It is a stabilizing factor, it is a positive factor. I think that during this traumatic time to have a second trauma occur, that of not being able to finish one's education, could do serious damage to that individual. That individual could perhaps tune out and join the realm of the non-productive elements of society that threaten us today that caused us to hire police protection and what not just to protect the rest of society. So, I hope you will support this bill.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up one point of the gentledady from Kennebunk. This does not mandate anything. This is enabling legislation that enables the court to provide for the education of a child through high school. It does not mandate that anybody is going to have to pay support but simply allows the court to take into consideration that this child will not graduate from high school before his 18th birthday. I dare say, there are quite a few Representatives in here who did not graduate from high school before their 18th birthday. So, when a couple is going through the process of a divorce and there is a 17 year old child who is still a Junior in high school, I think the court ought to be permitted to provide for the support of that child at least through June of the following year for that child to get through school.

It so happens I have seen exactly that situation with a client of mine where the child did reach his 18th birthday early in the senior year of high school, the mother could not afford to support the child, the father could and, in that case, we were very fortunate that mediation stepped in and the father agreed to continue the support through the child's high school. But this bill would enable a court to order it in the event that mediation did not succeed.

I believe it is a good bill, it is an educational bill, and I see no reason to deprive children of that opportunity to at least get a high school diploma.

I urge you to go with the Majority Report.

Representative Allen of Washington, was granted permission to address the House a third time.

Representative ALLEN: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question to one of the sponsors of the bill?

Current divorce mediation at this point in time, can it be agreed upon in mediation that the non-custodial parent pay until the student has completed his secondary education?

The SPEAKER PRO TEM: Representative Allen of Washington, has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I am sure at mediation it could be but I don't think that it would be in all cases.

The reason I presented this bill is there have been cases that have been brought to my attention where a young person would have mononucleosis, for instance, and be sick a year, lose a year of school. There are many cases that come along that you cannot anticipate in mediation. Of course being very fond of media-

tion, I would like to say that it takes care of all things, it doesn't take care of all things, and maybe this is why I think that this is also needed to go with it.

Representative CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I wish to make a few comments on just what this bill is for. This bill is for people that are getting divorced and have them continue the support that they have given to the child until he is 18 years old, who now is an adult. The question is, if somebody is divorced, is it for the judge to say that he pay an extra two years in education when, in fact, there is no legal obligation right now for a married person to pay until he is 20 years old. That is one of the questions I ask and where is the answer? You know what the answer is. The answer is, if the fellow who is married today doesn't have to pay for his kid beyond 18 years of age as far as education is concerned.

But you are going to turn around, and I am not a supporter of divorce, and take that man that is having a hard time on his own and who has faithfully, in one way or another, met his obligations for a few years and put the burden on him for another two years? Now, is that correct? I don't believe it is. I don't believe it, and I will tell you why, because right in this legislative hall here years ago, wasn't it more important when somebody put a bill in here that actually did away with taking care of your elderly father and mother? Years ago, we used to have to support your folks but today you don't have to. Isn't it just an obligation? Your folks are adults and these kids over 18 years old are adults and aren't they not physically more full of energy than the ones that need the help the most, the elderly? Yet, the legislature, at one time, did away with that obligation. This is what is intended with this particular bill. I don't think it is a good bill. At the time when we discussed lowering the age to 18, the same arguments were offered, the same arguments about education and everything else and they were rejected and I think wisely so. I hope that you vote against the motion that is offered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Lebowitz.

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I think we all recognize that education is a very important factor. We spend a lot of time right here talking about education and being on the side of education. I think we also should remember that the parent, a breadwinning parent, who is deceased, the education of his or her child is paid for through social security payments until that education is completed. Should a divorced parent feel any less obligation for his child?

The SPEAKER PRO TEM: 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 to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 26 in the negative, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (S-253) was read by the Clerk.

Representative Paradis of Augusta offered House Amendment "A" (H-376) to Committee Amendment "A" (S-253) and moved its adoption.

House Amendment "A" (H-376) to Committee Amendment "A" (S-253) was read by the Clerk and adopted.

Committee Amendment "A" (S-253) as amended by House Amendment "A" (H-376) thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended in non-concurrence and sent up



for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: An Act to Amend Certain Motor Vehicle Laws (Emergency) (S.P. 605) (L.D. 1599) (S. "A" S-200) which was passed to be enacted in the House on June 5, 1985 which was tabled earlier in the day and later today assigned pending further consideration.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-200) and Senate Amendment "B" (S-259) in non-concurrence.

On motion of Representative Theriault of Fort Kent, the House voted to recede.

Senate Amendment "B" (S-259) was read by the Clerk.

On motion of Representative Theriault of Fort Kent, the House indefinitely postponed Senate Amendment "B".

The same Representative offered House Amendment "A" (H-379) and moved its adoption.

House Amendment "A" (H-379) was read by the Clerk.

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

Representative THERIAULT: Mr. Speaker, and Members of the House: Senate Amendment "B" required driver licenses over age 65 to have a photo on their license. This is contrary to the present requirement of the law, plus it is contrary to the wishes of the Transportation Committee and House Amendment "A" would remove this photo requirement.

Thereupon, House Amendment "A" (H-379) was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" (S-200) and House Amendment "A" (H-379) thereto in non-concurrence and sent up for concurrence.

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent.

#### Reports of Committees

##### Unanimous Ought Not to Pass

Representative HIGGINS from the Committee on Taxation on Bill "An Act Concerning the Rate of Return on Investment Factor under the Railroad Excise Tax" (H.P. 287) (L.D. 357) reporting "Ought Not to Pass"

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

#### Consent Calendar

##### First Day

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

(H.P. 748) (L.D. 1071) Bill "An Act to Exempt Veterans' Memorial Cemetery Associations from Maine Sales and Use Tax" Committee on Taxation reporting "Ought to Pass"

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

(S.P. 562) (L.D. 1491) Bill "An Act to Amend the Offenses for Operating under the Influence" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-260)

On motion of Representative Hayden of Durham, was removed from the Consent Calendar, First Day.

The Committee Report was accepted and the Bill read once.

Committee Amendment "A" (S-260) was read by the Clerk and adopted and the Bill assigned for Second Reading tomorrow.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent.

#### Papers from the Senate Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" on Bill "An Act to Allow the Department of Human Services to Investigate and Provide Information on Community Health Issues" (S.P. 535) (L.D. 1436)

Signed:

Sensors:

BERUBE of Androscoggin  
BUSTIN of Kennebec

Representatives:

MANNING of Portland  
KIMBALL of Buxton  
CARROLL of Gray  
MELENDY of Rockland  
BRODEUR of Auburn  
TAYLOR of Camden  
NELSON of Portland  
ROLDE of York

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

Signed:

Sensor:

GILL of Cumberland

Representatives:

PINES of Limestone  
SEAVEY of Kennebunkport

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

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

The SPEAKER: The Chair recognizes the same Representative.

Representative NELSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill, the Community Right to Know, establishes a procedure for providing information to citizens on the hazardous materials that may be in use in their community. The bill utilizes existing information collection mechanisms and imposes no new reporting burden on the state's businesses. Legitimate trade secrets are protected as they are under existing law. The community health information project will be coordinated by the environmental health program in the Department of Human Services. This agency has the responsibility and the expertise to evaluate potential threats to public health.

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

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: Proponents of the bill and in fact the legislative findings and intent clearly indicate that this law was needed for employees right to know and for municipalities emergency planning. Presently, a chemical identification law in Title 26 provides for employers to report the chemicals in the work place and to train employees how to handle such chemicals.

Proposed legislation, L.D. 1382, allows for municipalities to be provided with the chemical I.D. information for their emergency planning preparation but they must still keep the information confidential in order to minimize public over-reaction.

Proponents of this bill testified that currently physicians have no access to information regarding hazardous chemicals. However, the chemical I.D. law already provides for such information to be disclosed to physicians upon request and further the information may be disclosed to the Bureau of Health upon request when a threat to the public health is suspected.

Proponents also argued that certain companies producing, discharging or storing hazardous waste do not have to release such information.

Ladies and Gentlemen, currently the laws

regarding hazardous materials are found in Title 38. Under those laws, any company which produces, stores or discharges hazardous waste must be licensed by the DEP. When a company is licensed, the information on the license is public information and is accessible to the public. If the information on the license is considered confidential, the public may still request the information and the burden is one the company to show the commissioner why the information should not be disclosed; thus the public already has access to this information.

They also argue that situations such as the McKin site or the Union Chemical site would not occur if this bill were passed. It is important to remember that both sites were operating outside of the law, and therefore, the types of materials at the sites were not known by the DEP. This law would not halt illegal hazardous waste sites nor will it inform the public about illegal sites. The technical information that will be released will only scare the public. Such technical information must be interpreted by trained individuals in order to fully understand its implications. For example, if chemical A is stored on one side of a large plant and chemical B is stored on the other side of the plant, this may be the safest way to store the chemicals. However, when the Bureau of Health releases the information that the plant has both chemicals A and B and the effects are drastic, this will only cause over-reaction. Will the Bureau of Health report that the chemicals are being handled properly? We question that.

The bill does not protect the confidentiality of information reported under the chemical I.D. Law. However, it does not repeal the confidentiality requirement that is contained in the DEP Law. It appears that there will be considerable confusion and conflict between the various departments if this bill does pass.

This bill would allow anyone living in Boothbay Harbor to call the Bureau of Health and request what chemicals are present at the Fraser Paper Company in Madawaska, Maine. The information would neither help in emergency planning nor in workplace safety. However, it would allow that individual to publish that information and perhaps degrade the image and good will of the company if they so desire.

Mr. Speaker, is there a fiscal note on this bill?

The SPEAKER PRO TEM: The Chair would respond to the question of Representative Pines, that this bill would need a fiscal note upon the time that it reaches second reading.

The Chair recognizes the same Representative.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: I indicated that L.D. 1382 was proposed. It is not longer proposed. L.D. 1382, An Act Relating to Municipal Regulation of Hazardous Waste and Chemical Substances was signed into law by the Governor on June 6th.

I hope you will not vote for this bill because I am afraid it will be a terrific expansion and confusion in the different agencies and the work that will be reported.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: My dear and close friend from Limestone, I would like to set the record straight very quickly that the infamous 33rd worst hazardous waste site in the country, the McKin site, did operate within the law, they had all the necessary permits.

This bill that is before us, 1436, is a bill that would allow those individuals who lived around that site or any other site or any business that uses chemicals the right to know what those chemicals are. It is a people's bill, it is a bill that would let individual citizens call a central clearing house number to find out, (1) what those materials were; (2) what if any



effects they possibly could have on their health, short term or long term and, (3) it would allow various agencies of government, the business community and local municipal operations the opportunity to work in cooperation in a coordinated effort to get that material disseminated.

I would also like to point out that, at this point in time, that type of a system is already in place for basic poisoning. You can pick up the phone, dial an 800 number anywhere in the State of Maine, find out that very information on any household poison that you have or any household chemical that you may have from a central clearing house. This state puts money toward that Poison Control Center located at the Maine Medical Center in Portland. This same type of a system would be put in place with health professionals from the environmental health unit in the Bureau of Health, the Department of Human Services. This bill allows citizens the capability of knowing what is it that surrounds them, what may have an adverse effect on their health.

I think it is a good proposal, it is a dynamite proposal and there is not reason to come up with any argument or poison arguments that would sort of make this a hazardous bill to our health. I think we should move it on its merry way so that we can put the necessary amendment on it that will be coming up at second reading for the fiscal note and one technical amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Brodeur.

Representative BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: We had a really good hearing on this bill and there was no confusion on anybody's part relating to how this bill was to be administered. We also had petitions from 50,000 Maine people supporting the concept of the Community Right to Know. It seems that if we have something that is dangerous to our health, dangerous to our children's health or potentially dangerous, that we ought to have clear and adequate information.

The gentlelady from Limestone mentioned that municipalities presently would have the right to get that information. But from what I know from municipalities, they would not, in most cases, want all that information. Even if they did, they probably wouldn't have the time or energy to deal with it and they would not be able to give that information out to the public. It seems to me that if there is something dangerous to our health, we ought to know about it as citizens of the state. I believe that most of the citizens would also agree.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope you would vote against the Majority "Ought to Pass" Report. One night when I was reading the paper, I read how this bill was heard before the Human Resources Committee. The reason why I have concerns with this bill is because the Energy and Natural Resources Committee dealt with this issue two years ago. I wonder how come the Human Resources Committee received the issue? By looking at the title, I can see why they got it.

The Representative from Limestone, Representative Pines, is correct, we did pass the chemical identification which would protect the workers in the work place. Representative Hoglund had a bill in this year before the Energy and Natural Resources Committee, which passed and the Governor has signed, which would allow the municipal officers to get that information, which would help them prepare any type of plan that they might have.

The reason why I have a lot of concerns with this bill, and I understand there will be an amendment drafted to take care of the money,

is I was approached by the sponsor of this bill—what they wanted to do is take money from the Chemical I.D. law, the law that so many of us had problems with and we voted to increase the fees in the most substantial cases from \$10 to \$300. I told him that was not the intent of the Chemical I.D. Law and no way would I support anything which would take away from that law to implement any other program. There is a law on the books which would allow municipal officers to promulgate regulation. I think there are enough laws on the books right now which would take care of this.

I hope you vote against the Majority "Ought to Pass" Report.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question if I could to the gentlemen from Medway.

He had brought up the Chemical I.D. law, and I would like to ask him, can an ordinary person find out any information from the Chemical I.D. Law?

The SPEAKER PRO TEM: Representative Rolde of York has posed a question through the Chair to Representative Michaud of Medway who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: If I am a worker yes. But I have no reason to find out any information about Madawaska or any other place within the State. I just quickly was going over the bill and I think that, under the current laws we have on the books, is sufficient enough to take care of the problem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Brodeur.

Representative BRODEUR: Mr. Speaker, Members of the House: We had a physician testify before our committee suggesting that he, as a physician could not get information relating to possible hazardous chemicals that affected patients of his. It seems to me that if physicians can't get the information because it may not be worker related and because it doesn't come under the present multiplicity of laws that we have, that it would be difficult for a physician to look for which of the 50,000 or 500,000 potential chemicals that may be causing the problem. If that physician would have some idea of what to look for, it would make that physician's job much easier. So, I hope that you would support this bill.

Representative Pines of Limestone was granted permission to address the House a third time.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: In response to Representative Brodeur's comment, I did make a statement that physicians, upon request, the information may be disclosed by the Bureau of Health when a threat to the public health is suspected. The Bureau of Health has that power now to get that information for any physician requesting it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buxton, Representative Kimball.

Representative KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: I also would urge you to vote "Ought to Pass" on this bill. The thing that is incredible to me is that the physician can ask, the town officials can ask, but you can't ask. If you are out in your back lawn hanging clothes and happen to notice a truck next door and happen to recognize the name of a chemical, you can't call and ask. I find that incredible.

Also in terms of the debate around such a situation producing hysteria, in terms of keeping that information closed, I can't think of a better way to create hysteria than to deny the public the information. If anything is going to

bring on public fury, it is to deny them information, certainly not sharing it with them.

Representative Pines of Limestone requested a roll call vote.

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

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: We don't want to have any scare tactics or anything like that but whether the public or the municipal office or anybody that can get this information, it is not quite as clear cut as it has been sounding in the conversation here.

In this Chemical I.D. Law, if the company has to give to the DEP the chemicals—now if those chemicals are very tied to the formula of the product so to help keep the opposition competitors from finding out something that they shouldn't know about their chemical product, then they are restricted. But other than that, they are not restricted.

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

Representative NELSON: Mr. Speaker, Men and Women of the House: As I understand the bill, as I heard the testimony in our committee, that is not true, that those secrets that are protected, we don't know the formula for "Coke" and we are not going to get it this way.

The idea of this bill is to allow for the people, not the communities and not the businesses, but the people of the State of Maine, to find out what is in their environment, to be able to make that call, to get that information so that they, their children and their children's children can be protected.

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

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to direct a question to anyone who can answer.

Page 5, line 17, would someone tell me who the Maine Firemen Association is?

The SPEAKER PRO TEM: Representative Greenlaw of Standish has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: In response to that question, there is a technical amendment that was going to be offered in the Senate, if we get a chance, we will offer it here. That association should be the Maine State Council of Uniformed Firefighters.

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

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: Is it proper to discuss the amendment at this time?

The SPEAKER PRO TEM: The Chair would answer in the negative.

The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: When we passed the hazardous waste last year, the state knows what every company, every corporation in the state has for hazardous waste. I believe that they are looking out for our interests and our neighbor's interests. This is one of the worst bills that we could do for business in this state.

I urge you to vote against the "Ought to Pass" Report.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: In listening to this debate, all that has been running through my mind is a couple of things that have happened in Knox County in the past three years. One of them was an application by a cement plant to burn hazardous waste. The other was the operation of a hazardous waste incineration site.

The first one, eventually the application was withdrawn after considerable work and effort on the part of the citizenry in the local area in attempting to find out what materials they were going to be burning at that cement plant other than materials that generally classified under hazardous waste.

The other facility, the Union Chemical Company in Hope, was initially opposed by local people. They had attempted to find out the chemicals that were being disposed of there. They had a great deal of difficulty in doing it. Finally, after about a four year process, the facility was closed down. It was closed down by the state and it is being cleaned up by the federal government. There is still material there in the ground. The full extent of the pollution there is unknown and the full extent of the type of chemicals that were there is still unknown. If this bill is going to provide that information to people, it is going to let people find out what kind of chemicals are on industrial sites. It is going to enable them to make the decision as to whether they feel they should oppose that particular chemical, as to whether they feel they even want to live in that area in order to protect the health and welfare of their families. I feel they should have that right. If this bill provides the vehicle to do it, I certainly support it and would hope that you would also support the Majority Report.

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will be quite brief about this but to the previous speaker, this is just why we passed the Chemical I.D. Bill in the last session. This was a problem that was addressed many, many times as to people having the right to know as to what chemicals, not only were being disposed of and how they were being disposed of, but what chemicals were actually in the plant and used in the process of manufacturing certain items. This information is available if it is needed. It isn't available for just anybody on the street to call up a factory and say, I want to know what you are using for chemicals and they are not obliged to reel them off for you. But if there is a necessity for it, this information will be made available and that was passed in the Chemical I.D. Bill that we worked so hard on last session.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I think I have to agree with the Representative from St. George that the more information the better on some of these issues. The agriculture community certainly faced a lot of hysteria in terms of the use of agricultural chemicals around the state. The response to that was to set up an information number or poison control center, an agriculture chemical control number, where a concerned individual, once they found out the name of that chemical, could call in and find out its origin and its possible effects. The concern of the agricultural community was to inform people about the lack of danger in most of these chemicals.

I have to agree that an informed public is bet-

ter off than a non-informed and hysterical public.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Specifically, in response to the remarks of the gentlelady from Berwick, Mrs. Murphy, prior to reapportionment, I used to represent the part of Gray that included the McKin site and I think, to say that the DEP is going to protect the citizens of Maine is really an absurd statement.

The people that I used to represent, that Representative Carroll now represents, live in an area that was grossly polluted between 1972 and 1978 and, in 1978, the town of Gray went in and closed the operation down. It wasn't the State DEP that shut that operation down.

I was elected in the Fall of 1980 and it wasn't until 1981 that the DEP even acknowledged that there was a problem and they didn't do anything in 1982, they didn't do anything in 1983 and in 1984, they finally got \$60,000 or \$70,000 out of the Appropriations Committee to do a study.

In 1984, they found 25 more chemicals in the groundwater. That was seven years later after the problem was acknowledged. People cannot rely on the DEP to protect themselves. They have to go out and take action and they have to agitate and make a real nuisance of themselves. I don't know how many nights I sat in Gray and listened to citizen after citizen really get up and harass and harangue and jump up and down and holler at state officials trying to get them to do something. You just can't rely on it, people ought to know what is out there, they have a right to know what is out there in their environment.

The water that the people were drinking in Gray was polluted. They were drinking polluted water that had toxic chemicals in it. They ought to have known it. We can breathe these substances and some of these substances are dangerous if they touch your skin.

I think this is a good bill and it really bothers me for someone to say that we can rely on the DEP to protect our citizens' health because you just can't do it.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: As the good gentleman from St. George pointed out, my constituents in the town of Thomaston, my home town, were in the face of a large multi-national conglomerate that wanted to come into that town and burn what we couldn't find out, some chemicals in the kiln to produce cement. My constituents in that little town had to band together to try to seek out information, to try to find out what they were trying to burn in that kiln. At the town meeting, the town had to raise money to go after a study to find out what was in there, because they were not getting cooperation from the people that wanted to undertake that burning.

I urge this body to allow this legislation to pass so that our municipalities can be protected in the future to ensure that the health and safety of all the people of Maine are protected and that we can know what is out there.

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

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say a little more to back up what Representative Mayo just said. When this initially started, I was not in the Legislature, I was a field representative in the office of congressman David Emery in Rockland, Maine. We were contacted by that group of people in Thomaston to get assistance to find out through the EPA, who was one of the co-applicants for this burn permit, what materials

were going to be burned, what they were defining as hazardous waste. What I found out as a congressional field representative is that the federal government, that the federal EPA, if they have vested interests in a project, could be just as obstructionist as the most illegally operating company that one could possibly imagine.

We could not get information from EPA. They would not tell us what potentially was going to be burned. They would not give us the results of burns that had taken place in Puerto Rico, similar burns, similar facilities, similar materials. At a later date, we found out that that burn in Puerto Rico operated above, well above, minimal acceptable health standards over 80 percent of the time.

The federal government, the federal EPA in this case, had a vested interest in running a test. The EPA's vested interest was so strong that they actually attempted to conceal information from an elected federal representative from the area.

I think it is very important to every citizen, both sitting here and every place in this state, that they can protect themselves against those companies who would operate in an unethical manner and against those departments of government, be it local, state or federal that operate either in an incompetent manner or unethical manner. I think the need for this legislation could not possibly be greater and would once again urge your support of the Majority Report.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I had to remind you of Gorham because right behind my house is the new hazardous waste dump that I just discovered last Fall. It was supposedly cleaned up. The State Department of Environmental Protection said it was cleaned up and, at that time, we found out what the chemicals are.

Last fall, after it was cleaned up, now the chemicals are ten to twenty times more potent flowing profusely out of this dump. They are in the process of working at it right now. I think it is important the people in this community know what is going on. About six months went by and the people in the community didn't know what was going on. To prevent mass hysteria, I think it is important that the people in the community be afforded the opportunity to know what chemicals are in the area.

Throughout the session, I always tend to try to look for the interests of business and I think I am going to have to go with the supporting of this bill and I think it is in the interest of business also to let everybody know what is going on in a potential environmental hazard. I urge you all to vote for this bill.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: To address the good Representative from Thomaston, Representative Mayo, Representative Mitchell, and others that use cases dealing with that, the bill that Energy and Natural Resources passed unanimously and is into the law will address that concern. Municipal officers can get that and they can use that information to develop any type of plan. So, if that law was in effect at the time that Representative Mayo had that concern, that would take care of it.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative Nelson 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. 177**

YEAS:—Aliberti, Allen, Beaulieu, Begley, Bonney, Bost, Bott, Boutillier, Bragg, Bran-

nigan, Brodeur, Brown, A.K.; Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Descoteaux, Diamond, Dillenback, Duffy, Erwin, Foss, Hale, Handy, Hayden, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Jackson, Jacques, Joseph, Kimball, Lisnik, Manning, Martin, H.C.; Matthews, Mayo, McCollister, McGowan, McSweeney, Melendy, Michael, Mills, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Parent, Paul, Perry, Pouliot, Priest, Randall, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Simpson, Small, Smith, C.B.; Soucy, Sproul, Stevens, P.; Tardy, Taylor, Telow, Theriault, Vose, Walker, Warren, Webster, Weymouth, Whitcomb

NAYS:—Armstrong, Baker, A.L.; Bell, Callahan, Carrier, Conners, Daggett, Davis, Dellert, Drinkwater, Farnum, Foster, Greenlaw, Harper, Holloway, Ingraham, Lacroix, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Masterman, McPherson, Michaud, Moholland, Murphy, E.M.; Nickerson, Paradis, E.J.; Pines, Pouliot, Rice, Ridley, Salsbury, Sherburne, Smith, C.W.; Stevens, A.G.; Stevenson, Tammaro, Wentworth, Zirkilton.

ABSENT:—Baker, H.R.; Brown, D.N.; Cahill, Crowley, Dexter, Gwadosky, Higgins, H.C.; Hoglund, Jalbert, Kane, McHenry, Murphy, T.W.; Racine, Reeves, Seavey, Stetson, Strout, Swazey, Willey, The Speaker.

88 having voted in the affirmative and 43 in the negative with 20 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for Second Reading tomorrow.

#### Non-Concurrent Matter

Bill "An Act Concerning Nomination Petitions for Unenrolled Candidates" (H.P. 1063) (L.D. 1542) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on June 10, 1985

Came from the Senate, Passed to be Enacted in non-concurrence.

Representative Smith of Island Falls moved that the House recede and concur.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I noticed that the Chairman of the Legal Affairs Committee is not here. I think it only right that this should be tabled until she could be present to defend the bill.

Representative Diamond of Bangor moved the Bill be tabled one legislative day pending the motion to recede and concur.

Representative Murphy of Berwick requested a Division on the tabling motion.

Representative Diamond of Bangor requested a roll call vote on the tabling motion.

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

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

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

#### ROLL CALL No. 178

YEAS:—Aliberti, Allen, Beaulieu, Bost, Boutillier, Brannigan, Brodeur, Brown, A.K.; Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Daggett, Descoteaux, Diamond, Dillenback, Duffy, Erwin, Farnum, Greenlaw, Hale, Hayden, Hichborn, Hickey, Hillock, Hoglund, Jacques, Joseph, Kimball, Lacroix, Lisnik, Manning, Martin, H.C.; Matthews, Mayo, McCollister,

McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Parent, Paul, Perry, Pouliot, Priest, Randall, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Simpson, Soucy, Stevens, P.; Tammaro, Tardy, Theriault, Vose, Walker, Warren.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Callahan, Conners, Davis, Drinkwater, Foss, Foster, Handy, Harper, Hepburn, Higgins, L.M.; Holloway, Ingraham, Jackson, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Murphy, E.M.; Nicholson, Nickerson, Paradis, E.J.; Pines, Rice, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, A.G.; Stevenson, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT:—Baker, H.R.; Brown, D.N.; Cahill, Carrier, Crowley, Dellert, Dexter, Gwadosky, Higgins, H.C.; Jalbert, Kane, Macomber, McGowan, McHenry, McPherson, Murphy, T.W.; Racine, Reeves, Seavey, Stetson, Strout, Swazey, Willey, The Speaker.

79 having voted in the affirmative and 48 in the negative with 24 being absent, the motion to table did prevail.

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent.

#### Papers from the Senate Ought to Pass

Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Reform the Law Relating to Farm Equipment Sales Tax Exemption" (S.P. 187) (L.D. 505).

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

Report was read and accepted, the bill read once and assigned for second reading tomorrow.

#### (Off Record Remarks)

On motion of Representative Hoglund of Portland,

Adjourned until eight—thirty tomorrow morning.