

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

INDEX

FIRST CONFIRMATION SESSION

August 29, 1985

INDEX

SECOND CONFIRMATION SESSION

October 11, 1985

INDEX

FIRST SPECIAL SESSION

November 13, 1985

INDEX

HOUSE

Wednesday, June 19, 1985

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

Prayer by Reverend John MacNeill, East Wintthrop Baptist Church.

The Journal of yesterday was read and approved.

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

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Prohibit Consumption of Alcoholic Beverages within 15 Feet of a Public Way" (H.P. 529) (L.D. 749) have had the same under consideration and ask leave to report:

That the House Recede from Passage to be Engrossed as amended by Committee Amendment "A" (H-405); Recede from adoption of Committee Amendment "A" and Indefinitely Postpone same; Read and Adopt Committee of Conference Amendment "A" (H-478) and Pass the Bill to be Engrossed as amended by Committee of Conference Amendment "A" (H-478) in non-concurrence.

That the Senate Recede and Concur with the House.

(Signed) Representative ALLEN of Washington, Representative MANNING of Portland, Representative LEBOWITZ of Bangor—of the House.

SENATOR VIOLETTE of Aroostook, Senator TRAFTON of Androscoggin, Senator SHUTE of Waldo—of the Senate.

Committee of Conference Report read and accepted.

Whereupon, the House receded from passage to be engrossed as amended by Committee Amendment "A" (H-405).

The House receded from adoption of Committee Amendment "A".

Committee Amendment "A" was indefinitely postponed.

Committee of Conference Amendment "A" (H-478) was read by the Clerk and adopted.

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

Messages and Documents

The following Communication:

State of Maine

One Hundred and Twelfth Legislature

Committee on Taxation

June 17, 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 Taxation 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	117
Unanimous reports	99
Leave to Withdraw	41
Ought to Pass	7
Ought Not to Pass	24
Ought to Pass as Amended	21
Ought to Pass in New Draft	6
Divided reports	9
Carry Over Bills	
(Approved by the Legislative Council)	9

Respectfully submitted,

S/ R. DONALD TWITCHELL

Senate Chair

S/ JOHN A. CASHMAN

House Chair

Was read and ordered placed on file.

Orders

On motion of Representative VOSE of Eastport, the following Order:

ORDERED, that the Clerk of the House is authorized to issue to each member of the House and the Indian Representatives 100 22¢ postage stamps.

Was read and passed.

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

Passed to Be Enacted**Bond Issue****Later Today Assigned**

An Act to Authorize a General Fund Bond Issue in the amount of \$2,000,000 for the Restoration and Preservation of Historic Buildings. (S.P. 417) (L.D. 1147) (C. "A" S-309)

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

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

Bond Issue**Later Today Assigned**

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,750,000 for Acquisition and Development of State Parks, Historic Sites and Protective Easements for Maine Rivers. (S.P. 425) (L.D. 1182) (C. "A" S-312)

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

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

Emergency Measure

An Act to Amend Certain Motor Vehicle Laws. (S.P. 605) (L.D. 1599) (H. "A" H-379; S. "A" S-200; H. "A" H-459 to S. "C" S-297)

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

Emergency Measure

An Act Relating to the Administration of Vocational Education. (S.P. 628) (L.D. 1645) (H. "B" H-456 to H. "B" H-422)

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

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

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: Before we enact this upcoming legislation, which I am going to be voting in favor of, there are a couple of things that I would like to say on the Record.

Throughout this legislative saga on the VTI's, many things have been stated and I would like to say that one of the proposals we have been offered would be using Carl Perkins monies and I think all of us should be aware, if we are not already aware of it, that any federal monies which come to us under the Carl Perkins Act may be used on a one-time basis only for new innovative or expanded programs. Once that money has been expended and the time for the funding has run out, two years hence, we are again faced with either coming up with new state monies the same as we have done this year causing a necessity for the VTI's to be bailed out. I think we should be aware of that because if this method is to be used two years down the line, we are going to be faced with some expenditures in that respect.

Also, there were people who alluded to the fact that there was only a 40 percent admission rate at the VTI's which is accurate but most of us know, who have much to do with admissions, that many of these factors are outside the realm of, indeed, the governing board

and the VTI's themselves. I think that should be on the record.

Also we have heard a number of times that the state board was putting but one day per month devoted to VTI activities—those of us who have followed the state board action know that during the past year alone, many of the state board members have been spending three and four days a month with a great deal of time devoted to VTI issues.

I would like at this time to commend Representative Beaulieu from Portland for her efforts last week during the debate when she tried to give to us her ideas of what the real issues were which we should be facing concerning the VTI's.

I also would like to commend Representative Crouse for his attempt to set the record straight regarding what some of the admission problems are. Now that the battle is nearly over on this saga, I would like to say that it is time for us to all lick our wounds, if there are any, and to settle down and start working with what truly is in the best interest of VTI's in the State of Maine.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend Certain Provisions of the Oil Discharge Prevention and Pollution Control Act and to Establish a New Act Relating to Underground Oil Storage Facilities. (S.P. 641) (L.D. 1655)

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. 122 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**Later Today Assigned**

An Act Establishing Municipal Cost Components for Services to be Rendered in Fiscal Year 1985-86 and Relating to the Financing and Provision of Services in the Unorganized Territory. (H.P. 672) (L.D. 955) (C. "A" H-475)

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

On motion of Representative Cashman of Old Town, tabled pending passage to be enacted and later today assigned.

Emergency Measure

An Act to Establish the Costs of Forest Fire Protection. (H.P. 750) (L.D. 1073) (C. "A" H-460)

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. 121 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 Improve the Availability, Quality and Delivery of Services Provided to Children with Special Needs. (H.P. 1010) (L.D. 1454) (C. "A" H-457)

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. 120 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.

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

Passed to Be Enacted

An Act to Improve the State of Maine's Safety Programs for Maine State Employees. (S.P. 408) (L.D. 1137) (C. "A" S-307)

An Act to Prohibit Discrimination Against Handicapped People in Insurance. (S.P. 484) (L.D. 1312) (C. "A" S-305)

An Act to Fund Community Response Programs to Reduce Spouse Abuse in Maine Communities. (S.P. 487) (L.D. 1315) (C. "A" S-306)

An Act to Encourage A Viable Agriculture for Maine. (S.P. 489) (L.D. 1316) (S. "A" S-114 and S. "B" 303 to C. "A" S-105)

An Act Establishing Assessments to Defray the Expense of Maintaining the Bureau of Insurance. (S.P. 555) (L.D. 1501) (H. "C" H-458 to C. "A" S-192)

An Act to Provide for Greater Tax Expenditure Accountability. (S.P. 579) (L.D. 1521) (H. "A" H-447 to C. "A" S-294)

An Act to Authorize Aroostook County to Raise \$2,500,000 for Renovations and Additions to the Aroostook County Jail. (S.P. 617) (L.D. 1628) (S. "A" 304; H. "B" H-446)

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.

Passed to Be Enacted Later Today Assigned

An Act to Expand the Veteran's Property Tax Exemption to Include Disabled Veterans Who did not Serve During a Federally-recognized War Period. (H.P. 286) (L.D. 356) (C. "A" H-455)

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

On motion of Representative Cashman of Old Town, tabled pending passage to be enacted and later today assigned.

Passed to Be Enacted

An Act to Allow a Tax Credit Equal to 30% of the Net Cost of Operating a Child Care Facility to be Used Primarily by the Children of the Taxpayer's Employees. (H.P. 464) (L.D. 665) (C. "A" H-453)

An Act to Revise and Modernize the Charter of the York Sewer District. (H.P. 504) (L.D. 707) (C. "A" H-471)

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.

Indefinitely Postponed

An Act to Adjust the Excise Tax on Watercraft. (H.P. 615) (L.D. 885) (C. "A" H-454)

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

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I don't really want to debate this issue again. I think we have spent a lot of time on it already. I don't want to pass it either; that being the case, I move for indefinite postponement of this bill and all accompanying papers and request the yeas and nays.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I think yesterday we pretty much covered all the points that are on this bill and for the very reasons that I mentioned yesterday, I would hope that you would oppose the motion.

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

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

Originally this L.D. had an enforcement provision in here that would have provided for about \$250,000 for the Department of Inland Fisheries and Wildlife. I am told that that provision is no longer in this L.D. Is that the case?

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

The Chair recognizes the Representative from Portland, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: In response to the Representative from Waterville, the answer is yes, it is no longer in this legislation.

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 Cashman of Old Town that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 215

YEAS:—Allen, Beaulieu, Bost, Boutilier, Brannigan, Brodeur, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Drinkwater, Duffy, Erwin, Foss, Gwadlosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Jalbert, Joseph, Lacroix, Lander, Lisnik, Manning, Martin, H.C.; Masterman, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Reeves, Richard, Ridley, Rioux, Roberts, Rotondi, Ruhlin, Rydell, Simpson, Stevens, P.; Swazey, Tammara, Tardy, Theriault, Walker, Warren, The Speaker.

NAYS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Coles, Davis, Dellert, Dillenback, Farnum, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Kimball, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Matthews, McPherson, Mitchell, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Racine, Randall, Rice, Rolde, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Vose, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Baker, H.R.; Conners, Dexter, Kane, Nelson, Small.

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

Sent up for concurrence.

At this point, a quorum call was held.

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

Passed to Be Enacted

An Act to Support the Growth and Development of Community Child Abuse and Neglect Councils (H.P. 662) (L.D. 945) (C. "A" H-461)

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

Passed to Be Enacted

An Act to Permit Certain Persons to Obtain Certain Information Relating to the Real Estate Transfer Tax (H.P. 764) (L.D. 1084) (Conf. Com. "A" H-449)

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

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this bill, I would like to bring to your attention exactly what this bill does.

This is the bill that appeared before us where it would make available the information on the selling price of a home. It would make it available to more people than I feel should have access to that particular information. That information has been restricted in the past and it was only available to the state tax assessors as well as the municipal assessors. This bill will also make that information available to professional real estate appraisers holding a real estate brokers license, which means that all real estate agents will be able to obtain this information because all real estate brokers, more or less, are in the appraisal business. When they go out and establish a price on your home, what they do is provide appraisal services, so I feel that this will open it up, it will make that information available to more people than should have that information and I think the selling price of a home should be confidential. If it is sold between family members, I don't think that the public should have access to that information.

Even though I hate the words that I am about to say because they bring chills up and down my spine, I move indefinite postponement of this bill and all accompanying papers and I would request a roll call.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: When this bill first surfaced, I was one of the staunchest opponents of this bill because at the time it was submitted, it was not as it is now, it opened up a whole issue to the general public. When you recorded a deed in the Registry of Deeds, you have to declare the value on the front of the instrument that you were recording and what you were doing was just opening up something for local gossip. I am very pleased now to see that after the Committee of Conference came back that I think I can live with the new compromise that they came back with. What they have done is they have taken the idea of putting the stamps right on the deed as it was recorded to the general public and they have turned around and made open and available to certain individuals what is considered a Declaration of Value, which is recorded when you record your deed. Right now, this Declaration of Value is only available to the state tax assessors office and the local assessors — at one time, many people in the appraisal field, especially the state departments who have to do appraisals, such as the DOT and some of the other ones who have to acquire property for the State of Maine, they have not been able to get that information from the Bureau of Taxation. This, I feel, is a bill that we can live with, it will make this information available but only to the professional people who would do it so I would say this is a good compromise and I can live with it.

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

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

call was ordered.

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say a few words about this bill. This bill creates a special protection for three groups of people that ask that information about how much property is sold for, what it is assessed for, what it was sold for, but not necessarily the same things; in fact, they are seldom the same things. The assessed value and the selling price are not the same thing. It lets four classes of information access this quasi confidential information. The people who should have it can already get it. State assessors and municipal assessors can already get this information. They already have access to it. This allows three other groups to get it, certified Maine assessors, which are defined in law; a person filing for abatement, who thinks they are taxed too much; I have no problems with those two classes getting the information. The third class is professional real estate appraisers, who hold a real estate broker's license. Professional real estate appraisers are not even defined in statute. I am not sure exactly what they are. Is it anyone who has ever done it for a fee, who happens to hold an old Maine real estate brokers license? I am not certain what that class of person is for one thing and secondly, I think there should be overwhelming need for the state to protect a certain class of people or giving them equal or unequal protection under the law. I can't justify giving it to these real estate appraisers, professional real estate appraisers who work for a living like you and me on commission or for a fee, — why should they access this information that you can't get when you go sell your house yourself?

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I wish you would support Representative Racine's motion for indefinite postponement of this bill. Actually, the three people that Representative Steven's spoke of who would use this bill — the assessors already have this information and, if you are fined for the abatement of your taxes, this does not even come into the picture at all and it would never be of any interest or even used even if you went to the courts of if you went to your county commissioners. Therefore, the only people that this would help would be your real estate brokers. I don't feel as though they should have it.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: You know one of the units you use when you are doing appraisal work is comparable value. Unfortunately, the brokers are doing most of the valuations today. I think it is important that they know what houses sell for. They are giving advice all the time to their clients. If they have access to this information, they can make a comparison. That is the only true value you can have sometimes. I think it is important that you pass this bill.

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope very much that you would go along with Representative Racine's motion for indefinite postponement. I have been involved in town affairs for many years as selectman, assessor and overseer of the poor. This bill would do nothing but cause confusion and chaos.

As previously mentioned, if you are going for an abatement, these figures are not used. The only thing the county commissioners are in-

terested in, if it goes that far, that everybody was measured with the same yardstick.

If real estate people have access to these figures, I don't think it is going to be that valuable to them. If you are familiar with the way it works, when these declaratory papers come in from the state and, as far as the assessors or the selectmen using them, they throw the highest one out and they throw the lowest one out and they take all the ones in between and go through them. Any that there are extenuating circumstances, which there are many, such as a father selling a home to his son or an uncle or a gift or this or that, so these figures really aren't that accurate. Not only that, when someone looking for a small Cape Cod house, coming from the city, they might pay an awful lot more for it than what it is really worth. I don't think these figures are really that true and accurate and that important. Then again, I don't think it is anybody's business what you pay for a piece of property. I hope you would vote for indefinite postponement.

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

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I feel these figures should be open the same as Representative Dillenback and Representative Mayo discussed the other day. This bill will save that young couple who are seeking appraisal money. When they go to the bank, they have to have an appraisal. So, the bank suggests an appraiser and this appraiser has to currently fly all over the place to get comparable values. If he knows a central location that he can get these values, it will save that young couple money. Lord only knows, they pay enough points now to the bank and to the backup institution. It just seems to me that this would be doing them a big favor.

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

Representative CARRIER: Mr. Speaker and Members of the House: I support the motion for indefinite postponement, maybe for a different reason or a different approach to the bill itself. First of all, I don't think that brokers should have access to the assessed valuation. I think that if somebody hires you or me as an appraiser that it should be my duty to go out there, examine that property, be able to appraise it, and give you a current amount for the value today.

They don't explain what kind of value you are going to give here. They just explain what is on the records at city hall. They don't explain that it can be current value, that they want market value, that they want sale value. What kind of value do they want? This is comparable worth or they need to know what the other houses have sold in order to come to a value on this particular house. This comparative value is not the only approach to real estate. In many areas, you don't even use comparable approach or comparable sales, that is what it means, you don't use that.

As I mentioned before on some other bill, I can turn around and sell my house for \$20,000 to my kid — does that mean it is worth \$20,000 when, in fact, it is probably worth triple that amount. Would that go on the record? Of course, if you use this system, it would. I believe if you hire me as an appraiser or anyone else as an appraiser, it is my duty to go out there and measure that house or use any method that there is available in the real estate business to come to a value. I can only foresee — and it might be the dim side of it, that I could call city hall and get a value on that piece of property and I know it — I happen to know it if it is in Westbrook — I turn around, I sit at my kitchen table, I draw something about 20 feet, whatever the house I believe that it is in, never go look at the property, send it to you or whoever wants it, and collect a \$100, \$150

or \$200 fee. I don't think that this is right. I don't think it is an honest approach to use those figures and don't kid yourself, some people do. Today, honesty is a thing that a lot of people have some trouble with. It is none of their business. Truthfully I think that is right. On the other hand, if you want to make it your business, you can go down to Registry of Deeds and you can figure within \$500 of what the house has sold for. I don't believe that this is a good bill. It is not good for the people. I think appraisal is a matter of opinion when it comes to a house.

I also don't believe that the new home buyers will save any money. In my area, when a new home buyer goes down to the bank, he has no choice as to who the appraiser is. They have their own appraisers and they will tell you what the fee is when you do apply for a mortgage and they will force you to have an appraisal and use their appraiser.

I don't believe that this is an honest bill and I hope that you vote for the indefinite postponement.

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

Representative HIGGINS: Mr. Speaker, Men and Women of the House: I would like to respond to a few of the comments that have been offered here this morning.

As you may be aware, this bill was caught between bodies. This House had supported the bill as it came out of the Taxation Committee unanimously. The other body, fearing some of the problems and potential additional work that the registrars of deed would face, chose not to enact the bill as it came from the House.

I would point out that, up until 1975, the price of the transfer tax was placed on the deeds. As of 1975, that stopped so that you may no longer go at, this point in time, to the registrars and look at the transfer tax and be able to figure the price paid within \$500. The original bill that was before us proposed reinstating that system.

I would point out that 48 other states provide that the transfer tax or the value paid is recorded on the deed as a matter of public information.

Regarding interfamily sales — this is not considered to be an arms length transaction, that is one where true value was paid for the property. It is also a portion of the form, the Declaration of Value reflects that and, if it is not an arms length transaction, that information would be checked off on the form.

Lastly, the issue of comparable value — in trying to determine value, what you are trying to determine is a purchase price paid between a willing buyer and a willing seller. Recent sales prices truly reflect comparable value. I would urge the House not to support the motion to indefinitely postpone.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I would like to ask you not to vote for indefinite postponement of this bill. I think it is a good bill. As a real estate broker and also as someone who has some extra training in the appraisal field, I can tell you that this comparable issue can be very, very important to us.

If somebody calls me up and wants me to make an official appraisal for them with photographs, plot plan, the whole works, I will not do it for anything less than \$150 or \$200. But, if somebody in my neighborhood or in my town wants to sell their home and just wants an opinion, that is what an appraisal is, an opinion. If I can get these figures fairly easily, I will do it for free, but not if I have to go dig out for two weeks and take photographs and the whole works. I think we should pass this bill.

The SPEAKER: The Chair recognizes the

Representative from Westbrook, Representative Carrier.

Representative CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: Just something which might be of interest which I forgot to say, a fact that you want to check. Assuming that I sell my house to you today for \$50,000 and, lets say it is on the books down to city hall for \$50,000, I think that you would find under the law that the assessor is supposed to go there and take a physical look at the property. But most of them, a lot of them, the assessors don't even show up and still the value on your property today will reflect a ten percent increase. Now, if this goes on for four or five years or ten years, and assuming that you haven't really taken care of the property, that property could show a value of anywhere from \$10,000 to \$15,000 more than what, in fact, it is worth. This is one thing that you want to consider because it seems in some communities that they don't follow the law too close, they just automatically increase the value on the value of the property; thereby, increasing the taxes if the municipality votes such during that year without even looking at the property.

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 Racine of Biddeford that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 216

YEAS:—Allen, Armstrong, Beaulieu, Bonney, Bost, Bragg, Brannigan, Brodeur, Brown, D.N.; Carrier, Clark, Cote, Crowley, Descoteaux, Duffy, Farnum, Foster, Hale, Handy, Hickey, Hoglund, Joseph, Lacroix, Lebowitz, Lord, Macomber, Masterman, McColister, McHenry, McPherson, McSweeney, Michaud, Mitchell, Murphy, E.M.; Murray, Nickerson, O'Gara, Paradis, E.J.; Paul, Perry, Pouliot, Racine, Reeves, Richard, Ridley, Rioux, Rotondi, Ruhl, Rydell, Salisbury, Scarpino, Seavey, Sherburne, Simpson, Smith, C.B.; Smith, C.W.; Stevens, A.G.; Stevens, P.; Stevenson, Strout, Tammaro, Tardy, Taylor, Theriault, Warren, Wentworth, Whitcomb, Willey.

NAYS:—Aliberti, Baker, A.L.; Begley, Bell, Bott, Boutilier, Brown, A.K.; Cahill, Callahan, Carroll, Carter, Cashman, Chonko, Coles, Connolly, Cooper, Crouse, Daggett, Davis, Dellert, Diamond, Dillenback, Drinkwater, Erwin, Foss, Greenlaw, Gwadosky, Harper, Hayden Hepburn, Hichborn, Higgins, H.C.; Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jacques, Jalbert, Kimball, Lander, Law, Lawrence, Lisnik, MacBride, Manning, Martin, H.C.; Matthews, Mayo, McGowan, Melendy, Michael, Mills, Moholland, Murphy, T.W.; Nadeau, G.G.; Nadeau, G.R.; Nicholson, Paradis, P.E.; Parent, Pines, Priest, Randall, Rice, Roberts, Small, Soucy, Sproul, Stetson, Swazey, Telow, Vose, Walker, Webster, Weymouth, Zirkilton.

ABSENT:—Baker, H.R.; Connors, Dexter, Kane, Nelson, Rolde, The Speaker.

68 having voted in the affirmative and 76 in the negative with 7 being absent, the motion did not prevail.

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

Passed to Be Enacted

An Act Providing for Administrative Changes in Maine Tax Law (H.P. 861) (L.D. 1220) (C. "A" H-470)

An Act to Prevent Developmental Disabilities in Maine (H.P. 964) (L.D. 1385) (C. "A" H-462)

An Act to Provide for a Pilot Program for Treatment and Support of Incest Victims and Survivors (H.P. 968) (L.D. 1403) (C. "A" H-463)

An Act Relating to Increased Financial Support for the University of Maine (H.P. 1002) (L.D. 1444) (C. "A" H-466)

An Act Concerning Transitional Services for Handicapped Persons Beyond School Age (H.P. 1131) (L.D. 1638) (C. "A" H-469)

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

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

Orders

On motion of Representative VOSE of Eastport, the following Joint Resolution: (H.P. 1154)

JOINT RESOLUTION IN HONOR OF THE BICENTENNIAL OF THE TOWN OF CUTLER

WHEREAS, along the 2500-mile concave coast of the State of Maine lies a horseshoe shaped harbor which is considered one of the best storm shelters on the entire Maine coast; and

WHEREAS, on a little island at the mouth of this harbor stands a lighthouse which guards the deep, ice-free harbor waters and a beautiful fishing village called Cutler; and

WHEREAS, this community was founded and settled by one Ephraim Andrews and other veterans of the Revolutionary War on May 30, 1785; and

WHEREAS, from the high land on the east side of the harbor called the "look-out" the view is far-reaching and magnificent; and

WHEREAS, this is also the site of the world's most powerful radio transmitting station operated by the Navy; and

WHEREAS, the residents of the Town of Cutler are joining to celebrate the 200th anniversary of the town and to pay tribute not only to a rich past, but to a bright and challenging future; now therefore be it

RESOLVED: That we the members of the 112th Legislature of the great and sovereign State of Maine take this opportunity to extend our congratulations to the citizens of Cutler and offer our best wishes for the future; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted forthwith to the bicentennial committee in token of our support and encouragement.

Was read and adopted and sent up for concurrence.

On motion of Representative DIAMOND of Bangor, the following Joint Order: (H.P. 1155)

Ordered, the Senate concurring, that Bill, "AN ACT Concerning Liability for Injuries Caused by Drunken Persons," S.P. 598, L.D. 1568, be recalled from the Governor's desk to the House.

Was read and passed 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 following item appearing on Supplement No. 3 was taken up out of order by unanimous consent.

Orders

On motion of Representative CASHMAN of Old Town, the following Joint Order: (H.P. 1156)

ORDERED, the Senate concurring, that "AN ACT to Reimburse the Unorganized Territory Education and Services Fund for Overcharges from 1978 to 1983," S.P. 221, L.D. 584, be recalled from the legislative files to the House.

Was read.

The SPEAKER: Pursuant to the rules, this requires the affirmative vote of two thirds of the members present and voting. All those in favor of this matter being recalled will vote yes; those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and none in the negative, the Order did receive passage. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

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

Passed to be Enacted Emergency Measure

An Act to Correct an Error and an Omission in the Workers' Compensation Law (S.P. 642) (L.D. 1656)

Was reported by the Committee on engrossed bill as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Passed to Be Engrossed

Bill "An Act to Provide Supplemental Appropriations to the Legislature" (Emergency) (H.P. 1153) (L.D. 1659) (Presented by Representative DIAMOND of Bangor) (Cosponsor: President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Committee on Appropriations and Financial Affairs was suggested.)

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

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

Papers from the Senate Non-Concurrent Matter

Joint Resolution in Honor of the Bicentennial of the Town of Cutler (H.P. 1154) which was Read and Adopted in the House on June 19, 1985.

Came from the Senate, Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Adjust the Excise Tax on Watercraft (H.P. 615) (L.D. 885) (C. "A" H-454) which was Indefinitely Postponed in the House on June 19, 1985.

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

Representative Cashman of Old Town moved that the House adhere.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: As you know, there are a lot of rumors that are flying around the State House at this particular time. I wanted to straighten out one. It seems that

some have said that this bill was going to cost funds, cost money to the Department of Inland Fisheries and Wildlife. That simply is not true.

Let me tell you what took place. The State Planning Office came into the Legislative Council earlier this year with an attempt to create annual registration which would be enforced by the Department of Inland Fisheries and Wildlife. The council rejected their proposal and they attempted to attach that amendment in committee to my bill. There was no disagreement that that was, in fact, a good amendment. It was later discovered that the Department would not be able to effectively enforce that until 1987 so they requested that we not deal with that at this point in time. Most likely, we will deal with that next year. But to say that this bill is going to cost the Department of Inland Fisheries and Wildlife any revenue whatsoever is simply false. I hope you would oppose the motion to adhere.

Representative Racine of Biddeford moved the House recede and concur.

Representative Zirkilton of Mt. Desert requested a roll call vote.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I guess there has been some confusion on why I asked that question this morning. I have not said and nobody that I have talked to was under the assumption that Fish and Wildlife was going to lose any money. I asked the question, because originally this would, if we had passed it, would have brought \$250,000 new money into the department, and that is not the case I am told, that was taken off the bill and that is why I voted against it. Nobody said that we were going to lose any money and I don't want anybody to get the impression that I tried to say that we were going to lose any money, we are just not going to get \$250,000 of new money we thought we were going to get. That is why I voted against the bill and that is why I will vote against the bill again.

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 Racine of Biddeford that the House recede and concur. Those in favor will vote yes, those opposed will vote no.

ROLL CALL No. 217

YEAS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Coles, Daggett, Davis, Dellert, Dexter, Dillenback, Farnum, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jalbert, Kimball, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Matthews, McPherson, Mitchell, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Racine, Randall, Rice, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Vose, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

NAYS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Brodeur, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Crouse, Crowley, Descoteaux, Diamond, Drinkwater, Duffy, Erwin, Foss, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Kane, Lacroix, Lander, Lisnik, Manning, Martin, H.C.; Masterman, Mayo, McCollister, McGowan,

McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Reeves, Richard, Ridley, Rioux, Roberts, Rotondi, Ruhlin, Rydell, Simpson, Swazey, Tammara, Tardy, Walker, Warren, The Speaker

ABSENT:—Conners, Nelson, Rolde, Stevens, P.; Theriault

72 having voted in the affirmative and 74 in the negative with 5 being absent, the motion did not prevail.

Thereupon, the House voted to adhere. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act Relating to Retirement Options for Legislators" (H.P. 703) (L.D. 1013) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-154) as amended by House Amendment "A" (H-263) thereto and House Amendment "B" (H-450) in the House on June 18, 1985.

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-154) as amended by House Amendment "A" (H-263) thereto and House Amendment "B" (H-450) and Senate Amendment "A" (S-317) in non-concurrence.

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

By unanimous consent, sent forthwith to the Senate.

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

Bill Recalled From Governor

(Pursuant to Joint Order — House Paper 1155)

An Act Concerning Liability for Injuries Caused by Drunken Persons (S.P. 598) (L.D. 1568) (H. "A" H-395 to C. "A" S-263)

— In House, Passed to be Enacted on June 14, 1985.

— In Senate, Passed to be Enacted on June 14, 1985.

On motion of Representative Perry of Mexico, under suspension of the rules, the House reconsidered its action whereby L.D. 1568 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1568 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-263) as amended by House Amendment "A" (H-395) thereto was adopted.

The same Representative offered House Amendment "C" to Committee Amendment "A" and moved its adoption.

House Amendment "C" (H-484) to Committee Amendment "A" (S-263) was read by the Clerk.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask for a Division on this amendment.

This amendment, I was surprised to see is hitched on to this bill but here it is anyway. What it does is it requires all restaurants and innkeepers to buy all their liquor from a state liquor store. This is really going to be a hardship in some places because some of your innkeepers and restaurants would have to travel at least 50 miles to do this. At this time, the agency stores are giving them a little bit of a break. Of course, the state liquor stores are not.

When we had this bill in committee, we asked about the general fund and estimated revenue and Mr. Marcotte of the State Liquor Commission couldn't even give us any facts on

it. In fact, he said, he would try to do some studying and come up with it this summer. I don't know where this general revenue fund came out of for \$900,000, I am sure. I hope you would vote against this amendment.

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

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: Before the repeal of the discount afforded the licensees, the licensees bought all their liquor at the state liquor stores. Since the removal of the discount two years ago, the trend to purchase from an agency store has been growing and growing because of the hours of operation and the free delivery. Agency stores are now in a form of a liquor warehouse to licensees in the area. As a result, the state is losing a considerable amount of money because they are not making any sales.

I urge you to vote no on the pending vote, ladies and gentlemen.

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

Representative MCCOLLISTER: Mr. Speaker, is this amendment germane to the bill?

The SPEAKER: The Chair would inquire on what basis the Representative would suggest it is not germane?

Representative MCCOLLISTER: It doesn't seem to address the title at all.

The SPEAKER: The Chair would advise the Representative that it is somewhat difficult to make that determination but the Chair would have to rule that since both of them deal with liquor licensees, the Chair would have to rule that it is germane.

The pending question before the House is adoption of House Amendment "C." Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 51 in the negative, House Amendment "C" was adopted.

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

Representative Murphy of Berwick moved the House reconsider its action whereby the Bill was passed to be engrossed and requested a roll call vote on the motion.

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

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

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

Representative PARADIS: Parliamentary inquiry? Just a point of order, if you are not on the prevailing side, can you move to reconsider?

The SPEAKER: The Chair would answer in the negative.

Representative PARADIS: Well, I am confused as to the other vote. I am a little bit confused as to what happened here when the Representative from Berwick moved reconsideration. I understand that she was on the minority on that or do I stand to be corrected.

The SPEAKER: The Chair would answer in the affirmative. However, the matter of passage to be engrossed was adopted by every member of this body.

The SPEAKER: The pending question before the House is the motion of Representative Murphy of Berwick to reconsider passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 218

YEAS:—Armstrong, Baker, A.L.; Begley, Bell,

Bonney, Bott, Bragg, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Cooper, Davis, Dellert, Dexter, Dillenback, Farnum, Foss, Foster, Greenlaw, Handy, Harper, Hepburn, Hichborn, Holloway, Ingraham, Jackson, Joseph, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Matthews, McCollister, McHenry, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Racine, Randall, Rice, Ridley, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Wentworth, Whitcomb, Willey

NAYS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutillier, Brannigan, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Drinkwater, Duffy, Erwin, Hale, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Jacques, Jalbert, Kane, Lacroix, Lisnik, Manning, Martin, H.C.; Masterman, Mayo, McGowan, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; O'Gara, Paradis, P.E.; Paul, Perry, Pines, Pouliot, Priest, Reeves, Richard, Rioux, Roberts, Ruhlin, Rydell, Smith, C.B.; Soucy, Stevens, P.; Swazey, Tammara, Tardy, Theriault, Vose, Walker, Warren, Weymouth, Zirkilton, The Speaker

ABSENT:—Connors, Gwadosky, Kimball, Nelson, Rolde, Simpson

68 having voted in the affirmative and 77 in the negative with 6 being absent, the motion did not prevail.

Out of Order

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

An Act to Establish a Maine-New Hampshire Boundary Commission (H.P. 1049) (L.D. 1525) (C. "A" H-276)

— In House, Passed to be Enacted, on June 5

— In Senate, Passed to be Enacted on June 6.

(Recalled from the Governor — pursuant to Joint Order House Paper 1146)

On motion of Representative Diamond of Bangor, under suspension of the rules, the House reconsidered its action whereby L.D. 1525 was passed to be enacted.

On motion of the same Representative, the bill was recommitted to the Committee on State Government. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Bill Held

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

Representative CONNOLLY: Mr. Speaker: Is the House in possession of: Bill "An Act to Provide a Clothing and Energy Assistance Allowance for Needy Children" (H.P. 506) (L.D. 711)?

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

Representative Connolly of Portland moved the House reconsider its action whereby the "Ought Not to Pass" Report was accepted.

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

Representative CONNOLLY: Mr. Speaker and Members of the House: Those of you who were here yesterday probably remember this issue. This is the bill that deals with the \$60 clothing allowance for school age children under the AFDC program. The reason that we held the bill yesterday is because, when I went around and talked to a number of members of this body in trying to turn the issue around, it did not seem that many of you had a legitimate concern about whether or not the money would actually be spent for the clothing. My good friend in the back row Representative

Vose and I talked about a number of ideas. I have prepared an amendment that I think that deals with that one particular issue. What I am trying to do before I debate that amendment is get the bill in the position so that we can accept the "Ought to Pass" Report and the committee amendment then I would attempt to offer this amendment to deal with that one particular problem that seems to be holding many of you up from supporting the legislation.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I think today maybe it would be a good idea if the gentleman from Portland could get his amendment on because, if we do back this up and get it in the posture where it could be amended, I will, at a later date, offer an amendment. I will tell you where I am coming from. We would treat everybody in the state on an equal basis and we would put an amendment on that would allow all children based on the federal guidelines in comparison to the fuel assistance program.

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

Representative CONNOLLY: Mr. Speaker and Members of the House: I would accept that amendment as a friendly amendment, I have no problems with that at all.

Representative Bell of Paris requested a roll call vote.

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

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

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman that previously spoke is absolutely correct. We did discuss this issue and I listened to the debate on this issue when it failed to be accepted. This really addressed the concerns of most of the people that spoke on the floor of the House. I hope you will reconsider.

The SPEAKER: The pending question before the House is the motion of Representative Connolly of Portland to reconsider whereby the Minority "Ought Not to Pass" Report was accepted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 219

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutillier, Brannigan, Brodeur, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cote, Crouse, Crowley, Descoteaux, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Joseph, Kane, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; O'Gara, Paradis, P.E.; Priest, Racine, Reeves, Richard, Rioux, Roberts, Rotondi, Ruhlin, Rydell, Simpson, Soucy, Stevens, P.; Swazey, Tammara, Theriault, Vose, Walker, Warren, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Cooper, Daggett, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, H.C.; Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McHenry, McPherson, Murphy, E.M.;

Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Paul, Perry, Pines, Pouliot, Randall, Rice, Ridley, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Tardy, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Connors, Nelson, Rolde
72 having voted in the affirmative and 76 in the negative with 3 being absent, the motion did not prevail.

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

Representative SPROUL: Mr. Speaker: Is the House in possession of: Expression of Legislative Sentiment recognizing Christie's Restaurant (SLS 289)?

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

On motion of Representative Sproul of Augusta, the House reconsidered its action whereby SLS 289 was passed.

On motion of the same Representative, the House indefinitely postponed SLS 289.

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

Papers from the Senate Non-concurrent Matter

An Act to Amend the Wood Measurement Law (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 passed to be engrossed as amended by Committee Amendment "A" (H-272) as amended by Senate Amendment "A" (S-299) thereto in non-concurrence.

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

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

Representative COLES: Mr. Speaker, Men and Women of the House: This is the wood measurement bill again, the bill which we were told had to be passed as an emergency because it was essential that at this very moment the bill be in effect. When I was told, well it was not so important this bill be passed as an emergency. We were also told that not a word of this deal could be changed. In fact, words were changed, the law was amended when we passed the Part II budget. I would urge you to vote against the recede and concur so this House can adhere to its original bill.

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

Representative CONNOLLY: Mr. Speaker and Members of the House: I, too, hope that you would vote against the motion to recede and concur. What has happened with this bill is that the other body has taken off the emergency.

When we had the debate, a fairly dramatic debate on this bill the first time around, a debate on which the Speaker for the first time this session came down off the podium and debated it, we heard essentially two arguments. One, the bill needed to go into effect right away because it had to be in place for this wood season. That obviously doesn't seem to be the case any more because the emergency was not left on the bill.

When the Speaker debated in favor of the bill, he said that this bill really doesn't do anything to get at the problem. He said, "I will attempt to go down to the Appropriations Committee and have an amendment put on the Part II Budget to deal with the real problem, which is in the Department of Agriculture."

Last Saturday afternoon, the Speaker did just that, and the Appropriations Committee unanimously adopted an amendment that said

that people who have to enforce the wood measurement law have to live in the places where the law applies and also that those folks have to be licensed. This bill is not necessary. I hope that you would vote against the motion to recede and concur. The Speaker tells me that he also believes that since the emergency is off from it, it is no longer necessary.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: This is a good bill. I want you to know that down in the other body, regarding this bill, there were a couple of people down there that were staggering from one side to the other. They would vote yes one time on a roll call; vote no the next time. A lot of truth was stretched down in the other body. I have been down there for two or three days.

I would like to tell you one gentleman, speaking about the other body, the truth was stretched down there in the other body comparing wood with potatoes. They said, when you get paid for a barrel of potatoes, you got paid for everything there. You got paid for—

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau, and asks for what purpose the Representative rises?

Representative NADEAU: Mr. Speaker: I believe it could be considered irrelevant to talk about the actions of the other body in this body.

The SPEAKER: The Chair would suggest that he is not talking about the action, he is talking about the debate of the other body and he may proceed.

Representative MOHOLLAND: Mr. Speaker: Talking about debate of the other body, talking about potatoes and wood, when they say you get paid for what potatoes you pick, nobody said that you got a half a bushel of rocks and a half a bushel of mud. When you put on a load of wood, you do get a little red rot, you get cut two or three percent but when you start comparing potatoes with wood you are a long way off. I hope you recede and concur today so we won't have to stay here until midnight like the gentleman on the other side of the aisle said.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: I stand here to tell you I am back from the other body, in case you have been missing me in the last few days. I just hope that you will stay with me and vote to recede and concur.

Representative Coles of Harpswell requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Michaud of Medway to recede and concur. Those in favor will vote yes; those opposed will vote no.

Roll Call No. 220

YEAS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Boutillier, Bragg, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carter, Cashman, Cooper, Cote, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Dillenback, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson,

Jacques, Jalbert, Joseph, Kane, Kimball, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Masterman, Matthews, Mayo, McGowan, McPherson, McSweeney, Michaud, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Racine, Randall, Rice, Richard, Ridley, Roberts, Ruhlman, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Telow, Vose, Walker, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

NAYS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Brodeur, Carroll, Chonko, Clark, Coles, Connolly, Crouse, Diamond, Duffy, Hale, Handy, Hayden, Manning, Martin, H.C.; McCollister, McHenry, Melendy, Mitchell, Nadeau, G.R.; Priest, Reeves, Rioux, Rotondi, Rydell, Smith, C.B.; Stevens, P.; Theriault, The Speaker

ABSENT:—Connors, Gwadosky, Higgins, H.C.; Michael, Nelson, Rolde

112 having voted in the affirmative and 33 in the negative with 6 being absent, the motion did prevail.

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

Passed to be Enacted Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$850,000 for Acquisition of Certain Rail Lines in Maine (H.P. 1136) (L.D. 1642) (C. "A" H-476)

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

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This particular bond authorization is part of the four part railroad bill, if you will. It was brought in here approximately a week ago, as I recall. When it came out of committee I was opposed to it for a number of reasons.

First of all, the bond issue itself to me seems rather small. Earlier this year, we debated on whether or not bond issues should be put out to the public of anything less than \$2 million. I think that particular bill passed in here as I recall.

I have some real problems with putting out such a small issue. Number one, I think if we want something as minor as this, we ought to be able to find the funds within the current services budget. That sort of leads me into the rationale for opposing the bond issue in another regard. If it is such an important thing and if this matter in order to buy out this section of the railroad, is so important and it has to be done quickly, why do we need to send this out to the people? It would seem to me the more prudent thing to do, more fiscally responsible thing to do, would be to find the money somewhere to pay for it. That way it can be handled expeditiously and we don't have to wait for November for the people to vote on this.

One of the key arguments behind this whole rail policy situation, which is based on three other bills in addition to this one, is that all four of them have to go together and they have to be done in a timely fashion. I think putting this off to a later date sort of flies in the face of that argument.

The other more comprehensive opposition that I have to the bill that, not only was it brought into this legislature very, very late, but again we see a company coming to the legislature and saying, if you want this you must act now and if you don't want it, then forget it, we don't want to talk to you.

There have been several amendments that

were offered and bantered about back and forth and some were acceptable and some were not. The State of Maine is giving up a great deal. A lot of people have said, if we sell the railroad to you, you are getting it for half price. That certainly is a subjective call. Whether we do or not, we are giving up a considerable amount of money because the other three parts of this whole package cost the state over \$1.2 million. That concerns me some.

From the highway fund there is \$2.8 million allocation to split the cost of maintenance on grade crossings. That is \$1.4 in each year. That is a lot of money out of the highway fund that we are going to pay to reimburse the railroads for the maintenance of those grade crossings. That bill has not been debated in here, perhaps I shouldn't get into the debate but it is an overall philosophy problem that I have with the whole policy.

The second part of the four part package is a sales tax exemption for materials used for construction and maintenance of the rail tracks. The argument is that this is a public facility and that the highway users don't pay a sales tax on the roads. But I would remind those same people that the roads are paid for by public dollars. Therefore, they shouldn't have to pay a sales tax on those materials. Railroads are owned by railroads, by private corporations presumably and they should pay the sales tax on it. That is my opinion.

The third part of the package is, I think it has been amended down now, originally it was around \$800,000, I think it is \$600,000 appropriation from the general fund for the operation or maintenance of this railroad line, if no one will take it over. Now everybody agrees it is about \$1,000 a mile as I recall. Everybody agrees that is not really enough money to handle anywhere near the maintenance on that facility. They are saying that they are hopeful that someone will come in and try to run this. I will emphasize the word 'try' to run this as a short line railroad and if they do, they are going to appropriate this money or give it to the short line people to help defray the cost of operating this by a short line operator, as sort of a reimbursement or enticement into taking this over. Well, I can appreciate the need or the desire to entice someone into doing it. My concern is that they, in fact, do not have anybody in particular to take this over and I feel it is premature.

My feeling is that, if there was a deal to be made or conception of a policy, it ought to be done after the fact and we ought to know who it is going to be, how much it is going to cost, when is it going to take place. My concern with this particular section of it, not the bond issue part, but the other section of the enticement is, what happens if somebody comes along later and says we need more than the \$200,000 that you are going to give us for the maintenance? We need \$400,000. What are we going to do then? We own the railroad, we got \$2 or 3 million into it already, are we going to turn our backs on it at that point in time? We don't know. That is a concern that I have with the overall. That is a little bit far afield from where this particular bond issue is but the four of them put together, and this one item that is before us now, I have some concerns with the dollar amount and whether or not it is necessary at this time. I intend to vote no.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Scarborough has raised an issue and a question on why we have a bond issue in the amount of \$850,000. You know one thing that I try to do is I try to be consistent. In committee, I tried to combine two bonds that everybody agreed served the same area, that of tourism in the State of Maine. I am talking specifically about the bonds on parks and the

bonds on historic buildings and preservation of same.

I wanted very much to unite those two bonds into one but my good friend from Scarborough didn't think that they belonged together. I agree with him that the \$850,000 bond is rather small but I couldn't find a vehicle to combine it with, neither could anyone else. Someone suggested that we combine it with the transportation bond but those are two different animals. The bond that we are talking about here today is a general fund bond, not a transportation bond; therefore, you cannot combine them.

My good friend also mentioned that this bond should be funded out of the general fund and he knows full well that at the time we were discussing these issues, money was rather scarce. As a matter of fact, money is still scarce. He might recall that we amended this bond in committee so that it is the trigger that will trigger the other three bills that he mentioned. Before any of them go into effect, incidentally the effective date was amended to read February 1, 1986, the Appropriations Committee, Transportation Committee and Taxation Committee will have an opportunity to study this issue and report back to the legislature in January of 1986.

I think the package has been well put together and it deserves your full support. If we are going to maintain the economic stability of this state, we have to move in this direction. I would urge you to support this issue.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: This particular bond issue, admittedly as you say, seems small but to us in Washington County it is quite a big deal of money. What we are talking about, and rather selfishly, is the line from Brewer to Calais.

I think that most people here in this legislature know that we are trying to develop a deep water port in Eastport. That line is crucial to us to remain open. What our fears are, if the service, and I understand the service will probably be abandoned, is in fact abandoned, if the state doesn't do something for acquisition, it is possible that the right of way itself may revert back to the abutting owners. Generally speaking, there is a 66 foot right of way going down through there and if, in fact, the right of way reverts back to the abutting property owners, it would be an absolute nightmare trying to open it up again if we had to. It would be extremely costly.

I think that rail lines are very, very important to the State of Maine as transportation and we must do everything we can to keep them open as long as we can because eventually, if we are at all successful, we will have not only Searsport but Eastport to Portland some deep water ports and we hope to be one of them, this one particular line is crucial to us. So, I hope that you will support this bond issue.

The SPEAKER: In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 103 voted in favor of same and 37 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker, and sent to the Senate.

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,200,000 for Equipment and Land Purchase for Vocational-technical Institutes (H.P. 1151) (L.D. 1658)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 120 voted in favor of same and 3 against, and accordingly the Bond Issue was passed to be

enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to the Certification of Local Law Enforcement Officers (S.P. 643) (L.D. 1657)

An Act to Appropriate Funds for the State Railroad Program under the Department of Transportation (H.P. 1135) (L.D. 1641) (C. "A" H-477)

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.

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

The Chair laid before the House the following item: An Act to Authorize a General Fund Bond Issue in the amount of \$2,000,000 for the Restoration and Preservation of Historic Buildings (S.P. 417) (L.D. 1147) (C. "A" S-309) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 84 voted in favor of same and 21 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker, and sent to the Senate.

The Chair laid before the House the following matter: An Act to Authorize a General Fund Bond Issue in the Amount of \$2,750,000 for Acquisition and Development of State Parks, Historic Sites and Protective Easements for Maine Rivers (S.P. 425) (L.D. 1182) (C. "A" S-312) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Representative Carter of Winslow requested a roll call vote.

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

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

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I was dismayed when I looked at the results of the initial vote on this issue, one that I think is vital if the second largest industry of this state is going to prosper. Each year, we are asked by state development to put money in to attract tourists to the State of Maine and we do. This year, we appropriated \$600,000 for the biennium, additional monies to promote tourism; yet, when it comes to providing the items that draw the tourists to the State, for some reason we say it is no go, they don't really need that, they can camp under the trees.

We seem very preoccupied in some areas of the tourist industry but where it really counts, we completely ignore it. We are, in fact, being counterproductive.

The issue before us calls for seven state parks in places that are sought by many tourists from the north and the south and the west, a state park in colonial Pemaquid; Laudholm State Park, Casco Bay Island; Scarborough Beach; Three Brooks Cove; Belgrade Lakes; Bangor region; historic site improvements and river access sites. I don't think that there is much that state development can do except advertise with the money that we provide the bureau and say, come to the beautiful State of Maine

and you can park in a shopping center parking lot because we, as legislators, are unwilling to face our responsibility and do what we should do.

I would urge you to follow my light on this issue.

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 221

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Begley, Bost, Boutilier, Brannigan, Brodeur, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Dexter, Diamond, Dillenback, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C., Higgins, L.M.; Hoglund, Ingraham, Jacques, Jalbert, Joseph, Kane, Lacroix, Lander, Lisnik, Macomber, Manning, Martin, H.C.; Matthews, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murray, Nadeau, G.G.; Nadeau, G.R.; O'Gara, Paradis, P.E.; Paul, Perry, Pines, Pouliot, Priest, Randall, Reeves, Rice, Richard, Ridley, Rioux, Roberts, Rotondi, Ruhlman, Rydell, Seavey, Simpson, Smith, C.B.; Smith, C.W.; Soucy, Stevens, P.; Swazey, Tammara, Tardy, Telow, Theriault, Vose, Walker, Warren, The Speaker.

NAYS:—Armstrong, Baker, A.L.; Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Davis, Dellert, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Hillock, Holloway, Jackson, Kimball, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, McPherson, Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Racine, Rolde, Salsbury, Scarpino, Sherburne, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Connors, Nelson, Small.

95 having voted in the affirmative and 53 in the negative with 3 being absent, the bond authorization failed of final passage.

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. 11 were taken up out of order by unanimous consent.

Orders

On motion of Representative VOSE of Eastport, the following Joint Resolution: (H.P. 1157) (Cosponsor: Senator BROWN of Washington)

JOINT RESOLUTION IN HONOR OF THE BICENTENNIAL OF THE TOWN OF CUTLER

WHEREAS, along the 2500-mile concave coast of the State of Maine lies a horseshoe shaped harbor which is considered one of the best storm shelters on the entire Maine coast; and

WHEREAS, on a little island at the mouth of this harbor stands a lighthouse which guards the deep, ice-free harbor waters and a beautiful fishing village called Cutler; and

WHEREAS, this community was founded and settled by one Ephraim Andrews and other veterans of the Revolutionary War on May 30, 1785; and

WHEREAS, from the high land on the east side of the harbor called the "look-out" the view is far-reaching and magnificent; and

WHEREAS, this is also the site of the world's most powerful radio transmitting station operated by the Navy; and

WHEREAS, the residents of the Town of Cutler are joining to celebrate the 200th anniversary of the town and to pay tribute not

only to a rich past, but to a bright and challenging future; now therefore be it further

RESOLVED: That we the members of the 112th Legislature of the great and sovereign State of Maine take this opportunity to extend our congratulations to the citizens of Cutler and offer our best wishes for the future; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted forthwith to the bicentennial committee in token of our support and encouragement.

Was read and adopted and sent up for concurrence.

The Chair laid before the House the following matter: An Act Establishing Municipal Cost Components for Services to be Rendered in Fiscal Year 1985-86 and Relating to the Financing and Provision of Services in the Unorganized Territory (H.P. 672) (L.D. 955) (C. "A" H-475) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Cashman of Old Town, under suspension of the rules, the House reconsidered its action whereby the L.D. 955 was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-475) was adopted.

The same Representative offered House Amendment "A" (H-482) to Committee Amendment "A" (H-475) and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-482) was read by the Clerk and adopted.

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

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

The Chair laid before the House the following matter: An Act to Expand the Veteran's Property Tax Exemption to Include Disabled Veterans Who did not Serve During a Federally-recognized War Period (H.P. 286) (L.D. 356) (C. "A" H-455) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Cashman of Old Town, the House reconsidered its action whereby L.D. 356 was passed to be engrossed.

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-455) was adopted.

The same Representative offered House Amendment "A" (H-483) to Committee Amendment "A" (H-455) and moved its adoption.

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

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

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

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

Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, June 18, 1985, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

An Act to Authorize a General Fund Bond

Issue in the Amount of \$4,000,000 for State Facilities Energy and General Improvements (H.P. 922) (L.D. 1326) (C. "A" H-381) (BOND ISSUE)

TABLED — June 14, 1985 by Representative CARTER of Winslow.

PENDING — Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Bell.

Representative BELL: Mr. Speaker, Men and Women of the House: If you take a look at this bill, if you still have them around, originally this bill was \$6 million and it has been amended to \$4 million. The bill came out divided, an eight to five report. I have about three reasons in opposition to the bill. Originally, this bill combined a number of what we considered an unrelated number of projects. There is \$2 million in this bond issue for energy conservation for state owned buildings. One of the problems that I had with this bill is a member of the administration did not testify on this portion of the bill due to some confusion. We saw two people testify in support of this particular bond issue, one was the gentlemen from South Portland, Representative Macomber, and Commissioner Appollonio. If you look at this bond, besides the \$2 million for energy conservation, you see two other projects, McKown Point and an activity building at the Augusta Mental Health Institute.

The opposition to this bill is (1) confusion that occurred at the hearing; (2) would be combining two unrelated types of issues in one bond. The overall opposition was the concern for floating too many bond issues. If we were to not pass this bond issue and the rest of the package went forward, we would be bonding \$47 million in bonds. The concern is the total amount of bonds. This seems to be one of the least priorities in committee. I would hope you would vote against enacting this today.

I request a roll call vote.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This is the state facilities bond issue and as my good friend from South Paris has informed you, the portion dealing with energy improvements on a statewide basis has been scaled down to \$2 million from \$4 million. These projects are earmarked to have high energy payback for each investment. The payback is expected to be between two and four years from date of retrofitting these facilities.

The other portion of this bond issue is for \$800,000 to build a recreation center, an activity center at the Augusta Mental Health Institute. This building would serve to provide a small gym for vigorous exercise as well as other space for occupational therapy.

The Augusta Mental Health Center has experienced a tremendous increase of admissions in the past year and this type of a facility is needed to keep the patients occupied and on the grounds.

The other portion calls for \$1.2 million to renovate one of the buildings at McKown Laboratory in West Boothbay Harbor. The building was damaged by fire and there also has to be some work done for the infrastructure that is underground. Apparently, the infrastructure has been there for quite a few years and is deteriorating to the point where the facility may soon be lost. Funds would also be utilized to construct a new laboratory to replace one that is currently in a building with high heating and maintenance costs.

I might point out to this body that I have no interests in this except that as House Chairman of the Appropriations Committee, part of my duty is to present to you the priorities as we on the committee have found them and have agreed with the department heads that presented them. We chose to cut this bond issue. Incidentally, we took \$700,000 out of this

bond issue that was earmarked for acquisition of property at Southern Maine VTI and incorporated that section into the VTI bond issue that was enacted here earlier today, another indication of the fact that we try to be consistent and where we can combine bond issues, we do.

Now one of the reasons that we cut the bond issue down is we were trying to stay within the Governor's executive order which was, as you all know, debated earlier on the floor of this House and the executive order deals with the seven percent rule and the seven percent rule is one that I think merits adherence to. It will serve to enhance the state's position in the bond market. It is much more effective than the 90 percent rule in that it will prevent fluctuations from one year to the next. The state treasurer has difficulty in controlling what we authorize but what is issued is a different situation.

It is a known fact that many of the bond issues that we authorize in these chambers will not be issued for several years down the road, such as the case with some of the highway bond issues, with the water quality bond issues and so on.

I am not going to take any more of your time and reiterate to you the importance of adhering to the seven percent rule and assuring you that we are well within the limits as recommended by the Governor. I think we would be penny wise and pound foolish if we do not provide the state facilities with the necessary dollars to retrofit these buildings that will have a payback in less energy consumption in less than two to four years. I would urge you to support this issue.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: In regards to the remarks of the gentleman from Winslow regarding the seven percent rule, we have discussed this at great length and probably longer than anybody here cares to be involved with it. My only concern is that, if we adhere to that, there is a possibility that we could continue to have a great deal of outstanding bonds that have not been issued just because we are only going to pay back seven percent of our own source revenues and principal and interest in any one year, we could continue to authorize these bond issues but the state, in some manner, might choose because of the seven percent rule not to issue them. If they do that, you are going to have a significant amount of contingent liability out there at some point in time. Right now, we have well over \$100 million that fits into that category of being contingent liability. My concern is that, if we continue down the road of issuing a great number of bonds with the intent that we won't issue them until they are needed, that you could get yourself into a real bad situation as far as prudence goes fiscally.

The concern I have with this bond issue specifically is that, number one, there are three items involved which you have heard about. They are basically unrelated.

The second concern I have is that the other day when we first talked about bonds I said that I felt that one of the main concerns was the timeliness of it. My opinion, this one bond issue is the least timely of any of the ones that we heard. There is no compelling reason why this has to be on the ballot in November.

The gentleman from Winslow makes a good point about energy consumption and reducing that. I have no quarrel with that whatsoever, but if this bond issue goes out, it will go out in November. If it is ratified by the people, there is no way that those sorts of energy consumption matters are going to be dealt with before the next heating season. I guess my statement is that it could wait until June of next year. They can have the construction

plans drafted and, at that time, if the voters ratify it in June of next year, they have got all summer and fall of 1986 to do the retrofitting and be ready for 1987. I don't see that that is going to hurt one single bit as far as energy consumption goes for the biennium. I hope you will vote against this bond issue today.

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

Representative TELOW: Mr. Speaker, Ladies and Gentlemen of the House: I have a question I would like to direct through the Chair. If I heard right, I heard something about a building that was damaged by fire. I am asking, wasn't there any insurance that could have replaced that building?

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

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The building in question, I believe, was damaged before the state acquired it. It is only a portion of the monies requested to repair it.

While I am on my feet, I would like to take issue with my good friend from Scarborough. We seem to be engaged in a war of semantics. If we follow his logic, we would never issue a bond issue because all the bond issues that we issue are voted on in November and consequently, according to his logic, there is no point in ever issuing any bond issues because the first year is lost so we should just continue on, ignore our responsibilities, find clichés and say, this is not the time, this does not apply. Faulty logic.

My good friend also tells you that these issues are unrelated. I will agree with him that the monies will be used for different purposes but they are all for state owned buildings, that is why they are in a state facilities bond issue. I would urge you to support this issue.

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. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 222

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

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Mur-

phy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Connors, Higgins, H.C.; Holloway, Kane, McHenry, Nelson, Reeves.

79 having voted in the affirmative and 65 in the negative with 7 being absent, the bond issue failed of final passage.

Sent up for concurrence.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent.

Passed to be Enacted

An Act to Promote Industrial Stability (H.P. 1145) (L.D. 1652) (C. "A" H-473)

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

Representative Brown of Livermore Falls 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. 223

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutilier, Bragg, Brannigan, Brodeur, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Daggett, Descoteaux, Diamond, Drinkwater, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lander, Law, Lisnik, Lord, Macomber, Manning, Martin, H.C.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; O'Gara, Paradis, P.E.; Parent, Pouliot, Priest, Rice, Richard, Ridley, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Simpson, Smith, C.B.; Smith, C.W.; Soucy, Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Telow, Theriault, Vose, Walker, Warren, Whitcomb, The Speaker.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bott, Brown, D.N.; Cahill, Callahan, Davis, Dellert, Dillenback, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lawrence, Lebowitz, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Perry, Pines, Racine, Scarpino, Seavey, Sherburne, Small, Sproul, Stetson, Stevens, A.G.; Taylor, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT:—Bonney, Brown, A.K.; Connors, Crowley, Dexter, Kane, Mitchell, Nelson, Paul, Randall, Reeves, Rioux.

88 having voted in the affirmative and 51 in the negative with 12 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Papers from the Senate

Non-Concurrent Matter

Bill "An Act Authorizing a Bond Issue in the Amount of \$3,500,000 for the Purpose of Historic Preservation and Main Street Projects" (H.P. 1100) (L.D. 1608) which was referred to the Committee on Appropriations and Financial Affairs in the House on May 24, 1985.

Came from the Senate Indefinitely Post-

poned in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent.

Papers from the Senate

Non-Concurrent Matter

Bill "An Act to Permit Certain Persons to Obtain Certain Information Relating to the Real Estate Transfer Tax" (H.P. 764) (L.D. 1084) (Comm. Conf. "A" (H-449) which was Passed to be Enacted in the House on June 19, 1985.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent.

Bill Recalled from Legislative Files

(Pursuant to Joint Order — House Paper 1156)

Bill "An Act to Reimburse the Unorganized Territory Education and Services Fund for Overcharges from 1978 to 1983" (S.P. 221) (L.D. 584)

Whereupon, the House voted to substitute the Bill for the Report and the Bill read once.

By unanimous consent, the Bill was read a second time.

Representative Cashman of Old Town offered House Amendment "A" (H-481) and moved its adoption.

House Amendment "A" (H-481) was read by the Clerk and adopted.

The Bill passed to be engrossed as amended by House Amendment "A" 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 following item appearing on Supplement No. 15 was taken up out of order by unanimous consent.

Passed to be Engrossed

Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements" (Emergency) (H.P. 1158) (L.D. 1660) (Presented by Representative COTE of Auburn) (Cosponsors: Representative TAMMARO of Baileyville and Senator GAUVREAU of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Committee on Appropriations and Financial Affairs was suggested.)

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

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent.

Passed to be Enacted

Emergency Measure

An Act to Prohibit Consumption of Alcoholic Beverages within 150 Feet of a Public Way (H.P. 529) (L.D. 749) (Comm. of Conf. "A" H-478)

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

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

Representative MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: As I remember this bill, it was 15 feet, where did the 150 come from?

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

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: It appears there is an error in the printing of the supplement, the amendment does indicate 15 feet.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: This morning, right before the bell started ringing, I went behind the glass and asked a couple of people on the Judiciary Committee, basically, do you know anything about this bill? What is it all about? I was assured at that point somebody would address it on the floor. Apparently nobody did, it went under the hammer, the Speaker at that point had no idea that there was some objection in the House so he put it under the hammer. I would like to ask at this point, if anybody could explain what the whole procedure was?

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

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that was brought to Judiciary and there was concern among the body, so it did end with a Committee of Conference. It concerns public drinking and the problem that some of the various towns have been having with public drinking. As the law reads now, the policemen has to give a warning to anyone to arrest him for public drinking. What this bill really does is to say that there are two ways in which you can give a warning, (1) a policeman can physically approach a person and give him a warning and tell him he can't drink in public and the other way is to have signs posted in various places saying that there is no public drinking in that area, and that is within 15 feet of the right of way of the public way and it does not affect state property.

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

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone on the committee that can answer. Does this affect a person sitting on the front porch of their home or on their lawn, if they are within 15 feet of the street?

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

The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: The answer to the question of the gentleman is, no. That would not affect anyone on private property, it is public ways only and in a designated area with a notice as the Representative from Presque Isle has indicated.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative McSweeney.

Representative MCSWEENEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. Do they still have to give a warning to the person before they can make an arrest?

The SPEAKER: Representative McSweeney of Old Orchard Beach has posed a question through the Chair to any member who may respond if they so desire.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: There has to be a warning in one of two ways, either the policeman has to come up and warn the per-

son about drinking or if there is a sign posted there saying that there is no public drinking in that particular area, that serves as a warning.

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

(At Ease)

The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent.

Passed to be Enacted

An Act to Amend the Wood Measurement Laws (H.P. 960) (L.D. 1381) (S. "A" S-299 to C. "A" H-272)

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

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent.

Emergency Measure Later Today Assigned

An Act to Provide Supplemental Appropriations to the Legislature (H.P. 1153) (L.D. 1659)

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

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

Passed to be Enacted

An Act Relating to Retirement Options for Legislators (H.P. 703) (L.D. 1013) (S. "A" S-317; H. "B" H-450; H. "A" H-263 to C. "A" H-154)

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

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent.

Paper from the Senate

The following Joint Order: (S.P. 644)

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the First Regular Session of the 112th Legislature shall be extended by one additional legislative day.

Came from the Senate, read and passed.

Was read.

The SPEAKER: The pending question before the House is on passage of the Joint Order in concurrence. This requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 16 in the negative, the Joint Order received passage in concurrence.

(Off Record Remarks)

On motion of Representative Nadeau of Lewiston,

Adjourned until ten o'clock tomorrow morning.