

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Twelfth
Legislature
OF THE
STATE OF MAINE

VOLUME I
SECOND REGULAR SESSION
January 8 - April 2, 1986

The House was called to order by the Speaker.
Prayer by Reverend Raymond P. Melville, St. Mary's Catholic Church, Augusta.
The Journal of Tuesday, March 11, 1986, was read and approved.
Quorum call was held.

PAPERS FROM THE SENATE

Ought to Pass in New Draft/New Title

Report of the Committee on Business and Commerce on Bill "An Act to Provide for the Licensing of Persons Engaged in Property Management" (S.P. 726) (L.D. 1849) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Exempt Property Managers and Site Managers from the Licensing as Real Estate Brokers or Salesmen" (S.P. 857) (L.D. 2160).

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

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

Non-Concurrent Matter

Bill "An Act to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs" (H.P. 951) (L.D. 1370) which was passed to be engrossed as amended by Committee Amendment "A" (H-532) in the House on March 3, 1986.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-532) as amended by Senate Amendment "E" (S-400) thereto in non-concurrence.

Representative Cashman of Old Town moved that the House adhere.

Representative Jackson of Harrison moved that the House recede and concur.

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

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

I hope that you vote against the pending motion to recede and concur so the House can go on to adhere to our former position. I remind this House that we passed this bill 115 to 24 a week ago. I would urge the House to stick to its position so that we can hold the other body's feet to the fire and pass this bill on down to the Governor's desk for his signature.

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

Representative ROLDE: Mr. Speaker, Men and Women of the House: Very briefly to say why we are concerned with what the other body has done -- basically they have put an amendment on which would undo all of the programs that we have had and worked very hard on for over five years to deal with alcoholism. They would undedicate everything that has been dedicated by the premium fund; so therefore, we would like to defeat the motion to recede and concur which, in effect, would undo everything that

we have done for five years and proceed to adhere to our position which is a position that those people are out in the forefront fighting the battle against alcoholism want. I hope that you all stick with the vote that you had the other day.

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

Representative JACKSON: Mr. Speaker, Men and Women of the House: I don't think that there is a member in this body that disagrees with the program that we are discussing this morning that is a necessity for the citizen's of this state. But what we are playing here, ladies and gentlemen, if we don't move to recede and concur -- we're playing a very dangerous game. We know what the action was, or what the action that was taken in the other body, and if we move to adhere in this body this morning, the chances for additional funding for this program are very limited. We have an opportunity before us today with the motion that is presently before us to assure that there will be funding. We are also going to assure that we're going to have accountability through the appropriations process. That is something that has been very crucial to this program, I think one of the biggest arguments against the program is the position of the program itself and as to its accountability.

I would hope that the members of this body would vote for the motion to recede and concur so that we can move forward with the program.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: Again I would remind this House that we passed this bill 115 to 24 and not one thing has changed since that vote was taken. There is no good reason to undedicate this fund and to keep this tax. If you want to undedicate the fund, let's do away with the premium tax and simply raise the regular alcohol excise tax.

The reason we have a dedicated alcohol premium fund is, there is no other cause of alcoholism than alcohol. Alcoholism is the only disease that I know that you can trace directly and completely to one substance.

I urge this House to stick with its original position -- again, let's send this bill back to the other body; since it started here, it ought to finish down there. Let's hold their feet to the fire and pass this bill on its way.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Harrison, Representative Jackson, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

22 having voted in the affirmative and 115 in the negative with 14 being absent, the motion to recede and concur did not prevail.

(See Roll Call No. 251)

Subsequently, on motion of Representative Cashman of Old Town, the House voted to adhere.

Non-Concurrent Matter

Expression of Legislative Sentiment recognizing David Himmelstein (HLS 808) which was passed in the House on March 6, 1986.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 859)

112th Maine Legislature

March 11, 1986

Senator Larry M. Brown
Representative Ada K. Brown
Chairpersons
Joint Committee on Education
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Gary W. Moore of Sebago for appointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to Title 1941 P & SL Chapter 37, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the
Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Education.

Was Read and Referred to the Committee on Education in concurrence.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

Reported Pursuant to Resolve of 1985

Representative CARROLL for the Special Commission to Study the Utilization of Vacant Buildings at Pineland Center, pursuant to Resolve 1985, Chapter 36 ask leave to submit its findings and report that the accompanying RESOLVE, Authorizing a Continuation of the Study of the Utilization of Vacant Buildings at Pineland (Emergency) (H.P. 1539) (L.D. 2170) be referred to the Joint Standing Committee on Human Resources for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

ORDERS

On motion of Representative ALLEN of Washington, the following Joint Resolution: (H.P. 1538) (Cosponsors: Representatives COTE of Auburn, NELSON of Portland, and Senator PERKINS of Hancock)

JOINT RESOLUTION IN RECOGNITION OF THE GREAT
CULTURAL HERITAGE OF THE STATE OF MAINE

WHEREAS, from its inception the State of Maine has tied its fortunes to a spirited people of diverse talents and backgrounds; and

WHEREAS, this people has crafted a proud and finely textured cultural heritage as its legacy; and

WHEREAS, it is important to remember what has gone before us in order to appreciate the quality of our present every day life; and

WHEREAS, Maine's artistic traditions as exemplified by the works of E. B. White, Andrew Wyeth and Walter Piston owe much to the spirit and sensibilities of the State's people and land; and

WHEREAS, the myriad of contributions made by Maine's citizens to folk arts and crafts are equally important and should be similarly recognized; and

WHEREAS, the wealth of traditions and industries of Maine's seafaring community are full and well documented; and

WHEREAS, the cultural heritage of our State owes as much to the arts and traditions of the French-Canadian, Shaker, Ukrainian, Native American and other ethnic communities as to those of the sea; and

WHEREAS, in observance of this rich cultural heritage, the Governor will issue a proclamation, to coincide with Statehood Day, recalling lengthy and important traditions in all the arts; and

WHEREAS, this important event will contain appropriate celebration and activity in Maine's schools, colleges, universities, theatres, museums, studios, galleries, and workshops as coordinated by the Maine State Commission on the Arts and the Humanities; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature of the vibrant and culturally diverse State of Maine, now assembled in Second Regular Session pause in our deliberations to recognize the State's cultural heritage and its effect on the quality of our daily lives; and be it further

RESOLVED: That in honor of Maine's diverse and textured heritage, we recognize and support the observance of cultural heritage, a celebration of the people and art of Maine during a period from March 10th through the 16th as proclaimed for that express purpose by the Governor of the State of Maine.

Was read and adopted and sent up for concurrence.

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

ORDERED, that Representative Patrick K. McGowan of Canaan be excused March 12, 13, 14, 17, and 18 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative PARENT from the Committee on Agriculture on Bill "An Act to Improve the Quality of Milk" (H.P. 145) (L.D. 179) reporting "Leave to Withdraw"

Representative WILLEY from the Committee on Labor on Bill "An Act to Require that State Programs Recognize the Impact of Minimum Wage Increases" (H.P. 1197) (L.D. 1702) reporting "Leave to Withdraw"

Representative KIMBALL from the Committee on Human Resources on Bill "An Act Regarding Smokeless Tobacco" (H.P. 1242) (L.D. 1752) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act Relating to a New Registration Plate Issue" (H.P. 229) (L.D. 263) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1540) (L.D. 2171)

Signed:

Senators: ERWIN of Oxford
SHUTE of Waldo
DOW of Kennebec

Representatives: MILLS of Bethel

CALLAHAN of Mechanic Falls
THERIAULT of Fort Kent
CAHILL of Woolwich
POULIOT of Lewiston
McPHERSON of Eliot
STROUT of Corinth
SOUCY of Kittery
MOHOLLAND of Princeton

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1541) (L.D. 2172) on same Bill.

Signed:

Representative: MACOMBER of South Portland

Reports were read.

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

Representative THERIAULT: Mr. Speaker, Men and Women of the House: I move the Majority "Ought to Pass" Report. The last general issue of new license plates in Maine occurred in 1974. These plates were designed to last approximately six years. They have been with us for 12 years; consequently, those that were originally issued are very faded and battered and hampers law enforcement efforts. In addition to this, the Department of Motor Vehicle, needs to purge its files of all the outdated registrations.

In this state, we generally have 800,000 registrations -- active registrations. Our files indicate that we have about 500,000 additional outdated registrations in our computer system. In addition to this, there is an evasion rate, according to the Department of Transportation, of about 4.1 per cent. This means that some of our vehicles out there are using some old plate that they got somewhere to put on their vehicle to drive around the state. This translates financially to about \$500,000 of lost revenue to the registration office. In addition to this, it translates to about \$1.1 million lost revenue at the local level.

This issue of plates would occur April 1, 1987 at a total cost of \$2.04 million dollars. There would be a revenue generated by the issue of new plates of \$1.86 million. The revenue would be generated generally as follows -- we already have an existing practice on our books which would allow the department to charge \$5.00 if you want to reserve a special plate or a special number. Also in our books, there is a provision to charge \$15.00 per registration per year if you have a vanity plate.

What we would add in this bill is a revenue generating mechanism which is, that each plate sold to the individual who registers the vehicle, would be \$1.00. This would be how the revenue would be generated.

A little bit about the plate itself -- the committee came up with a design of a white background, red graphics, blue numbers or letters in addition to a blue border. That is essentially what the issue is and I urge you to support this Report.

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

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

Representative Theriault.

Does this bill call for two license plates or what?

The SPEAKER: The Representative from Canton, Representative McCollister, has posed a question through the Chair to the Representative from Fort Kent, Representative Theriault, who may respond if he so desires.

The Chair recognizes that Representative.

Representative THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: We are not changing the procedure of those vehicles that are designated to have two registration plates. Motorcycles would have one plate and that would remain the same.

On motion of Representative Theriault of Fort Kent, the House accepted the Majority "Ought to Pass" Report and the bill read once.

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

Representative NADEAU of Saco offered House Amendment "A" (H-568) and moved its adoption.

House Amendment "A" (H-568) was read by the Clerk.

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I will briefly describe what this amendment does, (1) it strikes out the emergency preamble. I have been informed that there is no real necessity to have the emergency clause on this and I felt it wasn't necessary.

The second thing is it puts the lobster back on the plate. There are two very important reasons why I am presenting this amendment before you today. First, this idea came from Maine youth, they got involved. We should appreciate their hard work and dedication. Too many times there is apathy shown by the average citizen toward government. The "Lobster Plate" was not the whim of some 10 year old child but rather the joint project the Saco and Kennebunk students undertook. It has the support of nearly 11,000 voters from 180 cities and towns in Maine. Those kids demonstrated pride in their state by designing the "Lobster Plate". They displayed it throughout the entire United States last Friday morning on the Good Morning America with host David Hartman.

As you know, Maine's motto is the latin word "dirigo" which means "I lead". We have often read in papers the phrase "As Maine goes, so goes the nation".

The youth of our state have poised themselves as leaders. Let's follow their advice.

Some of you may be wondering why the "Lobster Plate" is such a big deal. What makes that symbol significant? Maybe I can share a few numbers with you. About 20 million pounds of this crustacean are landed annually, valued at approximately \$50 million. If you apply a multiplier of three, you are now talking about a \$150 million dollar industry. Forty-five to fifty percent of the total fish landed value comes from lobsters. We have roughly 3,000 miles of coast in Maine. Do you realize that 35 other states have license plates which represent themselves? One of the greatest topics one would associate the State of Maine with is our lobster. Why not advertise our assets?

According to the Department of Motor Vehicles, there are 803,000 registered motor vehicles in our state. Just imagine the free advertising that would emanate from the "Lobster Plate". Consider the pride these young people could cherish by seeing their idea

realized. Wouldn't you be proud to display a concept designed by Maine's future leaders?

There have been audience participation polls taken by WCSH-TV, WGAN and WPOR radio recently with 75 to 85 percent of the respondents in favor of this proposed new plate.

In conclusion, I will leave you with one last thought. Over the past few years, teachers have been telling these kids that they could make a difference in our government. Are we going to tell them otherwise? I urge you to look favorably on this amendment.

I would ask for a roll call on this, please.

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

Representative THERIAULT: Mr. Speaker, Members of the House: I am speaking to you right now as an individual member of the Transportation Committee and not as the Chair. I want you to understand that. Representative Nadeau talked to me a few days ago about this amendment and I expected a "one liner". On my desk this morning, there were three pages and it made me somewhat nervous but I quickly went through it and I guess it is pretty much okay. There is another thing that this amendment does and that is, it would move the issue date from April 1st that we originally had in the bill to July 1st. There is really no objection to that. The Department of Motor Vehicle probably would have a tough time to keep up with the schedule.

Maine is definitely known for its lobsters. No matter where you go, if you mention Maine, that is the first thing that they talk about -- the Maine lobster. If we displayed the lobster on our registration plate, the power of suggestion might cause us to sell even more lobsters. I know that worked on me the other day when we were discussing that in committee -- I couldn't wait to get out of here to buy a lobster so, hopefully, it is going to do that.

I urge you to support the Nadeau amendment.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I certainly applaud all of these school children who have been involved in this legislative process. I think that that is tremendously important and I am very proud that they have elected to do so. I have heard from some of them and I have answered their letters. However, I cannot help but express a reservation -- I, too, am a strong supporter of lobsters and of the State of Maine; however, I do feel that this plate promotes only one section of the state. We have Aroostook County where we are trying very hard to promote the potato and I really feel that perhaps we should have had a potato on the Maine plate instead of the lobster. So, as we are getting ready to vote on this issue, I think that you should keep that in mind. Are we really only going to promote one section of the State of Maine or are we going to support the whole state?

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you do support this amendment today because I strongly believe that the children in this town worked very, very hard in

promoting this.

When I went home last Summer, I was very proud to present to my constituents that there might be a new number plate and they were very excited that there might be a new one. Even so, I think they were even more excited that we were going to have a little bit of a symbol attached to it -- maybe a scene of Mt. Katahdin, the pine tree, or a lobster but I found most people were very pleased that it was going to be a lobster. So today, I hope you will join me in voting for this amendment.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: At first I was a little bit reluctant to support this bill because I was afraid that there would be an additional cost involved; however, I have been assured by the Chairman of the Transportation Committee that in printing a lobster on the plate will not increase the cost of the license plate.

The other concern that I had was that the State of Maine song is the "Pine Tree Song" and I felt that this would be in conflict; however, after looking at it, I realized that we have pine trees located in New Hampshire, Massachusetts and all over the place so it is not unique like the lobster is.

The other concern I had was, if you will recall, last week we passed a bill where a dollar fee would be charged when you register your boat and also a dollar fee would be paid to the tax collector if you registered in your local community -- this cost will be \$3.00 but that has nothing to do with the imprint because the price of the license plate has been increased by \$1.00 to offset the cost. So, instead of shelling out \$2.00 when I register my boat, I will have to shell out three.

I hope that you will support the amendment. I think that it is a good idea. Even though I hate to disagree with the Representative from Presque Isle that possibly we should think about the northern part of the state by placing a potato on the plate -- I don't think that that is a good idea -- if we start doing that, then we might end up with a lot of things and I am not going to tell you what they are because everybody is looking at me, laughing, thinking I am going to say something else, but I will let you assume, (or like when the press takes things out of context) and I hope you will accept the amendment. If I didn't get up and speak for this, all these little kids from Saco and Biddeford would shoot me. I think it is a good idea and I hope you will support it.

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

Representative HOLLOWAY: Mr. Speaker, Members of the House: I think you should keep in mind of a recent survey that was run by the Division of Tourism less than two years ago and the question was, "what do you think of when you think of the State of Maine, what is the image?" About 80 some odd percent was lobster so I do hope that you will support this amendment.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to explain to you today why I signed the bill out with no design on the plate. The people had requested that if I were to put out a new plate issue that it should be a pine

tree; however, today I am standing here in support of the amendment. I think that Representative Nadeau and his children have done a fine job and, as I read the amendment, I would just say to the Representative from Presque Isle that maybe with the six year limitation that you, as well as I, might have our chance in the future.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: Down in the committee, I made a motion that we put a tractor trailer on the plate, put the lobster on the trailer, put the potato on the side of the door, put the pine tree on the air shield but I would like to rescind all that and go along with just the lobster on the plates.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: In the past several years, I had the good fortune to travel to several conventions as a member of the educational community. It really was an education to me in going to these conventions -- the premium that was put on the lobster display that we had on our lapels. Everyone wanted that lobster. It seemed to be a premium collective item. If all of these representatives from all different states put such a high premium on the lobster, why shouldn't we? I commend the educational community to inspire these youngsters to become a part of the legislative process and concerns.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: This isn't a spur of the moment proposal. It is a combination of three years of work and if you remember back when the students from Saco and Kennebunk approached us during the first session, there was a real flurry in these halls -- tee shirts, petitions, pencils, -- many of us who duck the lobby, who find that lobbying is not a pleasant experience, found ourselves surrounded in the hall and we gave them our assurances that their proposal would be heard and through this amendment today, that proposal is before us.

We share through their letters that have come to us in the last two weeks their new lobbying effort in terms of their disappointment and I think when we look at their proposal, we see our support for it, not because they are school children but because they came up with a better idea. Their proposal is a better idea in terms of the plate that is coming out of committee. I think when you look at the present plate, I think everyone that is in agreement here now, feels that it is at its best when it is either covered by snow, ice or mud. For a state that has a great deal of beauty, that present plate does not do us credit and I think what we have before us today is an amendment that could be properly called, "the Maine Pride Amendment" and would urge your support.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind the gentleman from Princeton, Representative Moholland, that he forgot a few items like the Maine blueberry, maple syrup, Maine cheese and probably a lot of other Maine products. But, as a youth growing up in the State of Maine, one of the things that I always

looked forward to, was lobster season so that I could have my taste of lobster. In traveling all over the country, the one thing that everybody says is, "Oh, you're from Maine, that is where you have the good lobsters" so I commend the youth for getting involved and I recommend that you accept this amendment.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to commend the students in their perception of what the design on the plates should be. Obviously, they too knew that when you speak of Maine, lobster is the first thing that comes to mind. More than that, by having the lobster on the plate, it will be that glaring reality that the lobster means our rocky coast and I think when people see the plate, come to Maine for those lobster, they will also go into the other areas that have the blueberries and the maple syrup and everything else. So, let's get the people here. Thank you students.

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Men and Women of the House: You probably have guessed, we don't have lobsters in Sidney, that isn't a problem. I wanted to rise as a dairyman to thank the members of the Transportation Committee, who unwittingly paid a great tribute to the dairy industry by putting forth this plate. There's only one regret I have and that is that I didn't propose an amendment which would have pointed out what happened here because I think it should have said that the background of this plate is milk white.

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

Representative NICHOLSON: Mr. Speaker, Men and Women of the House: After this bill -- and I appreciate the efforts of Representative Nadeau -- and at the same time I appreciate the efforts and my hat is off to the students of Saco.

When we talk about Maine and its coverage, when you look at the miles of seacoast that covers just about all of Maine, and at the same time, the lobster is recognized as one of our major industries, the fishing industry. The lobster is known the world around and, of course, nationwide. It has a special appearance and, at the same time, Maine has a certain ring to it when one travels, they go together -- the ring of Maine and the appearance of the lobster. I can give illustrations from being a member of Lions International, where the lobster is on the Maine pin and whether it is here or in France or in Hawaii, people, the world around, want that Maine lobster pin. I urge you to give every thought to it.

On a personal note when I lived in Scottsdale, Arizona ten years ago, there was a restaurant, I believe it was the Atlantic Restaurant that featured Maine lobsters. They were flown in daily and the flight number and time was posted. Maine has a special ring and the lobster is clearly identified. Vote for this bill.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: Looking around the House and seeing how everyone else is on Record on this, I thought it must be my turn to get up and endorse this amendment. I think that almost anything is better

than the plate we have now. I think that we ought to vote for this and put a lobster on the plate where it belongs. I think in the future maybe we can get one of those black bears on there.

The SPEAKER: The Chair recognizes the Representative from Stonington, Representative Rice.

Representative RICE: Mr. Speaker, Men and Women of the House: I can proudly stand and say that I am the Representative from one of the most productive lobster areas in the State of Maine, Penobscot Bay. But I feel that the bill represents two areas, tourism and lobsters, and I hope that you will support it for that reason.

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

Representative SMITH: Mr. Speaker, Men and Women of the House: From what I hear today, we really don't need advertising for the lobster. But you know the children in my area wrote me some time ago and said they wanted to see the lobster on the plate. I was very much surprised, coming from Aroostook County. I will be supporting this amendment today.

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

Representative STETSON: Mr. Speaker, Men and Women of the House: I, too, will support the amendment but I ask you all to consider that in 1992, we ought to have the marine worm on the lobster plate. Wiscasset is the worm capitol of the world, and although this product does not receive the recognition it should, I think that this is something we should consider in 1992.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I would like to move indefinite postponement of House Amendment "A".

First of all, I would like to welcome all of the kids that came up from Saco and Biddeford, I think it is very fitting that you should be here today to see the fulfillment of all of the work that you have done over the last three years. I think you should thank me also, if I had not signed the "Ought Not to Pass", none of these people would be able to get up today and get all the exposure they are getting, it would have all gone under the hammer and we would be out of here by now.

I think yesterday we had a lot of fun with the bill -- there was a little levity and it is always welcome in the House but I think today that I would like to be a little more serious about it.

In the committee we had discussions about what should be on the plate. The plate itself was really not a big issue, we did agree we really do need a new issue. Initially, there were problems about who was going to do the plate but those have been resolved. But we did have people who came forth and seriously suggested pine trees, light houses, pine cones, we even had a gentleman from Kittery who suggested a submarine. It was a difficult decision to decide whether we should have a lobster or a pine tree or what we should have. I know a lot of people who do a lot of traveling on legislative business, they come back and they tell me that, wherever they go, the Maine lobster is talked about. I really can't respond to that -- I think my longest legislative trip was to Wiscasset but I would point out that the

brochure that the State of Maine sends out all over the country, I have one here, but I think there is some rule about showing it. On the cover, it says "Maine -- The Pine Tree State". That is sent all over the country. Another thing in the Committee when we were discussing this, we took two votes on whether the lobster should be on the plate or something else. Because we could get no consensus, the two plates were, that nothing would be on the plate -- leave it no lobster, no nothing, out of fairness.

The question that Representative MacBride brought up was discussed and I think there was some feeling that perhaps we were singling out one particular section of the state but I guess that's not really true. I think that probably the lobster, the pine tree or all these other things all represent the State of Maine. But there were two votes in the Committee, as I say, and I think that was one of the reasons that I felt perhaps, anybody who chose to could have an alternate way to vote, if they did not approve of this. I don't think there is much doubt that the lobster is going to be on the plate. Even without the lobster, the children from the Saco area are to be congratulated because the rest of the plate, not including the lobster, is also their design and the Committee thought it was a very good one. I think they should be congratulated. This was not a one-shot deal where they went out and worked one week on this project. It is a project that has taken place, as I understand it, over three years.

Although I have made the motion for indefinite postponement -- and I believe that a roll call has already been ordered -- I think that I could say to you children from Saco, you have done a tremendous job and I think that today you will be rewarded.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: I would like to go over a little bit more in detail what exactly did happen in Committee. When this bill originally came up in the last session, many of you will remember I came around lobbying you about the Committee, who could not decide whether to go with the one year issuance, a two year issuance or a three year issuance and whether to have the issuance made out of state or in state. However, the Committee did vote on one issue and they were unanimous, everyone agreed completely and that was whether or not to have the lobster on the plate. At the time I made the motion, I did state that I would like to have a pine tree on the plate.

I felt that the kids had come down, showed surveys they had taken all across the state for the lobster, the support they had gotten for the lobster, they did a good job and I felt anything was better than what we currently had and that the lobster should be put on the plate. We took a vote at that time and every member of the Committee voted to put a lobster on the plate. That was the only thing basically that we did decide besides keeping the bill for this year. It wasn't until the plate came back up again this year that we decided to take the lobster off the plate. I voted not to do that but the majority voted to take it off.

At that time last year, we sent the word out to the school and to the kids, that although we hadn't gotten around to when the plate would be issued or how it would be issued, but the whole committee

decided that we would have a lobster on that plate. I think that we should honor that pledge that we gave to them last year to go with the lobster and I hope that you will support that motion.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: I would like to have a bottom line figure. How much is this going to cost my constituents with the amendment or without the amendment?

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

Representative THERIAULT: Mr. Speaker, Men and Women of the House: There will be a one time cost of one dollar per plate with or without the lobster.

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

Representative MACBRIDE: Mr. Speaker, Men and Women of the House: This is really the greatest lobbying effort that I have ever seen and so today, I probably will vote along with the rest of you on this lobster plate. But I do assure you that in six years, I will have to see if I can't get the forces organized in Aroostook County and perhaps we can come up with the potato.

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 Fort Kent, Representative Theriault.

Representative THERIAULT: Mr. Speaker, This motion, if I understand it, is to indefinitely postpone?

The SPEAKER: The Chair would answer in the affirmative.

Representative THERIAULT: I would urge you vote against that motion. I would also ask you to remember what the real objective here today is and that is to put a lobster on our registration plate and also to put one on the dinner plate of this nation.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: In the face of the overwhelming odds here, I would ask to withdraw my motion to indefinitely postpone.

The SPEAKER: The Representative from South Portland, Representative Macomber, withdraws his motion to indefinitely postpone.

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 pending question before the House is adoption of House Amendment "A" (H-568).

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

Representative DEXTER: Mr. Speaker, I request permission to pair my vote with the Representative from Kennebunkport, Representative Seavey. If he were present and voting, he would be voting yes; I would be voting no.

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

131 having voted in the affirmative and 5 in the negative with 13 being absent and 2 paired, the motion did prevail.

(See Roll Call No. 252)

Subsequently, the bill was passed to be engrossed as amended by House Amendment "A" (H-568) and sent up for concurrence.

CONSENT CALENDAR

SECOND DAY

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

(S.P. 729) (L.D. 1852) Bill "An Act Concerning Filing Fees to the Public Utilities Commission"

(S.P. 649) (L.D. 1674) Bill "An Act to Make Changes in the Reserve Fund for Municipal Water Departments and Quasi-municipal Water Districts" (C. "A" S-394)

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

PASSED TO BE ENGROSSED

Bill "An Act to Strip Crime of its Profit" (S.P. 847) (L.D. 2139)

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

As Amended

Bill "An Act to Amend the State Subsurface Waste Water Disposal Laws" (S.P. 853) (L.D. 2153) (S. "A" S-401)

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

ORDERS OF THE DAY

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

An Act to Establish an Official Endangered Plant List (H.P. 1413) (L.D. 1997) (H. "A" H-554 and C. "A" H-552)

TABLED - March 10, 1986 by Representative MICHAUD of Medway.

PENDING - Passage to be Enacted.

Subsequently, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act to Promote Intensive Spruce-fir Management" (H.P. 1468) (L.D. 2070)

- In Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-392) in non-concurrence

TABLED - March 11, 1986 by Representative CONNOLLY of Portland.

PENDING - Motion of same Representative to reconsider whereby the House adhered to its previous action whereby the Bill was Passed to be Engrossed.

On motion of Representative Michaud of Medway, retabled pending motion of Representative Connolly of Portland that the House reconsider its action whereby it adhered to its previous action whereby the Bill was passed to be engrossed and later today assigned.

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

Bill "An Act to Clarify and Make Corrections in the Election Laws" (H.P. 1284) (L.D. 1801)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-537) and House Amendment "A" (H-542) on March 3, 1986.

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-537) as amended by Senate Amendment "A" (S-397) thereto and House Amendment "A" (H-542) in non-concurrence.

TABLED - March 11, 1986 by Representative DIAMOND of Bangor.

PENDING - Motion of Representative REEVES of Pittston to Recede and Concur.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative Reeves of Pittston that the House recede and concur and later today assigned.

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

Bill "An Act to Clarify the Application of Water Quality Standards to Hydroelectric Projects" (H.P. 1440) (L.D. 2032)

- In House, Majority "Ought to Pass" in New Draft (H.P. 1495) (L.D. 2107) Report of the Committee on Energy and Natural Resources read and accepted and the New Draft Passed to be Engrossed in the House on March 3, 1986.

- In Senate, Bill and Accompanying Papers Committed to the Committee on Energy and Natural Resources in non-concurrence.

TABLED - March 11, 1986 by Representative MICHAUD of Medway.

PENDING - Further Consideration.

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

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" in New Draft under New Title Bill "An Act to Exempt Certain Firefighters from the 3-year Statute of Limitations in the Occupational Disease Law" (H.P. 1533) (L.D. 2161) - Minority (4) "Ought Not to Pass" - Committee on Labor on Bill "An Act to Create a Cancer Presumption for Firefighters in the Workers' Compensation Law" (H.P. 665) (L.D. 948)

TABLED - March 11, 1986 by Representative BEAULIEU of Portland.

PENDING - Acceptance of Either Report.

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

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Men and Women of the House: As a member of the Minority Report, I rise to speak to you today on this particular bill. This is definitely a bill that we do not need. The original bill was held over from last session, we have spent many hours in committee and I would repeat, we do not need even this amended bill that is before us. This bill is addressing a very special segment of our population, full-time firefighters. It would not include forest rangers, just municipal paid full-time firefighters.

It became apparent to me in the work sessions that these firefighters can file for Workers' Compensation. This has not been done in the past because of a lack of understanding that this has been an avenue open to them; therefore, I am definitely opposed to this bill for the following two reasons: (1) I would like to see the facts on Workers' Compensation cases that will be filed by the firefighters, and (2) I would like more statistics on how firefighting produces cancer and what types.

I do not believe we were given solid evidence on this in our work sessions. I do believe we should be stressing and encouraging communities to supply the proper equipment and training to protect their firefighters but I am voting no on this bill until more facts are gathered and presented to us.

Mr. Speaker, I would request a roll call on this please.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Men and Women of the House: I am on the Majority side of

this bill for two reasons as well, a sense of fairness and a sense of what's practical. It is perfectly true that the firefighters can, and always could, (although most of them didn't realize it) file for Workers' Compensation for cancer under the provisions of the Workers' Compensation Act. Only one at this point has filed. That one was turned down because of the statute of limitations, which is three years -- a disease must manifest itself within three years. As all of you know, it takes ten, fifteen, twenty, thirty years for cancer to manifest itself. It seems unfair, therefore, that if a person thinks that they have gotten cancer through work-related activity, and they can file for cancer, but they are not going to know that they have cancer for twenty years, then they automatically would be prohibited from collecting because of the statute of limitations.

It is true that the original bill was presented over a year ago and we have talked about it for a considerable length of time. All through this process, I have said repeatedly that the only thing that I could go along with was doing something about the statute of limitations which precludes anybody from possibly ever collecting for cancer, because it simply takes too darn long for the thing to manifest itself.

I urge your support for the Majority Report simply through a sense of fairness and what's practical for those out there who may suffer this sort of industrial injury.

The SPEAKER: The Chair recognizes the Representative from Mars Hill, Representative Smith.

Representative SMITH: Mr. Speaker, Men and Women of the House: A question, if I may. Does this take in the volunteer firefighters? My understanding is only about 12 percent of the firefighters in the state are on a full-time basis.

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

The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, through the process and negotiation on this, the only ones that are included are full-time municipal firefighters of which there are about 2,000 in the state.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Bonney.

Representative BONNEY: Mr. Speaker, Ladies and Gentlemen of the House: One of the points that I was going to make is, there are over 10,000 volunteer firemen in this state who would not be covered under this. There have been no cases whatsoever of a firefighter getting cancer from fighting fires. The American Cancer Society is making a study at this time and a year from now we probably will have the answer to this question.

I hope you people will vote "Ought Not to Pass".

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

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: What you are seeing before you today is a negotiated agreement on a bill that was held over last year that would have called for a presumption mechanism for firefighters to be able to file claims if they felt that they were now the victims of cancer and that it was work connected.

This has been changed because of enormous debate amongst the committee. What we are in effect doing is tearing down the barriers that the asbestosis victims had to deal with for years and years when they too could not get recognized under the Workers' Comp system.

This bill is only intended to exempt full-time municipal firefighters, (to my own distress) but there were some factors brought to our attention by the committee and others that volunteer firefighters tend to be working at two jobs sites and, at this point, they wanted to do something, but not to go that far. It exempts them from the present three year restriction on filing claims under the Occupational Disease Law. Present law requires a claim, based on an occupational disease, to be filed within three years after the last injurious exposure to such disease in the employment. As Mr. Willey has told you, certain types of cancer have a latency period much longer than three years. This provision effectively eliminates the potential valid claims for cancer.

Several years ago, we did something very similar, in a bipartisan manner, to eliminate this particular restriction for victim's of asbestosis and we are basically using the same approach.

All that this bill does is say that full-time municipal firefighters "may" file claims for occupationally related cancers under the Occupational Disease Law, even after this three year period has expired.

The firefighter continues to have the burden of proving his case. The bill does not establish a presumption, which was the original bill, it does not say that the firefighters will win these cases. It only says that they may still file claims more than three years after their last exposure to a carcinogen on the job.

Think back a little bit to the major fire in Westbrook or the Agway fire where those firefighters certainly were exposed to highly toxic smoke and fumes from that particular fire.

All this bill does is give the firefighter that opportunity to prove his case. The bill is not intended to affect any other rights that a firefighter may have under any other law. The last two sentences in the bill's Statement of Fact explains this -- the intent of the bill is strictly limited to creating the exception from the three year statute of limitation. For example, it is the committee's explicit intent that this will absolutely not affect whatsoever the heart and lung presumptions found in the current law under Section 64-D and 64-C of the Workers' Comp Act. These sections will continue to be interpreted by the courts as if this legislation had never passed. The bill is not intended to affect the operation of those sections.

For those of you who might have concern about physical impact, and that is always a question, whenever we talk about Workers' Comp in this body, I will quote from the MMA bulletin that was sent to you all. "The Committee Amendment creates very little liability for past exposures since it encompasses only those allegations of cancer for which the last injurious exposure claimed occurred on or after January 1, 1985. Thus, municipalities would not have to worry about the sufficiency of amounts of reserves set aside or premiums paid to address the possibility of occupational disease claims filed by firefighters alleging cancer when the last injurious exposure

occurred before January 1 of 1985."

It is true that my original intent in putting the bill in was to cover all firefighters. I have no doubt that the call of the volunteer individual who is sent to respond to a fire with a barn full of chemicals is, indeed, exposed. Unfortunately, I could not make any headway with those on the committee who wanted to do something to include them. Maybe down the road, after I am gone, the volunteer or the Federation of Firefighters' will come and ask for an inclusion under this bill. At this point in time, I feel that we have put in a lot of energy, a lot of study -- studies have been done that show that there are increases of cancers in firefighters, very young firefighters, and more studies will be forthcoming, but for right now, we think that these individual's should have the opportunity to not have to run into this kind of barrier if they opt and they choose to file their claims. As it stands right now, the reason why they have not opted to file a claim is exactly because of the barrier in current law.

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

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

To the gentlelady, Representative Beaulieu, I would like to ask, first of all, what constitutes whether or not there were any medical doctors who testified or anyone who led the committee as far as what would actually constitute an occupational related cancer?

My second question is that you, just a moment ago, mentioned some kind of statistics stating that there has been an increase in the amount of cancer that has been found in firefighters. I would like to know, first of all, where that report came from and secondly, whether or not that shows that their rate of cancer is higher than that of people who may or may not be exposed to the kind of conditions that they are exposed to.

The SPEAKER: Representative Zirkilton of Mount Desert has posed a series of questions through the Chair to Representative Beaulieu of Portland, who may respond if she so desires.

The Chair recognizes that Representative.

Representative BEAULIEU: Mr. Speaker, I would like to have the first question repeated please.

The SPEAKER: Would the Representative from Mt. Desert, Representative Zirkilton, repeat his question.

The Chair recognizes that Representative.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: My first question was whether or not there were any medical doctors who came before the Labor Committee to tell you all what exactly an occupational related cancer would be with regard to the issue that you are addressing today?

The SPEAKER: Representative Zirkilton of Mt. Desert has restated his question.

The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: When we held the hearing -- I can't remember if it was last year, I guess it was when we reviewed the bill this year -- there was a physician, an oncologist, who came and spoke to the bill in opposition supporting the MMA position. He

made statements saying it is very difficult to prove but that it is provable, particularly when he was put on the spot later on in the hearing, where he was asked if he felt that creosote was a carcinogen and could create cancer and he said, most definitely. One firefighter in particular said, "You know 63 percent of the fires in the State of Maine are chimney related fires; therefore, creosote cannot be ignored."

As to studies having been done, there were studies done in California, in Boston, the Bureau of Labors Statistics, NIOSH has looked at this issue, the Foundation for Fire Safety, the National Bureau of Health Services, and yes, they concurred that there are increases of cancer in firefighters but it is still tenuous as to whether or not you can directly associate it. There are studies that claim that there is a definite relationship. There are studies that question it. There are other studies that say they need to look at it again.

The issue before you is, do you feel that with the proliferation of synthetics in business and industry and in our own homes, that there are enough fires involving plastics contained in household items, furniture, carpeting, insulation, everything else, that when firefighters respond to those incidences, are they inhaling deadly smoke and could that deadly smoke create problems for them down the road in either lung cancer, nasal passage cancers, throat cancers, liver cancers? It is possible these are men and women, although I don't believe we have any female firefighters in Maine, but if we do, who respond to those fires, not just once in a year, but continually, and therefore, are they not in a high risk group? The majority of the committee felt that, while they had reservations and concerns, that we need not deny them the opportunity to prove their own cases, to be able to file like we probably should have done or had mechanisms in place for those victims of asbestosis. Unfortunately, most of the people who were barred or had barriers before them as victims of asbestosis were in the ground before we did anything for them.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Before this bill was amended and changed to eliminate the presumption, I would have had to stand before you and be opposed to this bill. However, with the change that has occurred in this bill, I have signed the Majority Report.

I have here in my hand 18 medical reports talking about the high incidents of cancer among firefighters, about the exposure to the carcinogens that firefighters do experience. All of these testimonies come from all across the United States and from the Encyclopedia of Occupational Health and Safety.

I urge you to vote for this amended version of the bill, a bill that has been discussed in the Labor Committee for well over one year and to allow firefighters who do experience cancer, who in fact will have to prove, not the employer, but they will have to prove that their cancer is related to their occupation.

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

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: As most of you know, I spent 25 years in a paid department. Part of my experience

was seeing a friend of mine inhale the fumes from carbon tetrachloride. Over the next six months, it was not a pretty sight, loss of lungs, eye sight, kidneys and death. I think we should keep the door open for these people a little longer.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Bonney.

Representative BONNEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not against firefighters, I want you to understand that, but in the case of asbestosis, these people had no equipment to prevent them from inhaling what they did. The firefighter today, who is a full-time firefighter, has available to him packs for his back, equipment, prevention, he has everything possible to prevent him from inhaling any substance that there might be.

My good friend, Mrs. Beaulieu, was talking about all the different things he is exposed to, which is probably true, but he has got a pack on his back, a helmet on his head and he is inhaling oxygen through a tank; therefore, it is pretty darn impossible for him to inhale any of these substances.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Men and Women of the House: First of all, I would like to respond to Mr. Bonney's most recent comment. They may have an air pack on their back but that air comes out of a compressor, that air may also be contaminated when it goes into that pack, nothing guarantees that that air is clear and clean, no more than the air that we breath can be guaranteed.

I also want to point out that, many times they go into those fires and because of the cumbersomeness of wearing that air tank, they do not wear that air tank, they take the easy way out, and unfortunately, expose themselves to the thing I want to speak to you about this morning, a thing called deadly smoke. The chairman of the committee alluded to it a little bit but I would like to talk a little more about it.

With the coming of the plastics age after World War II, we use more and more plastics, and in house fires, our firemen are exposed to PCB's that come from those plastics, they are also exposed to cyanide from the plastic coating on drapes. Because of this, in the long exposure time of cancer, many of the firefighters are just now realizing that they were exposed to cancer causing incidents ten years ago, fifteen years ago, twenty years ago. Because of that, the committee, a bipartisan group, felt a three year limitation on the right to file under the Occupational Safety Act should be changed, we should recognize the onset of the cancer age, of the time you have cancer, the length that it takes to be diagnosed and show that and release that three year limitation. That is precisely what this bipartisan majority group, after a year of study, has done in this report before you.

I would urge that you do support that.

I did want to make one minor correction. The House Chairman of that committee said she was not aware of any female firefighters in the state, I heard that there one -- it was her.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Lander.

Representative LANDER: Mr. Speaker, Ladies and Gentlemen of the House: I haven't got an awfully lot to add to the debate this morning but I would like to request that you vote against this legislation for a couple of reasons. We didn't see any substantiating

evidence that firefighters did have a higher rate of cancer than other workers in our state.

This brings up another issue. I think we are discriminating against other workers in our state. We have a lot of volunteer firefighters, we have a lot of people out there in the forestry service -- we talk about smoke eaters, we have a lot of people up in our neck of the woods that are smoke jumpers. They go out and they fight the forest fires.

A comment was made in the work session that, yes those city firefighters spend a lot more time on the job. During the work session, I couldn't get any percentage of the time that they spend actually fighting fires. I know that some of our forestry people in Northern Maine fight up to 400 fires a year. I think it is discriminating against the entire work force in the state if we set this aside just for full-time firefighters.

The other thing that I would like to note, I did a little survey while I was sitting there in the long hours of the work sessions. You know, about 40 percent of the same firefighters that we saw coming to our work session every day, were smoking.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you to urge you to support this piece of legislation. We have heard about the call men, volunteer, whichever term you wish to use to address some of the departments throughout the state, we were very concerned in the committee that all firefighters be under this piece of legislation.

When we talk about city firefighters, I have city firefighters. I also have volunteer, I have calls that outnumber two to one my city firefighters. The reason that we have regular firefighters or full-time is because these men are exposed on a daily basis, this is their regular job. The other departments that supplement firefighting services for any municipalities work in other occupations. We, the members of the committee, could not clearly designate that they may not be in an occupation that would expose them to toxicity or carcinogenic fumes.

I would also like to say that all of the committee was unanimous on exempting everyone but regular firefighters. It was a grave concern to all of us that it did not include the call men or volunteer fire department. We were privileged to see a film. I can give you an example that all of us may face one day -- a two inch piece of PVC piping was used as an example in a 12 by 10 foot room, which most of our bedrooms are, if that room were closed and there was a fire, the smoke from a two inch piece of PVC piping would accumulate within 16 minutes and any occupant of that room would be dead. I think that that one example of that material being in so many homes is enough to convince anyone that this three year deletion to allow our regular firefighters the opportunity to file a claim and not deny them their right to file a claim should be enough to support this piece of legislation.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I am concerned about this bill and I would like to learn more. There were a few things mentioned here that I would like to correct. One was the great chemical fire in Westbrook, the Agway Store, that is my district and I

know the manager of the store and I also know the Chief of the Westbrook Fire Department -- that fire was handled with sophistication and the fire department did not attempt to put that fire out because they realized the problems with the exposure to those deadly pesticides that were in that building.

I would like to address the sophistication with the professional firefighter and the call firefighter, being an ex-call firefighter. The professional firefighters are more protected because they do have Scott Air Packs and they have policies in dealing with these fires. They are probably more protected than any occupation in the state as far as dealing with hazardous fumes.

The comment was made that it was questionable about the air in the Scott Air Pack -- well, any logic would tell you that whoever charges these packs are certified. The people who charge these packs are from the same outlets that fill aqualungs. These are the tanks that are used underwater. I have breathed many hours of that air and I feel more secure breathing air from a Scott Air Pack than I do breathing air in the rotunda area here filled with carcinogenic cigarette smoke.

The survey that was conducted showed some of the long term carcinogenic effects of this occupation. I would like to know how many of those were cigarette smokers and how do we differentiate cancer that is known without question to be caused by cigarette smoke? The idea of creosote -- everybody here that has a woodstove is exposed to creosote in the fumes and probably to a much higher degree -- infinitely higher than putting out a chimney fire. The way they put out chimney fires is to throw rock salt down the chimney and there are not many firefighters who would stick their head in the chimney so a prolonged exposure to creosote fumes is infinitely higher than for the occupants of the house who are there all the time.

For the poor fireman who inhaled the carbon tetrachloride fumes and passed away within months, that certainly is within the three years that any highly caustic fumes -- there is no question, there are times that a firefighter is exposed to this, they enter on our behalf in harms way and they could suffer ill effects. That could be within three years. It could be longer but there is not enough research to decide what actually caused that cancer. My grandfather passed away with a black lung disease caused by welding in the shipyard in World War II and he also was a heavy smoker. I think one certainly had an effect on the other so it is an area that we need more research on and I really have a problem as far as being protected. I would rather see the call firefighters protected even more than the professional firefighters because of their sophistication level and there are many more of them and not enough equipment for those people. When a professional firefighter goes to a fire, it is usually the policy that they have a Scott Air Pack before they ever enter a building. They are also well controlled. If the building is known to have a highly toxic fire involved inside and human life is not directly affected, the policy is, with most fire chief's in the state, to let that fire burn, as they did in Westbrook. The exposure to the firefighters in Westbrook was about the same as the rest of the citizens of the town of Westbrook because that fire was left to burn for over a week. It was unanimously accepted by the mayor and the people of Westbrook

that that was the right thing to do. I certainly believe that so I think we ought to consider these things when we vote on this issue and defeat it.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Perhaps we could debate all day as to how much exposure volunteer firemen are exposed to carcinogens. However, the debate today should be whether or not we are going to be fair to the professional firemen that the Representative from Westbrook is concerned about. Those firemen now are not allowed to file claims. If, in fact, their cancer has been diagnosed past three years of their employment as a firefighter, we are therefore removing an artificial barrier that would allow them to claim or make claims about their cancer. The burden of proof still rests upon that firefighter to prove that this cancer is work related so maybe there is not enough long term study to say whether or not cancer is caused by this, that or the other thing. It is a fact, through the studies that I have read, that these fire people do, in fact, and are, in fact, exposed to all types of carcinogens so, therefore, I would urge you to support the amended version of this bill.

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

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I hope you listened very carefully to what was just said by Representative Joseph because that is the issue before us.

I agree with Representative Hillock that the Westbrook situation was handled with extreme sophistication because of a well informed fire chief and a good crew but I can't forget the fact that the firefighters of the communities and the surrounding communities who assisted in that effort were standing there in their rubber coats and their boots and the guy from the DEP checking out the site was walking around in a spacesuit and I don't think that there are any communities in the state who are prepared to buy those kinds of suits to protect their public employees, especially firefighters.

A lot of talk has gone on about the use of Scott Air Packs -- yes, different department's have different rules as to when they go on and when they get taken off. I would submit that if a firefighter saw a kid hanging out a window, the Scott Air Pack is the last thing that is going to go on. He is going to go for the kid.

You also have to remember that the Scott Air Pack contains exactly 20 minutes of air to assist that firefighter. I would contend that if it is a heavy, smoky, flaming fire that he is not going to look at his watch and leave because he has 30 seconds left in his Scott Air Pack, he will do his job first. That is what we expect of him.

We have read many surveys, and I probably more than anyone else in this body, because these are my interests. I believe, I truly believe, that this particular segment of public employees are at a higher risk than anyone else.

I, too, am unhappy because the volunteer and the call firefighters are not under this but I distinctly remember Representative Landers being one of those who did not want them under this bill. I, as I did on Workers' Comp, took a step backwards. We can stay here and debate until doomsday as to what incident, what particular fire, what particular condition

contributed to the fact that 10 years later a man is very ill and on his way to death. That is not our decision to make.

What the bill is asking you to do is to provide a mechanism to break down a barrier so they may have an opportunity to file a claim.

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 Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: The real issue here is whether you want to create presumption of the hazard in fighting fires and that is exactly what you are going to do if you pass this legislation because you are carving out an exception in the Workers' Comp law. You are saying, "these particular workers are presumed to be more at risk than any other workers under the law." Therefore, you are creating a presumption that the cancer is work related and I cannot accept that position.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid that I must take exception to that because the original bill, which incidentally is not before this body, did create a presumption. Through months of debate, the presumption was removed; there is no presumption. The only earthly thing in the world we are doing is, over a period of time, increasing the statute of limitations. I have no idea, I really have no concrete idea, whether there are more cancers in firemen but that is beside the point. The point is that they can file for presumption of cancer on the job if they feel, personally, that they have contacted cancer on the job. But they are prohibited from pursuing the thing any further because of the statute of limitations when cancer, indeed, does not appear for years after you may have contacted it. That is the only earthly thing we are doing. The presumption has been removed.

The arguments about Scott Air Packs and all other apparatus has been removed, only one cancer claim has ever been filed to this point. That one has been turned down because of the statute of limitations. I ask, is that fair? If they allow this thing to go forward, it would be processed as any other industrial disease would be processed under the law. If you pound your finger, you know that you did it now; if you contact cancer today, you may not know it for 20 years. To me, that is not fair.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: There have been two Representatives who mentioned that some firemen smoke and could someone please explain how this will be taken into consideration -- when a fireman who has been on the job for a number of years and smokes one, two or three packs a day?

The SPEAKER: The Representative from Portland,

Representative Manning, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: Once the person, the firefighter, files a claim, he feels that he contacted cancer on the job, he still has to prove his case. If he is, indeed, a heavy smoker, if he has another job where he is subjected to carcinogens, that is taken into consideration in the case for the very simple reason that, here in this body last year, we passed a revision of the Workers' Comp Act and we said that each case had to be decided on its merits.

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 came out, I was strongly opposed to it because of the presumption and encompassing but since the amendment I can support it and I will support it.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Members of the House: I do feel the need to rise again on this issue. What Representative Willey has told you is absolutely correct but I still do not feel that we were given enough facts in our committee to warrant this bill. I would still urge you to vote no on this bill.

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

88 having voted in the affirmative and 49 in the negative with 14 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once and assigned for second reading later in today's session.

(See Roll Call No. 253)

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

An Act to Perfect the Maine Business Opportunity Sales Act (H.P. 1514) (L.D. 2136)

TABLED - March 11, 1986 by Representative HAYDEN of Brunswick.

PENDING - Passage to be Enacted.

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

PAPERS FROM THE SENATE

LATER TODAY ASSIGNED

Bill "An Act to Establish the Maine Vocational-Technical Institute System" (Emergency) (S.P. 860) (L.D. 2174)

Came from the Senate, referred to the Committee on Education and Ordered Printed.

On motion of Representative Gwadosky of

Fairfield, tabled pending reference and later today assigned.

Bill "An Act to Continue Use of Computer Match Programs to Determine Eligibility of Public Assistance Recipients" (Emergency) (S.P. 861) (L.D. 2175)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Authorize the Treasurer of State to Temporarily Invest Excess Money Including Unspent Bond Proceeds in Tax-exempt Obligations" (Emergency) (S.P. 862) (L.D. 2176)

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

Was referred to the Committee on State Government in concurrence.

Bill "An Act to Exempt from Taxation Sales to Persons of Tangible Personal Property to be Used for the Exclusive Purpose of Providing Residential Care and Treatment Facilities for Persons Suffering from Alzheimers Disease or Related Disorders" (Emergency) (S.P. 863) (L.D. 2177)

Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

Was referred to the Committee on Taxation in concurrence.

Non-Concurrent Matter

Bill "An Act to Amend the Medical Examiner Act and Related Provisions" (H.P. 859) (L.D. 1218) (S. "A" S-383 to C. "A" H-530) which was Passed to be Enacted in the House on March 10, 1986.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-530) as amended by Senate Amendment "B" (S-405) thereto in non-concurrence.

The House voted to recede and concur.

(Off Record Remarks)

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

On motion of Representative Swazey of Bucksport,
Recessed until four o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Promote Intensive Spruce-fir Management" (H.P. 1468) (L.D. 2070) which was tabled earlier in the day and later today assigned pending the motion of Representative Connolly of Portland that the House reconsider its action whereby the House adhered to its previous action whereby the Bill was passed to be engrossed.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative Connolly of Portland that the House reconsider its action whereby the House adhered to its previous action whereby the Bill was passed to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter: Bill "An Act to Clarify and Make Corrections in the Election Laws" (H.P. 1284) (L.D. 1801) which was tabled earlier in the day and later today pending the motion of Representative Reeves of Pittston that the House recede and concur.

Representative Reeves of Pittston moved the House recede.

Senate Amendment "A" (S-397) to Committee Amendment "A" (H-537) was read by the Clerk.

On motion of Representative Reeves of Pittston, Senate Amendment "A" (S-397) to Committee Amendment "A" (H-537) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-569) to Committee Amendment "A" (H-537) and moved its adoption.

House Amendment "A" (H-569) to Committee Amendment "A" (H-537) was read by the Clerk.

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

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: As we discussed when we were talking about Senate Amendment "A", this bill puts back into the law a provision which was inadvertently removed when the committee abolished double reporting requirements for referendum campaigns. It puts back in the requirement for individuals, who spend over \$50 to promote or defeat a campaign, but who did not give this money to the campaign itself, but spent it independently. It requires that these individuals still have to file reports. It does this by expanding the definition of political action committees.

The amendment is on your desk. I think that the Statement of Fact makes it clear that the intent is not to change current policy but to keep the provisions of the current law.

Subsequently, House Amendment "A" (H-569) to Committee Amendment "A" (H-537) was adopted.

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

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

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

PAPERS FROM THE SENATE

Ought to Pass in New Draft

Report of the Committee on Fisheries and Wildlife on Bill "AN Act to Revise the Statutes Pertaining to Use and Sale of Live Fish as Bait" (S.P. 682) (L.D. 1767) reporting "Ought to Pass" in New Draft (S.P. 858) (L.D. 2169)

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

Report was read and accepted, the New Draft given its first reading and assigned for second reading Thursday, March 13, 1986.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Fisheries and Wildlife

Bill "An Act to Adjust the Nonresident Commercial Fishing License Fee" (H.P. 1542) (Presented by Representative MANNING of Portland) (Cosponsors: Senator CHALMERS of Knox, Representatives VOSE of Eastport, and RUHLIN of Brewer) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Amend the Rule-making Procedures of Certain Agencies" (H.P. 1543) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Representatives HICHBORN of LaGrange, LACROIX of Oakland, and Senator ANDREWS of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Require Emergency Vehicles to

Stop and Proceed with Caution when Overtaking and Passing School Buses" (H.P. 1544) (Presented by Representative MURPHY of Berwick) (Cosponsors: Representatives WENTWORTH of Wells, RACINE of Biddeford, and Senator TUTTLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative BEAULIEU from the Committee on Labor on Bill "An Act to Exempt Prisoners and Adult Offenders who are Performing Court-ordered Public Restitution from the Provisions of the Workers' Compensation Act" (H.P. 1433) (L.D. 2024) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

FIRST DAY

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

(S.P. 763) (L.D. 1927) Bill "An Act to Allow the Freeport Sewer District to Acquire the Freeport Branch of the Maine Water Company" (Emergency) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-404)

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, March 13, 1986 under the listing of Second Day.

PASSED TO BE ENGROSSED

Bill "An Act to Exempt Property Managers and Site Managers from the Licensing as Real Estate Brokers or Salesmen" (S.P. 857) (L.D. 2160)

Bill "An Act to Exempt Certain Firefighters from the 3-year Statute of Limitations in the Occupational Disease Law" (H.P. 1533) (L.D. 2161)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed in concurrence and the House Paper was Passed to be Engrossed and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Applicability of the Maine Tort Claims Act and to Limit the Personal Liability of Governmental Entity Employees (H.P. 1522) (L.D. 2142)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1986 (H.P. 1525) (L.D. 2154)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1986 (H.P. 1526) (L.D. 2155)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Reduce the Burden of Property Taxes on Persons who are Elderly (H.P. 1212) (L.D. 1719) (C. "A" H-557)

An Act to Fund the Holocaust Human Rights Center for Maine (H.P. 1364) (L.D. 1928) (C. "A" H-556)

An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education, Care and Treatment of State Agency Clients (H.P. 1425) (L.D. 2014) (C. "A" H-555)

An Act to Permit the Supreme Judicial Court to Authorize Employees of the Bureau of Taxation and of

the Bureau of Employment Security to Participate in Court Proceedings (H.P. 1521) (L.D. 2141)

An Act Requiring Fiscal Impact Statements Describing the Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State (H.P. 1523) (L.D. 2143)

An Act to Provide Funding for Mental Health Programs (H.P. 1524) (L.D. 2144)

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.

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby Bill "An Act to Adjust the Nonresident Commercial Fishing License Fee" (H.P. 1542) was referred to the Committee on Fisheries and Wildlife.

On motion of the same Representative, was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

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

PAPER FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Increase the Maine Child Care Credit Under the State Income Tax" (H.P. 1310) (L.D. 1826) which was passed to be engrossed as amended by Committee Amendment "A" (H-562) in the House on March 11, 1986.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-562) as amended by Senate Amendment "A" (S-406) thereto in non-concurrence.

The House voted to recede and concur.

(Off Record Remarks)

On motion of Representative Duffy of Bangor,
Adjourned until Thursday, March 13, 1986, at nine o'clock in the morning.
