

The House was called to order by the Speaker.
Prayer by Reverend Gary R. Vencill, School Street
Methodist Church, Gorham.
The Journal of Wednesday, April 2, 1986 was read
and approved.
Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be
advised that the Senate today confirmed, upon the
recommendation of the Joint Standing Committee on
Marine Resources, the Governor's nomination of David
Turner of Eastport for reappointment to the Marine
Resources Advisory Council.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be
advised that the Senate today confirmed, upon the
recommendation of the Joint Standing Committee on
Marine Resources, the Governor's nomination of Brian
P. Tarbox of Cumberland Center for appointment to the
Marine Resources Advisory Council.

Brian P. Tarbox is replacing Endicott Davidson.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be
advised that the Senate today confirmed, upon the
recommendation of the Joint Standing Committee on
Marine Resources, the Governor's nomination of Myron
A. Sprague, Jr. of Swan's Island for appointment to
the Marine Resources Advisory Council.

Myron A. Sprague, Jr. is replacing William Knight.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Joint Resolution: (S.P. 931)

JOINT RESOLUTION MEMORIALIZING CONGRESS
TO REVIEW THE
NEW ENGLAND POWER POOL AGREEMENT

WE, your Memorialists, the Senate and House of
Representatives of the State of Maine in the Second
Regular Session of the One Hundred and Twelfth
Legislature, now assembled, most respectfully present
and petition the Congress of the United States, as
follows:

WHEREAS, the New England Power Pool Agreement
includes provisions governing the joint planning,
operation and dispatch of generating facilities, the
setting of capacity requirements and the setting of
charges and credits for energy transactions among
member utilities; and

WHEREAS, the members of NEPOOL consist of various
New England utilities, including Central Maine Power
Company and Bangor Hydro-electric Company, which are
minority participants; and

WHEREAS, NEPOOL has considerable control over the
physical day-to-day operation of Central Maine Power
Company's and Bangor Hydro-electric Company's
generating units and the economics associated
therewith; and

WHEREAS, NEPOOL recently voted without

justification to increase the reserve capacity requirements of its members over the objections of Central Maine Power Company and Bangor Hydro-electric Company; and

WHEREAS, Central Maine Power Company and Bangor Hydro-electric Company have commenced internal studies of whether remaining in NEPOOL is in their interest and in the interest of their customers; and

WHEREAS, the Public Utilities Commission has already commenced an informal process to review the utilities' studies of NEPOOL and may commence its own formal investigation; and

WHEREAS, the utilities, customers and the general public of the State of Maine should be entitled to the benefit of a complete study of this matter and consideration of what actions if any should be taken; now, therefore, be it

RESOLVED: That the Public Utilities Commission and the utilities shall continue their investigation of whether the Maine utilities' participation in NEPOOL is in the public interest; and be it further

RESOLVED: That the Maine utilities provide all necessary information and cooperation to the commission in its investigation; and be it further

RESOLVED: That the commission report to the Legislature at the beginning of the next regular session of the results of its investigation; and be it further

RESOLVED: That the commission take any other actions necessary within their statutory authority to protect the public interest with respect to Maine utilities participation in NEPOOL; and be it further

RESOLVED: That a duly authenticated copy of this Joint Resolution be transmitted immediately by the Secretary of State to the Chairman of the Public Utilities Commission.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Implement an Inflation Factor in the School Construction Law" (S.P. 929) (L.D. 2322)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Provide Funding through Fees and Trim Expenses of the Court Mediation Service" (S.P. 928) (L.D. 2321)

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

Was referred to the Committee on Judiciary in

concurrence.

Bill "An Act to Establish a Universal Telephone Service Program" (S.P. 930) (L.D. 2317)

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

Was referred to the Committee on Utilities in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Providing for Financial Assistance to Owners of Underground Oil Storage Tanks" (S.P. 869) (L.D. 2185)

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

Ought to Pass in New Draft/New Title

Report of the Committee on Audit and Program Review on Bill "An Act to Provide a Single Audit for Community Action Agencies" (S.P. 774) (L.D. 1946) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Ensure the Implementation of a Single Audit" (S.P. 924) (L.D. 2304).

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.

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Require Emergency Vehicles to Stop and Proceed with Caution when Overtaking and Passing School Buses" (H.P. 1544) (L.D. 2181) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1644) (L.D. 2318)

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

Ought to Pass in New Draft

Representative MACOMBER from the Committee on Transportation on Bill "An Act Relating to Driver Education for the Handicapped and Already Licensed Individuals" (H.P. 1562) (L.D. 2200) reporting "Ought

to Pass" in New Draft (H.P. 1645) (L.D. 2319)

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

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act to Require Motorcycle Driver Education for First-time Operators of Motorcycles" (H.P. 1330) (L.D. 1865) reporting "Ought to Pass" in New Draft (H.P. 1643) (L.D. 2316)

Signed:

Senators: DOW of Kennebec
ERWIN of Oxford

Representatives: MILLS of Bethel
CALLAHAN of Mechanic Falls
SOUCY of Kittery
THERIAULT of Fort Kent
POULIOT of Lewiston
CAHILL of Woolwich
MACOMBER of South Portland
McPHERSON of Eliot

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

Signed:

Senator: SHUTE of Waldo

Representatives: MOHOLLAND of Princeton
STROUT of Corinth

Reports were read.

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

Representative THERIAULT: Mr. Speaker, Members of the House: I move that the House accept the Majority "Ought to Pass" Report.

This bill would require first-time motorcycle licensee applicants between the age of sixteen and twenty-one to undergo an eight hour block of instructions on the proper operation of motorcycles. Four hours of this eight hours would be in a classroom environment. The other four hours would be hands on, on a driving range.

This program would be administered through a present, existing Driver Ed program at our local high schools and, in addition to that, private driver training schools could also administer the program. If a particular area of this state is not served by such programs, the department would use some of their own people to administer this program at that particular location if there were at least six individuals interested in taking the course.

The cost to administer this program would be raised by charging each motorcycle licensee an additional \$2 registration fee for their motorcycles, which would raise an amount of about \$96,000 per year. It is estimated that it would cost in the vicinity of about \$89,000 per year to administer the

program.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I am going to explain to you why I oppose this L.D. and I think that possibly before we act on this today, somebody might want to table this bill as it just came out this morning, and you might want to take a look and talk with some of your people before we put this on its way.

I am going to explain to you the real reason that I oppose this L.D. I don't have any problem with the education program. The problem I have with this is that we are going to require every motorcycle operator licensed in the State of Maine to pay an additional two dollars. At the present time, to register an automobile is \$20 and that automobile can be used twelve months out of the year. Motorcycles, for the most part, can only be used six months out of the year and we are going to charge a \$17 fee. That is the problem that I have with this.

If this program could be operated on its own, and those people who want to take the education program, pay for the program, that I don't have any problem with, but I do have a problem charging an additional two dollars for every motorcycle operator.

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

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: During the six years I have been in the legislature, there has been one recurring fact surrounding the motorcycle issue and that is that the motorcycle accidents that we hear so much about are largely responsible to inexperience. This is a majority of the Transportation Committee's attempt to help provide experience for first-time motorcycle operators.

This legislation has been followed very closely by the motorcycle industry and the motorcycle organizations across the State of Maine. They are supportive of it. They are also supportive of the two dollar increase in registration fees in order to fund this legislation.

I would ask you to support the legislation. It has a 10 to 3 "Ought to Pass" Report out of committee and the motorcycle industry does support it.

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

Representative MOHOLLAND: Mr. Speaker, Men and Women of the House: I am in the same boat as my good friend across the aisle, Representative Strout. I don't think you should charge people that buy a machine, run it six months, and charge everybody that owns one, two dollars more for registration.

I hope somebody will table this. I noticed in the bill that this goes into effect in 1987. I think that is pretty short notice to set up this education for motorbikers at all these rural places in the state. I don't see how one or two people, or four or five people, can take care of it.

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

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: This is one motorcycle operator who does not mind paying that two dollar increase.

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

Representative JALBERT: Mr. Speaker, Men and

Women of the House: May I pose a question through the Chair?

If this is to be as Representative Theriault from Fort Kent said, it would be administered under the driver education program in the schools, if there should be an increased demand on the school districts, -- has there been any provisions made to reimburse the school districts for any additional staff that they may have to hire if the demand increases?

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

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

Representative THERIAULT: Mr. Speaker, Men and Women of the House: There is nothing in this bill to stop the local school departments to charge for that particular service.

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

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: This program is entirely voluntary for the schools. It will be offered through the school driver education program if the school wishes to do it. It will also be available through the private schools.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Theriault of Fort Kent that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

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

CONSENT CALENDAR

SECOND DAY

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

(S.P. 888) (L.D. 2237) Bill "An Act to Establish the New England and Eastern Canada Legislative Commission" (Emergency)

(S.P. 834) (L.D. 2116) Bill "An Act to Adopt the Maine Fair Debt Collection Practices Act" (C. "A" S-451)

(H.P. 1636) (L.D. 2309) Bill "An Act to Require the Workers' Compensation Commission to Study the Causes of Delay and its Effects on the Participants in the Workers' Compensation System" (Emergency)

(H.P. 1507) (L.D. 2121) Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations"

(H.P. 1591) (L.D. 2244) Bill "An Act to Establish the Cost of the 1986 Spruce Budworm Suppression Project and to Provide Operating Funds for the Spruce Budworm Management Program" (Emergency)

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 and the House Papers were Passed to be Engrossed and sent up for concurrence.

SECOND READER

LATER TODAY ASSIGNED

Bill "An Act Relating to Use of Sulfite as a Food Preservative" (Emergency) (S.P. 908) (L.D. 2275) (S. "A" S-449)

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

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

PASSED TO BE ENGROSSED

Bill "An Act Concerning Self-funded Pools among Public Agencies for Tort and Property Liability" (S.P. 902) (L.D. 2263) (S. "A" S-447)

Bill "An Act to Prohibit a Doe Permit System until June 1, 1987" (H.P. 1470) (L.D. 2073) (C. "A" H-630)

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

ORDERS OF THE DAY

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

RESOLVE, Authorizing the Commissioner of Finance and Administration to Convey, by Sale, the Title and Interest of the State in Land Located in Windham, County of Cumberland (S.P. 923) (L.D. 2300)

TABLED - April 2, 1986 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

On motion of Representative Nadeau of Saco, retabled passage to be engrossed and later today assigned.

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

An Act Relating to Boards and Commissions (H.P. 1614) (L.D. 2269) (S. "A" S-446; S. "B" S-448)

TABLED - April 2, 1986 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

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

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

Bill "An Act Providing for the Lease of Unused Space or Facilities Owned by the State" (S.P. 917) (L.D. 2291) (H. "A" H-636)

TABLED - April 2, 1986 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

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

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

Bill "An Act Relating to the Passamaquoddy Indian Reservation" (H.P. 1210) (L.D. 1717)

TABLED - April 2, 1986 by Representative VOSE of Eastport.

PENDING - Passage to be Engrossed.

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

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

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)

TABLED - April 2, 1986 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

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

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

Bill "An Act Providing for the 1986 Amendments to the Finance Authority of Maine Act" (H.P. 1489) (L.D. 2105) (C. "A" H-613)

TABLED - April 2, 1986 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-613) was adopted.

The same Representative offered House Amendment

"A" (H-638) to Committee Amendment "A" and moved its adoption.

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

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This House Amendment clarifies the amendment in that it adds a fiscal note to make sure that the \$300,000 that will be lost to the General Fund is restored to the General Fund. These are revenues that we had anticipated in balancing our budget. It transferred the balance of the loan Guaranty Fund over to the Guaranteed Insurance Reserve Fund, which will be administered completely through FAME. Finally, it repeals the Guaranty Reserve Fund, which is no longer needed.

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

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

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

Representative Carter of Winslow moved that the House reconsider its action whereby Bill "An Act to Provide Funding through Fees and Trim Expenses of the Court Mediation Service" (S.P. 928) (L.D. 2321) was referred to the Committee on Judiciary in concurrence.

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

(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 Joseph of Waterville, Recessed until four-thirty in the afternoon.

After Recess

The House was called to order by the Speaker.

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

PAPERS FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Require Legislative Review and Approval of Sales and Use Tax Exemptions Every 5

Years" (S.P. 748) (L.D. 1912) on which the Majority "Ought Not to Pass" Report of the Committee on Taxation was read and accepted in the House on April 2, 1986.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought to Pass" as amended Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-441) in non-concurrence.

Representative Cashman of Old Town moved that the House Adhere.

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

Representative MAYO: I move that the House recede and concur and I would request a Division.

Mr. Speaker, Men and Women of the House: There comes a time when you stand on your principles and I understand that this bill doesn't have a lot of support in this House but I beg your indulgence and ask you to give me a few minutes to make my case.

The State of Maine imposes or raises roughly \$300 million in sales tax and we exempt roughly \$175 million of sales tax. These exemptions are varied, wide and different. You can refer to your budget on Page 189 and it gives you a complete list of all the tax expenditure items that this state provides -- sales tax exemptions for medical research, for educational TV and radio stations, which are all very worthwhile projects. I submit to this House the easiest way to review these exemptions is to sunset them every five years and to require positive action to reinstate those exemptions.

The other body, in its wisdom, has passed this bill twice and I ask this body to consider this particular piece of legislation because I feel it is appropriate. That is why I stand today, that is why I offer this.

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

23 having voting in the affirmative and 85 in the negative, the motion did not prevail.

Subsequently, the House voted to adhere.

Non-Concurrent Matter

RESOLVE, to Establish a Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine (Emergency) (H.P. 1624) (L.D. 2289) which was passed to be engrossed as amended by House Amendment "A" (H-622) in the House on April 1, 1986.

Came from the Senate passed to be engrossed in non-concurrence.

The House voted to recede and concur.

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:

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Provide Funds for School Construction Costs to Meet the Requirements of the Education Reform Law" (H.P. 1650) (Presented by Representative SMALL of Bath) (Cosponsors: Representatives FOSS of Yarmouth, LAWRENCE of Parsonsfield, BROWN of Gorham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act Relating to the Administration of Preventable Disease Programs and the Bureau of Health" (H.P. 1651) (Presented by Representative NELSON of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Bill "An Act to Establish a Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs" (H.P. 1652) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator GILL of Cumberland, Speaker MARTIN of Eagle Lake and Representative NELSON of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Under suspension of the rules, without reference to any committee, the bill was read once and assigned for second reading Friday, April -, 1986.

State Government

Bill "An Act to Create the Agricultural Suppliers Insurance Program" (Emergency) (H.P. 1653) (Presented by Representative AYER of Caribou) (Cosponsors: Senator VIOLETTE of Aroostook, Representatives LORD of Waterboro and GWADOSKY of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

ORDERS

On motion of Representative NELSON, the following Joint Resolution: (H.P. 1654) (Cosponsors: Representative GWADOSKY of Fairfield and Senator

ANDREWS of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO INTRODUCE AND SUPPORT CERTAIN SANCTION INITIATIVES AGAINST SOUTH AFRICA

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Twelfth Legislature, now assembled in the Second Regular Session, most respectfully present and petitions the Members of the United States Congress, as follows:

WHEREAS, South Africa's apartheid is unjust and immoral and an affront to humanity; and

WHEREAS, the State of Maine is outraged and affronted by the atrocities in South Africa; and

WHEREAS, much can be accomplished by the United States Senate and House of Representatives; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby respectfully urge our United States Senate and House of Representatives to introduce and support sanction initiatives against South Africa, including those which may be introduced in the new Congress to limit the landing rights of South African Airways in the United States and to limit the freedom from double taxation which permits United States corporations to operate in South Africa; and be it further

RESOLVED: That a copy of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the United States Congress and to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative HOGLUND from the Committee on Energy and Natural Resources on Bill "An Act to Clarify the Membership of the Maine Land Use Regulation Commission" (Emergency) (H.P. 1256) (L.D. 1766) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative ALLEN from the Committee on Judiciary on Bill "An Act Concerning Expungement of Certain Criminal Records" (H.P. 1498) (L.D. 2111) reporting "Leave to Withdraw"

Representative ALLEN from the Committee on Judiciary on Bill "An Act Concerning Medical Malpractice Insurance" (H.P. 1476) (L.D. 2078) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Judiciary on Bill "An Act to Better Protect Adults and Abused Children Residing in Adult and Child Care Facilities" (H.P. 1527) (L.D. 2156) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Judiciary on Bill "An Act to Amend the Criminal Code to Redefine Victim" (H.P. 1459) (L.D. 2056) reporting "Leave to Withdraw"

Representative ALLEN from the Committee on Judiciary on Bill "An Act Concerning Medical Malpractice Insurance" (H.P. 1496) (L.D. 2109) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds for Graduate Study for the Protection, Preservation and Perpetuation of the Bee Industry in Maine" (H.P. 1568) (L.D. 2218) reporting "Leave to Withdraw"

Representative HOLLOWAY from the Committee on Energy and Natural Resources on Bill "An Act Concerning the Protection of the Natural Resources on the Lower Penobscot River" (H.P. 1395) (L.D. 1967) reporting "Leave to Withdraw"

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

PASSED TO BE ENGROSSED

Bill "An Act to Ensure the Implementation of a Single Audit" (S.P. 924) (L.D. 2304)

Bill "An Act to Require Emergency Vehicles to Stop and Proceed with Caution when Overtaking and Passing School Buses" (Emergency) (H.P. 1644) (L.D. 2318)

Bill "An Act Relating to Driver Education for the Handicapped and Already Licensed Individuals" (H.P. 1645) (L.D. 2319)

Bill "An Act to Require Motorcycle Driver Education for First-time Operators of Motorcycles" (H.P. 1643) (L.D. 2316)

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 Papers were Passed to be Engrossed and sent up for concurrence.

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

PASSED TO BE ENACTED

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation (S.P. 720) (L.D. 1843) (H. "A" H-620 to C. "A" S-436)

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. 119 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Authority of Municipalities to Raise and Appropriate Money for Financial Assistance to Water and Sewer Districts (S.P. 854) (L.D. 2166) (C. "A" S-445)

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. 116 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.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Cancellation and Nonrenewal of Property and Casualty Insurance Contracts (H.P. 1457) (L.D. 2054) (C. "A" H-612)

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

PASSED TO BE ENGROSSED

As Amended

An Act to Remove Maximum Annual Limits on the Captured Assessed Values within Tax Increment Financing Districts (H.P. 1622) (L.D. 2285) (Emergency)

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

On motion of Representative Cashman of Old Town,

under suspension of the rules, the House reconsidered its action whereby L.D. 2285 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-637) and moved its adoption.

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

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

FINALLY PASSED

Emergency Measure

RESOLVE, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution (S.P. 813) (L.D. 2045) (C. "A" S-443)

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 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 Lincoln County for the Year 1986 (H.P. 1534) (L.D. 2162) (H. "A" H-626)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, Authorizing a Continuation of the Study of the Utilization of Vacant Buildings at Pineland (H.P. 1539) (L.D. 2170)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Maine Implementing Act with

Respect to the Houlton Band of Maliseet Indians (H.P. 1418) (L.D. 2007) (C. "A" H-607)

An Act to Clarify the Law to Provide for Notice to the Mother When an Individual Acknowledges Paternity of a Child Born out of Wedlock (H.P. 1430) (L.D. 2021) (C. "A" H-611)

An Act to Amend the Maine Osteopathic Student Loan Program (H.P. 1497) (L.D. 2110) (C. "A" H-619)

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

As Amended

An Act to Improve Lobster Research and Management (H.P. 1597) (L.D. 2248) (H. "A" H-606; H. "B" H-616)

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

On motion of Representative Crowley of Stockton Springs, under suspension of the rules, the House reconsidered its action whereby L.D. 2248 was passed to be engrossed.

The same Representative offered House Amendment "C" (H-641) and moved its adoption.

House Amendment "C" was read.

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

Representative CROWLEY: Mr. Speaker, Men and Women of the House: Inadvertently, Paragraph 1 of Section 6, was kind of misplaced. This amendment simply places Paragraph 1 where it belongs as the lead paragraph in Section 6.

Subsequently, House Amendment "C" was adopted.

The bill was passed to be engrossed as amended by House Amendment "A", "B", and "C" thereto in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Allow the State Liquor Commission to Establish One Additional Discount Liquor Store (H.P. 1619) (L.D. 2281) (H. "A" H-621)

An Act to Amend the Law Relating to Group Health Insurance (H.P. 1615) (L.D. 2273)

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

As Amended

An Act Concerning Atlantic Salmon (H.P. 1621) (L.D. 2284)

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

On motion of Representative Crowley of Stockton Springs, the House reconsidered its action whereby the L.D. 2284 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-642) and moved its adoption.

House Amendment "A" was read by the Clerk.

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

Representative CROWLEY: Mr. Speaker, Men and Women of the House: The purpose of this amendment is to ensure that the aquaculturists do not have to register individual salmon with the Atlantic Salmon Commission. Aquaculturists are already required to report similar information under the Maine Revised Statutes.

Subsequently, House Amendment "A" was adopted.

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

PASSED TO BE ENACTED

An Act to Authorize Piscataquis County to Raise Up to \$2,400,000 for Renovation and Expansion of Jail Facilities (H.P. 1629) (L.D. 2302)

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 Clarify the Role of Cooperatives under the Maine Milk Pool (S.P. 707) (L.D. 1832) (S. "A" S-439)

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

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

Representative MCCOLLISTER: Mr. Speaker, Men and Women of the House: Before we take a final vote on this bill, I think that it is necessary for someone to speak on it. This is a bill that was taken from our committee without us voting on it. This bill, as we are about to pass it, is a compromise between two of the largest milk cooperatives in the State of Maine, who, to satisfy their own greed, are taking and dividing up the rights of every other milk farmer in the state. I think it is wrong that no one speaks out when one group of farmers takes the rights of another group away from them.

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

By unanimous consent, ordered sent forthwith to the Senate.

ENACTOR

TABLED AND ASSIGNED

An Act to Amend the Drug Enforcement Law (S.P. 797) (L.D. 2004) (C. "A" S-440)

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

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

PASSED TO BE ENACTED

An Act to Increase the School Bus Purchase Limit (S.P. 817) (L.D. 2062)

An Act Concerning Access to Vital Records in Cases of Adoption (S.P. 909) (L.D. 2276)

An Act to Make Additional Allocations from the Alcohol Premium Fund (S.P. 910) (L.D. 2277)

An Act to Amend Certain Motor Vehicle Laws (S.P. 912) (L.D. 2279) (H. "A" H-633)

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

An Act to Amend the Classification System for Maine Waters and Change the Classifications of Certain Waters (S.P. 915) (L.D. 2283)

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

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I would just like to ask someone if they could explain what this bill does.

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

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

Representative Michaud: Mr. Speaker, Men and Women of the House: Basically, what this bill does is, during the first session of the 112th, and we also had a bill in the 111th Legislature submitted by the department on classifications of Maine waters -- this was the bill held over from the Energy and Natural Resources to work on. This is one of the few bills that was put out that is unanimous. It was a very controversial issue and that is probably one of the reasons why the Energy and Natural Resources Committee had the bill for four years.

In the Committee Report, because of the complication, we did adopt a report which could be

used for interpreting provisions of this new law. We are endorsing new concepts such as biological monitoring in this bill but it is simply putting it into statutes what the Department of Environmental Protection is already doing currently.

We also added a provision dealing with anti-degradation. This language was the most difficult for the committee to work out because, if it was not done properly, it probably could be interpreted wrong. We did have an EPA representative at one of the working group subcommittees who did explain that the existing uses could be used as designated uses. It is not the intention of the anti-degradation provision to prohibit activities which interfere with existing uses as long as the goals of the Clean Water Act are maintained.

There was some concern that specific existing uses such as fishing for rainbow trout, swimming, or white-water rafting was going to interfere with or eliminate that anti-degradation provision and could be read to prohibit any uses such as these.

The statutes and the comments in the Committee Report, taken together, makes it clear that impacts are allowed and are to be considered on a case by case basis and that the anti-degradation language is intended to protect broad goals. The committee did not view this as making any substantial changes in the current law but it does modernize the whole structure of the water reclassification.

I reread the bill and I could not find any errors. We are not upgrading or degrading any rivers in the State of Maine with the exception of the Kennebec which, under the new classification, would either have to be upgraded or degraded.

This was a Unanimous Report from the Energy and Natural Resources Committee.

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

PASSED TO BE ENACTED

An Act to Provide a Periodic Cost-of-living Adjustment in the State Reimbursement to Boarding Care Facilities (S.P. 918) (L.D. 2292)

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.

FINALLY PASSED

RESOLVE, Authorizing the Exchange and Sale of Certain Public Reserved Lands (H.P. 1516) (L.D. 2145) (C. "A" H-615)

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

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

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

Judiciary

Bill "An Act to Provide Funding through Fees and Trim Expenses of the Court Mediation Service" (H.P. 1655) (Presented by Representative KANE of South Portland)(Cosponsor: Senator CARPENTER of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Committee on Appropriations and Financial Affairs was suggested)

On motion of Representative Carter of Winslow, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Provide Funding through Fees and Trim Expenses of the Court Mediation Service" (S.P. 928) (L.D. 2321) which was tabled earlier in the day and later today assigned pending reference.

Subsequently, was indefinitely postponed and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act Relating to Use of Sulfite as a Food Preservative" (Emergency) (S.P. 908) (L.D. 2275) (S. "A" S-449) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Michael of Auburn offered House Amendment "A" (H-640) and moved its adoption.

House Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Men and Women of the House: I will try and explain this amendment. We have been trying to work this bill out so that it works for everyone. This was a Divided Report and everyone on both sides now agrees this will work.

Essentially, it requires that outfits such as a store or a restaurant who adds sulfites to food will need to label that food. It doesn't go any further than that. For those who asked about alcoholic beverages, beer and wine, they would no longer be a problem under this amendment.

Subsequently, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter: RESOLVE, Authorizing the Commissioner of Finance and Administration to Convey, by Sale, the Title and Interest of the State in Land Located in Windham, County of Cumberland (S.P. 923) (L.D. 2300)

which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter: "An Act Relating to Boards and Commissions" (H.P. 1614) (L.D. 2269) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter: Bill "An Act Providing for the Lease of Unused Space or Facilities Owned by the State" (S.P. 917) (L.D. 2291) (H. "A" H-636) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter: Bill "An Act Relating to the Passamaquoddy Indian Reservation" (H.P. 1210) (L.D. 1717) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Subsequently, the bill was passed to be engrossed and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Authorize the Treasurer of State to Temporarily Invest Excess Money Including Unspent Bond Proceeds in Tax-exempt Obligations" (S.P. 862) (L.D. 2176) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Gwadosky of Fairfield offered House Amendment "A" (H-639) and moved its adoption.

House Amendment "A" was read by the Clerk.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: The purpose of this amendment is to limit the investment of state funds and tax-exempt obligations to tax-exempt commercial paper and tax-exempt bonds maturing in less than two years.

Subsequently, House Amendment "A" (H-639) was adopted.

The bill was passed to be engrossed as amended by House Amendment "A" in nonconcurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Hickey of Augusta,
Adjourned until April 4, 1986 at twelve-thirty in
the afternoon.
