

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Twelfth
Legislature

OF THE
STATE OF MAINE

VOLUME II

SECOND REGULAR SESSION
April 3 - April 16, 1986
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The House was called to order by the Speaker.
Prayer by Reverend Roland Arno, Second Baptist Church, Sidney.
The Journal of Thursday, April 10, 1986 was read and approved.
Quorum call was held.

PAPERS FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Provide Funds for the Teacher of the Year Program" (H.P. 1517) (L.D. 2146) which was passed to be engrossed as amended by Committee Amendment "A" (H-646) and House Amendment "A" (H-676) in the House on April 10, 1986.

Came from the Senate with that Body having adhered to its previous action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-646) in non-concurrence.

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

Representative HANDY: Mr, Speaker, I move that we adhere.

On motion of Representative Higgins of Scarborough, the House voted to recede and concur.

CONSENT CALENDAR

FIRST DAY

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

(S.P. 913) (L.D. 2280) Bill "An Act to Authorize Additional Facilities for Long-term Care" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 836) (L.D. 2125) Bill "An Act to Clarify and Effectuate Legislative Intent Regarding the Separation of Insurance and Banking" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (S-470)

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

CONSENT CALENDAR

SECOND DAY

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

(H.P. 1342) (L.D. 1879) Bill "An Act Relating to Day Treatment Services for Emotionally Disturbed Children" (Emergency) (C. "A" H-679)

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

PASSED TO BE ENGROSSED

Bill "An Act Relating to the Social Worker Registration Law" (H.P. 1683) (L.D. 2370)

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

SECOND READER

LATER TODAY ASSIGNED

Bill "An Act to Protect the Public Health in Relation to Acquired Immune Deficiency Syndrome" (Emergency) (S.P. 943) (L.D. 2367)

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

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

SECOND READER

LATER TODAY ASSIGNED

Bill "An Act Making Supplemental Appropriations from the General Fund to Implement the Recommendations of the Visiting Committee to the University of Maine and for Other Purposes for the Fiscal Year Ending June 30, 1987" (Emergency) (H.P. 1641) (L.D. 2315)

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 to Amend the Laws Relating to and Administered by the Department of Environmental Protection" (H.P. 1681) (L.D. 2368)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Establish the Maine Vocational-Technical Institute System" (Emergency) (S.P. 860) (L.D. 2174) (C. "A" S-465)

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

On motion of Representative Ayer of Caribou, the House reconsidered its action whereby Committee Amendment "A" (S-465) was adopted.

The same Representative offered House Amendment "A" (H-680) to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-680) to Committee Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Ayer.

Representative AYER: Mr. Speaker, Ladies and Gentlemen of the House: My amendment simply provides that in the selection of the appointment of the trustees of the VTI systems of which seven are appointed by the Governor from the field of business and industry, labor, education and the general public, that at least one member be from the geographical area of each institute within the Maine Vocational Technical Institute System. In essence, all I am asking is that we have representation on the board from each area where there is a VTI.

This does not in any way diminish the ability of the Governor to appoint the people who properly should be appointed to this type of trustee's board. It does not restrict the category of people that he will utilize -- it simply asks that of these seven people -- we have six VTI's -- that he appoint at least one of the seven from each of the geographical areas of the VTI's.

This will provide for broader representation throughout the State of Maine on this very important board. It additionally will provide for a trustee from each of the geographical areas some further input on that board from the individual VTI's. While students come from all over the state to go to all of the VTI's, there is, at least in Aroostook County's case, 85 percent of the people that go to NMVTI are people from the immediate area.

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

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

It is my understanding that this amendment before actually being proposed was run by the members of the Joint Select Committee. It was our intent, our understanding, our decision that this would be an inappropriate amendment at this time because it would probably cause parochialism on the board as we go through our deliberations, no one from any segment -- Board of Education or the current VTI board or anyone else for that matter -- thought it was a major deal to have specific representation on the board. As you probably already know, there are six Vocational Technical Institutes throughout the State of Maine. There is one in the Auburn area, one in the Machias area, one in the Fairfield area, one in the great county of Aroostook, one in Cumberland County and one in Washington County. All of these VTI's are represented on the board. The directors, who are essentially the top deans, the administrators of the individual campuses, are already on the board. We

feel there is ample representation, if representation is what is intended by the gentleman from Caribou.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I just heard this amendment for the first time this morning and in thinking about it, I concur 100 percent, I think it is a good amendment, it does assure representation for those of us in the rural areas with not a heck of a lot of political clout actually. Even though at this time, as the last gentleman said, we may be represented on the board, this is simply an assurance that representation will continue. I think it is a good amendment and it certainly doesn't do any harm. It assures representation for those of us that have schools in our area and particularly, as I pointed out, in the rural areas that we come from. I hope that you will support this amendment this morning.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I hope you will support the motion of the Representative from Saco, Representative Nadeau, to postpone this amendment.

This amendment is to the bill which creates the Maine Vocational Technical Institute System. In other words, it creates the separate autonomy for the VTI's which we have all worked so hard for over the last two or three years. This bill is actually a result of the legislation we passed last year which set the gears into operation. As you might remember, last year we passed a bill which created a separate Board of Trustees for the VTI's and we charged them with putting together the implementing legislation which you now have before you in this bill form.

It was a mixture on that board of members -- the State Board of Education, members of private industry, members of the state departments, members of organized labor and they have spent the last six months going over it with a fine tooth comb, the implementing legislation which finally provides us the autonomy for the VTI's and pulls them out of the Department of Education. It gives them the flexibility they need and really breathes some fresh new life into the VTI's and how we treat them and how we will support them. The Board of Trustees had studied this particular issue on the makeup of the existing Board of Trustees extensively.

This year, when the bill came to the legislature, we created a Joint Select Committee on vocational education which was a committee made up of members of the Education Committee and members of the State Government Committee. We also discussed this particular issue on how we could best set up a Board of Trustees and what the makeup should be. I will say, during our discussions, we never had any concern of the various VTI's that we should have geographical representation from each VTI on this Board of Trustees. I think it is kind of an artificial restraint on the Governor to say that you have to pick this person from this area or this person from this area because the governor is free to choose right now from any particular area.

Representative Ayer has talked to us over the last couple of days about his concern that representatives from northern Maine not being on the board. There is currently a member from northern Maine on the board and will be throughout the next

year.

Representative Nadeau had indicated there is an administrative council which advises the VTI's. On that administrative council is a director of each VTI in the state. We are not saying this is necessarily a terrible idea but I think it is something that is really not needed. I think the system is working well and I think to say that one geographical area isn't going to be represented is kind of a slap in the face to the members of the Board of Trustees that are currently on the board. As I said, the VTI's throughout the six months in which the Board of Trustees has worked on this legislation, have been in attendance, the various directors. They also were in attendance at all our hearings and work sessions. This was never a concern brought forth to us that they needed to have this. They felt it was more important to pick the highest quality, the people who were really interested in the VTI's as a whole. We don't want it to get parochial. If there's been a problem in the past, it's because individuals have tried to do their best for their own VTI. I think what we want to do is create a system for the entire state.

I certainly would hope that you would support Representative Nadeau and indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Ayer.

Representative AYER: Mr. Speaker, Men and Women of the House: The last thing that I want to do with this amendment is slap anybody in the face, either here or on any of the boards that currently exist.

The other thing that I don't want to do in any way is diminish or restrict this legislation from going through. I don't think there is anybody in this room that is any greater supporter of the VTI system than I am. I am a member of the advisory committee of the NMVTI group and I have worked with the VTI programs up there. I think that this is one of the finest pieces of educational efforts that the state has been able to put together.

I do have a concern and I do not share the view of the Representative from Saco that representation is no big deal and I would like to give you just two out of very, very many boards in this state to make my point. At the same time, I am trying to make my point, let me remind you board memberships change as time goes on, and while some boards are adequately represented as the VTI board currently is from Aroostook County, it doesn't necessarily mean that will be the case five years down the road, ten years down the road etc. We must help our elected officials take care of the geographical representation within our state as it is necessary.

Two boards -- first the Pesticide Control Board which as several of you in this room know is quite dear to my heart. Probably eighty percent of the pesticides utilized in the State of Maine are utilized in Aroostook County. We are primarily an agriculture area and we also have a great deal of wood land up there. We do not have a single person representing our area on this board, which to a very large extent creates the situations which we must live by, and can, in fact, actually put us out of business in some cases. We do not have any representation on that board.

Let me just read to you another board which occasionally gets mentioned in this body, the Board of Environmental Protection. Let me just go over

very, very quickly with you the ten members and where they come from. William Blodgett, Waldoboro, Maine; Mr. Carr, Millinocket; Mr. Hapswell, Winslow, Maine; Ms. Jepson, Kennebunk. Without naming names -- Pittsfield, Milo, Cape Elizabeth, Portland, Falmouth, Biddeford. The last time I looked at a geography book, five of the ten members of the BEP are located in Portland or south, and yet the BEP, I think you will all agree, works their wisdom and lays their hand in every geographical corner of our state. Yet, Washington County and Aroostook County, pretty large areas where there is much impact from this type of board, are not represented on this board. So I think there is a need for geographical representation. I don't think that we are tying the Governor's hands in any way, shape or manner. If we cannot meet the criteria that are set out in the bill on the VTI's, that seven from the field of business, industry, labor, education and general public, if the Governor with help from us, cannot find one of these people that fits this criteria from each one of the VTI's -- remember they are strewn across the state -- then I think we have some far more serious problems than any of us are willing to admit.

I urge you to defeat the motion for indefinite postponement and go with me on this very important piece of legislation.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will try not to be redundant here to save time. Since we debated this bill here last year and passed it on, even to the point of overriding the Governor's veto, since then it has had sixteen drafts written on it, but finally we got a piece of legislation, very difficult to write, but I think it is in excellent condition. I hope that it doesn't unravel here in the House.

I just want to expand a little bit on parochialism -- as we worked on this bill down through the last three years, parochialism means limited in range, narrowness, pettiness, narrowness of opinion, narrowness of view. For example, in this situation, there are six VTI's and they are located in six counties. There are ten other counties that don't have VTI's but pay for this to send their children and adults to these same VTI's and they too have a vested interest in the VTI's. You take the five counties along the coast that don't have VTI's, we are concerned, -- take the five counties on the Canadian border down to York County, they too are concerned. I think that if we go with this parochialism route, we won't be getting the best people for the job and the VTI's certainly represents all sixteen counties.

The SPEAKER: The Chair recognizes the Representative from Lagrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Men and Women of the House: I have visited every VTI in the State of Maine. I have talked with the directors of those VTI's and I have not heard any concern expressed by any of them that they felt slighted because of the representation on this board of directors. I can sympathize wholeheartedly with the gentleman from Aroostook regarding his concerns about appointments to committees, committees of studies, to special boards and I think he is right. If there were a bill before this House which would address the concerns for all the committees, I would support it

wholeheartedly. I think it is rather unfortunate that this bill that we have before us has a committee attached which would apply only to the VTI situation -- it seems there is no problem with the VTI. I sympathize with the gentleman from Aroostook and I would support his ideas but I think this is the wrong place to address that concern. I hope that you will support Mr. Nadeau's motion.

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

Representative HANDY: Mr. Speaker, Men and Women of the House: I, too, share the concerns of those people who would like to see some kind of geographical representation on various boards and commissioners in state government and I hope that the current chief executive and those that follow will hear the intent of this legislature that we hope to see a wider representation of individuals from throughout this state on the various boards and commissions.

I would like to point out to this body that if you look on Page 11 of the L.D. under Section 12706, Subsection 19, there is a provision there for advisory committees and these advisory committees are (I'll read from the L.D.) "to advise the Board of Trustees with respect to the vocational and technical and training policies and programs to procedures for modifying the programs of the institutes" and so forth.

I think this provides an excellent vehicle for that kind of geographical representation from the various campuses of the VTI's directly to the Board of Trustees. I think we can rest assured that if the Board of Trustees somehow are ignoring a very crucial issue at any one particular campus or region that that will be rectified very quickly.

I would hope that you would support the motion of the good Representative from Saco and the sentiments of the Chair of the Joint Select Committee, Representative Gwadosky, and indefinitely postpone this amendment.

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

A vote of the House was taken.

72 having voted in the affirmative and 45 in the negative, the motion to indefinitely postpone House Amendment "A" to Committee Amendment "A" did prevail.

Subsequently, Committee Amendment "A" was adopted, the bill passed to be engrossed as amended by Committee Amendment "A" thereto in concurrence.

ORDERS OF THE DAY

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

The Chair laid before the House the first matter of unfinished business:

RESOLVE, Creating a Maine Commission to Commemorate the Bicentennial of the United States

Constitution (Emergency) (S.P. 813) (L.D. 2045) (S. "A" S-459; C. "A" S-443)

TABLED - April 10, 1986 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Final passage.

On motion of Representative Gwadosky of Fairfield, retabled final passage and later today assigned.

The Chair laid before the House the second matter of unfinished business:

An Act to Establish a Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (H.P. 1652) (L.D. 2330)

TABLED - April 10, 1986 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted 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) (H. "A" H-657; S. "A" S-446; S. "B" S-448)

TABLED - April 10, 1986 by Representative GWADOSKY of Fairfield.

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 third tabled and today assigned matter:

SENATE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (S-464) - Minority (3) "Ought Not to Pass" - Committee on Utilities on Bill "An Act to Establish a Universal Telephone Service Program" (S.P. 930) (L.D. 2317)

TABLED - April 10, 1986 by Representative VOSE of Eastport.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Vose of Eastport, retabled pending motion of same Representative to accept the Majority "Ought to Pass" report and later today assigned.

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

PAPERS FROM THE SENATE

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Legislative Veto over Agency Rules (H.P. 1579) (L.D. 2228) on which the Majority "Ought to Pass" as amended Report of the Committee on State Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-664) in the House on April 10, 1986.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on State Government read and accepted in non-concurrence.

On motion of Representative Gwadosky of Fairfield, the House voted to insist and ask for a Committee of Conference.

ORDERS OF THE DAY

BILL HELD

LATER TODAY ASSIGNED

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

Representative DIAMOND: Mr. Speaker, is the House in possession of Bill "An Act to Recodify the Laws of the Maine State Retirement System" (S.P. 886) (L.D. 2231).?

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

Representative Diamond of Bangor moved the House reconsider its action whereby the House voted to recede and concur.

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

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

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: RESOLVE, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution (Emergency) (S.P. 813) (L.D. 2045) (S. "A" S-459; C. "A" S-443) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House

reconsidered its action whereby (L.D. 2045) was passed to be engrossed.

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

The same Representative offered House Amendment "A" (H-684) to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-684) to Committee Amendment "A" was read by the Clerk and adopted.

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

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

The Chair laid before the House the following matter: SENATE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (S-464) - Minority (3) "Ought Not to Pass" - Committee on Utilities on Bill "An Act to Establish a Universal Telephone Service Program" (S.P. 930) (L.D. 2317) which was tabled earlier in the day and later today assigned pending the motion of Representative Vose to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Vose of Eastport, retabled pending his motion to accept the Majority "Ought to Pass" as amended Report and later today assigned.

The Chair laid before the House the following matter: Bill "An Act to Recodify the Laws of the Maine State Retirement System" (S.P. 886) (L.D. 2231) which was tabled earlier in the day and later today assigned pending the motion of Representative Diamond of Bangor that the House reconsider its action whereby it voted to recede and concur.

Subsequently, the House voted to reconsider its action whereby the House voted to recede and concur.

On motion of Representative Diamond of Bangor, the House voted to recede.

On further motion of the same Representative, Senate Amendment "A" to House Amendment "A" was indefinitely postponed.

On further motion of the same Representative, House Amendment "A" was indefinitely postponed.

On further motion of the same Representative, Senate Amendment "A" was indefinitely postponed.

Representative Hickey of Augusta offered House Amendment "B" (H-690) and moved its adoption.

House Amendment "B" (H-690) was read by the Clerk.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: The two previous amendments had a confliction there and House Amendment "B" clarifies it.

Subsequently, House Amendment "B" was adopted, the bill passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Authorize the Commissioner of Transportation to Issue Experimental Vehicle Permits on a Limited Basis under Strictly Controlled Conditions (S.P. 927) (L.D. 2314) (H. "A" H-672)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 1 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 Provide for a Job Development Training Funding Capability within the Resources of the State Contingent Account (S.P. 932) (L.D. 2333) (H. "B" H-681)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Improve Child Welfare Services in Maine (H.P. 1588) (L.D. 2233) (C. "A" H-653)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 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 Washington County for the Year 1986 and Authorizing the County to Raise up to \$700,000 for Jail Renovations (H.P. 1682) (L.D. 2369)

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 1 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 Workers' Compensation Act to Require Prepayment for Medical Aids and to Make Corrections Relating to Foreign Employees (H.P. 1618) (L.D. 2274) (S. "A" S-466; H. "A" H-625)

An Act to Extend the Deadline and Increase the Appropriation for the Special Select Commission on the Administration and Financing of General Assistance (H.P. 1635) (L.D. 2308)

An Act to Permit Transmission of Electricity Between Affiliated Industrial Enterprises and to Study Power Purchases and Other Aspects of Transmission of Electrical Energy through the State (H.P. 1656) (L.D. 2327) (H. "A" H-668)

An Act Extending the Boundaries of the Gray Water District to Include the Entire Town (H.P. 1664) (L.D. 2342)

An Act to Amend the Law Giving Protection to Shareholders in Maine Corporations (H.P. 1669) (L.D. 2353)

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.

FINALLY PASSED

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) (H. "A" H-643; H. "B" H-669)

RESOLVE, Authorizing the Sale of Certain Public Reserved Lands in Winterville Plantation (H.P. 1626) (L.D. 2294)

Were 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:

CONSENT CALENDAR

SECOND DAY

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

(S.P. 913) (L.D. 2280) Bill "An Act to Authorize Additional Facilities for Long-term Care"

(S.P. 836) (L.D. 2125) Bill "An Act to Clarify and Effectuate Legislative Intent Regarding the Separation of Insurance and Banking" (C. "A" S-470)

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.

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON AGRICULTURE

April 11, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Agriculture during the Second Regular Session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	16
Unanimous reports	14
Leave to Withdraw	3
Ought to Pass	0
Ought Not to Pass	1
Ought to Pass as Amended	6
Ought to Pass in New Draft	4
Divided reports	1
Original bill reported to floor Pursuant to Joint Rule 13	1

Respectfully submitted,

S/Edgar E. Erwin S/John M. Michael
Senate Chair House Chair

Was read and ordered placed on file.

CONSENT CALENDAR

FIRST DAY

In accordance with House Rule 49, the following

items appeared on the Consent Calendar for the First Day:

(H.P. 1616) (L.D. 2287) Bill "An Act Relating to the Labeling of Milk" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-682)

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

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

PAPERS FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Define Terms in the Manufactured Housing Zoning Law" (S.P. 738) (L.D. 1891) on which the Bill and Accompanying Papers were indefinitely postponed in the House on April 10, 1986.

Came from the Senate with that Body having Insisted on its former action whereby the Majority "Ought to Pass" Report of the Committee on Local and County Government was Read and Accepted and the Bill Passed to be Engrossed in non-concurrence.

On motion of Representative McHenry of Madawaska, the House voted to adhere.

CONSENT CALENDAR

FIRST DAY

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

(S.P. 822) (L.D. 2082) Bill "An Act to Continue the Mental Retardation Trainer Apprenticeship Program at Pineland Center" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-473)

(S.P. 757) (L.D. 1921) Bill "An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-472)

(H.P. 1628) (L.D. 2301) Bill "An Act to Provide a Liquor License for Auditoriums" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-686)

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

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

COMMUNICATIONS

The following Communication:

State of Maine
One Hundred and Twelfth Legislature
Committee on Aging, Retirement and Veterans

April 9, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature

Dear Speaker Martin:

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

Total number of bills received	12
Unanimous reports	12
Leave to Withdraw	3
Ought to Pass	1
Ought Not to Pass	0
Ought to Pass as Amended	1
Ought to Pass in New Draft	7
Divided reports	0

Respectfully submitted,

S/Mary Najarian
Senate Chair

S/Daniel B. Hickey
House Chair

Was read and ordered placed on file.

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

CONSENT CALENDAR

FIRST DAY

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

(H.P. 1617) (L.D. 2288) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$14,500,000 for Sewer Treatment Facilities and Storage of Road Salt and Sand" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-687)

(H.P. 1590) (L.D. 2243) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Energy Improvements in State Facilities" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-688)

(H.P. 1352) (L.D. 1896) Bill "An Act to Increase the Aid to Families with Dependent Children Standard of Need" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-689)

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

(Off Record Remarks)

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

(At Ease)

The House was called to order by the Speaker.

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

PAPERS FROM THE SENATE

The Senate of Maine
Augusta

The following Communication:

April 11, 1986

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today adhered to it's former action whereby it accepted the Majority Ought Not to Pass Report on the Bill "An Act to Establish Policies Governing Medical Malpractice Claims" (S.P. 940) (L.D. 2354).

Sincerely,

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

Was read and ordered placed on file.

Non-Concurrent Matter

RESOLVE, to Establish a Maine Commission to Examine Chemical Testing of Employees (Emergency) (S.P. 934) (L.D. 2343) which was finally passed in the House on April 10, 1986.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-475) in non-concurrence.

The House voted to recede and concur.

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

CONSENT CALENDAR

SECOND DAY

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

(H.P. 1616) (L.D. 2287) Bill "An Act Relating to the Labeling of Milk" (C. "A" H-682)

(S.P. 822) (L.D. 2082) Bill "An Act to Continue the Mental Retardation Trainer Apprenticeship Program at Pineland Center" (C. "A" S-473)

(S.P. 757) (L.D. 1921) Bill "An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation" (C. "A" S-472)

(H.P. 1628) (L.D. 2301) Bill "An Act to Provide a Liquor License for Auditoriums" (C. "A" H-686)

(H.P. 1617) (L.D. 2288) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$14,500,000 for Sewer Treatment Facilities and Storage of Road Salt and Sand" (C. "A" H-687)

(H.P. 1590) (L.D. 2243) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Energy Improvements in State Facilities" (C. "A" H-688)

(H.P. 1352) (L.D. 1896) Bill "An Act to Increase the Aid to Families with Dependent Children Standard of Need" (C. "A" H-689)

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 or Passed to be Engrossed as Amended and sent up for concurrence.

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

PAPERS FROM THE SENATE

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and

Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for Construction of an Activity Building at the Augusta Mental Health Institute" (S.P. 891) (L.D. 2241)

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

Ought to Pass in New Draft

Report of the Committee on Human Resources on Bill "An Act to Amend the Maine Health Care Finance Commission Laws with Respect to the Certificate of Need Development Account, Recognition of Certain Operating Costs, Repeal of Provisions Governing Reorganizations and Affiliated Interests, Streamlining of Procedure and for Other Purposes" (S.P. 781) (L.D. 1965) reporting "Ought to Pass" in New Draft (S.P. 946) (L.D. 2372)

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.

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Ought to Pass in New Draft/New Title

Report of the Committee on Energy and Natural Resources on Bill "An Act Concerning Nuclear Waste Activity and Requiring Disapproval of a High-level Radioactive Waste Site" (S.P. 898) (L.D. 2260) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Radioactive Waste Activity and Disapproving High-level Radioactive Waste Sites in the State" (S.P. 945) (L.D. 2371).

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-477).

Report was read and accepted and the New Draft read once.

Senate Amendment "A" (S-477) was read by the Clerk and adopted and the New Draft assigned for second reading later in today's session.

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

On motion of Representative Murphy of Kennebunk, Recessed until two o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 12 were taken up out of order by unanimous consent:

ORDERS

On motion of Representative VOSE of Eastport, the following Joint Resolution: (H.P. 1685) (Cosponsors: Representatives LACROIX of Oakland, REEVES of Pittston, and Senator CLARK of Cumberland)

JOINT RESOLUTION REQUESTING
THE PUBLIC UTILITIES COMMISSION
TO REDUCE CERTAIN
FUEL ADJUSTMENT RATES

WHEREAS, in 1985 the Public Utilities Commission approved fuel adjustment rates for Maine Public Service Company, Central Maine Power Company and Bangor Hydro-electric Company to take effect respectively April 1, 1985, September 1, 1985; and November 1, 1985; and

WHEREAS, each of the adjustments were based on an assumed price for residual oil of over \$20 per barrel and the Central Maine Power Company adjustment assumed a cost of \$24 per barrel through August 1, 1986, for low-sulphur residual oil; and

WHEREAS, since 1985, residual oil prices have declined substantially and dropped below \$17 a barrel by the end of February 1986 and further decreases have occurred since then; and

WHEREAS, as of the end of February 1986, Central Maine Power Company had collected \$13,000,000 more than anticipated from ratepayers, and the overcollections of fuel costs continue to grow at a substantial rate. Each of the utilities has overcollected from its customers due to falling oil prices; and

WHEREAS, the people of Maine should have an immediate reduction in the fuel cost rate to reflect declining oil prices and the growing overcollections; now, therefore be it

RESOLVED: That We, the Members of the 112th Legislature on behalf of the people of the State of Maine, request that the Public Utilities Commission order the prompt reduction in the fuel adjustment rates of the Central Maine Power Company, Bangor Hydro-electric and Maine Public Service and that this reduction be reflected in customer rates by May 1, 1986; and be it further;

RESOLVED: That copies of this Joint Resolution, be immediately submitted to the Maine Public Utilities Commission.

Was read and adopted and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Concerning Radioactive Waste Activity and Disapproving High-level Radioactive Waste Sites in the State" (S.P. 945) (L.D. 2371) (S. "A" S-477)

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

The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication: (H.P. 1686)

MAINE INDIAN
TRIBAL-STATE COMMISSION

April 11, 1986

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives

The Honorable Charles P. Pray
President of the Senate
Maine Senate

Dear Mr. Speaker and Mr. President:

In accordance with Title 30 MRSA §6205(5) and Joint Rule 36-A of the Maine Legislature, the Maine Indian Tribal-State Commission met on April 11, 1986 for the purpose of making a recommendation on the request of the Passamaquoddy Tribe to amend 30 M.R.S.A. §6205(1) (B) by adding to those areas presently designated as eligible for inclusion as Passamaquoddy Indian Territory the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9 N.W.P., T.3 R.3 N.B.K.P. (Alder Brook), T.3 R.4 N.B.K.P. (Hammond Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P. (Soldiertown), and T.4 R.4 N.B.K.P. (Prentiss). With a quorum present a motion was made and approved by the required number of votes stating that the Maine Indian Tribal-State Commission recommends to the Maine Legislature that the Dyer Interests proposed for acquisition by the Passamaquoddy Tribe as stated above be added to those areas presently designated in 30 MRSA §6205(1) (B) as eligible for inclusion as Passamaquoddy Indian Territory.

Please consider this letter as formal notice of the Commission's action.

Sincerely,

S/John G. Melrose

Executive Director

Was read and ordered placed on file and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Maine Health Care Finance Commission Laws with Respect to the Certificate of Need Development Account, Recognition of Certain Operating Costs, Repeal of Provisions Governing Reorganizations and Affiliated Interests, Streamlining of Procedure and for Other Purposes" (S.P. 946) (L.D. 2372)

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

The Chair laid before the House the following matter: Bill "An Act to Establish a Universal Telephone Service Program" (S.P. 930) (L.D. 2317) which was tabled earlier in the day and later today assigned pending the motion of Representative Vose of Eastport to accept the Majority "Ought to Pass" as amended Report.

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

Representative VOSE: Mr. Speaker, Men and Women of the House: This is a straightforward bill where the title has now been changed to a more appropriate title that reads "A Low Income Telephone Assistance." What this does is it establishes a credit for certain low income users in order to help them to continue to have basic telephone service. In effect, it is a partial universal telephone service you might say.

The Federal Communication Commission now imposes a one dollar per month access charge to residential customers. In June of 1986, that charge is going to be doubled. What they have agreed upon is, if the state will match that \$2 charge in June, they then would not charge that \$2, and in effect, be given a \$4 credit to those eligible people in the low income bracket and allow them to continue to use their phone even though the prices may go up. That, in essence, is what it is and I hope you will support the Majority "Ought to Pass" Report.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: Representative Vose's description of the bill, I think, is quite accurate. There is one thing that he didn't mention -- the price tag on this thing to the taxpayers of Maine is \$1.5 million each year. It does subsidize telephones to those who are on various subsidized programs now such as AFDC and several others.

It seems to me with the problem that we are in with Gramm-Rudman and all the other various federal programs that have been cut to some degree, which will be cut to an even greater degree this Fall, that we will have a very difficult time to keep up with the programs that will be cut to fund those. This seems to me to be a very odd time to put on another welfare program which we can't afford. We can't

afford it by any stretch of the imagination I don't believe without increasing taxes to some degree. There simply isn't that sort of money laying around. In spite of the fact that it's going to help some people, somewhere along the line we have to make decisions of what programs we are going to fund and which ones we are not going to fund. We have gotten along without this one for all these years and I think we can get along without it awhile longer until we heal up from picking up the tab on some of the programs that we are going to have to pick up.

For that reason, I move that this bill and all its accompanying papers be indefinitely postponed and I ask for a roll call.

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

Representative REEVES: Mr. Speaker, Men and Women of the House: I also am going to vote to indefinitely postpone this bill. It does require \$1.5 million from our General Fund as a subsidy to the telephone company. We have never had any subsidy for telephone bills for poor people in Maine before, and before we vote to put in a subsidy, I agree with Mr. Willey that we need to see how telephone rates are going to go, not encourage the phone company to raise rates by beginning to give money from the General Fund to subsidize phone bills for people in Maine. I urge you to vote to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Men and Women of the House: I, too, agree that we ought to indefinitely postpone this bill. One of the reasons why is we have already had very dramatic changes to the telephone billing system in eight communities in the state, my own Portland area included in that, because of Local Measured Service. As you may be aware, what generally would be a flat rate on the monthly telephone bill for local service would be about \$13 a month. In communities where Local Measured Service exists, the lowest monthly service charges are about \$6.50 a month, which really means a significant reduction in the amount of money the people would need to pay in order to have telephone service. I think we should find out whether or not, first of all, people like Local Measured Service and second of all, whether or not they are taking advantage of this new \$6.50 rate the way that the telephone company has told us that they are going to. I suggest that we wait until after the November referendum before we begin to tackle spending large amounts of money for universal service.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I hope that you will not support the motion to indefinitely postpone which we have before us. In the previous session of the legislature, this body passed this universal telephone service bill. I realize that if we do that by passing it, we must fund it in some fashion. We have two choices of funding it, either from the General Fund which is to place appropriations against the broad base funding of the general tax, or placing it into the rate base. I, for one, have been opposed to placing it in the rate base, and although we may not fund this bill in its entirety during this session, some portion of it as has been done in the

past has been selected in order to achieve the goal of universal telephone service for the people of this state.

I hope that you will not support the motion before us to indefinitely postpone and that we accept the bill in its present form as amended.

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

Representative WILLEY: Mr. Speaker, Men and Women of the House: I guess I should mention that I don't agree with the ratepayers paying for this sort of thing either. Neither do I agree with it being taken out of the General Fund at this time. There simply isn't the money there. It is very definitely, as Representative Reeves mentioned, a telephone bill. They don't care where the revenue comes from as long as they get it. I think that's obvious and it should be. I do hope that you will vote for the motion to indefinitely postpone.

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

Representative VOSE: Mr. Speaker, Men and Women of the House: I guess it's a matter of philosophy whether or not we, as Representatives, or we, as the people of the State of Maine, want to assist people who perhaps cannot afford a telephone which they sorely need. The method of funding, I agree 100 percent, should be in the appropriations or in the General Fund. This bill, like any other bill, will have to go down and be put on the table. I don't know whether there's money there to fund it. I have not checked that out.

If there is I would like to hope that it will be funded but it will have to take its chances like any other bill.

But as I pointed out, it's a matter of your philosophy -- if you support and agree with universal telephone service, that is making a telephone available to people who sometimes cannot afford to pay the whole bundle, then you will agree with this bill. If you feel that they just have to pay their own way like everybody else, then you will defeat the bill. I think that's a matter of philosophy.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I would like to reiterate the fact that we have never needed a subsidy for telephone services in the past because we have had a low universal rate that most people could afford. This is a subsidy for the telephone company but it is more than that -- there are certain low income people who will qualify for this subsidy, they need to be receiving Aid to Families with Dependant Children, Supplemental Security Income, Medicaid, Food Stamps, or Home Energy Assistance. As a person who has worked for many years in the social service field, I know that the families and the individuals who qualify for these programs very often qualify for a period of time, then they don't qualify, then they qualify again.

I think this program would be a nightmare to administer and I think that the administrative costs would be more than what anyone has thought about. I believe we need to take a look at, first of all, the effects of the current Local Measured Service, whether people like this service and the outcome of the referendum. Depending upon those results, we would also need to look at the total cost of instituting any type of program to subsidize families

because I really do believe there will be administrative costs that we have not thought about and that we would need to think about those families who may be just above this limit -- are these the appropriate categories or is there some other way of doing this? I think this is a very hasty bill and I ask you to vote for indefinite postponement.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: A few years ago, this legislature decided that universal service was a good idea but we didn't fund it. I would like to reemphasize that the eligible households will only be receiving \$2 each month. The administrative costs are \$60,000 according to the fiscal note on this bill. I believe and I would urge you to ask yourself this question -- are we, in fact, going to fund an issue, a decision that we made approximately three or four years ago in this body? To me, it is a question of putting our money where our mouth is. I would urge you to vote in favor of this bill and against the motion to indefinitely postpone.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: We stood here in this House this morning and we talked about robbing Peter to pay Paul and everybody else for taxes. I think it is no more than fair that we pass this bill and help the old and the elderly. A dollar or two has never hurt anybody.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Weymouth.

Representative WEYMOUTH: Mr. Speaker, Men and Women of the House: May I address a question through the Chair?

I would like to ask the previous lady from Waterville which tax she wants us to increase. There is no money I understand down on the Appropriations table that equals \$1.5 million. Which tax should we increase to give this \$1.5 million to this welfare bill?

The SPEAKER: The Representative from West Gardiner, Representative Weymouth, has posed a question through the Chair to the Representative from Waterville, Representative Joseph, who may respond if she so desires.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: There is a new source of income that I think will become available if, in fact, the interstate calls through AT&T are going to be taxed. I would assume that there is some money that will be coming out of that that is possible that would fund this. I don't know whether they would use it or not. Perhaps one of the signers of the "Ought Not to Pass" Report would be more qualified to answer that question since she also is on the Taxation Committee.

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

Representative BAKER: Mr. Speaker, Men and Women of the House: I signed the "Ought to Pass" Report and I will admit I did so with reservations because from a philosophical, ideological point of view, I can make an argument that this bill essentially

(See Roll Call No. 292)

subsidizes the phone company; yet I decided to put my view point aside because frankly, if I had my way and if I had the votes, there would not have been a breakup of AT&T. Quite frankly, I don't care if this is shocking to most of you, I would favor bringing the phone company under public ownership. That is a very distinct minority point of view. The fact of the matter is that the FCC has allowed an access charge. This access charge may not stop at two dollars a month, it could grow. Now consider this -- what happens if the State of Maine or other states show that they are not interested in seeing that that universal phone service is maintained. Perhaps the attitude might be that this is not a problem, that the states do not recognize it as a problem, then we can raise the access charge to six dollars, ten dollars, or twelve dollars a month. If we pass this, the federal government will waive that two dollar access charge, so in effect, we will be gaining four dollars a month on phone bills for people who fall into the categories outlined in the bill. Keep in mind that, number one, this is only going to be partial help. People are still going to have to come up with the majority of money for their bill.

Second, I think that there is an issue that we can take of -- I believe it may be coming to us very soon that will answer the concerns that people have about this bill being essentially a license for the phone company to steal, I think we can address that.

I think we should pass the bill, it's a needed program and I would just remind you of the consequences if we don't do anything. We are just simply going to send a signal to the FCC that it's not important, go ahead, raise the access charge.

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

Representative ZIRNKILTON: Mr. Speaker, Men and Women of the House: With regard to the point made by the Representative from Eastport, Representative Vose, with regard to the proposed interstate telephone tax by the Governor, if my memory doesn't fail me, that is part of his package for the supplemental budget and for the University budget. I don't believe that leaves anything left over, and besides, it's my understanding that if that tax is passed, it will be an additional 5 percent sales tax on top of the already existing 7 percent gross receipts tax for a total of 12 percent which some say would be the second highest telephone tax in the country.

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 Hampden, Representative Willey, that L.D. 2317 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

95 having voted in the affirmative and 42 in the negative with 14 being absent, the motion did prevail.

Sent up for concurrence.

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act to Establish a Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (H.P. 1652) (L.D. 2330) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Diamond of Bangor, under suspension of the rules, the House reconsidered its action whereby L.D. 2330 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-692) and moved its adoption.

House Amendment "B" (H-692) was read by the Clerk.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: The amendment to this bill restricts the purpose of this commission which was created a few years ago in response to the Malcolm Robbins situation.

The original bill, as it came out and was presented for enactment a couple of days ago was entitled, "An Act to Establish a Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs" -- what we wanted to do is extend the length of the commission and not make it a permanent commission. The bill that came before it for enactment did just that. This legislation makes that correction, extends it for a year and also establishes a fiscal note of \$8,700. Again, that would be for one year only.

Subsequently, House Amendment "B" was adopted and the bill passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Provide Appropriate Penalties for Violations of Milk Commission Statutes and to Provide for Administrative Enforcement (H.P. 1585) (L.D. 2232) (C. "A" H-648) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative McCollister of Canton, under suspension of the rules, the House reconsidered its action whereby L.D. 2232 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-693) and moved its adoption.

House Amendment "A" (H-693) was read by the Clerk and adopted.

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

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

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Non-Concurrent Matter

Bill "An Act Concerning Local Telephone Service Rate Structure" (H.P. 1388) (L.D. 1957) on which the Minority "Ought Not to Pass" Report of the Committee on Utilities was read and accepted in the House on February 18, 1986.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Utilities read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-496) and Senate Amendment "A" (S-476) in non-concurrence.

On motion of Representative Vose of Eastport, the House voted to adhere.

Sent up for concurrence.

CONSENT CALENDAR

FIRST DAY

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

(H.P. 1592) (L.D. 2245) Bill "An Act Concerning Transitional Services for Handicapped Persons Beyond School Age" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-694)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Protect the Public Health in Relation to Acquired Immune Deficiency Syndrome" (Emergency) (S.P. 943) (L.D. 2367) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Nelson of Portland offered House Amendment "C" (H-695) and moved its adoption.

House Amendment "C" (H-695) was read by the Clerk and adopted.

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

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

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative KANE from the Committee on Judiciary on Bill "An Act Relating to the Transfer of Authority from the District Courts to the Secretary of State to Adjudicate the Commission of Traffic Infractions" (H.P. 1586) (L.D. 2235) reporting "Ought to Pass" in New Draft (H.P. 1689) (L.D. 2379)

Report was read and accepted and the New Draft read once.

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

Ought to Pass in New Draft/New Title

Representative Allen from the Committee on Judiciary on Bill "An Act to Permit Assessment of a Reimbursement Fee against Jail Prisoners to Help Defray the Costs of Incarceration" (H.P. 1381) (L.D. 1949) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Permit Assessment of a Reimbursement Fee against Prisoners in County Jails to Help Defray the Costs of Incarceration and to Permit the State and Counties to Recover Prisoners' Medical Costs" (H.P. 1687) (L.D. 2377)

Report was read and accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, the bill passed to be engrossed

and sent up for concurrence.

Ought to Pass in New Draft/New Title

Representative PRIEST from the Committee on Judiciary on Bill "An Act to Revise the Laws Pertaining to Bail in Criminal Cases" (H.P. 1182) (L.D. 1679) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Post-conviction Bail" (H.P. 1688) (L.D. 2378)

Report was read and accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, the bill was passed to be engrossed and sent up for concurrence.

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

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 17 were taken up out of order:

PAPERS FROM THE SENATE

Ought to Pass in New Draft/New Title

Report of the Committee on Taxation on 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) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Exempt from the Sales Tax Law Sales to Nonprofit Organizations Licensed as Boarding Care Facilities by the Department of Human Services Whose Exclusive Purpose is the Providing of Residential Care and Treatment Facilities for Persons Suffering from Alzheimers Disease or Related Disorders" (Emergency) (S.P. 947) (L.D. 2374).

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

Report was read and accepted and the New Draft read once.

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

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

Non-Concurrent Matter

Bill "An Act to Establish a Universal Telephone Service Program" (S.P. 930) (L.D. 2317) on which the Bill and Accompanying Papers were indefinitely postponed in the House on April 11, 1986.

Came from the Senate with that Body having Adhered to its former action whereby the Majority "Ought to Pass" as amended Report of the Committee on Utilities was Read and Accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-464) in non-concurrence.

Representative Vose of Eastport moved that the bill be tabled one legislative day.

Representative Willey of Hampden moved that the bill be tabled two legislative days.

Representative Diamond of Bangor requested a Division on the motion to table two legislative days.

The SPEAKER: The pending question before the House is the motion of Representative Willey of Hampden that L.D. 2317 be tabled two legislative days. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

62 having voted in the affirmative and 38 in the negative, the bill was tabled and specially assigned for Monday, April 14, 1986.

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

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative NELSON from the Committee on Taxation on Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1986-87" (Emergency) (H.P. 1549) (L.D. 2188) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1691) (L.D. 2382)

Report was read and accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, the bill passed to be engrossed and sent up for concurrence.

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

(At Ease)

Was read and ordered placed on file.

The House was called to order by the Speaker.

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

Ought to Pass in New Draft/New Title

Representative McCOLLISTER from the Committee on Taxation on Bill "An Act Concerning Additional Administrative Changes in Maine Tax Laws" (H.P. 1472) (L.D. 2075) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Providing for Administrative Changes in Maine Tax Laws" (H.P. 1690) (L.D. 2381)

Report was read and accepted and the New Draft read once.

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

The following item appearing on Supplement No. 18 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
One Hundred and Twelfth Legislature
Committee on Transportation

April 11, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Transportation during the Second Regular Session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	29
Unanimous reports	24
Leave to Withdraw	7
Ought to Pass	5
Ought Not to Pass	2
Ought to Pass as Amended	6
Ought to Pass in New Draft	4

Divided reports	5
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Respectfully submitted,

S/Charles G. Dow
Senate Chair

S/Raynold Theriault
House Chair

The following items appearing on Supplement No. 19 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative HANDY from the Committee on Education on Bill "An Act to Reorganize the Delivery of Vocational Education in Northern Aroostook County" (Emergency) (H.P. 1632) (L.D. 2303) reporting "Ought to Pass" in New Draft (H.P. 1692) (L.D. 2383)

Report was read and accepted and the New Draft read once.

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

Ought to Pass in New Draft

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act Relating to Air Emission Licenses in Nonattainment Areas" (Emergency) (H.P. 1634) (L.D. 2307) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1693) (L.D. 2384)

Report was read and accepted and the New Draft read once.

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

Ought to Pass in New Draft/New Title

Representative HANDY from the Committee on Education on Bill "An Act to Change the Name of the University of Maine to the State University of Maine and to Clarify the Public Policy on Higher Education" (H.P. 1665) (L.D. 2347) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Change the Name of the University of Maine" (H.P. 1694) (L.D. 2385)

Report was read and accepted and the New Draft read once.

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

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Non-Concurrent Matter

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) (L.D. 2330) which was passed to be engrossed as amended by House Amendment "B" (H-692) in the House on April 11, 1986.

Came from the Senate passed to be engrossed as amended by House Amendment "B" (H-692) and Senate Amendment "A" (S-474) in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 21 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-484) on Bill "An Act Relating to Commercial Vehicles" (S.P. 914) (L.D. 2282)

Signed:

Senators: ERWIN of Oxford
DOW of Kennebec

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

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

Signed:

Senator: SHUTE of Waldo

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-484)

Reports were read.

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

Committee Amendment "A" (S-484) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" in concurrence.

Non-Concurrent Matter

Bill "An Act to Amend the Laws Relating to and Administered by the Department of Environmental Protection" (H.P. 1681) (L.D. 2368) which was Passed to be Engrossed in the House on April 11, 1986.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendments "B" (S-480) and "C" (S-482) in non-concurrence.

On motion of Representative Michaud of Medway, the House voted to adhere.
Sent up for concurrence.

The following item appearing on Supplement No. 22 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-478) on Bill "An Act to Clarify the Authority of Harbor Masters" (Emergency) (S.P. 926) (L.D. 2313)

Signed:

Senators: TUTTLE of York
BALDACCI of Penobscot
STOVER of Sagadahoc

Representatives: SALSBUURY of Bar Harbor
MURPHY of Berwick
McHENRY of Madawaska
WENTWORTH of Wells
ROTONDI of Athens
HALE of Sanford

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

Signed:

Representatives: SMITH of Island Falls
NICKERSON of Turner
MASTERMAN of Milo
DAGGETT of Manchester

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-478)

Reports were read.

The House voted to accept the Majority "Ought to Pass" Report and the bill read once.

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

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" in concurrence.

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

sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Brodeur of Auburn,
Adjourned until April 12, 1986, at eight-thirty
in the morning.
