

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
27th Legislative Day
Monday, March 9, 1987

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

Prayer by Rabbi Sol Goodman, Temple Shalom Synagogue, Auburn.

National Anthem by the Edward Little High School Band, Auburn.

The Journal of Wednesday, March 4, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333
March 4, 1987

The Honorable John L. Martin
Speaker of the House
113th 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 Business Legislation, the Governor's nomination of Sharon A. Millett of Poland Spring for appointment to the Maine Real Estate Commission.

Sharon A. Millett is replacing Edward Winston.

Sincerely,
s/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333
March 4, 1987

The Honorable John L. Martin
Speaker of the House
113th 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 Business Legislation, the Governor's nomination of Walter H. Foster, Jr. of East Holden for appointment to the Maine Real Estate Commission.

Walter H. Foster, Jr. is replacing Robert Chadwick.

Sincerely,
s/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

RESOLVE, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (S.P. 225) (L.D. 607)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Exempt Alcohol and Drug Programs from the Sales Tax" (S.P. 226) (L.D. 620)

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

Was referred to the Committee on Taxation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Relating to the Extended School Year" (S.P. 69) (L.D. 136)

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

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

The following Bills and Resolves 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:

Aging, Retirement and Veterans

Bill "An Act to Clarify the Benefits under State Group Life Insurance" (H.P. 465) (L.D. 632) (Presented by Representative ALIBERTI of Lewiston) (Cosponsors: Representatives CROWLEY of Stockton Springs, JALBERT of Lisbon and Senator CLARK of Cumberland)

Bill "An Act to Provide Pension Rights to Morris G. Pilot" (H.P. 477) (L.D. 644) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives LEBOWITZ of Bangor, STEVENS of Bangor and Senator BALDACCI of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act Relating to Training of Sewage Treatment Operators" (H.P. 470) (L.D. 637) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Senators PEARSON of Penobscot, EMERSON of Penobscot and Representative MCGOWAN of Canaan)

Bill "An Act to Increase Funding to Displaced Homemakers Program to Continue Rural Outreach Activities and Supportive Services for Displaced Homemakers" (H.P. 474) (L.D. 641) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representatives MAYO of Thomaston, FOSTER of Ellsworth and Senator GILL of Cumberland)

Ordered Printed.
Sent up for concurrence.

Later Today Assigned

Bill "An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property" (H.P. 485) (L.D. 652) (Presented by Representative MAYO of Thomaston) (Cosponsors: Representatives CARROLL of Gray, DIAMOND of Bangor and Senator BUSTIN of Kennebec)

(The Committee on Reference of Bills had suggested the Committee on Appropriations and Financial Affairs.)

On motion of Representative Gwadosky of Fairfield, tabled pending reference and later today assigned.

Appropriations and Financial Affairs

Bill "An Act to Ensure Job Training Assistance to All Aid to Families with Dependent Children" (Emergency) (H.P. 486) (L.D. 653) (Presented by

Representative LISNIK of Presque Isle) (Cosponsors: Representatives McGOWAN of Canaan, JOSEPH of Waterville and Senator CLARK of Cumberland)

Bill "An Act to Expand the Maine Conservation Corps" (Emergency) (H.P. 487) (L.D. 654) (Presented by Representative CHONKO of Topsham) (Cosponsors: Representatives MICHAUD of East Millinocket, FOSTER of Ellsworth and Senator PEARSON of Penobscot)

Bill "An Act to Provide Funds to the Department of Mental Health and Mental Retardation to Assist the Millinocket Areas with Mental Health, Home Health and Homemaker Services" (H.P. 490) (L.D. 660) (Presented by Representative CLARK of Millinocket) (Cosponsors: Representative MICHAUD of East Millinocket, Speaker MARTIN of Eagle Lake and President PRAY of Penobscot)

Bill "An Act to Provide for the Annual Increases in the Aid to Families with Dependent Children Standard of Need" (Emergency) (H.P. 494) (L.D. 664) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator CLARK of Cumberland, Representatives ANTHONY of South Portland and STANLEY of Cumberland)

Bill "An Act to Increase the Aid to Families with Dependent Children Standard of Need" (Emergency) (H.P. 489) (L.D. 656) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative O'GARA of Westbrook and Senator BRANNIGAN of Cumberland)

Bill "An Act to Appropriate Funds for New and Existing Services for the Prevention of Teen Pregnancy and to Reduce the Adverse Effects of Teen Parenting" (H.P. 488) (L.D. 655) (Presented by Representative CARROLL of Gray) (Cosponsors: Senators DUTREMBLE of York, GILL of Cumberland and Representative FOSTER of Ellsworth)

Bill "An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administration for the Fiscal Years ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 504) (L.D. 677) (Presented by Representative CARTER of Winslow) (Cosponsor: Senator EMERSON of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Banking and Insurance

Bill "An Act Concerning the Workers' Compensation Rate-setting Authority of the Superintendent of Insurance" (H.P. 475) (L.D. 642) (Presented by Representative FOSS of Yarmouth) (Cosponsors: Representatives ARMSTRONG of Wilton, GARLAND of Bangor and Senator COLLINS of Aroostook)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Require Retail Sellers of Gasoline to Post both Full-service and Self-service Prices" (H.P. 469) (L.D. 636) (Presented by Representative SOUCY of Kittery) (Cosponsors: Representative McPHERSON of Eliot, Senators BLACK of Cumberland and ESTES of York)

Ordered Printed.

Sent up for concurrence.

Utilities

Bill "An Act to Provide Cable Television Access to Apartment Dwellings and Mobile Homes" (H.P. 500) (L.D. 670) (Presented by Representative VOSE of Eastport) (Cosponsors: Senator CLARK of Cumberland,

Representatives PARADIS of Augusta and WEBSTER of Cape Elizabeth)

(The Committee on Reference of Bills had suggested the Committee on Business Legislation.)

On motion of Representative Allen of Washington, referred to the Committee on Utilities, ordered printed and sent up for concurrence.

Education

Bill "An Act Relating to Conferring Degrees by the University of New England in Biddeford" (H.P. 466) (L.D. 633) (Presented by Representative SHELTRA of Biddeford) (Cosponsors: Representatives ROLDE of York, MURPHY of Kennebunk and Senator DUTREMBLE of York)

Bill "An Act to Amend the Teacher Certification Law" (H.P. 468) (L.D. 635) (Presented by Representative BOST of Orono) (Cosponsors: Senator ESTES of York, Representatives MATTHEWS of Caribou and O'GARA of Westbrook)

Bill "An Act Relating to the Qualify Incentive Adjustment in the Educational Finance Law" (Emergency) (H.P. 476) (L.D. 643) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Representative BOST of Orono, Senators CLARK of Cumberland and RANDALL of Washington)

Bill "An Act to Allow On-site Educational Programs at Private Institutions" (H.P. 479) (L.D. 646) (Presented by Representative KIMBALL of Buxton) (Cosponsors: Representative ROLDE of York, Senator GILL of Cumberland and President PRAY of Penobscot)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Allow the Deposition of Sand Along the Shore of Great Ponds" (H.P. 491) (L.D. 661) (Presented by Representative VOSE of Eastport)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Relating to Nonresident Property Owners for the Purpose of Licensure Under the Fisheries and Wildlife Laws" (H.P. 481) (L.D. 648) (Presented by Representative NORTON of Winthrop) (By Request)

Bill "An Act to Amend the Open Season Fishing Laws" (H.P. 473) (L.D. 640) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: Representative CLARK of Millinocket, Speaker MARTIN of Eagle Lake and President PRAY of Penobscot)

Bill "An Act to Prevent the Use of Leg Hold Traps for Trapping Animals Within Areas Designated as Residential Within Organized Towns" (H.P. 503) (L.D. 676) (Presented by Representative PARADIS of Old Town) (By Request)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Create the Maine Health Policy Council" (H.P. 496) (L.D. 666) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senators GAUVREAU of Androscoggin, GILL of Cumberland and Representative MANNING of Portland)

Bill "An Act to Establish a Behavior Stabilization Program under the Mental Health and

Retardation Law" (H.P. 497) (L.D. 667) (Presented by Representative ROLDE of York)
 Ordered Printed.
 Sent up for Concurrence.

Judiciary

Bill "An Act Limiting the Liability of Directors and Officers of Charitable Organizations" (H.P. 467) (L.D. 634) (Presented by Representative SEAVEY of Kennebunkport) (Cosponsors: Representatives STANLEY of Cumberland, ZIRNKILTON of Mount Desert and ANTHONY of South Portland)

Bill "An Act to Protect the Ownership of Land held by Legal Title" (H.P. 480) (L.D. 647) (Presented by Representative McHENRY of Madawaska) (Cosponsors: Senators THERIAULT of Aroostook, BRANNIGAN of Cumberland and Speaker MARTIN of Eagle Lake)
 Ordered Printed.
 Sent up for Concurrence.

Labor

Bill "An Act to Provide Unemployment Compensation During Employer Initiated Lockouts, Unfair Labor Practice Strikes and to Displaced Economic Strikers" (H.P. 483) (L.D. 650) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: Representatives PRIEST of Brunswick, CLARK of Millinocket and Senator USHER of Cumberland)

Bill "An Act Concerning Occupational Hearing Loss under the Workers' Compensation Act" (H.P. 499) (L.D. 669) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Representatives WARREN of Scarborough, MICHAUD of East Millinocket and Senator USHER of Cumberland)
 Ordered Printed.
 Sent up for Concurrence.

Legal Affairs

Bill "An Act to Require Candidates to Identify Party Affiliation on all Advertisements" (H.P. 482) (L.D. 649) (Presented by Representative SHELTRA of Biddeford) (Cosponsor: Representative RACINE of Biddeford)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Insure the Preservation of the Right to Keep and Bear Arms (H.P. 484) (L.D. 651) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives DUFFY of Bangor, RUHLIN of Brewer and President PRAY of Penobscot)
 Ordered Printed.
 Sent up for concurrence.

Tabled and Assigned

RESOLVE, Authorizing Sharon Trafton Duthie to Bring Suit Against the State of Maine (H.P. 471) (L.D. 638) (Presented by Representative STROUT of Corinth) (Cosponsors: Representatives HUSSEY of Milo, THISTLE of Dover-Foxcroft and Senator PEARSON of Penobscot)

(The Committee on Reference of Bills had suggested the Committee on Legal Affairs.)

On motion of Representative Gwadosky of Fairfield, tabled pending reference and specially assigned for Wednesday, March 11, 1987.

Later Today Assigned

Bill "An Act to Create the Opportunity for Community Agency Input to the State Budget Process"

(H.P. 493) (L.D. 663) (Presented by Representative ROLDE of York) (Cosponsor: Senator BUSTIN of Kennebec)
 (The Committee on Reference of Bills had suggested the Committee on State and Local Government.)

On motion of Representative Carroll of Gray, tabled pending reference and later today assigned.

State and Local Government

Bill "An Act to Reform Regulatory Proceedings under Rulemaking of the Maine Administrative Procedure Act" (H.P. 495) (L.D. 665) (Presented by Representative McGOWAN of Canaan) (Cosponsors: Representatives CARROLL of Gray, MICHAUD of East Millinocket and Senator USHER of Cumberland)

Bill "An Act to Revise the Percent for Art Act in Public Buildings" (H.P. 498) (L.D. 668) (Presented by Representative COTE of Auburn) (Cosponsors: Senator PERKINS of Hancock, Representatives DIAMOND of Bangor and PINES of Limestone)
 Ordered Printed.
 Sent up for Concurrence.

Taxation

Bill "An Act to Implement a Waiver for Nonuse in the Boat Excise Tax Laws" (H.P. 472) (L.D. 639) (Presented by Representative CLARK of Millinocket) (Cosponsors: Representatives DUFFY of Bangor, MAYO of Thomaston and President PRAY of Penobscot)

Bill "An Act to Provide a Sales Tax Exemption for Nonprofit Animal Shelters" (H.P. 478) (L.D. 645) (Presented by Representative HOLLOWAY of Edgecomb) (Cosponsor: Senator SEWALL of Lincoln)
 Ordered Printed.
 Sent up for Concurrence.

Utilities

Bill "An Act to Increase the Lowest Amount of Units of Transmission or Generation under the Public Utilities Commission Law" (H.P. 492) (L.D. 662) (Presented by Representative VOSE of Eastport) (Cosponsor: Representative PARADIS of Old Town)

Bill "An Act to Incorporate the Pembroke Utilities District" (Emergency) (H.P. 501) (L.D. 671) (Presented by Representative MOHOLLAND of Princeton) (Cosponsors: Senators RANDALL of Washington, THERIAULT of Aroostook and Representative TAMMARO of Baileyville)

Ordered Printed.
 Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative Polly Reeves of Pittston be excused March 4, 9, 10, 11 and 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bradford Boutillier of Lewiston be excused March 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas W. Murphy, Jr., of Kennebunk be excused March 4 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Gennette M. Ingraham of Houlton be excused March 2, 3 and 4 for personal reasons. AND BE IT FURTHER ORDERED, that Representative John Aliberti of Lewiston be excused March 4, 9, 10, 11 and 12 for personal reasons.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Susan Vincent, of Auburn, whose courageous actions saved the lives of 3 children during a house fire at the sponsor's home; (HLS 132) by Representative DORE of Auburn. (Cosponsors: Representative COTE of Auburn, Senator WHITMORE of Androscoggin, Representative LAPOINTE of Auburn)

On motion of Representative Dore of Auburn, was removed from the Special Sentiment Calendar.

Was read.

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

Representative DORE: Mr. Speaker, Fellow Members of the House: I asked to have this Special Sentiment set aside so that I could speak to you about Susan Vincent and the reason she is receiving a Special Sentiment today.

On April 12th of this year, Julia Gersen will be 8 years old and on May 21st, my own daughter, Emma Dore Hark will celebrate her 8th birthday and on September 25th, my son Ezra Dore Hark, will turn 5 years old -- small milestones in the life of an ordinary family. But, in this year and in all the many years and the many birthdays to follow, there is one single person who has made this possible. Her name is Susan Vincent and she is here today.

Susan was babysitting for us on Valentine's night when our house burned. She dialed 911, reported the fire, and got the children out of the house. The opportunity for heroism does not come to everyone -- heroism is not about saving material possessions. There were no moments to spare, there were only seconds to choose wisely, to remember to get my son from his room, to decide what door to use, and to leave quickly with the children. Susan is 14 years old and she lives today with the knowledge of having saved three lives. She will never know how those lives may touch many others for years to come.

I would only hope that those three children would have the same presence of mind and courage that Susan showed us all that night.

Personally, I also hope that your life, Susan, is always touched by the sweetness that you restored to us and to the Gersen family on February 14th.

Subsequently, was adopted and sent up for concurrence.

Special Sentiment Calendar

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

the Mount View High School Girls' Basketball Team, and Coach Allen Downer, winners of the 1987 Eastern Maine Class B Championship; (HLS 137) by Representative STEVENSON of Unity. (Cosponsors: Representative WHITCOMB of Waldo, Senator GOULD of Waldo)

On motion of Representative Stevenson of Unity, was removed from the Special Consent Calendar:

Was read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Unity, Representative Stevenson.

Representative STEVENSON: Mr. Speaker and Members of the House: We are all very pleased and proud of our young people when they make some of these achievements and accomplishments. We are doubly proud at Mt. View High School -- our girls won

the Eastern Maine Championship for Class B schools. We are very proud of our girls' basketball team.

Subsequently, was adopted and sent up for concurrence.

Special Sentiment Calendar

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

the Mount View Boys' Basketball Team, and Coach Greg Reid, winners of the 1987 State Class B Championship; (HLS 138) by Representative STEVENSON of Unity. (Cosponsors: Representative WHITCOMB of Waldo, Senator BRAWN of Knox, Senator GOULD of Waldo)

On motion of Representative Stevenson of Unity, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Unity, Representative Stevenson.

Representative STEVENSON: Mr. Speaker and Members of the House: We are also very proud of our boys' basketball team. Not only did they win the Eastern State Championship, they also took the State Championship. Having two teams, boys' and girls' state champions, is an honor for Waldo County, Mt. View High School and the citizens of the Mt. View area.

Subsequently, was adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative WENTWORTH from the Committee on State and Local Government on Bill "An Act to Allow Recall of County Officers" (H.P. 101) (L.D. 111) reporting "Ought Not to Pass"

Representative CONNOLLY from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds to Maintain 24-hour Coverage by State Police Troop D in Thomaston" (H.P. 219) (L.D. 271) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative TARDY from the Committee on Agriculture on Bill "An Act to Temporarily Extend Authority for Agricultural Central Filing Systems" (Emergency) (H.P. 277) (L.D. 360) reporting "Leave to Withdraw"

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

Refer to the Committee on Marine Resources

Representative CARROLL from the Committee on State and Local Government on Bill "An Act to Clarify the Emergency Rule-making Authority of the Commissioner of Marine Resources" (H.P. 327) (L.D. 426) reporting that it be referred to the Committee on Marine Resources.

Report was read and accepted and the bill referred to the Committee on Marine Resources and sent up for concurrence.

Ought to Pass in New Draft

Representative FARREN from the Committee on Fisheries and Wildlife on Bill "An Act to Reduce the

Fee for a Trapper's License for Servicemen Stationed in the State" (H.P. 88) (L.D. 91) reporting "Ought to Pass" in New Draft (H.P. 502) (L.D. 674)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, March 10, 1987.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Prevent the Destruction of Lobster Gear" (H.P. 14) (L.D. 12)

Signed:

Senators: MATTHEWS of Kennebec
ESTES of York
CAHILL of Sagadahoc

Representatives: LOOK of Jonesboro
KETOVER of Portland
CROWLEY of Stockton Springs
COLES of Harpswell
HOLT of Bath
MITCHELL of Freeport
RUHLIN of Brewer
SALSBURY of Bar Harbor
RICE of Stonington

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

Signed:

Representative: SCARPINO of St. George

Reports were read.

Representative Mitchell of Freeport moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to accept the Majority "Ought Not to Pass" Report. This bill has been before us once before with the same kind of report -- perhaps not as bad as this one was and both the House and the Senate came to agreement on this bill. Unfortunately, it was vetoed by the Governor.

For those of you that don't know what this bill is about, quite simply, there is a device that is currently on the market that is connected to the propeller shafts of boats that is a cutting device. If that boat happens to go by a lobster trap or a lobster line and catch that line in its propeller, it automatically cuts off that lobster trap.

What we are looking at here is an industry that last year generated approximately a quarter of a billion dollars in this state. It is an industry that provides employment to between 8,000 and 9,000 people, directly. We are allowing vessels using cutters to attack that industry. Every trap that gets cut off costs the owner of that trap an immediate \$40 loss in his investment in his trap and between a \$75 and \$100 loss in income over the course of a year.

I suggest to you that, if we had snowmobiles that traveled up through the woods and damaged every 100th tree, we wouldn't allow it to occur. But here we sit and allow for the convenience of those people who are not willing or not able to operate their vessels in a safe and prudent manner, we are allowing them to negatively impact one of the major income providers on the coast of Maine and one of the major industries in the state.

I personally feel that that is inconscionable. We here are concerned about economic development in the state. We have an administration and a general

feeling among the legislature that it is one of our prime concerns and we are allowing one of our major industries to be systematically decimated and that is what is occurring. Yes, it is unfortunate if people catch their wheels, their propellers, in lobster trap lines. It occurs, it has occurred to me, it has occurred to anyone that has ever been in a boat. We have to make a decision which is more important, some people's inconvenience or other people's livelihoods. To me, it appears to be a very clear decision.

I would urge you to oppose the current motion so we may accept the Minority Report and pass this piece of legislation.

Mr. Speaker, I ask for a roll call.

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

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for the opportunity to speak on this bill. This is my bill. I introduced this bill at the request of a constituent. I asked for a "leave to withdraw" from the committee and that was not granted.

The bill has some validity. We went through this bill two years ago. The major problem with this bill is the enforceability. Who is going to enforce it and how? I, personally, am not going to vote for another piece of legislation this year that has a huge question mark on -- how do we enforce it? We pass numerous bills in this House and I think sometimes we fail to adequately question whether or not the bill can be enforced.

Lobster gear is decimated by any number of reasons, including myself, who caught a warp in the wheel of my outboard motor last summer in Stonington. It was not intentional. I don't think we can stand in front of the House and say that the sole loss of lobster gear in the State of Maine is due to this spur bill.

I would urge you to vote for the "Ought Not to Pass."

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I never had the intention to create the image that spurs and cutters were the sole source of destruction of lobster gear. There are innumerable things -- there are storms, there are propellers but the bottom line however is that we have no control over nature. We have no control over many of the ways that lobster gear gets destroyed.

However, with this particular method, we do have control. We have the ability to say, we will not attack people's income, we will not allow people's incomes to be attacked in this manner when we can prevent it. That is what this bill is about, although it is impossible to totally stop gear loss, but we can reduce it with this piece of legislation.

Now about the enforceability -- the bottom line is, if the general public decides not to respect the law, there is nothing anyone can do to enforce it. We are seeing that with the 55 mile an hour speed limit. The other side of that is, every law we have on the books, its enforceability is dependent on the fact that 90 percent -- and I certainly would hope more, but for a rough figure 90 percent of the people in this state and this country are law abiding people. If there is a law on the books, they will not voluntarily violate that law. The basis of our whole society is respect for our laws. If you want to question the enforceability of this bill, you can on that same basis, question the enforceability of every law we have on the books in this state and

every law we have on the books in this country. Our laws against murder don't prevent murder; our laws against robbery don't prevent robbery. If we pass this, laws against spurs will not totally prevent the use of spurs, but just as our laws against murder and robbery and rape and child abuse reduce the amount, this law, this bill, would also reduce the amount of damage caused by the spurs.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The bill before you would outlaw the use of spurs on boats. A spur is a device that is attached to the shaft and it clips off ropes and weeds that get caught up in the shaft.

There is an important fact that I think you should remember as you decide which way to vote on this particular bill and that is the fact that only 250 spurs have ever been sold in the State of Maine and that fact was garnered from testimony that was presented at a public hearing.

Representative Rice is absolutely right, this bill can't be enforced. There is no other state that prohibits the use of spurs and there is no other state that we know of that is considering the use of spurs.

Another important industry on the coast of Maine is the boating industry and the yachting industry and if this bill were passed, it would mean that any boat that came to the State of Maine with spurs on a shaft would have to be removed or be in violation of the law. Now, does this mean that every boat that comes to Maine in the summer from the south is going to have to be hauled out of the water at a New Hampshire boat yard to have the spurs removed?

Also, there wasn't a lot of opposition to spurs expressed at the public hearing. There was only one lobsterman who was a proponent of the bill, there were several opponents and they represented other fishing interests. Basically, it is a small problem.

The bill you have is a sweeping bill, it would have long-range effects on the fishery. The problem is that there is too much pressure on the resource and there are too many traps in the water. The oceans belong to everyone and, when everyone uses them, this creates conflict. That is unfortunate but we shouldn't try to solve one problem and just cause a lot more problems for every other industry.

I urge you, the members of the House, to support the Majority "Ought Not to Pass" Report.

Representative Scarpino of St. George was granted unanimous consent to address the House a third time.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Some of the points my good friend Mr. Mitchell brings up are valid points. However, it seems to me that part of the responsibility of this House is to recognize problems when they are small problems and correct them before they become large ones.

I also wonder and have some serious concerns about a conflict that is beginning to create along the coast of this state and that is a conflict between the traditional way of life, the traditional fisheries and recreational use and development of the shoreline. Quite simply, this is a bill that puts you in a position where you have to make a decision. If this bill passes -- yes, it may put a crimp in some of the recreational and developmental use of our shoreline. It will also support an existing, mature industry that employs and, in fact, is the sole livelihood of a large segment of our coastal population. That is a decision you will have to make. I know what way I am going to make it. I would certainly hope that you would think twice

before you would vote for the Majority Report on this bill.

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

Representative CURRAN: Mr. Speaker, Men and Women of the House: Westbrook, which is not a sea coast town as you know, but I am a sea coast boy and an island boy, and this comes close to my heart.

Some of the things that I have heard this morning from a couple of the Representatives here are very alarming to me and actually raised the hair on my head. The contempt that they seem to have for our native marine harvesters or for the purposes of their own enjoyment to hear that a person would find justification -- and with all due apologies to you and all respect for you -- would stand here and condone the destruction of another person's business property for the sake of some outboard motor pleasure boating -- to hear another Representative stand here and try to convince you that people should come here from out of state with illegal devices on their yachts for the purpose of destroying other people's business property, indicates a certain contempt on their part and on the part of the people that they defend for our own people and their methods of earning a living and surely for their property values.

I grew up on an island. I am totally familiar with the kind of harassment that takes place when one person doesn't like to walk over the pot buoy, so to speak, when they are out outboarding or fishing.

I would urge you to seriously vote against this motion of "Ought Not to Pass" -- not to permit this kind of mentality to exist among our fishermen or among the people to come here to harass our fishermen and act accordingly.

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

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: I guess I need to make perfectly clear that there has been a misconception, if any individual in this House thinks it was intentional upon my part, the action that happened in my last remarks.

I have lived on the island of Deer Isle, on the sub-island of Moose Island for 38 of my 38 years. The lobster buoys and pot warps are increasing ten fold, I guess would be safe to say. I don't believe it is intentional actions that are destroying some of the gear that is out there in our harbors and our coves. But with more gear in more channels and more harbors, I doubt that any of you, if you have the pleasure of being out on the ocean, can avoid, during some time, picking up that warp in your wheel.

No other state currently has this law on the books and the basic, fundamental question with this law is, how are we going to enforce it? How are we going to enforce it on the dragger in Portland or the yacht that is coming in from out of state? I think that is the basic question. The concept has some validity but I think the question of enforcement of asking our marine patrol officers, who already have difficulty enforcing the laws that are on the books in relation to marine items, is asking too much.

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

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

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Mitchell of Freeport that the House accept the Majority "Ought

Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 3

YEA - Allen, Anderson, Anthony, Bailey, Begley, Bickford, Bost, Bragg, Brown, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Connolly, Cote, Crowley, Davis, Dellert, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holloway, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Lord, Macomber, Mahany, Manning, Matthews, K.; Mayo, McGowan, McHenry, McPherson, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, P.; Paul, Perry, Pines, Pouliot, Racine, Rand, Reed, Rice, Richard, Ridley, Rolde, Rotondi, Salsbury, Scarpino, Seavey, Sheltra, Small, Smith, Soucy, Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Whitcomb, Willey, Zirkilton.

NAY - Baker, Bott, Callahan, Conley, Curran, Garland, Hanley, Jackson, Kimball, Look, Marsano, McSweeney, Murphy, E.; Parent, Rydell, Sherburne, Simpson, Stevens, A.; Wentworth, Weymouth.

ABSENT - Aliberti, Armstrong, Boutillier, Cashman, Coles, Dexter, Hillock, Ingraham, Kilkelly, MacBride, Martin, H.; Nadeau, G. G.; Paradis, J.; Priest, Reeves, Ruhlin, Sproul, Stanley, The Speaker.

Yes, 112; No, 20; Absent, 19; Paired, 0; Excused, 0.

112 having voted in the affirmative and 20 in the negative with 19 being absent, the motion did prevail.

Representative Scarpino of St. George, having voted on the prevailing side, moved that the House reconsider its action whereby the House accepted the Majority "Ought Not to Pass" Report.

The same Representative further moved that the matter be tabled one legislative day pending his motion to reconsider.

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

Representative Scarpino of St. George requested a roll call vote.

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

A vote of the House was taken and with less than one-fifth of the members present and voting, a roll call was not ordered.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of Representative Scarpino of St. George that the House table L.D. 12 for one legislative day. Those in favor will vote yes; those opposed will vote no.

33 having voted in the affirmative and 97 in the negative with 31 being absent, the motion to table did not prevail.

The SPEAKER PRO TEM: The pending question now before the House is the motion of Representative Scarpino of St. George that the House reconsider its action whereby the House accepted the Majority "Ought Not to Pass" Report.

Representative Scarpino of St. George requested a roll call.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth

of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is the motion of Representative Scarpino of St. George that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 4

YEA - Bott, Callahan, Curran, Davis, Dellert, Garland, Hanley, Hepburn, Holloway, Jackson, Kimball, Look, Marsano, Murphy, E.; Murphy, T.; Parent, Pines, Reed, Scarpino, Sherburne, Small, Stevens, A.; Stevenson, Tammaro, Webster, M.; Weymouth.

NAY - Allen, Anderson, Anthony, Bailey, Baker, Begley, Bickford, Bost, Bragg, Brown, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Conley, Connolly, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Harper, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Jacques, Jalbert, Ketover, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Lord, Macomber, Mahany, Manning, Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, P.; Paul, Perry, Pouliot, Rand, Rice, Richard, Ridley, Rolde, Rotondi, Rydell, Salsbury, Seavey, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, B.; Strout, D.; Swazey, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT - Aliberti, Armstrong, Boutillier, Cashman, Coles, Dexter, Hillock, Ingraham, Joseph, Kilkelly, MacBride, Martin, H.; Paradis, J.; Priest, Racine, Reeves, Ruhlin, Sproul, Stanley, The Speaker.

Yes, 26; No, 105; Absent, 20; Paired, 0; Excused, 0.

26 having voted in the affirmative and 105 in the negative with 20 being absent, the motion did not prevail. 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. 51) (L.D. 54) Bill "An Act to Clarify a Sewer District's Responsibility for the Maintenance and Repair of Public Drains or Common Sewers" Committee on State and Local Government reporting "Ought to Pass"

(S.P. 137) (L.D. 376) RESOLVE, Authorizing the Commissioner of Administration to Implement the Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 40) (L.D. 28) Bill "An Act Relating to Periodic Publication of Taxable Gasoline Gallonage Statistics Provided by Licensed Gasoline Distributors" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-3)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 10, 1987 under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 269) (L.D. 352) Bill "An Act to Appropriate Funds to the Department of Human Services to Provide Training and Technical Assistance to Community Public Drinking Water Supplies"

(S.P. 67) (L.D. 134) Bill "An Act Relating to Conferring of Degrees by the YDI Schools"

(H.P. 72) (L.D. 75) Bill "An Act to Provide Complimentary Archery Licenses to Residents Over 70 Years of Age" (C. "A" H-10)

(H.P. 86) (L.D. 89) Bill "An Act Relating to Fencing of Swimming Pools"

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

Passed to Be Enacted

An Act Amending the Excise Tax Law as it Relates to Telephone Company Motor Vehicles (H.P. 199) (L.D. 251) (H. "A" H-3; H. "B" H-11)

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

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

PEITITIONS, 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:

Business Legislation

Bill "An Act to Require Certain Restaurants to Post their Prices" (H.P. 505) (L.D. 678) (Presented by Representative ROLDE of York) (By Request)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Further Protect Bald Eagles and Other Endangered Species" (Emergency) (H.P. 506) (L.D. 679) (Presented by Representative DUFFY of Bangor) (Cosponsors: Representatives RUHLIN of Brewer, JACQUES of Waterville, and Senator BALDACCI of Penobscot)

Ordered Printed.

Sent up for Concurrence.

(Off Record Remarks)

On motion of Representative Thistle of Dover-Foxcroft,

Adjourned until Tuesday, March 10, 1987, at nine-thirty in the morning.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Monday
March 9, 1987

Senate called to Order by the President.

Prayer by Reverend David R. Kelly of the Hermon Baptist Church in Hermon.

REVEREND KELLY: Shall we pray? Dear Father in heaven, You are the only God, holy, sovereign and majestic. We thank You for our lives and well being and thank You for Your wealth of blessing each and every day. As these Senators gather for business this morning, we ask for wisdom, discernment, discretion and like-mindedness. May each one here in authority seek Your will for their lives, as well as the decisions they will be making throughout this day. May all that is said and accomplished be done to honor and magnify Thy name. May we then continue to live in peace and have the freedom to work and honor You. We ask in the name of Jesus Christ, the Lord. Amen.

Reading of the Journal of Wednesday, March 4, 1987.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Discontinue Town Ways and Public Easements"

H.P. 423 L.D. 568

Committee on TRANSPORTATION suggested and ORDERED PRINTED.

In House, March 2, 1987, referred to the Committee on JUDICIARY and ORDERED PRINTED.

In Senate, March 3, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Facilitate Mutual Aid Agreements Between Municipal Police Departments"

H.P. 433 L.D. 579

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

In House, March 2, 1987, referred to the Committee on JUDICIARY and ORDERED PRINTED.

In Senate, March 3, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Ensure Access to the Mental Health and Substance Abuse Treatment Systems Through Health Maintenance Organizations"

S.P. 216 L.D. 583

In Senate, March 3, 1987, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.