

# MAINE STATE LEGISLATURE

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**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

On motion by Senator THERIAULT of Aroostook,  
ADJOURNED until Tuesday, April 14, 1987, at 9:00 in  
the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
48th Legislative Day  
Tuesday, April 14, 1987

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

Prayer by Reverend Peter Luton, First Universalist Church, Yarmouth.

The Journal of Monday, April 13, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Modify the Definition of Sexually Explicit Conduct" (S.P. 402) (L.D. 1242)

Bill "An Act to Clarify the Law Relating to Restitution for Victims of Crime by Expressly Providing that Cities, Counties and other Governmental Entities can be Victims and that Organizations may be Ordered to Pay Restitution" (Emergency) (S.P. 403) (L.D. 1243)

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

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to the Capitalization of the Maine Capital Corporation" (S.P. 401) (L.D. 1241)

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

Was referred to the Committee on Taxation in concurrence.

Ought to Pass in New Draft

Report of the Committee on Banking and Insurance on Bill "An Act to Amend the Bank Holding Company Law" (S.P. 105) (L.D. 278) reporting "Ought to Pass" in New Draft (S.P. 388) (L.D. 1208)

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 its second reading Wednesday, April 15, 1987.

Ought to Pass in New Draft

Report of the Committee on State and Local Government on Bill "An Act to Require State Compliance with Municipal Ordinances" (S.P. 115) (L.D. 288) reporting "Ought to Pass" in New Draft (S.P. 399) (L.D. 1239)

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 its second reading Wednesday, April 15, 1987.

Non-Concurrent Matter

Later Today Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1987 (Emergency) (H.P. 858) (L.D. 1152) which was Passed to be Engrossed in House on April 8, 1987.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-29) in non-concurrence.

On motion of Representative Armstrong of Wilton, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Exempt Certain Eating Establishments from the Requirements to Provide a Public Toilet Facility" (Emergency) (S.P. 371) (L.D. 1106) which was Passed to be Engrossed in the House on April 10, 1987.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "C" (S-30) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Consolidate and Improve the Administration of Workers' Compensation in State Government" (S.P. 385) (L.D. 1162) which was referred to the Committee on Labor in the House on April 10, 1987.

Came from the Senate, with that Body having Adhered to its former action whereby the Bill was referred to the Committee on State and Local Government in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

DEPARTMENT OF  
EDUCATIONAL & CULTURAL SERVICES  
STATE HOUSE STATION 23  
AUGUSTA, MAINE 04333

April 9, 1987

Edwin Pert  
Clerk of the House  
State House - Station #2  
Augusta, ME 04333

Dear Clerk Pert:

Subject: Revised Certification for 1987-1988 Funding Levels for Adult Education

Pursuant to the provision of Title 20-A, M.R.S.A., Chapter 315, Section 8606, I certified prior to February 1, 1987 to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in Adult Education.

Based on the review of final submissions of local expenditures, I am forwarding a final revised certification.

Please see the recommendation below:

EDUCATION: ADULT EDUCATION

	<u>1987 - 1988</u>
All Other (Category 6300-Grants to Cities and Towns)	\$2,981,713 *

(This includes grants to programs for High School Completion, Adult Literacy, General Adult Ed., Adult Handicapped, Adult Voc. Ed., and Administration)

\* For FY 88, the current budget allocation for grants to cities and towns is \$2,583,018 which reflects a need of \$398,695 to provide full subsidy.

Sincerely,  
S/Eve M. Bither  
Commissioner

Was read and ordered placed on file.

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:

Agriculture

Bill "An Act to Continue the Agricultural Viability Program" (H.P. 944) (L.D. 1267) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Senator EMERSON of Penobscot, Representatives TARDY of Palmyra and ALIBERTI of Lewiston) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Clarify and Amend the Treatment of Overboard Effluent Discharges into the Waters of the State" (Emergency) (H.P. 945) (L.D. 1268) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Senators CLARK of Cumberland, ESTES of York and Representative HOLLOWAY of Edgecomb)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Allow Municipal Officers to Decide on the Disposition of Property Taken in Drug Cases" (H.P. 941) (L.D. 1264) (Presented by Representative CARTER of Winslow) (Cosponsors: Representative PARADIS of Augusta, Senators BRANNIGAN of Cumberland and BLACK of Cumberland)

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

On motion of Representative Priest of Brunswick, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Legal Affairs

Bill "An Act Concerning the Sale of Dessert Wine" (H.P. 946) (L.D. 1269) (Presented by Representative REEVES of Pittston) (Cosponsors: Representatives ROLDE of York, PERRY of Mexico and Senator DILLENBACK of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Marine Resources

RESOLVE, to Study the Human Health and Environmental Hazards of Tributyltin in Antifouling Products (H.P. 942) (L.D. 1265) (Presented by Representative COLES of Harpswell) (Cosponsors: Senator PERKINS of Hancock, Representatives RICE of Stonington and HOLT of Bath)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act Concerning Tax on Cargo Trailers" (H.P. 940) (L.D. 1263) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsor: Representative SWAZEY of Bucksport)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Protect the Health of Maine Citizens by Providing Improved Monitoring Capability for Radiation Levels around Nuclear Power Facilities" (H.P. 943) (L.D. 1266) (Presented by Representative

HOLT of Bath) (Cosponsors: Representative BEGLEY of Waldoboro and Senator KANY of Kennebec)

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

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

Reported Pursuant to Resolves

Representative GWADOSKY for the Joint Select Committee on Economic Development, pursuant to Resolves 1985, chapters 45 and 53 ask leave to submit its findings and report that the accompanying RESOLVE, Requiring the Governor to Develop a Plan to Provide for Greater Coordination of Human Resource Development Programs (Emergency) (H.P. 938) (L.D. 1254) be referred to the Joint Standing Committee on Economic Development for Public Hearing and printed pursuant to Joint Rule 18.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Pertaining to Signing of Nomination Petitions" (H.P. 111) (L.D. 121)

Signed:

Senators: ESTES of York  
KANY of Kennebec  
DILLENBACK of Cumberland  
Representatives: HARPER of Lincoln  
MARTIN of Van Buren  
TUPPER of Orrington  
STEVENSON of Unity  
PAUL of Sanford  
PERRY of Mexico  
PRIEST of Brunswick  
STEVENS of Sabattus

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

Signed:

Representatives:  
JALBERT of Lisbon  
MURPHY of Berwick

Reports were read.

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

Representative PRIEST: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

Men and Women of the House: This bill, as you can see, concerns nomination petitions for candidates who are unenrolled. The bill would restrict signatures for unenrolled candidates to unenrolled voters. At the present time, unenrolled candidates can get signatures from Republicans, Democrats, or unenrolled voters but they must get twice as many signatures on their nomination petitions as a party candidate.

Obviously, those of us in the committee being party candidates who are sympathetic with the aims of the bill and, as you know, this bill has been before this body in previous legislatures, the difficulty we found with the bill was that the Attorney General said there would undoubtedly be a constitutional challenge to the bill. Those of you who are familiar with election laws know that there have been a series of constitutional challenges raised in the past decade by unenrolled candidates to laws which govern their nomination procedures. The courts have dealt

with these laws strictly because they deal with the area of the right of association with the First Amendment. There have been a series of laws which have been struck down, which the courts felt discriminated against unenrolled candidates.

We were not able to get any assurances with the Attorney General that any reworking of this bill would eliminate the likelihood of constitutional challenge and when we asked how that constitutional challenge would come out, we were told that the outcome was extremely uncertain.

This was the basic reason why the majority of the committee felt that this bill ought not to pass. We were going to obviously be in the midst of a court fight if we passed the bill and we were obviously going to be in a very uncertain situation and we were going to be spending time and money and the Attorney General's talent with no clear outcome. It was for this reason that the committee recommended that this bill ought not to pass. I would ask you to support that recommendation.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I went along with the "Ought to Pass" Report because I felt that if you talk about discrimination, I think the people who are enrolled are going to be discriminated against. As a Democrat or a Republican, when we get the nomination papers, we have to limit to the enrolled in our party. Many of my good friends who are Republicans have said, "I would love to sign your nomination papers" but they can't. But an Independent has three whacks -- he can approach the Republicans, the Democrats and the Independents. Furthermore, he or she has until June 1st to file nomination papers even though they only need twice as many names (which is 50). The way I feel about that is, they can go out and get people who are unenrolled, who may have adopted the philosophy of either one party or the other. I know that from the last election, especially in the nominating petitions for the proliferation of Democratic candidates that you have, I circulated petitions for one of the candidates and I had to go out and find people who were enrolled as Democrats; yet, the two Independent candidates went out (I know in many cases) and got Democrats and Republicans to sign their nomination papers. As it stands now, it is almost an even thing of one-third Democrats; one-third Republicans and one-third Independents -- they have as much of a crack at it as we do. If someone doesn't want to declare their party affiliation, I think they should be limited to being an Independent and not say, "I will make up my mind." What I am concerned about is, if it keeps going, you will have a situation like the one in Michigan, where they allowed the crossing of party lines for nomination. What happened in Michigan was -- there were two candidates, Ed Muskie and George Wallace and many people of the other party crossed over to George Wallace so Ed Muskie would have a very poor showing in Michigan, which in effect was the beginning of his downfall as being a candidate. That's what has happened. If you are an Independent, that is your privilege but I feel that Independents should be limited and not be able to say, "I will pick and choose the one that I want to vote for or nominate."

I would ask that you do not vote for the Majority Report.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: Obviously, I and a lot of the

people on the committee, are in sympathy with the sentiments of Representative Jalbert. However, I would remind this House that the case of Stoddard vs. Quinn was the case which struck down having an unenrolled candidate having the same filing deadlines as a party candidate.

The committee is fairly confident that the same constitutional challenge, which would generate a lot of publicity for an unenrolled candidate, would come forth if this bill were to pass. We sympathize but we think there must be other methods of solving the problem and, obviously, we are looking into that. This bill, unfortunately, does not solve it so I would ask you again to accept the Majority "Ought Not to Pass" Report.

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

Representative HANDY: Mr. Speaker, Members of the House: I think the key word that the Chair of the Legal Affairs Committee indicated today was "uncertain" and the key phrase is "extremely uncertain" as presented by the Attorney General's Office to the committee. Although that was not a formal opinion, that was certainly his advice.

I think if we raise the specter of unconstitutionality or constitutionality to any piece of legislation, I doubt that we would have many bills being passed through the legislature today. I think what we have to do here is look at the issue of equity and simple fairness and I am sure that, with a couple of amendments to this piece of legislation, we can strike that issue of balance and fairness by doing a couple of things.

First of all, if we can get this bill to second reading, we can put an amendment together that would reduce the numbers of signatures so that the unenrolled do not have to get double; thereby putting us all on the same level playing field.

Secondly, what we can do is retain the primary Election Day filing line for unenrolled candidates, where we as enrolled candidates, have the April filing deadline. We can also effectively retain the advantage that the unenrolled currently have and I think we can get away from this specter of unconstitutionality with respect to this proposal.

I think what we have here today is something very different than what was addressed in the Stoddard vs. Quinn case in that we are maintaining a certain level of advantage to unenrolled candidates but yet we are trying to address equity on the part of those of us who seek to put ourselves on the line, philosophically and otherwise, as party candidates.

I would hope that you would oppose the motion before us today so that we could accept the Minority "Ought to Pass" Report.

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

Representative SCARPINO: Mr. Speaker, under House Rule 19, I would ask to be excused from this vote due to conflict of interest.

The SPEAKER: The Chair will grant that request.

The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am not against unenrolled candidates or voters. That is a person's privilege but what has happened is that people who call themselves unenrolled and become candidates, then they put a label on their candidacy such as Independent or whatever. They say, "I am not enrolled in any party" but yet, they can put labels on themselves. We had an Independent Governor -- unenrolled but yet, he had a party label on his

candidacy. So what you are doing is you are giving credence to someone who does not have to be enrolled in any party but yet wants to turn around and be able to run and still have a label -- whether they call themselves the State's Rights, Independent, or whatever. That is what has happened.

If they would just say on the ballot that, as a candidate, they are unenrolled but they have given themselves a label of Independent or whatever and that is what I don't like about it.

I would ask that you vote no on the "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Brunswick, Representative Priest, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 30 in the negative, the Majority "Ought Not to Pass" Report was accepted. 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:

(S.P. 62) (L.D. 129) Bill "An Act Providing for Judicial Review of Agency Refusals to Consent to Adoptions" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-28)

(H.P. 387) (L.D. 521) Bill "An Act to Make Allocations for the Administrative Expenses of the Bureau of Lottery, Department of Finance, for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 632) (L.D. 855) Bill "An Act to Enhance the Productivity of the Workers' Compensation Commission" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-64)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, April 15, 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. 348) (L.D. 447) Bill "An Act Relating to Legal Status of Partnerships"

(S.P. 190) (L.D. 517) Bill "An Act Relating to Active Retired Judges in the Administrative Court" (C. "A" S-27)

(H.P. 113) (L.D. 138) Bill "An Act Clarifying Municipal Home Rule Authority as it Relates to Shoreland Areas" (C. "A" H-61)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify Enforcement of Insurance Coverage Requirements of the Workers' Compensation Law (H.P. 304) (L.D. 390)

(C. "A" H-52)

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. 125 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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1987 (H.P. 860) (L.D. 1153)

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. 128 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 Repeal the Sunset Provision of the Social Workers Freedom of Choice Law (S.P. 88) (L.D. 209) (C. "A" S-20)

An Act to Amend the Law Regarding the Organization and Management of Stock Institutions (S.P. 142) (L.D. 396) (C. "A" S-21; S. "A" S-25)

An Act to Amend Provisions of the Maine Insurance Code Dealing with Capital and Surplus Requirements of Insurers (H.P. 359) (L.D. 462) (C. "A" H-53)

An Act to Amend Implementation of the International Registration Plan and Apportioned Fees for Certain Commercial Vehicles (H.P. 820) (L.D. 1108)

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.

ORDERS OF THE DAY  
TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-56) - Committee on Labor on Bill "An Act Providing for the Use of Spendable Earnings as a Basis for Calculating Workers' Compensation Benefits" (H.P. 398) (L.D. 532)

TABLED - April 10, 1987 by Representative RUHLIN of Brewer.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

On motion of Representative McHenry of Madawaska, retabled pending the motion of Representative Ruhlin of Brewer that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Wednesday, April 15, 1987.

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

Bill "An Act to Provide for Additional Moose Hunting Permits for In-State Residents" (H.P. 29) (L.D. 30) (C. "A" H-57)

TABLED - April 13, 1987 by Representative SMITH of Island Falls.

PENDING - Motion of Representative GOULD of Greenville to Indefinitely Postpone Bill and Accompanying Papers.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was discussed before the committee, we spent a months time on it knowing full well that it was a social issue, not biological. When is there a right time for an issue such as this, socially ready? Probably never. Biologically, now. In the study which was done on moose, it talks about the parasite that the deer carry. I will read from that.

"If the deer population increases, moose numbers can be expected to decline due to the worm. Large numbers of moose are rarely found in areas with dense deer population because the deer carry a parasite, which is often fatal to moose."

The reason that we are not seeing more moose around the edges of the road like we used to is because they are getting smart. They are going to the back because they are hunted. When the moose hunt first started, they were seen along the roadsides; now they are back. It is like the deer — you see them when the season first opens, then they start going back. Like any animal, they are smart.

I feel since the area has been expanded and I am concerned about the health of the herd, I feel that it is necessary to expand the hunt. I think our concern today is a social problem against a health problem. If we are really concerned about the health of the moose and want to continue a healthy herd, then I think we have got to vote against the pending motion, which is to kill the bill.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Thistle.

Representative THISTLE: Mr. Speaker, Ladies and Gentlemen of the House: It is important to note, Mr. Speaker, that on the two roll call votes of last week with reference to this issue, the Piscataquis County delegation in the House voted 100 percent opposed to an increase in the number of moose permits. We, where most of the moose are to be found and where most of the moose are currently harvested, ask for your consideration. We are few in number in Piscataquis County. We live there, hopefully, in touch with the natural world. It enriches our lives, we are part of it, we are close to it. Yes, we hunt and many of us as young people, as Representative Anderson reminded me this morning, depended on this natural world to provide much of our sustenance. Yes, we hunt and yes, we take a moose or a deer but most importantly, we wish to know they are there. We of the county want them to be a visible presence in our lives.

The moose is a valuable resource and, as with any other resource, an increase in the harvesting of an additional 50 percent causes us alarm. This is simply not a biological issue, as Representative Smith points out. We are, as responsible representatives of the people, correct in taking the information of the biologists to heart but we are remiss if we only consider their information.

This is a social issue as well. There is concern in my community, and perhaps in yours, that once again the legislature is going back on its word. Once again, we are perceived as saying one thing and then, a year or two or five years later, changing it and saying something else.

This social issue is important to my people, it is important to your people, but it is not only a social issue, it is an aesthetic issue and it is that aesthetic issue that I think is most telling here. We are saying 1,000 permits are enough. We are

saying a success rate of 85 percent is enough. We ask you to leave the rest, to leave them to the people of Maine, to the children of Maine, to keep us all in touch with that which is in us, which reveres the wild, which reveres the living, and in this case, which reveres the sadly beautiful, the moose.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in favor of the motion to indefinitely postpone. I would like to give you a few of my reasons.

I would like to address my first remark to those people who were here when we passed the original moose bill, four or five years ago, whatever it might be. I would remind you of a lady that sat in these chambers who was one of the most beloved members of this body, Toni Martin from Brunswick. Toni Martin worked very hard to kill this bill and we all failed, very frankly, and I worked with her. I know after the final vote on the referendum she said to me, "This is a foot in the door." She said, "From now on, we are going to have to fight it at every session of this legislature." So far we have expanded the territory which I thought was a good move because it spread it out more but now we are talking about increasing the number of moose that may be killed.

In opposing the bill, I am not saying we should reduce the number from 1,000, I am not saying we should do away with the moose hunting bill, I have no problem with that. The people voted on it and I am willing to accept that, but I am not willing to accept the thought that we have to kill more to help the moose out. I really don't buy that sort of an argument.

When I vote on an issue, my criteria is, what is best for the entire State of Maine, whether it makes the State of Maine a better place to live in, economically whether it is that much better, and very frankly, I don't think this bill meets either one of those criteria.

I would hope you would go along with me and vote to indefinitely postpone the bill.

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

Representative WEYMOUTH: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to vote to indefinitely postpone this bill. The Fisheries and Wildlife Committee held a well attended public hearing. Our biologists strongly recommend that we could harvest more moose at this particular time. I will not repeat their research but I think it is available. The committee members looked at the research from the biologists.

As a member of the Fisheries and Wildlife Committee and a sportsman, I spent all last summer at Moosehead in the Jackman area. I spent many days with the wardens and the border patrol. During August alone, I saw 13 moose that were killed either by the Canadian-Pacific Railroad, by trucks, or by automobiles. Unfortunately, most of these were well beyond human consumption. They would drag them into the woods and they would become coyote bait.

I would like to see the increase because I think, at this time, the moose herd is increasing. I would like to see these moose that are being killed on household tables and not for the coyotes.

The SPEAKER: The Chair recognizes the Representative from Woodland, Representative Anderson.

Representative ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I come from Aroostook County. I went back there over the weekend

and talked to everybody and anybody I could find trying to find somebody in favor of this bill. I talked to ex-wardens, sportsmen and the like. I found nobody from my area that was in favor of this bill.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: You know I would never do anything that would adversely hurt the moose herd or any other species for that matter. If the moose herd is in any danger for any reason, be it disease, the weather or whatever, the Department of Fisheries and Wildlife has the power to regulate the moose hunt.

I am sure you all saw the articles in the paper this weekend. I received a lot of phone calls. I received about 63 from people, not just people in my district, people from Skowhegan, Greenville, Dover, Garland -- so, it is not just my district. I guess I can't say any more than has already been said here.

I would urge you -- please do not indefinitely postpone this bill.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Just to respond very briefly to the comments about the increasing moose herd -- I have fished in Moosehead for the past 35 years for at least two to three weeks each summer. If you go to Moosehead and you have people with you in the water, the weather is too rough and you can't get a boat out on the lake, what you do is you all pile in the car and you drive around and watch moose. For the past three years, I haven't been able to drive around and find a moose. I have covered a great number of miles, believe me, they just aren't out there for tourists or anybody else to look at.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: Having been a resident of Piscataquis County for three score years and ten, although I am no longer a resident there, I am really pleased at the position taken by the Representatives from Piscataquis County. Part of District 132 is in the zone where moose hunting is now permitted and I live there. Two or three times each year, we may see a moose but it is the general consensus of the majority of the people in that section that there is no excess of moose. There are those who feel that the zone has already been overextended, far below the original boundary which was the Canadian-Pacific Railroad.

As a boy, many years ago, I listened first-hand to the oldtimers who participated in the decimation and the final extinction of the best caribou herds that were native to central Maine. My vote may be prejudiced by those stories of years gone by.

Many believe that the poachers and accidents already adequately take care of any possible excess of moose in our area.

For these and other reasons, I would oppose the idea of increasing the number of moose permits as being premature, unnecessary, and not conducive as a proper safeguard to a great natural resource. I hope that you will vote to indefinitely postpone this bill.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Fisheries and Wildlife Committee and voting on this bill, I have come to respect the opinion of the Fish and Wildlife agencies. I have come less to understand



why we want to, in this House, legislatively try to determine what we should do as far as good game management goes. A year ago, we expanded the areas to hunt moose in by 15 to 20 percent. There was no discernible opposition to the areas now being opened up that might help at some part of the year when we look and hunt for moose. The store owners didn't want their area included in that area or have people come up to see them. But now, when we have added a certain number of moose that can be taken, that doesn't mean that the department is going to issue 1,500, it says they can issue up to 1,500, depending on the herd much like the permit system we have right now.

I would urge you to think about legislating fish and game management in this House.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: I am not a moose hunter, I am not a hunter, but I do raise a lot of deer. I wish you would go back with me a few years when the deer herd down our way, we thought the folks out in the boondocks felt that the deer herd was being depleted. We talked with the Fish and Game people -- "Oh no, we have got plenty of deer, nothing to worry about." This went on for a few years and, all of a sudden one day, we woke up and there wasn't any deer herd down there. I wonder -- is this going to happen to our moose herd?

I feel that, although the biologists say there may be plenty out there, I think that the people out there that know, that go out in the woods, aren't seeing the moose. I feel that some day we may wake up and we are going to have the same condition with the moose herd.

I urge you to vote to indefinitely postpone this bill.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Gould of Greenville that L.D. 30 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Rotondi of Athens requested a roll call vote.

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

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

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Once again, I say this is a social issue, it is not a biological issue. I think, as Representative Lord pointed out, the deer herd did go down but I am wondering if he is giving any credit to the biologists that may be of help to bring them back. I believe they helped do this. I believe they should help manage the moose herd. As was pointed out, if there are more deer in the area, you are not going to have moose.

The SPEAKER: The pending question before the House is the motion of Representative Gould of Greenville that L.D. 30 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 23

YEA - Aliberti, Anderson, Anthony, Baker, Bost, Bott, Boutilier, Carter, Clark, M.; Conley, Connolly, Dellert, Dexter, Dore, Dutremble, L.; Farnum, Farren, Foss, Foster, Gould, R. A.; Gurney, Handy, Harper, Hichborn, Hickey, Hillock, Holloway, Holt, Hussey, Ingraham, Jackson, Jalbert, Joseph, Ketover, Kimball, LaPointe, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Martin, H.; Matthews, K.; McPherson, McSweeney, Michaud, Mitchell, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Paradis, E.; Paradis, J.; Parent, Perry, Pines, Pouliot, Rice, Richard, Ridley, Rydell, Salsbury, Seavey, Sheltra, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tardy, Taylor, Telow, Thistle, Tupper, Webster, M.; Wentworth, Willey, Zirnkilton.

NAY - Allen, Armstrong, Bailey, Begley, Bickford, Bragg, Brown, Callahan, Carroll, Cashman, Clark, H.; Coles, Cote, Crowley, Curran, Davis, Diamond, Duffy, Erwin, P.; Garland, Greenlaw, Gwadosky, Hanley, Hepburn, Higgins, Hoglund, Jacques, Kilkelly, Lacroix, Mahany, Manning, Marsano, McGowan, McHenry, Mills, Moholland, Nadeau, G. G.; Nutting, Paradis, P.; Paul, Priest, Racine, Rand, Reed, Rolde, Rotondi, Scarpino, Simpson, Smith, Sproul, Swazey, Tamaro, Tracy, Vose, Walker, Weymouth, Whitcomb.

ABSENT - Chonko, Hale, Look, Mayo, Melendy, Reeves, Ruhlin, Warren, The Speaker.

Yes, 85; No, 57; Absent, 9; Paired, 0; Excused, 0.

85 having voted in the affirmative and 57 in the negative with 9 being absent, the motion to indefinitely postpone did prevail. Sent up for concurrence.

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

Bill "An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities" (H.P. 773) (L.D. 1036)

TABLED - April 13, 1987 by Representative PRIEST of Brunswick.

PENDING - Passage to be Engrossed.

Representative Connolly of Portland offered House Amendment "A" (H-63) and moved its adoption.

House Amendment "A" (H-63) was read by the Clerk.

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

Representative CONNOLLY: Mr. Speaker and Members of the House: I appreciate the courtesy of the Legal Affairs Committee and the sponsors of this bill in allowing it to be tabled for several days until an appropriate amendment could be prepared to resolve a problem that was presented with the original bill. This particular amendment ensures that no one will be disenfranchised by the enactment of the legislation. It preserves the intent of the original bill while it allows at the same time an inmate, a person who is incarcerated in a correctional facility, the opportunity to register to vote in a municipality in which he resided prior to his incarceration, the same municipality to which he intends to return upon his release.

Subsequently, House Amendment "A" (H-63) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-63) and sent up for concurrence.

The Chair laid before the House the following matter: RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1987 (Emergency) (H.P. 858) (L.D. 1152) which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to recede and concur.

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(Off Record Remarks)

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On motion of Representative Gould of Greenville,  
Adjourned until Wednesday, April 15, 1987, at  
nine o'clock in the morning.

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

In Senate Chamber  
Tuesday  
April 14, 1987

Senate called to Order by the President.

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Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR BERUBE: Let us share the beautiful prayer of Saint Francis of Assisi. "Lord, make us an instrument of Your peace. Where there is hatred, let us so love, where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. Grant that we may not so much seek to be consoled, as to console. To be understood, as to understand. To be loved, as to love, for it is in giving that we receive. It is pardoning that we are pardoned and it is in dying that we are born to eternal life." Amen.

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Reading of the Journal of Yesterday.

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PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Allow the Treasurer of State to Vote on Certain State Boards"

H.P. 902 L.D. 1203

In House, April 9, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

In Senate, April 10, 1987, referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.  
The Senate RECEDED and CONCURRED.

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House Papers

Bill "An Act to Ensure Employment Opportunities for Older Citizens in State Supported Agencies Serving Senior Citizens"

H.P. 931 L.D. 1247

Bill "An Act to Provide More Equitable Benefits for the Surviving Spouse and Children of Deceased Members of the Maine State Retirement System"

H.P. 935 L.D. 1251

Bill "An Act to Equalize Retirement Credits for Air and Army National Guardsmen"

H.P. 936 L.D. 1252

Come from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which were referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

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Bill "An Act to Enable Local School Administrative Units to Support Certain Child Care Programs"

H.P. 906 L.D. 1218

Committee on EDUCATION suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.