

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
 57th Legislative Day
 Wednesday, April 29, 1987

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

Prayer by Reverend James O'Brien of the South Parish Congregational Church of Augusta.

The Journal of Tuesday, April 28, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS
 LATER TODAY ASSIGNED

Bill "An Act to Provide a Mechanism for Allocations of the State Ceiling on Private-activity Bonds" (Emergency) (S.P. 444) (L.D. 1358)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

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

Bill "An Act to Amend the Wells-Ogunquit Community School District Charter" (S.P. 446) (L.D. 1360)

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

Was referred to the Committee on Education in concurrence.

RESOLVE, to Create the Commission on Sport Fisheries to Study the Possibility of Enhancing and Upgrading Fishing Opportunities in the State (S.P. 448) (L.D. 1362)

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

Was referred to the Committee on Fisheries and Wildlife in concurrence.

RESOLVE, to Establish the Joint Select Committee to Study the Benefits and Costs Related to Permanent Impairment Injuries under the Workers' Compensation Act (S.P. 447) (L.D. 1361)

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

Was referred to the Committee on Labor in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act Relating to the State Health Insurance Program and the Bureau of State Employee Health" (S.P. 407) (L.D. 1258)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act Concerning Smoking in Restaurants with at Least 50 Seats in the Dining Area" (S.P. 279) (L.D. 789)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Relating to the Capitalization of the Maine Capital Corporation" (S.P. 401) (L.D. 1241)

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

COMMUNICATION

The following Communication: (S. P. 442)
 113th MAINE LEGISLATURE
 April 27, 1987

Senator Ronald E. Usher
 Representative Michael H. Michaud
 Chairpersons
 Joint Standing Committee on Energy and Natural Resources
 113th Legislature
 Augusta, Maine 04333
 Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Hervey M. Triplett of Bangor for appointment to the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A. Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,
 S/Charles P. Pray
 President of the Senate
 S/John L. Martin
 Speaker of the House

Came from the Senate, Read and Referred to the Committee on Energy and Natural Resources.

Was Read and Referred to the Committee on Energy and Natural Resources in concurrence.

PETITIONS, BILLS AND RESOLVES
 REQUIRING REFERENCE

The following Bills and Resolution 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 Strengthen the Laws Relating to Food Safety" (H.P. 1023) (L.D. 1381) (Presented by Representative BRAGG of Sidney) (Cosponsors: Senators GILL of Cumberland, BRANNIGAN of Cumberland, and Representative RICHARD of Madison) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

Ordered Printed.
 Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Require Financial Institutions to Furnish Copies of Real Estate Appraisals to Prospective Buyers upon Request" (H.P. 1024) (L.D. 1382) (Presented by Representative SHELTRA of Biddeford) (Cosponsors: Representatives SEAVEY of Kennebunkport, DUTREMBLE of Biddeford, and Senator TWITCHELL of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
 Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Clarify the Laws Relating to Forest Insect and Disease Control" (H.P. 1029) (L.D. 1387) (Presented by Representative JACKSON of Harrison) (Cosponsors: Senators DOW of Kennebec, EMERSON of Penobscot, and Representative SWAZEY of Bucksport) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

Bill "An Act to Provide for Municipal Control of Noise Generated by Development" (H.P. 1030) (L.D.

1388) (Presented by Representative HOGLUND of Portland) (Cosponsors: Senator USHER of Cumberland, Representatives RAND of Portland and DEXTER of Kingfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)
 Ordered Printed.
 Sent up for Concurrence.

Judiciary

Bill "An Act Relating to Private Citizens being Reimbursed by Local Police Departments in Certain Prosecutions" (H.P. 1026) (L.D. 1384) (Presented by Representative WARREN of Scarborough) (Cosponsor: Representative CONLEY of Portland)
 Ordered Printed.
 Sent up for Concurrence.

Legal Affairs

Bill "An Act to Prevent Candidates for Office from Handling or Soliciting Absentee Ballots" (H.P. 1027) (L.D. 1385) (Presented by Representative MURPHY of Berwick) (Cosponsors: Representative NORTON of Winthrop and Senator DILLENBACK of Cumberland)
 Ordered Printed.
 Sent up for Concurrence.

Marine Resources

Bill "An Act to Amend the Law Prohibiting Scalping and Dragging in the Frenchboro Area" (H.P. 1025) (L.D. 1383) (Presented by Representative ZIRNKILTON of Mount Desert) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)
 Bill "An Act Regarding Lobster Fishing" (H.P. 1028) (L.D. 1386) (Presented by Representative MANNING of Portland) (Cosponsor: Representative KETOVER of Portland)
 Ordered Printed.
 Sent up for Concurrence.

State and Local Government

RESOLUTION, Proposing Amendments to the Constitution of Maine to Provide for the Popular Election of the Attorney General, Secretary of State, Treasurer of State and State Auditor (H.P. 1031) (L.D. 1389) (Presented by Representative HEPBURN of Skowhegan) (Cosponsors: Representatives STROUT of Windham, ANDERSON of Woodland, and Senator GOULD of Waldo)
 Ordered Printed.
 Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative SOUCY from the Committee on Transportation on Bill "An Act to Discontinue Town Ways and Public Easements" (H.P. 423) (L.D. 568) reporting "Ought Not to Pass"

Representative SOUCY from the Committee on Transportation on Bill "An Act to Alter the Laws Regarding Abandonment of Public Ways" (H.P. 459) (L.D. 614) reporting "Ought Not to Pass"

Representative DAVIS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Restore the 8% Discount to Retailers of Alcoholic Beverages" (H.P. 780) (L.D. 1052) reporting "Ought Not to Pass"

Representative TAMMARO from the Committee on Labor on Bill "An Act to Provide Payment of Workers'

Compensation Benefits in Cases when a Decision has not been Reached within 6 Months" (H.P. 594) (L.D. 805) reporting "Ought Not to Pass"

Representative CARTER from the Committee on Appropriations and Financial Affairs on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power within the Legislature to Override such Item Vetoes (H.P. 635) (L.D. 858) 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 SOUCY from the Committee on Transportation on Bill "An Act to Permit Spouses of Prisoners of War Special License Plate Privileges" (H.P. 87) (L.D. 90) reporting "Leave to Withdraw"

Representative SOUCY from the Committee on Transportation on Bill "An Act Relating to Use of 6-axle Vehicles to Haul Commodities" (H.P. 193) (L.D. 237) reporting "Leave to Withdraw"

Representative SOUCY from the Committee on Transportation on Bill "An Act to Amend the Charter of the Lubec Port Authority" (H.P. 412) (L.D. 546) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Create a Veterans' Property Tax Exemption Based on Disability" (H.P. 639) (L.D. 862) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Concerning the Drafting of Ballot Questions" (H.P. 264) (L.D. 347) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act Concerning Inspection, Registration and Abandonment of Dams" (H.P. 370) (L.D. 484) reporting "Ought to Pass" in New Draft (H.P. 1022) (L.D. 1376)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Thursday, April 30, 1987.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Permit Black Powder Hunting of Wild Animals of any Sex" (H.P. 533) (L.D. 717)

Signed:

Senators:

ERWIN of Oxford
 USHER of Cumberland
 BROWN of Knox

Representatives:

JACQUES of Waterville
 CLARK of Millinocket
 SMITH of Island Falls
 WALKER of Norway
 BROWN of Gorham
 GREENLAW of Standish
 WEYMOUTH of West Gardiner
 FARREN of Cherryfield

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

Signed:

Representatives:

DUFFY of Bangor
 ROTONDI of Athens

Reports were read.

Representative Jacques of Waterville moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not vote to accept the Majority "Ought Not to Pass" Report on this bill.

This bill should be given serious consideration for the simple reason that muzzle loading is a much more difficult sport than bow hunting. You all realize that muzzle loading hunting is a primitive hunting sport. There are much less deer taken during the muzzle loading season than any other season.

The first two years that they had a muzzle loading season, seven deer each year were taken. In 1985, there were 29 deer and in 1986, there were 27.

Bow hunters in 1986 harvested approximately 327 deer. The amount of deer harvested by muzzle loaders and bow hunters is a very small percentage of the amount of deer that were legally killed during the last hunting season. In 1985, there were 1500 deer that were killed in automobile accidents and the Department says that the number will be significantly higher for 1986.

My personal observation of this is that there are more deer poached on the average night by illegal hunters than killed by legally licensed muzzle loading hunters.

The season for bow hunters is four weeks before the regular rifle season and muzzle loading season is one week after the regular rifle season when all the deer are spooky. There is no good reason why this bill should not or cannot be enacted. The Department has the power to regulate the doe harvest if they deem it necessary.

The SPEAKER: The Chair recognizes the Representative from Mechanic Falls, Representative Callahan.

Representative CALLAHAN: Mr. Speaker, I would like to pose a question through the Chair to the Chairman of the Fisheries and Wildlife.

I would like to know why the opposition.

The SPEAKER: The Representative from Mechanic Falls, Representative Callahan, has posed a question through the Chair to the Chairman of the Fisheries and Wildlife Committee who may respond if he so desires.

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: To answer the good gentleman's question -- as you all know, we are right in the middle of having a somewhat controversial doe permit system for the first time. We had it last year.

The muzzle loading hunters now can hunt with a muzzle loader the whole four weeks of the regular firearm season on deer. Then they have six days after that that they can hunt. When they first came to the legislature, they asked for a three day season at the end of the regular deer season and that is all they wanted. They got that. After two years, it sunsetted and they never came back. When they did come back, they wanted a six day season at the end of the regular hunting season on deer and they got that. They said, "We won't want any more than that." Two years ago, they came in and wanted to be able to hunt deer six days before the regular firearm season on deer. We did not give them that. This year they came back and wanted to be able to shoot a deer during the regular firearm season on deer and

then shoot another deer with a muzzle loader season on deer. We didn't give them that either.

The problem we have is there is no way of controlling how many does, at this time, are going to be shot under the muzzle loading season. At one time, muzzle loaders were a difficult weapon to shoot but now they are making them that can shoot a 110 yards very accurately. They say they only have one shot -- well, I will submit to you that most of the deer that I have shot in my life I have shot with one shot, the first shot. Usually, if you miss that one, the deer is long gone so you are just cultivating the forest if you shoot any more than that. That is why the committee is opposed. That is why the Department is opposed. There is a concern that, if you allow this to happen, then more people will take to muzzle loading just because of the fact that they can shoot any deer that goes through the woods, whether it is a buck or a doe or a fawn. That is why the majority of the committee opposed this bill at this time. Maybe later on, when the system is a little more sophisticated, they may allow this to happen. But, at this particular time, we don't think it is a very good idea.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Ladies and Gentlemen of the House: I support the Minority Report and would urge you to reject the Majority Report of the Fisheries and Wildlife Committee for two reasons.

The first and most obvious one is that I sponsored the bill to begin with. The second reason is that there were only 27 deer taken during the six day muzzle loading season at the end of last year. I feel that this is a way to encourage the development of a sport, the diversification of the sport of hunting.

I am not the marksman that my good friend, Representative Jacques, is. Sometimes it takes me several shots before I punch my tag and I would encourage you to vote no.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: With this bill, others would have you believe that we are going to damage the resource. I think what has been left out is that the Department is talking about 35,000 to 40,000 (depending on the damage this big winter has done to the herd) doe permits that they will be issuing this year.

Again, I want to stress that we had 27 deer that were killed by musket single bore firearms last year. We are talking about a six day period. I know that some of us can hunt pretty good but I haven't shot a deer on the first shot yet -- of course, I haven't got a deer either but that is beside the point. This will not damage the resource. I think the fear of having 10,000 people going out and buying a musket loader, signing up for the season and running through the woods, is a little absurd. So, I would ask you to vote no on the pending motion.

I would request a roll call.

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 Representative Jacques of Waterville that the House accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, I request permission to pair my vote with the Representative from Bangor, Representative Stevens. If she were present and voting, she would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is the motion of Representative Jacques of Waterville 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. 30

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Begley, Bost, Bott, Bragg, Brown, Carroll, Carter, Cashman, Clark, H.; Coles, Connolly, Cote, Crowley, Curran, Davis, Dellert, Diamond, Dutremble, L.; Erwin, P.; Farren, Foss, Foster, Garland, Greenlaw, Gurney, Gwadosky, Handy, Harper, Hepburn, Hichborn, Higgins, Hillock, Ingraham, Jacques, Jalbert, Ketover, Kilkelly, Lacroix, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; McHenry, McPherson, McSweeney, Moholland, Murphy, T.; Nadeau, G. G.; Nicholson, Norton, O'Gara, Paradis, E.; Paradis, J.; Parent, Paul, Perry, Pines, Pouliot, Priest, Racine, Reed, Rice, Richard, Scarpino, Simpson, Smith, Stevens, A.; Strout, B.; Swazey, Tamaro, Telow, Thistle, Tupper, Vose, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirnkilton.

NAY - Baker, Callahan, Chonko, Conley, Duffy, Farnum, Gould, R. A.; Hale, Hanley, Hickey, Hoglund, Holt, Hussey, Jackson, Joseph, LaPointe, Macomber, Mayo, McGowan, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Nadeau, G. R.; Nutting, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Sheltra, Sherburne, Soucy, Stevenson, Strout, D.; Tardy, Taylor, Tracy, Walker, Warren.

ABSENT - Bailey, Bickford, Boutilier, Clark, M.; Dexter, Dore, Holloway, Kimball, Rand, Reeves, Seavey, Small, Sproul, Stanley, The Speaker.

PAIRED - Paradis, P.; Stevens, P.

Yes, 92; No, 42; Absent, 15; Paired, 2; Excused, 0.

92 having voted in the affirmative and 42 in the negative with 15 being absent and 2 paired, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-77) on Bill "An Act Relating to Taxation of Aircraft" (Emergency) (H.P. 190) (L.D. 234)

Signed:

Senators: DOW of Kennebec
TWITCHELL of Oxford
SEWALL of Lincoln

Representatives: SWAZEY of Bucksport
CASHMAN of Old Town
JACKSON of Harrison
NADEAU of Saco
SEAVEY of Kennebunkport
DUFFY of Bangor
ZIRNKILTON of Mount Desert
INGRAHAM of Houlton

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

Signed:

Representatives: MAYO of Thomaston
DORE of Auburn

Reports were read.

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

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

Ladies and Gentlemen of the House: This bill has been here before for people who were here in the 111th and 112th Legislature. What it intends to do is to address an inconsistency in Maine's tax law. When Maine's Sales Tax Law was first put into place, there was an exclusion written into the law for vehicles used in interstate commerce. So, currently we do not assess the sales tax on aircraft, which is for use in interstate commerce. The problem is that this exemption does not apply to aircraft used in interstate commerce if that aircraft is leased. The reason for that is that 40 years ago when Maine Sales Tax was first created and those first exemptions were written, it was not a common practice to lease vehicles, aircraft or any other vehicle. Consequently, leased vehicles were not included in the exemption and I think that that was more a matter of omission because of the standard business practice of the day than it was an intentional omission.

Four years ago, Bar Harbor Airlines came to the Taxation Committee because they were looking to expand their operations in the State of Maine. They felt that this peculiar provision of Maine tax law was hampering their expansion. Because they had a limited amount of capital available, they intended to accomplish their expansion plans by leasing aircraft rather than by purchasing them. They felt that they were being treated unfairly, simply because they lacked capital. They told us in the Taxation Committee that if the tax exemption were extended to leased aircraft as well as purchased aircraft that they would tremendously expand their presence in Maine and that they would expand their employment in Maine.

The 111th Maine Legislature, in their wisdom, granted this extension of the sales tax treatment to leased aircraft and the 112th Legislature extended that treatment to July 1st of this year. I think it is interesting to look at what Bar Harbor Airlines has done since we granted that original exemption three or four years ago. They acquired Valley Airlines of Aroostook and provided increased service to northern and central Maine. Service has been added to and from Maine, to Philadelphia, New Jersey and Burlington, Vermont. Shuttle service from Portland to Boston has been established with flights leaving every hour from early morning to late evening. Nonstop service has been established between two Maine points and St. John, New Brunswick and Halifax, Nova Scotia. The number of aircraft that they are flying has almost tripled and most important of all to me is the employment level has increased from 339 employees in 1983 to 603 in 1986 with a total of wages paid of \$10,927,000 and an average wage of \$10.92 an hour.

I think that those are pretty impressive statistics. I also feel that perhaps more than any other industry that I have dealt with since I have been in the Maine Legislature, Bar Harbor Airlines has lived up to every commitment they have ever made to the Maine Legislature and to the Taxation Committee.

Bar Harbor Airlines is back now because this provision is due to sunset July 1st of this year and they are looking to further expand their operation in Maine. In fact, they are looking to have as many as

900 employees in Maine by the end of this year. They need to have this tax treatment extended in order to accomplish the expansion that they envision.

Through my tenure on the Taxation Committee, I have not been a big promoter of preferential tax treatment, favoring one company over another. I stood here several years ago and fought against such a proposal for an ethanol plant. Within a week, I will stand here and fight again another such proposal but what I have favored is changing Maine's tax law on businesses when inconsistency in our tax policy is hampering the growth of Maine industry.

I would submit to this legislature that that is, in fact, exactly what is happening here and I would urge you all to support the bipartisan Majority "Ought to Pass" Report.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: This morning I would like to speak to you about the tax policy embodied in this legislation. I think it is important to step back and consider specifically what this legislation is going to do. First of all, let me point out that, since Bar Harbor is proposing to lease aircraft, they are, in fact, not the taxpayer; the lessor is the taxpayer. Ford Motor Credit and Beechcraft Finance Corporation are the actual taxpayers in this situation so they are the ones actually receiving the exemption. There was no doubt in my mind that if they received this exemption, they will not have costs to pass on to Bar Harbor. I think it is important to point out that Bar Harbor is not the one receiving the exemption, it is these two other corporations.

The legislation that is before us today is a 27 month extension of previous legislation that we were told in 1987 was for one year only. The legislation is somewhat different, however, and if you will read the L.D. you will see that it repeals the old section and imposes a new section. It simply does not just extend the sunset. There is a difference in this legislation. It talks about the sale or lease of aircraft -- all aircraft, regardless of interstate, intrastate service.

I think you should also look very seriously at the fiscal note that has been attached to this bill. The fiscal note, over the biennium, is \$5 million. We are talking about an exemption that is designed for one company and one company only because there is only one company in the state that qualifies for this exemption.

We were supposedly only going to do this for one year when we originally enacted this special legislation for Bar Harbor Airlines. In 1984, we enacted legislation with a one year sunset. The fiscal impact of that legislation was just about \$1.5 million. In 1985, the fiscal impact of the two year extension from 7-1-85 to 7-10-87 was just about \$1.2 million. The total so far is \$2.6 or almost \$2.7 million.

What else have we done for Bar Harbor Airlines? If you will look at the Senate Record in 1984, you would see people in the other body talking about an out of court settlement that was reached between the State of Maine and Bar Harbor Airlines, a very favorable settlement for Bar Harbor Airlines and the back taxes that they owed. We were very generous in that settlement.

I would also like to have you consider that this bill also provides for an exemption for repair parts. How many other industries in this state enjoy such an exemption? There are some. Farmers and fishermen enjoy a similar type of exemption on their

vehicles and parts used for that business. But that is industry as a whole, it is not one company within an industry. What about the truckers and the other people who lease equipment? Lease computers, telephones, lease anything? Why are we providing one exemption for one company within an industry that puts them in an unfair disadvantage? I am talking about proper tax policy. I am talking about setting up a tax policy that fairly treats everybody in the State of Maine. We presently have on the books exemptions of \$825 million, sales tax exemptions that exceed \$400 million -- if we repealed all the exemptions on our sales tax, we could cut our sales tax rates to two and one-half percent.

The fundamental principle that I am trying to speak out on here today is a fair tax policy. We expand our base, we treat people equally, we treat people fairly, we all pay something, we all pay a fair rate, the burden would be reduced and not shifted.

I would ask you to consider very strongly today what we are doing, what I feel is a bad tax policy, and I would urge you to vote against the pending motion.

Mr. Speaker, I would request a roll call.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the Majority Report.

Some of you members were members of the 111th Legislature when this original extension was granted to Bar Harbor Airlines. Some of you knew, at that time, their plight. I firmly believe that if we had not extended that exemption to Bar Harbor Airlines, at that time, that Bar Harbor Airlines would no longer be in business in the State of Maine. The legislature at that time recognized that the airline industry in this state was a major component in the transportation industry so we, at that time, granted Bar Harbor Airlines the sales tax exemption on leased aircrafts and the parts used to repair them. At that time, they told us that they could increase employment, increase services, and give better service to people in the State of Maine. I believe that they have lived up to that. I think that the record shows it. The record shows that they had a little over 300 jobs in 1983; today they have over 600.

With the continuation of this exemption, they have indicated that they would be in the position to employ possibly 200 to 250 more people, some in the Portland area, some in the Bangor area. They are planning on retaining their headquarters in Bangor and leasing a facility at the Portland Jetport for maintenance of aircraft, which would be something new for the state. Currently, their craft is maintained in New Jersey. This, I understand, would bring 100 jobs to the greater Portland area, which I think would certainly help their economy and help all of Maine's economy.

I think it is vital that we have a strong transportation policy and a strong transportation system in the state and I think that Bar Harbor Airlines Express supports that system. I think it is important because of economic development. I think that if we can grant this extension or extend this exemption that that will continue to make our transportation industry in this state, strong. It will continue the economic growth that the state needs.

The questions I asked myself, when they came before us and asked for the continued exemption, was -- has the granted exemption accomplished its

intended purpose? I believe that it has. I would hope that the members of this body today would vote with the Majority Report and continue the exemptions so we can see the continuing growth of a Maine based company into an extremely national company.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I hesitate rising again today but my colleague from Auburn, who wanted to speak on another issue, has probably been held up by the storm and I wish to speak to the issue that she was going to.

Representative Dore and I have both been very concerned about the things that have been in the press lately and you are all aware of that and that is the company that is before us today is no longer just that Maine company. It is now 50 percent owned by Texas Air. They have also negotiated securities whereby 20 percent more of that company could transfer to Texas Air in the next five years. That is an important issue and an issue I think you should consider today before you vote on this bill.

I also remind you that it is not simply an extension of a sunset, it is a new bill, new language. The old section, page 2 of the bill, repeals the present law and places in a new law that provides a complete exemption for all sale, leased, and all purchased and replacement of repair parts. That is new.

Again, I would remind you that we are talking about appropriate tax policy. I believe in economic development, I believe in a fair tax policy, but I do not believe in patchwork, piecemeal tax policy that treats one industry or one business within an industry different than other businesses within that industry. It is simply and completely not fair.

I would also ask you to consider -- we are going to have a long line of different individuals and businesses at the door of this State House if we continue to pass out special interest legislation. If we continue to go along this road, the line will be never ending. Let's also consider -- what about the small businesses? The businesses in your district and in mine that don't have the ability to bring down polished lawyers to present legislation to this legislature and see it through the process -- who is representing them here today? I hope that I am and I hope that you will when the vote is taken.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I have look very seriously at this bill and at the fiscal note that comes with it. I have asked myself what other services won't be funded because we won't have \$5 million. Will we have money for adequate increases in our Human Services for AFDC increases? Will we have adequate funds to meet the serious AIDS crisis that faces our state? Will we be able to protect Maine citizens from this dreaded disease or will we say that there isn't enough money? I could go on and enumerate many programs with sufficient funding today, tomorrow and in June that will be in jeopardy.

But there is also another consideration -- this \$5 million, as has been said here today, is for one company. Many of us sat numerous days earlier this session and last year traveling around the state, visiting businesses, and studying the Maine economy. The one issue that all businesses brought up was that of Workers' Compensation -- that Workers' Compensation is causing loss of jobs and potential loss of businesses. We have no subsidy in our state for Workers' Compensation.

I would ask you all to think about the businesses in your districts and how many of them would be assisted with a subsidy for their Workers' Compensation rate? Would you vote for \$5 million in Workers' Compensation relief to help all businesses around the state? I would ask you to consider, very seriously, what that \$5 million would be used for in this bill and what else it could be used for, if it still lies on the Table in June?

I would ask you to vote against the Majority Report.

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

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: This is a peculiar fiscal note in that, without the exemption, Bar Harbor has stated that it does not have the financial capacity to expand. So, without the bill, there would be no tax revenue generated. Yet, with the law on the books, there is a revenue loss and that is the sort of dilemma that we are in.

We feel that this really is a bogus fiscal note and, as a member of the Appropriations Committee, I am hoping that we can do something with that fiscal note on the Appropriations Table. The reality is, from my perspective and I am the sponsor of the bill, if we cannot deal with this fiscal note, this bill cannot pass. There is no way that we can afford to allow \$2.5 million for one corporation. I just think that that is the reality but I think, on the other hand, that it is a bogus fiscal note and we have to deal with it in a rational way.

I hope that you would vote this "Ought to Pass" and follow the majority of the committee and get this to the Appropriations Table and let us deal with it in a rational way.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I wish to apologize for my tardiness. I checked with my seatmate -- there is only one further point that I would like to make and that is, the trucking groups come to us looking for these same exemptions because they also transport materials and bear that expense. If we care to create a level playing field, we are going to have to give them what we give to Bar Harbor ala Texas Air Airlines so the fiscal note is really much higher than one would think it is going to be in the interest of fairness. It may be a separate bill but I think you are going to have a hard time voting for Bar Harbor and not voting for the truckers. I think that that is only right so when you vote on this bill, don't just look at the fiscal note for Bar Harbor Air.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: Just to address a couple of points -- it has been stated that our tax policy is being done piecemeal and that if we cut out all the exemptions, we could cut Maine's sales tax in half and that is true. If that is the intent of the gentleman from Thomaston, I haven't seen the bill.

I think that the sales tax exemptions have been placed into Maine law for various reasons. We exempt food, for example. If somebody wants to put in a bill that would extend the sales tax to food, I think the Taxation Committee would entertain that bill. There are a lot of exemptions on the books and I think most of them are very appropriate and I think, as we review exemptions in the Taxation Committee, which we do every year for those of you who have

never served on the Taxation Committee, we review 25 percent of the exemptions every year and we usually end up keeping most of the exemptions, if not all of them. We do that because of the fact that they were put on there for a reason. In most cases, that reason still exists.

I started this morning's debate by pointing out that aircraft purchased for use in interstate commerce is tax exempt. In aircraft that is leased for use in interstate commerce, it is not. If you want to talk about good tax policy and you want to talk about consistency, I guess I would like somebody to explain to me why that situation exists.

Representative Dore has pointed out that there is a bill in to address the same situation for the trucking industry and I think that that bill should be passed too because that is an inconsistency in Maine's tax law. If an inconsistency in Maine's tax law is hurting Maine industry, as I said before, I think it is the duty of the Taxation Committee to address it.

As far as the fiscal note is concerned, we have heard from one member of Appropriations and I am sure that the others could all stand up and speak for themselves, but as one legislator, I have a good deal of faith in the Appropriations process and I have a good deal of faith in the Appropriations Committee. I think this bill, along with the trucking bill and any other bill that Taxation sends out, will be placed on the Appropriations Table and prioritized and dealt with accordingly.

Finally, the fact that Bar Harbor Airlines has been purchased 50 percent by Texas Air has been brought up and I would submit to you that that is all the more reason why this bill is imperative. This tax exemption for leased aircraft only applies to airlines that have their corporate base in Maine. You have heard it said several times this morning that it only benefits one company and that is true. The reason for that is that Bar Harbor Airlines is the only commercial airline that has a corporate base in the State of Maine. If Delta Airlines wants to move their base to Maine, that would apply to them too. I would love to see that but I don't think that is in the offing.

The point is, where Texas Air has purchased 50 percent of this previously 100 percent Maine owned business, I think that the family who did own Bar Harbor Airlines had a strong sentimental attachment to Maine, and might have stayed here anyway. But I would submit to you that with 50 percent of the stock now being owned by Texas Air that that sentimental attachment no longer exists. If we create a taxation area to their being able to operate and stay in their corporate office in Maine, that they may, in fact, choose to move their corporate office somewhere else. They could do this very easily because Bar Harbor Airlines, not only leases aircraft, but lease all their office space. They wouldn't have to pick up any buildings and move. They could easily move to Connecticut or New Hampshire or any one of a number of states that offer the same treatment for leased aircraft that they do for purchased aircraft.

So again, I would urge the House to support the Majority "Ought to Pass" Report and send this bill on its way.

Representative Mayo of Thomaston was granted permission to speak a third time.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I thank you Mr. Speaker and Ladies and Gentlemen of the House for your indulgence. I think I should respond to a couple of points that have been made.

First of all to the fiscal note -- the fiscal note was prepared in conjunction with the Bureau of Taxation, the Office of Fiscal and Program Review and Bar Harbor Airlines. The bill was prepared based on the information that Bar Harbor Airlines submitted to those two Bureaus, one within the Executive Branch and one within the Legislative Branch. I think it is inaccurate to refer to that fiscal note as bogus.

Further, the statements made by the Chairman of the Taxation Committee, my Chairman, Representative Cashman from Old Town, as to why he has not seen the bill to repeal all the exemptions on the books -- I would remind him that I, along with a member of the other body, supported in the last session a bill that would have repealed every exemption on a periodic basis. It would require the legislature to extend those exemptions, rather than the other way around, where we simply review them.

As to the question of food, that is correct, food is exempt from sales tax and I probably would be hard-pressed to vote to impose a sales tax on food. There is an important reason for that. Food is a commodity, a basic necessity of life, and it is an exemption that is enjoyed by every living citizen in the State of Maine. This exemption we are talking about here today is going to be enjoyed by one corporate entity in the State of Maine and I feel that that is patchwork, patch policy, and an inappropriate tax policy.

Again, I urge you to vote against the pending motion and to support the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the comment about the \$5 million loss if Bar Harbor Airlines isn't here. There isn't going to be \$5 million for the Department of Human Services or any other expenditure.

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

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: Just a final note on the fiscal note -- the information that Representative Mayo refers to is accurate but it is important to point out that those figures were predicated on how Bar Harbor would expand under the current exemption. That is the key. Without the exemption, there is no loss of revenue.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: It is very unusual when one gets up and speaks on a taxation bill when they really haven't served on that committee but I would like to give you just a brief history of a bill that I sponsored for a large corporation in this state in 1981. It was a bill dealing with the Maine Central Railroad. That bill called for a half a million dollars the first year. It was a bill that was sunsetted a number of different times. As a matter of fact, I think I sponsored that bill six times. That bill didn't keep the Maine Central Railroad from decreasing their services in the State of Maine. As a matter of fact, they owned property in the State of Maine and they moved from the State of Maine. They moved everything, people, property, everything to the State of Massachusetts.

As one who has been sitting on the Human Resources Committee this year, I have really gotten kind of depressed because I have had an awfully lot of people in front of me, people who are hurting, the

MR's, the mentally ill, the disabled, and many others, on and on and on. I would hate to see us give money to a corporation that is owned now by the largest airline in the country. I would hate to see us give them a tax break when we have people in this state who are hurting and could use that money in a much better way inside the State of Maine and not some place down in Texas. If they own 50 percent now and can own 20 percent later down the road, just think what happened to the Maine Central Railroad. How many of us have seen the decrease in jobs in the State of Maine? The Waterville's, the Augusta's, the Portland's, Rockland's? They don't even own tracks anymore because we had to buy them up.

I think we ought to take a hard look at this because I think we have already tried to keep one business within the State of Maine and it didn't work. They were granted a half a million dollars and that didn't help them.

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly and hopefully in the form of a summary, I think I want to try and capture what the essence of this issue really is and that is what I think has been the more predominate buzz-phrase of the last couple of years and particularly this year, which is economic development in Maine. Very important, everyone supports it, motherhood and apple pie. I think you all understand what I am saying. This is one of those issues that really means something to economic development in this state particularly in the Bangor-Brewer area.

The effect of this legislation involves 600 employees, if I understood the gentleman from Old Town correctly, and potentially 900 employees, when all is said and done. That is a lot of jobs. That is an enormous impact on the economy of central Maine, particularly the Bangor-Brewer area. The multiplier effect of those dollars into the economy will be felt and realized many, many, many times over. The effect of this sales tax exemption, as I think has been very accurately pointed out, will be virtually nil. If Bar Harbor Airlines picks up and goes to another state, there will be no loss of revenue. So, ladies and gentlemen, what we are going to realize in the form of benefits to the economy with this piece of legislation alone, I think, is worth the effort.

Secondly, air transportation is critical to any economy, not just the Bangor-Brewer area obviously, but Bar Harbor Airlines has an impact from one end of the state to the other. So, it is very critical that we ensure that that service be uninterrupted and obviously that their corporate headquarters remain here because it certainly is a benefit to us all.

Ladies and gentlemen, I really think that we ought to look at it in that vein and consider the issue from that point of view because I think, in the long run, we certainly are all going to be better off. Keep in mind that this state, from an economic development point of view, is competing with every other state in New England, and for that matter in the Northeast. We are going to have a severe competition to attract growth and industry. Air transportation in this day and age is absolutely critical to that growth.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't concur more with the words of the gentleman from Lewiston, Representative Nadeau.

He is absolutely right on target. We are talking about a fiscal note here that is like looking into a crystal ball. It is based on future economic decisions made by a company. If the company opts not to make those decisions, then there is no income for the General Fund to state government.

The real concern that I have is that we are discussing a very highly competitive deregulated industry this morning, the airline industry. We have a company which is based here in the State of Maine. It provides 600 jobs to people in the State of Maine. We have states to the south of us, particularly in the 'hub' so to speak, New Jersey, New York and even just over the border to New Hampshire, who already provide this exemption. Irregardless that they provide it, we have, in the piece of legislation that is before you today and has been there since 1983 -- it has to be a Maine based company in order to qualify for the exemption.

If we fail to pass the exemption, if I were making decisions for a company such as that company in the highly competitive field that they are in and I wanted to expand my services, I would look to expand my facility elsewhere. I would look to expand it where I could maximize my services and realize a profit from it.

It is not only Portland to Bangor that realize some benefit from this bill or from Eastern Express or from Bar Harbor Airline, it is even to the north of us, northern Maine. Bar Harbor Airline, as I understand it, owns Valley Airways. Those are jobs for northern Maine also.

What happens if a company removes its presence from the state, removes its headquarters from Bangor? What happens to the service to those areas? I think, as I stated earlier this morning, that the granted exemption does serve the purpose that it was intended to do. I think that it deserves a continuation and I think that we have got to have it in order to continue a strong economic and viable airline industry in this state.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair?

If Bar Harbor received this \$5 million tax break and this bill were to pass, what kind of contract will Bar Harbor give to the State of Maine that they won't leave tomorrow?

The SPEAKER: Representative Clark of Millinocket has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: Well, the lobbyist from Bar Harbor told me that there is no guarantee and that what we had is that, if they didn't leave, they were employing people and, if they left, they would lose the break. So we wouldn't have to worry about giving them a break if they left, because you see they would lose the break, if they left. That is the kind of guarantee that we have.

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

Representative CASHMAN: Mr. Speaker, in response to the question, I think the Representative from Millinocket knows full-well that we could not enter into any enforceable contract that would require them to locate their corporate headquarters.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: In the State of Maine, we have had Northeast Airlines that couldn't make it, we had Executive Airlines that couldn't make it, we had Air New England who couldn't make it -- all corporations that had good leadership and gave it a real good try. In fact, the president of Executive Airlines went down on a holiday weekend after flying 12 hours, losing his own life.

I think that we have got to recognize that if we want air service to remote locations in Maine, we are going to have to subsidize them somehow because they just do not pay. I think that we need that service and I certainly hope you will go along with the Majority Report.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind this House again of just exactly what I indicated earlier. Maine Central Railroad used those same excuses in 1981, 1982, 1983, and 1984 that, if we didn't subsidize them, that those remote areas would not be serviced. I would like to ask the gentlelady from Rockland whether or not Maine Central is still there? No!

I would like to ask many of our other cities if they are still there? I doubt it! I know what the people in Waterville have gone through. I know what the people in Portland went through.

I was watching television the other night when the announcement of Texas Air came on. The sales manager said, "With this, we will be able to go out and buy more additional airplanes." Now, do they need Texas Air or do they need this tax break?

I would just remind this body that we have got many, many different things that we need to fund. Come up in my room, day after day, and hear the woes of the people who need some money out there. I just want to remind you, where is the corporate headquarters of the Maine Central Railroad? It is no longer in Maine, it is in Billerica. They took everything. They were here, they had a big building down in Portland and they sold it, they sold just about everything they had. So, if Texas Air thinks it is a good deal and they think they can put more money into it and buy more airplanes, I think that is the route we ought to go, rather than to give them a tax break and take money away from some of the people in the state who really need it.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: We all know that the trucking industry in the State of Maine is dying by inches. We are talking now about a corporation that doesn't even live in Maine, only 50 percent of it. I will say this, the truckers with two or three trucks, are going bankrupt every day. They have got five or six trucks, they pay the sales tax on three, just on account of that little word being there, "leased." If that little word "leased" wasn't in this package, Bar Harbor would not get that money. They would have to pay the sales tax and the other guy that owns the other three trucks, he pays that sales tax because that word "leased" is in there. The other three trucks he owns, he doesn't have to pay that sales tax because he is exempt.

So, I will probably vote for this bill today but I hope that when the bill goes through for the trucking bill in Taxation and Appropriations that you people in the House today will give the trucking

industry or any other small business this same thing that you are giving Texas Air or Bar Harbor Airlines.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I, too, serve on the Human Resources Committee and I also have the dubious privilege of sitting in on the Appropriations deliberations when they deal with bills having to do with Human Resources, having to do with the Department of Mental Health and Retardation.

In the last several weeks as we heard the Part 1 budget, I heard consistently the departments come in and level-fund or close to level-fund, particularly community services -- for instance, to Mental Health and Retardation, to the Developmentally Disabled, to foster care, to the physically disabled, to SSI, to AFDC, to Home Health Care, to Meals on Wheels, to name only a few. Each time the argument was, there is no money, these are not a priority for us. What I am hearing today is that we are giving away, if we vote with the majority, the potential for \$5 million. I understand that is the potential but that is what we are doing.

I urge you, ladies and gentlemen of the House, to vote with the Minority Report.

Representative Lisnik of Presque Isle was granted unanimous consent to address the House a third time.

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I would just like to respond to Representative Manning. I really don't know all of the details of Central Maine Railroad but I do know that Bar Harbor has kept every single pledge that it has made to us. I cosponsored this bill last time. They said that there would be increased traffic into Presque Isle and they brought two of those brand new Saab Fairchilds in. It is a beautiful plane. They have expanded in the Bangor office and I would defy anybody here, who was intimately involved, to stand up and say where they dropped the ball last time. I don't believe that that happened. I think that they are an excellent corporate citizen. I think they have serviced this community of Maine very, very well.

Getting back to the fiscal note -- you are talking about \$2.5 million a year if, in fact, the fiscal note stands. I don't think you are going to see members of the Appropriations Committee coming out and asking this body to fund \$2.5 million for this corporation if that fiscal note stands. You are absolutely right that there are other priorities. But if that fiscal note does not stand, I want to give this bill a chance. I hope you will vote it to the table.

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 Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I don't need to reiterate that they own no real estate in Maine but I do need to reiterate to Representative Lisnik, my good friend across the isle, that Bar Harbor Airlines, although a wonderful corporate citizen, is no longer the boss. The boss is in Texas and they can have influence but they are not the final yea or nay sayer.

I would also like to suggest to you that corporate tax dollars are shrinking and have been in real dollars and that your constituents bear the burden of this shrinking and that, although we do need economic growth, every corporation in Maine will grow and expand if we remove their taxes. I personally promise to hire a full-time gardener if you remove my taxes. You have to be fair about a balanced tax burden in the State of Maine. It isn't fair to give one corporation a tremendous tax burden.

I am learning, I am new on Taxation, I am trying to develop a consistent policy about tax exemptions and I just can't see one corporation getting a \$5 million exemption.

The other final word I have to say is that we can not fold our tents every time a corporation says, "I am going to leave if you don't give me a tax break." It is blackmail and it was done implicitly and explicitly to us during the hearings. Should we believe them? Maybe sometimes we should but, if we do every time somebody says I may leave, you are folding your tents to blackmail.

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

Representative SOUCY: Mr. Speaker, I would like to pose a question.

I see a sunset provision on this for October of 1989 -- my question is, are we going to be debating this bill in January of 1989?

The SPEAKER: Representative Soucy of Kittery has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: If I may answer the question to Representative Soucy, I believe we will be debating it again. We have already done it and this is the third time. We were told the first time we passed this legislation, it was for one year. It seems to me we are going to continue to expand or extend this patchwork tax policy and will be debating this year after year after year.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I have complete sympathy with all of Human Services projects but, if we have no business in this state, there will be no money for Human Services.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to respond to the question.

My good friend from Thomaston and he is my good friend, in spite of today's debate, is absolutely correct, this is the third time around for this bill and in 1989, it will be the fourth, whether we are here or not. I think that is because the Taxation Committee, when we first considered this issue, wanted to judge the performance of Bar Harbor Airlines as a corporation for a period of time after we granted the extension of the sales tax exemption. In this particular case, I think many of us on the Taxation Committee would have made this a permanent situation but, for the fact that Texas Air has become involved, and again we would like a two year period to see how they handled themselves as a corporate citizen.

While I am on my feet, one final point that I would like to make, this bill has been called in this debate a subsidy, a giveaway, a \$5 million grant in aid, and a number of other things. I would like to

go back to the first point I tried to make and either I didn't make it clear enough or some people in the debate have ignored it but I don't consider this a subsidy and I don't consider this a grant in aid. I consider this an inconsistency in Maine tax policy where, if you buy a plane, you don't pay a tax, but if you lease it, you do. I think that this bill is just simply intended to correct that situation.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Cashman of Old Town that the House accept the Majority "Ought to Pass" Report.

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

Representative MELENDY: Mr. Speaker, pursuant to House Rule 19, I request to be excused from voting on this issue.

The SPEAKER: The Chair would inquire for what reason?

Representative MELENDY: Mr. Speaker, owning stock in Texas Air.

The SPEAKER: The Chair would ask whether or not ownership of that stock would treat her any different than any other Maine citizen that would own stock in Texas Air?

Representative MELENDY: Perhaps not.

The SPEAKER: The Chair would then suggest that she vote.

The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, I request permission to pair my vote with Representative Boutilier of Lewiston. If he were present and voting, he would be voting yes and I would be voting no.

The SPEAKER: The pending question before the House is the motion of Representative Cashman of Old Town that the House accept the Majority "Ought to Pass" Report. This being an Emergency measure a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 31

YEA - Anderson, Anthony, Armstrong, Begley, Bickford, Bost, Bott, Bragg, Callahan, Carter, Cashman, Chonko, Cote, Crowley, Curran, Davis, Diamond, Duffy, Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hussey, Ingraham, Jackson, Jacques, Jalbert, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, MacBride, Mahany, Marsano, Martin, H.; Matthews, K.; McGowan, McSweeney, Melendy, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pines, Pouliot, Reed, Rice, Richard, Ridley, Rolde, Salsbury, Sherburne, Simpson, Small, Soucy, Strout, D.; Swazey, Tamaro, Tardy, Telow, Tracy, Vose, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirnkilton, The Speaker.

NAY - Aliberti, Allen, Baker, Brown, Carroll, Clark, H.; Clark, M.; Coles, Conley, Dellert, Dore, Dutremble, L.; Gurney, Hale, Handy, Hillock, Hoglund, Holt, Joseph, Ketover, Kilkelly, Lord, Macomber, Manning, Mayo, McHenry, McPherson, Michaud, Mills, Nutting, Perry, Priest, Racine, Rand, Rotondi, Rydell, Scarpino, Sheltra, Smith, Stevens, A.; Stevenson, Taylor, Thistle, Tupper, Warren.

ABSENT - Bailey, Dexter, Holloway, Kimball, Reeves, Ruhlin, Seavey, Sproul, Stanley, Stevens, P.; Strout, B..

PAIRED - Boutilier, Connolly.

Yes, 93; No, 45; Absent, 11; Paired, 2; Excused, 0.

93 having voted in the affirmative and 45 in the negative with 11 being absent and two having paired, the motion to accept the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-77) was read by the Clerk and adopted and the bill assigned for second reading Thursday, April 30, 1987.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act to Deny Certain State Funds to Any Person who Refused to Register Under the United States Military Selective Services Act" (H.P. 13) (L.D. 11)

Signed:

Senator: DILLENBACK of Cumberland
Representatives: PERRY of Mexico

MURPHY of Berwick
STEVENSON of Unity
HARPER of Lincoln
JALBERT of Lisbon
TUPPER of Orrington
STEVENS of Sabattus

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

Signed:

Senators: KANY of Kennebec

Representatives: ESTES of York
PRIEST of Brunswick
PAUL of Sanford
MARTIN of Van Buren

Reports were read.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: I move that the House accept the Minority "Ought Not to Pass" Report.

I think it is important to briefly explain what this bill does. L.D. 11 will disqualify any male student who fails to register for the Selective Service from receiving any state-funded grant, scholarship or loan. It also authorizes administrators of financial assistance programs to require an applicant to submit written proof of registration before awarding any post-secondary education grant, loan or scholarship. In sum, it applies only to those who are receiving state aid for post-secondary situations.

This bill was brought before the last legislative session and was killed.

I think before we start debate on this question, and I have no doubt that there will be debate, let's be clear that the issue in this bill is not an issue of patriotism. Many proponents and opponents served their country in the armed forces. Like many in this body, I served in the Vietnam Conflict. Like many in this body, my father served during World War II and like many of our parents and grandparents, both my grandparents served during World War I. I support the "Ought Not to Pass" Report so the issue is not about patriotism, the issue is about the Selective Service System, the Federal Selective Service System and whether or not it needs state help.

After careful consideration of the extensive testimony, the signers of the "Ought Not to Pass" Report felt that the Federal Selective Service System did not need state help and that this bill is unnecessary.

We heard evidence that the Selective Service registration rate in Maine is now 98 to 99 percent. Since that registration was reinstated in 1979, Maine has had a 98 to 99 percent registration rate. We heard evidence that, since 1979, there has never

been a federal prosecution of a non-registrant in Maine by the U.S. Government. We heard evidence that the federal penalty for failing to register with the Selective Service is five years in prison or \$250,000. We heard evidence that the overwhelming majority of state post-secondary aid is given in coordination with federal aid programs and that there is on the books now with the federal government a law that says, if you fail to register for the Selective Service, your federal aid is cut off. We heard evidence that this bill would increase the administrative burden on colleges and universities to ensure compliance. For example, the director of financial aid at Thomas College estimated this would cost Thomas College \$4,000 a year more, just to comply with this bill.

It seems clear to the signers of the "Ought Not to Pass" Report that this bill is simply not needed. The federal government is doing fine, the Selective Service in this state is in excellent shape and it doesn't need our help.

Finally, I would like to just bring a personal note to this. I speak for myself, not for the other signers. It seems to me as one who served in the Republic of Vietnam in 1970 and 1971 that this bill resurrects the whole unhappy debate of the Vietnam War. This was the effect in the last legislature and I fear it may be the effect in this one. This debate ripped apart our society for over two decades and only now is the debate finally fading away. It seems to me this bill is divisive at a time when we should join together in support of our country and those who serve it. This bill starts a debate which we cannot resolve for a need which has not been shown. To both sides on this debate, I would urge you to realize the war is over and that we need to move on.

I would, therefore, ask you to support the "Ought Not to Pass" Report.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring out one point that my good friend from Brunswick said -- if somebody "fails" to register for the conscription, the Selective Service, the bill says "refused" to register, it says nothing about failing. If anybody, through oversight or negligence may have failed to register, they will be asked to register and all they need to do is register.

This bill was debated two years ago in the 112th and it passed the House but failed in the other body. I, too, do not wish to rehash World War II, World War I, the Korean Conflict or Vietnam. This is not the question of the war. I served in World War II and I did benefit from the government subsidy for education.

This question -- is a young man suppose to abide by the laws of this country? This is a country of laws and not of men. We don't decide when we will abide by one law and ignore another one. All we are asking these young people to do is to put their name down and register for the military Selective Service. Right now, there is no conscription for military service under the Selective Service Act. All they need to do is abide by the law. It is a federal regulation now -- what would be wrong with making them abide by state regulation? My friend from Brunswick said, that in testimony someone from Thomas College said, it would be a cost. It is a cost to the universities now because they have to find out if they are meeting the federal regulations as most of the young people who apply for school subsidies, apply for both federal and state subsidies.

I say again, if every one is to be an American citizen, let us abide by the law and not make decisions ourselves of whether not we like a certain law or you don't. That is why I say I would ask that you vote no on the Minority "Ought Not to Pass" Report.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose the motion before us, to accept the Minority Report.

I am the sponsor of the bill. This bill requires that evidence of registration is to be presented at the time of application for loan assistance or grants. As we have heard, the program which would be affected here in our state consist of the Blaine House Scholars, the Post-graduate Health Professional Programs and the Maine Osteopathic Loan Program. The requirement of evidence can be met very simply -- by certification on a form for application for the grant or loan, that the requirement for the Selective Service Act have been met and that they have been satisfied in that manner. All it needs is a check mark following the question.

At present, students who apply for the Federal Financial Aid Programs must show evidence that they have registered, this is true. In the case of the federal assistance, we have also heard that there has been a question as to its legality or constitutionality. That is not so because the federal courts have found that it has been constitutional and that the individual who presents evidence of his registration, that it imposed no penalty on these applicants. The award of grants and loans was considered to be a privilege as granted by the state and not necessarily a right of each individual to place claim against that loan or grant.

The court also found that the award of benefits to be reasonable and appropriate motivation for compliance with this existing law. A distribution of resources had to be made on a priority basis and those in compliance with the law should be treated and accorded the privilege of those grants ahead of those who were not in compliance with the law. I believe this same rationale is appropriate for our award placing of awards before our people in this state.

Our youth must be brought around to recognize that they have responsibilities to that system and that they should be encouraged into acceptance of these citizen responsibilities. Those who fail or refuse to bear the burdens of the sanctions of society should not be placed in the similar position who receive the benefits of society and who are in compliance with the law.

We found nine states with this law in place. It has not been found to bring unnecessary or unreasonable burdens on the academic system for the monetary. I agree that there has been no case of federal prosecution here in the State of Maine but we are in receipt of information which shows that 904 individuals, who claimed federal assistance, had not registered for the Selective Service Act throughout the country. By extending an arithmetic function here, we could find that Maine, with its one-half of a percent population, would net us about four or five people possibly in our system, who might be in such arrears. The federal system has brought very few prosecutions, if any, and the reason for that is they have notified people that they have failed to register and that they expect them to register; otherwise than that, future grants or loan assistance would be denied.

I agree that we have, in the past, had a very high rating in this state as far as compliance. I think that that is a credit to our young people. I think it is a credit to our society by bringing before them this aspect of their responsibility. In the year 1985, the record will show that Maine tied for first place across the nation with four other states in compliance with this. But for the year 1986, which is reflected in the year of registration for last year, we currently have nearly 500 people who have not complied, which leaves us with a deficit, and now places us with a compliance percentage of approximately 95 percent. Something appears to be happening.

We know that the laws are made for the benefit of a few and I think that we are often faced, especially when it comes to military service, in certain periods of our history we have had difficulty in meeting these requirements, and we will again in the future. What we need is all of the instruments possible, to be available at those times that are very stressful and that will require that we place sufficient man power into our system to meet our needs.

I would urge rejection of the motion before us and I hope that you will go on to accept the "Ought to Pass" Report.

Mr. Speaker, when the vote is taken, I would request a roll call.

At this point, Representative Michaud of East Millinocket was escorted to the rostrum to act as Speaker pro tem.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion to accept the Minority Report. These persons are required by law to register for the Selective Service. Some may choose to ignore the law. However, I would remind the members of this body that they are only required to register for the Selective Service and that, for many, many years, there has been no draft. I cannot understand why anyone would object to withholding funds if a person chooses to ignore the law.

I urge you to vote against the current motion so that we can accept the Majority Report.

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

Representative ROLDE: Mr. Speaker, I would like to pose a question through the Chair to either the sponsor or any of the proponents of this bill. Why was the bill not drafted that you would have to present evidence of registration on your application to enter the University of Maine, for example, not just to receive student aid? That is the thing that bothers me about this bill. If you are poor and you need aid, you have to comply; if you are rich, you don't. That doesn't seem to me a level playing field. I would appreciate a response.

The SPEAKER PRO TEM: The Representative from York, Representative Rolde, has posed a question through the Chair to anyone who may respond if they so desire.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: The poor are not discriminated as per findings of the court in this decision. The court says that "all" are required to register, that there is no discrimination to who

will, regardless of class or of wealth. Those who wish to apply for grants and loans would then meet this requirement, this test, the same as any other test that might be presented to them on their application for a loan. If they had no need for it, then there would be no requirement for that particular test. This has been the finding of the court, that there was no discrimination that existed between these different kinds of people.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Representative Priest presented my beliefs very, very well so I will not repeat all of them. I do support the "Ought Not to Pass" Report. The reason, other than the ones that Representative Priest has given, are purely personal. I served during the Korean Conflict in the United States Air Force and I was extremely proud to serve in the air force and I would do so again, if they would take a fat, old man again. But I don't believe they would.

The reason that I served and I believe in the individual freedom of everybody -- it is my own personal belief that I served to protect the right of people to make their own decisions. I would urge everybody to sign up for the Draft, to sign up for Selective Service. I did not serve to force them to do so. Sometimes, he who does not serve, serves best.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 11 has not been an easy choice for me because I, too, am a veteran of World War II and Korea. I have some information that I would like to share with you that has not been brought forward.

There is no current state law concerning this subject. Federal law, however, places similar restrictions on the distribution of financial assistance or benefits provided under Title IV of the Higher Education Act of 1965. You have already heard the penalties. Similar bills were introduced in both the 111th and 112th Legislative sessions. Both sessions the Legal Affairs Committee was divided in reporting out the bill. In the 111th, the legislature accepted the "Ought Not to Pass" Report. In the 112th Legislature, the House enacted a new draft identical to this session's bill. The other body refused to enact and the bill died between the Houses.

I feel that we should look at what the fiscal impact of L.D. 11 would have if enacted and also which funds would be affected by this bill. The Department of Educational and Cultural Services anticipate no cost, which could not be easily absorbed by the Department. Thomas College, Waterville -- the director of financial aid estimates that because of the additional paper work to ensure that all male students are properly registered, if applying for financial aid, the bill would cost his office about \$4,000 a year.

The University of Maine at Orono, director of financial aid -- there will be no additional cost to his office because there are very few students applying for the state funds that don't also apply for federal funds. He said, "It was not a burden and this bill is not necessary."

The University of Maine at Fort Kent, director of financial aid -- the University of Maine at Fort Kent has 100 percent compliance rate and they explained that the law is not necessary. He believes that there will be some additional cost for clerical

help. These are some of the programs that this L.D. 11 would affect.

The Blaine House Scholars Program -- this includes four to five students per year, who are also receiving federal aid.

Maine Osteopathic Loan Program -- these are loans for graduate-level work. Most students have received or are receiving federal help as well.

Post-graduate Health Profession Program -- this program reserves spaces for the Maine Medical students at out of state medical schools. Most medical students receive some federal financial aid.

Maine Students' Incentive Grant Program -- this is a joint state and federal program. Students are not eligible for state funds if they don't qualify for federal funds, like refusing to register.

I would like to share portions of a letter from David Ronan, Director of Financial Aid at Thomas College. Mr. Ronan says he considers this a poor piece of legislation due to the following reasons: "Currently under federal statutes, financial aid administrators are required to collect data regarding the military Selective Service Act. Entering students must certify that they are registered with the Selective Service Administration and provide verification, if asked. The Supreme Court has eased that regulation recently because national compliance was approximately 95 percent. Maine's compliance rate is approximately 99 percent. It had become burdensome and costly for universities and colleges to administer." After administering financial aid for the past five years with Thomas College, Mr. Ronan states, "That he has yet to encounter a student who has not registered with the Selective Service." It adds another barrier to higher education.

The issue here is the withholding of opportunities for a post-secondary education from those who have not registered and who are subject to other penalties as a result of this non-registration. This is a bill which seeks to remove opportunities for further education from one small group of young people, who I believe would be more likely to become useful citizens if they were encouraged to obtain a post-secondary education. Maine's solid support for post-secondary educational opportunities for its citizens is implicit in its loan, grant, and scholarship programs as well as its continuing support for the State University System. I believe that these programs and opportunities should be available to all Maine citizens in the expectation that further education will encourage responsible participation in our state and national life. I further believe that the concept of good citizenship encompasses the possibility of objection to state or national policy.

Finally, it is important to realize that, as with all penalties which seek to restrict access to financial assistance, the burden of this bill falls on the floor. Unlike the penalty for non-registration, written into the Selective Service Act, which confronts rich and poor non-registrants alike, L.D. 11 does not penalize all Maine non-registrants equally. This bill is, therefore, targeted against Maine young men with the narrowness opportunities for further education.

I hope you will support the Minority Report.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, served in World War II, quite willingly and quite proudly. I am proud of the young men and young women who also served with me. I see no reason in this world for any person who lives in this great country of ours and in this state

not to register for the Draft. At least they could stand and be counted.

I didn't serve there in order for somebody to make a choice of whether or not they are going to stop at a stop sign, whether or not they have a choice to kill somebody or something like that -- they are supposed to abide by the laws just like I am. We do have a law that says you have to register for the Draft. That should definitely be enforced by, not only this country, but by this state. I don't think anybody who fails to register for the Draft is deserving of the benefits this state is offering.

If anybody can tell me -- what earthly harm is it to stand up and be counted, to put your name down as being available for service if, in the event, this country of ours has to go to war again, which I hope will never happen. But if it does, where are these people going to be? Are they going to be in Canada or are they going to be here, standing side by side for those of us who are willing, not only to serve again (I doubt very much they will ever want me in there, one pushup would do it for me) but there are a lot of young men ready and willing to serve and I see no reason why everybody shouldn't be ready and willing.

I hope that you will defeat this motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I feel that I want to explain why I am on the "Ought Not to Pass" Report.

I believe my feelings were basically the same as Representative Rolde expressed. I am not against the Draft but I wish we could find a way to make everybody register for the Draft. In fact, I suggested, but apparently it fell through the cracks, that it could be tacked on to our driver's license at some point. When they renewed their driver's license after the age of 18, they would have to prove that they had registered for the Draft. That way, you would get them all.

The reason I voted against this bill is because we are still attacking the same group of people, the people who need help to go on to school, to make something of themselves, to better themselves. If there should be a conscientious objector for some reason or other, that could come on later down the line if there should be a Draft. They could assign them to community work, working for the mental institutions in the state or whatever purpose, if they don't want to go out and shoot people. I don't believe that we should be attacking this poor, middle-class student who needs help to go on to college and to make something better out of himself or herself. That is my reason for voting this bill "Ought Not to Pass." I hope you support that motion.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: This debate seems to be taking the same course as last time. I hope it doesn't have the same results.

We talk about compliance in the State of Maine and it is very good and we should all be proud of that. We are in peace now, thank God. One thing that can't be debated here is that, through history, we have seen that peace maintained itself whenever a society was willing to rise up against any tyranny, willingly. I think the United States has proved that.

As far as the poor being disadvantaged -- many of us have worked our way through school and opportunity has been presented for us through our state and federal government. Those of us who served in our

Armed Forces have received education through the G.I. Bill of Rights. I have been a recipient of that generous, educational award from our government and I am very thankful for it. The last major conflict that this government participated in discriminated against the poor. Where were all of them then?

I was fortunate, I went to college, some of my classmates went to Vietnam. I finished college and then I served my country as a Marine for six years. I knew the sacrifices they had made.

Last weekend, I toured the battlefield of Gettysburg. This seems to be the conflict that we didn't mention here so I won't get into political conflicts of recent history. But, as I walked through the southern flank of the Union lines, I saw a small, obscure arrow that said, "The Maine Monument of 20 Yards." I went through the thicket of the underbrush and I saw the Maine Monument and it told about a man who stood on this floor, Joshua Chamberlain, who stood on that podium up there and what he did in the sacrifice of the 20th Maine Men. Each generation of citizens of the State of Maine have been called upon to make a sacrifice. I will just mention his sacrifice because I think it is of note because he was credited with his action and the action of the 20th Maine, which is very appropriate to us here, of saving the battle of Gettysburg, which saved the Civil War for the Union Forces.

The second day of the Battle of Gettysburg, a two mile long front, all the major armys of northern Virginia and the Union Forces met and they were gridlocked. The southern flank was only defended by the 20th Maine. General Longstreet sent a large portion of southern forces, all the armys of Texas, Alabama and Georgia up against the small regiment of 20th Maine, who engaged for over a day and started to weaken. Word came that "ours would be lost if the 20th Maine gives in." At that time, they were out of ammunition. Joshua Chamberlain, who later became Governor of the State of Maine, ordered his troops over the wall and routed the southern forces. Great casualties were taken, the battle was won, the Union was preserved.

We have heard here today of the sacrifices to be made by academicism's who have students and they have to check whether or not they have been in Selective Service. I don't see that as being a sacrifice at all, compared to sacrifice that every generation has made since this country was formed. It just pales in comparison. I see no comparison.

There is one thing that bonds all of us together here, all 151 of us, and that is the oath that we take when we are sworn in. I will repeat that oath: "I do swear that I will support the Constitution of the United States and the State so long as I shall continue to be a citizen thereof, so help me God." Every citizen of this country has an obligation. It is for the common good of this country that we be prepared to defend this country.

We talk about conscientious objectors and there is good reason for some conscientious objectors -- the Quakers, during major conflicts, have registered for the Draft and have served their country in a peaceful mood. I can respect that and there is a provision for that. This is a smokescreen saying that this sacrifice is too much for some of our educational institutions -- asking someone to comply with the law. We make laws for the future and the betterment of everybody in our society. Right now we have compliance; in the future, we may not.

This is an issue that every one of us should look deep within our souls and see our individual responsibilities. We have a society here where many of us have gone to defend and many on the homefront

have defended. It is not an issue of whether I served in the services or not, it is the issue that, we in the legislature, represent all the people, and many of us have taken an additional oath in the service of our country, that we shall support and defend the Constitution of the United States. Unless we are willing to enforce laws that do defend that Constitution, what are we? This is a mechanism that this country has used since the Civil War to rise up and defend what we hold so dear to us here today.

All I ask is that you don't vote blindly the same way some recommend, that you do give inner thought of what we have in our institutions today and the sacrifices made by the many that have preceded us, some like Joshua Chamberlain, who was the Governor of this state, and the many who followed him.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Men and Women of the House: I would begin by taking exception with the good gentleman who preceded me by indicating that I do not believe that any one, either side of this issue, is voting blindly today nor did they last time.

Yesterday the Education Committee heard three bills, three very worthy bills, to help enable high school students to go to college. Once in college, the resource is to stay there. How ironic that we should be debating this bill today. I only wish the proponents of this legislation would put the same amount of time, effort and energy into broadening access to student financial aid instead of narrowly focusing on limiting it. In this case, as Representative Priest indicated to you, and those same figures were available to us and they haven't changed since the debate of two years ago -- this applies to approximately 1 percent of those people eligible for Draft registration and who allegedly violate the law within this state.

If we could put that kind of energy into the real issue here, perhaps we could narrow the gap between those who are able to attend college and those who are unable to attend because of lack of financial resources or have to go into years and years of increasing debt burden to do so. It occurs to me that there is a great amount of misplaced energy here. The bill clearly discriminates against those who must apply for financial assistance, as was indicated so very well earlier in the debate, by the gentlelady from Van Buren. In other words, if this House votes positively on this measure, you are in effect discriminating against those who cannot afford to go to college without financial assistance. In other words, the onus on the individual who can afford it, is not there.

I guess this bill fails very badly in the needs test -- just who has been complaining about the flagrant abuse of the Selective Service System in Maine? I haven't heard anyone, I haven't received any mail, I haven't gotten any phone calls, I haven't even seen it in the newspapers nor do I expect to. There is no evidence that registration for the Draft is waning in this state or that there is the slightest need for this legislation.

I was looking earlier this morning at the debate two years ago on this legislation and I looked over my remarks and I think they are still applicable today -- that this must not be seen as a roll call on patriotism but a roll call on a very unfortunate, unnecessary, piece of legislation.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The question I posed before, I still do not feel has been adequately answered.

But what has brought me to my feet was the remarks of the gentleman from Gorham, Representative Hillock, about the Civil War. It reminded me of a historic fact about the Civil War and, at that time, during the Civil War, if you were rich, you could hire a substitute to go to battle for you. Some of the men of the Maine 20th, who died at Gettysburg, were precisely those people who were going to battle for somebody who was rich.

Fortunately, we have done away with that kind of activity. I guess what really bothers me about this bill is that, in a sense, it brings that sort of thing back.

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 have been sitting here suffering through this debate and basically have heard three arguments against this bill. From my good friend from Greenville, I heard an argument of individual freedom. From any number of people, I have heard an argument about economic necessity and from my good friend from Van Buren and the good Representative, Representative Paul, I have heard an ethical argument.

First, let me say that our federal government has come to the conclusion that, for the general good of the people, some individual freedoms must be given up. There is a tremendous amount of precedent for this and once again, in this case, they have come to the conclusion that for the general good of the people, some individual freedoms have to be given up. I agree with that and I think most everybody here does agree with that.

About the fact that the feds have a law and we don't -- another thing that is real common all the time in this House -- we align our statutes with the federal statutes for the sake of consistency. This bill is no more than that, it is aligning our statutes with the federal statutes for the sake of consistency.

On the economic issue -- this bill would not prohibit anyone from getting economic aid. If they are eligible for getting aid and they are capable of getting into school, all it says is that they must comply with the law, they must have registered for the Draft. To get the aid, all you have to do, if you meet all the eligibility requirements, is register for the Draft. If, in fact, you are a conscientious objector or if, in fact, you do disagree or object to the laws because of ethical reasons, no amounts of economic loss is going to force you to compromise your ethical principles so that is a fallacious argument. Quite simply, if you are going to enter into an ethical battle with the government over a law or a concept, what you say is, "no more, we will go no further, I take objection to this and I will object until either you surrender or I die." That is the basis of ethical argument. Your weapons are yourself, your fortune, your freedom and your life. That is the basis of an ethical argument.

The only tool you have to use for your weapon, your ammunition, are the laws that are passed by the state and the federal government that enable you to peacefully engage in civil disobedience to highlight your ethical opposition.

What I am hearing here on the ethical argument, because there is no economic argument and there is no individual freedom argument, is people saying, "No more, enough, we have entered into battle, I will not accept this, we will fight until you surrender or it costs me \$500." Perhaps that is some people's

definition of an ethical battle, it certainly is not mine.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have yet to see anyone, who refuses to register under Selective Service, give me one good argument why they should not register. The argument that they were against the Vietnam Conflict may have been valid in their eyes but the Vietnam War has been over almost 12 to 15 years — there is no war anywhere that we are engaged in at this time. If they wish to give a good question as to conscientious objectors, they can do it. That was brought up by my seatmate, the gentle lady from Van Buren. In World War II and World War I, Korea, you had conscientious objectors. I had one with me in my outfit in Europe. He was a good, valid conscientious objector. He was a good man, a sincere, religious person. He didn't have to tote a gun. The day that I hear one good argument why they don't need to sign a piece of paper that would say, "Here I am, I am 18 years old" — then maybe I will change my views.

We are here to give an example to the people out there. We have a group of young students in the gallery — are we telling them today that you will look at the law and take what you want and disobey what you don't like? That is exactly what we are saying.

If a young man wants to go to college — next is he going to refuse to sign up for Social Security? Will the one's who don't believe in war refuse to pay their income tax? Back in the Vietnam War, I had a young man who came to me to try to get some advice on whether or not he should register for Selective Service and it took me five hours to persuade him that he should do it. I am not sure after he left whether he did it or not. His argument was that he was against war. Within two weeks, he asked me if I would try to get him a job at Bath Iron Works.

They don't have any good valid reason for refusing to sign for Selective Service when there is no Selective Service in existence per se. I would ask that you vote no on the "Ought Not to Pass."

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the present motion before the House. My reasons may be completely different from yours. I believe that there are young people in the State of Maine who believe that the state is there to support them or help them whenever they need help but they do not have to return anything to the state or to the nation. They feel that we owe them a living. These people, I believe, are the same people who are refusing to register for the Draft. I am not talking as a patriot or what have you. I am not going to tell you any more stories but that is the way I feel. Some of these young people are very arrogant, they will not register, they will do what they darn please and we, the people of Maine, the taxpayers, have to support these people. I don't believe in that, I never did and I never will.

There is something that I cannot understand. This great nation and our state — in this computer age, why should people register to vote? Everybody who is 18 knows, the state knows, the federal government knows. I believe we have a Selective Service System full of bureaucrats who just want to hang onto their jobs. We have computers that can do the job without all these bureaucrats, without having all these 18 years to register, because the federal government and the state know who's 18 and you don't

need this registration. I truly believe that we must keep fuel to the fire and keep these bureaucrats going.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative McSweeney.

Representative MCSWEENEY: Mr. Speaker, Members of the House: This becomes a very emotional issue and all I will say is, we live in the greatest democracy in the world and if you can't sign for Selective Service, I don't know what you can do.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to support the "Ought Not to Pass" Report so that we may accept the "Ought to Pass" Report.

I believe being a citizen of this country carries with it some important responsibilities. One of these is enlisting in the military defense of our country. The requirement of an eligible person to register under the U.S. Military Selective Service Act is not an optional request, it is a law and all laws should be obeyed. An individual who is in violation of the Military Selective Service Statute should not be eligible to receive any state funds for the purpose of receiving a post-secondary education. The receiving of a grant, scholarship, or loan may have come to be regarded as a fundamental right. I regard it as a privilege afforded those who are deserving of such assistance. It is my belief that a person who has deliberately refused to register for military service should be automatically disqualified from receiving education financial assistance.

I am not a veteran of any war. I have three brothers, a husband, and a son, who have all served in the military in this country and some of them during war time. I am a taxpayer and I firmly believe that I do not want any of my tax dollars going to someone who will not sign his name so that this country may know where he is in case of need.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I am going to be voting with the Minority "Ought Not to Pass" Report on this bill and I felt that I should rise at this particular time and give you my reasons for doing so.

First of all, if I supported bills based on their title or intent, I would support this bill. In fact, I would probably cosponsor this bill. When you look right at that title, it brings a gut issue right home. It brings a lot of emotion saying, "Why should my tax dollars go to someone who fails to even fill out their name and address?" That doesn't even touch the issue if there is a Draft — that person would then have the option of fulfilling their duties or if they perceive their duties as being a conscientious objector, they can pursue that course. This looks like a great bill, it looks like it has a great intent.

My second reason, if I were supporting bills based on their sponsor, I would support this bill. Truly, there is no finer gentleman serving in this legislature today than Gene Paradis. The fact that I stand here now enjoying the freedoms that I now enjoy is a result of men and women like Gene Paradis, who gave their time and service and dedication to this country and the freedoms that it was founded upon. But I don't support bills based on what the title says or what the intent of the sponsors are or who the sponsors are. I support bills according to whether or not they are necessary.

I reviewed this issue very carefully while serving on the Legal Affairs last session. I went through the same process of calling financial aid officers at the different institutions, as Representative Paul did, and I came to the same conclusions, there is absolutely no way for someone to obtain state funds right now through the existing process and that is because the state relies on federal forms before processing their state aid applications and the federal form requires that you are in compliance with the law.

It has also been pointed out that 99 percent of the people in this state are in compliance. Therefore, I see absolutely no reason to impose an additional cost to the educational institutions of this state to the tune of \$17,000 to \$30,000 a year to comply with something that is already being complied with.

So, I strongly urge you to vote with the Minority "Ought Not to Pass" on this, simply because it is an unnecessary bill. I extend an open invitation to the sponsors and supporters of this bill that, if this becomes a major problem, if the system can be abused because someone fails to give their name and address, then come to me and I will cosponsor that bill with you.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I believe just about everything has been said covering this particular bill. I think that the proponents have indicated why we should pass this bill today. If you listened very carefully to what Representative Vose said, I believe he hit it right on the head. If you listen to the comments that were made by Representative Scarpino, he also hit it on the head, that there were no reasons why we should not support this bill. The only thing that you have heard is that this will affect the poor people. The reason you have heard that is because the opponents have nothing else to say that would try to sway this chamber into voting against this bill. They can't put their fingers on anything. All you are asking is someone to comply with the law, that is all we are asking. It is a very simple, painless process to go down to the Post Office, put your name and address on a post card and drop it in, that is all we are asking. It doesn't make any difference if you are anti-war, anti-this or anti-that, it has nothing to do with the issue. So, I will hope that you will vote against the pending motion, which would be to kill this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I have been in the habit of calling this bill the "breast-beater bill" because I could foresee that that would indeed be what happened here today, everybody getting up or a number of people getting up and beating their breast about how patriotic they are.

Many of you know that I am a Quaker, probably fewer of you know that I am also a veteran of three and a half years as a Naval officer, so I, too, can stand here and beat my breast if I wish, I have the full credentials.

I really don't think this is the breast-beater bill, ultimately. I think this is what I have started to call it, the "red tape bill." It has been suggested by the previous speaker that there are no reasons why this bill should be defeated. I offer you the suggestion that, not only is this bill unnecessary, but it is actually harmful. It adds one

more bureaucratic layer to our existing government that has no purpose. We have heard that there is a 99 percent compliance rate. We also know that of that one percent, very, very few are headed for college and we further know that the federal government has fully adequate enforcement procedures, they require exactly what this bill suggests, so already those people who might be caught are in fact caught by the existing federal laws.

Here we are as a state volunteering to do the federal government's work for them when, in fact, the federal government is already doing it. I don't understand that at all.

I guess I could go along with something that was just unnecessary if it weren't also harmful but we have heard two arguments and I believe they are both sound arguments as to why this is indeed harmful. First of all, I don't think it is right to discriminate against poor people as opposed to those people who might choose not to register for the Draft but do not have to apply for federal and state assistance.

More important to me is the cost factor. The good Representative from Sanford, I believe, spelled out in some detail the number of schools that he contacted and Representative Paul certainly was very clear that, although it is not a great cost factor because for many schools they are already doing this, there would be very little additional involvement because of the fact that the federal government is already involved in this area through the schools, but there are some costs. Furthermore, this is another state bureaucratic requirement we are putting on here. I would suggest to you that this is why this is not only unnecessary but also harmful. Do we really want to add red tape to solve a problem that does not exist?

I would urge support of the Minority "Ought Not to Pass" position so that this "red tape bill" could be defeated.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify some issues. The Representative from York, Representative Rolde, mentioned the Draft of over 100 years ago. Well, I was in the Draft of two decades ago and we talk discrimination -- the draft was on a purely lottery basis, depending on birthdays. So, perhaps that is the best equal playing field of obligation that we can have in this country. This defense that we have is because it is discriminatory, it is so weak that it is almost not worth rebutting. This seems that that is the only defense that I will rebut. What is discriminatory against everybody's basic obligation in this country? That we be asked to at least stand up and be counted for filling out our name that we do exist?

As far as layering of a bureaucracy, this legislature has a pretty poor record as far as shrinking bureaucracy. I challenge really that state bureaucracy is going to swell with educational institutions doing the job they are already doing, adding one check-off that someone verified that they have registered for the Draft. They have to verify that they are Maine students -- why can't they check the next line? If there is a conscientious objector problem, it can be taken care of as before.

Almost tongue-in-cheek, I say that this is certainly not a breast-beater bill, this is a breast feeder bill, because those who nurse on the public breast for assistance, should be at least asked to support the mother of our government.

At this point Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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 Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: I won't prolong this beyond a short point. First of all, I believe this is not a patriotic issue. I believe it boils down basically to an issue of rights versus responsibility. All of us here in this body have sworn that we would uphold the Constitution of the State of Maine and the United States. I find it pretty incomprehensible to think that there are those among us who figure that we would support those who wish to defy the law.

I would also say that I think we have somewhat insulted the poor of this state when we say that one percent are the poor who are unable to take advantage of this. I have seen no figures indicating that that one percent are strictly the poor of this state or the economically disadvantaged.

We are celebrating this year the Bicentennial of the Constitution of the United States. We all know that we have rights and responsibilities which are inherent in that Constitution. I again find it unfortunate to think that maybe if the framers of the Constitution were here today, they would also come up with a Bill of Responsibilities because I think, with every right, we have an inherent responsibility to follow through on the law. If we are in disagreement with the law, let's change the law, but let's not support those who wish to defy it.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: I will be brief. To get us to enact a bill, the proponents of the bill have the obligation, it seems to me, to show it solves a problem and that it remedies an evil. This bill has not been shown to solve any problem nor has it been shown to remedy any evil. The federal government has not asked us for this bill to help enforce its Selective Service System. Our country does not need this bill and we should not support it. I urge you to vote yes on the "Ought Not to Pass" motion.

The SPEAKER: The pending question before the House is the motion of Representative Priest of Brunswick that the House accept the Minority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, I wish to pair my vote with Representative Stevens of Bangor. If she were present and voting, she would be voting yes; I would be voting no.

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

ROLL CALL NO. 32

YEA - Allen, Anthony, Baker, Bost, Bott, Carroll, Cashman, Clark, M.; Coles, Conley, Connolly, Diamond, Dore, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hoglund, Holt, Joseph, Ketover, Kilkelly, Lacroix, Lisnik, Mahany, Manning, Martin, H.; Mayo, Melendy, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, Paradis, J.; Paul, Priest, Rand, Rolde, Rydell, Simpson, Thistle, Tracy.

NAY - Aliberti, Anderson, Armstrong, Begley, Bickford, Bragg, Brown, Callahan, Chonko, Clark, H.; Cote, Crowley, Curran, Davis, Dellert, Dexter, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hussey, Ingraham, Jacques, Jalbert, LaPointe, Lawrence, Lebowitz, Look, Lord, MacBride, Macomber, Marsano, Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Michaud, Mills, Moholland, Murphy, E.; Murphy, T.; Nicholson, Norton, O'Gara, Paradis, E.; Paradis, P.; Parent, Perry, Pines, Pouliot, Racine, Reed, Rice, Richard, Rotondi, Salisbury, Scarpino, Sheltra, Small, Smith, Soucy, Stevens, A.; Stevenson, Strout, B.; Swazey, Tamaro, Tardy, Taylor, Telow, Tupper, Vose, Walker, Webster, M.; Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT - Bailey, Boutilier, Carter, Holloway, Jackson, Kimball, Reeves, Ridley, Ruhlin, Seavey, Sherburne, Sproul, Stanley, Warren, Weymouth, The Speaker.

PAIRED - Stevens, P.; Strout, D.

Yes, 43; No, 90; Absent, 16; Paired, 2; Excused, 0.

43 having voted in the affirmative and 90 in the negative with 16 being absent and 2 having paired, the motion to accept the Minority "Ought Not to Pass" Report did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted, the bill read once and assigned for second reading Thursday, April 30, 1987.

CONSENT CALENDAR

First Day

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

(S.P. 151) (L.D. 405) Bill "An Act Providing Funds for Training and Education for Families of Victims of Alzheimer's Disease" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 251) (L.D. 700) Bill "An Act to Transfer the Maine Fire Training and Education Program from the Department of Educational and Cultural Services to the Maine Vocational-Technical Institute System" (Emergency) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-40)

(H.P. 116) (L.D. 141) Bill "An Act to Amend the Laws Concerning Extension of Motor Vehicle Registration Expiration Dates" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-78)

(H.P. 343) (L.D. 442) RESOLVE, to Name the Bridge Crossing the Sabattus River at Lisbon Village the Lisbon Veterans' Memorial Bridge Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-79)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, April 30, 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. 659) (L.D. 892) Bill "An Act to Allow Per Pupil Reimbursement to School Administrative Units for Home Instruction Pupils" (C. "A" H-76)

(S.P. 266) (L.D. 747) Bill "An Act to Revise the Law Prohibiting the Use of Drugs in Animals Competing in Pulling Events" (Emergency) (C. "A" S-37)

(S.P. 317) (L.D. 919) Bill "An Act Relating to the Issuance of Bonds or Notes for Union Schools"

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

PASSED TO BE ENGROSSED

Bill "An Act Relating to Enforcement of Accessibility Standards for Places of Public Accommodations" (S.P. 440) (L.D. 1349)

Bill "An Act to Provide Unemployment Compensation During Employer-initiated Lockouts" (H.P. 1008) (L.D. 1355)

Bill "An Act to Amend the Open Season Fishing Laws" (H.P. 1019) (L.D. 1372)

Bill "An Act to Clarify Residency Requirements for Servicemen" (H.P. 1020) (L.D. 1373)

Bill "An Act to Establish a Resident Small Game Hunting License" (H.P. 1021) (L.D. 1374)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Reimbursement Fund for the Fiscal Year Ending June 30, 1988, and June 30, 1989 (H.P. 988) (L.D. 1333)

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. 108 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

An Act to Assure Proper Notice of Workers' Compensation Claims (S.P. 413) (L.D. 1271) (H. "A" H-73)

An Act Relating to School Construction (S.P. 435) (L.D. 1315)

An Act to Extend the Time for the Rangeley Water District to Purchase the Rangeley Water Company Plant (H.P. 613) (L.D. 831)

An Act Concerning Housing for Hearing Ear Dogs and Seeing Eye Dogs (H.P. 971) (L.D. 1314)

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, to Compensate Thomas P. Peters, II, Attorney-at-law, for Professional Services Rendered in the Adoption of Benjamin B., Heather B. and Lucas B. (S.P. 287) (L.D. 814)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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:

An Act to Include the Tacoma Lakes in the Valuation of the Cobbossee Watershed District (H.P. 440) (L.D. 593) (C. "A" H-69)

TABLED - April 28, 1987 by Representative CARROLL of Gray.

PENDING - Passage to be Enacted.

On motion of Representative Carroll of Gray retabled pending passage to be enacted and specially assigned for Thursday, April 30, 1987.

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

An Act to Amend the Interpreter Law for Coverage in Medical and Paramedical Areas (H.P. 961) (L.D. 1290)

TABLED - April 28, 1987 by Representative CARROLL of Gray.

PENDING - Passage to be Enacted.

On motion of Representative Carroll of Gray, retabled pending passage to be enacted and specially assigned for Thursday, April 30, 1987.

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

An Act to Make Additional Allocations for the Administrative Expenses of the Department of Finance, the Bureau of Alcoholic Beverages and the State Liquor Commission, for the Fiscal Year Ending June 30, 1987" (EMERGENCY) (S.P. 180) (L.D. 507) (C. "A" S-34)

TABLED - April 28, 1987 by Representative CARTER of Winslow.

PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 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.

(Off Record Remarks)

Representative Ridley of Shapleigh was granted unanimous consent to address the House:

Representative RIDLEY: I was called out when the vote was taken on L.D. 11 "An Act to Deny Certain State Funds to Any Person who Refused to Register Under the United States Military Selective Services Act." I would like the Record to show that I was in favor of the Majority Report.

(Off Record Remarks)

The Chair laid before the House the following item: Bill "An Act to Provide a Mechanism for Allocations of the State Ceiling on Private-activity Bonds" (Emergency) (S.P. 444) (L.D. 1358) which was tabled earlier in the day and later today assigned pending reference in concurrence.

(Came from the Senate, referred to the Committee on Appropriations and Financial Affairs.)

On motion of Representative Gwadosky of Fairfield, was referred to the Committee on State and Local Government in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Tardy of Palmyra, Adjourned until Thursday, April 30, 1987, at nine o'clock in the morning.

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

In Senate Chamber
Wednesday
April 29, 1987

Senate called to Order by the Assistant Secretary, Pamela E. Lovley.

The Assistant Secretary requested that the Sergeant-At-Arms escort the Senator from York, Senator DUTREMBLE to the Rostrum where he assumed the duties as President Pro Tem.

Senate called to order by the President Pro Tem.

Prayer by the Honorable Linda Curtis Brawn of Knox.

SENATOR BRAUN: Lord, bless this day that we are about to begin. Bless the work that we will do in this place, that it may be productive for us and for others. Guide us that we may use our time wisely. Direct us that our energies be spent most effectively. Time is so precious, don't let us fritter it away on futile, silly things. Yet, don't let us drive ourselves so hard that we don't enjoy it. Whatever we do, whether large and seemingly important, or however small, let it be vital, joyful, blessed with Your presence, enriched with the assurance that however trivial, it really counts in a life composed of hours and days. Thank You, God, for the marvel and challenge of this new day. Through Christ our Lord. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Create a Maine Dairy Stabilization Fund"

H.P. 1015 L.D. 1368

Comes from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Develop a Client Support Services System for Individuals Infected with the Human Immune Deficiency Virus"

H.P. 1013 L.D. 1366

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

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Require Safety Engineering and Loss Control in Workers' Compensation Insurance Rate-Making Proceedings"

H.P. 1011 L.D. 1364

Bill "An Act to Strengthen Rate-making Provisions for Workers' Compensation Insurance"