

MAINE STATE LEGISLATURE

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

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

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator USHER of Cumberland, ADJOURNED until Monday, May 11, 1987, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
64th Legislative Day
Monday, May 11, 1987

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

Prayer by Reverend Hanford Bradstreet, Assemblies of God (Retired), Brunswick.

Pledge of Allegiance.

The Journal of Friday, May 8, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

THE SENATE OF MAINE

Augusta

May 8, 1987

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nomination of Stephen W. Wight of Bethel for appointment to the Land Use Regulation Commission.

Stephen W. Wight is replacing Brian Currier.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Consolidate Economic and Community Development Activities" (S.P. 491) (L.D. 1495)

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

Was referred to the Committee on Economic Development in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Assure Access to Legal Assistance by Residents of Rural Areas" (S.P. 294) (L.D. 844)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 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 Right of State Employees to Solicit Political Candidates" (S.P. 267) (L.D. 748)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Require Workers' Compensation Insurance Providers to Publicly Post Rates Annually by January 1st" (S.P. 361) (L.D. 1096)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Create the Bureau of Employee Assistance within the Department of Administration to Promote and Expand on Employee Assistance Programs in Maine" (S.P. 327) (L.D. 955)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to

Amend the Reporting Requirements at the Workers' Compensation Commission" (S.P. 322) (L.D. 950)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Deter Passing of Bad Checks" (S.P. 215) (L.D. 582)

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

COMMUNICATIONS

The following Communication: (S.P. 490)
113th MAINE LEGISLATURE
May 7, 1987

Senator Judy C. Kany
Representative Charles R. Priest
Chairpersons
Joint Standing Committee on Legal Affairs
113th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Wallace G. Soule, Jr. of Freeport for appointment as the Director of the Lottery Commission.

Pursuant to Title 8, M.R.S.A. Section 352, this nomination will require review by the Joint Standing Committee on Legal Affairs 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 Legal Affairs.

Was Read and Referred to the Committee on Legal Affairs in concurrence.

The following Communication:
STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333
May 8, 1987

The Honorable John L. Martin
Speaker of the House and
Members of the House
State House Station 2
Augusta, Maine 04333

Dear Representative Martin and
Members of the House:

I am pleased to submit Maine's Transportation Investment Program for Fiscal Years 1988 and 1989.

This Program is submitted in support of requests for funding in the areas of Federally-supported Highways and Bridges, Collector Roads, Highway Maintenance Resurfacing, Local Bridges, Air Transportation, and Marine Improvements. This document describes the intended use of the funding requested.

The Highway and Bridge section of this Program requires \$43.53 Million in State funds which would generate \$118.88 Million in Federal Highway matching funds. Of that amount \$24.53 Million would be taken from current revenue and the remaining \$19.00 Million we suggest be included in a proposed Highway Bond Issue.

Collector Road Capital Improvements and Maintenance Resurfacing are totally State funded programs, for which \$8.50 Million and \$12.10 Million respectively have been requested. The Local Bridge Program consists of Federal, State and Local funds in

the respective amounts of \$2.94, \$3.34 and \$1.89 Million.

The \$1.61 Million requested for Air Transportation projects and \$3.75 Million requested for Marine Improvements would generate an estimated \$19.28 Million in Federal matching funds and an additional \$0.98 Million in local matching monies, providing sufficient funding for a total Aeronautics and Ports and Marine Program of approximately \$25.62 Million.

In summary, with \$80.47 Million in State and Local/Other funds, \$141.09 Million in Federal funding is generated, for a total Investment Program of \$221.56 Million for capital improvements associated with highway, air, and marine transportation.

In examining this Program, we trust you will find it to represent a realistic and balanced effort to maintain and improve transportation service within Maine in a manner in keeping with today's economic climate.

Sincerely,
S/Dana F. Connors
Commissioner of

Transportation
Was read and with accompanying papers ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Economic Development

Bill "An Act to Create Job Opportunity Zones" (H.P. 1116) (L.D. 1512) (Presented by Representative BAILEY of Farmington) (Cosponsors: Representative MICHAUD of East Millinocket, Senators DUTREMBLE of York and COLLINS of Aroostook)

Ordered Printed.
Sent up for Concurrence.

Education

RESOLVE, to Establish the Special Commission to Study School-entrance Age and Preschool Services (Emergency) (H.P. 1111) (L.D. 1505) (Presented by Representative BOST of Orono) (Cosponsors: Senator ESTES of York, Representatives NORTON of Winthrop and MATTHEWS of Caribou) (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 Amend the Underground Oil Storage Facilities and Ground Water Protection Law" (H.P. 1113) (L.D. 1507) (Presented by Representative WILLEY of Hampden) (Cosponsors: Senators SEWALL of Lincoln, USHER of Cumberland, and Representative HEPBURN of Skowhegan)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act Relating to Bottle Clubs" (H.P. 1110) (L.D. 1504) (Presented by Representative GWADOSKY of Fairfield) (Cosponsor: Senator MATTHEWS

of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)
 Ordered Printed.
 Sent up for Concurrence.

Taxation

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H.P. 1112) (L.D. 1506) (Presented by Representative INGRAHAM of Houlton) (Cosponsors: Representatives BICKFORD of Jay, ERWIN of Rumford, and PARADIS of Frenchville) (Submitted by the Department of Finance pursuant to Joint Rule 24)

Ordered Printed.
 Sent up for Concurrence.

Transportation

Bill "An Act Concerning Reconstructed and Rebuilt Motor Vehicles" (H.P. 1108) (L.D. 1502) (Presented by Representative RACINE of Biddeford)

Ordered Printed.
 Sent up for Concurrence.

Utilities

Bill "An Act to Provide Fair Pricing in Moving Telephone Lines" (H.P. 1109) (L.D. 1503) (Presented by Representative HEPBURN of Skowhegan) (Cosponsors: Senator MATTHEWS of Kennebec, Representatives HOLT of Bath and STANLEY of Cumberland)

Ordered Printed.
 Sent up for Concurrence.

Reported Pursuant to Private and Special Law

Representative MICHAUD from the Committee on Energy and Natural Resources, pursuant to Private and Special Law 1985, Chapter 137 ask leave to submit its findings and report that the accompanying Bill "An Act to Ensure Safe Management, Recycling and Disposal of Solid Waste and to Reorganize the Solid Waste Law" (H.P. 1107) (L.D. 1499) be referred to the Joint Standing Committee on Energy and Natural Resources for public hearing and printed under Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

ORDERS

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

ORDERED, that Representative Earl G. Nicholson of South Portland be excused May 6, 7 and 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Leland C. Davis, Jr., of Monmouth be excused April 30 and May 1 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Lucien A. Dutremble of Biddeford be excused May 14 and 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William F. Lawrence of Parsonsfield be excused May 6, 7, 8 for legislative business and May 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Dale F. Thistle of Dover-Foxcroft be excused May 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Weston R. Sherburne of Dexter be excused May 5 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Joseph A. Garland of Bangor be excused May 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Alexander Richard of Madison be excused June 1, 2, 3, 4 and 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bradford E. Boutillier of Lewiston be excused May 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Constance D. Cote of Auburn be excused May 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Muriel D. Holloway of Edgecomb be excused March 5, 27, April 2, 7 and 29 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Donnell P. Carroll of Gray be excused May 6, 7 and 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Susan E. Dore of Auburn be excused May 14 and 15 for personal reasons.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Eddie E. Dostie, of Greene, former House of Representatives member and active community servant in the Androscoggin County area; (HLS 376) by Representative TELOW of Lewiston. (Cosponsor: Senator BERUBE of Androscoggin)

On motion of Representative Telow of Lewiston, was removed from the Special Sentiment Calendar.

Was read.

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

Representative TELOW: Mr. Speaker, when we adjourn today, I would like to adjourn in memory of Eddie E. Dostie.

Subsequently, was adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative PERRY from the Committee on Legal Affairs on RESOLVE, Directing the Maine Lottery Commission to Change the Method of Making Payouts to Game and Lottery Winners (H.P. 420) (L.D. 565) reporting "Ought Not to Pass"

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

By unanimous consent, all reference matters were ordered sent forthwith to the Senate.

Unanimous Leave to Withdraw

Representative DAVIS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide the State Environmental Resources Volunteer Effort with a Full-time Coordinator" (H.P. 919) (L.D. 1231) reporting "Leave to Withdraw"

Representative McGOWAN from the Committee on Appropriations and Financial Affairs on Bill "An Act Concerning the Payment and State Reimbursement to

Boarding Care Facilities" (H.P. 136) (L.D. 177) reporting "Leave to Withdraw"

Representative CONLEY from the Committee on Judiciary on Bill "An Act to Require the Payment of Reasonable Attorneys Fees in Successful Libel and Slander Suits" (H.P. 829) (L.D. 1120) reporting "Leave to Withdraw"

Representative COTE from the Committee on Judiciary on RESOLUTION, Proposing an Amendment to the Constitution of Maine Relating to Salaries Received by Judges Who have been Relieved of Their Duties (H.P. 920) (L.D. 1232) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Establish a Voluntary Program of State-approved Identification Cards for use by Persons not having Drivers' Licenses" (H.P. 784) (L.D. 1056) 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 BICKFORD from the Committee on State and Local Government on Bill "An Act to Establish Maine Merchant Marine Day" (H.P. 375) (L.D. 496) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1105) (L.D. 1497)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, May 12, 1987.

Ought to Pass in New Draft

Representative MOHOLLAND from the Committee on Transportation on Bill "An Act to Provide Special License Plates and Decals for People with Hearing Impairments" (H.P. 364) (L.D. 478) reporting "Ought to Pass" in New Draft (H.P. 1106) (L.D. 1498)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, May 12, 1987.

Ought to Pass in New Draft

Representative PARADIS from the Committee on Judiciary on Bill "An Act Permitting Private Mediation for Divorcing Couples" (H.P. 346) (L.D. 445) reporting "Ought to Pass" in New Draft (H.P. 1114) (L.D. 1508)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, May 12, 1987.

Ought to Pass in New Draft/New Title

Representative SWAZEY from the Committee on Taxation on Bill "An Act to Limit the Impact of Annual Variations in State Valuations" (H.P. 268) (L.D. 351) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Establishing the Special Commission to Study the Use of State Valuation in Allocation of State Funding Among Municipalities (Emergency) (H.P. 1115) (L.D. 1509)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, May 12, 1987.

CONSENT CALENDAR
First Day

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

(H.P. 930) (L.D. 1246) Bill "An Act Relating to Criminal Restraint under the Kidnapping and Restraint Laws" Committee on Judiciary reporting "Ought to Pass"

(H.P. 944) (L.D. 1267) Bill "An Act to Continue the Agricultural Viability Program" Committee on Agriculture reporting "Ought to Pass"

(S.P. 398) (L.D. 1217) Bill "An Act to Improve Court Security" Committee on Judiciary reporting "Ought to Pass"

(H.P. 341) (L.D. 440) Bill "An Act Relating to Bail Commissioners" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-109)

(H.P. 682) (L.D. 923) Bill "An Act to Amend the Maine Tort Claims Act" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-108)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 12, 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. 823) (L.D. 1114) Bill "An Act to Clarify the Procedure for Voter Registration by Postcard"

(H.P. 872) (L.D. 1173) Bill "An Act to Amend the Notice Provisions Concerning Write-in Candidates in Primary Elections"

(H.P. 715) (L.D. 966) Bill "An Act Relating to Political Action Committees under the Campaign Financing Laws" (C. "A" H-95)

(H.P. 378) (L.D. 499) Bill "An Act to Establish the Uniform Trade Secrets Act" (C. "A" H-96)

(H.P. 776) (L.D. 1048) Bill "An Act to Protect Landowners from Damage or Destruction of Trees by Hunters Maintaining Ladders or Observation Stands"

(H.P. 778) (L.D. 1050) Bill "An Act to Amend the Hunting Laws Concerning Vinalhaven"

(H.P. 577) (L.D. 775) Bill "An Act Relating to Cancellation of Insurance Coverage as a Result of a New Driver's Suspension" (C. "A" H-97)

(H.P. 922) (L.D. 1234) Bill "An Act to Fund and Implement Collective Bargaining Agreements with Vocational-technical Institute System Employees Represented by the Maine Teachers Association, the Maine State Employees Association and the American Federation of State, County and Municipal Employees and to Fund and Implement Benefits for Certain Vocational-technical Institute System Employees Excluded from Bargaining" (Emergency)

(H.P. 848) (L.D. 1139) Bill "An Act Relating to the Town of York School District" (Emergency) (C. "A" H-99)

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

CONSENT CALENDAR
SECOND DAY
AS AMENDED

(H.P. 530) (L.D. 714) Bill "An Act to Allow the Maine Maritime Academy to Award an Associate of Science Degree in Yacht Operations and Boatyard Management" (C. "A" H-98)

On motion of Representative Brown of Gorham, was removed from the Consent Calendar, Second Day.

Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-98) was read by the Clerk.

Representative Brown of Gorham offered House Amendment "A" (H-114) to Committee Amendment "A" (H-98) and moved its adoption.

House Amendment "A" (H-114) to Committee Amendment "A" (H-98) was read by the Clerk and adopted.

Committee Amendment "A" (H-98) as amended by House Amendment "A" (H-114) thereto was adopted.

The Bill assigned for Second Reading Tuesday, May 12, 1987.

CONSENT CALENDAR
SECOND DAY
AS AMENDED

(H.P. 439) (L.D. 592) Bill "An Act to Amend the Registration Laws Concerning Antique Motor Vehicles" (C. "A" H-100)

On motion of Representative Brown of Gorham, was removed from the Consent Calendar, Second Day.

Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-100) was read by the Clerk.

Representative Brown of Gorham offered House Amendment "A" (H-113) to Committee Amendment "A" (H-100) and moved its adoption.

House Amendment "A" (H-113) to Committee Amendment "A" (H-100) was read by the Clerk and adopted.

Committee Amendment "A" (H-100) as amended by House Amendment "A" (H-113) thereto was adopted.

The Bill assigned for Second Reading Tuesday, May 12, 1987.

CONSENT CALENDAR
Second Day

(H.P. 474) (L.D. 641) Bill "An Act to Increase Funding to Displaced Homemakers Program to Continue Rural Outreach Activities and Supportive Services for Displaced Homemakers"

(H.P. 331) (L.D. 430) Bill "An Act to Provide for a Self-sufficiency Trust of Funds for the Developmentally Disabled" (C. "A" H-101)

(H.P. 596) (L.D. 807) Bill "An Act to Fund the Cleanup of Fish Kills in the Coastal Waters" (C. "A" H-102)

(H.P. 631) (L.D. 854) Bill "An Act to Provide for Rural Community Fire Protection" (C. "A" H-103)

(H.P. 740) (L.D. 1003) Bill "An Act to Appropriate Funds to Index Decisions of the Maine Labor Relations Board" (C. "A" H-104)

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

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Deadline for Submission of Questions Under the Local Liquor Option" (H.P. 1079) (L.D. 1467)

Bill "An Act to Allow Political Parties to Determine the Qualifications of Voters in Primary Elections" (H.P. 1080) (L.D. 1468)

Bill "An Act to Amend the Retirement Law Regarding Schools" (H.P. 1101) (L.D. 1492)

Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 1102) (L.D. 1493)

Bill "An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 1103) (L.D. 1494)

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

SECOND READER
TABLED AND ASSIGNED

Bill "An Act to Recodify the Public Utilities Law" (Emergency) (H.P. 1075) (L.D. 1458)

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

On motion of Representative Vose of Eastport, tabled pending passage to be engrossed and specially assigned for Wednesday, May 13, 1987.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

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

An Act Relating to Taxation of Aircraft (H.P. 190) (L.D. 234) (Emergency) (C. "A" H-77)

TABLED - May 8, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I beg your indulgence again on this issue and I will speak very briefly. I do want to read into the Record a memo from the State Tax Assessor, Anthony Neves, concerning the fiscal note on this legislation. This memo was directed to Richard Sawyer, Assistant Director of the Office of Fiscal and Program Review. Mr. Neves states, "You have asked whether sales of use tax estimates for the next biennium consider the sunset of exemption under 36 MRSA 1760.48. The answer is yes. Any repeal of exemptions or enactment of new exemptions is considered in forecasting revenue.

However, sales in use tax revenue forecasts are not based on accumulative activities with specific taxpayers. Revenue forecasts are based on a variety of factors including historical data and trends in the state and national economy. There are many specific revenue producing transactions that are not contemplated when a biennial forecast is submitted.

It would appear that this fiscal note policy which recognizes only the forecasting process would be seriously flawed. For example, any taxpayer could ask the state for a note identifying his budgeted tax contributions and then ask the legislature to be exempted from any taxes which would have otherwise been paid beyond the identified budget amount. The result would be a significant loss of revenue generated by the legislative document carrying no fiscal note.

The bureau's fiscal note policy has received both tacit and explicit approval over the years by both the executive and legislative branches. The principle of that policy have been applied to L.D. 234. I am not aware of any major business decision in this state that has been reversed solely on the basis of sales tax considerations."

I would ask this House to consider the arguments that were made when we were taking this bill through

the process and I would attempt to restate some of them quickly.

We are talking about a sales tax exemption which carries a fiscal note of \$5 million. Again, this sales tax exemption will be granted to the lessor of these particular aircraft. This particular exemption was first enacted some time ago in this legislature and has been extended twice and we are being asked to extend it again for 27 months. I have opposed this legislation from the outset because I feel that it is inappropriate tax policy.

I would ask this legislature to consider the ramifications of granting these types of exemptions. We are going to have a long line of people coming to this legislature asking to be exempted from all types of taxes. I would ask you to consider as well the amount of money that we already exempt and what position it would put us in if we continue to expand these exemptions.

The SPEAKER: The pending question before the House is 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. 102 having voted in favor of same and 40 against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Require Legislative Approval and Public Hearings for any Plan to Decentralize the Pineland Center Facility (Emergency) (H.P. 402) (L.D. 536) (H. "A" H-86; C. "A" H-74)

TABLED - May 8, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

The SPEAKER: The pending question before the House is 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. 131 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.

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

SENATE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (S-51) - Minority (2) "Ought Not to Pass" - Committee on Business Legislation on Bill "An Act Relating to Disclosures When Selling Used Cars" (S.P. 295) (L.D. 845)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-51)

TABLED - May 8, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative ALIBERTI of Lewiston to accept the Majority "Ought to Pass" as Amended Report.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I have given this bill a lot of thought and I can understand why some of my colleagues actually voted the way they did because, on the surface, it really seems to be a harmless bill, there is no penalty clause attached. As a matter of fact, the more I have looked into it, the more I feel that it does absolutely nothing. What I would like to suggest to you is that I have never as yet met a used car dealer that I kind of felt sorry

for, that I felt needed any protection. I think in this case this is the gentleman that you are protecting.

For instance, you take the average John P.Q. Citizen going to see a used car dealer, the car dealer gets out his valuation booklet and immediately quotes him the lowest based figure possible that he could quote him. Then, the poor honest Joe starts disclosing all the faults and mechanical failures of his automobile, you can imagine -- he is probably going to end up with another \$400 or \$500 less than what he perhaps might have anticipated.

Not only that, it is like the 55 mile an hour speed law -- I think you are forcing people to break the law in this case. I think that most people aren't going to divulge what is wrong with their car. I don't think it is human nature and I don't think as yet we have created a utopia in the State of Maine or elsewhere for that matter.

I can just see the used car dealer turning around and selling that car to an unsuspecting new owner, the new owner coming back and saying, "Well, look at the lemon you sold me, this has gone wrong with it, it is burning a quart of oil every 1,000 miles." Maybe the used car belonged to some individual that probably felt that, -- well, my car should burn a quart of oil ever 1,000 miles, but nonetheless, it is going to put the used car dealer in a situation where he is going to tell a customer, "Well, look, I have a disclosure here signed, sealed and delivered by the former owner. If you think you have got a problem, you go see him." So, you are getting the used car dealer off the hook, you are not doing the consumer, to my mind, a darn bit of good.

I would urge you to vote against this bill. When the vote is taken, I request a roll call.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

Is it a crime if somebody should not disclose all of their problems with their car? If they should forget one of them, are they subject to a fine, imprisonment or anything like that?

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

The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, I say no. There is no crime attached, there is no penalty attached. And this is what makes it more unenforceable. Like I said before, I think it is actually a do-nothing legislation. People hesitate to sign anything. I can see it in the real estate business, I think it has worked well, but on a mechanical monster like the automobile, I don't think it has its place there at all.

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 Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain the current law, if I may, so that it will give you a

better opportunity to decide whether or not you want to give additional protection to the used car dealer.

Under the current law, you have a right to a written disclosure of the car's history. A dealer cannot offer to sell you a car unless he posts the following information on the windshield of the vehicle. It goes down and lists many items that have to be disclosed. He has to include a statement that discloses the name and address of the previous owner of the motor vehicle. If you ask for that information, that has to be on the sticker of the used car. He has to include a statement identifying any and all mechanical defects known to the dealer at the time of the sale and, in addition to that, he has to provide a statement identifying what type of damage, if any, that the car has sustained such as collision, fire or water damage.

Now, how does he get that information? He gets that primarily by an inspection that he conducts on the vehicle. He is required by law to warranty that your car can pass inspection. When your car passes inspection, this is accomplished by providing an inspection sticker on the vehicle. That includes attesting to the fact that body elements and sheet metal for hazardous conditions are safe. In order to do that, he has to get under the car and take a look at it. Incidentally, if he fails to do this, he is subject to a \$100 fine, minimum, and up to \$1,000 fine including court costs and attorney's fees.

Now, what the amended version does is it puts the onus on the individual that sells the car. It requires that individual to sign a written statement indicating the physical or mechanical damages that is known to the seller. As Representative Sheltra indicated, being human beings, this would be very difficult for individuals to do.

Incidentally, there is no fine involved if the seller has failed to indicate all of the known physical defects on that particular vehicle. But what this does, it takes the onus off the used car dealer because what he does, he says, none of the physical or mechanical defects have been reported to me by the seller; therefore, I am not responsible. It takes him right off the hook.

I think it is a bad bill. People that testified have indicated that this is a consumer bill but, in my opinion, it is not, it is a used car dealer bill that takes away the responsibility of those functions that they are required to perform when they do sell a used car.

I hope that you will vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I rise to urge you to support the Majority "Ought to Pass" Report. There is some truth to some of the statements that have been made. It is a simple bill. Current law already requires that people selling cars to a used car dealer disclose any kind of damage that the automobile has sustained during their ownership. We have made only minor changes to that. The bill was, in fact, brought to us by the Consumer Division of the Attorney General's Office. It is, indeed, a consumers bill, perhaps not in the sense that those of us selling used cars want to disclose everything that is wrong with our car.

Comments were made regarding how they don't want to tell the truth when selling their car because they are not going to get as much money for it. If that is called human nature, perhaps that does prevail. But the consumer that we are interested in protecting here are those of us who cannot afford to

go to a new car dealer and buy a new car. We are at the mercy of the used car dealers and they, in turn, are at the mercy of those people who sell used cars to them.

The majority of the committee felt very strongly that if someone is going to sell a used car that they list any collision damage. That is one of the changes. Instead of just relying on substantial collision damage, they have changed one word and said, any collision damage, and that they sign a written statement and that the dealer has to keep that written statement in his records for one year.

Seller, as defined here, is a person who sells to a used car dealer. It does not involve private sales, it is just for sales that go through used car dealers. Believe me, the consumer you are protecting here and the consumer whose interest we continue to look out for are those of us who have to buy used cars. Okay, you are looking at the people who have to purchase used cars, not necessarily those that sell our discarded cars, but those of us who have to buy used cars.

I urge you to support the Majority 11 to 2 "Ought to Pass" Report.

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

Representative DUFFY: Mr. Speaker, I would like to pose another question through the Chair.

Could you tell me why the committee decided not to put any penalties on this? Also how is the information going to get out to the general public that they have to abide by this law?

The SPEAKER: Representative Duffy of Bangor has posed additional questions through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: We didn't deal with the penalty section because there already is a penalty section in force. The penalty section does not change and, in fact, requires (as has been stated before) a penalty to the used car dealer of not less than \$100, no more than \$1,000.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: It is true that there is a penalty but that penalty is only against the used car dealer, it is not against the seller for failure to report any mechanical or physical defect. The bill requires that the seller indicate by statement, which will be kept on file for a period of one year. However, there is no penalty if he fails to do so. If I am wrong, I would like to be corrected because this was quite clear at the public hearing and I don't want this body to believe there is a penalty if the seller fails to sign that statement. That is not quite the case. The penalty is against the used car dealer. What this bill does — it would take them off the hook because he can always go back to that statement that was provided by the seller saying that there were no known physical defects and that would take the used car dealer completely off the hook.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I quote Title 10, Subsection 1477, Section 2, Civil Penalty, "Each violation of this chapter constitutes a civil violation and shall be punished by forfeiture of not less than \$100 nor more than \$1,000." And that is any violation and that includes violation of the use, it does not

specifically say dealer, it says "any violation." If we put the onus on the seller, then it is a violation by the seller.

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

Representative SCARPINO: Mr. Speaker, may I address a question through the Chair to Representative Allen?

Based on what you just said, if the penalty applies to both the dealers and private sellers -- if my wife decides to sell her car and to her knowledge there was nothing wrong with it and she signed that as such and a person drove the car out and threw a main bearing or lost the rear main seal -- would she be responsible because to her knowledge there was nothing wrong with it (her mechanical knowledge goes about two inches?)

The SPEAKER: Representative Scarpino of St. George has posed a question through the Chair to Representative Allen of Washington who may respond if she so desires.

The Chair recognizes that Representative.

Representative ALLEN: Mr. Speaker, Men and Women of the House: The law as we have proposed simply says, "A statement identifying the type of damage, if any, that the vehicle has sustained such as fire, water or any collision damage, if such information is known to the seller." The key word there is "known." If that mechanical damage is unknown to that particular person, then it is not a violation.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I have asked the previous questions because I have been unclear about this bill. The more I have heard about this bill, the more unclear I have become. I think that we are creating criminals out of little old ladies and young kids that don't know much about cars. If it is unenforceable, there is no fine, that is one thing. If it is enforceable and has a fine, that is another. I just don't think it is correct to be putting a bill into place that is neither informative, nor is it going to be helping any of the consumers except make liars out of them.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: This is exactly my point, I think it is an attorney's bill. I think you are going to see a lot of passing the buck. I think you are going to make a lot of customers, who are trading in their cars, very hesitant. After all, they are competing with professionals. What does the little old lady know about what is happening to her car? I hope you vote against this bill.

The SPEAKER: The pending question before the House is the motion of the Representative from Lewiston, Representative Aliberti, that the House accept the Majority "Ought to Pass" as amended Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 49

YEA - Aliberti, Allen, Anderson, Anthony, Baker, Begley, Bickford, Bost, Boutilier, Carroll, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Dellert, Diamond, Dore, Dutremble, L.; Erwin, P.; Farren, Foss, Garland, Gurney, Gwadosky, Handy, Higgins, Hillock, Høglund, Holloway, Holt, Ingraham, Jacques, Joseph, Ketover, Kilkelly, Lacroix, Lawrence, Lebowitz, Lisnik, Macomber, Mahany,

Manning, Marsano, Matthews, K.; Mayo, McGowan, McPherson, Melendy, Michaud, Mills, Mitchell, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Nutting, O'Gara, Paradis, E.; Paradis, J.; Pines, Priest, Rand, Rolde, Rotondi, Rydell, Seavey, Simpson, Small, Sproul, Stevens, A.; Stevens, P.; Strout, B.; Swazey, Telow, Thistle, Tracy, Tupper, Vose, Webster, M.; Whitcomb, Willey.

NAY - Armstrong, Bott, Bragg, Brown, Callahan, Carter, Conley, Curran, Davis, Dexter, Duffy, Farnum, Foster, Gould, R. A.; Greenlaw, Hale, Hanley, Harper, Hepburn, Hichborn, Hickey, Hussey, Jackson, Jalbert, LaPointe, Look, Lord, MacBride, Martin, H.; McHenry, McSweeney, Moholland, Murphy, E.; Norton, Paradis, P.; Parent, Paul, Perry, Pouliot, Racine, Rice, Richard, Ridley, Salsbury, Scarpino, Sheltra, Sherburne, Smith, Soucy, Stevenson, Strout, D.; Tardy, Taylor, Walker, Wentworth, Weymouth, Zirkilton.

ABSENT - Bailey, Kimball, Reed, Reeves, Ruhlin, Stanley, Tammara, Warren, The Speaker.

Yes, 84; No, 57; Absent, 9; Paired, 0; Excused, 0; Vacant, 1.

84 having voted in the affirmative and 57 in the negative with 9 being absent and 1 vacant, the motion to accept the Majority "Ought to Pass" as amended Report was accepted and the Bill read once.

Committee Amendment "A" (S-51) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 12, 1987.

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

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

TABLED - May 8, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Bost of Orono, under suspension of the rules, the House reconsidered its action whereby L.D. 919 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-117) and moved its adoption.

House Amendment "A" (H-117) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-117) in non-concurrence and sent up for concurrence.

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

RESOLVE, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State in Certain Parcels of Real Property (S.P. 489) (L.D. 1471)

- In Senate, Referred to the Committee on State and Local Government.

TABLED - May 8, 1987 by Representative JACQUES of Waterville.

PENDING - Reference in Concurrence.

On motion of Representative Michaud of East Millinocket, was referred to the Committee on Energy and Natural Resources in non-concurrence and sent up for concurrence.

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

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of

Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Aging, Retirement and Veterans

Bill "An Act to Clarify the Definition and Application of Active State Service in the Defense Laws" (H.P. 1117) (Presented by Representative LEBOWITZ of Bangor) (Cosponsors: Representatives PERRY of Mexico, HICKEY of Augusta and STEVENS of Sabattus) (Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Improve the State's Capability to Respond to a Hazardous Materials Incident" (H.P. 1125) (Presented by Representative BICKFORD of Jay) (Cosponsors: Representatives GWADOSKY of Fairfield, FARNUM of South Berwick and Senator GILL of Cumberland) (Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act Relating to Assignment of Group Health Insurance Benefits" (H.P. 1119) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsors: Representative CLARK of Millinocket, Senators COLLINS of Aroostook and THERIAULT of Aroostook) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Bill "An Act to Amend the Law Concerning Appeals by Parties Aggrieved by Acts of the Superintendent of Insurance" (H.P. 1120) (Presented by Representative CLARK of Millinocket) (Cosponsors: Senator COLLINS of Aroostook, Representatives RACINE of Biddeford and REED of Falmouth) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Bill "An Act to Eliminate Reference to 'Standard Premium' in the Workers' Compensation Self-Insurance Laws" (H.P. 1123) (Presented by Representative LEBOWITZ of Bangor) (Cosponsors: Senator COLLINS of Aroostook, Representatives ALIBERTI of Lewiston and RACINE of Biddeford) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Bill "An Act Relating to Nonrenewal of an Automobile Insurance Policy Due to Accidents Involving Property Damage" (H.P. 1124) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsor: Representative SHELTRA of Biddeford) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Improve Disclosure of Consumer Leases" (H.P. 1122) (Presented by Representative TELOW of Lewiston) (Cosponsors: Senator BALDACCI of Penobscot, Representatives STEVENS of Sabattus and SHELTRA of Biddeford) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Permit Participants to Play Beano in 2 or more Rooms" (H.P. 1121) (Presented by Representative ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Clarify the Definition of Intermittent State Employees" (Emergency) (H.P. 1118) (Presented by Representative WENTWORTH of Wells) (Cosponsors: Senator BALDACCI of Penobscot, Representatives STROUT of Windham and BICKFORD of Jay) (Submitted by the Department of Administration pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

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

SENATE PAPERS

Bill "An Act to Amend the Law Concerning Activation of State Military Forces by the Governor in Human Health Emergencies" (S.P. 492) (L.D. 1500)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

Bill "An Act to Establish a Certificate of Public Convenience and Necessity Requirement for Railroads" (S.P. 493) (L.D. 1501)

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

Was referred to the Committee on Transportation in concurrence.

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

SENATE PAPER

Bill "An Act to Enhance Local Control of Community Growth and Strengthen Maine's Land Use Laws" (S.P. 479) (L.D. 1442)

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

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

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

ORDERS

On motion of Representative BAKER of Portland, the following Joint Resolution: (H.P. 1126) (Cosponsors: Senators ANDREWS of Cumberland, BRANNIGAN of Cumberland, Representatives CONLEY of Portland, MANNING of Portland, KETOVER of Portland, GURNEY of Portland, HOGLUND of Portland, RAND of Portland, REED of Falmouth, and O'GARA of Westbrook)

IN MEMORIAM

WHEREAS, the Members of the Legislature have been deeply saddened to learn of the untimely death of the Honorable Laurence E. Connolly, Jr., of Portland; and

WHEREAS, Representative Connolly was a man of unusual compassion who was unafraid to speak for causes in which he believed, whether popular or not; and

WHEREAS, he was a man of peace, compassion and endless warmth who was well known for his advocacy on behalf of low-income people, the elderly and the handicapped, prison reform and other social issues; and

WHEREAS, Larry was a vibrant man who was moved by a true sense of justice and compassion for all and whose life's work remains a testament to all that is good in mankind; now, therefore, be it

RESOLVED: That We the Members of the Senate and House of Representatives of the 113th Legislature of the State of Maine pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share this great loss and respectfully request that when the Legislature adjourns this date, it do so in honor and lasting tribute to the deceased; and be it further

RESOLVED: That as a token of honor and lasting recognition of our esteem for his memory, the Secretary of State prepare a suitable copy of this Resolution and transmit it forthwith to his dear wife, Nancy, and his family.

Was read.

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

Representative BAKER: Mr. Speaker, Men and Women of the House: There has been much tribute given this day to Representative Connolly. I won't speak about political matters right now. I just wish to share with you something that I feel I must. There are two things that I am going to miss about Representative Connolly. One of those things I am going to miss is, every morning for the past nine years, when I would go down my stairs, I would wait there in the foyer of my apartment for Larry's car to come around the corner in front of my house to pick me up. He always honked the horn. The night before he would say, "I will see you tomorrow morning and I will honk the horn."

The second thing that I am going to miss very much is that, at the end of the day for the past nine years, I would go over to Larry when it was time to go home and I would say, "Larry, it is time to go home." He would look at me and go, (holding out his hand, with fingers spread) "Five minutes." And I knew I was going to have to hang around for another hour while he finished his business.

Those are very unimportant things if you think of the scheme of things, very small things, but it is those small things that we miss the most.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I appreciate this opportunity to briefly mention a couple of words about my friend, Larry Connolly. He was a friend to me but he was a friend to everyone here. I think I knew him pretty well but some of you knew him far better than I did.

It occurred to me over the weekend that Larry's service in this chamber would continue and his dedication to his causes were something almost classic and it reminded me of a passage from John Steinbeck's, *Grapes of Wrath*. During the great dustbowl depression of the late 30's, the family of Joad's, as they were moving from Oklahoma to California, encountered great difficulty and violence and a friend of Tom Joad's, Jim Casy, had been killed. And, as life would have it, Tom had murdered his assailant and was in hiding from authorities and his mom asked him in secret and in hiding one night what was going to happen -- and if I can share this with you just briefly, this is the

conversation: "They sat silent in the coal-black cave of vines. Ma said, "How'm I gonna know 'bout you? They might kill ya an' I wouldn't know. They might hurt ya. How'm I gonna know?"

Tom laughed uneasily, "Well maybe like Casy says, a fella ain't got a soul of his own, but on'y a piece of a big one--an' then--"

"Then what, Tom?"

"Then it don't matter. Then I'll be all aroun' in the dark. I'll be ever'where--wherever you look. Wherever they's a fight so hungry people can eat, I'll be there. Wherever they's a cop beatin' up a guy, I'll be there. If Casy knowed, why I'll be in the way guys yell when they're mad an'--I'll be in the way kids laugh when they're hungry an' they know supper's ready. An' when our folks eat the stuff they raise an' live in the houses they build--why, I'll be there. See? God, I'm talkin' like Casy. Comes of thinkin' about him so much. Seems like I can see him sometimes."

Well, I think that whenever this House debates the needs of children, needs of the elderly, and clothing and fuel assistance, I can think of some of those great battles that we had and Larry Connolly is going to be with us in this chamber in spirit and in truth.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: When we heard the news about Larry Connolly on Friday and then this morning at Church, there are pictures that go through your mind of the man.

My first contact with Larry was on the Education Committee, the Republican Senate Chair had three committees, so the whole weight of that committee fell upon Larry. There were themes that were very much close to his heart then, that are very much before this legislature, the cost of education, who is it going to fall on, and that education must be an open door.

As we got close to St. Patrick's Day, another picture came to mind, that being a fellow American of Irish descent was a special time of year for Larry Connolly. His eyes would sparkle like a leprechaun (and I don't mean any offense) until the word "Brits" was mentioned and then they would narrow.

Appropriations Committee -- this time of year was very special because, right about this time in the hall, Larry Connolly would come up to you and say, "Hey Murphy" or "Hey Republicans, what is your bottom line?" People would begin to talk. Larry had that ability to bring members of the two parties together to bring urban and rural interests together. I don't think this legislature, the general public, ever appreciates when we have stars like that within our body who are the catalysts for positive change.

In using his phrase, "the bottom line" -- the City of Portland, the County of Cumberland, and the State of Maine, lost a big person on Friday.

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

Representative CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: As many of you know, I am from a political family in Portland. Conley and Connolly got mixed up quite a lot. He used to tell people that my name and my father's was single "n", single "l", double "x", people would get kind of a boot out of that. My father was my State Senator; Larry was my State Representative. My friends and myself, when we needed something like a summer job, a house for the neighborhood to get together, a

neighborhood center or a basketball court, we went to our State Representative and we usually got it.

I am sure, Mr. Speaker and those of you who went to the wake last night and to the funeral today, couldn't help but be overwhelmed by the mixture of T-shirts in with those suit coats. I guess that says it all. People loved Larry, Larry loved people. If there ever was a person who could personify what man's capacity for love is for one another, it was Larry Connolly.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is always difficult to say good-bye to a dear friend. I have had the privilege of knowing Larry since he first came to this body 15 years ago. I thought I knew him pretty well, but I really didn't until he became a member of the Appropriations Committee during the 111th. There was a special thing about Larry Connolly, any person could approach him and he would go out of his way to assist, it didn't make any difference whether it was a freshman member of this body or an old timer. Larry was always willing to assist. In many ways, he had many qualities that some of us, at times, overlook. I think many of us misunderstood Larry, I know I was guilty of that same thing in the earlier years, but I grew fonder and fonder of Larry as I got to understand him better. He was a very, very special person, quiet, perhaps too much so, unassuming, but really dedicated. Dedicated to make life for his fellow citizens and his constituents and the people of this state a better place to live in.

It is difficult to say good-bye to a person of that stature. Larry's passing is going to be a tremendous loss that is going to be felt for years to come, not only by his constituents, but by his fellow citizens of this state.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: There has been much said today about Larry's compassion, his passion for justice and his relentless championing of all who have not received their fair share of society's resources.

I can only concur with what has been said but it is not enough to remember Larry Connolly with words, it is deed's that will count. I ask you to help carry on his work. We must take on as our own the burden that Larry bore for all of us for so long. We must support Larry's causes and make them our own. We must find ways to make his dreams of justice and equality a reality, not only in this session of the legislature, but in the years to come. The State of Maine needs us to do this and that will be the lasting tribute that Larry would want.

Was adopted and sent up for concurrence.

At this point, the members of the House stood in a moment of silence in memory of Larry Connolly.

On motion of Representative Martin of Eagle Lake, Adjourned until Tuesday, May 12, 1987, at nine o'clock in the morning in memory of Laurence E. Connolly, Jr. and Eddie E. Dostie.

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

In Senate Chamber
Monday
May 11, 1987

Senate called to Order by the President.

Prayer by the Honorable Nancy Randall Clark of Cumberland.

SENATOR CLARK: Gracious God, gentle in Your power and strong in Your tenderness, make us a joyful company of Your people so that with the faithful in every place and time, we may praise and honor You. Grant us Thy grace, God, Most High, on this day of fond remembrance and celebration of the life of our departed colleague, Representative Larry Connolly. Amen.

Reading of the Journal of Friday, May 8, 1987.

COMMUNICATIONS

The Following Communication:
STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333

May 8, 1987
The Honorable Charles Pray
Senate President and
Members of the Senate
State House Station 3
Augusta, Maine 04333
Dear Senator Pray and

Members of the Senate:

I am pleased to submit Maine's Transportation Investment Program for Fiscal Years 1988 and 1989.

This Program is submitted in support of requests for funding in the areas of Federally-supported Highways and Bridges, Collector Roads, Highway Maintenance Resurfacing, Local Bridges, Air Transportation, and Marine Improvements. This document describes the intended use of the funding requested.

The Highway and Bridge section of this Program requires \$43.53 Million in State funds which would generate \$118.88 Million in Federal Highway matching funds. Of that amount \$24.53 Million would be taken from current revenues and the remaining \$19.00 Million we suggest be included in a proposed Highway Bond Issue.

Collector Road Capital Improvements and Maintenance Resurfacing are totally State funded programs, for which \$8.50 Million and \$12.10 Million respectively have been requested. The Local Bridge Program consists of Federal, State and Local funds in the respective amounts of \$2.94, \$3.34 and \$1.89 Million.

The \$1.61 Million requested for Air Transportation projects and \$3.75 Million requested for Marine Improvements would generate an estimated \$19.28 Million in Federal matching funds and an additional \$0.98 Million in local matching monies, providing sufficient funding for a total Aeronautics and Ports and Marine Program of approximately \$25.62 Million.

In summary, with \$80.47 Million in State and Local/Other funds, \$141.09 Million in Federal funding is generated, for a total Investment Program of