

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

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
67th Legislative Day
Thursday, May 14, 1987

(At Ease)

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

Prayer by Reverend James Flye, United Baptist Church, Island Falls.

The Journal of Wednesday, May 13, 1987, was read and approved.

Quorum was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 518)

JOINT RESOLUTION IN COMMEMORATION

OF THE VISIT OF THE BRITISH FRIGATE H.M.S. APOLLO

WHEREAS, Her Majesty's Ship Apollo will visit the Port of Portland in May 1987; and

WHEREAS, the visit of the British frigate Apollo is an occasion of great significance to Maine and its citizens; now, therefore, be it

RESOLVED: That, We, the Members of the 113th Legislature while duly assembled in the First Regular Session at the Capitol at Augusta do extend our welcome to the officers and crew of H.M.S. Apollo upon the occasion of their visit to the State of Maine; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted forthwith on behalf of the Legislature and the people of the State of Maine to the City of Portland for appropriate transmittal to Commander L. C. Hopkins, Royal Navy, Commanding Officer of H.M.S. Apollo, upon the occasion of that vessel's arrival at Portland Harbor.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

The following Joint Resolution: (S.P. 519)

JOINT RESOLUTION CONCERNING THE HEARINGS

ON A PROPOSED BIO-MASS PROJECT

IN THE STRATTON-EUSTIS AREA

WHEREAS, an application for a bio-mass project for the Stratton-Eustis area has been made to the Department of Environmental Protection and the Maine Land Use Regulation Commission; and

WHEREAS, the proposal is pending a joint public hearing before the Department of Environmental Protection and the Maine Land Use Regulation Commission before the project is licensed; and

WHEREAS, citizens of western Maine are indeed concerned over this development and want to give testimony and hear the proceedings; now, therefore, be it

RESOLVED: That the members of the Senate and House of Representatives of the 113th Legislature of the State of Maine, now assembled, in the First Regular Session respectfully urge the Department of Environmental Protection and the Maine Land Use Regulation Commission to convenience the citizens of western Maine concerning authorization of a bio-mass project by holding public hearings on the project within the Kingfield-Stratton-Rangeley area rather than Augusta; and be it further

RESOLVED: That the Secretary of State prepare a suitable copy of this Joint Resolution and transmit it forthwith to the commissioners of the agencies so-named as notice of this request.

Came from the Senate, read and adopted.

Was read and adopted 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 Support the Growth and Development of Hospice Care in Maine" (S.P. 171) (L.D. 486)

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 Utilities reporting "Leave to Withdraw" on RESOLVE, to Adjust Utility Rates to Reflect the Change in the Rate of Federal Corporate Income Tax (S.P. 393) (L.D. 1212)

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act Concerning the Hunting of Antlerless Deer by Certain Property Owners" (S.P. 424) (L.D. 1304)

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

Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act Amending the Laws Relating to Private Security Guards" (Emergency) (S.P. 290) (L.D. 817) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 513) (L.D. 1555)

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

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Non-Concurrent Matter

An Act to Ensure Timely Adoption of Revised Solid Waste Rules (Emergency) (H.P. 890) (L.D. 1191) which was passed to be enacted in the House on April 30, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-54) in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

State of Maine
House of Representatives
Speaker's Office
Augusta, Maine 04333

May 12, 1987

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

Pursuant to the House Resolution Relating to the Discipline, Censure or Expulsion of Representative Donald F. Sproul of Augusta by the House, which was read and adopted in the House on May 12, 1987, I am today appointing you for the purpose of delivering a signed copy of said Resolution to Representative Donald F. Sproul.

Sincerely,
S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:
 State of Maine
 House of Representatives
 Augusta 04333

May 13, 1987

Honorable John L. Martin
 Speaker of the House
 State House Station 2
 Augusta, Maine 04333
 Dear Speaker Martin:

On the 13th day of May, 1987, I made service of the House Resolution Relating to the Discipline, Censure or Expulsion of Representative Donald F. Sproul of Augusta by the House upon Representative Donald F. Sproul by delivering a copy of that House Resolution signed by the Speaker of the House to Representative Sproul in hand at the House Minority Office, Room 332, State House, Augusta, Maine.

Sincerely,
 S/Edwin H. Pert
 Clerk of the House

ENCLOSURE:

STATE OF MAINE

In the Year of Our Lord
 Nineteen Hundred and Eighty-Seven

HOUSE RESOLUTION RELATING TO THE DISCIPLINE,
 CENSURE OR EXPULSION OF REPRESENTATIVE
 DONALD F. SPROUL OF AUGUSTA BY THE HOUSE

WHEREAS, Representative Donald F. Sproul of Augusta has been convicted in the Superior Court of the Class D offense of tampering with an absentee ballot; and

WHEREAS, under the Constitution of Maine, Article 4, Part 3, Section 4, the House of Representatives has the authority to punish or expel its members; now, therefore, be it

RESOLVED: That due notice be given to Representative Donald F. Sproul of Augusta and that the House Committee on Elections conduct an investigation and report to the House of Representatives its recommendations concerning discipline, censure or expulsion of Representative Donald F. Sproul for causes as follows:

FIRST: That Representative Donald F. Sproul, on the 13th, 14th and 15th days of October, 1986, did intentionally tamper with the absentee ballots of absentee voters Anna Ouellette, Lionel J. Blanchette and Marguerite C. Kendall, all of Augusta, Maine, by intentionally altering their absentee ballot votes for an improper purpose, in violation of the laws of this State;

SECOND: That Representative Donald F. Sproul criminally altered these ballots to improperly cast additional votes for himself in his election to this House, for his sole personal gain and to improperly gain his seat in this House;

THIRD: That Representative Donald F. Sproul has been tried and convicted by a jury of his peers of the Class D crime of intentionally altering absentee ballots, a misdemeanor under the laws of this State;

FOURTH: That Representative Donald F. Sproul has deliberately violated the sanctity of the ballot and election process, has deliberately deprived at least one citizen of her right to vote and has consistently and repeatedly refused to acknowledge his guilt; and

FIFTH: That Representative Donald F. Sproul has conducted himself and continues to conduct himself in a manner incompatible with his duty and responsibilities as a Member of this House and the high public trust incumbent in that office; and be it further

RESOLVED: That this resolution and the statement of causes contained in it shall be entered on the Journal of the House of Representatives and a copy of the same be signed by the Speaker of the House and served on Representative Donald F. Sproul by such person as the Speaker shall appoint for that purpose, who shall make that service upon his personal affidavit without delay.

House of Representatives
 Read and Adopted
 May 12, 1987
 S/EDWIN H. PERT
 Clerk

S/JOHN L. MARTIN
 Speaker of the House
 of Representatives

STATE OF MAINE
 KENNEBEC, S.S.

On the 13th day of May, 1987, I made service of the House Resolution Relating to the Discipline, Censure or Expulsion of Representative Donald F. Sproul of Augusta by the House upon Representative Donald F. Sproul of Augusta by delivering a signed copy of that House Resolution to him in hand at the House Minority Office, Room 332, State House, Augusta, Maine.

S/Edwin H. Pert
 Clerk of the House

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Human Resources

Bill "An Act to Create a Crisis Intervention Program for the Mentally Ill to Serve Penobscot, Hancock, Piscataquis and Washington Counties" (H.P. 1147) (L.D. 1562) (Presented by Representative DIAMOND of Bangor) (Cosponsors: President PRAY of Penobscot, Senator PERKINS of Hancock, and Representative FOSTER of Ellsworth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

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

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

Ordered Printed
 Sent up for concurrence.

Education

RESOLVE, Concerning the Testing of School Buildings for Radon (Emergency) (H.P. 1148) (L.D. 1563) (Presented by Representative KETOVER of Portland) (Cosponsors: Senator KANY of Kennebec, Representatives DORE of Auburn and HANDY of Lewiston) (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 Concerning Costs for Discovery Materials in Criminal Proceedings" (H.P. 1146) (L.D. 1561) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representatives CONLEY of Portland, MARSANO of Belfast, and Senator GAUVREAU of Androscoggin)

Ordered Printed
Sent up for concurrence.

Legal Affairs

Bill "An Act to Make Substantive Changes in the Liquor Laws" (H.P. 1149) (L.D. 1564) (Presented by Representative PERRY of Mexico) (Cosponsors: Senator DILLENBACK of Cumberland, Representatives JALBERT of Lisbon and MURPHY of Berwick)

Ordered Printed
Sent up for concurrence.

(At Ease)

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

SENATE PAPERS

Bill "An Act to Improve the Ability of the Department of Agriculture, Food and Rural Resources to Respond Constructively to Complaints of Insect Infestation" (S.P. 514) (L.D. 1557)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Amend the Maine Produce Liability Risk Retention Act" (S.P. 516) (L.D. 1559)

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

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act to Recodify the First-lien Real Estate Secured Lending Provisions Relating to Nonbanks in the Maine Consumer Credit Code" (S.P. 517) (L.D. 1560)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Clarify Capital Reimbursements" (S.P. 515) (L.D. 1558)

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.

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

(At Ease)

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative CARROLL from the Committee on State and Local Government on Bill "An Act Relating to the Disposition of Surplus Real Estate" (H.P. 414) (L.D. 548) reporting "Ought to Pass" in New Draft (H.P. 1152) (L.D. 1567)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative ALLEN from the Committee on Business Legislation on Bill "An Act to Authorize the Creation of a Position of Executive Director and an Associate Executive Director to the Board of Registration in Medicine" (H.P. 11) (L.D. 9) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize the Creation of the Position and the Salary Range of an Executive Director of the Board of Registration in Medicine" (H.P. 1150) (L.D. 1565)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative WARREN from the Committee on Judiciary on Bill "An Act to Regulate the Removal of Children of Divorced or Separated Families from the State" (H.P. 675) (L.D. 908) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Permit a Reconsideration of Parental Rights and Responsibilities Upon the Relocation of Children of Divorced or Separated Parents from this State to Another State" (H.P. 1151) (L.D. 1566)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Establish the Deer Season" (H.P. 223) (L.D. 291)

Signed:
Senators: ERWIN of Oxford
USHER of Cumberland
BRAWN of Knox
Representatives: CLARK of Millinocket
DUFFY of Bangor
WALKER of Norway
GREENLAW of Standish
FARREN of Cherryfield

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

Signed:
Representatives: SMITH of Island Falls
ROTONDI of Athens
BROWN of Gorham
WEYMOUTH of West Gardiner
JACQUES of Waterville

Reports were read.
The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I move that the House accept the Minority "Ought to Pass" Report.

I am somewhat of a realist and I realize with the three members of the other body on the opposite side, that we have a very, very slim chance of getting the

Minority Report passed. I find myself in a dilemma, which I haven't been in very many times in my five terms in this legislature. I personally do not have a real big problem with the doe permit system, because I have pretty much come to resign myself to the fact that we are going to have it whether we like it or not. But the people in my legislative district, the people who elected me (and am directed to represent in this legislature), are very much opposed to the doe permit.

We have had a set of public hearings across the state. I attended the one in Waterville and I was quite amazed to find that half of the audience was either department employees or future department employees. We had eight new game wardens from the academy sitting there at the hearing. We had about twenty-five students from the biology program at Unity College sitting in the back, we had biologists from Fisheries and we had some Wildlife biologists. When it came time for the vote, I asked if the commissioner would request that the department employees not vote on the first time around so that I could get a feeling on what Waterville area residents wanted or didn't want. He made that request and most of the employees honored that. There were still some Fisheries biologists who voted that way and I appreciated the fact that they do have a right to vote on what they see as a proper way to manage fish and wildlife.

This bill, if passed, would do away with the doe permit system -- the way we had it last season with the lottery system. It would go back to the original season which would allow up to one week of either sex hunting the last week of the deer season.

There is no question that both methods, along with other methods, are effective ways of bringing back the deer herd. I guess the question is, what is the fairest method, and in the department's view, what is the finest, the absolute best method, to use? They feel doe permits are the best method. I think they have used the term "fine tuning the game management plan for deer in this state." I think they have used that term quite a few times.

I would like you to all understand that I sponsored the original bill that would allow the department to control the harvest of deer based on sex. It was done by citizens originally, the department opposed it, then the department came back and wanted it done but the legislature didn't pass it. They came to me and asked me if I would sponsor it for them, I did, and it passed that session. I also sponsored the bill, along with other cosponsors, that allowed them to institute this doe permit system. Those that were here last term remember that the department had told us they would go three years on bucks only, then come back and evaluate it, and then decide on which way they were going to go. What they did is they went two years on a bucks only system -- then they came forth with the doe permit system.

The problem my people have is they feel, with the lottery doe permit system, which consists of the ping pong balls with the numbers on them that blow around in the machine and shoot up a tube much like the Maine State Lottery and the Megabucks uses -- is they do not think it is fair. They are opposed to the fairness of a lottery system. They also are opposed to the doe permit system because of the hard feelings that have been caused by property owners across the state, whose lands are being hunted by other people, who cannot shoot does or antlerless deer on their own land, but other people can come in and shoot them on their land because they got picked in a lottery system.

There is great concern that, in the long run, there is going to be more harm to the sportsmen of this state by sticking to the doe permit system than there will be good. The biologists feel that the harm incurred will be insignificant compared to the amount of good that will be felt by the deer herd. There's a lot of people in this state that support doe permits, and I can understand why, there are more deer. The department has tried to make it seem that the doe permit is responsible for more deer being in this state. Actually, it's the two seasons and, in some areas of this state, three seasons of bucks only, that have led to the contribution of more deer in this state. We will not see the effects of the doe permit system until this coming year, and with the winter kill that we had this year, the biologists say we really can't count on what we are going to see, because they don't know how many deer were killed in the woods by too much snow and the bad weather.

As I said before, I have resigned myself to the fact that, due to the strong support of some of the outdoor writers in this state for the doe permit system, and by the very effective presentation of the program by biologists in different parts of the state, and by the pure fact that deer hunters enjoy seeing more deer and want to see more deer and are willing to go along with just about anything that will increase the deer herd.

There is some strong support for doe permits in certain parts of this state. In the district that I represent and the people that I represent, there is not that support, there is strong opposition. The decision I had to make is, am I here representing my own desires, or am I representing my people? The choice is very clear, I do not sign Minority Reports often and I do not sign Minority Reports easily. In this case, I saw I had no choice.

Your decision, I guess, is going to be based on what you hear from your people, much like my decision was based on what I heard from my people. I am voting for my people and I am going to leave the decision on how you vote for your people up to you.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I hope you don't go along with the Minority Report but go with the Majority Report, "Ought Not to Pass."

Nobody has worked any harder than I have to represent my district in this doe permit system. My people, at first, were very, very much opposed to this bill when it first came out a year or so ago. I think now, if you go out hunting through the woods, you are apt to see the deer coming back. I don't put this with the doe permit system or with the bucks season. People want to see a hunting season where they can hunt from one year to the other. I am asking you today to give the department a chance to see if this does work. I will be one of the first ones to stand up on this floor and debate this if it doesn't work. We have to put our hands forth and let the department take a stand. I think they have taken a stand. I think the sportsmen of Maine are adjusting to this. There is nothing harder than dealing with change and we are dealing with a lot of change up north.

I hope you don't go with the Minority Report, and go with the Majority Report "Ought Not to Pass."

Mr. Speaker, I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Members of the House: I hope you will follow Representative

Clark's light, so we can vote and pass the Majority Report. On your desk is a magazine, and I will quote out of it: "If it will bleed, people will kill it."

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go with the Minority Report on this. I, too, have to speak for my people, and the majority of the sportsmen in my area do not want to have it restricted to the doe permit.

May I pose a question through the Chair?

How many signatures did the committee receive from different counties throughout the different areas in Maine, objecting to the doe permit system, and requesting one week of either sex?

The SPEAKER: The Representative from Sanford, Representative Hale, has posed a question through the Chair to any member who may respond if they so desire.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: It was somewhere between 2,000 and 2,500 signatures, from about 35 or 40 different communities.

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

Representative WEYMOUTH: Mr. Speaker, Ladies and Gentlemen of the House: I, too, like Representative Jacques, am on the Minority Report. I, too, have a dilemma. Many of my people are divided. One of the reasons I am on the Minority Report is a reason that Mr. Jacques brought out that I would like to just expand on a little bit. It is the landowners.

In the State of Maine, I don't know what good it is going to do if we have plenty of deer and no place to hunt them. In my particular district, the "No Hunting" signs are going up -- there is not going to be any land to hunt on.

We have had several bills to try to do something about this problem. We, in the committee, have done nothing yet. I feel that the people who are divided in my district -- the landowners say that we want to hunt on our own land, we pay taxes on that land, we don't feel that the out-of-the-district people should be allowed to come in hunt right under our bedroom windows.

I ask you to go along with the Minority Report until the committee can do something for the landowners.

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

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

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am going to repeat a lot that has already been said. I have written my testimony, I am not as capable as Representative Jacques, I shall read what I have.

Last session, I had a bill to delay the permit system for one year. It passed this House 111 to 28. It also passed the other body and went to the Governor's desk, where it laid and died. I got a "D" from SAM for that; this year I expect to get a "D--".

I notice they didn't put a letter out this year and maybe it's just as well they didn't on this particular issue.

The bill creates what is called "doe days", a three-in-one system. The first three weeks -- bucks only; the last week, either sex. The commissioner may shorten the number of doe days if necessary -- no cost, no lottery, fair to all. The problems that have been created by the permit system, posting land, leasing by clubs and posting, and that has happened a great deal. If you own land and belong to a club that leases land, you're okay, but the working man -- where is he going to hunt? Can the state buy enough land for its residents? Less land to hunt on means more hunters, more accidents. What is being done about it? Nothing. We are told there is nothing we can do. There are many bills in trying to address these problems, but none seem to be right.

We did pass a bill to have a small game license. Those who gave up on the doe permit system, this is a money loss to the department. Other bills using the tree growth tags as a means of penalty for posting, but that won't help my towns for lost revenue from the tree growth tax law; bond issues to buy more land, the landowner permit can't be worked out; the leasing of land and then posting. Then we heard one -- the landowner posted his land, he did not reside on it, he, the landowner, could not hunt on it himself. We're really getting desperate here, aren't we? Have we got a problem? Can we address it? I think so.

First, get rid of the doe permit system and have doe days. It is fair to all, less poaching, and a better feeling among the sportsmen. If there aren't enough does for everyone, no one should hunt does. The permit system cost the department \$52,847.26 -- that's their figures.

The number of permits issued last year -- 13,000. This year, as proposed, 39,440. We all heard about the fine tuning and Representative Jacques mentioned that. That's what fine tuning is all about, from 13,000 to 39,440. We had a great number of petitions which came from around the state against the system. It was given to the chairman of my committee and you heard of that. I had signatures sent to me from my district as well as other towns -- Houlton, Caribou, Monticello, Wypitlock, Dover-Foxcroft, Littleton, Orient, all around outside my district.

If there had been a chance to sign in every town, I think you would have plenty of hunters against this system. My district had more signatures against the system than attended the hearings statewide. There were 393 people who attended the hearings statewide. An example -- Bangor with a population of over 38,000 had 40 people that attended; Calais -- population of 4,000 had 28 attending; Millinocket -- population over 7,000 had 18 that attended; that's really a turnout.

These hearings are really an informational meeting. The department writes up the plan, goes around the state in nine places, and tells the sportsmen what the plan is. They can express their concern at these so-called hearings, but it doesn't make a bit of difference, they can't change it. The advisory council then approves it, or if the advisory council wants to, they may veto it. Then the department reverts back to last year's plan, which is the same as this year. That is quite a system, you're going to get it anyway.

Now how long do you believe it is going to be before the permit system is going to have a fee attached to it? Under the permit system, you could go a lifetime and never receive a permit. It's hard

for me to believe that this is the only way a deer herd can be managed.

I do have an amendment to divide the state into four zones, like back in the 1985 season, and those zones could be regulated by the commissioner. I would hope that you would vote for this bill and I will offer the amendment at second reading.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Brown.

Representative BROWN: Mr. Speaker, Men and Women of the House: I, too, am on the Minority, "Ought to Pass" Report. We heard much testimony in committee about landowners posting their land and there is going to be a shortage of areas to hunt because people are very disturbed about the fact that other people can hunt on their land and they cannot.

Yesterday I lost an amendment but today I have lost my briefcase and I don't have a prepared speech.

We also heard testimony of how some of the sportsmen are getting so disturbed about the permit system that they are not even bothering to hunt any more. If you have to go out there and try to find out if the animal has horns or not, you lose interest.

The department continues to ignore the problem of the coyote, in my opinion, and I would rather see a doe shot than to be torn apart by a coyote.

I would urge you to support the Minority "Ought to Pass" Report.

The SPEAKER: The pending question before the House is the motion of Representative Jacques of Waterville that the House accept the Minority "Ought to Pass" Report.

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

Representative GWADOSKY: Mr. Speaker, I request permission to pair my vote with Representative Jalbert of Lisbon. If he were present and voting, he would be voting no; I would be voting yes.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Jacques of Waterville that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 52

YEA - Anderson, Bailey, Begley, Bost, Boutilier, Bragg, Brown, Callahan, Carter, Cashman, Chonko, Clark, M.; Dexter, Diamond, Erwin, P.; Gurney, Hale, Hepburn, Hickey, Holloway, Hussey, Jackson, Jacques, Lacroix, Macomber, Manning, Martin, H.; McGowan, McHenry, Mitchell, Murphy, E.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Scarpino, Seavey, Sheltra, Smith, Strout, D.; Telow, Thistle, Tracy, Weymouth, Willey.

NAY - Aliberti, Allen, Anthony, Armstrong, Bickford, Bott, Carroll, Clark, H.; Coles, Conley, Cote, Crowley, Curran, Duffy, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Handy, Hanley, Harper, Hichborn, Higgins, Hoggund, Holt, Ingraham, Joseph, Ketover, Kilkelly, Kimball, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Mahany, Marsano, Matthews, K.; Mayo, McPherson, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Priest, Reed, Rice, Rydell, Salsbury, Sherburne, Simpson, Small, Soucy, Sproul, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tamaro, Tardy, Taylor, Tupper, Vose, Walker, Webster, M.; Wentworth, Whitcomb, Zirkilton.

ABSENT - Baker, Davis, Dellert, Dore, Dutremble, L.; Hillock, Nadeau, G. G.; O'Gara, Warren, The Speaker.

PAIRED - Gwadosky, Jalbert.

Yes, 55; No, 83; Absent, 10; Vacant, 1; Paired, 2; Excused, 0.

55 having voted in the affirmative and 83 in the negative with 10 being absent, 2 having paired and 1 vacant, the motion to accept the Minority "Ought to Pass" Report did not prevail.

Subsequently, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-123) on Bill "An Act Pertaining to a Training Season for Bear Dogs" (H.P. 299) (L.D. 385)

Signed:

Senators: ERWIN of Oxford
USHER of Cumberland
BRAWN of Knox
Representatives: JACQUES of Waterville
CLARK of Millinocket
DUFFY of Bangor
ROTONDI of Athens
WALKER of Norway
GREENLAW of Standish
WEYMOUTH of West Gardiner
FARREN of Cherryfield

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

Signed:

Representatives: SMITH of Island Falls
BROWN of Gorham

Reports were read.

On motion of Representative Jacques of Waterville, the House accepted the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-123) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-124) on Bill "An Act to Further Protect Bald Eagles and Other Endangered Species" (Emergency) (H.P. 506) (L.D. 679)

Signed:

Senators: ERWIN of Oxford
USHER of Cumberland
BRAWN of Knox
Representatives: JACQUES of Waterville
DUFFY of Bangor
ROTONDI of Athens
WALKER of Norway
WEYMOUTH of West Gardiner
GREENLAW of Standish
CLARK of Millinocket

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

Signed:

Representatives: BROWN of Gorham
SMITH of Island Falls
FARREN of Cherryfield

Reports were read.

On motion of Representative Jacques of Waterville, the House accepted the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-124) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

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

(H.P. 835) (L.D. 1126) RESOLVE, Changing the Name of Jewett Hall at the Maine Criminal Justice Academy in Waterville to Nichols Hall Committee on State and Local Government reporting "Ought to Pass"

(H.P. 785) (L.D. 1057) RESOLVE, to Publicize the State Police Toll-free Number for Emergencies to Outdoor Recreationists Committee on State and Local Government reporting "Ought to Pass"

(H.P. 840) (L.D. 1131) Bill "An Act Relating to the Membership of the Waldo County Budget Committee" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-125)

(H.P. 511) (L.D. 684) Bill "An Act to Enhance the Activities of the Maine Highway Safety Committee" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-126)

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

PASSED TO BE ENGROSSED

(S.P. 510) (L.D. 1534) RESOLVE, to Authorize the Commissioner of Mental Health and Mental Retardation to Continue to Employ Charles E. Meredith, M.D., as Superintendent of the Bangor Mental Health Institute (Emergency) Committee on Human Resources reporting "Ought to Pass"

On objection of Representative Martin of Eagle Lake, was removed from Consent Calendar, First Day.

Report was read accepted and the bill Resolve read once.

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

By unanimous consent, was ordered sent forthwith to the Senate.

CONSENT CALENDAR

Second Day

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

(H.P. 712) (L.D. 963) Bill "An Act to Provide for Removal and Sale of Abandoned Motor Vehicles on Public Property"

(H.P. 713) (L.D. 964) RESOLVE, to Establish a Study to Set Standards for Driving when Under the Influence of Drugs Other than Alcohol

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

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

(S.P. 406) (L.D. 1257) Bill "An Act to Modify Certain Criminal Appeal Laws"

(S.P. 410) (L.D. 1261) Bill "An Act Relating to a Court Granting Continuance under the Corrections Law"

(S.P. 191) (L.D. 518) Bill "An Act to Revise the Maine Medical Laboratory Act" (C. "A" S-61)

(S.P. 314) (L.D. 916) Bill "An Act to Extend the Freeze on Maximum Weekly Benefits Under the Workers' Compensation Act" (C. "A" S-59)

(H.P. 189) (L.D. 233) Bill "An Act Concerning the Open Season on Bear"

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Assure Geographical Balance on the Board of Environmental Protection and to Implement Staggered Board Terms (H.P. 1060) (L.D. 1435)

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. 105 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, to Amend the Reporting Date of the Special Commission to Study Teacher Training in the University of Maine System (H.P. 870) (L.D. 1171) (S. "A" S-58)

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. 109 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

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

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

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

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.

PASSED TO BE ENACTED

An Act Relating to Disclosures When Selling Used Cars (S.P. 295) (L.D. 845) (C. "A" S-51)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Representative DUFFY: Mr. Speaker, I move that L.D. 845 be tabled until later in today's session.

Representative Allen of Washington requested a division on the motion to table.

The SPEAKER: The pending question before the House is the motion of Representative Duffy of Bangor that L.D. 845 be tabled until later in today's session pending passage to be enacted. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

49 having voted in the affirmative and 62 in the negative with 20 being absent, the motion did not prevail.

The SPEAKER: The pending question before the House is passage to be enacted.

The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: This bill is really a bad bill, if you stop to analyze it. Just imagine yourself trading in your car and having to disclose all the faults that it has. This is after your signature, -- as the law stands now, there are no signatures involved, so legally you are not really responsible but the minute that you put your signature on a piece of paper, no matter what it is, then you really become involved. So, what is going to happen is this -- you are going to sign a disclosure. The disclosure is going to be given to the used car dealer, the used car dealer in turn might show it to the new car owner, who he will be selling it to, and then in turn, if something goes wrong with that car, then your new owner is going to come back to the used car dealer who is going to say, "Look, I bought this car from so and so and they signed the disclosure and they never put down here that the waterpump was going to go bad." The first thing you know, you have got a lawsuit. Not only do you have a lawsuit from the owner, but you can be fined from \$100 to \$1,000.

The original intent of this bill was not to put a fine on the person that is selling his own car. I would appreciate it if you would give it some thought.

I make a motion that we indefinitely postpone this bill at this time and I request a roll call, Mr. Speaker.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: The more I thought about this bill, the more serious it became to me. Maybe it shouldn't because my constituents in my district will not have to sign their names to anything, all they have to do is go to New Hampshire and buy their cars and they give us a price.

I feel as though this bill is just going to force businesses along the border in Maine out of business because nobody is going to buy a car when they have to sign their name as to what they think or don't know is wrong with their car, especially women who go out and trade cars. I am not a mechanic. When something is wrong with my car, I take it to the garage, and I assume it is fixed. I will not sign my name to whether it is or is not.

I think we ought to stop and think this bill over very seriously before we vote to pass it.

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

Representative ALLEN: Mr. Speaker, Men and Women of the House: Representative Sheltra has requested that we stop and analyze this bill. I can assure you that the 11 members of the Business Legislation Committee who signed "Ought Not to Pass" in fact analyzed the bill before we signed our names on that jacket.

We have already debated this bill twice in the House and both times the bill has, in fact, prevailed by a two to one margin.

Lastly, I believe that the bill is simple enough for all citizens of this state to understand regardless of their mechanical knowledge of cars.

Once again, the current law already requires that you disclose whatever may or may not have happened to that car while it was in your possession.

I would urge this House to vote against the motion by the Representative from Biddeford to indefinitely postpone.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have looked this bill over in the last two days and I want to look at Section C a little bit -- you must make a statement identifying any and all mechanical defects known to the seller at the time of the sale.

Section D has been amended so that it used to be substantial collision, you have to report any collision that you might know about or that might have happened.

The part of this bill that distresses me the most is that I finally found out that the fine for this disclosure is \$100 to \$1,000 if you do not disclose it.

As far as I am concerned, if somebody brings a motor vehicle in, they turn around and sell the car, they didn't put some mechanical defect on there that they maybe should have known about, but didn't, then the used car dealer sells the car, that car becomes liable in an accident, who is liable then? Does it go back to the original owner that didn't disclose something? Let's say this all took place in the matter of a month where there is a warranty on it and so on and so forth -- and I really believe that if they bring the car in and somebody didn't disclose something and they said, "Well, we have got to fix this and this, we won't turn you in if you just pay for the repairs we have made on this vehicle, we will just put it down on the disclosure because I have got to keep it for a year, nobody will know." I really think you should take a look at this bill -- \$100 to \$1,000 fine for non-disclosure on this form.

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

Representative ALLEN: Mr. Speaker, a point of clarification, we, in this bill, do not enact any form of fine, there is already a fine in the law that, if you fail to disclose, you are subject to this fine. We are not making any changes, that is current law.

All we are requesting for clarification purposes to protect those of us who buy used cars are two things: one, that you sign when you make your disclosure and two, that the used car dealer must keep this information on file for one year. Currently you may make a disclosure, the used car dealer is under no obligation to keep that disclosure, so there is no way, if you are going to buy a new car and it is over a year, he doesn't necessarily have to have it even with this law.

We are not imposing any fines with this particular bill. All we are doing is clarifying the current law, we are not making any major changes. We already require a disclosure. There is already a fine in place. If you read the bill, you see that there is no new fine imposed, there is no new disclosure with the exception of changing one word, from "substantial" to "any." That way it is very clear, you don't have to bicker about what does the word substantial mean. There is no dollar value defining substantial so we used the word "any" collision damage. All we are doing is clarifying current law, we are not imposing any new fines, we are not making any major changes in any existing law.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair. If we already have a law

on the books that already has a fine in it, why are we dealing with this bill this morning?

The SPEAKER: Representative Ruhlin of Brewer has posed a question 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: I am not sure why we are dealing with this bill again this morning. The Consumer Division of the Attorney General's Office came to the committee and requested that we clarify current law. It already requires disclosure -- this law simply says that when you disclose all these facts that you sign it and that the used car dealer must keep that information in his or her files for one year. It is strictly and entirely a clarification and it is not a major policy change. The past legislature already made that policy decision, all we are doing is clarifying it, that is it.

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, I would like to pose a question through the Chair.

My question would be, what effect would this have on cars that are brought into the state that are bought at public auto auctions outside of the State of Maine?

The SPEAKER: Representative Bragg of Sidney has posed a question 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: I think in the definition of seller, your question is answered. Seller is used in the Subsection, "Includes any person who sells a used motor vehicle to a dealer." So, if a dealer went to Massachusetts, for instance, and attended an auction and bought cars, then those cars that he bought in Massachusetts, they have to list what was wrong with the car and sign it and he has to keep those records for one year. So, it affects anybody who sells a car to a dealer in Maine.

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Ladies and Gentlemen of the House: If I could just follow up on that -- then for a point of clarification -- if I understand what the chairman said is it that we can make a law here, if it is passed, it will be binding on sales in another state?

The SPEAKER: Representative Bragg of Sidney has posed another question 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: That is correct, because when the dealer purchases that car, if it is a used car, he must have a disclosure from the person that is selling it to him and he must keep that on record for one year.

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

Representative MURPHY: Mr. Speaker, I would like to pose a question through the Chair.

In the case of a husband and wife owning a car together, but the husband never driving it, yet he does the trading and he signs his name, but my name is also on that car and maybe I haven't told him of some of the little problems with that car because I have had them fixed and taken care of, who is responsible and who are they coming after? Him or me?

The SPEAKER: Representative Murphy of Berwick 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: Representative Murphy, I think they are coming after both of you.

The thing that my worthy opponent from Washington stated is the fact that there are no changes in this bill. I think that you are all old enough to know that when you put your John Henry down on a piece of paper, it is a heck of a lot different than a verbal agreement -- as far as proving it is concerned. This is what really concerns me plus the fact that you are asking a lot of people to become dishonest. It is just like the 55 mile an hour speed law, everybody is going 65 anyway.

I don't think this law can be enforced and I think it is really not needed.

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 Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to indefinitely postpone this bill, it truly is a bad bill.

If you believe for one minute that the auctioneers out of state are going to submit a detailed signed statement to our dealers in this state, then you are a dreamer.

This bill here is not a consumer bill. It is a dealer's bill. We already have, as the Chairman of the State and Local Government Committee stated, a mechanism in place right now that the dealer has to have the information. Why doesn't the dealer just retain the information for a year, because they only give you a warranty for 30 days if you are lucky or they might say, "As is, with your known knowledge of what the defects are." I urge you to vote for indefinite postponement.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I wasn't going to speak on this bill but I am amazed at how many people know absolutely nothing about used car laws in this state right now. It is illegal to sell a used car "as is" in the State of Maine. You can only sell it for parts and it has to be stamped. To sell a used car in the State of Maine, you have to have the thing inspected, okay? You have to have a 14 day plate on it. To put the 14 day plate on it, the car has to be inspected.

Now, let me tell you, I used to sell cars and you can dump on the used car salesmen all you want but most of the time, they are people that have been in business for many years. The one I worked for happened to be the father of my brother-in-law, he got in some trouble with some of his help, he needed some help and I went to work for him, but they have been there 53 years. I will tell you some of the worst lickings I ever got was a little old guy that came in and said, "The car runs like a clock, Paul" and two days later, the rear end would drop out. Then they would come back and say, you must have done

something wrong because the car was beautiful when I traded it in.

If they don't tell the dealer anything and the dealer doesn't find it out, he is not going to tell you anything. If he doesn't tell you anything, after the 30 days goes by, you are going to be out of luck.

The more information the dealer has, the more information the people buying it from him are going to have. I do not sell cars now but I just wanted to add that in because there has been so much stuff going around back and forth here that is not true.

When you speak about out of state auctions -- we had a time in the State of Maine, two years ago, when they were bringing cars in the State of Maine that had altered titles and the odometers had been rolled back (and I mean thousands of them) from Presque Isle to Kittery. What happened was -- our state sent people to school to pick those alterations up, from the title division, it got to the point where we were getting so good at it, if we went to an auction in Concord or in Massachusetts, they would bring a car up and say, "Maine dealers need not bid," -- you know why? Because the car had been played with.

Let me tell you, any angle you figure for out of state auctions, they are going to beat you. Any time you buy cars out of state, you are asking for something.

I know a dealer that bought an '84 Buick Park Avenue. He should have known something was wrong because he only paid about a third of what the car was worth, it had 21,000. Well the guy bought it, two months down the line, things started going wrong with it. I happened to be there one day when we took the lifters off the motor, the car had 121,000 miles on it. It looked beautiful, new tires, new carpeting, that was an out of state auction car. So, when you talk about these out of state cars, you are talking about guys that are so far ahead of us and the little car dealers trying to make a living and the people trying to buy used cars, that there is not much you are going to be able to do there.

I just wanted you to understand that most used car dealers are people you and I know, you and I have known for a long time, and they are not out to cheat the people that they sell vehicles to. But, if they don't have the information, they are not going to be able to give the information to you. All you have got to do is try to get in that business and see the laws on there restricting you, you will find out who you are helping and who you are hurting. You may think you are helping the consumer but you are not.

As Representative Allen said, these laws and these fines are on the books already, all you are trying to do is make them make a little more sense.

The SPEAKER: The pending question before the House is the motion of Representative Sheltra of Biddeford that L.D. 845 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 53

YEA - Armstrong, Bailey, Baker, Bott, Bragg, Brown, Carter, Cote, Dexter, Duffy, Farnum, Foster, Gould, R. A.; Hale, Hanley, Hepburn, Hickey, Ingraham, Jackson, Joseph, Ketover, LaPointe, Lord, Martin, H.; Mayo, McHenry, McSweeney, Moholland, Murphy, E.; Norton, Paradis, J.; Parent, Perry, Pouliot, Racine, Rand, Ridley, Rotondi, Ruhlin, Scarpino, Sheltra, Sherburne, Smith, Soucy, Stevenson, Strout, D.; Tammaro, Tracy, Tupper, Walker, Wentworth, Weymouth, Zirkilton.

NAY - Aliberti, Allen, Anderson, Anthony, Begley, Bickford, Bost, Boutillier, Callahan, Carroll, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Crowley, Curran, Diamond, Erwin, P.; Farren, Foss,

Garland, Greenlaw, Gurney, Gwadosky, Handy, Harper, Hichborn, Higgins, Hoglund, Holloway, Holt, Hussey, Jacques, Kilkelly, Kimball, Lacroix, Lawrence, Lebowitz, Lisnik, Look, MacBride, Macomber, Mahany, Manning, Marsano, Matthews, K.; McGowan, McPherson, Melendy, Mills, Mitchell, Murphy, T.; Nadeau, G. R.; Nicholson, Nutting, O'Gara, Paradis, E.; Paradis, P.; Paul, Pines, Priest, Reed, Reeves, Rice, Richard, Rolde, Rydell, Salsbury, Seavey, Simpson, Small, Sproul, Stanley, Stevens, A.; Stevens, P.; Strout, B.; Swazey, Tardy, Taylor, Telow, Thistle, Vose, Webster, M.; Whitcomb, Willey.

ABSENT - Davis, Dellert, Dore, Dutremble, L.; Hillock, Jalbert, Michaud, Nadeau, G. G.; Warren, The Speaker.

Yes, 53; No, 87; Absent, 10; Vacant, 1; Paired, 0; Excused, 0.

53 having voted in the affirmative and 87 in the negative with 10 being absent and 1 vacant, the motion to indefinitely postpone did not prevail.

Subsequently, was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Representative ALLEN: Mr. Speaker, I move that we reconsider our action whereby L.D. 845 was passed to be enacted and hope you all vote against me.

The SPEAKER: The Representative from Washington, Representative Allen, moves that the House reconsider its action whereby L.D. 845 was passed to be enacted. Those in favor will vote yes; those opposed will vote no.

A viva voce vote being taken, the motion did not prevail.

PASSED TO BE ENACTED

An Act Relating to the Issuance of Bonds or Notes for Union Schools (S.P. 317) (L.D. 919) (H. "A" H-117)

An Act to Improve Court Security (S.P. 398) (L.D. 1217)

An Act to Appropriate Funds for the Critical Areas Program (H.P. 1073) (L.D. 1456)

An Act Relating to Training of Sewage Treatment Operators (H.P. 1074) (L.D. 1457)

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.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act Regarding the Maine Agricultural Marketing and Bargaining Act of 1973" (H.P. 679) (L.D. 912) which was passed to be engrossed as amended by Committee Amendment "A" (H-107) in the House on May 13, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-107) as amended by Senate Amendment "A" (S-62) thereto in non-concurrence.

On motion of Representative Tardy of Palmyra, the House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Create a Crisis Intervention Program for the Mentally Ill to Serve Penobscot, Hancock, Piscataquis and Washington Counties" (H.P.

1147) (L.D. 1562) which referred to the Committee on Human Resources in the House on May 14, 1987.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, Concerning the Testing of School Buildings for Radon (Emergency) (H.P. 1148) (L.D. 1563) which was referred to the Committee on Education in the House on May 14, 1987.

Came from the Senate referred to the Committee on Human Resources in non-concurrence.

The House voted to recede and concur.

(At Ease)

The House was called to order by the Speaker.

ORDERS OF THE DAY
UNFINISHED BUSINESS

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

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

An Act to Change the Lime Laws (H.P. 925) (L.D. 1237)

TABLED - May 13, 1987 (Till Later Today) by Representative TARDY of Palmyra.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

TABLED AND TODAY ASSIGNED

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

Bill "An Act Relating to Initial Plates under the Motor Vehicle Laws" (H.P. 40) (L.D. 43)

- In House, Majority "Ought Not to Pass" Report of the Committee on Transportation read and accepted on May 1, 1987.

- In Senate, Minority "Ought to Pass" Report of the Committee on Transportation read and accepted and the Bill passed to be engrossed in non-concurrence.

TABLED - May 13, 1987 by Representative DIAMOND of Bangor.

PENDING - Further consideration.

On motion of Representative Moholland of Princeton, the House voted to insist and asked for a Committee of Conference.

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

Joint Order (S.P. 504) relative to Recalling Bill "An Act to Clarify the Description of Crooked River in Cumberland County and to Extend Special Protection to Outstanding Rivers to the Crooked River" (S.P. 38) (L.D. 26) from the Legislative Files to the Senate.

- In Senate, Read and Passed.

TABLED - May 12, 1987 by Representative MICHAUD of East Millinocket.

PENDING - Motion of Representative GREENLAW of Standish to Reconsider whereby the Joint Order was Indefinitely Postponed in non-concurrence.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Greenlaw of Standish that the House reconsider its action whereby the Joint Order was indefinitely postponed in non-concurrence and specially assigned for Monday, May 18, 1987.

(At Ease)

The House was called to order by the Speaker.

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

ORDERS

On motion of Representative PARADIS of Augusta, the following House Resolution:

HOUSE RESOLUTION, ESTABLISHING PROCEDURES IN THE MATTER OF REPRESENTATIVE DONALD F. SPROUL

WHEREAS, the House has directed an inquiry into the activities of Representative Donald F. Sproul; and WHEREAS, procedural rules for this investigation are required to ensure orderly consideration of this matter; now, therefore, be it

RESOLVED: That David Gregory of Freeport, Maine, is hereby appointed as Special Counsel to the House of Representatives to advise and assist the House Committee on Elections and the House in this investigation; and be it further

RESOLVED: That the House Committee on Elections shall meet at 9 a.m. on May 18, 1987, in Room 334 of the State House to begin this investigation, shall, thereupon, adopt any rules or procedures it requires to carry out this investigation and shall complete that investigation with all deliberate speed; and be it further

RESOLVED: That the House Committee on Elections shall receive into evidence an attested copy of the transcript of the trial in State of Maine vs. Donald F. Sproul, Kennebec County Superior Court Docket No. CR-87-64; determine its rules of procedure and evidence and its order of business in this matter; receive any other testimony and evidence it deems relevant to this investigation; provide Representative Donald F. Sproul, by himself or through counsel, an opportunity to cross-examine any witnesses and to present any relevant testimony or argument in his behalf; and be it further

RESOLVED: That the House Committee on Elections shall report to the House its findings and recommendations in this matter on or before June 5, 1987; and be it further

RESOLVED: That the House shall thereupon consider the findings and recommendations of that committee; and be it further

RESOLVED: That there is allocated for the Special Counsel and for the House Committee on Elections in this matter a sum not to exceed \$30,000 out of the legislative account for their expenses and costs upon application to the Clerk of the House with approval of the Speaker of the House.

Was read.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Speaking today just as the Representative from Kennebec — on May 12th after a debate over the broadness of the Resolution and the charges, the House voted to send those charges to committee. The committee met yesterday, they have determined who they would like to have for counsel, they have estimated their budget, they have set a

deadline and this morning House Leadership met with that committee. I am concerned about the \$30,000 figure but we have assurances from members of the committee, all the members of the committee, that that is a cap and they will attempt to keep well below that \$30,000 figure.

The facts that are before us are that the House voted the charges, the charges were delivered, the committee must carry out its duties, it must meet its deadline and it needs the funds to do so. As the Representative from Kennebunk today, I will be voting for this Resolution.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: I don't know the exact procedure on something that is about to go under the hammer, which I have no problem with, but I would ask to be on Record as abstaining from this vote.

The SPEAKER: The Chair will grant the request of Representative Sproul of Augusta. The Record will show that he did not vote, even though it may be adopted unanimously by this body.

Subsequently, the Resolution was adopted.

The SPEAKER: By unanimous consent, unless previous notice is given to the Clerk of the House or the Speaker of the House by some member of his or her intention, the Clerk is authorized today to send to the Senate, 30 minutes after the House recesses, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence. After such matters have been sent to the Senate by the Clerk, no motion to reconsider will be allowed.

At this point, Representative Michaud of East Millinocket was appointed to act as Speaker pro tem for the remainder of today's session.

(Off Record Remarks)

On motion of Representative Melendy of Rockland, Recessed until five o'clock in the afternoon.

(After Recess - 5:00 p.m.)

The House was called to order by the Speaker pro tem.

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

May 14, 1987

Hon. Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, ME 04333
Dear Clerk Pert:

Pursuant to House Rule 1 I have appointed Representative Michael Michaud to serve as Speaker Pro-Tempore on Thursday, May 14, 1987.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Amend the State Subdivision Law" (H.P. 579) (L.D. 778) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative ANDERSON from the Committee on Energy and Natural Resources on Bill "An Act Relating to Storage and Transportation of High-level Radioactive Waste" (H.P. 718) (L.D. 969) reporting "Leave to Withdraw"

Representative MITCHELL from the Committee on Energy and Natural Resources on Bill "An Act to Prohibit Certain Wastewater Discharges to the Waters of the State" (H.P. 1084) (L.D. 1475) reporting "Leave to Withdraw"

Representative COLES from the Committee on Energy and Natural Resources on Bill "An Act to Create a Study of Growth Pressures in Maine Communities" (Emergency) (H.P. 1016) (L.D. 1369) reporting "Leave to Withdraw"

Representative RIDLEY from the Committee on Energy and Natural Resources on Bill "An Act to Improve Water Quality and Reclaim Lost Marine Resources" (H.P. 980) (L.D. 1327) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Provide for the Recovery of Civil Damages from Shoplifters" (H.P. 686) (L.D. 927) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Protect Tenants in Rental Housing" (H.P. 900) (L.D. 1201) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on RESOLVE, to Compensate Dorothy Gammon of Portland (H.P. 235) (L.D. 303) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 990) (L.D. 1336) Bill "An Act to Require Recording of Certain Subdivision and Zoning Variances" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 1029) (L.D. 1387) Bill "An Act to Clarify the Laws Relating to Forest Insect and Disease Control" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 221) (L.D. 273) Bill "An Act to Amend the Watercraft Excise Tax Law" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-129) (Representative MAYO of Thomaston - of the House - abstaining)

(H.P. 733) (L.D. 985) Bill "An Act Creating the St. Croix International Waterway Commission"

Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-131)

(H.P. 641) (L.D. 864) Bill "An Act to Amend the Laws Relating to and Administered by the Department of Environmental Protection" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-132)

(H.P. 276) (L.D. 359) Bill "An Act Concerning Interdepartmental Coordination of Services to Children and Families" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-133)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 15, under the listing of Second Day.

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MACOMBER from the Committee on Transportation on Bill "An Act Concerning Passing a School Bus With Flashing Red Lights" (H.P. 852) (L.D. 1146) reporting "Ought Not to Pass"

Representative MACOMBER from the Committee on Transportation on Bill "An Act Enabling a School Bus Driver Trainee to Drive a School Bus on a Regular Route while Accompanied by a Licensed Bus Driver" (H.P. 687) (L.D. 928) 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 MACOMBER from the Committee on Transportation on Bill "An Act Requiring the Use of Lights and a Sign on Nonbus Vehicles Used to Transport Students" (H.P. 453) (L.D. 608) reporting "Leave to Withdraw"

Representative SOUCY from the Committee on Transportation on Bill "An Act Concerning Motor Vehicle Inspections" (H.P. 690) (L.D. 931) reporting "Leave to Withdraw"

Representative SOUCY from the Committee on Transportation on Bill "An Act to Require Restroom Maintenance and Service on Interstate 95" (H.P. 689) (L.D. 930) reporting "Leave to Withdraw"

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Allow the Department of Transportation to Assist Municipalities Concerning Traffic Control Signals" (H.P. 824) (L.D. 1115) reporting "Leave to Withdraw"

Representative SOUCY from the Committee on Transportation on Bill "An Act to Allow Municipalities to Determine Local Speed Limits" (H.P. 692) (L.D. 933) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Concerning the Filing of Nominating Petitions for Elective Office" (H.P. 810) (L.D. 1084) reporting "Leave to Withdraw"

Representative JACKSON from the Committee on Taxation on Bill "An Act to Increase the State's Personal Income Tax Exemption for Dependents" (H.P. 933) (L.D. 1249) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 1111) (L.D. 1505) RESOLVE, to Establish the Special Commission to Study School-entrance Age and Preschool Services (Emergency) Committee on Education reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Friday, May 15, 1987, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 835) (L.D. 1126) RESOLVE, Changing the Name of Jewett Hall at the Maine Criminal Justice Academy in Waterville to Nichols Hall

(H.P. 785) (L.D. 1057) RESOLVE, to Publicize the State Police Toll-free Number for Emergencies to Outdoor Recreationists

(H.P. 840) (L.D. 1131) Bill "An Act Relating to the Membership of the Waldo County Budget Committee" (C. "A" H-125)

(H.P. 511) (L.D. 684) Bill "An Act to Enhance the Activities of the Maine Highway Safety Committee" (C. "A" H-126)

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 Amending the Laws Relating to Private Security Guards" (Emergency) (S.P. 513) (L.D. 1555)

Bill "An Act Relating to the Disposition of Surplus Real Estate" (H.P. 1152) (L.D. 1567)

Bill "An Act to Authorize the Creation of the Position and the Salary Range of an Executive Director of the Board of Registration in Medicine" (H.P. 1150) (L.D. 1565)

Bill "An Act to Permit a Reconsideration of Parental Rights and Responsibilities Upon the Relocation of Children of Divorced or Separated Parents from this State to Another State" (H.P. 1151) (L.D. 1566)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Pertaining to a Training Season for Bear Dogs" (H.P. 299) (L.D. 385) (C. "A" H-123)

Bill "An Act to Further Protect Bald Eagles and Other Endangered Species" (Emergency) (H.P. 506) (L.D. 679) (C. "A" H-124)

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

The Chair laid before the House the following item: An Act to Change the Lime Laws (H.P. 925) (L.D. 1237) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered

its action whereby L.D. 1237 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-128) and moved its adoption.

House Amendment "A" (H-128) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-128) in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Lord of Waterboro,
Adjourned until Friday, May 15, 1987, at twelve o'clock noon.

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

In Senate Chamber
Thursday
May 14, 1987

Senate called to Order by the President.

Prayer by Pastor Evelyn A. Draper of the Newfield United Methodist Church in Newfield.

PASTOR DRAPER: Oh Lord, our Leader and our Guide. So often we repeat the phrase from the prayer You have taught us. "For thine is the Kingdom and the Power and the Glory forever", but do we really understand the meaning of those words? You have told us that Your Kingdom is within us, therefore Your power must also be there within. This is the same Divine Power which manifested itself as perfect silence, perfect self control when you stood before the jeering mob, the mocking soldiers being struck and spat upon, but never answering a word. By this self control, you proved your right to control our destinies, to rule over us for only those with perfect discipline have the right to govern others. The very future of the world is in the hands of disciplined, self controlled people. As a very wise man has said "But only in the hands of those disciplined to the highest good - God."

Here in this room, where so many decisions are made concurring government, may this perfect discipline and perfect self control show forth Your divine power from within the hearts and minds of all who meet here. May all the words uttered, all decisions here made, issue from the pure hearts of those who walk not in the council of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful, those who are blessed by God and are therefore fit to govern others. Amen.

Reading of the Journal of Yesterday.

SENATE PAPERS

Bill "An Act to Improve the Ability of the Department of Agriculture, Food and Rural Resources to Respond Constructively to Complaints of Insect Infestation"

S.P. 514 L.D. 1557

Presented by Senator BLACK of Cumberland
Cosponsored by: Representative WHITCOMB of
Waldo, Representative PARENT of Benton
Submitted by the Department of Agriculture, Food
and Rural Resources pursuant to Joint Rule 24
Which was referred to the Committee on
AGRICULTURE and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Amend the Maine Produce Liability Risk Retention Act"

S.P. 516 L.D. 1559

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Senator COLLINS of Aroostook,
Representative DAVIS of Monmouth, Representative
ERWIN of Rumford
Submitted by the Department of Professional and
Financial Regulation pursuant to Joint Rule 24
Which was referred to the Committee on BANKING
AND INSURANCE and ORDERED PRINTED.
Sent down for concurrence.