

# 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  
71st Legislative Day  
Wednesday, May 20, 1987

The House met according to adjournment and was called to order by the Speaker.  
Prayer by Representative Joseph A. Nicholas, Passamaquoddy Tribe.  
The Journal of Tuesday, May 19, 1987, was read and approved.  
Quorum call was held.

SENATE PAPERS

The following Communication:  
The Senate of Maine  
Augusta  
May 19, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business Legislation, the Governor's nomination of Joanna Dennis of Waterville for appointment to the Maine Real Estate Commission.

Joanna Dennis is replacing Irene Balanger.

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

Was read and ordered placed on file.

The following Communication:  
The Senate of Maine  
Augusta

May 19, 1987  
Honorable Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333  
Dear Clerk Pert:

Please be advised that the Senate today Insisted and Joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Joint Order (S.P. 504) 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.

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

Was read and ordered placed on file.

Bill "An Act to Save Medicaid Funds by Expanding the Ability of the Department of Human Services to Recover Funds from Other Payors" (S.P. 538) (L.D. 1627)

Came from the Senate, indefinitely postponed.

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

Was indefinitely postponed in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Requiring State Troopers to Engage in Traffic Control

Detail During Highway Construction" (S.P. 404) (L.D. 1255)

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 Transportation reporting "Leave to Withdraw" on Bill "An Act to Change the Exit Sign for Sugarloaf on the Maine Turnpike" (S.P. 332) (L.D. 978)

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

Non-Concurrent Matter  
LATER TODAY ASSIGNED

Bill "An Act to Amend the Law Regarding the Violation of Imprudent Speed" (S.P. 362) (L.D. 1097) on which the Majority "Ought Not to Pass" Report of the Committee on Transportation was read and accepted in the House on May 19, 1987.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought to Pass" Report of the Committee on Transportation was read and accepted and the Bill passed to be engrossed in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Concerning Proof of Insurance on School Buses" (H.P. 863) (L.D. 1164) on which the House insisted on its former action whereby the Minority "Ought to Pass" as Amended Report of the Committee on Transportation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-130) in the House on May 19, 1987.

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought Not to Pass" Report of the Committee on Transportation was read and accepted and asked for a Committee of Conference in non-concurrence.

The House voted to join in a Committee of Conference.

COMMUNICATIONS

The following Communication:  
113th Maine Legislature

May 15, 1987  
Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, ME 04333  
Dear Clerk Pert:

Pursuant to our authority under M.R.S.A. 507-B, Section 9, we are pleased to appoint Mr. Peter Leslie, Mr. Joseph Hakanson, and the Honorable Samuel Shapiro to serve on the Committee to Study the Retirement System.

Please let us know if you have any questions about these appointments.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
S/John L. Martin  
Speaker of the House  
Was read and ordered placed on file.

The following Communication:  
DEPARTMENT OF CONSERVATION  
STATE HOUSE STATION 22  
AUGUSTA, MAINE 04333  
May 19, 1987

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

In 1985 the Legislature charged the Maine Geological Survey with conducting a three year study of the effects of agricultural chemicals on ground water quality in Maine, and submitting annual reports on this study to the State Legislature. The enclosed report presents our findings of the second year of this project. While we have found several different pesticides in ground water, particularly in potato growing areas, the pesticide concentrations have been extremely low. Based on our findings to date, pesticide use does not appear to be a widespread threat to ground water quality in Maine.

We will be happy to answer any questions you may have on this report.

Sincerely,  
S/Walter A. Anderson  
Director  
State Geologist

Was read and with accompanying report ordered placed on file.

The following Communication:  
ALCOHOL AND DRUG ABUSE PLANNING COMMITTEE  
STATE HOUSE STATION 11  
AUGUSTA, MAINE 04333  
April 30, 1987

The Honorable John L. Martin  
Speaker of the House  
Maine House of Representatives  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with PL 1983 c. 464, the Maine Alcohol and Drug Abuse Planning Committee is required to submit to the Maine State Legislature an assessment of (1) the cost of drug abuse, (2) the need for various types of substance abuse prevention, education and treatment programs, (3) the geographical disparities in the availability of programs/services, and (4) the progress made in addressing these problems in Maine. The enclosed report is a comprehensive assessment of these issues and is submitted to the leadership of the Legislature in fulfillment of this mandate.

Although a number of well-defined needs continue to exist, Maine has made significant strides in addressing substance abuse problems. This could not have been accomplished without the long-standing cooperation between the Executive and Legislative branches of Maine State Government.

If you wish additional information, please contact a Committee member or Al Anderson, Planning Director.

S/Donald Allen,  
Commissioner  
Department of Corrections  
S/Rollin Ives,  
Commissioner  
Department of Human  
Services

S/Eve Bither, Commissioner  
Department of Educational  
and Cultural Services  
S/Ronald Welch, Acting Comm

Department of Mental Health  
Was read and with accompanying report ordered placed on file.

The following Communication:  
State of Maine  
Department of State  
State House Station 101  
Augusta, Maine 04333  
Division of Public Administration  
May 19, 1987

Hon. Edwin H. Pert, Clerk  
House of Representatives  
State House Station 2  
Augusta, Maine 04333

Dear Ed:

My office recently received a copy of the enclosed letter from Donald F. Sproul expressing his resignation from the House of Representatives to the Governor.

I am transmitting a copy of this letter for your information and that of the House of Representatives.

Sincerely,  
S/James S. Henderson  
Deputy Secretary of State

ENCLOSURE:

May 15, 1987

Honorable John R. McKernan, Jr.  
Governor of Maine  
State House  
Augusta, Maine 04333  
Dear Governor McKernan:

It is with the deepest regret that I hereby submit my resignation from the Maine House of Representatives effective Saturday, May 16, 1987.

My reason for doing so is strictly financial. I do not have the financial resources to be represented before the Legislature on investigations into two matters which the court has already ruled me innocent, nor on a third matter which is currently in the judicial system. I must allocate my resources to the judicial process.

With this resignation come my very best wishes to you personally and my prayers for you and your administration as you perform the tasks to which you have been called.

Sincerely,  
S/Donald F. Sproul  
State Representative

Was read and ordered placed on file.

The following Communication:  
STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
HOUSE COMMITTEE ON ELECTIONS  
May 18, 1987

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

The House Committee on Elections, pursuant to a House Resolution adopted Tuesday, May 12, 1987, and pursuant to a second House Resolution adopted Thursday, May 14, 1987, was charged with meeting Monday, May 18, 1987, to establish procedures needed to conduct an inquiry into the activities of Representative Donald F. Sproul, and to then conduct that inquiry.

On Friday, May 15, 1987, Mr. Sproul announced his resignation as a member of the House of

Representatives from District 88 effective Saturday, May 16, 1987.

Whereas Mr. Sproul's resignation obviates any further action by this Committee, we, the members of the House Committee on Elections, do hereby conclude our proceedings on this matter. David Gregory, Esq., Special Counsel to the Committee, has been notified of our action.

Sincerely,  
S/Patrick E. Paradis, Chairman  
House Committee on Elections

Was read and ordered placed on file.

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:

Agriculture

Bill "An Act to Correct an Incorrect Personnel Description in the Law Relating to the Board of Pesticides Control" (Emergency) (H.P. 1200) (L.D. 1635) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Representatives PARENT of Benton, BRAGG of Sidney and NUTTING of Leeds) (Governor's Bill)

Ordered Printed.  
Sent up for Concurrence.

Business Legislation

Bill "An Act to Amend Maine's Abandoned Property Laws" (H.P. 1198) (L.D. 1633) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Senator BRANNIGAN of Cumberland and Representative GURNEY of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.  
Sent up for Concurrence.

Labor

Bill "An Act to Amend the Duties of the Commissioner of Labor" (H.P. 1199) (L.D. 1634) (Presented by Representative WILLEY of Hampden) (Cosponsors: Senator DUTREMBLE of York and Representative BEGLEY of Waldoboro) (Governor's Bill)

Ordered Printed.  
Sent up for Concurrence.

ORDERS

On motion of Representative VOSE of Eastport, the following Joint Order: (H.P. 1207)

Ordered, the Senate concurring, that House Paper 412, Legislative Document 546, Bill "AN ACT to Amend the Charter of the Lubec Port Authority" be recalled from the legislative files to the House of Representatives.

Was read.

The SPEAKER: Pursuant to the Joint Rules, this requires the affirmative vote of two-thirds of the entire membership of the House. Those in favor of H.P. 1207 being recalled from the Legislative Files will vote yes; those opposed will vote no.

A vote of the House was taken.

116 having voted in the affirmative and 2 in the negative, the Order was passed and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative WEYMOUTH from the Committee on Utilities on Bill "An Act Relating to Terms of Office for Trustees of the Kennebec Water District" (H.P. 637) (L.D. 860) reporting "Ought to Pass" in New Draft (H.P. 1201) (L.D. 1638)

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

Representative McSWEENEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Clarify the Definition and Application of Active State Service in the Defense Laws" (H.P. 1117) (L.D. 1520) reporting "Ought to Pass" in New Draft (H.P. 1202) (L.D. 1640)

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

Representative WARREN from the Committee on Judiciary on Bill "An Act to Simplify the Method of Enforcing Health Benefit Liens" (H.P. 241) (L.D. 309) reporting "Ought to Pass" in New Draft (H.P. 1203) (L.D. 1641)

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

Representative TUPPER from the Committee on Legal Affairs on Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations" (H.P. 80) (L.D. 83) reporting "Ought to Pass" in New Draft (H.P. 1204) (L.D. 1642) (Representative PRIEST of Brunswick - of the House - Abstained)

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 PRIEST from the Committee on Legal Affairs on Bill "An Act to Give Local Election Wardens Authority to Select Locations where Signatures may be Collected" (H.P. 851) (L.D. 1145) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Give Local Election Wardens Authority Concerning Gathering Petition Signatures" (H.P. 1205) (L.D. 1643)

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 Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Extend Maine's Bottle Bill" (H.P. 662) (L.D. 895)

Signed:

Senators:

BALDACCI of Penobscot  
WHITMORE of Androscoggin  
BRANNIGAN of Cumberland  
LEBOWITZ of Bangor  
ALIBERTI of Lewiston  
GURNEY of Portland  
TELOW of Lewiston  
SHELTRA of Biddeford

Representatives:

STEVENS of Sabattus

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

Signed:

Representatives: ALLEN of Washington  
 REED of Falmouth  
 HILLOCK of Gorham  
 RACINE of Biddeford

Reports were read.

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

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

I would urge you this morning to support the  
 "Ought to Pass" Report. The bill is a very simple  
 bill and, indeed, only makes a minor change in the  
 law. Currently, as you know, we require a deposit on  
 beer and soda bottles and this bill would simply  
 include wine coolers in the law.

It was the feeling of those of us who signed the  
 "Ought to Pass" Report that this was a small step and  
 a small step in the right direction.

During the hearing on the bill, the bill had  
 significant support from the Department of  
 Agriculture and also the Department of  
 Transportation, both charged in some degree with  
 enforcing the law, also received support from a group  
 called the Solid Waste Coalition. This group  
 included such people as the Maine Audubon Society,  
 The Maine People's Alliance, The Natural Resources  
 Council of Maine, MOFKA, the League of Women Voters,  
 and Lebanon Citizens Landfill Alliance and others.

Those of us on the committee who signed the bill  
 out thought that this was a reasonable request and it  
 is consistent with the general intent of the original  
 law. Back when there were discussions going on in  
 the legislature, prior to my serving here, I might  
 add, wine coolers were not a marketable product here  
 in the State of Maine. They are, in fact, a growing  
 commodity and their presence as roadside litter and  
 litter on beaches is increasing.

The opponents of the legislation would argue  
 that, indeed, adding these wine coolers to the  
 current law would impose a hardship on grocers and  
 the arguments we, in fact, heard from the grocers  
 were the same exact arguments we heard when people  
 were opposed to the original bottle law. We also  
 heard from those people representing the wine cooler  
 industry -- that this was really just a small  
 percentage of the solid waste problem in Maine and,  
 therefore, we shouldn't address it. We rejected  
 those arguments because, while it is a small problem,  
 it is, indeed, a problem. And while it is a small  
 step, we believe it is a small step in the right  
 direction. We believe that while this law won't  
 perhaps perform major miracles, it does perform a  
 small good and, therefore, should be supported by the  
 members of this House.

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

Mr. Speaker, I request the yeas and nays.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and  
 Gentlemen of the House: I don't usually oppose my  
 committee chair but, in this case, I feel compelled  
 to do so. I urge your opposition to the motion  
 before you.

The bill asks for wine coolers to be included  
 under the present bottle bill. We all recognize the  
 benefits of the bottle bill as it now stands and we  
 appreciate the better health of our highways. In  
 traveling I-95 back and forth, and in my travels

throughout my district, I have been watchful of our  
 highways and have enjoyed the beauty and the  
 cleanliness of our highways since our original bottle  
 bill has been enforced. However, the areas around  
 our local streets and highways, particularly the  
 Bangor Mall, have not been as beautiful. A close  
 watch has not disclosed litter of bottles but rather  
 the debris of fast food, styrofoam cups, plates,  
 napkins and other paper products. It would appear  
 unnecessary to add wine coolers as an extension of  
 the bottle bill at this time.

I urge you to vote no on this motion before you.

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

Representative ALIBERTI: Mr. Speaker, Men and  
 Women of the House: Let me tell you how simple this  
 bill really is. The small businessman now will have  
 to separate on those shelves, on returnees, every  
 single brand under the designation of a wine cooler.  
 The small business person will be directly affected  
 by cost, processing, making these available on the  
 same scale as the now existing fine bottle law.

What about fruit drinks, why shouldn't they be  
 included? And other containers that come under the  
 same category? Don't you think it is about time that  
 we stop attacking one specific industry over and over  
 again -- over-taxation, making it difficult for them  
 to really operate and operate efficiently?

In the past, we have heard some reference to  
 increasing the fee on the bottle bill, other concerns  
 with the bottle bill and always at the same  
 industry. I believe that it is about time that this  
 discrimination took a leave of absence and that we  
 address the need to keep these small businesses  
 functioning without adding additional hazards to them.

I would like to ask my chairman -- how many  
 coolers have been involved in the complaints at this  
 time? Ask yourself, how many coolers have you seen  
 along the roadside that creates this great problem of  
 littering? It just is not there.

Finally, I would like to address a concern -- is  
 there a direct or indirect fiscal note to this  
 posture taken by the opposition?

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

Representative MITCHELL: Mr. Speaker, I would  
 like to pose a question to the gentleman from  
 Lewiston, Mr. Aliberti.

Can you explain exactly what industry it is that  
 we have been attacking over and over again? Is it  
 the bottle industry, is it the booze industry, the  
 grocery industry or is it small business, generally?

The SPEAKER: Representative Mitchell of Freeport  
 has posed a question through the Chair to  
 Representative Aliberti of Lewiston who may respond  
 if he so desires.

The Chair recognizes that Representative.

Representative ALIBERTI: Mr. Speaker, Men and  
 Women of the House: I would like to respond to that  
 question, you have said it all.

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

Representative MITCHELL: Mr. Speaker, Men and  
 Women of the House: The industries that I mentioned  
 often are the industries that create our trash  
 problem.

I would like to address the solid waste issue.  
 Solid waste is a serious problem for this state and  
 it is a serious problem in some parts of the state to  
 a greater degree than in other parts of the state.  
 You may remember that we had a Special Session of the  
 legislature last Fall to deal with the problem that  
 was created when, four out-of-state landfill  
 developers came to York County and applied to the DEP

for permits to build commercial landfills in one month. In the town near Freeport, the town of Durham, in the month of October last year, there was an illegal dumping operation that was going on and trash from Massachusetts was being hauled into Durham and disposed of in a couple of places illegally for some time.

Federal law says that states cannot exclude trash that is generated in other states. They say that for constitutional reasons. But the courts have also said that states can hold states that send trash into their state to the same standard that they set for themselves. So, in the case of Maine, which has a bottle bill, Maine cannot exclude the trash from other states that have a bottle bill but we can exclude trash from states that do not have a bottle bill. Wine coolers are a growing trash problem in and of themselves.

Strengthening the bottle law and making it more comprehensive is going to strengthen the position of the State of Maine, I believe, in dealing with this serious problem of out-of-state waste.

I would urge that you support Representative Allen's motion.

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

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: As a new member of the Energy and Natural Resources Committee, this winter I spent many hours working and listening to the subcommittee on solid waste. I believe that we, as a nation, have been a throwaway nation long enough and it is time we mend our ways. This would be one step in the right direction. You have heard on the radio, you have seen on television, you have heard about the garbage barge that had been going up and down our coast and Mexico, it is time we started to do something about it. The only way we are going to eliminate this situation we have got ourselves into is to go to recycling. We must start recycling. I believe that this bill will be a step in the right direction and get us on track where we should be.

I will agree that the styrofoam and all this other stuff that we are seeing along the roadside is a mess. Sooner or later, somebody is going to wake up, we are all going to wake up, we are going to start recycling that too. But, until we do that, we have got to start doing something to eliminate some of this waste that we are manufacturing and filling up our landfill. We are running out of space -- all over the nation, we are running out of space. I, for one, don't want to see Maine be a trash center for the whole northeast.

I urge you to vote in favor of the motion.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be quite brief. The nuts and bolts of this whole situation is that we have gone from 80 recycling plants in the State of Maine, down to 60. It has just overcome them as an industry. They just pay minimum wage and they are just barely existing at this point in time.

I agree with the Representative from Lewiston in one sense in that yes, we should pick up all of the debris, but it just can't be done at this point in time because we don't have the facilities to do just that. This particular problem here is so miniscule that it really doesn't resolve anything, as Representative Lebowitz pointed out.

I hope you will go along with the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Stanley.

Representative STANLEY: Mr. Speaker, Ladies and Gentlemen of the House: Our bottle bill has made Maine a beautiful place in which to travel and live. It has been an important tourism and economic development factor. The Maine Legislature has shown itself in the past to be very environmentally sensitive -- let's keep up the good work and improve our bottle bill. Please vote yes on the "Ought to Pass" motion.

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

Representative GURNEY: Mr. Speaker, Men and Women of the House: I would just like to point out that these wine cooler bottles are not recyclable. Presently there is no market for green glass of which all wine cooler bottles are made of. If we do let this bill by, we, in effect, will be making huge piles that will only be thrown away.

I urge you to support the "Ought Not to Pass" and vote against this motion.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I partially agree with my good friend, Representative Lord. I think he has a point that needs to be addressed, but not at this time. If the problem just does not exist at this time, we are legislating for something that may happen in the future. Also, I think Representative Lord, in his presentation, ought to consider -- why not the soft drink bottles that we see all over the place, at least 20, 30, 40, 50 to one as compared to the wine coolers?

I think there is an element of fairness here too, that we ought to address.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: While this isn't specifically my area of legislative expertise, I live in an area that depends on the environment for its very existence, economically. I have been listening to any number of arguments here in opposition to this bill and I have difficulty with all of them. Quite simply, we are not legislating for something that might happen in the future. This bill would legislate to prevent something from happening in the future. I think our past history tells us well enough that, if we don't stop discarding of solid waste, it becomes a problem.

I have heard the Catch-22 argument that there isn't enough facilities to handle it. Well, if we don't create the product that creates the economic incentive for the facilities to come into existence, we will never have the facilities to handle it. Quite simply, that is an economic argument. In order to create the facilities, you have to create the economic incentive for the facilities to be created. This bill will help with that.

The bottom line, for me however, is that while I don't fish anymore, I still like to go out and take a cruise with one of the fellows every now and then and I am sick and tired of seeing bottles floating around in the harbor and I am sick and tired of seeing fish come up with plastic wrapped around them and I am sick and tired of seeing the refuse along side of the roads.

Now this bill is just a small step. In response to the gentleman from Lewiston, Mr. Aliberti, if this bill covered every kind of container that was generated in this state, I would support it because

they are just as much a part of the problem as the wine coolers are. However, the bill only addresses the wine coolers, let us deal with it, one small step at a time. The simple fact is the journey of a thousand miles starts with one step and this is about the fifth step and we have got about 999 miles left to go.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Those of us who have been involved in the solid waste study for the past year realize how important recycling is going to be in our future. Not only in our far future but actually it should be here today. We have got to start recycling and I realize that wine coolers are just a small part of it but it is a beginning and, as Representative Allen said, it is a beginning in the right way.

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

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I, too, urge you to pass the Minority "Ought to Pass" Report for reasons that perhaps haven't been discussed here today.

Originally Maine's bottle bill, the original bill, came out to include carbonated drink in liquid form intended for human consumption. At that time, in the early 1970's, the wine coolers were not on the market, they fit into this category and they are very prevalent on the market today.

I think adequate argument has been made for the landfill problem in the State of Maine and promoting the recycling business.

I am concerned about the cost of what Representative Sheltra mentioned of the 80 recycling plants that have been reduced by 20 percent. I think he was talking about redemption centers and he can correct me if I am incorrect. This bill will add some costs, it will add some income. As far as being revenue neutral to these redemption centers, we really don't know yet.

Our committee has spent the whole 112th Legislature discussing the problems of these small businessmen. I was on the side, at that time, of not increasing the handling fee. For those of you who do not know, a handling fee is what is received by these redemption centers for processing and separating these bottles returned for recycling.

I have an amendment that will be before you if this Minority Report passes that will deal with this issue. So, I feel that the argument of increasing costs to the small businessman is mute at this point if this amendment is accepted. In order to do that, we will have to pass this through the second reader, so I urge you to support the Minority Report, "Ought to Pass."

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Men and Women of the House: As the prime sponsor of this bill, I would like, of course, to urge you all to support the Minority "Ought to Pass" motion. I was motivated to sponsor this bill by real dedication to the opposition that we should do everything we can to encourage the recycling of all solid waste or any kind of waste that we can in this state. I would like to pick up on the argument -- one small step at a time. I think this is an ongoing problem and that we have to address a need as it arises. Wine coolers are on the increase so far as consumption is concerned. I would say that the consumption of wine

coolers has increased by leaps and bounds, so therefore, have the bottles.

I had a letter to the effect from the Department of Transportation that they looked favorably upon dealing with this problem. For one thing, I think it reduces their costs, and for another thing, it would take care of the litter along the highways. I do believe that if the Department of Transportation says there is a problem there, that there is increased litter, and that it would also increase the safety of the roads. You can imagine yourselves (I don't have to spell it out for you) all the things that can happen with discarded glass.

I urge you very strongly to support this bill and to consider the fact that it is a small step and, therefore, probably a step that the retailers and grocers can deal with, can absorb in their business. Besides, when these bottles come in, they do get increased revenues to handle that problem. The Committee on Business Legislation has recently done a study which indicates they concluded that the handling fee was sufficient at this time. I certainly am open to the proposition of increasing that fee somewhat.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Just about everything has been covered on this particular bill and I don't want to prolong the debate. However, I want to ensure members of the House that even though Representative Sheltra and I are on the opposite side, we're still friends because normally we're on the same side. But this time we happen to have a difference of opinion, and secondly I wanted to be on the winning side today, that's why I went along with my chairman, Representative Allen, because I've gotten up here and lost quite a few.

Basically, the reason that I supported this is to get rid of the trash. I realize it's a small percentage but, if we can get rid of that, we will be way ahead of the game.

If you go into a grocery store and look at what's on the shelf, those wine coolers look just like your soda pop bottles -- identical. If they are identical, they should be included, it's as simple as that.

I hope that you will support my good chairman and vote the way she votes, just follow her light.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I believe that our bottle bill put more discipline in our traveling public than any other single thing that we have done. I concur with the motion that we have before us and I support it.

The discipline that has been brought to me and the discipline that has been evident on our highways by people traveling here from out of state and they have commented on how neat and clean our highways were. The other aspect that I don't think has been more than touched on this morning is that we are subsidizing the wine coolers through the gasoline tax, because by discarding their litter along side of the road, it takes the gasoline tax to pick it up. I think they can pay their own way in the redemption centers.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: As a small businessman, I recognize the problems that small businesses encounter in complying with the bottle law. It's a nuisance and it's costly. However, I recognize that

the resulting benefits far outweigh the costs and those benefits are obvious to all of us as we travel throughout the state. Cooler bottles are a part of the problem and I am one small businessman who favors the motion of the good lady from Washington.

I hope that you will support the motion to accept the "Ought to Pass" Report.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I, too, would like to speak in favor of the Minority "Ought to Pass" motion. Like many other members of this body, I spend a great deal of time in the outdoors, wading the streams and rivers of this great state and hiking the trails that lead to those streams and rivers. One of the previous speakers mentioned before that this is just to correct a perceived problem or that there isn't a problem out there and I can submit to you, that lately on the way to the stream, I have been seeing wine coolers strewn across the trail in places where there aren't any other bottles and cans.

I ask you, what is the difference between a wine cooler bottle and a Budweiser bottle? The difference is, if it gets strewn across our countryside, no one is going to pick it up in order to make a nickel. So I would strongly urge you to support this. I fail to see the difference between a wine cooler and a beer bottle or a soda bottle. I think this is a very important step in preserving one of the greatest assets that we have in this state -- the quality of our environment and that quality that leads people to come here. All you have to do is go to another state where there isn't a bottle bill, hike around in the woods, and it won't take you too long to realize that it's like walking in a Maine trash dump.

I strongly urge you to support the Minority "Ought to Pass" motion.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: It is with some trepidation that I rise to oppose three distinguished members of the other body and six of my colleagues on the Business Legislation Committee. However, I feel compelled to do so.

This bill has been characterized as an attack. I would submit that it is not an attack. It is a rational step toward a desirable goal that we all want, every member of this House I believe, a slightly cleaner, slightly safer, slightly more beautiful State of Maine. It has been argued that this is a small step and I would agree with that. It is, in fact, a small step but does that mean that it should not be taken? There has been an argument presented that the material dealt with in this bill is not yet a significant problem and I would agree with that, but does that mean that we should not address that problem? I think not. It has been said in the body that there is a great deal of other trash, and that is true, it does exist. We must deal with that other trash, but we will do that in other ways, on other days.

I urge you to support the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Men and Women of the House: Much has been said this morning about the fact that a problem does not exist now with regard to wine coolers being thrown by the roadside. Let me assure this body from a farmer's first-hand fence building knowledge (this spring in fact) that wine coolers are indeed becoming a problem along our roadsides. I know.

I urge support of this "Ought to Pass" motion this morning from a first-hand, both hands, experience of this problem.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Allen of Washington that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 61

YEA - Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Clark, M.; Coles, Crowley, Curran, Davis, Diamond, Dore, Farnum, Farren, Foss, Foster, Gould, R. A.; Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hoggund, Holloway, Holt, Hussey, Jackson, Jacques, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lord, MacBride, Mahany, Manning, Marsano, Mayo, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paul, Pines, Priest, Rand, Reed, Reeves, Rice, Richard, Rolde, Ruhlman, Rydell, Scarpino, Seavey, Simpson, Small, Smith, Soucy, Stanley, Stevens, P.; Stevenson, Strout, B.; Swazey, Taylor, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Weymouth, Zirkilton, The Speaker.

NAY - Aliberti, Boutillier, Chonko, Clark, H.; Cote, Dellert, Dexter, Dutremble, L.; Erwin, P.; Garland, Greenlaw, Gurney, Ingraham, Jalbert, Joseph, Lawrence, Lebowitz, Lisnik, Look, Macomber, Martin, H.; Matthews, K.; McGowan, Nadeau, G. G.; Nadeau, G. R.; Paradis, P.; Parent, Rotondi, Salisbury, Sheltra, Sherburne, Stevens, A.; Strout, D.; Telow, Wentworth, Whitcomb, Willey.

ABSENT - Baker, Conley, Duffy, Perry, Pouliot, Racine, Ridley, Tamaro, Tardy.

Yes, 103; No, 37; Absent, 9; Vacant, 2; Paired, 0; Excused, 0.

103 having voted in the affirmative and 37 in the negative with 9 being absent and 2 vacant, the Minority "Ought to Pass" Report was accepted, the bill read once and assigned for second reading later in today's session.

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

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-151) on Bill "An Act to Prohibit Smoking in Public Areas of Publicly Owned Buildings" (H.P. 270) (L.D. 353)

Signed:

Senators:

GAUVEAU of Androscoggin  
KERRY of York

Representatives:

GILL of Cumberland  
MANNING of Portland  
ROLDE of York  
SIMPSON of Casco  
BOUTILIER of Lewiston

CLARK of Brunswick  
 PINES of Limestone  
 TAYLOR of Camden  
 DELLERT of Gardiner  
 FARNUM of South Berwick

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

Signed:

Representative: LAPOINTE of Auburn

Reports were read.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: I move the Majority "Ought to Pass" Report.

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

Representative LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: First and foremost I want to say I am not a smoker and that I do support L.D. 789, which restricts smoking in a restaurant. This particular bill concerns me in many ways.

We already have on record bills which restrict smoking in public places. There are designated areas. I personally see no need of other bills for this particular reason: that it restricts local control from public buildings owned by the public, it restricts control through the selectmen, councilmen and county commissioners. These are individuals who should have options to restrict areas in smoking in the local public buildings of their towns and their communities. They represent the local taxpayer and the operation of the locally owned public buildings.

For the civic centers, the board of directors, who are fiscally responsible for the centers, should have the options in restricting areas. We must think of everyone's rights and responsibilities and I think it's a local option.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: The goal of this act is not to punish the smoker but to protect the health of the non-smoker. This goal is best achieved by creating the environment where the smoker is provided the support and reinforcement needed to overcome the addiction to tobacco smoke. A non-smoking environment sends a reinforcing message and is a health promoting influence.

This bill goes further and protects the access of all state citizens to their government in an environment that protects their health rather than exposes them to acute and long-term adverse health effects of second-hand smoke. Smoking is the number one preventable cause of morbidity and mortality in this country.

This bill proposes an action that will add to the growing public awareness that second-hand smoke is more than an annoyance. It also assures access of citizens to government despite the adverse health effects of involuntary smoking. This bill created a lot of interest in our committee. A group of students from Bucksport came to our committee and testified. They had done a lot of research on this bill and sent me their testimony. I will not read it all to you but I will read a small portion of it. I also had inquiries from 11 high school classes who had taken this bill as a project in their mini-legislature in civics class in high school.

Tobacco smoke is highly annoying and physically irritating to many people and can worsen the symptoms of asthma, chronic bronchitis, and allergies. Therefore, it is essential that Maine follow states like Arizona, Connecticut, Minnesota, and Utah and 31

cities and counties that have enacted laws to restrict smoking in areas where people, whether they're children, workers or pregnant women, should not be forced to breathe other people's smoke.

We have a smoking in the workplace bill that has worked very well. The only purpose in this bill is to guarantee a smoke-free access to carry out business in our county, state, and local buildings to the public. They should be allowed a smoke-free area. The smoking in the workplace bill is not affected by this bill. We want our citizens to be able to carry out their business in public buildings without being exposed to smoke while they wait in line to pay taxes, to get their licenses, and do their business with their local, county, and state government.

I urge you to support L.D. 353, the Majority Report.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

Would somebody from the committee please give a definition of what is meant by public areas of publicly owned buildings and would this apply to an office in a public building which is used for private consultation or conference?

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

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I will give you an example Representative Jalbert -- if for instance, you were called into the Town Manager's Office in Lisbon and asked to have a conference with him, and he was smoking, that would not be included. The general public is general places such as places where they would come in and pay their dog licenses, their boat license, register their cars, which every Maine community has to do, places where the general public would be. If per chance, you were asked to go in there, and you had a problem with smoking, and he asked you in there, I would hope that you would be able to ask him if he or she would stop smoking.

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 vote against the pending motion on the floor. This bill here restricts the taxpayers, the people of the State of Maine. We are once again mandating what they can and cannot do. They use their tax dollars to build these buildings -- are we saying to them, "We will take your taxes, we will build buildings, but you cannot go into them." Do we next mandate that there is going to be no fried food in the State of Maine because this is very detrimental to your health. I may not catch it but I'm going to act in the best interest for you as a legislator.

I speak to you today because my people came to me and asked me, and I won't put it as explicit as they did, but they said "What do you think you're doing?" (with a few blanks in there.) We have now been relegated to the back of the bus and we are not going to be relegated out the door.

We talk about protecting the health of the public. Right now a vehicle is in place to protect the health. It is designated that any municipal building may be a designated smoking area as well as the workplace. You may go in and pay your taxes and

have a smoke-free atmosphere. You may walk into another area and have a smoke-free atmosphere. On this bill, if you read it, if any portion of your public building is used for non-public purposes, or leased by a private organization, they are exempt.

They say, "We pay a premium tax to rehabilitate the greatest drug abuse in the State of Maine. We have the strongest laws addressing this drug abuse." They say, "Take the booze off the shelves and we take the butt out of the mouth."

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: First of all, let's talk about taxpayers and buildings and rights and all of this. We have laws that say local control for a clean air environment in public buildings. I submit to you that this is one area where local control has not worked. How would you feel if you had to go before the Board of Appeals to build a home, and everyone of them was smoking and you had to run a gauntlet of filthy air to get into the meeting room?

Our public halls, even in this State House, everyone here has to run the gauntlet of dirty air to get into this chamber. It was the Speaker in the 112th Legislature that helped clean the air in here, and we all appreciate that, but we have not gone far enough. We talk about access for the handicapped to public facilities, those who have emphysema and cystic fibrosis, are they handicapped? They cannot go through our halls without being harmfully affected by those who do smoke.

We talk about rights and I think that is something everybody here all talks about, rights and responsibilities. I think we have to prioritize rights and what is more basic to life than the basic right for fresh air? You have to weigh basic rights, the person's right for fresh air certainly outweighs a person's right to pollute.

Representative Hale mentioned fried foods -- I really don't know what that has to do with this. No one has ever been damaged by sitting beside someone eating fried chicken. I suppose if that was the case, then maybe we ought to deal with it. So I think it is kind of a mute point.

We have amendments to this bill that deal with cafeterias -- smokers that feel they have to smoke will still have areas to smoke in, in publicly owned buildings. Private offices are not affected. Over 70 percent of the people in the State of Maine do not smoke. On that issue alone, majority should rule. The rights of smokers are still protected. They have areas to go to in these public buildings, according to this amendment. I think we should look at the basic right that every human being should have.

We talk about acid rain and pollution from our paper mills. This is about as close a pollution as we can get and we face it every day.

So, I urge you to support the overwhelming Majority Report and pass this bill.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Harper.

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: Please vote in favor of the "Ought to Pass" Report. I urge you to have a heart, have a heart for those people who are unfortunately troubled with emphysema, asthma, chronic bronchitis, who are trying to get rid of that darned smoking habit. Please, I beg of you, vote in favor of the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Armstrong.

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: I would like to pose a question

to any member of the committee who would care to answer.

I, like a lot of members of this body, attend a lot of sporting events in high school gymnasiums and college hockey arenas, places like that. I noticed (I don't smoke myself) at intermission and half-time, or between periods, they usually have a section where people can smoke if they wish to. In February, people wouldn't want to go outdoors and smoke, does this bill, as written, prohibit high schools, college gymnasiums, hockey rinks, and whatnot, from having a smoking area?

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

The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen: In response to the question -- for civic auditoriums it is defined, and I assume this will be in high school gymnasiums, smoking may be allowed in the hallway and lobby areas as long as a no smoking area is maintained between the main entrance to the building and one or more doors to the auditorium or area where performances or other events occur.

In other words, the public will have access and exit to that function without going through a smoky area. It was brought to our attention during the hearing that smoking is not allowed inside, so if you wish to smoke, you must smoke outside, you may smoke in a designated area if the auditorium designates one as long as the areas at the entrance and exit is free of smokers.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair, if I may.

Is there a fiscal note on this particular bill? Also, can anybody answer how many tax dollars are raised through the smoking tax in the State of Maine?

The SPEAKER: The Representative from Brewer, Representative Ruhlin, has posed a series of questions through the Chair to anyone who may respond if they so desire.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: There is no fiscal note on this bill because I don't think there needs to be any.

Secondly, you asked how much money is raised by the cigarette tax -- I pose a question to the gentleman from Brewer, "How much money is lost by people who have died because of lung cancer, lung disease, how much time off does this state lose by people who work for this state, because of lung cancer and lung disease and those related elements?"

I would like to remind the House that 60 to 70 percent of the state's population does not smoke. Now when my seatmate indicates that the payers pay for that, well, 60 to 70 percent of those payers, who don't smoke, pay for these public buildings.

This building is the perfect example of what we are trying to get at -- we have a parking lot and a parking garage just on the other side of the State Office Building, and most people who come to hear testimony or want to give testimony to our committees, usually use the entrance on Capitol Street. On any given day, walking through that hallway on the first floor next to 113, you would swear you were in tobacco row. For somebody who is coming here to give testimony on some real important legislation, it might be your own constituent, but

that person might have some real problems with smoking, goes through there and might not make the committee hearing because they need to go back outside and get some fresh air. There are people in this state, believe it or not, it's a handicap to them because they cannot be anywhere near smoking.

One of them is a good friend of many of us and that is Ed McDonald, the reporter from the Lewiston paper. Ed's told me on a number of occasions how the smoking has affected him. He went to a meeting once, back before the meetings prohibited smoking, he had to report to another place, and on the way to the place, he went off the road because the smoke was so bad in the meeting it affected his driving, because it clung to his clothes. I remember Ed telling me that back in the 110th or 111th.

So there are people who are adversely affected by smoking and who cannot participate in hearings in this building. They can't go to the town halls to pay for their registration of vehicles, registration of boats, they can't go to town halls to get a question answered, because some of the town halls allow smoking.

Now this is to only publicly owned buildings. We didn't get into (which I would have loved to get into) banks. How many of us have stood in front of people in banks, waiting in the line, while somebody smoked a cigar or a pipe? We didn't get into private -- we only dealt with publicly owned buildings.

I would pose the question back to my good friend from Brewer -- how many people have died?

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: May I respond, my learned seatmate did give me the answer to the question. So far this year, it has been \$32 million that the State of Maine has received in cigarette taxes. If I may read the sheet properly, cigarettes and tobaccos, it may also be cigars and pipe tobacco -- \$32 million.

That is not really the point of the question. The point of the question is those people who contribute to the tax coffers of the State of Maine also have a right to exist. I pay property taxes and I regret to inform you, I am a smoker. Fortunately, my children are not smokers and that pleases me more than anything else. But as long as I pay taxes, I have the right to come into this building because I pay for it, I have the right to walk down that street, I have the right to pay my cigarette taxes to the State as a citizen and I propose to protect those rights.

It may be bad for my health but it's soothing to the mind, by the way. It may be bad for my health and I am pleased to contribute my tax dollars to this state. We do have designated non-smoking areas for people who do have that problem. The smoking areas are becoming less and less. Let us at least pay our taxes and have a place to go to and let it be in a public building.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I would like to help my good friend from Brewer, Representative Ruhlin, read this confusing statement but we have, in fact, collected \$29 million this year in cigarette taxes. We are under budget \$32.7 million by \$3.7 million.

Something interesting just happened to me as I walked out in the hall through a maze of smokers and I look at this bill now as a safety issue because I walked by a smoker and he burned me with his cigarette. I have the mark on my hand to prove it. I turned to him and he apologized and I, quite

politely, and said, now I guess I know how I am going to vote on that bill we are discussing in there.

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

Representative ROLDE: Mr. Speaker, Men and Women of the House: Not to prolong the debate, I would like to ask for a roll call first and then just make one very brief point to my friend from Brewer, Representative Ruhlin -- he has all the rights in the world but he does not have the right to blow smoke on me.

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

Representative PAUL: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

I am wondering what the penalties are if I should be in violation of this law?

The Representative from Sanford, Representative Paul, has posed a question through the Chair to anyone who may respond if they so desire.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: There is no penalty on this bill as yet. The "smoking in the workplace bill" is 90 percent effective without a penalty. We felt this bill was also an educational bill as well as a protective bill but, if so desired, we may put a fine on the bill.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I rise today to encourage you to support the Majority Report. This was not the original legislation. The Representative from Limestone, Representative Pines, proposed a much stricter bill, a bill that would have, in fact, prohibited smoking in public buildings.

When I worked on this bill, I had in mind the rights of two groups of people and people that are very important to me. One group is a group of friends, who are seriously handicapped by having to go through smoke-filled areas. I have a friend who told me that, for the last three years, she has not set foot in the Augusta Civic Center because she cannot get from the front door to her seat without horrendous wheezing. I also have in mind the members of my family, who are smokers, even though I am not (to answer the question of the gentleman in the back of the room) and those people tell me (including my husband) that if, in fact, he would go to a sporting event, for instance, and could not smoke, he would not go. This bill is a compromise. It allows those persons who need to get from the front door to wherever they are going in a smoke free environment. It also allows those persons who choose to smoke to have a place to smoke but it does allow those of us who do not smoke to get from one place to another without having to be contaminated by that smoke. So, I encourage you to support the Majority Report.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

If this bill should become law, what will happen to smoking in the rotunda next year? Will we be out on the front porch in January?

The SPEAKER: The Representative from Van Buren, Representative Martin, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would not send the good, gentlelady from Van Buren out on the porch. I would like to remind the Representative that there are two smoking areas where the Representatives can smoke, one is the retirement room here on the third floor and one is the so-called old retirement room or ladies room or whatever it is that we have been able to use now on the fourth floor. You shouldn't react to that because I think some have been up there using that as a smoking area and I have not objected because it is Representatives who are using it.

However, those people who come up here -- I guess what we are really concerned about today, folks, is the lobby. Let's cut across everything and say, yes, the lobby will probably have to go out and smoke on the porch. That is too bad because if 60 to 70 percent of the people in this state don't smoke, then maybe chances are that 60 to 70 percent of the Lobbyists don't smoke. The 30 percent of the lobbyists who smoke, if they really need to smoke, it is going to be real cold out there in January and real cold out there in February. I would say, yes, that is where the lobbyists will go. If they want to have a cigarette and they need it that bad, maybe, after standing out there in January and February, they will realize how bad it is for their health -- not only because of their smoking but they probably will come down with pneumonia real quick.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I sat there, as you asked the question, how many members have made up their minds? I have a question that I would like to ask the Chairman of the Committee. In our office, back in Corinth, we allow smoking. If this bill should pass, and a property taxpayer comes to me to pay his tax bill and he is a smoker, do I collect his money first or do I ask him to stop smoking? To follow it up, if he refuses to stop smoking and tells me that he will not pay the tax bill because he would like to continue smoking, do I have a legal right to be able to collect that tax bill? Could I win if I went to court?

The SPEAKER: The Representative from Corinth, Representative Strout, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry, I didn't get all the questions -- I am assuming that, if a taxpayer comes in and doesn't want to come in because he can't smoke, your saying -- what remedies do I have? What remedies do you have now? I don't think he can mail it in. Quite frequently, a lot of us here, when taxes are due and I am assuming a lot of us mail it in, so I would say the same remedies you have presently would apply. The law is the law. If you can't collect it, then you have the same remedies that you have now.

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 Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Men and Women of the House: I guess I am happy to prolong this debate because it is an issue that I think really has to be cleared and any smoke screen has to be blown away here.

There was the inference that perhaps cigarette smoking is only harmful to those that smoke. If that was true, perhaps that would be a very good argument but it is not true. Many people die of lung disease from second-hand smoke and their health is impaired by that and there are no arguments on those results.

This legislature has been concerned about the environment in the workplace. We have passed legislation dealing with radon gas, asbestos, the study of carcinogens, in and out of the workplace and this rates right up there and beyond those.

I would like to take this opportunity to relate to you the hazards of smoking to the non-smoking public. This does not deal with smoking in the hallway. As some of you may know, I am an ex-airline pilot and last summer I was flying from Detroit and I had just leveled off at 35,000 feet -- all of a sudden, we had a rapid decompression and, for those of you who don't know what that is, the pressure inside the airplane went from 4,000 feet to 35,000 feet in 3 seconds. There was no oxygen available for anyone to breathe. The procedure was, of course, to initiate emergency oxygen for everyone, which I did, in a rapid descent down to 10,000 feet. No one was harmed but this whole emergency and discomfort for the passengers could have been avoided if there were a ban on smoking on domestic flights. The investigation that followed resulted in a finding that the air flow valve of the aircraft, (a \$30,000 unit, I might add) was clogged with a gum substance of nicotine to the extent that it failed. Our aircraft was only six months old. Brand new aircraft. These units have to be replaced in some sequence of every six months only due to smoking on the aircraft.

Some may remember that Air Canada had the fatal crash directly as a result of cigarette smoking on the aircraft. As a result, starting this month in Canada, Air Canada has prohibited smoking on the aircraft for environmental reasons and safety reasons.

So we should consider that it is still an individual's right and privilege to smoke but where that right stops is when they start infringing upon the rights of others in the basic right of health.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: I was a smoker before I even started school. I quit ten years ago. It was my personal decision and you know, the people who have smoked and quit, are people that hate smoke more than anybody else. My mother never smoked but she can stand it a heck of lot more than I can but I do not like this bill at all. We had a bill a few year back, which set up a mechanism in your place of employment.

I work in a unionized mill and I was under the impression at that time, if we had a problem with smoke, that management and labor could get together and come to an agreement as to how we were going to go about setting up a policy. My plant did have a smoking policy. Guess what? My employer decided that he was going to set the policy. We used to have smoking stands -- he took away the smoking stands, he painted a little circle on the floor and said, you must now stand in that little circle if you want to smoke, you can't sit -- so some people sat down on the ground and the foreman would come around and say,

you either stand or you may be fired. We will discipline you. This was a policy that was set up.

All the time I was in this House, I was under the impression that we would set up a policy, mutually agreed upon by both parties. False.

I believe that I will never vote for a smoking ban on anybody because my people said that we were stupid, idiots, you name it, we were it. My people are direct. We had the smoker's bill, I had promises that they would never vote for me again. If you people insist on passing legislation and using Canada, which is getting more socialist -- if you want to go that route, fine.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I won't say that I am not going to prolong this debate. Having listened to it for quite awhile, I am little mystified as to why this bill is here. All of the concerns that have been mentioned by all the people debating the bill can be resolved by the statutes that we currently have on the books.

I would remind the gentleman from Portland, Representative Manning, that gauntlet that he talks about didn't exist until we passed a designated smoking area legislation and Capitol Street was designated as a smoking area. Now if that has created a problem, it could be dealt with very simply by having that removed from being a designated smoking area. We don't need legislation to do that.

I listened to my good friend from Gorham say that a person's right to clean air outweighed a person's right to pollute. I don't disagree with that at all. I thought that's what the designated policy smoking area was for. I would like to tell him, however, that that is also a perfect argument to prevent anybody from driving a car in this state. I don't run but I ride a bike for exercise -- haven't been doing it too much lately as you can tell, -- every time a car goes by me, I have the same problem that Representative Rolde has, he blows smoke on me. If you don't believe you can smell it and feel it, ride a bike down along side of the road. The simple fact is that I am listening to selective arguments for a selective bias to create a situation that there is no need to be created.

The bottom line is that all the buildings, be they private or be they public, under our existing laws, have the ability to designate what are smoking areas and what aren't. In order to change it, all you have to do is petition the people that control those buildings to change the area. If there ever was a piece of needless legislation, this is it. I can see some white knuckles on a microphone over there, who is going to stand up and talk about health disease, and death and I would like to remind those people that life is a terminal illness. The bottom line is, folks, you are going to die -- give me my choice too.

Representative Manning of Portland was granted permission to speak a third time.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the Representative from St. George, Representative Scarpino.

If we did go along with asking the Bureau of Public Improvements and the Speaker of the Maine House, the President of the Maine Senate to do what you say -- how quick would you have a bill in to put smoking back on the third floor, the second floor, the fourth floor and every other floor over in that building?

The SPEAKER: The Representative from Portland, Representative Manning has posed a question to Representative Scarpino of St. George, who may respond if he so desires.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Mr. Manning, I think I can respond to that quite clearly -- I am probably the heaviest smoker in this body and probably the heaviest smoker in both bodies -- up to this point, I have supported every bill that restricted smoking and guaranteed smoke free areas for individuals. I supported that bill last year, I am perfectly willing to accept whatever decision is made, be it by the Speaker, by the state, county or municipality. I have done it up to this point, I will continue to do it. However, I dislike being dictated to when there is no need for it.

Representative Davis of Monmouth moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one-third of the members present and voting. Those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-third of the members present and voting having voted for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now?

The Chair will order a vote. Those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 18 in the negative, the motion did prevail.

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

ROLL CALL NO. 62

YEA - Aliberti, Allen, Anderson, Anthony, Bailey, Bickford, Bost, Bott, Boutillier, Bragg, Callahan, Carroll, Carter, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Davis, Dellert, Dexter, Diamond, Dore, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Handy, Hanley, Harper, Hepburn, Hitchborn, Higgins, Hillock, Hoglund, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kimball, Lacroix, Lawrence, Lisnik, Look, Lord, Manning, Marsano, Mayo, McGowan, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Reeves, Rice, Richard, Rolde, Rydell, Seavey, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Taylor, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

NAY - Armstrong, Begley, Brown, Cashman, Chonko, Dutremble, L.; Erwin, P.; Farnum, Farren, Hale, Hickey, Holloway, Holt, Hussey, Ingraham, Jackson, LaPointe, Lebowitz, MacBride, Macomber, Martin, H.; Matthews, K.; McHenry, Moholland, Nutting, O'Gara,

Paul, Rotondi, Ruhlin, Salsbury, Scarpino, Sheltra, Sherburne, Strout, D.; Telow, Willey.

ABSENT - Baker, Conley, Duffy, Mahany, Ridley, Tammaro, Tardy, The Speaker.

Yes, 105; No, 36; Absent, 8; Vacant, 2; Paired, 0; Excused, 0.

105 having voted in the affirmative and 36 in the negative with 8 being absent and 2 vacant, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-151) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

CONSENT CALENDAR

Second Day

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

(H.P. 657) (L.D. 890) Bill "An Act to Require the Use of Seat Belts in Driver Education Programs"

(H.P. 806) (L.D. 1080) Bill "An Act Concerning Interstate or Intrastate Operating Permits"

(H.P. 792) (L.D. 1064) Bill "An Act to Require Candidates Requesting Ballot Inspection to Pay for this Service" (C. "A" H-147)

(H.P. 257) (L.D. 340) Bill "An Act to Amend the Law to Allow Security Officers to be on Duty for Dances at Which Minors are Admitted" (C. "A" H-148)

(H.P. 626) (L.D. 849) Bill "An Act to Limit the Penalty a Landlord can Charge a Tenant for Late Payment of Rent" (C. "A" H-149)

(H.P. 517) (L.D. 690) Bill "An Act to Require that Candidates' Petitions be Sworn" (C. "A" H-150)

(H.P. 915) (L.D. 1227) Bill "An Act to Create a Statewide Reservation System for State Parks that have Overnight Camping Facilities" (C. "A" H-146)

(H.P. 1120) (L.D. 1523) Bill "An Act to Amend the Law Concerning Appeals by Parties Aggrieved by Acts of the Superintendent of Insurance"

(H.P. 1119) (L.D. 1522) Bill "An Act Relating to Assignment of Group Health Insurance Benefits"

(H.P. 1097) (L.D. 1488) Bill "An Act to Update References to Immunities of State Military Forces under the State Tort Claims Act"

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 Improve the Teacher and Administrator Certification Law" (H.P. 1195) (L.D. 1629)

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

Representative Small of Bath requested a roll call on passage to be engrossed.

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

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

The SPEAKER: The pending question before the House is passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 63

YEA - Aliberti, Allen, Anderson, Anthony, Begley, Bost, Boutilier, Callahan, Carroll, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Diamond, Dore, Dutremble, L.; Erwin, P.; Farren, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Handy, Harper, Heppburn, Hoglund, Holt, Hussey, Jackson, Jacques, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, MacBride, Mahany, Manning, Matthews, K.; Mayo, McGowan, McHenry, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, J.; Paradis, P.; Parent, Perry, Pouliot, Priest, Rand, Reeves, Rice, Rolde, Rotondi, Rydell, Simpson, Smith, Stevens, P.; Stevenson, Strout, D.; Swazey, Telow, Thistle, Tracy, Vose, Walker, Warren, Weymouth, The Speaker.

NAY - Armstrong, Bailey, Bickford, Bott, Bragg, Brown, Carter, Davis, Dellert, Dexter, Farnum, Foss, Foster, Garland, Hale, Hanley, Hichborn, Hickey, Higgins, Hillock, Holloway, Ingraham, Kimball, Lawrence, Lebowitz, Look, Lord, Marsano, Martin, H.; McPherson, McSweeney, Murphy, E.; Murphy, T.; Nicholson, Paradis, E.; Paul, Pines, Racine, Reed, Richard, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Soucy, Stanley, Stevens, A.; Strout, B.; Taylor, Tupper, Webster, M.; Wentworth, Whitcomb, Zirkilton.

ABSENT - Baker, Conley, Duffy, Jalbert, Macomber, Ridley, Ruhlin, Tammaro, Tardy, Willey.

Yes, 83; No, 56; Absent, 10; Vacant, 2; Paired, 0; Excused, 0.

83 having voted in the affirmative and 56 in the negative with 10 being absent and 2 vacant, the Bill was passed to be engrossed and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

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

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

Representative Gwadosky of Fairfield requested a roll call on enactment.

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 Gorham, Representative Brown.

Representative BROWN: Mr. Speaker, Men and Women of the House: This was a Divided Report coming out of the Fisheries and Wildlife Committee. I was on the Minority Report, "Ought Not to Pass." This legislation came about because of one man in Bar Harbor, who ran a tour boat and who occasionally threw out fish for the eagles who were nesting nearby. There was no evidence in any testimony that he harassed or harmed the eagles in any way. In fact, there seemed to be evidence of an increase of eagles in the area. This man has since sold his tour boat and will not be continuing this procedure any longer.

If this legislation passes, it could be very difficult to enforce. It would cause a problem for the trappers - if they left any carcasses around it could harm the eagle more than help him. He could

stand to starve to death. The eagle by nature is a scavenger and has been used to eating whatever has been left about. Do we need to pass unnecessary legislation, which would be hard to enforce? Our wardens cannot enforce all of the laws on the books now because of their workload.

The amendment adds a punitive section to the bill. It allows a warning to be issued for the first violation. This legislation is here, once again, because of this one man in Bar Harbor with no other report of eagles being harassed. I think the man in Bar Harbor was the one harassed because he ran a lucrative business. The bill refers to other endangered species but no mention was made of any harassment except eagles. Everyone knows but hesitates to mention the reason the eagle has become endangered. It is because of the spruce budworm spraying. The spruce partridge has been put on the endangered list as well. Look along the roadsides and see what else it kills.

I hope you will stop and think before you vote and please read the bill. I urge you to vote with me.

Mr. Speaker, I move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Men and Women of the House: I, too, signed the Minority "Ought Not to Pass" Report on L.D. 679, not because I am opposed to affording protection for the bald eagle but because I feel there is sufficient mechanism in place now to do so, if necessary, through the rulemaking process of the Department.

The problem, as mentioned by Representative Brown, was localized, at least based upon the testimony. It makes me question the necessity of passing a law to address it.

Also, by addressing through the rulemaking process, any changes that may be necessary in the future, can be done by the Department more effectively and more efficiently. Another concern that I have with L.D. 679, as written, is the definition of the word harassment. It uses words like negligence, intentional, and deliberate which are subject to multiple interpretations. I also might add that this bill includes all endangered species, not just eagles, which was the only endangered specie referenced during the testimony.

I do not feel that it is necessary to enact this legislation to address what appears to be a localized problem and hope that you will vote to indefinitely postpone.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I hate to disagree with my two committee members who signed out the Minority Report but this bill is, indeed, vitally needed. We received a letter from the Department of Interior stating that the federal law is, at best, ambiguous and very vague when it comes to enforcement of somebody feeding eagles. There has been some problems with feeding bald eagles. It seems that a gentleman found that if he waved a flag in the air, he could get eagles acclimated to the fact that they would come to him and he would feed them. It is true that the biologists could not offer where this was doing any direct harm but they couldn't offer where it was doing any direct good.

We did get involved in a eagle feeding project, which I question myself and the Department did, for wintering of young juvenile birds. The difference

was that there was never any human connection between that feeding and the actual feeding that was done, unlike what went on down in the Boothbay Harbor area. This is not just a Boothbay Harbor problem, it could occur on the Kennebec River because we have four or five eagles here. It could also occur up in the Bangor-Brewer area because they do have some viable bald eagle population there. It could also occur in the Moosehead Lake-Chesuncook area because they have some bald eagles in that area. You also have the Katahdin that goes out of Greenville now.

The fear that people have is that the animals -- in this case, the bald eagle, will become accustomed to man, so accustomed that it will come and feed out of the man's hand literally. Do you want the nation's symbol to be dependent upon being fed garbage and trash by everybody that wants to make a buck doing that? That is the question the committee had to grapple with.

Captain Creamer is a very nice man, very jovial, he came and explained to us what he was doing and I don't believe for a minute that Captain Creamer ever thought he was doing some harm. I have a problem with feeding any animals. I have a problem with human beings intervening because you change that animal's natural instincts. It is true that an eagle is a scavenger and if a trapper throws out a carcass of a beaver he skinned out, probably the eagle will go for it.

Representative Duffy put the warning provision in there just to address what Representative Farren talked about. If somebody is doing that, then the warden can say, "Sir, you are doing something you should not be doing, we want to notify you that, under the law, if you get caught doing this again, you could be subject to a fine." That is why that was put in there.

No other country in the world has allowed their national symbol to be treated the way the bald eagle has been treated in this country. None. Even in Mexico, where their national bird is the crow -- they came to the United States of America and said, "Look, our people are shooting your bald eagles because they have a fear of them harassing their sheep and their cattle. If you don't do something about protecting the crow in the United States of America, we will not protect the bald eagle in Mexico."

So most states in this country, if not all of them, adopted seasons and bag limits on crows for the first time ever. And the Mexican government has agreed to strictly enforce the laws they have put on their books to protect our bald eagle, who spend their winters in Mexico. No other country in the world has allowed their national symbol to be treated the way we have the bald eagle.

The bald eagle's comeback in this state, alone, is probably something that will go down in history of where human beings really reacted and took care of a major screw up. Through the misuse and overuse of pesticides and DDT, we almost eradicated the bald eagle from this state and from this country. We have spent many, many thousands of hours and many thousands of dollars trying to get that bald eagle population back on its feet. We are succeeding. But there is a concern that, in our desire to help the bald eagle out, we may be throwing the baby out with the bath water.

Both the federal government and the Fisheries and Wildlife Department believe that the rules and regulations and the laws on the books now are not sufficient to do that. The question you have to ask yourself is, "Do we want to continue, with the advancements that we have made, to protect that bald eagle or don't we?" The decision is up to you. The

majority of the committee would hope that you would go along and protect the national symbol.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: May I ask question? It just occurred to me that someone in my district, who works within the Department of Fisheries and Wildlife, (understand that this is not first-hand) feeds eagles out on the river on the ice with road kills during the winter to help them. Would there be an exception to this kind of thing, Mr. Jacques?

The SPEAKER: The Representative from Bath, Representative Holt, has posed a question through the Chair to Representative Jacques, who may respond if he so desires.

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, we hear that situation happening throughout the state. There is a need because of the endangered species to feed them during the very difficult times. They are fed with road kills by a permit from Fisheries and Wildlife during those difficult times. They are not fed, however, to entertain tourists.

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

Representative BROWN: Mr. Speaker, Men and Women of the House: Once again, I would just like to say that there was only a problem in one area and it was the Bar Harbor area, not the Boothbay Harbor area. If we are to protect the eagle, do we want him to starve to death if everyone is going to be fined if they try to feed him?

I would ask for a roll call on my previous motion to indefinitely postpone.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I apologize for my error in geographics. Wherever the problem was, it was the straw that broke the proverbial camel's back.

If we pass this law as written, someone will still be able to do the actual feeding, if it is necessary, but it will be with a permit from the Fisheries and Wildlife Department, the people who we hire, who we pay, to take care of our species, endangered or not. This list consists of about 12 different birds and animals. What happened was, everybody concentrated on the bald eagle because that is something that every one can relate to but there are other species that are on there that could be affected also. Most of them are not common to us -- you and I wouldn't be able to pick them out. The bald eagle we can pick out, it is on our currency and we have been using it to promote the heritage and the patriotism of this country since its inception.

We hope that you will vote against the motion to indefinitely postpone.

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

Representative CARTER: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

According to the Statement of Fact, this bill applies to any endangered specie and I would like to know if I am fishing the lower Kennebec and I happen to tie onto a sturgeon, which is an endangered specie but there is one or two species in the river, -- how would I be treated?

The SPEAKER: The Representative from Winslow, Representative Carter, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, I would be glad to answer that question. If you release the fish as you should do, you would be treated like a hero. If you kill the fish, you would be treated like a criminal.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House: I stand in trepidation because I don't know whether or not this might be considered a conflict of interest. Being a retired Air Force Colonel, I guess there is one here in the House, Paul -- we do have a bald eagle.

I would definitely urge you, in all seriousness, to vote against the pending motion of indefinite postponement.

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

Representative SMITH: Mr. Speaker, Men and Women of the House: I, too, signed against this bill. I felt that it was a local issue. It could be addressed by the Department because each area could have a different problem.

I would like to pose a question. If a fisherman down on the coast comes in and decides to throw off some of his bait or whatever he might have he didn't want, is he going to be picked up for feeding the eagles?

The SPEAKER: The Representative from Island Falls, Representative Smith, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, in response to the question, I would like to say to the good gentleman from Island Falls that that question was posed in committee, was worked on very hard, therefore an amendment was drawn up to the bill, the warning amendment. If you throw your bait over, an eagle comes down to scavenge, it will not affect your rights as a fisherman. There will not be any charges against you because of that. That was addressed well in committee and it was brought forth as an amendment.

I think what the gentleman is asking is a question about our national symbol -- should we treat it right and if that symbol should come down and grab bait, would you be protected from throwing your bait overboard and I think the committee has addressed it very fully.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

In line with Representative Smith's question, I didn't really quite understand the answer. Suppose a fisherman comes in and he is ripping his fish and is throwing his gurry overboard, which is a common, legal practice, an eagle comes down and grabs some of it -- my understanding of the warning, based on Representative Jacques' statement, is that they give you a warning the first time but if they caught you doing it again, they would cite you. If we are talking about giving someone a warning that would prohibit or place him in a position from engaging in an action that is perfectly legal, number one,

(accepted by both the State DEP and the State EPA, the dumping of the gurry) and two, affects his ability to effectively operate his business, I have just developed some real concerns. Would someone please explain to me what that warning is all about? Are they just going to come and say, "Be careful, don't do that when there are eagles around?" Or are they going to say, "You just violated the law because the eagle took some gurry -- you are warned this time, but next time we are going to cite you."

The SPEAKER: The Representative from St. George, Representative Scarpino, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I will try to explain it one more time. If someone is in the act of doing what they have always done, which is throwing a fish overboard -- if you catch a short salmon and you throw it overboard, it bellys up, and a bald eagle comes down, that is not what we are talking about. We are talking about someone who would intentionally put out bait to attract an eagle in order to take pictures, run a commercial tour, try to get close to the eagle, close enough to see its nest and the eggs in the nest. We were assured by the Deputy Commissioner that we would not be chasing every fisherman that came in in party boats, when they start cleaning a fish and throwing the remains over the side because the bald eagles would come and pick that up -- that is a natural act of that bald eagle scavenging those fish. What we are trying to address is the overt, concientious attempt to get eagles to come to feed for purposes other than what is good for their health and welfare. I hope I answered your question, Representative Scarpino.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Men and Women of the House: I think that Representative Jacques from Waterville has pretty much nailed down the two key issues, the intentionally and deliberate feeding of the endangered species. Therefore, the cases that have been mentioned to you today, whether it is Representative Carter's sturgeon or Representative Scarpino discarding a bait off the side of the boat -- those would not be applicable in this particular case because those are clearly not intentional efforts to lure or coerce endangered species to come to the area.

I just want to briefly outline for you the history of this tour, if you will. This tour was not an occasional feeding of eagles, it was a tour boat that had one specific purpose and that was to try and get as many tourists as they possibly could to go out on a boat, out to an area where these eagles were nested, the gentleman would go to the bow of the boat and wave a tee shirt or a flat or whatever it was around in a circular motion, which the eagles saw and came to know as a signal, and that if they came to the boat, they would be fed. When they came around the boat, they would throw fish or whatever to the birds and they would all be closely concentrated around the area of the boat so the tourists could get a close look at the eagles and take pictures of them and whatever -- go home and say that it was probably, in many people's cases in this country, the only time they saw an eagle. The inherent danger of that sort of thing is that (1) eagles are being fed during a time of year when it is easiest for them to prey upon smaller animals or whatever it is they usually fed upon. Then as we go into October at the end of the

tourist season, that feeding stops, period. No more tour boat going out and waving a flag, no more fish being thrown out, that is it, they are cut off. They are going into a time when food is hardest to find during late fall and winter months.

In our area, it has been stated that this is a localized problem and clearly it is, that is why we are trying to address it before it becomes a statewide problem. The Department of Interior, as Representative Jacques pointed out, also supports this type of legislation because they don't want it to become a national problem.

To give you an idea of how our people feel about it in the area of Mt. Desert Island, a petition was circulated and presented to the Fisheries and Wildlife Committee outlining the basic feelings that the people in our area had about that. That was signed by several thousand, not several hundred, but several thousand people saying, "Please to do something about this." All of you may have read the article in the newspapers a month or so ago about that bald eagle that was killed in the Machias area -- we don't know whether we could have prevented that but we certainly want to make sure that our national symbol, regardless of whether other endangered species are involved, but certainly the bald eagle, our national symbol, doesn't become falsely secure around human beings. You and I certainly know that that would not be in the best interest of preserving the eagle. We also want to make sure that it isn't brought down to the level of being a common seagull. I don't think any of us want to see a situation where eagles end up flocking around dumps or fighting with seagulls around trash bins beside your local MacDonald's in the parking lot -- that is just not the kind of thing that is in the best interest of (1) the type of image we want to maintain for the eagles and (2) the kind of thing that is going to keep them viable in this state and help them to bring their ranks back in this country.

I hope you will support this bill. It really is important for the eagles and for all of us so please oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: The Statement of Fact mentions that the bill makes it illegal to feed, bait or harass any endangered specie. How many endangered species do we have and how do we know what we are feeding? Is this a problem?

I have a lot of people that feed birds. Are they feeding some endangered species, by any chance? I am in favor of not feeding the eagles, mind you, but what else are we getting into? Can anyone answer that?

The SPEAKER: The Representative from Ellsworth, Representative Foster, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: To answer the gentlelady's question, I believe there was a list of 12 or 13 other species that are considered endangered. We asked that question in committee and I think, with the exception of a certain type of sparrow, which is not very common, most of these endangered species would not be in the position to be taking feed from humans. There are a couple different kind of snakes, some lizards, a butterfly -- the list is on the amendment. I think it would be awfully hard for any warden or any law enforcement in the state to convict

anyone of feeding birds in your bird feeder, which will come to your feeder naturally.

I think everybody is talking about the eagle because that is something you can relate to very easily and not with the other endangered species on the list. Basically, they were put there because they work in conjunction with the federal law.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Men and Women of the House: I wish to pose a question through the Chair.

In reading the bill, Section 2, page 2, beginning on line 31 -- it includes these words, "hunts, traps or possesses any endangered or threatened species within the state." This comes under the section of harassment, etcetera.

Is there a possibility that this law could be interpreted to include the whaling expeditions?

The SPEAKER: The Representative from Jonesboro, Representative Look, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: The language that the gentle lady just referred to is now current law and I don't know whether that affects the whales or not. My understanding is, whales are generally affected by federal law only because of their migration and movement. This would not affect us.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Gorham, Representative Brown, that L.D. 679 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 64

YEA - Bickford, Brown, Dellert, Dexter, Farren, Ingraham, Jackson, Lebowitz, Look, Macomber, Parent, Rice, Small, Smith, Stevens, A.; Stevenson, Taylor, Wentworth.

NAY - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bost, Bott, Boutilier, Bragg, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Davis, Diamond, Dore, Dutremble, L.; Erwin, P.; Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hogle, Holloway, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lawrence, Lisnik, Lord, MacBride, Mahany, Manning, Marsano, Matthews, K.; Mayo, McGowan, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Reeves, Richard, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Soucy, Stanley, Stevens, P.; Strout, B.; Strout, D.; Swazey, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Weymouth, Whitcomb, Willey, Zirnkilton, The Speaker.

ABSENT - Baker, Conley, Duffy, Hale, Martin, H.; Ridley, Tammaro, Tardy.

Yes, 18; No, 123; Absent, 8; Vacant, 2; Paired, 0; Excused, 0.

18 having voted in the affirmative and 123 in the negative with 8 being absent and 2 vacant, the motion did not prevail.

The SPEAKER: A roll call has been ordered. 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 is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 65

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Davis, Dexter, Diamond, Dore, Dutremble, L.; Erwin, P.; Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hogle, Holloway, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lawrence, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsano, Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Reeves, Rice, Richard, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirnkilton, The Speaker.

NAY - Brown, Dellert, Farren, Ingraham, Jackson, Lebowitz, Macomber, Parent, Smith.

ABSENT - Baker, Conley, Duffy, Hale, Martin, H.; Ridley, Tammaro, Tardy.

Yes, 132; No, 9; Absent, 8; Vacant, 2; Paired, 0; Excused, 0.

132 having voted in the affirmative and 9 in the negative with 8 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

LATER TODAY ASSIGNED

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

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

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

Representative STEVENSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, I understand that there might be a problem with this and I move that it be postponed until later in today's session.

On motion of Representative Murphy of Kennebunk, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

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

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

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

Representative SMITH: Mr. Speaker, Men and Women of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

This is a bad bill, so bad that it has not been around since the 111th Legislature, when it was overwhelmingly defeated. The bill allows for a training period for dogs to hunt bear, from August 1st to August 31st. The bill is so bad they exclude Washington and Hancock counties from the areas allowed for the training. The bill is so bad that only residents are allowed to train bear dogs. The bill is so bad that only a few states allow the training of bear dogs and that is in the Statement of Fact. You should read Committee Amendment "A" to L.D. 385.

I have had many complaints in my area about hunting with dogs, leaving the dogs in the woods. One large landowner told me that he did allow dogs hunting in his area but, because the deer got so scarce, he felt that the dogs being left in the woods, was a problem and, therefore, he now does not allow the dogs to be used.

The dog doesn't know that he is just training -- his bite is just the same as in the period of the regular season, slashing away at the bear until the bear is able to get up a tree, bleeding and waiting to be killed. The trainer then comes in -- he has an electronic device, this is a new system they have now -- they have a radio caller on the lead dog and he has this electronic device which he sets back in his ATV or his four wheel drive, and rides around, maybe has one, waiting for the bear to be treed. Then he goes in and, if the bear is treed, he calls off his dogs, goes back, the bear licks its wounds and waits for another hunt.

During the regular season, of course if he has a bear treed, he can shoot the bear and put it out of its misery but this one is just a training period so the bear is left bleeding and whatever. The dogs are called off and he goes back and tries it another day. To me, this is not a good sport and I feel that this bill and all its accompanying papers should be indefinitely postponed. I would ask for a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Smith of Island Falls that L.D. 385 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 66

YEA - Anderson, Anthony, Begley, Bott, Brown, Clark, M.; Coles, Cote, Curran, Davis, Dexter, Dore, Dutremble, L.; Farnum, Foss, Garland, Gurney, Handy, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Holloway, Ingraham, Jalbert, Lacroix, LaPointe, Lawrence, Lebowitz, Macomber, Martin, H.; Matthews, K.; McHenry, McPherson, Melendy, Mitchell, Murphy, E.; Nutting, O'Gara, Paradis, E.; Paradis, J.; Priest, Racine, Richard, Rydell, Salsbury, Seavey, Sheltra, Smith, Soucy, Stanley, Stevens, A.; Stevens,

P.; Stevenson, Tupper, Webster, M.; Wentworth, Willey, Zirkilton.

NAY - Aliberti, Allen, Armstrong, Bailey, Bickford, Bost, Boutillier, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Crowley, Dellert, Diamond, Erwin, P.; Farren, Foster, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hanley, Hoglund, Holt, Hussey, Jackson, Jacques, Joseph, Ketover, Kilkelly, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsano, Mayo, McGowan, Michaud, Mills, Moholland, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Paradis, P.; Parent, Perry, Pines, Pouliot, Rand, Reed, Rice, Rolde, Rotondi, Ruhlin, Scarpino, Sherburne, Simpson, Small, Strout, B.; Strout, D.; Swazey, Taylor, Telow, Thistle, Tracy, Vose, Walker, Warren, Weymouth, Whitcomb.

ABSENT - Baker, Bragg, Conley, Duffy, Kimball, McSweeney, Paul, Reeves, Ridley, Tammaro, Tardy, The Speaker.

Yes, 61; No, 76; Absent, 12; Vacant, 2; Paired, 0; Excused, 0.

61 having voted in the affirmative and 76 in the negative with 12 being absent and 2 vacant, the motion did not prevail.

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

Representative SMITH: Mr. Speaker, Men and Women of the House: There were quite a number of people out -- a point of inquiry?

May I debate this issue again at this time?

The SPEAKER: The Chair would answer in the affirmative. The pending question is enactment.

Representative SMITH: Ladies and Gentlemen of the House: There were some people out and I would hope that you would look at this bill.

I will run through it once more and tell you what we are voting on. The training period of one month for bear dogs -- that is the period of time when the hunter or guides use one lead dog with a collar, set the dogs free, four in a pack, to go out and chase bear. Now after the bear is treed, this guide or the trainer has an electronic device which he can then locate the dogs and go in and call them off. Now the bear can be pretty well chewed up. He cannot shoot the bear because it is out of season so, therefore, he just calls off his dogs and goes back.

During the regular season the same thing happens, of course, but he can shoot the bear and put him out of his misery. This really isn't a sport to me, the dogs do all the work. The guides run around on their ATV's or four wheel drives, whatever they can get around with, and then wait for the dogs to do their work and then come in with their electronic device to call off the dogs during this training season. Very few states allow this -- Hancock County was taken out, Washington County was taken out, and, to me, it really is a poor sport. I feel that we should vote against this measure.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Harper.

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge your support to indefinitely postpone this bill. Carl Smith has described the problems just as it is, this is not sport, but it is sadism. There are many complaints coming in from my area and I would appreciate your support.

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

Representative ANTHONY: Mr. Speaker, may I pose a question?

My question is to ask the committee recommendation -- was this a divided report or unanimous report or what was the division on the committee recommendation in regards to this bill?

At this point, the Clerk read the Committee Report.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: As I stated before, I will not debate biological Fish and Wildlife issues with emotions and I don't intend to do that today.

Just a couple of points of clarification. In the event that you have bear dogs chasing bear, it has been my experience, and I have yet to have anyone prove different, the bear is very rarely the one that gets chewed up and most of the time it is the dogs that get chewed up. A black bear is a very capable creature and it just doesn't happen that way. I guess it sounds good if you are telling your kids some bedtime stories but that is not the fact of the matter.

The reason that Washington, Hancock, and Knox Counties were exempted was because there were blueberry pickers in the field at that time and there was some concern on what would happen if people were out there picking blueberries and a bear and four dogs went charging through.

The reason that I sponsored this bill is a very simple one. Under current law, if somebody has a problem with bear in the month of August in their orchards, corn fields, oat and barley fields, bee hives or whatever, they can call a warden, the warden calls a professional hunter, he comes over there, they run the bear down and they kill the bear. They can do that as long as there is bear in that area posing problems to the resources of the farmer.

I figured it made a lot more sense to allow them to run the bear out and, hopefully by running them out of the corn patch a couple of times, the bear would not come back there and that problem would not be there, at least for that particular farmer. The bear would not be killed and he would be safe for another day and probably be safe in general. That is the reason I supported the bill.

I don't feel that strongly about it one way or the other. It is much like the doe permit system, it is a matter of biological or nonbiological, social versus emotional. I am not going to argue it on emotional, I don't hunt bear, and how you vote is up to you.

I was looking at it in a way to save bears, not kill bears. Don't doubt it for a minute, ladies and gentlemen of the House, that is exactly what happens when you have a bear problem in the month of August now, it is run down, it is treed, it is trapped, whatever, but the bear ends up dead because the farmer's produce is his livelihood and that is the only way you can take care of it. They don't usually stop until they have taken care of every bear in the county and I have a problem with that and I think you should too.

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

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: This body -- we -- just passed a bill to avoid harassment of bald eagles. Why aren't the bear entitled to protection and humane treatment too?

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: If I understand this thing

correctly, it is the most cruel bill that has been before this body in the time that I have been here. It is even more cruel than not allowing smoking in public places. If anything gets killed, I hope it is the bill, and not the bear and the dogs.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Early on in this session, I placed in a bill that I thought that farmers might be concerned about. I talked to Mr. Olson who represents them in regard to bear problems. He said there hadn't been any lately. Having served on the Agriculture Committee early on, at one time, there were problems. Today, everything is commercial and that is what this bill is all about, commercial. With the electronic devices, there are more people in the bear business than anything else and the whole game situation is going to go that way. I will tell you, this is nothing but commercial game. There are more people in the bear business than ever and they are going to continue. Bear has been declared a big game animal but we do not give it the protection of a big game animal. We are using it simply for commercial gain.

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

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: The trend in Maine seems to outlaw the hunting of more and more animals. I have no problem with that, I have no great problem. The Department of Fisheries and Wildlife runs on a dedicated fund. I hope every time you vote to outlaw license fee money coming to that department, you will think about passing legislation that will take the money to operate that department out of the General Fund and then we can use the little cameras instead of the gun.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Sherburne.

Representative SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: I think there are a few people in this House that don't understand what bear can do when they get in a farmers crops. I have been a farmer all my life and I have raised a lot of corn and I think I have raised a few bear or at least helped.

When a bear goes into a corn field that is well eared and the corn is in the milk stage, which they really love, they can damage corn to the point that there is absolutely no way a farmer can harvest any part of it.

I have seen fields where an old bear has set right on her rear end, hitched along, take one hitch and then she would take a sweep out with her front paw and drag in several stalks of corn, take one bite out of one ear of corn and hitch again. Probably one real hungry bear, in one night, can destroy a patch of heavy corn as large as this House. They flatten that down so flat that there is no way in the world that any equipment will pick it up. The only thing that we can do to protect that corn is call in a professional who has dogs, and sure enough -- in one field of ours in five days, they took out six large bear. Now, if they hadn't taken them out, we just wouldn't have had to harvest at all.

I hope you will support this bill.

Representative Smith of Island Falls was granted unanimous consent to address the House a third time.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I can understand Representative Sherburne's concern but they do have a game management program now that will address those

situations. They do not need a special training season for this, you are giving them two seasons. You are giving them a regular season and a training season. Now, if you have a lead dog and you put other dogs with it during the regular season, then they certainly will be trained. It is like chasing deer, you get one dog chasing deer and the whole neighborhood, if the dogs are let loose, will follow that dog and they will all chase deer. I don't believe there is a problem of having these dogs being trained during the regular season.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I beg your patience but a little more information. In this animal welfare program that Representative Smith talked about, you know who the game warden calls to help the farmer? He doesn't call Jack and Jill, he calls a professional bear hunter. The law says they can only run four dogs and that means four dogs. The law makes it -- residents only -- so it will usually be professional people from the area that know the area, the lay of the land, because nobody is going to travel 100 miles to go help farmer Brown on one side of the state with their problems when he has got all kinds of bear in his area.

The Deputy Commissioner told us that bear problems have not decreased, they are just as prevalent as they ever were, because there are more bear in this state and the problem is going to become more prevalent.

Doesn't it make more sense to help the farmer out by chasing the bear out and maybe allowing somebody to take some pictures of that bear than it is having a professional hunter come in there and shoot six or eight or ten bear, because it is the farmer's livelihood that is at stake and the game warden has no choice under current Maine law, no choice at all. He is going to turn to those very professional people -- so what a guy can do now is just get a permit to take care of nuisance bears and he will run his dogs the whole month of August with no controls whatsoever, none. His only obligation is to get the bear for the farmer.

Mr. Speaker, I would request a roll call please.

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 Dexter, Representative Sherburne.

Representative SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: My good friend, Representative Smith, said that we should not be training the bear at this time of year, through the month of August. Through the month of August, the corn is not ready to harvest and this is when the bear likes it the best and does the most damage. This is the only time really that the farmer needs the expertise of the professional bear hunter. This is the time when this kind of work has to be done or the farmer doesn't get his corn.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker and Members of the House: Briefly, I would like to concur with the Representative from Dexter and the Representative

from Waterville. This really is a choice whether you want to save some bear or allow them to be shot at will. Believe me, there are people in the communities where the farmers live, who are very anxious to receive a call from the warden to go after a nuisance bear so there is no problem getting someone to shoot bear that are causing a problem in a certain farmer's crop no matter what the commodity.

I fully concur with the Representative from Waterville, this legislation may allow a few bear to live, but live in an area where they won't be a nuisance.

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted. Those in favor of enactment will vote yes; those opposed will vote no.

ROLL CALL NO. 67

YEA - Aliberti, Allen, Anthony, Armstrong, Bailey, Bickford, Bost, Boutilier, Bragg, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Cote, Crowley, Davis, Dellert, Diamond, Dore, Dutremble, L.; Erwin, P.; Farnum, Farren, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hoglund, Holloway, Holt, Hussey, Jackson, Jacques, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lawrence, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsano, Mayo, McGowan, McPherson, Melendy, Michaud, Mills, Moholland, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Rand, Reed, Rice, Rolde, Rotondi, Ruhlin, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Stanley, Stevenson, Strout, B.; Strout, D.; Swazey, Taylor, Telow, Thistle, Tracy, Vose, Walker, Warren, Wentworth, Weymouth, Whitcomb, Zirkilton.

NAY - Anderson, Begley, Bott, Brown, Clark, M.; Curran, Dexter, Foss, Handy, Harper, Ingraham, Jalbert, Lebowitz, Macomber, Martin, H.; Matthews, K.; McHenry, Mitchell, Murphy, E.; O'Gara, Paradis, E.; Priest, Racine, Reeves, Richard, Rydell, Salisbury, Small, Smith, Soucy, Stevens, A.; Stevens, P.; Tupper, Webster, M.; Willey.

ABSENT - Baker, Coles, Conley, Duffy, Foster, Kimball, McSweeney, Ridley, Tamaro, Tardy, The Speaker.

Yes, 103; No, 35; Absent, 11; Vacant, 2; Paired, 0; Excused, 0.

103 having voted in the affirmative and 35 in the negative with 11 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

LATER TODAY ASSIGNED

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

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

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

PASSED TO BE ENACTED

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)

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 Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENGROSSED

As Amended

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

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

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 1567 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-152) and moved its adoption.

House Amendment "A" (H-152) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-152) in non-concurrence and sent up for concurrence.

FINALLY PASSED

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

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

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY  
UNFINISHED BUSINESS

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

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

Bill "An Act to Provide Special License Plates and Decals for People with Hearing Impairments" (H.P. 1106) (L.D. 1498)

- In House, Passed to be Engrossed on May 12, 1987.

- In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-63) in non-concurrence.

TABLED - May 19, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Further Consideration.

On motion of Representative Diamond of Bangor, retabled pending further consideration and specially assigned for Thursday, May 21, 1987.

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

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

TABLED - May 19, 1987 (Till Later Today) by Representative MANNING of Portland.

PENDING - Passage to be Enacted.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 518 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-61) was adopted.

The same Representative offered House Amendment "A" (H-155) to Committee Amendment "A" (S-61) and moved its adoption.

House Amendment "A" (H-155) to Committee Amendment "A" (S-61) was read by the Clerk and adopted.

Committee Amendment "A" (S-61) as amended by House Amendment "A" (H-155) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

An Act to Amend the Maine Tort Claims Act (H.P. 682) (L.D. 923) (C. "A" H-108)

TABLED - May 19, 1987 by Representative PARADIS of Augusta.

PENDING - Passage to be Enacted.

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

The Chair laid before the House the following matter: Bill "An Act to Amend the Law Regarding the Violation of Imprudent Speed" (S.P. 362) (L.D. 1097), which was tabled earlier in the day and later today assigned pending further consideration.

(The Majority "Ought Not to Pass" Report of the Committee on Transportation was read and accepted in the House on May 19, 1987.)

(Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought to Pass" Report of the Committee on Transportation was read and accepted and the Bill passed to be engrossed in non-concurrence.)

Subsequently, the House voted to adhere.

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

SENATE PAPER

Bill "An Act Relating to the Maine Milk Commission" (S.P. 540) (L.D. 1632)

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

Was referred to the Committee on Agriculture in concurrence.

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 to Exempt Prisoners from the Provisions of the Workers' Compensation Act" (H.P. 542) (L.D. 726) which was passed to be engrossed as amended by House Amendment "A" (H-15) in the House on March 12, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-71) in non-concurrence.

The House voted to recede and concur.

(Off Record Remarks)

Representative Racine of Biddeford was granted unanimous consent to address the House:

Representative RACINE: Roll Call Vote No. 61, which was "An Act to Extend Maine's Bottle Bill," I was listed as being absent. I guess I must have fallen asleep at the switch. I would like the Record to show that I would have voted yes.

(Off Record Remarks)

On motion of Representative Jacques of Waterville, Recessed until 5:00 p.m. in the afternoon.

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.

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

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Communication:  
The Senate of Maine  
Augusta

May 20, 1987  
Honorable Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333  
Dear Clerk Pert:

Please be advised that the Senate today appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on 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):

Senator Usher of Cumberland  
Senator Clark of Cumberland  
Senator Black of Cumberland

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

Was read and ordered placed on file.

REPORTS OF COMMITTEES  
Unanimous Ought Not to Pass

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Exclude from Sales and Use Tax Transfers of Vehicles from Corporations to the Owner of the Stock of the Corporation" (H.P. 782) (L.D. 1054) reporting "Ought Not to Pass"

Representative MITCHELL from the Committee on Marine Resources on Bill "An Act Regarding Lobster

Fishing" (H.P. 1028) (L.D. 1386) reporting "Ought Not to Pass"

Representative COLES from the Committee on Energy and Natural Resources on Bill "An Act to Clarify the Responsibilities of State and Federal Laws Regarding the Chemical Substance Identification Laws" (H.P. 967) (L.D. 1296) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on RESOLVE, to Study Heating Oil, Gasoline and Propane Gas Pricing Factors in the State (H.P. 889) (L.D. 1190) reporting "Ought Not to Pass"

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act Concerning Road Improvement Costs Related to Private Development Projects" (H.P. 989) (L.D. 1335) reporting "Ought Not to Pass"

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Ensure Rail Safety When Operating a Freight Train without a Caboose" (H.P. 842) (L.D. 1133) 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 DEXTER from the Committee on Energy and Natural Resources on Bill "An Act to Permit Alteration of the Valley Brook Stream" (H.P. 1064) (L.D. 1447) reporting "Leave to Withdraw"

Representative MAHANY from the Committee on Economic Development on Bill "An Act to Create Job Opportunity Zones" (H.P. 1057) (L.D. 1427) reporting "Leave to Withdraw"

Representative SOUCY from the Committee on Transportation on Bill "An Act to Equalize Truck Weights on All Maine Roads" (H.P. 978) (L.D. 1325) reporting "Leave to Withdraw"

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Provide Training for New School Bus Drivers" (H.P. 606) (L.D. 824) reporting "Leave to Withdraw"

Representative BOUTILIER from the Committee on State and Local Government on Bill "An Act to Create a Private Enterprise Act" (H.P. 31) (L.D. 32) reporting "Leave to Withdraw"

Representative LOOK from the Committee on State and Local Government on Bill "An Act Concerning Information on Proposed Agency Rules Provided to Legislative Committee Members" (H.P. 832) (L.D. 1123) reporting "Leave to Withdraw"

Representative LOOK from the Committee on State and Local Government on Bill "An Act to Reform Regulatory Proceedings under Rulemaking of the Maine Administrative Procedure Act" (H.P. 495) (L.D. 665) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Improve the Method of Calculating Excise Taxes in Fire Control" (H.P. 1007) (L.D. 1354) reporting "Leave to Withdraw"

Representative WARREN from the Committee on Judiciary on Bill "An Act to Streamline Costs in the Criminal Justice System and Ensure the Constitutional Rights of Indigent Defendants" (H.P. 787) (L.D. 1059) reporting "Leave to Withdraw"

Representative WARREN from the Committee on Judiciary on Bill "An Act Relating to the Uniform Limited Partnership Act" (H.P. 1018) (L.D. 1371) reporting "Leave to Withdraw"

Representative MACOMBER from the Committee on Transportation on Bill "An Act Concerning the Authority of Crossing Guards in Reporting Motor

Vehicle Violations" (H.P. 948) (L.D. 1277) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act to Make Liquor Retail Prices Uniform Throughout the State" (H.P. 94) (L.D. 103) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Creating a Study on Uniform Liquor Pricing and Other Factors in the Operation of the State Liquor Commission and the Bureau of Alcoholic Beverages" (Emergency) (H.P. 1206) (L.D. 1644)

Signed:

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

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

Signed:

Senator: DILLENBACK of Cumberland

Reports were read

On motion of Representative Priest of Brunswick, the House accepted the Majority "Ought to Pass" Report, the New Draft read once and assigned for second reading Thursday, May 21, 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. 373) (L.D. 494) Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) Committee on Transportation reporting "Ought to Pass"

(S.P. 500) (L.D. 1517) Bill "An Act to Clarify Eligibility for the Group Accident and Sickness or Health Insurance Program" (Emergency) Committee on Banking and Insurance reporting "Ought to Pass"

(S.P. 425) (L.D. 1305) Bill "An Act to Modify the Statute of Limitations' Provision of the Maine Criminal Code and Maine Juvenile Code so they Clearly Cross-reference One Another" Committee on Judiciary reporting "Ought to Pass"

(S.P. 360) (L.D. 1095) Bill "An Act Requiring Evaluation of New England Electric Power Pool Membership" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-69)

(S.P. 377) (L.D. 1142) Bill "An Act Amending the Service of Process Laws" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-70)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 21, 1987, under the listing of Second Day.

PASSED TO BE ENGROSSED

Bill "An Act Relating to Terms of Office for Trustees of the Kennebec Water District" (H.P. 1201) (L.D. 1638)

Bill "An Act to Clarify the Definition and Application of Active State Service in the Defense Laws" (H.P. 1202) (L.D. 1640)

Bill "An Act to Simplify the Method of Enforcing Health Benefit Liens" (H.P. 1203) (L.D. 1641)

Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations" (H.P. 1204) (L.D. 1642)

Bill "An Act to Give Local Election Wardens Authority Concerning Gathering Petition Signatures" (H.P. 1205) (L.D. 1643)

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 Extend Maine's Bottle Bill" (H.P. 662) (L.D. 895)

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

On motion of Representative Allen of Washington, tabled pending passage to be engrossed and specially assigned for Thursday, May 21, 1987.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Prohibit Smoking in Public Areas of Publicly Owned Buildings" (H.P. 270) (L.D. 353) (C. "A" H-151)

Was 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 matter: Bill "An Act Relating to the Membership of the Waldo County Budget Committee" (H.P. 840) (L.D. 1131) (C. "A" H-125) which was tabled earlier in the day and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 2 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 following matter: Bill "An Act to Enhance the Activities of the Maine Highway Safety Committee" (H.P. 511) (L.D. 684) (C. "A" H-126) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Thursday, May 21, 1987.

The Chair laid before the House the following matter: Bill "An Act to Amend the Maine Tort Claims Act" (H.P. 682) (L.D. 923) (C. "A" H-108) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Thursday, May 21, 1987,

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

CONSENT CALENDAR

First Day

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

(H.P. 945) (L.D. 1268) Bill "An Act to Clarify and Amend the Treatment of Overboard Effluent Discharges into the Waters of the State" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-156)

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday May 21, 1987, under the listing of Second Day.

(H.P. 1139) (L.D. 1549) Bill "An Act to Change the Perry-Pembroke Boundary Line" (Emergency) Committee on State and Local Government reporting "Ought to Pass"

On motion of Representative Carroll of Gray, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the bill read once and assigned for second reading Thursday, May 21, 1987.

(H.P. 1066) (L.D. 1449) Bill "An Act to Establish an Exemption from the Waste Water Discharge Licensing Requirement for Certain Holders of Aquatic Pesticide Permits" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday May 21, 1987, under the listing of Second Day.

Reference is made to (H.P. 863) (L.D. 1164) Bill "An Act Concerning Proof of Insurance on School Buses"

In reference to the action of the House on May 20, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative CLARK of Millinocket  
Representative MOHOLLAND of Princeton  
Representative STROUT of Corinth

(Off Record Remarks)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide Assistance to Victims of Natural Disasters (H.P. 1197) (L.D. 1631)

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. 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.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Willey of Hampden, Adjourned until Thursday, May 21, 1987, at nine o'clock in the morning.