

MAINE STATE LEGISLATURE

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
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FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
Index

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987
Index

SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending ENACTMENT.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and
Later Today assigned matter:

Bill "An Act to Enhance the Ability of the State
to Respond to the Informational Needs of Maine
Businesses"

H.P. 1658 L.D. 2268

Tabled - February 17, 1988, by Senator CLARK of
Cumberland.

Pending - REFERENCE

(In Senate, February 17, 1988, Study Report READ
and ACCEPTED, in concurrence.)

(In House, February 16, 1988, Study Report READ
and ACCEPTED and the Bill referred to the Committee
on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant
to Joint Rule 19.)

Which was referred to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED
PRINTED pursuant to Joint Rule 19 in NON-CONCURRENCE.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

On motion by Senator DOW of Kennebec, ADJOURNED
until Thursday, February 18, 1988, at 10:00 in the
morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE

SECOND REGULAR SESSION

26th Legislative Day

Thursday, February 18, 1988

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

Prayer by Reverend Carlton Gunn, Pride's Corner
Congregational Church, Westbrook.

The Journal of Wednesday, February 17, 1988, was
read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 882)

JOINT RESOLUTION MEMORIALIZING

THE PRESIDENT OF THE UNITED STATES

AND THE CONGRESS OF THE UNITED STATES

TO URGE THE RETENTION OF MORTGAGE REVENUE BONDS

AS A FINANCIAL MECHANISM AUTHORIZED BY THE FEDERAL

TAX CODE TO ASSIST IN ADDRESSING THE CRITICAL

PROBLEM OF AFFORDABLE SINGLE-FAMILY HOUSING

WE, your Memorialists, the Senate and House of
Representatives of the State of Maine in the Second
Regular Session of the 113th Legislature, now
assembled, most respectfully present and petition the
President of the United States and the members of
Congress from the several states as follows:

WHEREAS, current federal law provides for the
elimination of the tax-exempt status for revenue
bonds sold by states to provide affordable mortgage
capital to first-time home buyers; and

WHEREAS, the availability of mortgage revenue
bonds is a critical element in the State of Maine's
ability to address a continuing problem of lack of
affordable mortgage capital for Maine's working
families; and

WHEREAS, since the sale of its first mortgage
revenue bond in 1972, the State of Maine has been
able to provide the dream of homeownership to over
16,500 Maine families because of the availability of
mortgage revenue bonds; and

WHEREAS, the Maine housing market faces a
critical problem of increasing disparity between
income and home costs, making the necessary monthly
payments on a home too high for thousands of Maine
families to afford at conventional interest rates; and

WHEREAS, the availability of affordable housing
is recognized as a critical element in the continued
economic health and social strength of the State of
Maine; and

WHEREAS, the State of Maine has a long-standing
financial and programmatic commitment to the
provision of affordable housing; and

WHEREAS, the availability of mortgage revenue
bonds is essential if Maine working families are to
be able to afford to purchase a home of their own and
the State of Maine remain able to meet its commitment
to assist its people in attaining the dream of
homeownership; now, therefore, be it

RESOLVED: That We, your Memorialists,
respectfully urge that legislation introduced into
the House of Representatives and Senate of the United
States Congress be enacted forthwith to extend for at
least another 5 years the availability of
single-family mortgage revenue bonds; and be it
further

RESOLVED: That the Maine Legislature respectfully
requests that the Representatives of the several
states in Congress of the United States and the
President of the United States act to make sure that
no interruption in the availability of single-family
mortgage revenue bonds will occur; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Ronald W. Reagan, President of the United States; to the Honorable George Bush, President of the Senate; to the Honorable James Wright, Speaker of the House of Representatives; and to each member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.
Was read and adopted in concurrence.

Bill "An Act to Provide Replacement Funding and Capital for the Maine Fire Training and Education Program as offered by the Southern Maine Vocational-Technical Institute" (S.P. 875) (L.D. 2278)

Bill "An Act to Provide Volunteer Literacy Services for Maine Citizens" (S.P. 876) (L.D. 2279)
Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Require Motor Vehicle Ignition Interlock Devices for Persons with Restricted Driving Privileges Involving Drugs or Alcohol" (S.P. 878) (L.D. 2281)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Enhance Enforcement of the Handicapped Parking Laws" (S.P. 879) (L.D. 2282)

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

Was referred to the Committee on Transportation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Authorize an Increase in Membership of the Brewer Water District" (S.P. 744) (L.D. 2003)

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

Non-Concurrent Matter

Bill "An Act to Enhance the Ability of the State to Respond to the Informational Needs of Maine Businesses" (H.P. 1658) (L.D. 2268) which was referred to the Committee on Economic Development in the House on February 16, 1988.

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

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 881)

COMMITTEE ON JUDICIARY

ONE HUNDRED AND THIRTEENTH LEGISLATURE

February 16, 1988

The Hon. Charles P. Pray, Chairman
Legislative Council
State House
Augusta, ME 04333

Dear Mr. President:

The Joint Standing Committee on Judiciary is pleased to submit the attached report of our study of Driving Under the Influence of Illegal Drugs pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts to combat drug abuse and its effects on society.

Sincerely,

S/Sen. Joseph C. Brannigan S/Rep. Patrick E. Paradis
Senate Chair House Chair

Came from the Senate, read and with accompanying report ordered placed on file.

Was read and with accompanying report ordered placed on file in concurrence.

The following Communication:

STATE OF MAINE

DEPARTMENT OF HUMAN SERVICES

AUGUSTA, MAINE 04333

February 12, 1988

To: Honorable John L. Martin, Speaker of the House
Honorable Charles P. Pray, President of the Senate
From: s/Rollin Ives, Commissioner, Department of Human Services

Subject: Maine Social Services Report

Enclosed is the 1987 Maine Social Services Report pursuant to 5 M.R.S.A., Chapter 148-A, Sections 1641-1643.

We apologize for the delay and look forward to being more timely in our 1988 report due to you prior to December 1, 1988.

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Appropriations and Financial Affairs

Bill "An Act to Establish an Occupational Health Program" (H.P. 1676) (L.D. 2295) (Presented by Representative CHONKO of Topsham) (Cosponsors: Representatives MANNING of Portland, McGOWAN of Canaan and CARTER of Winslow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Study Report - Committee on Economic Development

Representative HICHBORN from the Committee on Economic Development to which was referred by the Legislative Council the Study Relative to Regional Economic Development Strategies and Policies and the Implementation of these Strategies have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Determine the Extent and Impact of Unemployed Persons No Longer Eligible for Unemployment Insurance Upon the State of Maine" (Emergency) (H.P. 1674) (L.D. 2293) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

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

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CONLEY from the Committee on Judiciary on Bill "An Act Affecting Joint and Several Liability" (H.P. 198) (L.D. 250) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Exempt Directors of Credit Unions from Liability on Certain Matters" (H.P. 255) (L.D. 338) reporting "Leave to Withdraw"

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act Limiting the Liability of Directors and Officers of Charitable Organizations" (H.P. 467) (L.D. 634) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on Labor on Bill "An Act to Extend Unemployment Benefits Under Certain Economic Conditions" (Emergency) (H.P. 1603) (L.D. 2194) reporting "Leave to Withdraw"

Representative SWAZEY from the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Municipalities to Waive Property Taxes for Residents who are 70 Years or Older (H.P. 1564) (L.D. 2131) reporting "Leave to Withdraw"

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

Refer to the Committee on Agriculture

Representative LISNIK from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds for the Seed Potato Breeding Program" (H.P. 1605) (L.D. 2196) reporting that it be referred to the Committee on Agriculture.

Report was read and accepted and the bill referred to the Committee on Agriculture and sent up for concurrence.

Refer to the Committee on Agriculture

Representative LISNIK from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for a State Trademark for Maine Products" (H.P. 1608) (L.D. 2199) reporting that it be referred to the Committee on Agriculture.

Report was read and accepted and the bill referred to the Committee on Agriculture and sent up for concurrence.

Ought to Pass in New Draft

Representative WEYMOUTH from the Committee on Utilities on Bill "An Act to Incorporate the Pembroke Utilities District" (Emergency) (H.P. 501) (L.D. 671) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1675) (L.D. 2294)

Report was read and accepted, the New Draft read once and assigned for second reading Friday, February 19, 1988.

CONSENT CALENDAR

First Day

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

(H.P. 1509) (L.D. 2059) Bill "An Act to Amend Procedures Under the Unclaimed Motor Vehicle Laws" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-451)

There being no objections, the above item was ordered to appear on the Consent Calendar of Friday, February 19, 1988, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 738) (L.D. 1997) Bill "An Act to Authorize the Bureau of Banking, Securities Division, to Adopt a Simplified Registration Statement for Limited Public Offerings"

(S.P. 733) (L.D. 1992) Bill "An Act to Strengthen the Disciplinary Authority of Various State Regulatory Boards" (C. "A" S-315)

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

PASSED TO BE ENGROSSED

Bill "An Act Relating to Disclosures when Selling Used Cars" (H.P. 1435) (L.D. 1952)

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

Representative Murphy of Berwick offered House Amendment "A" (H-450) and moved its adoption.

House Amendment "A" (H-450) was read by the Clerk.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: There has been quite a few questions on what we are trying to do here. The only thing that this amendment does is to strike out the written statement in Title 10, section 1475, subsection 3. It does not wipe out the whole of section 1475 nor do we want to. The only thing that we want to do is to do away with the disclosure where we have to sign a disclosure statement telling what is wrong with a car, whether we know what is wrong or we don't know what is wrong.

I feel that this is against consumer's and it is a used car dealers' bill and I would like to repeal that whole section 3.

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

Representative ALLEN: Mr. Speaker, Men and Women of the House: I move that House Amendment "A" be indefinitely postponed.

I urge you to vote for the indefinite postponement of this amendment. Though it sounds quite simple, it really is not. In effect, by eliminating subsection 3, we would eliminate all of the written information that is required when a dealer buys a car from a person who is selling a used car. In turn, that dealer sells that used car to you or I as a consumer and we virtually buy that car sight unseen. We can see damage but anything that may happen to that car prior to our purchasing it would be unbeknownst to us.

The Used Car Information Act that this legislature passed several years ago was one that always cared for and tried to protect the interest of the consuming public. The consuming public in this case is those of us who buy used cars, not those of us who sell used cars. It is imperative to us as purchasers of that vehicle that we know, in fact, what kind of damage it had sustained, both collision damage and mechanical.

I would urge you to vote against this amendment. It does more than just wipe out the section that requires that written statement, it wipes out that entire section. This section doesn't protect used car dealers because it is what they are requiring from you, it is, in fact, protecting those of us who

are buying used cars and I would urge you to vote for indefinite postponement.

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

Representative DUFFY: Mr. Speaker, Men and Women of the House: I urge you to support Representative Murphy's amendment to this bill. I strongly urge it.

This bill was tinkered with last year and I would like to quote a little bit from last year's Record. This is Representative Allen's statement to this body one year ago, "The majority of the committee felt very strongly that if someone is going to sell a used car that they list any collision damage." That is one of the changes. Instead of just relying on "substantial" collision damage, they have changed one word and written "any collision damage." So now they have brought the bill back to us and asked us to put the word "substantial" back in because apparently nobody could define how much damage was supposed to be listed.

Apparently, there is great confusion over this bill whether you put the word "substantial" in or whether you put the words "any damage" in.

I just called the Consumer Division of the Attorney General's Office. My first question was, "What form do you give to dealers to give to the seller of these automobiles to give to them?" The answer was, "We don't have any forms. The law says that we just have to submit a written statement." I also asked what the fine was. Last year in the Legislative Record we were led to believe that it was a \$100 to \$1,000 fine. There is no fine on the disclosure from the seller meaning the consumer to the dealer. The fine is levied on the dealer who misrepresents selling an automobile to another consumer.

What we are actually doing here is trying to protect the used car dealer who doesn't want to disclose any more than he has to because he can always fall back on the consumer who sold him the car. It's the only way for the dealer to remand any kind of false statement and since there are no fines, the dealer could then turn around and sue through the civil courts because that is his only regress -- that if he feels that the consumer lied to him, then the dealer can turn around and sue the person who sold him the car.

To get a fine of \$100 to \$1,000 put on the dealer, who in turns sells a car, there has to be a known misrepresentation so what does that mean? It means that the dealer can say, "Well, here is a written statement, there is no form for it, but I had him write down a statement and they didn't include what you are suing me for." Therefore, I am simply going by what the guy told me who sold the car to me. I can just say that I didn't know about the defects because it wasn't listed. Of course, there is no fine so the dealer cannot be accused of misrepresentation. In fact, all we have really done is protect the used car dealer and let him slide out of it in a small way from what the law says they have to do, like represent that car as well as they can.

I want to get back for just a minute to the word "substantial" in plain collision. It is so vague, it is what these people have to write down that we are tinkering back and forth with, on this bill. We were told a year ago that this was a consumer bill, that this was going to protect the consumer. This bill protects one person and one person only and that is the used car dealer.

I really urge you to vote for this amendment so we can straighten out what could be a very bad thing.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: If you are not confused now, you probably never will be.

Let me tell you what Representative Murphy's amendment will do, having had a little experience with this. Under the law now, a dealer has to put a sticker in the window and, on that sticker, he has to tell you of any collision or body damage that was done to the vehicle that he knows of. Another section says that he has to tell you all he knows about the mechanical defects. Now, if you traded the car in to me and you say, "There are no damages, there are no mechanical defects" and the dealer doesn't want to know any more than that so what he puts on that sticker is, "None known." That is all he has to do, none known.

Under the law that we passed last year, when I trade that car in and if I tell him that the transmission is full of motor honey or I have done this or I have done that and I sign that and give it to him, he has to put that down on the window so the person coming in at least knows that much. Okay?

When you get a car in that is a real junker, you are not going to have to deal with that anyway. Most of the dealers will send that to the auction and some poor guy that knows nothing about the car, where it came from, what happened to it, ends up getting stuck with it. He buys it on the block, you are not allowed to ask any questions except the year and the mileage, which they put on the outside of the window. When a guy keeps the car, if you really want to protect the consumer (and I say really protect the consumer, don't make believe like you are protecting the consumer) the people who write the statement down and a reputable car dealer will keep that written statement you give them in the file. When you come in about the car, they are going to say, "Is there any damage, collision damage done?" The guy is going to say, "According to the previous owner, no. Here is his statement." "Is there anything we should know in dealing with the car?" "According to the previous owner, no." I don't have any reason to believe different. If we should find out that it is different, later on down the line, then we are going back to that previous owner because he lied.

Everybody says, if you tell the used car dealer what your problems are with your car, you are going to get less money for your car. That is a crock, because when you come in to trade a car, let me tell you, most of your successful car dealers have a price of what they are going to give you for that car before you get out of the car. They already have a price -- now when they look the car over and see the tires are bad or a few things like that, they will say to you, "This car books for \$4,000 but you have bad tires, it wouldn't pass inspection, I've got to deduct \$200 because I have to put tires on there." Or your muffler might be bad. The consumer is going to go along with that because it makes sense, he can understand that. But if you tell that same person, I am going to deduct a \$1,000 from your car because you had an accident two years ago, even though it doesn't show, you know what is going to happen to that customer? He is going to get in his car and drive off your lot because people aren't stupid, they are not going to put up with that.

The whole point is, if you really want to protect the consumer, you have to put the burden on the dealer to let you know everything that he knows. When he's got something signed by me saying, "this is what is wrong with my car" and he doesn't give it to

you, you go back to the dealer and he is in big trouble. If he does give it to you, you know at least as much as that dealer knows and the previous owner knows. If you take that option away, then they are going to put "none known" on the stickers and, three months down the road when your transmission drops out, don't go back to the dealer because he didn't know about it. You would have to prove that he knew about it and, if the previous owner didn't have to tell him about it, nobody has x-ray vision, they can't look inside to see what the mechanical problems of a car are.

If you really want to protect the consumer and I am not up here standing up for the car dealer because everybody thinks they are all a bunch of crooks but most of them try to do what is right for the people. This gives the consumer a true protection because if you don't do that, you are going to have "none known" and ladies and gentlemen of the House, that is when you get into trouble.

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

Representative SHELTRA: Mr. Speaker, Men and Women of the House: I believe that my good friend Representative Jacques expressed it very well when he said to maintain the burden onto the used car dealer. If you don't adopt this amendment, you will be doing just the opposite because you are lifting the burden from this used car dealer. That is for certain.

At the public hearing, all we had present that I can recall were used car dealers and their attorneys. We had no consumer representation at the hearing. The reason that we didn't was because I suppose the law is still new. I am sure when it gets out to the general public that they will be pretty much disgruntled about this whole process.

I have never bought or submitted a used car -- when a used car dealer would tell me exactly what he was going to give me for my car without taking it out for a spin, without putting it up on the lift and looking at the mechanical attributes of that car, this is their responsibility, they are the experts, not the poor consumer.

All this bill has done or will do if it is permitted to exist is to put consumer against consumer and to exonerate the so-called expert, the dealer himself.

I hope that you will vote for this amendment.

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

Representative ALLEN: Mr. Speaker, Men and Women of the House: I would like to thank my good friend from Waterville, Representative Jacques, for putting this into a perspective that perhaps you can better understand.

I would like to add to his comments. The law continues and has since 1985 to require that a dealer post in a conspicuous spot on the vehicle any mechanical or collision damage that may have occurred to the car. Even with this amendment not adopted, the law will continue to do that. The dealer still has to post a written statement on the car saying what damage has occurred. Fortunately, if you don't give that dealer the tools that he or she needs to post that information, what Representative Jacques says will happen, will happen -- "None known." The dealer will say to you there is no known defect or collision damage to this vehicle because the person who sold him the vehicle said, "none known".

What Representative Murphy would like to do is wipe out the entire section that requires a seller, who is selling their cars to a dealer, to disclose "substantial" mechanical or collision damage that

they know is wrong with the car. That is all the section requires. The law has been on the books since 1985, it was amended last year to require that that statement be signed. We are coming to you this year asking that the word "substantial" be added.

This debate goes on beyond that single word, it wipes out an entire section. I have been in communication with the Consumer Division of the Attorney General's Office who did not testify at the hearing because they had no objection to adding the word "substantial" but I do have a written memorandum (written to me) saying that they very much need section 3, they want to retain that as an integral part of the Used Car Information Act and I would urge you to vote for the indefinite postponement of this amendment, which goes way beyond any discussion of "substantial" and it wipes out the entire section that requires disclosure on the person selling the car.

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

Representative DUFFY: Mr. Speaker, Men and Women of the House: Let me clarify just one thing and certainly hope that the Representative from Waterville tries to understand what I am trying to say.

What I am trying to say is simply this -- a year ago, they came to this legislature and said they wanted to take out the word "substantial." We have been asked by the Attorney General's Office to take out the word "substantial" because that is unclear to the people who have to make the disclosures. This year they are coming back and want the word "substantial" back in the bill because it wasn't clear without it. I think it makes a lot of sense, it is very clear to me that this law is unmanageable. It puts the burden on people who do not know what is wrong with their cars. People take their cars to the neighborhood gas station and have them fixed and they bring them back, they get a bill, and they still don't know what was done to their cars. It is unfair, it is unmanageable, and I certainly wish that you would support this amendment.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: The reason the word "substantial" is a problem is because, if you didn't have the word in there and I traded my car and I didn't tell you that the backseat had a rip in it, then I could be violating the law. If I didn't tell you that I had the wrong gas cap on my gas tank because somebody stole my other one and I got this one from the junkyard for \$5, I could be violating the law.

In the statutes now, there is a provision there that says when the dealer has to put down what work was done on the car, the word "substantial" is in there because the state will allow you to fix things like dents in the door, a little dent in the rear quarter panel, you can fix that, you do not have to put that down but if you are smart, you will tell people exactly what happened. You will say, "Look, this door was damaged from other doors opening on it, we sanded and painted it but there was no major damage to this door." That could be substantiated very easily. That is the difference but "substantial" makes a lot of sense because we do not want to nickel and dime the consumer to death -- we just want to make sure that what that consumer knows is wrong about his car, when he trades it in, is going to be passed on to the person who is going to

buy it because then he has a chance to find out (1) if it was fixed and (2) if it was fixed right.

When it comes to body work, and Representative Sheltra is right, the guy puts it on the lift, he is going to send his man out with it, he is going to make it look real good, he is going to do you a good show but I can guarantee you the used car dealer already knows what he is going to give you for a price on that car. Unless he sees the car was cut in half and built with halves put together, he is going to stick pretty close to that price.

I know of an incident where someone took a car to a dealer, they put it on a lift, checked it all out, but let me tell you, some of these body shops do a good job — four months down the road, the guy notices that he has a chrome door handle on the right side and a flat black handle on the other side. He scratched his head, checked to see if the handles had been swapped and come to find out, they had put a new door on one side. The owner of the car had it done at his own little local body shop in the neighborhood, he didn't tell the dealer, the dealer never picked up on it because that is not something that stands out right away. The guy didn't notice it for four months and he owned it, he had washed it and waxed it but come to find out, the car had been in a wreck. It wasn't a major wreck but the dealer didn't know about it. The person buying didn't know about it because you couldn't tell unless you took the inside panel off the inside of that door and then you could see it was a different colored door. The person who bought the car is the one who didn't make out because the guy who knew about it wasn't telling. That is what this is all about.

We don't want to get into the nit-picking, you know as well as I do, you can nit-pick anything you want to but the word "substantial" should have stayed in there, it made sense to stay in there, we don't want to go after the guy who didn't tell you the seat was ripped or it was the wrong visor in the car. There is a lot more to it than that.

If you really want to protect the consumer, get rid of the amendment, let the bill go along with the word "substantial" in there and, two or three years down the road, you come back and tell me if you didn't do the right thing to really protect the consumer.

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

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

Would muck in the transmission be considered as a "substantial" damage?

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

The Chair recognizes that Representative.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I would be more than happy to answer that question. I would like to know what the Representative means when he says "muck" because muck is a natural substance made of dying vegetation in mud and if that is in the transmission, you have some major problems. If you are talking about what they call "motor honey" which is a substance that is put into transmissions to allow it to operate for a short period of time, it is done so with only one intent and that is to fraud somebody because it is developed to take out the knocks and the whirs. It might last a month, it might last three months but if

somebody intentionally does that, there is only one reason they did it and that was to get that car to the dealership so they could swap it in and stick somebody else with it. I would consider that "substantial" damage because the only reason you would put that in there is because your transmission is going and you want to get another three months out of it. Yes sir.

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

Representative RACINE: Mr. Speaker, Men and Women of the House: Thank you very much. The reason I asked the question was, when the good gentleman from Waterville got up and started to speak on this bill initially, he mentioned "muck" in the transmission. I don't know — I wrote it down — probably we can check the Record later but whatever, the reason I asked the question is, if someone puts "muck" (whether it is vegetation or otherwise) and the car runs pretty smoothly and good, that may not be "substantial" to the individual that is trading in his automobile so what I am getting at is "substantial" is very difficult to interpret. People have a different interpretation.

I would like to go back to the bill here, if I may. In Paragraph 1475, a written disclosure statement is required and that written disclosure statement was included into the law and it requires that the name and address of the previous owner be available to an individual that purchases an automobile if he so desires to know who the previous owner was. The reason for that was that, I believe the legislature when they adopted this, felt that a lot of people were trading in automobiles that had some defect but were not revealing them to the car dealers. The car dealer, in conducting his visual inspection, would not disclose what he knew about the automobile. So, if you wanted to protect yourself, you would call the previous owner by telephone, identify yourself, and ask the previous owner if there was any damage to the automobile or anything you should know about it. Anyone that has an automobile that doesn't do that, I think it is ridiculous because he can get all the information he can on that automobile.

When I traded mine last year (and this was before the law became effective) I am not going to tell you what I disclosed and what I didn't, but the law was not specific as to a written statement, my name was provided to whoever bought that automobile. If they so desired, they could have called me and asked me about an 1982 Lincoln and I would have told them that it was a very good car. It was. As a matter of fact, I took that car up to northern Maine, out into the woods, came out with no problems, and I believe there was somebody up there a couple of years ago that had a 4-wheeler and got stuck in the snow. I didn't, I got out of there real well.

The consumer is very well protected under the current law so I see no necessity in requiring someone to prepare a written statement because I have my doubts that that written statement will be accurate. The information can be provided by telephone, people can call back.

I hope you will vote against the pending motion to indefinitely postpone this because I think if you want to protect the consumer, this is the way to do it.

Representative Jacques of Waterville was granted permission to address the House a third time.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I think that the Representative from Biddeford will find that I said "motor honey" and not "muck." Motor honey is

something that car dealers do use. It is now available at all consumer auto parts so everybody can buy it and have the privilege of using motor honey.

The Representative from Biddeford, Representative Racine, has stated very eloquently why you should keep the written disclosure in there because if you call the owner, which you should do, and the owner says, "I told Paul Jacques that this, this and this is wrong with the car" and you do not have that written statement from the dealer saying that, you have got them. If you take that away, then it is one person's word against the other and he says, "I am sorry, but Mr. Racine never told me that." You try to prove otherwise.

The SPEAKER: The Chair will order a vote. The pending question before the House is indefinite postponement of House Amendment "A" (H-450). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 49 in the negative, the motion did prevail.

Subsequently, L.D. 1952 was passed to be engrossed and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act Pertaining to Fire Permit Enforcement" (S.P. 865) (L.D. 2254)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper Passed to be Engrossed in concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to the Powers of the Maine Youth Center Employees (S.P. 729) (L.D. 1988) (C. "A" S-314)

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. 126 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENGROSSED

Emergency Measure

An Act to Make Substantive Corrections in the County and Municipal Laws (H.P. 35) (L.D. 36) (H. "A" H-444 to C. "B" H-442 and H. "B" H-445)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Home Rule Authority of Municipalities (H.P. 384) (L.D. 506) (C. "B" H-441)

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. 120 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend Reporting Deadlines under the Therapeutic Pharmaceutical Monitoring Panel (H.P. 1491) (L.D. 2041)

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. 122 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Voting Method of Expansion of the Harrison Water District (H.P. 1496) (L.D. 2046)

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. 123 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.

ENACTOR

Tabled and Assigned

An Act to Amend Laws Relating to Certain Licensing Boards (H.P. 1255) (L.D. 1713) (C. "A" H-443)

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

On motion of Representative Allen of Washington, tabled pending passage to be enacted and specially assigned for Friday, February 19, 1988.

PASSED TO BE ENACTED

An Act to Add the Commissioner of Public Safety to the Alcohol and Drug Abuse Planning Committee (H.P. 1461) (L.D. 1972)

An Act to Amend the Charter of the Limestone Water and Sewer District (H.P. 1547) (L.D. 2107)

An Act to Prohibit Hunting, Trapping, Molesting or Harassing of Bear near Dumps (H.P. 1635) (L.D. 2234)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

JOINT RESOLUTION in Honor of Carrie S. Berry (H.P. 1654)

TABLED - February 17, 1988 by Representative DIAMOND of Bangor.

PENDING - Adoption.

Was read.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: It has been my happy privilege to know Carrie Berry for these 30 years and I agree with everything that has been said in this Resolution. She is a delightful and wonderful lady. It is my pleasure to be her friend.

Subsequently, was adopted and sent up for concurrence.

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

Bill "An Act Allowing the Town of Island Falls to Annex Township 4, Range 3 WELS in Aroostook County" (H.P. 1017) (L.D. 1370)

- In House, Majority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-437) on February 4, 1988.

- In Senate, Minority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted in non-concurrence.

TABLED - February 17, 1988 by Representative CARROLL of Gray.

PENDING - Further Consideration.

Representative Carroll of Gray moved that the House adhere.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I ask that we vote to recede and concur and request a roll call.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I move that we recede and concur and request a roll call.

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

Representative SMITH: Mr. Speaker, Men and Women of the House: First, I would like to say that I do not own any land on either body of water. If this helps the town of Island Falls, we will all be helped in the same manner. I have no personal gain.

The town of Island Falls has already voted to Annex Township 4, Range 3 WELS but some are saying that the town does not want to do this. The amendment states that we will have to back and vote again so that cannot be a good argument.

Some would suggest that we do not know what we are getting into. Well, I wonder how we ever managed to ever get along through the years without their direction?

Do we not have a right of self-determination? The Governor is quoted as saying, "I do not believe", he said, "that Augusta should be telling local communities how they ought to look." I think we can all agree to that.

It is a unique situation where there are two bodies of water that is about half in Island Falls and half in Township 4, Range 3 that we are talking about. We have input on the upper half but nothing to say on the lower half, that is our concern.

If anyone would care to see the material that I have gathered together, I would be more than pleased to show you. I have a letter from the Town Clerk stating the vote of the Island Falls Town Meeting of March 1987. I have nine letters from the surrounding towns stating there are no residents in Township 4, Range 3. I have a letter from the Bureau of Taxation stating that property records show no legal residents in Township 4, Range 3. I have letters of approval from three selectmen of Island Falls, we have just the three. I have a letter from the tax assessor which shows how we would lose in school subsidy and what the tax makeup we would receive so we know what we would be getting into in that sense. I have a letter from the Attorney General's Office that states the Legislature has the power to act. I have the tax list of the property owners and those who have camps and the amount of tax each pays.

There has been much said about the Island Falls Annexation bill, L.D. 1370, not all of which is true. It was stated by the gentleman from Houlton, Representative Glidden, and reading from the Record, "It is a pristine area and has been left in its natural state since 1879." That is not the case. There is a gentleman that is cutting on the land now and has been for the past six years. He cuts between 2500 and 3000 cord and I think that is far from being left in its natural state since 1879.

A copy was circulated to all members written to Senator Baldacci by Glen Holmes, who is declared to be a resident. After our town meeting, he came to Island Falls to register to vote, to register his vehicles. Previous to that, he had registered his vehicles in Houlton and Hodgdon, and at no time did he declare his residence as Township 4, Range 3. The state would have received the excise tax should that have been declared.

Mr. Holmes also questioned why I have a bill in for the town of Sherman to be deorganized. I was asked to put the bill in and that is the process, his lobbyist could have told him that.

I have a letter from Mr. John Walker who is the chairman of the Island Falls Republican Committee to his Senator declaring the philosophy of the Republican Party was to have local control and wanted support for this bill.

I will be happy to show anyone the material that I have gathered. It is in black and white, I am not asking you to take my word for anything.

I would hope you would vote against the motion to recede and concur so we may adhere and send this back to the other body.

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

Representative GLIDDEN: Mr. Speaker, Ladies and Gentlemen of the House: The Annexation of Unorganized Township 4, Range 3 WELS by the Town of Island Falls is nothing but a huge land-grab that has been shrouded in secrecy, innuendo and misinformation.

Ladies and gentlemen, there has never been a public meeting or discussion open to the residents of Island Falls since L.D. 1370 was first introduced in the Legislature more than a year ago.

This bill was taken almost word for word from the Carrabassett Valley annexation statute passed in 1975, the precedent legislation in this matter. However, two very important provisions were changed in L.D. 1370. In the Carrabassett Valley annexation, the legal voters in each township were allowed to vote in separate elections and the vote in each township was counted separately. I stress that, it was counted separately.

In L.D. 1370, the single year-round resident is required to vote in Island Falls and his vote is combined with the Island Falls voters. Do not allow this travesty of justice to happen. I urge you to protect this man's rights in Township 4, Range 3.

Island Falls residents have been told that, once annexation is approved, the Town of Island Falls will be out from under the control of LURC regulations. This simply is not true. LURC regulations provide that any unorganized township that becomes part of an organized township which reports planning, zoning and subdivision control of an unorganized township shall continue to be regulated by LURC. LURC must approve plans, maps, regulations and standards furnished by the organized towns. LURC can reestablish LURC jurisdiction if inadequate or improper administration or enforcement are found to exist.

In my opinion, the Town of Island Falls lacks local management and supervision of land use

regulations and, at this time, is totally lacking in enforcement capabilities required by LURC.

The voters of Island Falls have been told that, if annexation occurs, their taxes will go down. Again, this is a remote possibility. The town will incur an additional \$13,491 in tax liability by the increased valuation of \$1,850,000 by annexation. It appears that the camp owners on Mattawamkeag Lake will have their camps reassessed by the Town of Island Falls as soon as the annexation takes place. Their property taxes will sky-rocket along with taxes on the three large land owners at least doubling over present tax rates.

If this bill is passed, it gives a green light to all other townships and out-of-state developers that the door is wide open for a similar rip-off throughout the state. This is not a partisan issue. Ladies and gentlemen, I repeat, this is not a partisan issue. Think of the economic and environmental impact of this annexation issue before you cast your vote today. Do not make this annexation precedent binding on the future of Maine.

I strongly urge you to vote no on L.D. 1370.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: The debate before you is on a very complicated and complex issue and that is of Island Falls annexing a township, an issue that the State and Local Government Committee looked at carefully, weighed heavily last session, looked at it again this session, and have come out with the report that is now before you.

To say that this bill, this development, was in secrecy is amazing to me. We had a public hearing that went on for quite a while. At that public hearing, we were given a petition with well over 100 names on it from residents of Island Falls. We found at that time there was a person, an individual, who may have been a resident of the township. In checking back, in April of last year, that person was not a resident of the township but became a resident of the township officially in August of 1987, some four months after we had the hearing on this bill.

The situation between Island Falls and Carrabassett Valley are just as unique as the situation would be between any two communities in this state trying to do anything on a local matter. It is different people, it is a different problem, it is a different issue, it's different lands, they have nothing to do with one another, they are two separate issues. They should be decided by the people in their respective areas by the way they want to do that.

The voters have been told in Island Falls -- they have been talking about this now for well over a year -- they had a town meeting a year ago in March and discussed this and they voted to Annex Township 4, Range 3. Because of some complications and some misinformation, Representative Smith brought the bill to us and we said, let's do it again, let the debate take place on a local level with local people making the decisions on their future. This is what I have heard in this chamber now for the last six years -- a matter of local control and don't let the state tell me what to do. We have a bill in front of us that is going to allow the local people in Island Falls to control their own destiny on a debate that will be taken locally, that will be debated by the citizens of Island Falls either pro or con and they will make that decision. All this body is doing, all the other body is doing, is allowing them to do that.

I would urge you to oppose the motion to recede and concur.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of items I would like to address that I left out but I am going to put them in now. First, we did circulate material in regard to this annexation. A public meeting -- I don't know of any meeting that is more public than a town meeting in a small town. If there is one, please let me know.

Mr. Holmes chose to come to Island Falls and make his vote there rather than a closer town. According to the law, you can register to vote in the town closest to your unorganized town.

LURC -- I don't know who is telling the stories -- there are a lot of stories told, that is what I said in the beginning. We know we cannot make less restrictions on the land. We can be more restrictive.

In Mr. Holmes letter, he states he and his family own sporting camps there. I have checked with the Department of Human Services, there are no camps registered. I have checked with LURC, they know of no sporting camps there. This is the agency we are talking about knowing exactly what is going on? Since 1970, you had to require permission from LURC, so apparently he is in violation. He does not own the land, he owns a camp and his tax was \$33.60 last year. So, I guess I have said all I can. I have all the information here to back it up and I am not going out and spread rumors -- if I can't win this thing by the facts, then I will lose.

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 Murphy of Kennebunk that the House recede and concur.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, I request to pair my vote with Representative Stevens of Bangor. If she were here, she would be voting nay and I would be voting yea.

The SPEAKER: The pending question before the House is the motion of Representative Murphy of Kennebunk that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 193

YEA - Bailey, Begley, Bott, Bragg, Davis, Dellert, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hanley, Harper, Hepburn, Higgins, Hillock, Holloway, Lawrence, Lebowitz, Look, MacBride, Macomber, Marsano, Matthews, K.; McPherson, Nicholson, Norton, Paradis, E.; Parent, Reed, Rice, Salsbury, Scarpino, Seavey, Small, Stanley, Strout, B.; Taylor, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey.

NAY - Allen, Anthony, Baker, Bost, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Daggett, Diamond, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Lacroix, LaPointe, Lisnik, Lord, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, Murphy, E.; Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.;

Paul, Perry, Pouliot, Priest, Racine, Rand, Reeves, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Sherburne, Simpson, Smith, Soucy, Stevens, A.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Tracy, Vose, Walker, The Speaker.

ABSENT - Aliberti, Anderson, Armstrong, Bickford, Boutillier, Callahan, Dexter, Dore, Gurney, Kilkelly, Kimball, Mills, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Pines, Richard, Thistle, Tupper, Warren, Zirkilton.

PAIRED - Moholland, Stevens, P..

Yes, 45; No, 82; Absent, 21; Vacant, 1; Paired, 2; Excused, 0.

45 having voted in the affirmative and 82 in the negative with 21 being absent, 1 vacant, and 2 having paired, the motion to recede and concur did not prevail.

Subsequently, the House voted to adhere.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

Representative Diamond of Bangor was granted unanimous consent to address the House:

Representative DIAMOND: Mr. Speaker, Men and Women of the House: The mood this morning is a good one and I am glad to see that. I hate to see us in April or June, in the odd-numbered years, when we are at each others throats and it is great to see that we are all working together. I feel like I am throwing ice water on the House this morning but there is an item that has to be brought up that, if left unattended, I think will cause greater problems in the future. Hopefully by dealing with it today and hopefully disposing of it today, we will be able to put it behind us and move on to the other business, the more appropriate business, before the House.

Everyone knows that we are all here with different philosophies, differing political affiliations for the most part. We are all here with one purpose in mind, regardless of our politics, and that is to serve the public interests and to serve the public good. Sometimes it gets very difficult to do that around here because we get so wrapped up in the issues we are debating. Sometimes in the process, we tend to lose sight of our overall objective -- it is something we have to work hard to keep in mind, sometimes we succeed and sometimes we don't. We all do have a common goal though and it is important that we always work toward that.

We had an example of how sometimes we get off track. A couple of weeks ago in a Democratic caucus, we had a couple of members who vented some frustrations and vented their concerns over a couple of emotional issues that were facing the legislature. In particular, they suggested that until certain Democratic legislation passed and the House and Senate signed it into law, that they did not want to see any Republican bills, in particular any Governor's bills, dealt with by this body, at least set aside or even killed.

Our caucuses are very open, we are very frank with each other, it is almost primal scream therapy at times. But, we deal with each other in a very candid way in an informal, friendly setting.

When those comments were made at our caucus, I and other members of Democratic leadership and other

members of our Democratic party, stood up and expressed concern over that sort of suggestion. We said that it was inappropriate to suggest that the public good be set aside in favor of a party position or partisan politics. That position prevailed in our caucus. Even though it was discussed, it was clear that it was not our intention to pursue any policy. The Democratic leadership made it very clear that we would not stand for such policy if any effort to implement it took place. We thought that issue was behind us. Unfortunately it recently surfaced in a different form and I think in a very dangerous form. It is something that I think the caucus, in fact the entire House, needs to know about.

Recently, the publication coming out of the Republican Minority Office called "The Elephants Eye" came out and somebody provided a copy of it to me and to some of the others. In it, it contains the same type of suggestion that was made at our caucus a couple of weeks ago dealing with the legislation of one particular member. It suggests that two proposals, that at that time had not been heard, that those bills be killed, not because of content, not because of lack of merit, but because of the sponsor.

Now, the difference between what took place in our caucus and what took place with this suggestion is that this came under the auspices of the Republican leadership. I think it is a very dangerous thing when people start suggesting that we forget the merits of legislation, that we forget its content and we start dealing with personality squabbles. It is bad enough it had to be raised in an emotional context as happened in our caucus a couple of weeks ago. Fortunately, others were able to put it in its proper context so it went no further. But for a directive to come from a party leadership that suggests that a party take a position on a bill based solely on the sponsorship, I think, is irresponsible.

I will read it to you if you haven't seen it. It is on two bills, L.D. 2074, which is "An Act to Protect Workers from Unreasonable Exposure to Toxic Substances in the Workplace" and L.D. 2083, "An Act to Promote Safety in the Workplace." It says, "We should vote against them if for no other reason than the fact that they were sponsored by Ruth Joseph."

I don't think that anyone here believes that we should deal with those issues in that way. I don't and I don't care if it is a Democrat or a Republican who suggests that, that is not the way you serve the public. I think it is highly irresponsible for the Republican leadership to submit something to its membership with those instructions. We are above that or at least we should be above that. If we want to make it through this session and do the public some good, then we have got to set aside that kind of approach and do the right thing. I think in this instance an apology is owed, not just to the individual I just mentioned, but to the entire membership of the House and to the people of Maine because, if that is the tact that is going to be taken in this House, the entire state is in big trouble. I think some explanation is deserving and I think possibly an apology is in line as well. I think there is no more appropriate place to do it than on the floor of the House right now.

Representative Murphy of Kennebunk was granted unanimous consent to address the House:

Representative MURPHY: Mr. Speaker, Men and Women of the House: I appreciated the opportunity with the gentleman from Bangor to discuss this issue before we came to the floor. We have a publication

that we put together which is a collection of information in terms of upcoming events, important hearings, as well as reports from people on the committee of issues that are being dealt with in that committee. We will never practice censorship. It is a document that is open and free and for the expression of comments. We never will practice censorship. I appreciate the opportunity of having been able to discuss that with you before we went into session. Thank you.

The SPEAKER: The Chair would make one comment -- that it is still paid for with public funds. This Chair, this Speaker, is responsible for the authorization of that expenditure of money and it will not be done for partisan reasons.

On motion of Representative Diamond of Bangor,
Adjourned until Friday, February 19, 1988, at
eleven o'clock in the morning.

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

In Senate Chamber
Thursday
February 18, 1988

Senate called to Order by the President.

Prayer by Father Gilbert Patenaude of St. Francis Xavier Catholic Church in Winthrop.

FATHER PATENAUDE: Almighty and merciful God, Whose wise and loving providence watches over every human event, be our light and council on this day. We pray Thee to shower Thy blessings upon our President and Congress and all the members of our Senate. Give them light, wisdom and strength. Grant them that they may be enlightened by Thy grace and always fulfill their duty to Thee and to their country. Oh God, protector of all of those who trust in Thee without Whom nothing is strong, nothing is holy, multiply towards us Thy blessings so that You may be always guiding us towards material and spiritual prosperity. We ask this through Christ our Lord. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Define Chemical Preservative and to Provide Alternative Labeling Requirements"
H.P. 1672 L.D. 2290

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

Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED, in concurrence.

Bill "An Act to Appropriate Funds to Implement the Findings of the Job Classification Study of the University of Maine System"

H.P. 1666 L.D. 2284

Bill "An Act to Allocate Stripper Well Oil Refund Money to the Home Energy Assistance Program" (Emergency)

H.P. 1670 L.D. 2288

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

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

Bill "An Act to Prohibit the Establishment of Docking Condominiums on Tidewaters, Lakes and Great Ponds"

H.P. 1671 L.D. 2289

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Revise the Procedures for Enforcing Money Judgments"

H.P. 1667 L.D. 2285