

# 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  
Index

**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

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
 SECOND REGULAR SESSION  
 31st Legislative Day  
 Thursday, February 25, 1988

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

Prayer by Reverend John Pokrifka, First Congregational Church of Pittston.

The Journal of Wednesday, February 24, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:  
 The Senate of Maine  
 Augusta  
 February 24, 1988

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, upon the recommendation of the Joint Standing Committee on Utilities, denied the Governor's nomination of Lewis Perl of Scarsdale, New York for appointment as Chairman of the Public Utilities Commission.

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

Was read and ordered placed on file.

Bill "An Act Concerning the National Bicentennial Competition" (Emergency) (S.P. 905) (L.D. 2351)  
 Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

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

Bill "An Act to Provide Use Immunity for Witnesses" (S.P. 903) (L.D. 2349)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Restore to Maine Counties a Portion of the Real Estate Transfer Tax" (S.P. 904) (L.D. 2350)

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

Was referred to the Committee on Taxation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Require Insurance Companies to Make an Early Determination of Fault and Release All Other Innocent Parties" (S.P. 739) (L.D. 1998)

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

Non-Concurrent Matter

Bill "An Act to Amend the Charter of the Eastport Port Authority" (Emergency) (H.P. 1684) (L.D. 2313) which was referred to the Committee on Transportation in the House on February 19, 1988.

Came from the Senate referred to the Committee on State and Local Government in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

he following Communication: (H.P. 1722)  
 MAINE HIGH RISK INSURANCE ORGANIZATION

February 22, 1988  
 The Honorable John L. Martin  
 Speaker of the House  
 State House, Room 301  
 Speaker's Office  
 Augusta, ME 04333  
 The Honorable Charles P. Pray  
 President of the Senate  
 State House, Station 3  
 Augusta, ME 04333  
 Gentlemen:

The Maine High Risk Insurance Organization submits the attached budget for its first year of operation. We need legislative approval for our budget so that we may begin offering insurance to a maximum of 300 Maine citizens who are unable to get health insurance because of medical reasons. Following is a brief explanation of the major elements of the budget:

Revenues

1. Hospital Assessment is based on the amount allowed in the law. This has been discussed at the Hospital Advisory Committee of the Maine Health Care Finance Commission and the Board has decided to ask hospitals to make quarterly payments to help ease any cash flow burdens. The law requires that the MHCFC recognizes the financial impact of this assessment in setting hospital revenue limits.
2. Premium income represents the payments that individuals will make for insurance coverage. This is based on our estimate of timing and the 150% maximum of standard rates allowed in the law.
3. General fund assessment is the amount included in the law for the subsidy for those who cannot afford to pay the full premium.

Expenses

1. Claims are estimated by the use of several actuarial computations using data from other states. This is a highly volatile area and may vary significantly due to the nature of a high risk insurance group. If experience is significantly better than projected, we may be able to reduce future assessments to hospitals.
2. Staff support will be provided via contract with the Bureau of Insurance.

Please feel free to contact me at Eastern Maine Medical Center (945-7060) if you have any questions or need any additional information. We look forward to your prompt attention to this matter so that we can meet our 7/1/88 deadline.

Thank you.

Sincerely,  
 S/Kenneth A. Hewes  
 Chairman of the Board

MAINE HIGH RISK INSURANCE ORGANIZATION  
 BUDGET  
 7/1/88 TO 6/30/89

Revenues

Hospital assessment (.0015 of Revenues)	\$1,100,000
Premium income from subscribers	300,000
General fund assessment (Note 1)	50,000

Interest income	15,000
	<u>\$1,465,000</u>
<u>Expenses</u>	
Premium subsidy	\$ 50,000
Claims (Note 2)	985,000
Staff support & office costs (Note 3)	25,000
Board expenses	5,000
Audit fees	10,000
Miscellaneous	<u>25,000</u>
	\$1,100,000
Contingency for Unexpected Claims	\$ 365,000

NOTES:

1. General Fund Assessment established by law
2. Claims include administrative insurers fee. Actual administrative fees will be determined once bids are received. Actual claims may vary because of the volatility of a small high-risk group.
3. Office support to be provided through the Bureau of Insurance.

Was read and referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills and Resolve 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:

Appropriations and Financial Affairs

Bill "An Act to Improve the Linked Investment Program for Agricultural Loans" (Emergency) (H.P. 1718) (L.D. 2357) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative MAHANY of Easton and Senator COLLINS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Insure Adequate Rate Filing Information from Health Insurers" (H.P. 1719) (L.D. 2358) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representative RYDELL of Brunswick, President PRAY of Penobscot and Senator GILL of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Require Service Stations to Post the Price of Fuel Sold" (H.P. 1717) (L.D. 2356) (Presented by Representative SOUCY of Kittery) (Cosponsors: Representative McPHERSON of Eliot, Senators BLACK of Cumberland and ESTES of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Concerning Camp Lot Leases and Access to Private Lands" (H.P. 1720) (L.D. 2359) (Presented by Representative PARADIS of Old Town) (Cosponsors: Representative MICHAUD of East

Millinocket, Senators EMERSON of Penobscot and LUDWIG of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Encourage the Efficient Use of Electrical Energy" (H.P. 1721) (L.D. 2360) (Presented by Representative COLES of Harpswell) (Cosponsors: Representatives MICHAUD of East Millinocket, Vose of Eastport and Senator MATTHEWS of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Remove Caps from the Maine Low-Level Radiation Waste Authority Act" (H.P. 1714) (L.D. 2353) (Presented by Representative HOLT of Bath) (Cosponsors: Representatives LAPOINTE of Auburn, OLIVER of Portland and Senator ANDREWS of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Legal Affairs

RESOLVE, Authorizing Barry B. Tweedie to Bring Suit Against the State and the Town of Durham (H.P. 1715) (L.D. 2354) (Presented by Representative GLIDDEN of Houlton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (By Request)

Ordered Printed.

Sent up for Concurrence.

State and Local Government

Bill "An Act to Require Legislative Confirmation of Members of the Maine Human Rights Commission" (H.P. 1716) (L.D. 2355) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representative MacBRIDE of Presque Isle, Senators BRANNIGAN of Cumberland and BLACK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Utilities

Bill "An Act to Amend the Waldoboro Sewer District Charter" (H.P. 1713) (L.D. 2352) (Presented by Representative BEGLEY of Waldoboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

ORDERS

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act to Require Gasoline Stations which Provide Self-Service at a Lower Rate to Provide Services at the Same Rate for Handicapped Drivers" (H.P. 1497) (L.D. 2047) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-456)

Signed:

Senators:

BALDACCI of Penobscot  
WHITMORE of Androscoggin  
BRANNIGAN of Cumberland  
ALLEN of Washington  
GURNEY of Portland  
RACINE of Biddeford  
ALIBERTI of Lewiston  
TELOW of Lewiston

Representatives:

STEVENS of Sabattus  
SHELTRA of Biddeford

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

Signed:

Representatives:

REED of Falmouth  
LEBOWITZ of Bangor  
HILLOCK of Gorham

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 that the House accept the Majority "Ought to Pass" Report.

I urge you to accept the Majority "Ought to Pass" Report this morning as the bill does exactly what the title says it will do, that it requires gas stations which are providing full and self-service gasoline to customers to provide that same gasoline at the lower price to those individuals who are handicapped.

The bill itself has built into it several safeguards and our hopes would be that it would avoid some of the abuses that the handicapped placards have apparently caused or at least in people's minds have caused. It would require that the attendant who is employed by a gasoline station that is dispensing both self and full-service gasoline sell the gasoline to handicapped persons at a discount rate, equal to what they are selling self-service gasoline at.

In order to qualify for this benefit, a handicapped person must display on his or her vehicle a handicapped plate or placard and the person must be unaccompanied by another adult; in other words, they are the sole occupant of the vehicle. The operator must request the service at the gasoline station and the operator must have on his or her license the designation "H" -- if you look at your regular Maine driver's license, you would see that it has several code restrictions. For instance, those of us who have an "A" restriction are required to wear corrective lenses for driving. Those people with an "H" designation on their license would be the only people eligible for this full-service and that "H" designation means that their vehicle is specially equipped. For the most part, we are talking about specially equipped vans. We are talking about sole occupant's with no other means of pumping the gas for themselves.

We have not tied the hands of the station attendant -- in other words, they have a choice of either requesting that the driver of the vehicle go to the self-service pump and they can pump it from self-service or they can drive to the full-service pump and give a discount price equal to what they are offering at self-service.

The majority of the members of the committee felt that this was a good bill. As a matter of fact, I think it is fair to say that all of the members of the committee felt that it was a good idea. The majority of the committee felt that it was appropriate that we pass this legislation.

I want to thank the cosponsors, Representative Jalbert and Representative Dellert for bringing this bill to the committee on behalf of the Governor's Committee for the Employment of the Handicapped. The idea of the bill is not to provide special benefits to handicapped driver's but rather a means to provide them equality and to break down some of the economic barriers that handicapped people face every day.

Some of the things that most of us take for granted are often chores that handicapped people have to pay for and so the economic burden of that particular segment of society is much greater. For instance, many of those specially equipped vans that

you see on the road and you see handicapped people driving are vans that cost in the neighborhood of \$15,000 to \$25,000. Now that is an expense for a motor vehicle that most of us don't have to incur.

Also this legislature in this state and the Handicapped Associations all over the state have encouraged and advocated handicapped people to become a part of the community, that they become active participants in society and that they have jobs. In order to have jobs, they have to get themselves to those jobs. If your constituents live in areas like mine, public transportation is an impossibility. As a matter of fact, public transportation for the handicapped in this state, unless you live in large cities, perhaps like Portland, is virtually impossible.

What we are trying to do is not hand out a special privilege for those who are handicapped but rather to provide them with some equality that all of us can take advantage of. We basically don't want to penalize people and make them pay a higher price for a product simply because they are unable to get out of their vehicles to pay for the product. There would be those of you who might argue that it is inappropriate for the state to be in a position of mandating these kinds of things and that perhaps we ought to look to voluntary compliance. In regard to voluntary compliance, several states have enacted legislation similar to this -- as a matter of fact, much broader than this. New Hampshire, for instance, attempted to do it by voluntary means. A similar bill was presented in New Hampshire, it was withdrawn because the gasoline companies said to let them do it voluntarily. That, in fact, did not work and it is back in front of the New Hampshire Legislature asking for the same thing.

We have had an occasion in our committee to have legislation presented to us -- we have had the oil dealers come in and say, "Oh let's withdraw the legislation, we will do it voluntarily." Today on the Calendar, we have a bill that will do what the station's have failed to do voluntarily as they said they would do.

I might add while I am talking about the oil dealers, gas station attendants, etc., that the bill received no opposition. As a matter of fact, it received favorable response from the Oil Dealers Association, the Maine Petroleum Association, the Governor's Committee for the Employment of Handicapped, the Governor's Committee on Handicapped, Alpha I (which is a center for independent living), the Maine Grocers Association, the Maine Rehabilitation Association and the Maine Association of Retirees. So, unlike other controversial business mandates, this particular piece of legislation was supported by those businesses that would be involved.

With regard to mandates, I suppose it would be nice to say that it would be wonderful if everyone agreed with us, that handicapped people are just like the rest of us and their opportunities ought to be the same as the rest of us and we ought not to impose barriers that we don't impose on the rest of society. In fact, this legislature actively proposed, accepted, and mandated several means of achieving that goal since 1975. We have laws on the books that require affirmative action when dealing with the handicapped. The handicapped are, in fact, part of the Maine Human Rights Act. We mandate that public accommodations be accessible to the handicapped.

When I talk about public accommodations, those public accommodations are often owned by private enterprises such as private bus lines, private motels, private hotels, private restaurants. We as a legislature have in the past mandated that those

places be accessible to the handicapped so this bill is not unusual in that it asks another private enterprise, oil dealers, that they also make their product available and accessible to the handicapped.

We have also mandated at the state level that state buildings be accessible to the handicapped, even our own gallery, we have mandated to local communities that their voting places be accessible to the handicapped. This bill is not terribly unusual and it won't have a significant impact economically. The impact that I believe it will have is that it raises the consciousness of those of us who serve the general public, including the handicapped, as part of that general public and I would urge this House to accept the Majority "Ought to Pass" Report and send it on its way.

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

Representative REED: Mr. Speaker, Men and Women of the House: I take no particular pleasure in opposing this bill nor its distinguished sponsors nor the opposing members of my committee and my chairman whom I hold in considerable esteem. I also realize that it is neither particularly popular nor politically expedient to oppose such an initiative.

Mark Twain once wrote, "In matters of taste, swim with the tide; but in matters of principle, stand like a rock." Rather than remain silent on this bill and be thought somewhat of a heartless ogre, I felt compelled to speak so that you will understand this bill clearly and my opposition to it.

Ladies and gentlemen of the House, my opposition to L.D. 2047 is a matter of principle and I must, as Twain has so eloquently said, "stand like a rock." It often helps me when analyzing a problem to use an analogy to get a clear understanding, a different perspective and I would ask that you do that with me for a moment this morning. You turn your minds to the subject that we have all been exposed to of late, the Olympic Games and especially the skiing events of those games. Performances in the skating events are judged by two totally separate, equal criteria, artistic content and technical merit.

I ask you to judge with me L.D. 2047 in that same way. Artistic content - how does it look? Is it pleasant to observe, satisfying to the eye? Of course, on the surface L.D. 2047 is appealing, it seeks to aid in a small way people whose lives have been severely impacted, either by illness or by some tragic accident or by some physical incapacity that they were born with. Fate has dealt harshly with these people and compassionate and caring person's, as the sponsors of this bill are, would certainly seek some small amelioration for their difficult circumstances. By the standard of artistic content, L.D. 2047 gets high marks.

The second criteria by which you should judge -- technical merit - what is this? In judging technical merit, you must judge whether or not that which has been attempted was done in accordance with established criteria. Was it done correctly? This is where L.D. 2047 is fatally flawed. I ask your indulgence for just a moment while I point that out to you.

First, L.D. 2047 creates a potentially adversarial and I think somewhat demeaning relationship between those it seeks to help and the employees of the service stations. Those persons seeking the service must prove that they are the person whom the handicapped plates have been issued, they must prove that they hold a license with a particular restriction code, the attendant must make a determination that no "non-handicapped adult" (whatever that may mean) is present in the vehicle.

While these conditions by themselves might be enough to give you cause for concern about the effectiveness of L.D. 2047, they are not the most telling fault with this bill. Its deadly flaw, and the reason for my opposition, is simply that it is an attempt to make public policy (and this is public policy) funded with money taken from independent business people of the State of Maine.

Self-service fuel is available at a lower cost simply because the wages are paid for an attendant to pump it and this bill ignores that basic fact. Fair return can only be made on that fuel at the lower price. Proponents will argue perhaps that this is a small thing, an insignificant bill, and I ought not to oppose it.

Testimony before the committee showed that there may be as many as 8900 vehicles in the State of Maine that might be eligible for this bill. Assume with me a modest consumption of 10 gallons per week at a modest price differential of 5 cents per gallon -- price that out, ladies and gentlemen of the House, that is \$231,400 per year, more than a quarter of a million dollars. I suggest to you, ladies and gentlemen, that a quarter of a million dollars, is not an insignificant amount.

We have heard much in this chamber of late regarding the subject of unfunded mandates and members of both parties have agreed and expressed publicly that they think that is a bad idea. L.D. 2047 is simply one more unfunded mandate. The difference simply is that the dollars to pay for this one doesn't come from municipal tax levies, they come directly from the pockets of working men and women of Maine who are already assuming the risk of operating their own business.

I urge you to vote no on the pending motion. Let us find a way to allow the sponsors of this bill to accomplish their goal in a more appropriate manner. L.D. 2047 is simply a well-intentioned but misdirected effort to do good and sends someone else the bill.

Mr. Speaker, when the vote is taken on this matter, I respectfully request that it be taken by the yeas and nays.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I was a sponsor of this bill and one thing that should be brought out at the outset is that this bill does not apply to your gas stations that is all self-service, such as Big A and Cumberland Farms, etc. This applies only when the station has both self-service and full-service, split pumps.

When this bill was first presented and with the committee's work, we have limited it to people who are severely handicapped or has, as the gentlelady from Washington said, handicapped equipped vehicles. To correct my friend, the gentleman from Falmouth, it is 4300 people who would qualify for this and not 8900. This does not apply to people who have the placards that you see every day. There are many instances of people in wheelchairs -- we have an instance of a young lady who works for the Department of Transportation who has one of these vans -- that would apply to that young lady. It should be understood that the day has come where we must look after the handicapped people who cannot provide for themselves. I think we have seen in this House, possibly for the first time, in the Governor's address asking for help for the handicapped.

As far as setting up a precedent, you have many precedent's here. You have it in buses, restaurants, everywhere. It is about time that we start

concerning ourselves with more unfortunate people than ourselves. I have experienced this myself with the birth of my granddaughter last spring, which will be a burden on us for the rest of our lives.

I would ask now that we show these people we do care and that we will do something for them.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I did not sign on this Minority Report because I am hard-hearted or unsympathetic to people with a disability. I feel that they have a hard life and I certainly would not want to trade mine for theirs. But I did sign on the Minority because I personally believe there is no need for a law to mandate charitable inclinations of people toward those less fortunate.

To bear out my opinion, I surveyed gas stations in my area who have both full-service and self-service islands. I asked the person who was on the phone a question, "If I were to drive my vehicle into your station and it was obvious that I had a handicap and it would be difficult to get out of my car, would you pump my gas and offer me the lowest price possible?" In all instances I was told, "I already do that." That was the answer that I had hoped to get and which I expected.

I believe that we are creating a mandation which is not presently needed and, in reality, takes away the spontaneous human kindness and concern for one another.

I don't intend to debate my position but state it simply for each one of you to consider as you make your decisions as to whether you put your faith in human nature or in a need to mandate what shall and apparently is a personal concern and is already being carried out. I think that the bill has already been debated on both sides so that you do have adequate information.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I hope you will support this legislation.

Don't you think that these people would like to be able to pump their own gas? Don't you think they would like to be able to do the types of things that we do? Yet every single day, no matter what they do, they are reminded that there is a difference. They have one obstacle that the rest of us don't and that is to be able to pull up to a gas station and have two different types of pumps. This is just one more reminder to them, one more barrier that they have to overcome and one that I feel is unnecessary, because there is an attendant there that can pump their gas at the same cost that others can.

I don't doubt that many of the service owners around the state do this on their own and that is great because they realize that these people need a little bit of help on a couple of different things. Maybe there are some station attendant's out there that haven't really thought about it and, with a little help from this body, a little help from the body down the hall and the Governor, maybe they will think about it a little bit more and maybe they will extend that type of help to these people who need it. I hope you will strongly support this bill.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I hate to sound like a former member of this body who had been about everything on the face of this earth but let me explain to you a

little bit about what it is like to be handicapped and what it is like to have to try to do things, like pump your own gas.

Obviously, I don't appear to have a handicap but maybe some of you have noticed that you never see me walk fast, you never really ever see me run. Admittedly perhaps maybe my stomach is a little too large and that is a factor but the other fact is, I have a seriously injured leg. I spent three years of my life where I couldn't walk and I spent another two and a half years walking with a cane and leg braces. My disability wasn't that severe compared to what some people's are. It creates some real problems with attempting to lead as normal a life as possible.

The thing that most handicapped -- it is not really a word I even like to use because the people aren't handicapped, they may have some mobility problems, but the people certainly aren't handicapped. That mobility problem creates a difficulty in that individual living a normal life. The most important thing that they want to do is live a normal life. This bill will assist that. It will increase their mobility a little bit, perhaps give them the ability to get to a job a little easier, a little faster, and perhaps cut down the added expense of being disabled.

One thing that a lot of people don't understand or don't realize is that disabled people are some of the most loyal people on the face of the earth. They are loyal to their employers far above the norm. They are loyal to the businesses they trade at far above the norm simply because of the fact that they have difficulties in getting jobs, getting service, because other people don't understand. Accordingly, when you finally find a place that will hire you and you finally find a store or a service station that will assist you, you go out of your way to trade there and you try twice as hard at your job because you know, (1) that you appreciate what your employer is doing and (2) you may have a real hard time getting another job.

If we look at a great majority of our gas stations now that provide both full-service and partial or self-service, most of them are in the business of selling more than just gas. You can go in that gas station and you can buy cigarettes, you can buy milk, you can buy bread, you can buy eggs. A lot of them, because of the high cost of gas, the more economical cars, can't depend on the profit margin provided by gasoline so they set up mini markets within the gas stations. The gas stations that provide the service for the disabled and, to counter the economic argument, are going to gain business.

To this day, I trade at a gas station and it is a total discount gas station in Manchester. I buy all my gas there, I buy my milk, eggs, bread, and I buy my cigarettes there because I can go there, sit in my car, and the man will come out and pump my gas at a discount price and he will go in and get me my bread and milk and I don't have to walk out on the ice where I run the risk of falling on my bottom.

There is no real economic cost -- if the gas station deals with it properly, there is a potential economic benefit, it is called providing service and every businessman knows, the way you get customers, the way you keep customers, is to provide a service.

Unfortunately, most of the gas stations and most of the attendants, and I certainly would hope that it is through ignorance, haven't been providing the service. This piece of legislation to a certain type of station will require that that service is provided. I would hope that the increased awareness

would bring this type of service to all stations and it would become the norm rather than the exception.

Accordingly, I am supporting this piece of legislation, will support it regardless of the cost, because the bottom line is the benefits that the disabled people are capable of providing this society far outweigh whatever costs may be involved. I would certainly urge your support of both the Majority Committee Report and the measure itself.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to applaud the work of the committee today, to tell them that the legislation that they have before us is good legislation and it should be passed into law. In fact, in my other life, I own a convenience store with a split island pump where we offer full-serve and self-serve, so this legislation does directly affect me. I do provide this service to handicapped people at this time. As a matter of fact, we do provide it to elderly people at this time that come into our station and that is a small convenience store in the town of Canaan.

What I do see in this legislation is a hole, and a hole that I think that you can drive a truck through but I will vote for this legislation today.

Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative MCGOWAN: I will ask the chairperson of the committee why, in fact, are the self-service stations that we see along Western Avenue, the Cumberland Farms, the Dead Rivers, the Gibbs, the Irvings, left out of this legislation?

The SPEAKER: Representative McGowan of Canaan has posed a question through the Chair to any member who may care to respond.

The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: As presented, the original bill only requested that it affect those stations offering both services. In reality, I think what the committee hoped to do was move in a certain direction, the direction being that this service would be offered when it is provided to both.

I don't have a real good answer as to why it is not including those that only offer self-service, only a practical answer in that those that offer self-service are often open 24 hours a day or even if they are not, they are only attended by one person and we saw an inherent danger in requiring that that one person leave the cash to go out and pump gas. It is not a service that they are in business to offer as far as pumping gas, that is not part of their business. I guess if you want to talk ultimate fairness, they ought to be included. They are not included because as a practical reality it would (1) endanger the bill and (2) require that some of those stations operators either close the service that they are offering which is a 24 hour service or hire extra employees to become a full-service and that is not what they are in business to do.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Men and Women of the House: I would say that that was a very weak argument. I think that this is excellent legislation that we should pass into law but I think to put the bill in jeopardy is quite a dubious cloud hanging over this bill. You mean -- because Cumberland Farms, that giant corporate monster in

this state and Dead River and Gibbs cannot provide two people in their service station, as I do in my little store in Canaan, Maine -- that we are not going to address this portion of this law? I would say that there is a cloud.

I would hope that you would pass this bill so that somebody may offer an amendment, an amendment to make this bill fair to all of these stations across the state and we can get this legislation passed into law.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I have served this past summer on the Independent Living Commission and I have got to say that I am very, very pleased with the debate of the supporters of this bill.

One comment that I would like to add though is the fact that, not only are the people that we are trying to help with this bill handicapped and less able than you and I, but usually these very same people are living on very limited income and every penny they can save means a lot.

I must add that, at times, if you were to look around and see what the comparison on the prices is, most of us are thinking that they are only saving four or five cents or what have you -- it has been seen to be as much as 41.9 cents difference.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: Quite frankly, I am surprised that this House is debating this issue this morning. The only experience I have had pumping gas in the last six years is when I visit Representative McGowan's store that he told you about. He has three people working and is still so busy, he needs some help. One thing that Representative McGowan said that was very true is that he does, indeed, offer those services and, on my visits to his store, I have always been impressed with the fact that Representative McGowan and his whole family runs the type of operation that is becoming more and more rare in the state today. It's those kinds of stores and businesses that my grandfather and my father talk about when they reminisce about the good old days. There is no question that some of these gas station operators do this on their own.

I applaud the Representative from Bangor, Representative Lebowitz, in the fact that she has gas station attendants in her district that do this on their own.

The other day I was at a gas station filling up my snowmobile and I noticed the attendant sitting inside the little booth there talking to his girlfriend and two elderly ladies drove in, both of them were very worried about the ice conditions in the parking lot. The attendant hadn't even scrapped the ice off. It is one of these firms that is not real big but it is bigger than Representative McGowan's. The two ladies sat there and sat there. I filled my snowmobile and went over and said, "Ladies, can I help you?" They said, "Do you work here?" I said, "No, but I am going to help you anyway, what would you like?" They told me what they would like and the guy sat there, talked to his girlfriend, looked out at us, smiled, nodded his head, never moved, never got up off his seat and I pumped the ladies gas. I took their money and said, "Thank you very much ladies, can I wash your windshield?" They thought that was very amusing and off they went.



To say that everybody is going to do this without us mandating it, we are living in a dream world.

I have been watching a special on TV every night called, "An Eye on the Prize" and I still find it amazing when I watch that show that, without legislation being passed, that boys and girls of the United States of America would not be allowed to go to certain colleges in this country. It doesn't make any sense but we still had to pass laws to do that. I have been watching this series with great interest and a lot of reminders.

There is another point I would like to make. We keep talking about these citizens that we are addressing as if they need us there every inch of the way. That is not the case. All the people that have certain impairments want from the people of this state and state government is to tear down the barriers that will allow them to do the things that the rest of us do. They do not want to be treated special. They do not want to be treated like they are some kind of a basket case. They just want to be allowed to be treated like the rest of us. The whole concept behind self-service is that you get out of your car, you walk over to the pump, you pump your own gas, and you walk in and pay the smiling attendant behind the counter. That is why we get the cheap price in gas.

Now, as Representative Bott said, I am sure all of these people would like to be able to do that, but they cannot. The fact that we have exempted Cumberland Farms and Gibbs and C. N. Brown and Big Apple -- I agree with Representative McGowan, I think it is terrible. They can afford it a lot more than Representative McGowan can but Representative McGowan is the kind of guy that is going to do it anyway.

I think this is a good bill, a real good bill. It doesn't give them any special treatment, it just allows them to take benefit of the special price that the rest of us can take advantage of, only because we can get out of the car, walk around and pump the gas. Maybe some of the gas station owners will be after their attendants like this young guy that I saw, spend less time talking to his girlfriend on company time and more time taking care of the customers.

The final point I would like to make is, if an attendant is paid to pump gas, he gets paid minimum wage to pump gas whether he pumps one tank or 25 tanks in that hour's period of time. He is getting paid anyway, let him do something for his pay, he will be a lot better for it in the long run.

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 brief but I had an incident happen to me yesterday that might be prevalent here. I stopped at this service station and the attendant came over and he was completely devoid of personality. The first thing he said to me was, "Huh, you have got a gas guzzler there, haven't you?" I said, "Young man, you are not paying for the gas, are you?" Then he kind of got red in the face and went on with his work.

The point that I am trying to make is, if the owner is forced by law to give and offer these services, then you can rest assured that the attendant's will be told what to do; otherwise, if we don't mandate it, these attendants like I just spoke of, and believe me there are hundreds of them, they will just go along creating a disservice to the public. I hope that you go along with the bill.

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 Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 194

YEA - Aliberti, Allen, Anderson, Anthony, Baker, Bickford, Bott, Callahan, Carroll, Carter, Cashman, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Daggett, Dellert, Dexter, Diamond, Dore, Dutremble, L.; Erwin, P.; Farnum, Farren, Glidden, Gurney, Gwadosky, Hale, Handy, Harper, Hichborn, Hickey, Hoglund, Holloway, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lawrence, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Rice, Richard, Ridley, Rolde, Rotondi, Rydell, Scarpino, Seavey, Sheltra, Simpson, Smith, Soucy, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Vose, Walker, Willey, Zirkilton, The Speaker.

NAY - Armstrong, Bailey, Begley, Bragg, Brown, Davis, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hepburn, Lebowitz, Marsano, Reed, Ruhlin, Salisbury, Sherburne, Small, Webster, M.; Wentworth, Whitcomb.

ABSENT - Bost, Boutilier, Chonko, Conley, Duffy, Foss, Higgins, Hillock, Kimball, Murphy, T.; Nutting, Reeves, Stanley, Tupper, Warren, Weymouth.

Yes, 112; No, 22; Absent, 16; Vacant, 1; Paired, 0; Excused, 0.

112 having voted in the affirmative, 22 in the negative, with 16 being absent and one vacant, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-456) was read by the Clerk and adopted and the Bill assigned for Second Reading, Friday, February 26, 1988.

CONSENT CALENDAR

Second Day

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

(S.P. 730) (L.D. 1989) Bill "An Act to Amend the Law Concerning the Maine Student Incentive Scholarship Program" (Emergency) (C. "A" S-317)

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

PASSED TO BE ENGROSSED

Bill "An Act to Regulate the Taking of Turtles for Commercial Purposes" (Emergency) (H.P. 1711) (L.D. 2348)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Incorporate the Pembroke Utilities District (H.P. 1675) (L.D. 2294)

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. 119 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 Engrossed  
As Amended

RESOLVE, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (Emergency) (H.P. 1698) (L.D. 2331)

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

On motion of Representative Thistle of Dover-Foxcroft, under suspension of the rules, the House reconsidered its action whereby L.D. 2331 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-457) and moved its adoption.

House Amendment "A" (H-457) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-457) and sent up for concurrence.

PASSED TO BE ENACTED

An Act Concerning Marine Recreational Fisheries (S.P. 732) (L.D. 1991)

An Act to Amend Procedures Under the Unclaimed Motor Vehicle Laws (H.P. 1509) (L.D. 2059) (C. "A" H-451)

An Act to Amend Laws Relating to Certain Licensing Boards (H.P. 1255) (L.D. 1713) (H. "A" H-455; C. "A" H-443)

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:

Bill "An Act to Prohibit Automated Telephone Solicitation" (S.P. 900) (L.D. 2336)

- In Senate, Referred to the Committee on Business Legislation.

TABLED - February 24, 1988 by Representative VOSE of Eastport.

PENDING - Reference in concurrence.

On motion of Representative Allen of Washington, retabled pending reference in concurrence and specially assigned for Friday, February 26, 1988.

(Off Record Remarks)

On motion of Representative Soucy of Kittery, Adjourned until Friday, February 26, 1988, at eight-thirty in the morning.

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

In Senate Chamber  
Thursday  
February 25, 1988

Senate called to Order by the President.

Prayer by Reverend Richard Small of the North Windham Union Church in Windham.

REVEREND SMALL: Let us pray. Oh God we pray that You send a special blessing upon all those who strive to make this a better world. Look with favor upon these Legislators as they debate and decide upon issues that effect all the people of this State. But most importantly, reach deep into our own souls and discover our real needs. Do You find some of us here out of breath trying to keep pace just with the demands of living? Do You find others of us about to give up on some endeavor that we really need to continue? Do You find some here feeling outcast or down because of a loss that we may have experienced? Send Your spirit among us here, Oh Lord, ministering to our individual needs so that we will rise up with new courage, be filled with new hope, experience new power, face the day with new resolution and be able to turn problems into opportunities for growth. We pray not only for ourselves, but for all of those we serve. In Your name we pray, Oh Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
House Papers

Resolve, Authorizing a Working Capital Advance for the Seed Potato Board (Emergency)

H.P. 1705 L.D. 2342

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

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

Bill "An Act Concerning the Display of Dealer Markup Stickers by New Car Dealers"

H.P. 1708 L.D. 2345

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

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

Bill "An Act to Ensure Local Participation on the Radiological Emergency Preparedness Committee"

H.P. 1706 L.D. 2343

Bill "An Act to Continue Professional Forestry Supervision of Biomass Fuel Wood Harvesting Operations"

H.P. 1707 L.D. 2344

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

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

Bill "An Act to Permit Fly-Fishing Only on a Portion of the St. Croix River"