

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

environmental and will become increasing important in the future ahead. I feel to control the proper development we must allow the people of Island Falls the latitude through their planning board, the town codes and the local committees to effectively and efficiently control their environment as well as giving them the ability to participate in their own destiny for the future of this area. If it were your area you would want to have it done that way. I am asking that you allow the people of Island Falls the same latitude.

On motion by Senator TUTTLE of York supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot, to RECONSIDER whereby the Senate ADHERED.

A vote of Yes will be in favor to RECONSIDER.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BRANNIGAN, BUSTIN, DOW, DUTREMBLE, ESTES, MATTHEWS, PEARSON, THERIAULT, TUTTLE, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BERUBE, BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, EMERSON, ERWIN, GILL, GOULD, LUDWIG, MAYBURY, PERKINS, RANDALL, SEWALL, TWITCHELL, WHITMORE

ABSENT: Senators CLARK, GAUVREAU, KANY, KERRY, WEBSTER

12 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 5 Senators being absent, the motion of Senator PEARSON of Penobscot, to RECONSIDER whereby the Senate ADHERED, FAILED.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

An Act to Strengthen the Disciplinary Authority of Various State Regulatory Boards

S.P. 733 L.D. 1992
(C "A" S-315)

Tabled - February 26, 1988, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, February 16, 1988, PASSED TO BE ENGROSSED, AS AMENDED BY COMMITTEE AMENDMENT "A" (S-315).)

(In House, February 22, 1988, PASSED TO BE ENACTED.)

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator DUTREMBLE of York, ADJOURNED until Tuesday, March 1, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
34th Legislative Day
Tuesday, March 1, 1988

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

Prayer by Reverend Roddy Chestnut, Church of Christ, Augusta.

The Journal of Monday, February 29, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:
Maine State Senate
Augusta, Maine 04333

February 29, 1988

Honorable Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it accepted the Minority Ought Not to Pass Report on the 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).

Sincerely,

s/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act Relating to Legal Expenses Incurred by State Employees in the Execution of their Official Duties" (S.P. 914) (L.D. 2383)

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

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

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Provide for Limited Immunity from Civil Liability for Volunteers and Auxiliaries Contributing Time in Health Care Institutions" (S.P. 799) (L.D. 2100)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Provide for Local Control of Watercraft Traffic" (S.P. 770) (L.D. 2027)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Clarify the Immunity Provisions Affecting Professional Review and Professional Competence Committees" (S.P. 713) (L.D. 1943)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Establishing Peer Review Immunity for Licensed Psychologists" (S.P. 217) (L.D. 584)

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

Non-Concurrent Matter

Expression of Legislative Sentiment recognizing Mr. and Mrs. Chellis, of Boothbay Harbor, (HLS 967) which was passed in the House on February 26, 1988.

Came from the Senate read and indefinitely postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (Emergency) (H.P. 1698) (L.D. 2331) which was passed to be engrossed as amended by House Amendments "A" (H-457) and "B" (H-458) in the House on February 26, 1988.

Came from the Senate passed to be engrossed as amended by House Amendment "B" (H-458) in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 915)

JOINT SELECT COMMITTEE ON CORRECTIONS

February 26, 1988

Senator Charles P. Pray, Chairman

Legislative Council

State House

Augusta, ME 04333

Dear Senator Pray:

The Joint Select Committee on Corrections is pleased to submit the attached interim report of our study of Long Term Planning for the Corrections System in Maine pursuant to the authorization of the Legislative Council (SP 016). We hope you find this report a useful tool in our continuing efforts to develop a long term plan for Corrections.

Sincerely,

S/Sen. Beverly M. Bustin S/Rep. Harlan R. Baker
Chair 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.

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

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

Agriculture

Bill "An Act to Extend the Uses of the Potato Marketing Improvement Fund" (H.P. 1745) (L.D. 2391) (Presented by Representative PINES of Limestone) (Cosponsors: Representative GLIDDEN of Houlton, Senators THERIAULT of Aroostook and COLLINS of Aroostook) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Enhance the Voting Rights of Minority Shareholders" (Emergency) (H.P. 1738) (L.D. 2384) (Presented by Representative ALLEN of Washington) (Cosponsors: Senators BALDACCI of Penobscot, WHITMORE of Androscoggin, and Representative REED of Falmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Establish the Additional Support for People in Retraining and Education Program" (H.P. 1744) (L.D. 2390) (Presented by Representative FOSS of Yarmouth) (Cosponsors: Representatives GLIDDEN of Houlton, NADEAU of Lewiston and Senator DUTREMBLE of York)

(The Committee on Reference of Bills had suggested reference to the Committee on Economic Development.)

On motion of Representative Carroll of Gray, tabled pending reference and specially assigned for Wednesday, March 2, 1988.

Education

Bill "An Act to Create a Uniform School Unit Budgeting Process" (H.P. 1740) (L.D. 2386) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives CARTER of Winslow, BOST of Orono, and Senator ESTES of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Strengthen the Drunk Driving Laws" (H.P. 1746) (L.D. 2395) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Representatives HILLOCK of Gorham, HUSSEY of Milo and Senator PERKINS of Hancock)

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

On motion of Representative Priest of Brunswick, tabled pending reference and specially assigned for Wednesday, March 2, 1988.

Marine Resources

RESOLVE, Creating the Commission on Marine Research (Emergency) (H.P. 1741) (L.D. 2387) (Presented by Representative COLES of Harpswell) (Cosponsors: Representatives CROWLEY of Stockton Springs, RICE of Stonington, and Senator ESTES of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act to Provide a Sales Tax Exemption to Nonprofit Organizations which Fulfill the Last Wishes of Terminally Ill Children" (Emergency) (H.P. 1742) (L.D. 2388) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representatives CASHMAN of Old Town, JACKSON of Harrison, and Senator TWITCHELL of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act to Regulate Development Along Highways" (H.P. 1743) (L.D. 2389) (Presented by Representative SIMPSON of Casco) (Cosponsors: Senator DOW of Kennebec, Representatives McPHERSON of Eliot and HOLLOWAY of Edgecomb) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Reported Pursuant to the Resolves

Representative BOST for the Special Commission to Study Teacher Training in the University of Maine System, pursuant to Resolve 1985, Chapter 52 ask leave to submit its findings and report that the accompanying Bill "An Act to Implement the Recommendations of the Special Commission to Study Teacher Training in the University of Maine System" (H.P. 1739) (L.D. 2385) be referred to the Joint Standing Committee on Education for Public Hearing and printed pursuant to Joint Rule 18.

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

Reported Pursuant to the Public Laws

Representative CARTER for the Legislative Task Force on Railroads, pursuant to Public Law 1987, Chapter 5 ask leave to submit its findings and report that the accompanying Bill "An Act to Create the Railroad Preservation and Assistance Act and to Provide for Annual Track Inspections" (H.P. 1747) (L.D. 2396) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Reported Pursuant to the Public Laws

Representative CARTER for the Legislative Task Force on Railroads, pursuant to Public Law 1987, Chapter 5 ask leave to submit its findings and report that the accompanying Bill "An Act to Require Licensure of Certain Railroad Personnel" (H.P. 1748) (L.D. 2397) be referred to the Joint Standing Committee on Business Legislation for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted and the Bill referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Reported Pursuant to the Public Laws

Later Today Assigned

Representative CARTER for the Legislative Task Force on Railroads, pursuant to Public Law 1987, Chapter 5 ask leave to submit its findings and report that the accompanying Bill "An Act to Permit Exempt Railroad Crossings" (H.P. 1749) (L.D. 2398) be referred to the Joint Standing Committee on Transportation for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

On motion of Representative Moholland of Princeton, tabled pending reference and later today assigned.

Reported Pursuant to the Public Laws

Representative CARTER for the Legislative Task Force on Railroads, pursuant to Public Law 1987, Chapter 5 ask leave to submit its findings and report that the accompanying Bill "An Act to Revise the Laws Concerning Cost Sharing for Maintenance of Railroad Grade and Highway Bridge Crossings" (H.P. 1750) (L.D. 2399) be referred to the Joint Standing Committee on Transportation for Public Hearing and printed pursuant to Joint Rule 18.

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

Reported Pursuant to the Public Laws

Representative CARTER for the Legislative Task Force on Railroads, pursuant to Public Law 1987, Chapter 5 ask leave to submit its findings and report that the accompanying Bill "An Act to Provide the Capability to Assess the Impact of Overweight Trucks on Maine Highways" (H.P. 1751) (L.D. 2400) be referred to the Joint Standing Committee on Transportation for Public Hearing and printed pursuant to Joint Rule 18.

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

ORDERS

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Amend the Law Pertaining to Commitment of a Juvenile to the Department of Corrections" (H.P. 1464) (L.D. 1975) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 1705) (L.D. 2342) RESOLVE, Authorizing a Working Capital Advance for the Seed Potato Board (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 1467) (L.D. 1978) Bill "An Act to Permit Sharing of Confidential Information between Criminal Justice Agencies at all Governmental Levels" Committee on Judiciary reporting "Ought to Pass"

(H.P. 1457) (L.D. 1968) Bill "An Act to Provide for a Record of the Facility Designated for Confinement in Criminal Cases" Committee on Judiciary reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 2, 1988, under the listing of Second Day.

PASSED TO BE ENACTED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1988 (H.P. 1702) (L.D. 2339)

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

PASSED TO BE ENACTED

An Act to Clarify Late Charges for Residential Dwelling Units (H.P. 1539) (L.D. 2094)

An Act Relating to Nonforfeiture and Valuation

Standards for Fraternal Benefit Societies (H.P. 1571) (L.D. 2142)

An Act to Control Vehicle Speeds on Public Easements (H.P. 1696) (L.D. 2329)

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 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) (C. "A" H-456)

TABLED - February 29, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

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

The Chair laid before the House the following matter: Bill "An Act to Permit Exempt Railroad Crossings" (H.P. 1749) (L.D. 2398) which was tabled earlier in the day and later today assigned pending reference.

Subsequently, was referred to the Committee on Transportation, ordered printed, and sent up for concurrence.

(Off Record Remarks)

The Chair laid before the House the following matter: 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) (C. "A" H-456) which was tabled earlier in the day and later today assigned pending passage to be engrossed as amended.

Representative Gould of Greenville offered House Amendment "A" (H-462) and moved its adoption.

House Amendment "A" (H-462) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Members of the House: I voted against this bill the other day for two reasons. The first reason was the way the bill was presented, it would do very little for the people in the rural areas, since most gas stations in my district and other rural areas have no self-service and full-service together. They are basically either self-service or full-service, neither coming together.

The most important reason for voting against the bill is because it is my belief that when the Representatives of the people of the State of Maine make social responsibility to another group, then it is up to us to pay for that responsibility. I do not believe that we should ask one particular segment of our population to bear the burden of social responsibility to a worthy group. Therefore, I presented this amendment.

What this amendment does, very briefly, is that it gives up to a \$50.00 excise tax credit to people with the designation H, which is special equipment. This will remove any hassle of trying to prove that you are handicapped. It will remove any hassle for the service station owners and simply place the

burden upon you when you register your vehicle. I arrived at this conclusion of \$50.00 this way -- I figured that the average driver would drive approximately 15,000 miles, I figured 15 miles per gallon because these vehicles sometimes tend to be a little bit heavier when you get less gas mileage. So, in doing that, it came out to approximately \$40.00 savings. I used a four cent differential and I realize that this can fluctuate.

Putting the \$40.00, I decided that perhaps we ought to add an extra \$10.00 to make sure that we covered the amount of driving people would do. So, that is how I arrived at the figure of \$50.00. You simply will get a \$50.00 credit on your excise tax, which will be paid for by the State of Maine.

Again, I urge you to support this amendment, I urge you to all accept our responsibility to these people and for all of us to pay for it.

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

Representative ALLEN: Mr. Speaker, I wish to pose a question to the Chair.

I wonder if this amendment is germane to the original bill?

The SPEAKER: In response to the germaneness issue raised by the Representative from Washington, Representative Allen, the Chair would rule that House Amendment "A" is not germane because it changes the intent of the original bill to reimbursement rather than service to be provided to the handicapped people.

The pending question now is passage to be engrossed.

On motion of Representative Thistle of Dover-Foxcroft, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-456) was adopted.

The same Representative offered House Amendment "B" (H-461) to Committee Amendment "A" (H-456) and moved its adoption.

House Amendment "B" to Committee Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Thistle.

Representative THISTLE: Mr. Speaker, Men and Women of the House: I believe this bill is a good bill and I was moved the other day by Representative McGowan's remarks. It is not a small matter and concern to me that this amendment is even necessary today. Each of us, I am sure, is aware of the impersonalization of our society and increasing feeling, even in our own lives, of isolation that we sometimes feel of separateness and I believe that this is a matter of great concern.

This bill provides for the application of service to our handicapped citizens. It is an opportunity for the lower price of self-service and that is a fine goal. But more important, it seems to me, is the attendant care that we will be encouraging, the attendant care and the lessening of impersonalization.

I realize that there will be a small burden placed on some self-service stations. However, I feel the mood to lessen that impersonalization of our society is a greater good.

I would like to share with you the life and times of one fellow who was not quite from my district but next door in Sangerville, Maine. The man's name was Cecil Daggett. Cecil was a paraplegic all of his life. He died not long ago, he was in his seventies. I came to know Cecil when I was on the Board of Directors of Penquis Mental Health Association. Cecil had a car adapted to handicapped drivers. He contributed his time to the Charlotte

White Center (some of you may remember Charlotte White, who served in this body) by picking up other handicapped adults and driving them to and from this center for work, study, and improvement in their own lives. He couldn't walk but he could drive and the car was adapted for that purpose. He never asked for very much and he never received much recognition in our community but he was certainly an indispensable person in the lives of the people that he served.

It is my feeling that we would be following in Cecil's footsteps in some small way to extend this attendant care to those in a similar condition to his.

Again, I say this is a good bill and I would appreciate your support for this amendment.

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

Representative ALLEN: Mr. Speaker, I move that House Amendment "B" to Committee Amendment "A" be indefinitely postponed.

Mr. Speaker, Men and Women of the House: First, I can appreciate the intent and the efforts of my good friend from Dover-Foxcroft, Representative Thistle; however, I would ask the House to indefinitely postpone this amendment because it goes beyond the intent of both the original bill, the sponsors of the bill, and the Governor's Commission on Employment of the Handicapped. It was our intent when passing the bill out, the intent of the sponsors, and the Governor's Commission, that this bill only deal within the existing framework. It was not their intent nor our intent to impose on businesses operating in the state the additional burden of hiring additional personnel in order to make this bill work.

When the commission came to us with the bill, their idea was that the handicapped drivers would get used to doing business at one particular station and would learn easily whether the requirement would be to drive up to the self-service pumps or to the full-service.

Repeatedly, this legislature has dealt with fairness questions and often times, we have to make a distinction in our decisions. It would be a good idea that all service stations provide this function, but in this case, it is just plain impractical. We often make distinctions when passing laws between the number of employees working at a station or ages or whatever. So, while the fundamental fairness issue is a good one, it is just impractical and I would urge that the House indefinitely postpone House Amendment "B" to Committee Amendment "A."

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

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I do not accept the argument offered by the gentlelady, the Chairperson of the Committee, I think it is a very weak argument and a very soft argument.

As we drive out Western Avenue today and we see the number of gasoline stations that are on this highway leaving Augusta, one of those eight service stations will be affected by this law. If we, as legislators, want to do something to help the handicapped, which I do and I support this bill and this amendment, then we will make it so that all of the gas stations in the State of Maine will be affected by this. All of the handicapped people in the State of Maine, as Representative Gould and Representative Thistle (who represent rural areas in the state) and who have seen a change-over to almost 90 percent of their gas stations to self-service. What we will be doing, indeed, is saying to these people who operate self-service only gas stations that we want you to recognize people that are

handicapped as we do those ten percent of the people that have full and self-serve islands.

This is a fairness issue, I believe it is a fairness issue, not for the service station owners, but for handicapped people throughout this state.

I would urge you to adopt this amendment that Representative Thistle has offered so fairly for these people who need this service.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I can appreciate the position that the good Representative from Dover-Foxcroft and the good Representative from Canaan have taken and I think the gentlelady from Washington did a good job of explaining how this bill went through the committee.

One of the arguments that was given against the bill in the committee was that many of these establishments, if it was as they are proposing, would have to hire an extra person to work. What we felt was -- and I was one of the sponsors at the request of the disabled -- that if you are to drive in to a gas station that provides both services, self-service and full-service, it is discriminatory against a person who drives into that gas station -- it is not going to be that much of a job. One of the arguments against applying it to all places such as Cumberland Farms and Big A and those places was that they would have to hire an extra person. Under this setup, they can go into either one and it is up to the gas station that provides the split pumps (as they call it) to either say, come over to the full-service one, or I will go over to the self-service and help you out.

I would urge that you vote to indefinitely postpone this amendment and we proceed with the engrossment.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I feel that, in hearing the testimony before the committee, we did not investigate or hear the impact that this amendment would have. At this time, I think it is drastic.

I also feel that, while it is not the intent of the good Representative from Canaan or Representative Thistle, this could very well kill the initiative that we are trying to gain and get the momentum started in providing these services to the handicapped people. I don't think that at this time that this would be a wise move to accept Amendment "B" to this bill.

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

Representative ANTHONY: Mr. Speaker, I would like permission to address a question through the Chair?

My concern here is that I really feel caught in the horns of a dilemma -- on the one hand really wanting to provide as much help as possible to handicapped people in rural areas and this amendment would obviously go farther in that direction and, on the other hand, not wanting to unduly burden businesses. My question is, is there any data or any estimate of the number of service stations that only have one employee and that provide self-service gasoline service only and, therefore, would be required to hire a second person?

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

The Chair recognizes the Representative from

Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I am sure that data is available through any of the organizations that represent the oil dealers or the gasoline dealers in this state. Quite frankly, the committee didn't study any data as to the impact that it would actually have because there was really no serious discussion of applying this law to all self-service gasoline stations such as Cumberland Farms, the Big Apple, Gibbs, those self-service that offer discount prices without attendants to pump the gas.

As far as its impact in the rural area, I represent eight rural towns in Knox, Waldo, and Lincoln Counties and, thinking very quickly about the service stations in my area, there are none that offer both services. Most of them offer full-service -- in other words, they will come out and pump your gas. Only a very few offer total self-service. So, the only people truly impacted by this bill are those stations that are only offering self-service. Often times, those stations offering self-services besides the Gibbs, the Big Apple, are your real small stores in the rural areas that have people pump their own gas and they only have a single attendant in the store. So, there are statistics available, we don't have them because we didn't pursue this matter to that point in committee.

In getting the support of the oil dealers, gasoline station people and all of that, it was the fact that it would affect only the self-service stations that also have full-service.

The SPEAKER: The pending question before the House is the motion of Representative Allen of Washington that House Amendment "B" (H-461) to Committee Amendment "A" (H-456) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 20 in the negative, the motion did prevail.

Subsequently, Committee Amendment "A" was adopted.

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

Representative Mills of Bethel was granted unanimous consent to address the House:

Representative MILLS: Mr. Speaker, Men and Women of the House: Since the ruling on germaneness from the Speaker will be coming up later and I will be out of state for a wedding, I just wanted to correct for the Record something I quoted yesterday -- District of Columbia vs. McGhee and it should have been Smith vs. District of Columbia which did not violate the supremacy clause; did not violate the commerce clause; was not vague, arbitrary and did not violate due process.

I would just point out that I did not research these cases myself, they were from the Office of Policy and Legal Analysis and you can get a copy of all the cases on this. If you would like one later on, you can get a copy from the office or from anyone on the committee.

(Off Record Remarks)

On motion of Representative Manning of Portland,
Adjourned until Wednesday, March 2, 1988, at nine o'clock in the morning.

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

In Senate Chamber
Tuesday
March 1, 1988

Senate called to Order by the President.

Prayer by Pastor Andrew Spohrer of the United Baptist Church in Old Town.

PASTOR SPOHRER: Shall we pray. Heavenly Father we praise You this morning for all that You are, for Your holiness and justice. We praise You for the privilege of living in this beautiful state and for the government that we have and for these who have given of their time and energy even at personal sacrifice to give us leadership. We pray Your blessing upon them today that You will give them direction, that You will give them wisdom, that You will give them courage to make hard decisions that will be best for all of us for years to come. Grant Lord the understanding that can come only from You as they lead us today. We pray in Jesus name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Provide for Allocations of the State Ceiling on Private Activity Bonds" (Emergency)
S.P. 910 L.D. 2376

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

In Senate, February 26, 1988, referred to the Committee on STATE AND LOCAL GOVERNMENT.

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

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act Concerning Shoreline Alteration of Artificially Created Great Ponds"

H.P. 1737 L.D. 2382

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 Extend the Coyote Night Hunting Season"

H.P. 1735 L.D. 2380

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Off Record Remarks

Bill "An Act to Improve Supervision of Prison Furloughs"

H.P. 1736 L.D. 2381

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

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