

# 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

(C "A" S-320)  
Which was READ A SECOND TIME and PASSED TO BE  
ENGROSSED, as Amended.  
Sent down for concurrence.

Senate at Ease  
Senate called to order by the President.

ENACTORS

The Committee on Engrossed Bills reported as  
truly and strictly engrossed the following:  
An Act to Clarify the Method of Computing Unusual  
Enrollment Adjustments

H.P. 1469 L.D. 1980  
(C "A" H-453)

An Act Requiring that Curb Ramps be Constructed  
in Accordance with the American National Standards  
Institute Standards

H.P. 1483 L.D. 2017  
(C "A" H-452)

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

An Act to Create the Maine Choice Fund

H.P. 1695 L.D. 2328

On motion by Senator BERUBE of Androscoggin,  
placed on the SPECIAL APPROPRIATIONS TABLE, pending  
ENACTMENT.

Emergency

An Act to Amend the Law Concerning the Maine  
Student Incentive Scholarship Program

S.P. 730 L.D. 1989  
(C "A" S-317)

On motion by Senator BERUBE of Androscoggin,  
placed on the SPECIAL APPROPRIATIONS TABLE, pending  
ENACTMENT.

Senator CLARK of Cumberland was granted unanimous  
consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator PERKINS of Hancock,  
ADJOURNED until Wednesday, March 2, 1988, at 9:00 in  
the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
Wednesday, March 2, 1988

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

Prayer by Reverend Trueman Bray, Penney Memorial  
United Baptist Church, Augusta.

The Journal of Tuesday, March 1, 1988, was read  
and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Regulate Marketing and Bargaining  
in the Maine Blueberry Industry" (S.P. 918) (L.D.  
2394)

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

Was referred to the Committee on Agriculture in  
concurrence.

Bill "An Act to Provide for the Safety of Health  
Care Workers Involved with the Care and Treatment of  
AIDS Patients and Clarify the Ability of Hospitals to  
Recover Increased Costs Resulting from the Adoption  
of Recommended Treatment Protocols" (S.P. 916) (L.D.  
2392)

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

Was referred to the Committee on Human Resources  
in concurrence.

Bill "An Act to Prohibit the Use of Airplanes or  
Aerial Surveillance in the Taking of Any Tuna" (S.P.  
917) (L.D. 2393)

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

Was referred to the Committee on Marine Resources  
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 Define the Financial Relationship  
of the Maine Potato Board and the Department of  
Agriculture, Food and Rural Resources" (H.P. 1761)  
(L.D. 2414) (Presented by Representative TARDY of  
Palmyra) (Cosponsors: Representatives PARENT of  
Benton and MAHANY of Easton) (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 Amend the Cosmetology Laws" (H.P.  
1759) (L.D. 2408) (Presented by Representative  
PARADIS of Frenchville) (Cosponsors: Representatives  
MAHANY of Easton, ALLEN of Washington, and KILKELLY  
of Wiscasset) (Approved for introduction by a  
majority of the Legislative Council pursuant to Joint  
Rule 27)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act to Enhance and Clarify the Role of the State Board of Education" (H.P. 1756) (L.D. 2405) (Presented by Representative BOST of Orono) (Cosponsors: Senators ESTES of York, CLARK of Cumberland and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)  
 Ordered Printed.  
 Sent up for Concurrence.

Judiciary

Bill "An Act to Waive Filing Fees for the State in Asset Forfeiture Proceedings" (Emergency) (H.P. 1760) (L.D. 2409) (Presented by Representative PARADIS of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)  
 Ordered Printed.  
 Sent up for Concurrence.

Legal Affairs

RESOLVE. to Permit Christie L. Hayes and Richard E. Shorey, Jr. to Sue the State for Compensation for Personal Injuries Resulting From Negligence on the Part of the Department of Transportation (H.P. 1757) (L.D. 2406) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: President PRAY of Penobscot and Representative CLARK of Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)  
 Ordered Printed.  
 Sent up for Concurrence.

State and Local Government

Bill "An Act to Promote Fiscal Responsibility in Androscoggin County Government" (H.P. 1758) (L.D. 2407) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives LAPOINTE of Auburn, TRACY of Rome and ALIBERTI of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)  
 RESOLVE, to Authorize a Transfer of Surplus Funds within the Franklin County Budget (Emergency) (H.P. 1755) (L.D. 2404) (Presented by Representative DEXTER of Kingfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)  
 Ordered Printed.  
 Sent up for Concurrence.

Transportation

RESOLVE, to Create a Link from the Old Orchard Beach Ball Park Area to the Interstate 95 Spur (H.P. 1754) (L.D. 2403) (Presented by Representative McSWEENEY of Old Orchard Beach) (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 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 Establish a Permit to Operate a Railroad" (H.P. 1752) (L.D. 2401) 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 MICHAUD for the Maine Commission on Land Conservation and Economic Development, pursuant to Public Law 1987, Chapter 514 ask leave to submit its findings and report that the accompanying Bill "An Act Enabling Municipalities to Establish Municipal Investment and Land Banks Funded by a Local Option Real Estate Transfer Tax" (H.P. 1762) (L.D. 2415) be referred to the Joint Standing Committee on Economic Development for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

On motion of Representative Crowley of Stockton Springs, was referred to the Committee on Taxation, ordered printed, and sent up for concurrence.

Reported Pursuant to the Public Laws

Representative CARTER for the Committee to Study the Retirement System, pursuant to Public Law 1987, Chapter 68, section 9 ask leave to submit its findings and report that the accompanying Bill "An Act to Improve the Services Provided to the Members and Retirees of the Maine State Retirement System" (Emergency) (H.P. 1763) (L.D. 2416) be referred to the Joint Standing Committee on Aging, Retirement and Veterans for Public Hearing and printed pursuant to Joint Rule 18.

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

Reported Pursuant to the Public Laws

Representative CARTER for the Committee to Study the Retirement System, pursuant to Public Law 1987, Chapter 68, section 9 ask leave to submit its findings and report that the accompanying Bill "An Act to Make Changes in the Administration of the Maine State Retirement System" (H.P. 1764) (L.D. 2417) be referred to the Joint Standing Committee on State and Local Government for Public Hearing and printed pursuant to Joint Rule 18.

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

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Require Monitoring of Environmental Impacts by Persons who Spray Forestry Herbicides" (H.P. 1632) (L.D. 2227) reporting "Leave to Withdraw"

Representative DELLERT from the Committee on Aging, Retirement and Veterans on RESOLVE, to Provide Beatrice Adams of Gardiner Spousal Benefits Based on her Former Husband's Maine State Retirement System Benefits (H.P. 1626) (L.D. 2221) reporting "Leave to Withdraw"

Representative HALE from the Committee on Labor on Bill "An Act to Clarify that Volunteer and Intern Service in the State Environmental Resource Volunteer Effort Program is Not Considered Employment for

Unemployment Compensation Purposes" (Emergency) (H.P. 1653) (L.D. 2261) reporting "Leave to Withdraw"

Representative WENTWORTH from the Committee on State and Local Government on Bill "An Act Regarding Amendments to the Kennebec County Budget" (H.P. 1570) (L.D. 2141) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Establish Confidential Communications Between Certified Public Accountants and their Clients" (H.P. 1476) (L.D. 2011) 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 Banking and Insurance

Representative BOUTILIER from the Committee on Human Resources on Bill "An Act to Increase Reimbursement Levels to Respite and Foster Care Providers" (H.P. 1569) (L.D. 2140) reporting that it be referred to the Committee on Banking and Insurance.

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

Ought to Pass in New Draft

Representative WHITCOMB from the Committee on Taxation on Bill "An Act to Provide a Method for Taxation of Real Property When Owner is Unknown" (H.P. 1428) (L.D. 1939) reporting "Ought to Pass" in New Draft (H.P. 1753) (L.D. 2402)

Report was read and accepted, the New Draft read once and assigned for second reading Thursday, March 3, 1988.

CONSENT CALENDAR

First Day

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

(S.P. 773) (L.D. 2030) Bill "An Act to Establish a Commemorative Day for Margaret Chase Smith and Edmund S. Muskie" Committee on State and Local Government reporting "Ought to Pass"

(S.P. 734) (L.D. 1993) Bill "An Act to Bring the Computer Services Section of the Department of Professional and Financial Regulation into the Division of Administrative Services" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-320)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 3, 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:

(H.P. 1705) (L.D. 2342) RESOLVE, Authorizing a Working Capital Advance for the Seed Potato Board (Emergency)

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

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

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

PASSED TO BE ENACTED

Emergency Measure

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

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. 113 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 ENACTED

An Act Pertaining to Fire Permit Enforcement (S.P. 865) (L.D. 2254) (S. "A" S-319)

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

PASSED TO BE ENACTED

An Act Relating to Geographic Isolation Grants (H.P. 1422) (L.D. 1933) (C. "A" H-454)

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

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: I move that L.D. 1933 and all accompanying papers be indefinitely postponed.

L.D. 1933 covers more than geographic isolation. This bill is a departure from the underlying principle of equity. The basic premise behind the education formula is local effort. You cannot simply look at the total operating costs and naturally assume that there is a substantial mill rate attached. The real fact that we must look at is that mill rate. For example, North Haven spends \$3607 per student but its total mill rate for education is 7.2, which translates into a property tax bill of \$288 on a \$40,000 house.

On the other hand, Portland invests \$2569 per student, its mill rate for education is 13.2, representing a tax bill of \$528 based on a \$40,000 house.

In short, this legislation proposes that, if a unit spends a great deal over the state per pupil average, it should receive state aid even if that mill rate required to raise the money is less than its neighboring school unit. In other words, under L.D. 1933, most of the assistance would go to the units with the lowest mill rates and those with the highest mill rates would get basically nothing. Is that the kind of policy we want to create? Obviously, some of the concerns surrounding property taxes and state valuation need to be addressed. The ideal would be for the state to pick up 100 percent of that cost. However, we have got to remain realistic. In our quest to remedy the situation, we can't afford to jump on a short-term Band-Aid solution. Let's dispose of L.D. 1933.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: While I understand my friend Guy's concern, perhaps he is not totally aware of what the initial enabling legislation on geographic

isolation grants were and what the reasons were that may have led him to take the position that he is taking.

In 1973, the legislature, by statute, created eleven districts that they defined as geographically isolated and said that because of the added costs above and beyond all other districts in this state -- for those geographically isolated areas -- they should be eligible for a special grant to deal with the added costs caused by the geographic isolation. It was tied to the sharing formula and, in 1973, that created no problem. However, over the ensuing years, with the rapid and gross increase in property values (particularly on islands) with a corresponding lack of increase in income of the individuals that live on those islands, we have reached a situation where right now seven of the eleven units that are defined as geographically isolated are not eligible for the grant. Next year, eight of the eleven units that are defined as geographically isolated will not be eligible for the grant.

What this bill does, and it pertains only to those eleven units, is say that geographic isolation is geographic isolation, and that the costs attributed to geographic isolation have nothing to do with the state sharing formula, they are outside and beyond the state sharing formula.

The Department of Education agrees with that, the Department of Education has supported this bill. They have recognized the need for giving aid to these geographically isolated areas and have said quite clearly that this is the only avenue available to do that.

Now, let's look at the mill rate question that my good friend brought up. He is absolutely correct with the mill rate on Vinalhaven -- a \$40,000 house would raise \$288, and a \$40,000 house in Portland under the mill rate would raise \$528. That is absolutely true, he only forgot one thing, there isn't a house on Vinalhaven that is appraised at \$40,000. The superintendent of schools out there, six years ago, bought a house for \$61,000, its current valuation is \$240,000. Now, if you take that 7.3 mill times \$240,000, we start coming out in the range of taxes generated on that house of \$16,000, a little different than the \$528.

If we look at the wages, the income that exist on these islands -- I won't use North Haven, I will use Islesboro because it happens to be the figures that I know -- the median income on the Island of Islesboro, who is also under this bill, is \$9,000 a year. The median income in the State of Maine is \$16,000 a year. So, we are looking at areas, because of an artificially inflated property value, that are assuming as it is right now 100 percent of the school costs and doing it on incomes that are in the range of 40 percent less than the median income in the rest of the state.

I agree with the gentleman, Representative Nadeau, equity is a problem with this. The current problem is that within these eleven areas under the current system we have inequity that is mandated by statute. This is the only avenue to start to even that out.

The department agrees with it, the majority of the committee agrees with it. I would certainly hope that this body with our commitment to education and our commitment to funding education would not overlook these eleven districts who are not affected by whatever we do with state assistance.

Mr. Speaker, I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Stonington, Representative Rice.

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: I think there is another issue that should be brought out today. I represent the island of Isle au Haut, a 40 minute boat ride from Stonington over to the island. I will remind you that the schools on those islands are the lifeblood. Without a school, they will no longer retain families, people will not stay if there is no elementary school for their children.

I hope you will consider carefully the impact of this piece of legislation. I think it is worthwhile. I think the school on Isle au Haut that has its seven or eight students deserves our consideration as does the school on Vinalhaven. The school is the lifeblood for the people there.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I would urge you to vote against the motion before us and to support this piece of legislation. I would just echo the concerns by Representative Scarpino, that we are dealing with a very unique situation. We are dealing with our islands, primarily off the coast of Maine.

I understand full-well the lack of sympathy for these areas that are characterized by high property values and seemingly rich people but I think you have to share with us some sympathy for the people who live there year-round and are trying to maintain school systems to educate their children.

This is a very unique situation, we think it bears at least a little consideration on the part of this legislature to allow these island communities to receive some meager form of assistance from the state in terms of their educational programs which they are not receiving now. I urge you to defeat the motion before us.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Soucy.

Representative SOUCY: Mr. Speaker, I would like to pose a question through the Chair. I would like to know the total amount of money that would be attached to this bill?

The SPEAKER: The Chair would advise the Representative from Kittery, Representative Soucy, that for the fiscal year 1989-90, \$300,000 pursuant to the the fiscal note attached to it.

The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: Many statements have been made here and I think that some of them have merit. I certainly agree with Representative Nadeau this morning that this is a discriminatory bill. I really feel that every tax dollar that we expend should have an equal effect on our young people seeking an education.

I feel, in this case, that we are giving people money at the expense of others especially our taxpayers. I certainly would hope that you would go along with Mr. Nadeau on this and defeat this bill.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: One of the issues that has been discussed this morning is inflated property values. You will find that most of your coastal communities are affected by inflated property values. We will take the City of Biddeford as an example. We have property that is located in the Biddeford Pool, Granite Point, and Hills Beach area where the property values for a unit have been selling for \$500,000 for a piece of property, so we are all affected by this. I don't believe that by

singling out an isolated area that we are solving a problem. I would urge you to support the pending motion of Representative Nadeau of Saco.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I urge you to vote for the pending motion on this bill. I would like to take a few moments to present some information to you.

I do believe and support that these island communities need additional help for their schools. I don't believe this bill is the proper vehicle.

I am very glad that Representative Scarpino mentioned the island of Islesboro because that is the example that I intend to use.

I believe this bill is an example of a special interest bill that would actually benefit the wealthy residents of these geographically isolated areas to the detriment of the less well off year-round residents. No doubt some of the benefit would go to the year-round residents but I repeat, the majority of the benefits would go to the seasonal residents, many of whom are out-of-state people.

For example, in Islesboro, the state valuation is \$50,500,000 and the approximate school costs of \$408,250. The mill rate for schools is 7.5 mills. The taxes on a \$22,000 home, for the school portion, would be approximately \$165. The taxes on a \$110,000 home would be approximately \$825. The proposed geographic isolation grant would be \$88,845. The reduction in the mill rate would be approximately 1.8 mills which would mean a \$40 reduction on the \$22,000 home, a \$90 reduction on a \$50,000 and \$1800 on a \$1 million home. The estimated split of the isolation grant between year-round residents and seasonal residents, according to information estimated by the tax assessor on the island, would be approximately 25 percent for the year-round residents and 75 percent for the seasonal. That would be \$22,211 for the year-round residents and \$66,634 for the seasonal residents.

Recently, I attended a concert by the Portland Symphony. On the last page of the Portland Symphony Orchestra's program is a page describing real estate that is for sale in our state. There were two of these pieces of land that were located on Islesboro. One of them is called the Drexel Estate in Ryder's Cove in Islesboro. It says the house is designed by the noted architects, Peabody and Sterns and is listed on the national register of homes. It contains some 10,000 square feet of living space in 24 spacious rooms. The interior includes original details, six fireplaces, the house is fully furnished etcetera. I will show you a picture of that home. It is listed for \$1.85 million and, according to estimates by island people and real estate people, will probably sell for about \$1.2 million. Currently, the taxes on this home are \$3,000.

There are other examples that could be given and the approximate value on the homes are about 50 percent of what they ought to be valued at the last selling price and, if they do sell for over \$1 million, then their under-valuation is probably more than 100 percent. I believe that it is time that these geographically isolated areas along the coast take a look at their seasonal property and be able to place appropriate values on that seasonal property so that they could in effect lower the property taxes for the year-round residents and still be collecting enough in additional taxes to more than make up for the geographical isolation grants that they would be getting in this bill.

However, I do realize that there are other geographically isolated areas that may not have this

type of under-valuation and that is another problem and we must look at that another day in another L.D. but this L.D., as I said before, will provide the majority of the relief to those people who do not need it at the expense of the people who do need it.

I ask you to take a long hard look at the lack of equity and at the policy that we would be creating by the passage of this L.D. and please vote for indefinite postponement of this bill.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: My learned colleague from Brunswick, while she has presented some very impressive facts on one house and some very impressive figures from one island, has ignored the broad spectrum in order to make a point and has failed to take into account the actions of this legislature to reduce certain tax loads on certain properties. When I say that, I refer to tree growth and farmland.

If you look at any number of these large estates that the gentledady from Brunswick would have pay the taxes or are claiming are not paying the taxes, the reason they are not is that we, in our largess and in our attempts to preserve the woodlands in this state, have created a thing called tree growth. These wonderful large estates on 100 acres and 150 acres have one acre and a house on a house lot and the other 149 acres in tree growth. You know what that does to the taxes. That is something that has to be lived with, unfortunately, to keep the woods and trees in this state, here.

In these particular areas, it has an atrocious negative effect because all of the local people who own a house on a lot cannot take advantage of the tree growth, they have to pay full dollar, full mill rate, no deductions and no concessions. They can't keep three pigs or a sheep and shear it once a year and put it in farmland as some of them are, they have to carry the full load.

Now, let's put it quite simply, will this benefit some rich people? Yes, there are some rich people that will get a couple of bucks on this. What about the multitude of middle and low income people that are on those islands? If we, through a mistake in sense of equity or a mistake in concept of who should pay the load in order to prevent one or two wealthy people from gaining a little benefit, would intentionally put economic hardship on the majority of the people on those islands, we are downright foolish, we don't understand the situation, we don't understand the problem and we don't belong here. We are here for the general good of the people of this state and those people on the islands have just as much right to it as somebody does in Biddeford Pool, Saco, Aroostook or in Brunswick. We are talking about districts who don't get a cent from the state. We are not talking about Biddeford Pool, where yes they have got some high rates, but they get some money from the state. Brunswick gets some money from the state. The Island of Islesboro with a \$9,000 median income doesn't get one cent from the state for its schools. That's equity? That's making the people who can afford to, pay? That is foolishness!

Pardon my emotional tirade but I thought that when I came here that we were here to represent the people of this state. I thought that we were here to attempt to make their lives a little better and to make sure, in this case, that everyone got a chance at an equal education. That is all that this bill is for. We are talking about \$300,000.

We just wrote \$19 million into the sharing formula under the Governor. None of these places get a chance at that, they don't get any of it. \$300,000 because of a particular problem called geographic isolation that adds to the expenses of operating these schools that the state recognized 15 years ago. This isn't something new, this isn't somebody trying to sneak something someplace. This is attempting to address a need that was recognized by the legislature 15 years ago. I don't think \$300,000 is an atrocious economic burden for the taxpayers of this state to aid other citizens in this state.

I would certainly hope that this body would agree with that and would make sure that all the citizens of this state got the benefits that we are capable of offering.

At this point, the Chair appointed Representative Diamond of Bangor to act as Speaker pro tem.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.  
 Representative MARTIN: Mr. Speaker and Members of the House: The debate on the issue of geographic isolation has gotten a little beyond the intent of the Geographic Isolation Law and the School Subsidy Act. Valuation is a problem in every community in the state.

Fifteen years ago, actually sixteen years ago, the Maine Legislature, upon recommendation of the Education Commissioner, the State Board of Education and a task force which dealt with the issue of school financing, specifically looked at the question of geographic isolation unrelated to the question of valuation of municipalities.

You may wonder why I am here before you since obviously I do not yet represent an island (some day perhaps). Remember that the purpose of this act is for geographic isolation, not necessarily only islands. One of those affected happens to be in my legislative district, the community of Allagash, SAD #10. One community alone of 550 people, some 45 miles away from SAD #27's location in Fort Kent -- over roads that most of you wouldn't travel at any time of the year.

The purpose of the act was to provide assistance to those municipalities that were geographically isolated in providing certain services that would not be available to small areas and communities where there was no way of sharing those programs with neighboring communities, whether it be the music program and obviously, you need a music instructor about one period a day; whether it be physical education a couple of periods a day; home economics, etcetera, right down the line.

The purpose of the grant in geographic isolation law was to provide services that were going to be provided in the school formula system to every other school district in the state but realizing that the costs would be greater because they would have to pay more to get those services there. It has nothing to do with valuation. The valuation problem is one that is state-wide whether it be in Brunswick, Vinalhaven, North Haven or my hometown of Eagle Lake.

Last year, my hometown of Eagle Lake, because of state valuation changes and because of our participation in SAD #27, and the sharing, as you well know, of the payment within the district based

on the valuation structure, our municipal taxes in my community went up 30 percent with no industry coming in, with no new homes to speak of, no new cottages but exactly what is going on elsewhere along the coast or anywhere in Maine where there is a lake. Out of stater's are purchasing for four and five times what the property is valued at by the municipality. The state comes in under the system in which we operate assessing everyone's property based now on the increased value and we picked up another 20 percent of the cost to the school district within SAD #27. That is going on, men and women of the House, statewide. It is an impact which we need to address.

This bill does not deal with that issue. It was never intended when Governor Curtis submitted that legislation to the legislature -- it was submitted with only one purpose in mind, for geographic isolated areas that would need to have special programs and would automatically have to pay more because there would be so few people to receive it. That's it. That is the purpose of the act.

We may get carried away with whether or not this is the right amount or not the right amount but I don't want you to come to the conclusion that geographic isolation treatment is an unfair treatment to the rest of the state because all the geographic treatment provided for was to provide an ability to those municipalities to provide those kinds of services that are expensive but would be unable to be provided at all and yet the law requires that it be.

Let me point out specifically that the community of Allagash is the most expensive per child, per capita child, of any school district in the state to operate a system. Are we suggesting that we put them on a bus and take them 40 miles down the road? I don't think so. That ought not to be our purpose nor should it be our purpose to break up families on the islands and say, go to school on the mainland because that is cheaper, that ought not to be our purpose.

I would certainly hope today that we would vote against the pending motion and vote for enactment of this legislation. It will go on the Appropriations Table and, if the Education Committee, pray be to everyone, comes up with a better solution at the end of this year, then we can kill this off the table and deal with the issue of valuation, the issue of geographic isolation and the rest of that. Today is not the day to kill this piece of legislation.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Men and Women of the House: I recognize the good gentleman from Eagle Lake's plight as far as taxes are concerned. In our hometown, taxes went up as much as 44 percent, which is 14 percent more than 30 percent. A good part of it was due to the mandates that we pressed onto these small communities. However, I still think that, if we want to afford equal opportunities for every child in our state, that this bill goes against that premise, it goes against it.

I certainly hope that you will stick with Representative Nadeau on this issue.

The SPEAKER PRO TEM: 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.



At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The pending question before the House is the motion of Representative Nadeau of Saco, that L.D. 1933 and all accompanying papers be indefinitely postponed. Those in favor will vote yes: those opposed will vote no.

ROLL CALL NO. 195

YEA - Anderson, Bailey, Bragg, Callahan, Cashman, Davis, Dellert, Dore, Farren, Handy, Hichborn, Mayo, Nadeau, G. R.; Norton, Parent, Pouliot, Racine, Rydell, Stevens, P..

NAY - Aliberti, Allen, Anthony, Armstrong, Baker, Begley, Bickford, Bost, Bott, Boutilier, Brown, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Daggett, Dexter, Diamond, Dutremble, L.; Erwin, P.; Farnum, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gwadosky, Hale, Harper, Hepburn, Hickey, Higgins, Hillock, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Moholland, Murphy, E.; Murphy, T.; Nicholson, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Priest, Rand, Reed, Rice, Richard, Ridley, Rolde, Rotondi, Salisbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

ABSENT - Duffy, Gurney, Hanley, Hogle, Holloway, Jackson, Marsano, Mills, Mitchell, Nadeau, G. G.; Pines, Reeves, Ruhlin.

Yes, 19; No, 118; Absent, 13; Vacant, 1; Paired, 0; Excused, 0.

19 having voted in the affirmative, 118 in the negative, with 13 being absent and one vacant, the motion did not prevail.

Subsequently, the Bill was 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 Establish the Additional Support for People in Retraining and Education Program" (H.P. 1744) (L.D. 2390)

(Committee on Economic Development suggested)

TABLED - March 1, 1988 by Representative CARROLL of Gray.

PENDING - Reference.

On motion of Representative Crowley of Stockton Springs, retabled pending reference and specially assigned for Thursday, March 3, 1988.

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

Bill "An Act to Strengthen the Drunk Driving Laws" (H.P. 1746) (L.D. 2395)

(Committee on Judiciary suggested)

TABLED - March 1, 1988 by Representative PRIEST of Brunswick.

PENDING - Reference.

On motion of Representative Paradis of Augusta, was referred to the Committee on Legal Affairs, ordered printed, and sent up for concurrence.

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

BILL HELD

RESOLVE, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (Emergency) (H.P. 1698) (L.D. 2331) (H. "B" H-458)

- In House, Passed to be Engrossed as amended by House Amendments "A" (H-457) and "B" (H-458) on February 26, 1988.

- In Senate, Passed to be Engrossed as amended by House Amendment "B" (H-458) in non-concurrence on February 29, 1988.

- In House, House Receded and Concurred.

HELD at the request of Representative THISTLE of Dover-Foxcroft.

On motion of Representative Thistle of Dover-Foxcroft, the House voted to recede.

On further motion of the same Representative, House Amendment "B" (H-458) was indefinitely postponed.

The same Representative offered House Amendment "C" (H-463) and moved its adoption.

House Amendment "C" (H-463) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "C" (H-463) in non-concurrence and sent up for concurrence.

(Off Record Remarks)

MATTER PENDING RULING

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" in New Draft (H.P. 1723) (L.D. 2366) - Committee on Transportation on Bill "An Act Pertaining to Radar Detectors" (H.P. 1485) (L.D. 2019)

TABLED - February 29, 1988 by Speaker MARTIN of Eagle Lake.

PENDING - Ruling of the Chair on Conflict of Interest pursuant to Joint Rule 10.

The SPEAKER: It is important to note that the Commission on Governmental Ethics and Election Practices is expressly authorized to issue advisory opinions to legislators relating to "Conflicts of Interest." The Attorney General is also authorized to issue opinions on legal issues to legislators. However, you are now requesting an opinion regarding the terms of a Joint Rule rather than statutory provisions. The statutes, of course, relate specifically to financially based decisions.

The critical provision of the Joint Rules appears to be Joint Rule 10:

No member shall be permitted to vote on any question in either branch of the legislature or in committee whose private right is distinct from public interest or is immediately involved.

The term "private right" in the rule is not defined. The same phrase has also been used in the debate on the Radar Detector bill.

In order to consider whether such a "private right" is involved with this bill, the bill itself needs to be reviewed. The bill totally bans the possession or use of radar detectors by anyone. The critical element for this analysis appears to be that the ban applies to everyone equally.

A general provision and principle has long been accepted in applying the financial conflict of interest standards, that the interest has to be "unique and distinct from that of ... persons engaged in similar professions, trades, businesses or employment." This is from an Attorney General's opinion in September of 1984. Clearly, most, if not all, legislators in this body do not have a "unique and distinct" interest affected by the banning of radar detectors. That ban applies to all citizens equally, including all legislators. The fact that a legislator believes his or her rights are removed by this bill would not give rise to a conflict as that removal is not unique to that legislator.

However, there is another aspect of this analysis that should be addressed. A legislator's primary concern in voting on legislation should be, and commonly is, to represent the interests of his or her constituents. By expressing a concern that his or her "private right" is affected by this bill, a legislator may be expressing a feeling that his personal opinions are controlling his voting preference. To the extent that a legislator is voting his personal preference, rather than the interests of the constituents, the "public interest", is considered to be a violation of Joint Rule 10.

It is clear that a decision on whether a legislator represents the "public interest" and his constituents, rather than his personal opinion, or "private rights", should be left to the individual legislator in this body.

The pending question before the House now is the motion to accept the "Majority Ought Not to Pass" Report.

The Chair recognizes the Representative from Corinth. Representative Strout.

Representative STROUT: Mr. Speaker, I would pose a question to the Chair.

Would this bill be in violation of Joint Rule 37, whereby the first year of the 113th, we dealt with this and it was defeated by this body?

The SPEAKER: The Chair would rule that the amendment that had been offered, if memory serves me correct, and if I am incorrect, I would be more than happy to get the bill tabled and we can correct it if any of you disagree -- if memory serves me, the amendment that was offered was an amendment to a bill dealing with I-95 raising speed limits to 65. Joint Rule 37 deals with a measure that has always been interpreted as a legislative document and not as an amendment to a pending piece of legislation.

The Chair would rule that the bill is not in violation of Joint Rule 37.

The Chair recognizes the Representative from Island Falls. Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I don't wish to go into everything that I said yesterday, I don't think it is necessary. I think it has been pointed out that "public interest" is our concern and our concern is safety. So, I think that should be our guide.

Last year, when the amendment banning radar detectors, fuzzbusters or police finders, I guess is the new name, was defeated in part because it did not have a proper hearing. This bill has had a proper hearing and you know -- not one person, not one person came in to oppose this bill. I wonder why? Why didn't they come in then and oppose this bill? Radar detector's have been compared to a CB or a pair of binoculars. A CB is something that anyone can receive, you can have two-way communications. I wonder how it would be with a man going down the highway with a pair of binoculars looking around the

curves, I think he should be off the road to begin with.

The cost of the signs were mentioned. Well, the cost was exaggerated, no doubt. I have been told by a pretty good source that the signs would cost about \$300 a piece and that is not going to add up to \$25,000.

As far as beautifying our highways, that was mentioned. I would rather see a little sign up there saying radar detectors banned rather than seeing a car or two up the road with people in it after an accident, dead or half-dead.

The new radar detectors will get the first car but those that are in the five mile range, they will pick up on that and, of course, slow down.

The basic right to own one will take care of that, it is just a matter of we don't want them using them. If they want one, use it out of state, that would be fine, if the other state's don't carry through with their attempt to ban them in other states.

I noticed a bill, L.D. 2329, to address speed on public easements. It seems that we have problems there as well.

Seatbelts, we want people to buckle up -- saying we can't slow you down, so buckle up. I don't think we are addressing the problem. It seems to me we should address the problem first.

There are going to be business losses -- yes. There are those that are probably more interested in a buck and losing a buck than they are in lives lost, and that's too bad.

The major newspapers of the state, most of them have supported banning radar detectors. I would like to read a short paragraph from each one. Portland Press Herald, "With top highway speed limits in Maine raised to 65 miles per hour, there is less excuse than there ever was for allowing radar detectors in motor vehicles to remain legal. These devices are designed, manufactured, sold, and used for only a single purpose -- evading the law, they ought to be banned." The Lewiston Journal, February 3rd, "A bill before the legislature that would ban the use of radar detectors in Maine is not only a good idea, if passed, it would surely indirectly result in saving lives on the highways." We are trading time for lives.

We had a gentleman that testified for this bill, a Mr. Roger Roy, who drives over 35,000 miles a year, and he said he had no problem reaching his appointment and there was less stress than if he was pushing it harder. He did have friends, he said, that boasted about having them and how quick they got around.

It has been said that only 7 percent of the people have radar detectors. I was interested the other day when the Speaker asked those that would come forward that had the detectors. We could have up to 10.57 but my count was slightly less than that. I have a picture that I will share with you later on, of those that did come forward. I am wondering if maybe that count was low.

I stated before that the highway death rate increased by 50 percent in the rural areas. That was reported by the National Highway Safety Council. I don't know what else one can say.

I guess if you need a little guidance and don't know how to vote, and you have time to deliberate about it, then maybe Romans 13:1 will help you make your decision.

I ask for a roll call, Mr. Speaker.

Representative Macomber of South Portland moved the indefinite postponement of the bill and all accompanying papers.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I want to make clear that I am opposing this bill on behalf of the public interest. Some of you might disagree with what that interest is but those are my intentions.

This bill, I am afraid, is like waxed fruit -- it looks good from a distance and yes, it looks like it is going to satisfy our hunger to reduce the speeding on the interstate, but like waxed fruit, when you get up closer, we will find out that it doesn't satisfy that urge to reduce speeding. In fact, it leaves us with a bellyache. A bellyache, ladies and gentlemen, is the enforcement that the law enforcement agency members will be called upon to provide for this bill. I believe it would be near impossible. Right now our law enforcement officers, fine men and women, do as good a job as they can to uphold the laws that we pass and they have to uphold many different laws. One of them is child safety seats. One is seatbelts for children under 13. One of them is inspection stickers. Those are just to name a few.

I feel that if this bill were to pass, it would be unenforceable.

Let's talk a moment about radar detectors. A few years ago, those detectors were a large size, they were readily observable by any law enforcement officer following a car. They were generally located on the dash or up under the visor. At night time, you looked for the little light that was on there and you knew that person more than likely had a radar detector. But those days are gone.

When I went in to take a look at radar detectors in a store, I found out that there were two kinds. There was one kind that you could have right there in the cockpit (if you will) or the kind that could be mounted underneath the grill. The size of those radar detectors have changed too. They are now about yea big, just inches big. They can be put along a dashboard, underneath the dashboard, where your other panel of instruments is. If they are mounted on the dashboard, many times people put a baseball cap on top, run the wire underneath or they are mounted under the grill. Now, you tell me, is that going to be easy to spot for our law enforcement people? I think not. If it is mounted underneath the hood of the car, are we going to turn the interstate into one big service station where everyone is pulled over and we are checking under the hood? I think not.

This is one of those bills that sounds awfully good ladies and gentlemen, but it isn't going to do what it is supposed to do.

I would urge you to support the motion made by the good gentleman from South Portland and indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: We had a work session down in Room 122 on this bill. We had Colonel Skofield down there and I asked that gentleman three questions. I said, "Colonel, does this detector cause any deaths on the highways? Can you give me a percentage?" He said, "No." I said, "Can you give me a percentage on alcohol?" He said, "No." I said, "Can you give me a percentage on speeding?" He said, "No." I said, "What can you give me a percentage on?" He said, "There isn't anything I know of I can give you a percentage on."

Men and women of the House, I urge you to reject this L.D. 2019. If the intent of this legislation was to reduce the number of highway accidents in

Maine, I could support the bill. If the intent was to reduce the number of motorists that speed in Maine, I could support the proposal. But I do not feel that this legislation will do that. To the contrary, I believe that banning radar detectors will detract from highway safety and lessen the objectives of enforcement. If the objectives of enforcement is to reduce the number of motorists who speed, radar detectors play a role in helping enforcement. When you are driving Interstate 95 and see other vehicles slowing down, it is a basic human nature to slow your own vehicle down. Detector owners actually help in other efforts to reduce the number of people who speed. In fact, the Commissioner of the California Highway Patrol said that every motorist should have a detector because the devices would slow people down.

I am not going to stand here and say that everyone should be prepared to own a radar detector but we should certainly not be banning a device that helps safety.

In agreement with this statement was the Director of Pennsylvania State Bureau of Patrol who reported that he believed that detectors actually help people slow down before they see the radar. He said we should be interested in safety, not in giving speeding tickets. I certainly agree that safety is a priority with this issue, not adding more funds to the State Treasury.

Those motorists with radar detectors, I believe, do not drive at dangerous speeds and then slam on the brakes when the detector is tripped. There is no evidence to prove this theory. There is evidence that reports that motorists who own radar detectors have almost 50 percent fewer accidents than non-users.

In addition, it is purported that detector owners are twice as likely to wear safety belts than the general public. If safety is our goal, banning radar detectors is not the solution. Speeding fines should be used to serve as an incentive for motorists to stay within the speed limit, not to increase the revenue of the state. Almost every motorist drives at a speed that he or she feels comfortable with. There is no evidence that users of radar detectors drive recklessly with abundance.

For these reasons, I ask you to support the Majority Report and kill this bill.

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

Representative POULIOT: Mr. Speaker, Men and Women of the House: On this bill I think we have heard an awfully lot and I think we have heard everything but the mere fact you are hearing it, it is a safety thing and says that it helps you slow down. Why would it really help you slow down? It means you must have been speeding, that is what it would tell you. What else would it tell you? That you were going fast and there is a police officer down the road.

Let's put all the cards on the table -- I have friends in this state whom I travel with and I am privileged to go hunting with in the Fall -- I have three friends who have asked me, "Gee Roger, you know we want to keep our fuzzbusters, leave it alone." It is these three gentlemen that I want to speak to, my friends. I have been with them in these vehicles and I know why they have them. I am telling you, they are not doing 55 or 65, they are doing 75 and when that thing went off, I heard one say, "Oh, oh, something is down the road, we've got to slow down." So let's be honest, the reason why people are buying these instruments is so they can circumvent the law. They can say safety all they want.

I would agree that there is a safety element in this bill, as Mr. Moholland expressed. On a stormy

day on our highways. you can notify them that a state vehicle is out there, I could probably buy that. Then why don't we address this bill and put an amendment on it, if you want a fuzzbuster, you want a radar detector, you can have it, but only in a storm, if you want to use it as a safety device. Other than that, the mere fact is that you are using it to circumvent the law and to break the law.

We were here to set speed limits, 35, 45, 65. I have seen many vehicles when I travel up and down the turnpike and I have my cruise control set at 65, if you really want to do something, it is cheaper to buy a cruise control than it is to buy a radar detector and that will keep you right within the speed limit. You won't have to worry about keeping awake. If you want to stay awake (and some people do have trouble staying awake) I would advise them to get an alarm clock and set it for every 15 minutes.

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

Representative MCGOWAN: Mr. Speaker, Men and Women of the House: I was sitting here listening to the debate undecided as to how I would vote on it and I heard Representative Bott's point about the new state of the art for radar detector's. I have come to the conclusion that we must defeat this bill because it is a matter of social and economic justice. You think of the practical reality of this legislation, about how it will be enforced, and I tried to bring it back to a sense of everyday life.

I remember a couple of weeks ago, while pumping gas at my store in Canaan, this black BMW with tinted glass windows pulled in and filled up with gasoline. I said, "That is a sharp looking automobile you have there." He said, "Yes, about \$25,000 worth of car." I said, "You probably have got everything on it?" He said, "Yes he did have everything on it, including a radar detector." As he opened the door (you couldn't see in because of the tinted glass windows, which was about a \$2000 option) I noticed that you could not see the radar detector in the vehicle. I said, "Where is the radar detector?" He said, "You will never find that in this vehicle because it is underneath the hood." I didn't look underneath the hood because he didn't need his oil checked but I did believe him. that it was there, that it was out of sight and it would be out of sight to the Maine State Troopers.

So when we vote on this bill, we think of the people who do buy a radar detector, the truckers in the State of Maine, the people who are out there on the highways every day, and then we think of people who are buying these \$25,000 and \$30,000 automobiles that have the radar detectors already built in -- those people won't ever lose their radar detectors and the only people who will lose them will be the poor trucking guy who is out there trying to make a living.

I think it is a shame that we are considering something that will be only a penalty to a certain economic provision of the state and those are the people who are out there working everyday on our highways and those people who buy the \$25,000 and \$30,000 cars are never going to have their radar detectors taken away from them.

I would hope that you would consider that, in the State of Connecticut, where they banned radar detectors, that they have the fifth highest amount of accidents in this country so the safety arguments is not a good argument. I would urge this legislature to defeat this bill as a matter of social justice and economics.

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

Representative HILLOCK: Mr. Speaker, Men and Women of the House: I am stimulated by the argument that was just presented before me. I thought he was going to go to support the radar detector bill but I guess he didn't.

As I drive up and down the turnpike, sometimes I speed and sometimes I don't but never more than 5 miles over the speed limit. I take my own risks because it is me that is going to have to pay the fine and then I start thinking more about the fine than the cost of speeding, just the economic cost.

There are a lot of laws on the books that are appealed because there is social, economic problems with them. Why should the wealthy of this state be allowed instruments to avoid the law where the poor people of this state don't have this available to them? So if you want to talk about economic problems with this bill, there is one issue right there, the poor of the state don't have radar detectors. This is really asked here, we have all these arguments and I will just list a couple of them that were in this debate. If you can believe that they are plausible, good for you.

Having a radar detector helps me locate police. The cost of the signs coming into the state will be bankrupting the state. My radar detector keeps me awake. My radar detector tells me how fast I am going. Banning radar detectors will increase revenues to the state -- if I believed that, probably I would vote on that alone.

The issue is simple here -- we had a ruling on Joint Rule 10 and those who want to read it can read it. It says, "public interest" -- we enact speed limit laws in the "public interest." We hear about it from the trucking lobby, we need our radar detectors so we can get there faster because time is money in transportation. I am in that field and I know that time is money. We are talking about 65 miles per hour on our highways, I am talking about 25 miles per hour in school zones. Our children are in those zones and there is a reason that there is a speed limit there. Can we, in reality, condemn these laws or condone those that feel that they can speed 50 or 60 miles per hour right through a school zone because I have a radar detector and, because I do, I know that I can do that because I know if there is someone there monitoring my speed or not.

This bill before us has presented so much smoke and fog, hardly anyone can see the issue. I wish everyone here had their own radar to zero in on what the issue is. The basic issue before us today is, whether or not we, as individuals, I guess, are going to obey the laws that we enact.

With that basic premise, I ask you not to lean to the heavy pressure of the lobbyists from the trucking industry or the heavy lobby of the manufacturers, retailers and wholesalers of these products but yield to each individual conscience here whether or not we, as individuals, are going to support the laws that we pass.

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

Representative DORE: Mr. Speaker, Men and Women of the House: The opponents of this bill have seen many vital First Amendment issues before this body and have never left their seats to comment on those First Amendment issues. I find it interesting that now they have become stalwart defenders of the First Amendment. I don't think that this a First Amendment situation. This is a situation which I, and I believe my fellow legislators, have heard only from constituents that own radar detectors and whose constituents, at least in my case, have told me that they strongly want to retain the use of radar

detectors. I think, therefore, it takes an act of political courage to look them in the eye and say, "I was sent up here to promulgate laws, I was sent up here to defend the laws and I am not going to tie the hands of the police by allowing some consumers the privilege of an instrument that exists to circumvent the law."

Now, the good Representative from Orono, Representative Bott, suggested that these instruments are going to become so sophisticated that the police will have a hard time ever locating them and therefore, the law will be unenforceable. LSD comes on a piece of paper this size and the police have a hard time locating it but it is still against the law and we, in the Maine House of Representatives, still stand up against it. I would suggest that radar detectors will eventually look like pens but that doesn't make them right.

This is a time, if you vote to ban radar detectors, you will be angering some constituents but it is the right thing to do. We are elected to uphold the law.

The good Representative from Island Falls is on the right side of the PI issue (that is personal integrity) and I want to be with him this time.

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

Representative CONLEY: Mr. Speaker, Men and Women of the House: I guess I would like to take issue a little bit with Representative Dore and also Representative Hillock on a couple of points they have made. Unlike my good colleague from Gorham, who, when he flies the friendly skies, does not have to worry about the police officers intruding into his daily affairs like us unfortunate's here on the ground, or unlike Representative Dore who seems to think that we are tying the hands of the police, if we do not pass this bill. I think this body should take a look at this bill for what it really is. It is nothing more than an attempt to increase police powers and allow them to intrude a little bit more into our daily lives.

I am going to ask you the question, where is this going to stop? Are we going to make it illegal? Are we going to arrest people for flashing their lights to oncoming vehicles to tell them that perhaps they should reduce their speed? Or, on a scarier level, if we extend the analogy, are we going to make it illegal for people to find out what information the government has been gathering about them? What type of surveillance the government has been conducting on their activities?

You know it has been said here before and it is not in the constitution, but I think it makes sense, men and women have a right to be left alone and that is what this bill is trying to do away with. We don't need police officers having more authority. For that reason alone, I would ask that the members of this body go along with the motion of the Representative from South Portland and postpone this bill and all of its papers.

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

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

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

Representative HILLOCK: Mr. Speaker, Men and Women of the House: I will just be brief because I

think what was just said needs a rebuttal. I am an airline captain for a major airline and we talk about -- I am a little different because I am not monitored by radar. Well, let me tell you, for those that don't know how structured the airways are and what it is like going into the Los Angeles Basin with five miles between aircraft, I am allowed five miles per hour, five miles per hour deviation, on air speed and it is most regulated of any environment that you will ever find. They can monitor up to one mile an hour or one knot which we measure our air speed by radar. So, don't let that smoke blow through your eyes, use your radar to decide on this. As far as police powers, the basic issue is still here, are we going to support the laws that we pass or are we not?

Representative Smith of Island Falls moved that this matter be tabled one legislative day pending the motion of Representative Macomber of South Portland that this bill and all accompanying papers be indefinitely postponed.

Representative Macomber of South Portland requested a division on the tabling motion.

Subsequently, Representative Smith of Island Falls withdrew his motion to table.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read from the Record of January 2, 1987, "Representative BOTT: ... I also believe that currently no one is going 55, very few. There are a few people going 55, it is making the situation much more dangerous because it is increasing the speed variance on the highway." That was 45 to 55, now we have 55 to 65. Does that still hold true? If that is true, it seems to me you would be voting for this bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Macomber of South Portland that L.D 2019 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 196

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Baker, Begley, Bickford, Bost, Bott, Boutillier, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Conley, Cote, Crowley, Dellert, Dexter, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Garland, Glidden, Gould, R. A.; Greenlaw, Hale, Hepburn, Hichborn, Hickey, Higgins, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. R.; Norton, Oliver, Paradis, J.; Parent, Paul, Perry, Pines, Priest, Rand, Reed, Rice, Richard, Ridley, Rotondi, Sherburne, Simpson, Stanley, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Thistle, Tracy, Tupper, Vose, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

NAY - Bailey, Curran, Daggett, Davis, Diamond, Dore, Foster, Gwadosky, Handy, Harper, Hillock, Kilkelly, Kimball, MacBride, Mayo, Melendy, Michaud, Nicholson, Nutting, O'Gara, Paradis, E.; Paradis, P.; Pouliot, Racine, Rolde, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Small, Smith, Soucy, Taylor, Walker, Willey, The Speaker.

ABSENT - Coles, Duffy, Gurney, Hanley, Hoglund, Holloway, Jackson, Marsano, Mills, Mitchell, Nadeau, G. G.; Reeves, Ruhlin.

Yes, 100; No, 37; Absent, 13; Vacant, 1; Paired, 0; Excused, 0.

LEGISLATIVE HISTORY - SENATE, MARCH 2, 1988

100 having voted in the affirmative, 37 in the negative, with 13 being absent and one vacant, the motion to indefinitely postpone did prevail.  
Sent up for concurrence.

(Off Record Remarks)

On motion of Representative Smith of Island Falls,  
Adjourned until Thursday, March 3, 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  
Wednesday  
March 2, 1988

Senate called to Order by the President.

Prayer by Father Raymond P. Melville of St. Mary's Catholic Church in Augusta.

FATHER MELVILLE: Father, a handful of courageous men and women, in a moment of danger, pledged their lives, fortunes and honor to proclaim a nation whose citizens rights were not based on the nod of a king or ruler, but on creation at Your hands. Grant to our administration a ministry of service to all, not the few; to our Legislature the upholding of public interest, not merely a welter of competing private claims; to our judiciary a wisdom in interpreting law, grounded in principle, not expediency.

Send Your spirit on Your people, that they may become active in the affairs of government, that they may not confuse dissent for disloyalty, that they may use their mighty power for the healing of differences among all people with justice and mercy and love. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Extend the Uses of the Potato Marketing Improvement Fund"

H.P. 1745 L.D. 2391

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 Enhance the Voting Rights of Minority Shareholders" (Emergency)

H.P. 1738 L.D. 2384

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 Create a Uniform School Unit Budgeting Process"

H.P. 1740 L.D. 2386

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

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

Resolve, Creating the Commission on Marine Research (Emergency)

H.P. 1741 L.D. 2387

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

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

Bill "An Act to Provide a Sales Tax Exemption to Nonprofit Organizations which Fulfill the Last Wishes of Terminally Ill Children" (Emergency)