

MAINE STATE LEGISLATURE

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
48th Legislative Day
Monday, March 21, 1988

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

Prayer by Reverend Robert Hargreaves, St. Mark's Episcopal Church, Augusta.

National Anthem by the Wisdom Pioneer Band, Wisdom High School, Ste. Agathe.

The Journal of Friday, March 18, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Unanimous Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Amend the Law for Rest Room Requirements for Bed and Breakfast Establishments" (S.P. 906) (L.D. 2361)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Restore to Maine Counties a Portion of the Real Estate Transfer Tax" (S.P. 904)(L.D. 2350)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Establish Minimum Mandatory Energy Standards for Residential Buildings" (S.P. 829) (L.D. 2155)

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

Ought to Pass in New Draft

Report of the Committee on Aging, Retirement and Veterans on Bill "An Act to Correct Inequities in the Maine State Retirement System" (S.P. 718) (L.D. 1947) reporting "Ought to Pass" in New Draft (S.P. 960) (L.D. 2548)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

Ought to Pass as Amended

Report of the Committee on State and Local Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-340) on Bill "An Act to Clarify the Status of Police Officers Assigned to the Bureau of Intergovernmental Drug Enforcement and to Add a District Attorney to the Bureau's Policy Board" (Emergency) (S.P. 832) (L.D. 2166).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-340) and Senate Amendment "A" (S-343).

Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-340) was read by the Clerk and adopted.

Senate Amendment "A" (S-343) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Appropriations and Financial Affairs

Bill "An Act to Make Supplemental Appropriations for Expenditures of the Judicial Department and to Change Certain Provisions of the Law Necessary to the Operation of the Judicial Department for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 1866) (L.D. 2551) (Presented by Representative PARADIS of Augusta) (Cosponsors: Senator GAUVREAU of Androscoggin, Representatives MARSANO of Belfast and HANLEY of Paris) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Compensate Municipalities for Land Used for Transmission Lines" (H.P. 1865) (L.D. 2550) (Presented by Representative MILLS of Bethel) (Cosponsors: Senators ERWIN of Oxford, KANY of Kennebec, and Representative ERWIN of Rumford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

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

On motion of Representative Vose of Eastport, tabled pending reference and later today assigned.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Susan Dore of Auburn be excused March 17 and 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Kenneth L. Matthews of Caribou be excused March 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donald V. Carter of Winslow be excused March 18 for legislative business.

AND BE IT FURTHER ORDERED, that Representative John Jalbert of Lisbon be excused March 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Constance D. Cote of Auburn be excused March 15 and 16 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Christopher S. Gurney of Portland be excused March 18, 21, 22, 23, 24 and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lorraine N. Chonko of Topsham be excused March 18 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Peter J. Manning of Portland be excused March 11 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Jo Anne D. Lapointe of Auburn be excused March 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert L. Glidden of Houlton be excused March 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Helen M. Tupper of Orrington be excused March 21 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative HOLLOWAY from the Committee on Energy and Natural Resources on Bill "An Act Concerning Camp Lot Leases and Access to Private Lands" (H.P. 1720) (L.D. 2359) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative TARDY from the Committee on Agriculture on Bill "An Act to Outlaw Pit Bull Dogs in the State" (H.P. 1813) (L.D. 2481) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative MARSANO from the Committee on Judiciary on Bill "An Act Concerning High Speed Chases" (H.P. 1450) (L.D. 1961) reporting "Ought to Pass" in New Draft (H.P. 1864) (L.D. 2552)

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

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

(H.P. 1605) (L.D. 2196) Bill "An Act to Provide Funds for the Seed Potato Breeding Program" Committee on Agriculture reporting "Ought to Pass"

(H.P. 1760) (L.D. 2409) Bill "An Act to Waive Filing Fees for the State in Asset Forfeiture Proceedings" (Emergency) Committee on Judiciary reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of later in today's session under the listing of Second Day.

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Maine Business Corporation Act to Define the Liability of Directors and to Modernize Indemnification Provisions" (H.P. 1863) (L.D. 2549)

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

SECOND READER

Later Today Assigned

Bill "An Act Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects" (S.P. 238) (L.D. 657)

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

On motion of Representative Paradis of Augusta, tabled pending passage to be engrossed and later today assigned.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Provide a Sales Tax Exemption for Charitable Suppliers of Medical Equipment" (H.P. 1451) (L.D. 1962) (C. "A" H-495)

Bill "An Act to Replace the Sales Tax with an Excise Tax on Jet Fuel Used by Turbine-Powered

Aircraft Providing Commercial Air Service in Maine" (H.P. 1470) (L.D. 1981) (C. "A" H-496)

Were reported by the Committee on Bills in the Second Reading, read the second time, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

SECOND READER

Later Today Assigned

Bill "An Act to Expand and Clarify the Jurisdiction of the Maine State Pilotage Commission" (S.P. 821) (L.D. 2143) (C. "A" S-339)

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

On motion of Representative Anthony of South Portland, tabled pending passage to be engrossed and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Law Concerning Alternate Voting Procedures for School Budget Approval (H.P. 1840) (L.D. 2518)

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 to Establish a Presidential Primary in Maine (S.P. 123) (L.D. 328) (H. "A" H-484 to C. "A" S-329)

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

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I have no illusions as to what is going to happen to this bill today. But I think it has to be very clearly said on the Record that this bill will not do what its sponsors want it to do.

There are reasons for that in terms of rules, in terms of the national party, especially on the Democratic Party side in terms of time limits and restraints and in terms of the New Hampshire primary. I think people have the feeling that a primary will bring candidates into the state but I think all it will bring into the state are 30 second glossy TV commercials. So, I think this could possibly be called an economic development bill in terms of the media, in terms of newspaper advertising and TV and radio time, but in terms of candidates in the flesh, we are not going to see them.

I think there will be a backlash in terms of people thinking that they will have something that will be meaningful and I think they are going to find that it is a beauty contest, they aren't going to see the candidates and I think there will be a backlash.

We are looking at the next time we can have a primary being 1992 and we have time after the dust settles in this Presidential campaign year to be able to make a decision in terms of what do we want in this state. We should be able to look at the caucus we want in this state. We should be able to look at the caucuses and are they effective or do they need to be replaced or complemented? Can we develop a more specific type of primary that will mean

something? I think it is a knee jerk reaction in terms of the campaign that we are presently in and it is interesting that at a time when there is movement toward establishing a primary here in this state, in the South, there is a movement to break up the primaries or end the primaries because it didn't intend or didn't bring about what they had hoped it would do. I think we find ourselves rushing in that same direction so I would hope that a future legislature could look at this issue, talk more with parties, be able to have something of substance in terms of what we talk about really becoming reality, and I would hope today that we could vote against this bill, bring it back at another time, and make it a meaningful bill rather than the beauty contest that is contained within this bill.

Mr. Speaker, I would request when the vote is taken that it be taken by a roll call.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: This bill, as you know, has been before this House before and this House has voted to enact it before. The arguments for the bill are the same as they have been and I think they are worthy arguments. I think they are arguments that this House has accepted.

Basically, the purpose of the Presidential primary is to increase participation in the political process in this state in what is one of the most important tasks that a political party can perform, that is a selection of a President. This bill is not a beauty contest, it provides real, meaningful input into the selection of a Presidential candidate through the Maine political process. It will provide privacy for those who wish to vote in this process. It recognizes the unique character of political parties which the U.S. Supreme Court has recognized as private institutions who are allowed to conduct their business by reasonable rules, which have an impact in the state process and which are subject, therefore, to state law.

I think this bill is good, it will increase the participation from 4 to 5 percent; hopefully up to a much larger number. It will help parties, not hurt them and I urge you to vote for enactment.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: Briefly, I just want to point out that this legislation is enabling, that the parties will be making the decision.

I would call your attention to a U. S. Supreme Court decision in the State of Connecticut which basically points out that the state has no right to tell a party how to conduct its business. The party has the right to choose the way it elects its delegates to the national convention, the way it selects its candidates for office.

This bill is enabling, I don't feel that there is any reason to study this issue or look at it any more -- we simply need to put it in place and allow the parties to decide.

As I have told you before, I am an opponent of the Presidential primary system in this state, I don't agree with it, but I don't have a problem with putting enabling legislation into the statutes in case I change my mind.

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

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

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

ROLL CALL NO. 210

YEA - Aliberti, Anthony, Baker, Bost, Bott, Boutilier, Brown, Carroll, Carter, Chonko, Clark, H.; Coles, Crowley, Diamond, Dore, Dutremble, L.; Erwin, P.; Foster, Garland, Gould, R. A.; Gwadosky, Hale, Harper, Hepburn, Hichborn, Hickey, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, Lawrence, Lisnik, Lord, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Oliver, Paradis, P.; Parent, Paul, Perry, Priest, Racine, Richard, Ridley, Rolde, Rotondi, Salsbury, Sheltra, Smith, Soucy, Strout, D.; Swazey, Tamaro, Tardy, Telow, Tracy, Vose, Walker.

NAY - Allen, Anderson, Bailey, Begley, Bickford, Bragg, Callahan, Clark, M.; Conley, Cote, Curran, Daggett, Davis, Dellert, Dexter, Farnum, Farren, Foss, Glidden, Greenlaw, Handy, Hanley, Higgins, Holloway, Hussey, Jackson, Kimball, Lapointe, Lebowitz, Look, MacBride, Marsano, McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Pines, Rand, Reed, Scarpino, Sherburne, Simpson, Small, Stevens, A.; Taylor, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Cashman, Duffy, Gurney, Hillock, Mills, Pouliot, Reeves, Rice, Ruhlin, Rydell, Seavey, Stanley, Stevens, P.; Strout, B.; Thistle, Tupper, Warren, The Speaker.

Yes, 75; No, 56; Absent, 19; Vacant, 1; Paired, 0; Excused, 0.

75 having voted in the affirmative and 56 in the negative with 19 being absent and 1 vacant, the Bill was passed to be enacted, signed by the Speaker, and sent to the Senate.

PASSED TO BE ENACTED

An Act Relating to Development Along the St. Croix River (S.P. 949) (L.D. 2508)

An Act to Permit Sharing of Confidential Information between Criminal Justice Agencies at all Governmental Levels (H.P. 1467) (L.D. 1978) (H. "B" H-483)

An Act to Provide Greater Public Dissemination of Information Concerning Prohibition of Certain Land Usages (H.P. 1609) (L.D. 2200) (C. "A" H-480)

An Act to Eliminate the Requirement that the Deputy Adjutant General and the Director of the Military Bureau be the Same Individual (H.P. 1726) (L.D. 2369)

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.

ENACTOR

Later Today Assigned

An Act to Revise the Definition of Spouse Under the Maine State Retirement System (H.P. 1834) (L.D. 2511)

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

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

PASSED TO BE ENACTED

An Act to Increase Work Incentive in the Unemployment Insurance Partial Benefit Structure (H.P. 1839) (L.D. 2517)

An Act to Provide Immunity from Civil Liability for Certain Emergency Medical Service System Participants (H.P. 1841) (L.D. 2519)

An Act Relating to the Time Limit for Delivering the Warrant or Process by Which a Prisoner is Detained (H.P. 1847) (L.D. 2529)

An Act to Ensure the Safe Siting of Gravel Excavation (H.P. 1848) (L.D. 2530)

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:

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" in New Draft Bill "An Act to Revise the Energy Building Standards Act" (S.P. 958) (L.D. 2539) - Minority (4) "Ought Not to Pass" - Committee on Energy and Natural Resources on Bill "An Act to Revise the Energy Building Standards Act" (S.P. 93) (L.D. 247)

- In Senate, Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft (S.P. 958) (L.D. 2539) passed to be engrossed.

TABLED - March 18, 1988 by Representative MICHAUD of East Millinocket.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" in New Draft Report.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: Here we go again, "Once upon a midnight dreary, as I pondered weak and weary, there came a tapping." This isn't the tapping though, this is a huge hammering on the door. So, we will get up and we will go to the door, and what do you see? You see a group of people there. And, what do they say? We are from the government and we are here to help you. Those words should send shivers up and down your spine because now we are going to form a whole new group of regulators. Let's call them the "insulation police." Now you can scare your children and your grandchildren by saying, "If you are naughty, the insulation police will get you if you don't watch out." The proponents of this bill will say, "It's going to save." Save us from what? You know, I keep hearing about how much more I can save here, I am not going to be able to stand the prosperity.

You seldom see my good House Chairman and I on opposite sides, but when the "insulation police" come to take him away, I hope he will allow me to represent him, we can plead temporary insanity, I know we can get him off.

Let's close the door immediately.

Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers and when the vote is taken, I request the yeas and nays.

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

Representative LORD: Mr. Speaker, my Learned Colleagues: First of all, I want you to know I believe in insulation. I am building a house now and I assure you I am doing a good job of insulating.

But, when we heard this bill, the sponsor said, "We must save energy. We have got to save energy. There is going to be an energy crunch down the line. We have got to save energy." We heard this same thing from the President of Central Maine Power Company, Mr. Rowe. So, here we are, we have got to save energy. Okay.

Now, let's look at the bill. We are exempting industrial buildings and we are exempting people like myself who are building a house. The Federal Housing Administration already demands insulation, the Farmers Home Administration demands it, the Veterans Administration, the State of Maine Housing Authority and many of the banks in the state, when you are getting your mortgage through the bank, demand insulation in the house. The one's that are affected are those people that build commercial buildings and the builders of homes who finance these buildings by themselves. I think probably this is the group that this bill is trying to get at.

Now, let's look at the bill. It says in paragraph 1415e, "The Office of Energy Resources shall be responsible for the administration and enforcement of the standards established in this chapter." Good! How are they going to do it? If you look at the appropriations budget, you would find a nice little gem in there that was kicked out (thank God) but it says \$750,000, \$750,000 for what? To provide funds for the support of regional building code enforcement officers to monitor the implementation of residential energy efficiency building standards for three years. There, that is the way you are going to do it. Now, how are you going to do it? Well, the only way you are going to do it right is have an inspection. I have gone through one inspection already.

There is an ordinance in my little town that says that all the foundations of a dwelling must have (on the outside of the foundation) a seal coat, they call it a foundation sealer. That is that black gunk that you see up to the ground level and sometimes above ground levels. Well, being a good fellow and in the position that I am, I thought I had better complete and be in compliance with the law, so I did that. After they stripped my foundation in November, mind you, I had to wait a few days for it to dry off a little, then I put this gunk on. I called the code enforcement officer. As a matter of fact, we have a code enforcement officer in town and we have an assistant code enforcement officer in town. I said, I am ready for my inspection, so I started putting my first floor on -- this I believe was on a Monday, and I was working around -- I wasn't home maybe a minute and nobody came around, nobody came around. So, I waited until Saturday. I asked my wife, "Did I miss them?" "No, you haven't missed them." Nobody came around. So what did I do? It was getting cold those nights, starting to freeze, I filled in the darn thing, I had to or I probably wouldn't have it done now.

So what is going to happen if this passes? Somebody, somebody has got to go out there and inspect that. It is either going to be somebody from the state or somebody from the town. What you are going to do, you are going to have a backlog. There is going to be a roadblock so that everybody who wants to build a house can't insulate that until somebody inspects it. You may wait a week, you may wait a month and sometimes the way things work up here, you may wait six months for it to happen. So, for heavens sake, let's get it done, let's do something and not throw these roadblocks in our way.

What I have got in mind is something that is simple, easy, won't cost the State of Maine a cent,

not a cent. I call it Lord's Common Sense Regulations to Excel the Insulation of Commercial and Single and Multiple Family Dwellings in the State of Maine. And, it is. All buildings constructed after this bill becomes law must, in the lease or bill of sale, list the R factors in the walls and ceilings next to the roof area in the building. If within five years, it is determined that this has not been done, corrected, the lessee or buyer may collect all damages to correct the flaw in the building and all the other damages associated with the corrections of the building to bring it to the standards listed in the lease or the bill of sale.

Now what other damages could it include? It means, if I have to move out of my house for them to rip off all the sheetrock, take all the finish off, take out all the electrical fixtures, I go to a motel, they will pay for the motel. If I have to eat out, they will pay for that too. As far as the commercial building is concerned, if you have to move out -- of course most of your commercial buildings probably would have trays and all kinds of things next to the wall, you will have to move them out, that will be paid for and you will also get paid for the money you have lost.

Now, if they have to do this, who is going to do that and not insulate the building? They would be a darn fool not to.

The cost of insulating a 24 by 40 cape house is \$1,600. If somebody has to pay these other costs, it is going to be double or triple that, so they won't do it. I am asking you to go along with my friend, Mr. Dexter, and his motion to indefinitely postpone.

You know this is only the second year I have been on the Energy and Natural Resources and this is the first bill to my knowledge to come out with a Divided Report. I am sorry that our colleague's that have gone the other way are choosing this path. I can't quite understand it because, as I understand it, most of these people have been on this committee for a number of years. Every year up to this point, they have kicked it right in the teeth. Why they have had such a change of heart, I don't know.

I hope you will go along and kick this out "Ought Not to Pass" or indefinitely postpone and if they insist down at the other end to continue with it, then we will put some sort of an amendment on like I just mentioned and we will fix it and fix it right.

The SPEAKER: The Chair recognizes the Representative from Woodland, Representative Anderson.

Representative ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I can do as an illustrious job as my two predecessor's have but I will tell you how I feel on this bill.

Energy standards bill -- with all due respect to the sponsors of this bill, I think this bill resembles a helmet law or a seatbelt law, very good stuff as long as it is not mandated, as long as it is not said we have to do it.

We were told in committee that 70 percent of the buildings being built now already are within these standards or better. If this bill were to be enacted, my big concern is the bureaucracy that would be set up to run it. It would take an army to enforce it and then I don't know how it would be enforced. It would either be done this way or mandated back to our local code enforcement officers who say they have all they need to do now, let alone do this.

The feeling that I have is that every time we pass one of these bills, we lose just a little bit more of our freedom. We don't have the right to say, yes or no, we are told we have to.

I hope you will join with us in voting the Minority Report on this bill.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: As some of you that have been here for a few years can probably remember, this bill keeps reappearing. Having served on Energy and Natural Resources for a few years, I have been involved quite extensively in the defeating of this bill. I would like to add a few comments to it that are still as they were in the preceding years.

They say 70 percent of the houses being built now, and I am speaking of residential houses, already conform to the building standards. I think that figure is really incorrect, although you have to go on the old rule, it makes a difference whether you are buying or selling but I think that figure has increased substantially so that, by far, the large majority of the people in the State of Maine who are building houses are certainly insulating their houses above and beyond the minimum standards.

You know the people that live here in Maine are kind of a different breed of people than those who live in other parts of the country. People have been insulating their houses for many, many years. I can remember years ago when we lived at the farm how we used to bank it with pine boughs or we used to build a little fence around and fill it full of sawdust. In the modern plastic age, we used to put plastic; prior to that, it was tar paper. So, I don't think you are telling these people anything but what they already know.

I certainly go along with insulating. Some of these old farm houses certainly need it and anybody that is building a new house is well aware of the advantages of insulating. The thing that really sticks in my craw is that you are mandating something to the people back home. It is certainly going to take money to do this. They say they can do this from staff that they already have, I question that very strongly, especially where they did have a bill in to raise \$750,000 to do this. It just doesn't add up.

One other area I would like to point out to you is in Section 316, it says, "Residential building means a single family or multi-family structure designed for year-round or winter-seasonal use in addition to those buildings." I plan on building a camp in the northern part of the state this summer for a fishing and hunting camp to use in the winter time. I don't plan on insulating that thing like it would be a house I was going to live in but, according to this, (if it passes) if you are going to build a building up north or anywhere as far as that goes, and you are going to plan on using it sometime in the winter, whether it be for the weekend or a week, you are going to have to comply with these rules and regulations.

The other thing I would like to point out is, if you go ahead and pass this bill and you are in the process of building a house, this day and age with all the modern means of air hammers, electric hammers and the ways of putting buildings together, if you are ready to put a roof on, they can put a roof on a house in a day -- are you going to have to stand around and wait for someone to come from somewhere? I don't know from where, there are no provisions in here for enforcement of this bill, for someone to come out and take a look at it, if nothing more to satisfy your own mind that it is all right to go ahead and close the building in because, if you don't do it right, there are substantial penalties here.

I am still concerned about the individual that wants to build his own house. I am sure in other areas of the state as well as my own, young families, newlyweds, they will put the foundation in, cap it over and live in it for a year or two until they can afford to put up the first story. They might put it up, board it in, still not live in it and as they go along and as money becomes available, they will finish it. I think this could add a real burden on these people as to whether they even start to build a house or if they go along in a piecemeal fashion to comply with all these rules and regulations.

Another area, when I was on the committee, that was brought to our attention was radon. Now radon has been around since day one, it never seemed to bother anybody in the earlier years because most of the old farm houses, as I said, some of them you could sling a cat out through most anywhere and there was plenty of ventilation. But there was a doctor that came before the committee that discussed radon and said the problem we are having isn't that it is something new, it has been here all the time, but your houses are insulated so tight that you don't get the proper ventilation and his suggestion was that you either throw a chair out through a window or leave it ajar most of the time. I don't know as I would go to that extreme but this is just another case that maybe we are going a little bit too far.

Irregardless of that, the main objection I have is to mandating it back to the people in the towns. If you look at Section 1415e, under a, it says "to work cooperatively with other state, regional and local agencies interested in or affected by these standards." Then it says, and this is the real thing that bothers me, "and may be, by rule, promulgated in accordance with the Maine Administrative Procedure Act, Title V." Well, they are going to have rulemaking power. I am sure all of you have been confronted with these rulemaking powers and rules and regulations they come out with to enforce this bill. I don't know. I am wondering what is going to happen.

I would like to ask one question if I could, Mr. Speaker. Is there a fiscal note on this bill?

The SPEAKER: The Chair would answer in the negative.

The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, I would ask another question, is this bill properly before us?

The SPEAKER: The Chair would request information from the Representative as to whether or not this would increase the state's cost? If it does not and it increases the cost to individuals, than a fiscal note is not required.

The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, in view of the bill itself and the wording of it, I think that it will increase state's cost.

The SPEAKER: The Chair does not determine the need for fiscal notes, it is determined by the office and the Chair has no notice of one being required. The bill says that this applies only to residential buildings which are multi-family structures. I do not believe that the state is in that business.

The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those little elves that is down in the Utility Committee trying to concentrate on energy conservation and the energy policies for the State of Maine and, every once in a while, Representative Moholland comes down just to

make us feel at home seeing that we are not at the North Pole, as we started off this morning.

I would like to get a little serious for a moment and point out that one thing we have to realize is, we are dealing with capacity. We have introduced the energy policy of this state as being very conservation-minded and we have attempted to do that even by shutting our electricity off or using very little of it at certain times during the day and it is working. You have said here many times that we do not want new plants, we do not want any additional costs to be put forth to the ratepayers by new energy generating. We have gone to cogeneration and therefore this is another step forward, I believe, in conservation, if one would think of it that way. You might say that it is mandated but, overall, those that build what would be known as a "Good Cents" home, in the long run, are going to save money. They are really going to get it back.

I would like to read just a few things that I have looked over and made a few notes of and have talked to some of the people. Now, the Office of Energy estimates that the majority of the new homes constructed in Maine in 1987, 65 to 75 percent will meet the insulation standards in this bill. And that is true, I am concurring with some of the Representative's who spoke before me that this is true. Using these figures, some 3,000 to 4,000 homes that were built last year would fail to meet these figures. Maine is the only state in the northeast that does not have a minimum insulation standards for new residential construction. I really think that we should be ashamed of ourselves on that. We tried last year to do it, finally the Committee on Energy and Natural Resources have taken the bull by the horns and have attempted to pass what I call a very reasonable bill to do this. Building a home to meet these standards is estimated the initial cost of the home will be by two and one half percent according to OER. This extra investment is recognized by most banks as very prudent and keeping down the annual cost to heat the house. Banks will often raise the amount they are willing to lend the home buyer due to the lower heating costs.

Payback on the initial investment (two and a half percent) may be as quick as two to three years for an electrically heated house and five to seven years on an oil heated house. After the initial payback, the insulation pays real dividends in lower heating bills for the 40 to 60 year life of the structure and, as energy prices rise, the investment pays even greater dividends.

Utilities currently retrofit as best they can for the insulated houses using ratepayer's money because it is cheaper to save electricity rather than contract or build with new supplies. Retrofitting can never be as effective or as economical as building a house right the first time. This legislation ensures that houses and commercial space are built right the first time. The same principles apply to commercial space. Often times, commercial space is built on speculation and a small business owner ends up paying high heating costs for the poor insulation decisions made by the builder. Commercial space is usually electrically heated, again cheaper costs to install by a builder or owner and the tenant pays the bill. Therefore, the impact is both on the business person and the ratepayer. The insulation standards in this legislation are very reasonable. Remember, the majority of homes built in Maine last year would meet the standards.

I built a cottage myself up at Meddybemps. I used 2 by 6's instead of 2 by 4's. I insulated between the ceilings and the bottom floor and the

floor on the upper floor and I can tell you that I can probably heat that place with a candle. I intend to live there eventually year-round and it is electric. It cost me very, very little more. As a matter of fact, those of you in the building game would recognize that you are talking maybe a buck a stud and maybe \$300 more to put 2 by 6's in as opposed to 2 by 4's. Insulation in that space is very inexpensive and when they are saying two and a half percent, they are absolutely right.

I think this is a good bill. I think this is a step in the right direction and I hope that you will pass this bill as is.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Dexter of Kingfield that L.D. 2539 and all its accompanying papers be indefinitely postponed (a roll call having been requested) and later today assigned.

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

An Act to Create a Single Point of Contact for the Operators of Commercial Vehicles (S.P. 796) (L.D. 2093) (C. "A" S-332)

TABLED - March 18, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Moholland of Princeton, under suspension of the rules, the House reconsidered its action whereby L.D. 2093 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-332) was adopted.

The same Representative offered House Amendment "A" (H-498) to Committee Amendment "A" (S-332) and moved its adoption.

House Amendment "A" (H-498) to Committee Amendment "A" (S-332) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

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

An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds (H.P. 1638) (L.D. 2237) (C. "A" H-476)

TABLED - March 18, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

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

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

RESOLVE, to Name the New Bridge Between the Communities of Bucksport and Verona the "Dr. Edward Thegan Memorial Bridge" (H.P. 1669) (L.D. 2287)

TABLED - March 18, 1988 by Representative SWAZEY of Bucksport.

PENDING - Final Passage.

On motion of Representative Swazey of Bucksport, under suspension of the rules, the House reconsidered

its action whereby L.D. 2287 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-499) and moved its adoption.

House Amendment "A" (H-499) was read by the Clerk and adopted.

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

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

RESOLVE, Concerning a Proposed Supreme Judicial Court Facility (Emergency) (H.P. 130) (L.D. 159)

TABLED - March 18, 1988 by Representative DIAMOND of Bangor.

PENDING - Adoption of House Amendment "A" (H-485) to Committee Amendment "A" (H-481).

On motion of Representative Diamond of Bangor, retabled pending adoption of House Amendment "A" (H-485) to Committee Amendment "A" (H-481) and later today assigned.

(Off Record Remarks)

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

On motion of Representative Nadeau of Lewiston, Recessed until five o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Unanimous Ought Not To Pass

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Provide for Expedited Judicial Review of Municipal Action or Inaction" (S.P. 857) (L.D. 2233)

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

Unanimous Leave to Withdraw

Report of the Committee on Marine Resources reporting "Leave to Withdraw" on Bill "An Act to Minimize the Environmental, Social and Physical Impact of Tourists on Monhegan Island" (S.P. 899) (L.D. 2335)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Create a Manufactured Housing Deed" (S.P. 843) (L.D. 2187)

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

Ought to Pass as Amended

Report of the Committee on Taxation reporting "Ought to Pass" as Amended by Committee Amendment "A"

(S-344) on Bill "An Act to Capture Sales Tax Revenues on Manufactured Housing Purchased Outside the State" (S.P. 888) (L.D. 2300).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-344).

Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-344) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, March 22, 1988.

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act to Change the Definition of Wine Coolers" (Emergency) (S.P. 803) (L.D. 2104) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 959) (L.D. 2544)

Signed:

Senator:

Representatives:

DILLENBACK of Cumberland
 PERRY of Mexico
 MURPHY of Berwick
 PAUL of Sanford
 STEVENS of Sabattus
 HICHBORN of LaGrange
 TUPPER of Orrington
 MARTIN of Van Buren
 HARPER of Lincoln
 JALBERT of Lisbon

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

Signed:

Senators:

Representative:

KANY of Kennebec
 ESTES of York
 PRIEST of Brunswick

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

Reports were read.

Representative Perry of Mexico moved that the House accept the Majority "Ought to Pass" Report.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: I am always somewhat reluctant to speak on an issue where I am so clearly the minority but I think this is an important issue involving the bottle bill and I wanted to bring to your attention what I feel is a loophole in the law if this definition is enacted. This is going to cause us a lot of future problems. It is for this reason that I would ask that you vote against the Majority Report.

To understand what my concern is, you have to look at the definition which is proposed by the bill. As you recall, right now, wine coolers are covered by the returnable bottle bill. What this bill proposes is a definition of what a wine cooler is. It is important for you to understand what this definition is so you can see the difficulty with it.

The definition proposed by this bill says, "A wine cooler means a beverage which of less than eight percent alcohol content consisting of wine and three percent or more of plain, sparkling or carbonated water and fruit juice, fruit adjuncts, preservatives, coloring etcetera." What does that mean? It means that a wine cooler has got to have wine, and at least three percent sparkling water or plain water and fruit juice. Therefore, if someone adds two percent water and ups the fruit juice by one percent, that is no longer a wine cooler. That type of small reformulation of what a wine cooler is will cause the bill to fail.

I appreciate the work the committee has done, I know there was a lot of consultation made, but I think this definition is simply inadequate and will cause a lot of problems in the future. I think the matter needs to be reworked and relooked at. It is for that reason that I ask you to vote against the "Ought to Pass" Report.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: All this bill does is to correct an error that was made when the original wine cooler bill was passed last year. Apparently there is a difference between wine coolers -- a wine cooler contains water, flavoring, juices and other additives besides the wine. But above that, you have what is called your fruit wines which has nothing but just added flavor and no water.

The problem now is, when we added the extension to conform with the new wine cooler bill, which is to take place April 1st, it was to give the storeowners and the people a chance to get ready for it. They found that in the definition of the wording, it would include your fruit wines and they are not prepared for it. That is why we have an emergency measure tacked on this bill. It does not remove anything from the wine cooler bill. Any wine coolers will still have to be returnable. But it does take what they call fruit wines -- because you have three kinds, the wine cooler, the fruit wines, and the fortified wine which you get in the liquor stores. All this does is give the small storeowners and your big markets a chance to get this program going because, as it stands now, you have different bottles of quality that look exactly alike.

I would ask that you support the Majority Report, make this an emergency measure, so they can go ahead.

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

Representative ALLEN: Mr. Speaker, Men and Women of the House: I would like to provide to you a little bit of historical perspective. Last year, the so-called wine cooler bill was adopted by this House and then, when the bill went down to the Senate, it was adopted there. When the lobbyists for the wine industry found out about our actions, it was a Minority Report and, as it came out of committee, it didn't look like it had a whole lot of support but, in the course of deliberations in the Senate, in an effort to thwart or kill the bill, amendments were added. The Senate adopted both of those amendments.

One changed the effective date of the bill and the other enacted a complicated definition of wine coolers. The original bill as presented and accepted by this House, not in error and not with any misunderstanding, was simply using the word "all wine coolers will be included in the bottle law." And wine coolers are usually identified in the store by the fact that they say wine cooler on the bottle. In order to complicate the matter, the lobbyists had the amendment put on in the Senate, it was adopted and it came back to us in non-concurrence. We agreed to go along with that change thinking that, at worst, the definition provided by the lobbyists would expand the wine cooler bill, not decrease or diminish its importance, so that bill was enacted.

During the Special Session last Fall, that same lobbyist came back to this legislature with an amendment to change the effective date because that wasn't appropriate. Now this session of the legislature, he is back with an emergency measure to redefine wine coolers. Now, the original intent of the the wine cooler definition was to thwart the intent of this bill. I believe that that is still

the intent of a new wine cooler definition. The bill ended up in Legal Affairs because it attempted to define a liquor and we thought that was the appropriate place for it. It began last year in Business Legislation, it was an attempt to thwart the intention of the legislation in the Senate with two amendments, one has since been changed and this is the second attempt.

I agree with the Representative that spoke against the bill that it does, in fact, thwart the efforts and the intent of this legislature by including all wine coolers under the definition of the law.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I think probably the Legal Affairs Committee has spent more time on the definition of wine coolers than any other legislation that we have had this year. My understanding of this bill is that, when we came out with putting wine coolers under the bottle bill, we meant the wine coolers where wine was mixed with fruit juices and water. What it did actually was bring under that umbrella some wines that had no other mixture but were derived from fruit juices. Therefore, I think this clarifies what a wine cooler is. It has three percent water, it has fruit juices added to it. But, if we don't pass this bill, it will also include some wines.

If we want to include wine in the bottle bill, fine, include them all, but let's not pick them out selectively.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: The wine cooler was passed last year with a specific purpose in mind, it was to reduce the amount of waste we generate. It is a recycling measure to reduce the amount of waste that we have to landfill or the amount of waste that we have to burn or find other means of getting rid of.

We all know of the solid waste crisis we are facing and that measure was one small step in helping us deal with it.

Another major purpose of the wine cooler bill last year was to give us a weapon in our efforts to keep out-of-state municipal trash from being dumped in Maine.

The landfill in Norridgewock this year has applied for an expansion. If it gets a permit for that expansion, that permit is going to say by law that that landfill cannot accept any waste from any municipality anywhere which has not been subjected to a strenuous recycling and waste reduction measure as Maine law subjects Maine waste. The only measure we have right now of that nature is the bottle bill. That means that any state which has a bottle bill will be able to send its waste to Maine. But, if that bottle bill includes wine coolers and no other state that now sends municipal trash to Maine has a bottle bill that includes wine coolers, then all those states will not be able to send their trash to Maine until they also amend their laws to include wine coolers.

If we pass this bill today, we are taking away that protection and we are reopening the door to out-of-state waste in Maine.

I am very surprised to see my friend from Berwick on the Majority Report because I know of her concern about this problem.

I am afraid that the lobbyists for the bottle distributors are moving to help Maine regain its

label as the trash capitol of the northeast. I urge you to defeat this measure today.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose several questions to the gentleman from Lisbon, Mr. Jalbert, or anyone else who is in favor of this bill.

My first question is, since it was my understanding that wine coolers were added to the bottle bill because they cause litter, I guess my first question would be, does a bottle that has fruit and wine in it also cause litter?

Secondly, since he said that this was an emergency for storeowners, is his intention to cover this area of anti-litter in the next legislature by putting in a bill to include it?

The SPEAKER: Representative Rolde of York has posed two questions to Representative Jalbert of Lisbon who may respond if he so desires.

The Chair recognizes that Representative.

Representative JALBERT: Mr. Speaker, Men and Women of the House: In response to the request from the gentleman from York, the original intent of the bottle bill to include wine coolers was strictly to be limited to wine coolers as we all know it. It was not the intention of anyone to include other wines, any other alcoholic liquor to be in this thing. If there is to be any legislation presented to do away with all bottles, whether it be whiskey, vodka or whatever it is, that should be separate legislation. I have no objection if somebody wants to present that kind of legislative bill in the future. But what they did here, inadvertently someone worded the bill in such a way that it does include wine which goes way up to fortified wine. Time is short. You people have to conform.

I am just saying, how would they be able to implement this come April 1st, if they don't actually know what the bottles are that have to be returned. If anybody feels afterwards they can come back in some subsequent session and correct or include anything else, if somebody wants to include baby bottles, baby food, whiskey bottles, everything, that is their privilege. But at this time, all we are doing is giving a definite definition as to what is meant by wine coolers so that the storeowners, when somebody does come in and buys either a bottle of wine cooler or a bottle of fruit juice, what they call table wines, they will be able to distinguish between the two and know which one has to be returned. As it stands now, they are not ready for it and they don't know what to do. I would hope you would vote for the Majority Report.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I voted last year to include the wine coolers and yet I have the same concerns that the majority of the people on this bill are saying that they don't want to include all the wines and thereby hurt one industry by saying, more and more of you have got to bring in all these extra bottles.

I also have a real concern with what Representative Priest has just told us in terms of the percentages that defines whether something is a wine cooler or not. Could we not put an amendment on this bill that would change it so that if you are really dealing with the wines in the wine stores saying everything under 16 percent or everything under 12 percent is considered at least a wine cooler. Maybe that is the way to go instead of the

minimum the way Representative Priest has explained his concerns with the bill.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: In fact, that suggestion was made in committee and the committee rejected it. But I think that is not a bad suggestion. In fact, this bill could be reworked but I think it needs to be reworked more than can be done with a simple House Amendment. My concern is that the existing definition, as the bill proposes, can be gotten around very easily and that, I think, can do harm to the bottle bill and increase the litter problem.

Mr. Speaker, I request a division.

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

Representative ANTHONY: Mr. Speaker, I request permission to pose a question.

My question is, if we defeat this bill, where does it leave things? That is to say, how do people that sell things that we might call wine coolers, how do they know whether they are covered by the provisions of what was passed last session?

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 Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: In response to the Representative from South Portland, no one knows where they are going to stand, that is why we have an emergency clause on it.

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

Representative ALLEN: Mr. Speaker, Ladies and Gentlemen of the House: I have a slightly different answer to that same question. When the wine manufacturers came back to the Business Legislation Committee in the Fall asking us to change -- no, they didn't want to change it, it was the storeowners that wanted to change the effective date from October back to April so that they would be ready for it prior to the influx of the summer season. The wine manufacturers know, believe me, having spoken to both of the lobbyists that represent those out-of-state corporations, they know, in fact, what bottles come under this bill. They have it clear in their mind. If they didn't, they wouldn't be asking you to change the definition.

They will be providing storeowners in the State of Maine and people who sell to storeowners temporary stickers to put on bottles and then, after that time, those bottles will be labeled just as your soda cans or soda bottles or beer bottles are now labeled with labels that are already affixed to those bottles by the time they get to the distributors and by the time they get to the store.

They know full-well exactly the letter of the law. They are prepared to implement it as of April 1st. They don't want to, they want to exclude some of those wines that are now included under the definition that was given to us by a lobbyist from the wine industry. Everyone is fully aware of the impact of this law and who is in charge of implementing it come April 1st.

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

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: As the prime sponsor of this bill, those of you who supported the bottle bill in its form last year, I would like to call your

attention to the fact that there is a loophole as Representative Priest said, a loophole in this present piece of legislation before us. By specifying the percentage of water, for example, it could be adjusted, it seems to me, very easily in such a way as to circumvent the original intent of the bottle bill legislation. That possibility is something that we need to seriously consider. If we are going to pass a bottle bill, we ought to pass one that is without loopholes, it seems to me.

I appeal to each and every one of you who favored the bottle bill last year and who voted for it to take the possibility of that circumvention of the law seriously and to vote against this motion of "Ought to Pass."

If by doing that, we have to collect a few more bottles, then so be it. It would be far better that that happen than have the law circumvented and have no bottles being collected, no wine cooler bottles. I see that as a serious possibility.

Once again, I appeal to you who supported this legislation last year to vote against the pending motion.

Representative Rolde of York requested a roll call vote.

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

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

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

ROLL CALL NO. 211

YEA - Anderson, Bailey, Begley, Bickford, Bost, Bott, Bragg, Brown, Callahan, Carter, Chonko, Clark, H.; Cote, Curran, Davis, Dellert, Dexter, Duffy, Dutremble, L.; Farnum, Farren, Foss, Garland, Gurney, Hale, Harper, Hepburn, Hichborn, Hickey, Higgins, Holloway, Jackson, Jalbert, Ketover, Lapointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Martin, H.; Matthews, K.; McGowan, McPherson, McSweeney, Moholland, Murphy, E.; Murphy, T.; Nicholson, Norton, O'Gara, Paradis, E.; Paradis, P.; Paul, Perry, Racine, Rand, Reed, Richard, Ridley, Rotondi, Ruhlin, Salisbury, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stevens, A.; Stevens, P.; Strout, B.; Tammaro, Tardy, Taylor, Telow, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

NAY - Allen, Anthony, Baker, Boutilier, Carroll, Clark, M.; Coles, Daggett, Dore, Foster, Glidden, Gould, R. A.; Greenlaw, Gwadosky, Handy, Hoglund, Holt, Hussey, Jacques, Joseph, Kilkelly, Lacroix, Macomber, Mahany, Manning, Marsano, Mayo, McHenry, Melendy, Michaud, Mills, Mitchell, Nadeau, G. R.; Nutting, Oliver, Paradis, J.; Parent, Priest, Reeves, Rolde, Rydell, Scarpino, Simpson, Strout, D.; Swazey, Thistle, Tracy.

ABSENT - Aliberti, Armstrong, Cashman, Conley, Crowley, Diamond, Erwin, P.; Hanley, Hillock, Kimball, Nadeau, G. G.; Pines, Pouliot, Rice, Stanley, Tupper, Willey, The Speaker.

Yes, 85; No, 47; Absent, 18; Vacant, 1; Paired, 0; Excused, 0.

85 having voted in the affirmative, 47 in the negative, with 18 being absent and one vacant, the Majority "Ought to Pass" Report was accepted, the New

Draft read once and assigned for second reading Tuesday, March 22, 1988.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative PERRY from the Committee on Legal Affairs on RESOLVE, Authorizing Barry B. Tweedie to Bring Suit Against the State and the Town of Durham (H.P. 1715) (L.D. 2354) reporting "Ought Not to Pass"

Representative BOST from the Committee on Education on Bill "An Act Concerning Liability for the Cost of Out-of-State Education for Special Needs Students" (H.P. 1561) (L.D. 2128) reporting "Ought Not to Pass"

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

Refer to the Committee on Business Legislation

Representative CARROLL from the Committee on State and Local Government on Bill "An Act to Establish a System of Corporate Governance to Protect Employees and the Public from Corporate Lawbreakers and to Improve Compliance with Existing Civil and Criminal Laws" (H.P. 1790) (L.D. 2451) reporting that it be referred to the Committee on Business Legislation.

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

Refer to the Committee on Aging,

Retirement and Veterans

Representative CARROLL from the Committee on State and Local Government on Bill "An Act to Make Changes in the Administration of the Maine State Retirement System" (H.P. 1764) (L.D. 2417) reporting that it be referred to the Committee on Aging, Retirement and Veterans.

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

Ought to Pass in New Draft

Representative HALE from the Committee on Labor on Bill "An Act Relating to Employment of Minors" (H.P. 1697) (L.D. 2330) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1868) (L.D. 2557)

Report was read and accepted, the New Draft read once and assigned for second reading Tuesday, March 22, 1988.

Divided Report

Later Today Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Impose a Tax on Capital Gains from Speculative Land Sales" (H.P. 1689) (L.D. 2318)

Signed:

Senators: TWITCHELL of Oxford
DOW of Kennebec

Representatives: SEWALL of Lincoln
CASHMAN of Old Town
SWAZEY of Bucksport
NADEAU of Saco
DUFFY of Bangor
DORE of Auburn
JACKSON of Harrison
ZIRNKILTON of Mount Desert

SEAVEY of Kennebunkport
WHITCOMB of Waldo

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

Signed:

Representative: MAYO of Thomaston
Reports were read.

Representative Nadeau of Saco moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending his motion and later today assigned.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act Concerning the Volunteer Marine Patrol Program" (H.P. 1465) (L.D. 1976)

Signed:

Senator: ESTES of York
Representatives: HOLT of Bath
MITCHELL of Freeport
SCARPINO of St. George
CROWLEY of Stockton Springs
KETOVER of Portland
COLES of Harpswell
RUHLIN of Brewer

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

Signed:

Senators: TUTTLE of York
CAHILL of Sagadahoc
Representatives: LOOK of Jonesboro
RICE of Stonington
SALSBURY of Bar Harbor

Reports were read.

On motion of Representative Mitchell of Freeport, the House accepted the Majority "Ought Not to Pass" Report. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act Concerning the Display of Dealer Markup Stickers by New Car Dealers" (H.P. 1708) (L.D. 2345)

Signed:

Senators: BALDACCI of Penobscot
WHITMORE of Androscoggin
Representatives: REED of Falmouth
TELOW of Lewiston
HILLOCK of Gorham
STEVENS of Sabattus
LEBOWITZ of Bangor
SHELTRA of Biddeford

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

Signed:

Senator: BRANNIGAN of Cumberland
Representatives: ALIBERTI of Lewiston
ALLEN of Washington
RACINE of Biddeford

Reports were read.

On motion of Representative Allen of Washington, the House accepted the Minority "Ought to Pass" Report, the bill read once.

Under suspension of the rules the Bill was read a second time, passed to be engrossed, and sent up for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 1742) (L.D. 2388) Bill "An Act to Provide a Sales Tax Exemption to Nonprofit Organizations which Fulfill the Last Wishes of Terminally Ill Children" (Emergency) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-500)

(H.P. 1774) (L.D. 2427) Bill "An Act to Increase the Debt Limit for the South Berwick Sewer District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-501)

(H.P. 1692) (L.D. 2321) Bill "An Act to Clarify the Reporting Mechanism of the Student Assessment Program" Committee on Education reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 21, 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. 1605) (L.D. 2196) Bill "An Act to Provide Funds for the Seed Potato Breeding Program"

(H.P. 1760) (L.D. 2409) Bill "An Act to Waive Filing Fees for the State in Asset Forfeiture Proceedings" (Emergency)

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.

BILLS IN THE SECOND READING

Later Today Assigned

Bill "An Act to Correct Inequities in the Maine State Retirement System" (S.P. 960) (L.D. 2548)

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

On motion of Representative Hickey of Augusta, tabled pending passage to be engrossed and later today assigned.

PASSED TO BE ENGROSSED

Bill "An Act Concerning High Speed Chases" (H.P. 1864) (L.D. 2552)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Clarify the Status of Police Officers Assigned to the Bureau of Intergovernmental Drug Enforcement and to Add a District Attorney to the Bureau's Policy Board" (Emergency) (S.P. 832) (L.D. 2166) (C. "A" S-340 and S. "A" S-343)

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

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

ENACTOR
Emergency Measure

An Act to Promote Harmony between Agriculture and Adjacent Development and to Protect the Public Health, Safety and General Welfare (H.P. 1842) (L.D. 2522) (H. "A" H-488)

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

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 2522 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-488) was adopted.

The same Representative offered House Amendment "A" (H-505) to House Amendment "A" (H-488) and moved its adoption.

House Amendment "A" (H-505) to House Amendment "A" (H-488) was read by the Clerk and adopted.

House Amendment "A" (H-488) as amended by House Amendment "A" (H-505) thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-488) as amended by House Amendment "A" (H-505) thereto in non-concurrence and sent up for concurrence.

Reference was made to (S.P. 946) (L.D. 2494) Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency)

In reference to the action of the House on March 16, whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative McHENRY of Madawaska
Representative RAND of Portland
Representative WILLEY of Hampden

The Chair laid before the House the following matter: Bill "An Act to Compensate Municipalities for Land Used for Transmission Lines" (H.P. 1865) (L.D. 2550) (Presented by Representative MILLS of Bethel) (Cosponsors: Senators ERWIN of Oxford, KANY of Kennebec, and Representative ERWIN of Rumford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26) which was tabled earlier in the day and later today assigned pending reference.

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

The Chair laid before the House the following matter: Bill "An Act Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects" (S.P. 238) (L.D. 657) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and specially assigned for Tuesday, March 22, 1988.

The Chair laid before the House the following matter: Bill "An Act to Expand and Clarify the Jurisdiction of the Maine State Pilotage Commission" (S.P. 821) (L.D. 2143) (C. "A" S-339) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Soucy of Kittery, tabled pending passage to be engrossed and specially assigned for Tuesday, March 22, 1988.

The Chair laid before the House the following matter: An Act to Revise the Definition of Spouse Under the Maine State Retirement System (H.P. 1834) (L.D. 2511) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" in New Draft Bill "An Act to Revise the Energy Building Standards Act" (S.P. 958) (L.D. 2539) - Minority (4) "Ought Not to Pass" - Committee on Energy and Natural Resources on Bill "An Act to Revise the Energy Building Standards Act" (S.P. 93) (L.D. 247)

- In Senate, Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft (S.P. 958) (L.D. 2539) passed to be engrossed which was tabled earlier in the day and later today assigned pending the motion of Representative Dexter of Kingfield that the Bill and all its accompanying papers be indefinitely postponed. (Roll Call requested)

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker. Men and Women of the House: This legislation recognizes that building decisions made today will directly affect the demand for energy over the next year, the next decade and 50 years from now.

This legislation mandates a common sense level of insulation for today and tomorrow.

Basically to address some of the concerns that were raised this morning by Representative Ridley when he got up and spoke on a bill, he was speaking about a bill that was originally before the committee last year.

This bill is a common sense approach. If we are ever going to take care of the energy needs within the state, we are going to have to start conserving and this is one of the mechanism's to do that.

Representative Lord wanted to know why the members who are supporting this bill have not supported it in the year's past. To answer the good Representative's question, last Fall I attended a conference in Massachusetts with Representative Paradis from Old Town and Senator Kerry who has deal with energy conservation. I learned a lot at that conference, it made a lot of sense, and therefore, I am supporting this bill. I wish the members of the Minority Report could have attended that conference too.

We also have a couple of bills this year that deals with energy standards (one that the committee held over from last year, Senator Kerry's bill) and then the Governor submitted a bill in this session.

Basically, if an individual wants to build a home. he is exempt from the energy standards. If he contracts out a home, then he would have comply with the minimum energy standards set forth in this bill. There are no people from OER running around inspecting these new homes. I talked with a couple of contractor's who do build homes and one said, "If you put this into the law, more than likely the contractor will comply with the law whereas if it is not in the law, he will not have to comply."

There is no fiscal note on the bill so, therefore, I would hope that you would go along with the Majority "Ought to Pass" Report. I think this is a step in the right direction. The reason why the Majority of the Committee supports the bill is because it will save anywhere from \$30 to \$60 million dollars over the next several of years. It will save the ratepayers money because they will not have to pay that extra amount of money that they would if their home was not built by energy efficient standards.

So I hope you will vote against the pending motion and vote for passage of this bill.

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

Representative GOULD: Mr. Speaker, Men and Women of the House: The issue before us is for energy efficient buildings, both commercial and private. The goal of energy efficiency, if they were to go, nobody could reasonably object. I know that I do not object. In fact, I strongly support the concept but I do not support this bill.

I oppose this bill because the cost is too great. There are two reasons why I think the costs are too great. First is affordable housing -- one of the primary concerns that we are dealing with here in Augusta this session is affordable housing. I can't stand up here and tell you how much all of the laws that we pass here in Augusta add to the cost of housing. But I certainly have enough sense to know that every piece of legislation that we pass dealing with housing adds to the cost of that housing. It makes that housing less affordable to the young men and women of this state. I think we should be extremely careful about how we add more costs to housing. I will address this further as I go along a little bit later.

The second reason I oppose this bill is that it removes one more choice that people have and choice is freedom. Without choice, you have no freedom. We must be very careful about limiting a choice which we as individual's have. We must be positive that there is no other way to accomplish the goal that we are setting out to do. We must be positive that, when we set out to do this goal, we will not eliminate the freedom that all of us have.

So, is this bill the final solution? Is this bill the only avenue that we have open to us to solve the energy problem? The answer to me is a resounding, no. Definitely not.

For example, both FAME and Maine State Housing have operated programs to improve energy efficiency. These two programs were highly successful. FAME used \$2,450,000 to leverage \$9,670,000 in loans from lending institutions for 375 businesses in the State of Maine so those 375 businesses could make energy efficient renovations. We can certainly continue and even expand these programs if we are serious about energy efficiency.

We could establish loan programs for new construction and these loans could be partially paid through the energy that we will save. Central Maine Power has a "Good Cents" program for new housing. We could encourage Central Maine Power to expand their program. We could launch an educational campaign to give the facts to the people of Maine about the importance of energy efficiency. I am sure that you can think of other ways that we could reach our worthy goal. I think I have made my point. Let's try all avenues open to us before we limit the freedom that we have as individuals in this state.

I implore you, don't be in a hurry to give up another freedom. I know that the constituents that I serve back home are getting rather disturbed about

all the freedom's that we in Augusta are giving away. So, why be in a hurry to give away one more freedom? It is simply not worth the price.

I ask you to support the motion of Representative Dexter and I am sure that if we all set our mind to it, we can solve this energy problem in a rational manner.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, I would like to pose a question. In Waldo County there is a housing project, federally funded, for low and middle income people and the tenant's pay something in the order of \$300 a month for their electricity, anywhere from \$250 to \$300 a month. Yearly, it costs them close to \$2,000 to heat their house electrically. Is this bill needed to address this problem?

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

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, to answer the good gentleman's question, I don't know how anyone can call that complex "low income." I would have to know who it was built by and for what purpose. But yes, indeed, the bill as amended, the version we are talking about now, does not deal with single family homes, it does not deal with someone who is building their own home. It deals with multi-family units that are either built commercially or commercial businesses are built and rented out to someone later on who would have to pay the energy bill. That is all this bill deals with. They have exempted people building their own homes, they have exempted log homes because of the problems involved there and the bill exempts industrial use. So all it deals with is multi-family and commercial built multi-units.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Men and Women of the House: Thank you Representative Jacques, I will vote for this bill.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: Earlier today, we heard a lot about the "insulation detective" and the person who had to come and the difficulty there would be in getting your house inspected. For those people who are building their own homes, there is another law on the books right now that says, "before Central Maine Power, Bangor-Hydro or any of the electrical companies hook up your electricity when you are a single home, that has to be inspected by a master electrician."

In previous cases, you could wire your own home and have Central Maine or Bangor-Hydro or whatever come out and just hook it up. But we passed a law last year that says that has to be inspected by a master electrician. No master electrician, in my opinion, worth his weight in gold, is going to inspect any building, no matter where it is, with the sheetrock on the building. He wants to see what is behind those walls, where the wires go and how they go into the box, how they go into the circuit breaker boxes and many other things. Before you even get the sheetrock up in this state, you are going to have to have that inspected by a master electrician. In the larger communities, it is going to have to be

inspected by the local town inspector. I think if there is going to be an inspection there and whether you wait five days or ten days, you are going to have to wait. If you can't find a master electrician to inspect that building, you are not going to have that place lit up because Central Maine or Bangor-Hydro, under penalty of law, are not going to hook that building up.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: My House Chair just pointed out to me that the way the bill is drafted, if you contract your own home to be built, then you would not be exempted. This distresses me because it was my understanding that, as long as it was owner supervised -- because no one can build a home in its entirety by themselves -- I don't care who you are, you can't be an electrician, a plumber, a mason, put your furnace in and everything else. I felt at the time and the reason I supported it was because, as long as it was owner supervised, you could contract out to have some of this done. The point I made was, if Harvey DeVane came walking into my yard when I was building my house and started telling me how to do it, he would end up in the middle of the dusty road on the seat of his pants.

The reason I am getting up now is because, this morning with the scenario laid out by Representative Dexter and Representative Lord, I don't want anybody in this House to think that I have lost my mind or any semblance of sanity. I have voted against this bill on two separate occasions and the reason I did was because the bill went too far, tried to do too much and was totally unacceptable. I think, in the long run, it would have been so confusing, so time consuming, that nothing would have been done.

One reason that I am supporting this bill is because this bill deals primarily with people who come in and construct a multi-family, multi-unit -- that is where most of the problems seem to be -- but it is not a problem, I guess, in Waterville. The one's that did it -- we had this program that came along, took your tax dollars, went back to that place and retrofitted them all. It made it real nice for the landlord and all the landlord had to do was say that he wouldn't throw these people out for one year. It doesn't make an awfully lot of sense to me but I guess if that is the way you want to do things, so be it. That is the only reason I voted for this bill.

We left industry alone and I was the one that really went after industry. But it was shown to me that industry, just for the simple dollars and cents, is doing everything they can to try to save money on energy efficiency. So I really didn't think that the state could do anything to add to that. They are hiring engineers, experts to come and tell them how to save money, and that is just good business.

Single family, we all know what that is about and I agree with Representative Gould, we don't want to take anymore freedom's away and I am certainly one person who wouldn't want someone from the State of Maine coming in and tell me how to build my house that I was going to pay the heat and I was going to pay the bills.

The only reason I supported this bill, as written, and my understanding of the bill is the way it was -- if that is not the case, then we should change it but I don't think we should throw this whole bill out. What would happen is, you will still get these people to come in, build a shoddy piece of construction, knowing that they are going to rent it

to somebody else and the very idea that somewhere in the State of Maine, someone is paying \$300 a month for heat (low income) is horrendous. They are not paying that \$300.

In Waterville, under the housing authority, we have an allowance that is established that they pay. We pay everything up to the cap of that allowance and that allowance is based on the average use of electricity in those apartments, figuring the dryer, the children, and the whole ball of wax. Anything above and beyond that, they pay. What has been done in Waterville has really encouraged them to keep the windows closed when the heat was on so they have all kept down and it has saved everybody some money.

Hopefully, we can turn around and help other people. The idea that this type of thing still goes on still bothers me because, ultimately, your tax dollars are going to take care of that. They did it in Waterville, the program may be gone now but we spent thousands and thousands and thousands of dollars going to these buildings that were not energy efficient. They were built very quickly and, if you want to see some of them, the Catholic Diocese owns one such place called Seton Village. They are a house of cards, they are 100 percent junk and those were built with no energy standards on them. This contractor came in and built them, the Catholic Diocese under the Bishop paid for them and we pay to heat them every single day. They are all elderly and the elderly need to be warm so you can imagine the heat going out through the walls and ceilings of those buildings. They are junk.

That is the only reason I voted for the bill as written. I haven't lost my mind, I haven't gone bonkers, I just saw a chance to do a little bit of good. When the President of Central Maine Power came down and testified, he just made so much sense, it was awfully hard to go against him. I don't like voting with Central Maine Power very often.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: The preceding speaker has brought memories back of my early childhood. In those days, we used to scrape together 25 cents to go to the movies and you would watch the news and the cartoons, then the lights would come on while the fellow running the projector would change the reels. What comes on next? That magnificent animal with the beard and the mane in the circle and let's out the tremendous roar, sent shivers right up and down your spine. I can still remember those days. But, ladies and gentlemen, when that movie came on, it was one that we had already seen. It was the same old scenario.

I hope that you will indefinitely postpone this.

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

Representative Hوجلund: Mr. Speaker, Men and Women of the House: I want to clear something up. Representative Michaud claims that, if you contract your house, that that would have to be under the energy standards. It was my understanding that there were two ways that that definition would go. If you hire a contractor to build your home, that is an owner-built house. If you build your home with the nails and hammer yourself, that is an owner-built house. If you decide to be the contractor yourself and sub-contract by hiring a carpenter or plumber, etcetera that is an owner-built house. All of those will come under exemptions. A contractor that sells you a house has to have energy standards. Over the last three years, I have opposed this and I felt that most builders and developers were doing and complying

with energy standards so I went out myself and found out that the majority really are. But there are some that do get away with it and, unfortunately, that is where we have to cut the costs and save the energy.

Representative Anthony of South Portland requested a roll call.

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

Representative SHELTRA: Mr. Speaker, Men and Women of the House: There seems to be a discrepancy here because Representative Jacques just said that if you hired a contractor to build a home, it was covered and you couldn't do just what you wanted to do, you have to have the inspection. I look to the little fellow who is trying to get along through his own little livelihood trying to have his own home and I feel today, especially when you buy a home, first of all in my neck of the woods, you are looking at \$100,000. You are also looking at closing costs of \$2500, a down payment of \$10,000, and there is a heck of a lot of money involved here. I feel if the little fellow wants to cut here and there, it should be his privilege to do that.

In the real estate business today, whenever you sell a home, you have to fill out a disclosure form. You have to cite about the sewerage, about your insulation, radon gas and many other facets so I don't like to see us mandate any more laws than we have to.

I go along with Representative Lord and what the other gentleman has said. I hope you will indefinitely postpone this bill.

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

Representative DUFFY: Mr. Speaker, Men and Women of the House: I oppose this bill. I have been a builder for 10 or 15 years. The reason I oppose this bill is that I have built for Farmer's Home and they have strict insulation standards. The Maine State Housing Authority has strict insulation standards. FHA has strict insulation standards.

I do believe that we have enough regulations in this state as well as the real estate brokers who have to, on a new home, disclose exactly the thickness and amount of insulation and where it is at in that home.

In the State of Massachusetts, I was involved there 10 or 15 years ago when they made their regulations on state energy codes. It was a combination of the home builders, the Association of Builders and contractors in the State of Massachusetts that put together the state building energy code. Massachusetts is quite a bit different than the State of Maine. It doesn't have the rural areas that we have. It doesn't have a lot of other conditions and it didn't have the regulations of the regulatory bodies that are in effect in the State of Maine today. It did not have banks and I helped to build three houses last year and each one of these banks, before they give you a mortgage, demanded that you had minimum standards of insulation that have been quoted here in this bill today.

How much regulation do we need? I doubt if Representative Jacques has ever been out on a construction job when you are waiting for a State Electrical Inspector to come by to inspect your wiring — sometimes that can be a long time because there aren't enough state inspectors. More than a majority of the time, these inspectors will say, "Who is wiring your house, condominium or whatever it is?" They will say, "I know him, go ahead and put the insulation on, I will be by and check it when I get a chance." What do you think would happen if you are waiting for an energy inspector to come along

when we don't have enough inspectors, just on electrical? It is not just how much insulation you put into a building, it is how you put it in. It is whether it is taped, whether it lathed right, whether the recepticals are taped around the edges -- there is a lot more to it. You can put all the insulation in a house you want do (in thickness) but if it isn't done properly, it won't mean anything. If they put the insulation up before the house is tight and it gets wet, there is a minimum. Zero insulation in there.

I think what we are trying to do is to cut down on shoddy workmanship and trying to cut down on people doing the best they can and I think that is laudable but, in the State of Massachusetts, they went to licensing contractors to get away from the guy with the hammer and truck and called themselves a builder. They still haven't been able to get rid of the guy to do the shoddy work and who is probably still working.

This bill itself has inconsistencies in the standards that they are demanding. They are demanding R2 for windows, when Maine State Housing is demanding R2 with storm windows or R2 low energy or R3 windows. They are demanding that you put insulation and slabs down to the footing when only two feet has been specked -- by most architects and most energy consultants -- is all that is needed.

Just a simple point of whether a builder is building his own home or having a contractor -- a contractor means that you are having someone come in and build your house, whether it happens to be a general contractor or seven sub-contractors. Unless you are able to build a foundation and do the whole house yourself, this bill will prohibit you from having any control over your house being inspected.

So, I would ask you to support the pending motion and I do oppose this bill.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would ask you to oppose the motion today so that you can save your constituents some money on electric bills in the future.

Most people who build their own house or hire someone to build a house for them will build an energy efficient house because they know they have to pay the electric bill and they want something that really works well. There are some cases, such as the one Representative Crowley mentioned, where commercial rental housing and residential housing isn't built to standard. That wastes a lot of electricity and that is electricity that you would have to pay for.

There was a public meeting in my legislative district about three weeks ago and a representative from Central Maine Power Company came down to try to explain to the people why they would have to give up some of their land for a new power line coming in from Quebec. The Vice-President of Central Maine Power Company said that, despite our efforts to save electricity, electrical use in Maine is increasing by five percent annually. There are only three ways that you can solve that problem, one, you can buy electricity from Canada and there are certain problems with that. Some people don't think that we should rely on foreign power and some people oppose the power line. There are a lot of issues that have to be resolved.

There is another way that we could do it and we may have to do it and that is to build a new plant. If we build a new plant, the capital for that plant, the power company is going to have to borrow and when they get the plant done, they are going to have to

recover that capital and they are going to put it back in your rates and it won't be 8 cents per kilowatt hour as they are now in the CMP area, it is going to be 10, 12 or 13 cents per kilowatt hour. That is money that you are going to pay.

There is another way that we can do it, we can pass this bill, save ourselves some money, and use the electricity that we have now more efficiently. It seems to me that that is reasonable way to approach this problem.

I don't think that the people I represent should be burdened with having to pay higher electrical rates because some builders want to put up shoddy buildings.

I urge you to vote no on the pending motion. You will save your constituents money in the long run.

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

Representative LORD: Mr. Speaker, Men and Women of the House: If you will look on Page 5, Section 5, it says, penalties - general: "It is unlawful for any person to advertise or promote that any residential, industrial, commercial or institutional building conform to the provisions to this chapter unless a certificate of energy efficiency has been granted for that building. Any person who violates this subsection is subject to a civil penalty not to exceed \$5,000 payable to the State to be covered in a civil action."

We have heard today that there isn't any fiscal note on this bill. Who is going to send out this certificate of energy efficiency? Are you going to write to Augusta and say your house is energy efficient? Of course you are not. Somebody is going to have to come out. It is either going to be somebody from the state or somebody local and whoever does it, somebody is going to pay for it. You are going to have to wait.

If you think this isn't going to cost somebody some money, you are just whistling Dixie. It is going to cost somebody some money. I think, sooner or later, someone is going to have to put a fiscal note on this.

We talk about energy efficiency -- what he is trying to get at is the shysters. We have been told that most of the houses in the State of Maine now are being built under these standards. I think we could find a way without mandating it of doing this to get the job done.

I hope that you will vote for the pending motion.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Men and Women of the House: I don't want to dwell on this thing too much but there has been some comments about a fiscal note. I would like to point out just a couple of things.

Earlier in the year, there were appropriations asked for of \$750,000 to go along with this energy standard thing and that was thrown out. I was looking at the fiscal note where it was pointed out that they could do this without any additional funds. I would just like to read you under Remarks: "This bill could be implemented within the existing budget resources of the Office of Energy Resource." Stop and think for a minute -- they asked for \$750,000, they didn't get it, so now they can do it for nothing. Then it goes on to say: "However, the extent of the state level enforcement of the minimum mandatory energy standards will depend upon the amount of additional resources appropriated to this office." So it looks to me as though they want to get their foot in the door and, later down the road, then they are going to get the money. If they have

rulemaking power. they are going to get it anyway so they are going to mandate it back down to the little towns. You are going to end up paying for it.

I have no objections to people insulating their homes, I think anybody should, but I just don't like the idea. Here again, we stand up here and say, we will mandate it back down to the towns and that is exactly what you will be doing. I don't think that there are that many houses being built that aren't insulated. it is just another mandate back to the towns and I hope you go along with the motion before us.

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

Representative RICHARD: Mr. Speaker, Men and Women of the House: During my tenure here in the legislature, I spend a good bit of my time at the Utilities Committee and, if there is one word that I have heard over and over again, it is conservation. Every time a proposal comes down the line, those who come to appear before our committee have said, "You haven't exhausted the conservation effort as yet and we must do that." Here is an opportunity to do so and I would encourage you to defeat the pending motion.

The SPEAKER: The Chair recognizes the Representative from Edgecomb, Representative Holloway.

Representative HOLLOWAY: Mr. Speaker, Men and Women of the House: You just heard the Representative from Shapleigh talk about paying through the nose and how much it is going to cost us. How much do you suppose it has cost us when we have had to insulate so many of these buildings that the landlord has allowed to become shoddy and rundown? How much does it cost every time we send insulation specialists and storm window people into those areas to resurrect those houses? All to the benefit of the good landlord.

I submit to you today that we should do it at the point of construction, not after the building is done. Think how much you are paying out right now in fuel assistance. It is the taxpayer that is paying for fuel assistance to assist these people. Think how much it costs to the children who are cold and have to go to the doctors all the time because they are living in cold and drafty apartments and houses. So, when you talk about costs, I think there are other things that you should consider.

Someone asked me how we were going to enforce this bill -- that is a good question. Probably the same way that we enforce the 65 mile per hour speed limit on our highways. People take off and drive 75 miles per hour and when the blue light follows them, that slows the other 100 cars right down. So, what we are asking and saying is, now we have a 60 percent compliance: if we pass this law, let's hope that we can get a 90 percent compliance for building standards.

I do hope that you will not defeat the motion and let's get on and pass an energy standard bill tonight.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: Representative Sheltra did bring up a point. There was some confusion -- my understanding of how the bill was going to be is the way the bill is. If it is owner-contracted or if it is owner-built, then you are not affected by this bill. If a contractor builds the house and then sells it to someone besides himself, it would fall under this category and it should. There is no question that people ask a lot more questions today when it comes to buying a house. We are still

talking about a majority of the problems being with contractors who build multi-family units and some businesses.

I have a friend now that pays more for heat in his building than he does for rent. He asked the guy when he rented it, "Is it insulated?" The guy said, "Oh yes, insulated top-notch." He signed a 10 year lease and he is going to pay for another nine years. He is paying more to heat than he is to rent it. I will tell you, if you get small business and you end up paying more in heat than you do in rent, somebody got taken, I will tell you that.

I would hope that you would vote against this motion if you really want to do something to save. It may turn out, ladies and gentlemen, that they are going to come back here for some money to do the job and we will deal with it. The \$750,000 was a backburner attempt that Representative Ridley picked up and I think that was directed at the entire bill.

Let me tell you, the original bill would have covered everything. Representative Duffy talked about R2 in the windows and the glass and the whole ball of wax, we had people down here who went through the R2 on the windows and storm windows and the whole works and don't think that Maine State Housing always does a great job. I have a project down here that we can't keep the mildew and the rot out of it and that was built according to Maine State Housing's specks. So that doesn't solve all the problems, we are still putting money into that building.

We are just trying to save the taxpayers a little bit of money. Representative Holloway is exactly right. You come to Waterville, the only one's who made out were the landlords. We are still paying the bill and we are going to continue to pay the bill unless we do something about it.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: Representative Holloway asked if we knew how much we spend retrofitting houses and paying heating bills -- I don't know exactly but, roughly, we spend millions every year, year after year, retrofitting old houses that are poorly insulated and helping those people who live in those houses pay their heating bills. We are going to continue to spend millions year after year but they won't be old houses, they will be the houses built in the '80's. For 10 years now, it has been obvious to anyone with a lick of sense that, if you are building a building in a northern climate like Maine, you insulate it and you insulate it well. After 10 years, despite the State Housing Authority's standards, despite FMHA standards, despite the various public agencies standards, 35 percent of the houses built in the State of Maine still don't do that.

More than that, something that hasn't been mentioned tonight is commercial space -- three years ago, at a Bath shopping center which is owned by an out-of-state developer (I think he is from Connecticut, if I recall right) proposed an expansion. It didn't go through for some local reasons but the designs that he presented showed three inches of insulation in the ceilings and one inch in the walls. That building was going to be electrically heated. He did that because he doesn't have to pay, only up front. He doesn't pay the heating cost, his tenant's, Maine business people pay those heating costs. Every single commercial building that is built that doesn't meet standards cost Maine businesses money.

If you know anything about the retail business, for example, you don't have much choice in the way to go. Location, location, location is what counts and,

if you don't have a good location, it doesn't matter how little the rent is, you are not going to succeed. If you have the right location, it doesn't matter how high the rent is, you don't have any choice but to take that place.

My friend from Greenville said he wanted to wait until he was sure there was no other way to accomplish this. I think that 10 year record shows that there are some people and some developers who are not going to go along, no matter how much evidence there is.

This is not a mandate to the towns, this is a common sense requirement so if an out-of-state architect calls up and says, "What are your standards," we can tell them. So when a developer plans to put up some speck houses, he will know that he has to build good houses because he won't be able to pull the wool over his tenant's eyes or persuade people that cheap initial cost isn't going to cost them more and more in the long run.

A bank, looking at a mortgage payment, adds up fuel, taxes, insurance and so on. It is the total amount that counts. If you can save on the oil costs or the electric costs, you are going to get a higher mortgage. That kind of mortgage is going to more than make up the difference in cost for insulating a house.

This bill will promote affordable housing, not restrict it. If we are serious about conservation, as Representative Richard said, we ought to get serious about conservation and vote against the pending motion.

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

Representative DUFFY: Mr. Speaker, Men and Women of the House: I think there's one thing that I have always agreed with Representative Jacques on and that is if you write a bill, you write it tight because the bureaucracy has a tendency to read it any way they want to. If it says contract, they can read into it that it has to be contracted. If you put one person in there on a contract, that is it, you have got to conform to all the regulations.

If you have these energy standards in there, that is exactly the way it has got to be and there is no movement whether you insulate pipes or whether you do this or do that. This is the way it has got to be, the bureaucracy can read anything into they want to.

This bill is as loose as a goose and, as long as you look at it that way and understand that maybe they will come back with a little tighter grasp and maybe do a little bit better with it. Then they could go after the people they should be going after -- maybe they want to go after condominiums, maybe they want to go after commercial but why hurt the little guy? Why take it out on the guy that is just going to try to build that home over two years? That is what it is all about and that is why I oppose the bill.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Kingfield, Representative Dexter, that L.D. 247 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 212

YEA - Anderson, Bailey, Begley, Bickford, Bost, Bott, Bragg, Callahan, Clark, H.; Davis, Dellert, Dexter, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Hale, Harper, Hepburn, Hichborn, Hickey, Higgins, Hussey, Jackson, Jalbert, Lapointe, Lawrence, Lebowitz, Look, Lord, MacBride, Macomber, Martin, H.; Matthews, K.; McPherson, McSweeney, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Parent, Paul, Perry, Reed, Ridley, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stevens, A.; Strout, B.; Strout, D.; Tamaro, Taylor, Telow, Tracy, Webster, M.; Wentworth, Whitcomb, Zirnkilton.

NAY - Allen, Anthony, Baker, Carroll, Carter, Chonko, Clark, M.; Coles, Cote, Crowley, Curran, Daggett, Dore, Gwadosky, Handy, Hoglund, Holloway, Holt, Jacques, Joseph, Ketover, Kilkelly, Lacroix, Lisnik, Mahany, Manning, Mayo, McGowan, McHenry, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Gara, Oliver, Paradis, P.; Priest, Racine, Rand, Reeves, Richard, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Stevens, P.; Swazey, Tardy, Thistle, Vose, Walker, Warren.

ABSENT - Aliberti, Armstrong, Boutilier, Brown, Cashman, Conley, Diamond, Erwin, P.; Gurney, Hanley, Hillock, Kimball, Marsano, Pines, Pouliot, Rice, Stanley, Tupper, Weymouth, Willey, The Speaker.

Yes, 73; No, 56; Absent, 21; Vacant, 1; Paired, 0; Excused, 0.

73 having voted in the affirmative and 56 in the negative with 21 being absent and 1 vacant, L.D. 247 and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds (H.P. 1638) (L.D. 2237) (C. "A" H-476) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, March 22, 1988.

The Chair laid before the House the following matter: RESOLVE, Concerning a Proposed Supreme Judicial Court Facility (Emergency) (H.P. 130) (L.D. 159) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-485) to Committee Amendment "A" (H-481).

On motion of Representative Carter of Winslow, retabled pending adoption of House Amendment "A" (H-485) to Committee Amendment "A" (H-481) and specially assigned for Tuesday, March 22, 1988.

(Off Record Remarks)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Correct Inequities in the Maine State Retirement System" (S.P. 960) (L.D. 2548) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Hickey of Augusta offered House Amendment "A" (H-507) and moved its adoption.

LEGISLATIVE HISTORY - SENATE, MARCH 21, 1988

House Amendment "A" (H-507) was read by the Clerk and adopted.

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

(Off Record Remarks)

On motion of Representative Mayo of Thomaston, Adjourned until Tuesday, March 22, 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,
Monday
March 21, 1988

Senate called to Order by the President.

Prayer by Pastor Evelyn Draper of the United Methodist Church in Woolwich.

PASTOR DRAPER: Oh God, in You we live and move and have our being. Therefore, as the psalmist tells us, there is no where we can wander away from Your presence, yet we ask that You will make Yourself known in a special way to all who enter this building and especially this room so that they may know beyond any doubt that You are here.

May all those who meet here on matters of state recognize that You, who are always more ready to give than we are to receive, are standing beside each one longing to guide them in all the decisions large or small which they must make. Open their ears that they may hear Your voice, their eyes that they may see You in all people and in all things and their hearts to Your love so freely given to all.

We ask this in Your name, Father, Son and Holy Spirit. Amen.

Reading of the Journal of Friday, March 18, 1988.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

March 18, 1988

Honorable Joy J. O'Brien
Secretary of the Senate
113th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Bill "An Act to Create a Noneconomic Damages Award Act" (H.P. 217) (L.D. 269).

Sincerely,
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Permit Exempt Railroad Crossings"
H.P. 1749 L.D. 2398

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules: