

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988

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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator THERIAULT for the Committee on TRANSPORTATION on Bill "An Act to Enhance Enforcement of the Handicapped Parking Laws"

S.P. 879 L.D. 2282

Reported that the same Ought to Pass in New Draft under same title.

S.P. 974 L.D. 2587

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Tabled and Later Today Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Make the Language of the Constitution Gender-Neutral

H.P. 1877 L.D. 2571

(H "A" H-521)

Tabled - March 25, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED.

(In Senate, March 25, 1988, READ A SECOND TIME.)

(In House, March 24, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-521).)

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-360) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

Senator KANY of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator BERUBE of Androscoggin, ADJOURNED until Monday, March 28, 1988, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE

SECOND REGULAR SESSION

53rd Legislative Day

Monday, March 28, 1988

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

Prayer by Reverend Robert Tapper, First Baptist Church, Cherryfield.

National Anthem by Mt. Abram High School Band, Salem.

The Journal of Friday, March 25, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on RESOLVE, Establishing the Commission to Study Secondary Transportation Corridors in Maine (S.P. 816) (L.D. 2136)

Signed:

Senator:

Representatives:

CAHILL of Sagadahoc

REEVES of Pittston

MILLS of Bethel

CALLAHAN of Mechanic Falls

SOUCY of Kittery

SALSBURY of Bar Harbor

MACOMBER of South Portland

McPHERSON of Eliot

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-355) on same Bill.

Signed:

Senators:

Representatives:

DOW of Kennebec

THERIAULT of Aroostook

POULIOT of Lewiston

STROUT of Corinth

MOHOLLAND of Princeton

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-355)

Reports were read.

Representative Moholland of Princeton moved that the House accept the Minority "Ought to Pass" as amended Report in concurrence.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to reject the motion to accept the Minority Report and then accept the Majority Report of the Committee on Transportation. This Resolve establishes a commission to examine Route 9 between Calais and Bangor and some of the connecting roads. It is a duplication of effort. The work is now currently being done by the Department of Transportation on all of these corridors. It is only \$9,000 but it is \$9,000 that could be spent somewhere else much more appropriately.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: There is an amendment on this bill for a \$5,000 fiscal note. This bill just takes care of Route 9 and some of the routes that lead off from Route 9 such as Eastport and Searsport (for economical purposes). I do hope you go along and vote for the Minority Report.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you go along with the Representative from Eliot. This bill is actually a duplication of the study that is being performed along Route 9 at the present time. I would point out that the DOT came in at the hearing and they testified against this bill. I hope you will go along with their wishes.

The SPEAKER: The Chair will order a Division. The pending question before the House is the motion of Representative Moholland of Princeton that the House accept the Minority "Ought to Pass" Report. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 83 in the negative, the motion did not prevail.

Subsequently, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Make the Language of the Constitution Gender-Neutral (H.P. 1877) (L.D. 2571) which was passed to be engrossed as amended by House Amendment "A" (H-521) in the House on March 24, 1988.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-521) and Senate Amendment "A" (S-360) in non-concurrence.

The House voted to recede and concur.

ORDERS

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

ORDERED, that Representative Mary H. MacBride of Presque Isle be excused March 24 and 25 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Charles Priest of Brunswick be excused March 14 and 15 for health reasons and March 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Betty J. Harper of Lincoln be excused March 25 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Priscilla Taylor of Camden be excused March 17 and 18 for legislative business.

AND BE IT FURTHER ORDERED, that Representative James Reed Coles of Harpswell be excused March 25 for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative Susan J. Pines of Limestone be excused March 22, 23 and 24 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative OLIVER from the Committee on Education on Bill "An Act Relating to Absenteeism of Community School Directors" (Emergency) (H.P. 1783) (L.D. 2444) 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 HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Establish Disability Retirement Benefits for Members of the Maine State Retirement System" (Emergency) (H.P. 1810) (L.D. 2478) reporting "Leave to Withdraw"

Representative LORD from the Committee on Energy and Natural Resources on Bill "An Act to Make Improvements to and Facilitate Prompt Enforcement of Environmental Laws" (H.P. 1732) (L.D. 2375) reporting "Leave to Withdraw"

Representative PINES from the Committee on Human Resources on Bill "An Act to Clarify the Law Relating to AIDS" (H.P. 1651) (L.D. 2259) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Strengthen the Laws Concerning the Control of Communicable Diseases" (H.P. 1650) (L.D. 2258) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Establish Procedures for the Testing and Control of AIDS" (H.P. 1815) (L.D. 2483) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on RESOLVE, to Establish a Joint Select Committee and an Advisory Board on Long-Term Care Staffing Issues (Emergency) (H.P. 1637) (L.D. 2236) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft/New Title

Representative TELOW from the Committee on Business Legislation on RESOLVE, to Increase the Supply of Reimbursable Mental Health Professionals (H.P. 1453) (L.D. 1964) reporting "Ought to Pass" in New Draft under New Title RESOLVE, to Study the Need to Increase the Supply of Reimbursable Mental Health Professionals (H.P. 1894) (L.D. 2588)

Report was read and accepted, the New Draft read once.

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

CONSENT CALENDAR

First Day

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

(H.P. 1624) (L.D. 2219) Bill "An Act to Permit the Department of Transportation to Exempt Certain Railroad Crossings from Requirements to Stop" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-530)

(H.P. 1759) (L.D. 2408) Bill "An Act to Amend the Cosmetology Laws" Committee on Business Legislation reporting "Ought to Pass"

(H.P. 1706) (L.D. 2343) Bill "An Act to Ensure Local Participation on the Radiological Emergency Preparedness Committee" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-532)

(S.P. 880) (L.D. 2283) Bill "An Act to Establish the Maine Elderly Tax Assistance Program" Committee on Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (S-358)

(H.P. 313) (L.D. 412) Bill "An Act to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care" Committee on Human Resources reporting "Ought to Pass"

(H.P. 1812) (L.D. 2480) Bill "An Act to Regulate the Hiring of School Bus Drivers" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-534)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed and sent up for concurrence and the Senate Paper was passed to be engrossed in concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Encourage and Monitor the Use of New Potato Varieties" (H.P. 1893) (L.D. 2586)

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

(At Ease)

The House was called to order by the Speaker.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to the Provisions of the Charter of the Veazie Sewer District (S.P. 951) (L.D. 2516)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Law Allowing the Town of York to Repair Certain Private Roads (H.P. 1604) (L.D. 2195) (C. "A" H-512)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Determine the Extent and Impact of Unemployed Persons No Longer Eligible for Unemployment Insurance Upon the State of Maine (H.P. 1674) (L.D. 2293) (C. "A" H-511)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Improve the Services Provided to the Members and Retirees of the Maine State Retirement System (H.P. 1763) (L.D. 2416)

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

emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Fund and Implement Collective Bargaining Agreements with Certain Maine Vocational-Technical Institute System Employees Represented by the Maine State Employees Association (H.P. 1845) (L.D. 2527)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Employment of Minors (H.P. 1868) (L.D. 2557)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, to Authorize a Transfer of Surplus Funds within the Franklin County Budget (H.P. 1755) (L.D. 2404)

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

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1988 (H.P. 1878) (L.D. 2569)

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

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1988 (H.P. 1879) (L.D. 2570)

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. 103 voted in favor of the same and none

against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Establishing Maine Energy Policy (S.P. 962) (L.D. 2553)

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

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

Representative BAKER: Mr. Speaker, Members of the House: It really wasn't my intention nor is it my intention to block obviously what is an overwhelming sentiment by members of this body. Yet, if I were not to set the issue aside, it would leave me no opportunity to address an issue which I feel needs to be addressed.

You recall in prior debate, I said that the interpretation of passage of this bill would be that of an endorsement. After the action that this body took on the first and second reader, I picked up a copy of the Kennebec Journal. The headline on the story was "House Gives Second Endorsement to Quebec-Hydro Proposal", or some words to that effect.

Now, it seems to me rather peculiar that speaker after speaker after speaker that is favoring this bill claims that it is not an endorsement and yet there it is in black and white in the newspapers that it is an endorsement. I would frankly feel more comfortable if that was the sentiment of this body that we pass something that would say exactly, "this is an endorsement." My uncomfortable feeling about this bill comes from the interpretation and the dancing and shadowboxing that has been revolving around this particular issue. That bothers me.

As a legislator, I like to be forthright about what I am going to do. That is my reason for wishing to speak.

I would also like to make one other statement before I finish. In a private conversation with another member here, he wanted to know if I held stock in a candlemaking company. I wish to assure the members that, not only do I not own stock in a candlemaking company, but that I am not opposed to energy projects and I am not necessarily opposed to the Quebec-Hydro deal. I think I have stated that I think it is a good thing for the power company to pursue. That is my personal opinion. Again, I think one can have a personal opinion while wishing that the legislature hold off its official opinion until all the results are in on the regulatory battle. That has been my position for several weeks now. I just wanted to make sure that that position was very clear to the members of this body and anyone else who might be interested.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Bickford.

Representative BICKFORD: Mr. Speaker, Ladies and Gentlemen of the House: Without belaboring the point, just a few issues. The question of relying on foreign power still bothers me. Are we truly concerned about Maine jobs for Maine people? If we go through with the Quebec-Hydro project, aren't we denying those jobs? What about the health hazards? Do we really have all the answers to the questions that have been posed? Last but not least, before I set down and before you vote, close your eyes and envision those high transmission lines going through your backyard.

I would urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: Passage of this bill would result in three changes to Maine law. One, it would make for the first time, energy conservation a priority of state energy policy. Two, it would make cogeneration of energy a priority of Maine State Energy Policy. And number three, it would keep the option of Quebec-Hydro before the Maine electric consumers.

I hope you will vote for passage of this bill.

Representative Bickford of Jay 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 Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, may I pose a question? I was just reading over the bill and I noticed Representative Webster of Cape Elizabeth mentioned that it would keep the option of Canadian power open. If this bill doesn't pass, is the option closed?

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

The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question is yes, as far as our committee was able to believe. All of us felt very strongly that those people who had brought this proposal before the State of Maine, Central Maine Power Company felt that there were enough financial risks that were associated with this project that it would not be possible for them to proceed with this project without passage of a bill such as this one. I think everyone on the committee, whether they were in support of this bill or not in support of this bill, felt that the information that was stated to us repeatedly was stated truthfully.

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

ROLL CALL NO. 224

YEA - Aliberti, Allen, Anderson, Anthony, Bailey, Begley, Bost, Bott, Boutilier, Bragg, Callahan, Carroll, Carter, Cashman, Clark, H.; Coles, Cote, Crowley, Curran, Daggett, Davis, Dellert, Diamond, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gwadosky, Hale, Harper, Hepburn, Hichborn, Hickey, Higgins, Hognlund, Holloway, Hussey, Jackson, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pines, Pouliot, Priest, Racine, Reed, Richard, Ridley, Rolde, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stevens, A.; Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Walker, Warren, Webster, M.; Weymouth, Willey.

NAY - Armstrong, Baker, Bickford, Chonko, Clark, M.; Dexter, Dore, Erwin, P.; Handy, Holt, Jalbert, Lacroix, Melendy, Mills, Mitchell, Murphy, E.; Oliver, Parent, Perry, Rand, Rotondi, Rydell, Simpson, Wentworth.

ABSENT - Brown, Conley, Duffy, Gurney, Hanley, Hillock, Kimball, Manning, Mayo, Nadeau, G. G.; Reeves, Rice, Ruhlin, Stanley, Stevens, P.; Vose, Whitcomb, Zirkilton, The Speaker.

Yes, 107; No, 24; Absent, 19; Vacant, 1; Paired, 0; Excused, 0.

107 having voted in the affirmative, 24 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.

ENACTOR

Tabled and Assigned

An Act to Create a State Capitol Commission (S.P. 966) (L.D. 2563)

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 specially assigned for Tuesday, March 29, 1988.

ENACTOR

Later Today Assigned

An Act to Revise the Solid Waste Law (H.P. 1725) (L.D. 2368)

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 Ensure that a Certain Percentage of Public Housing is Handicapped Accessible (H.P. 1869) (L.D. 2558)

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

ENACTOR

Later Today Assigned

An Act to Increase the Minimum Wage (H.P. 1887) (L.D. 2582)

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.

ENACTOR

(Indefinitely Postponed)

An Act to Change the Sales Tax Status of Equipment, Fuel and Electricity Used in Snow-making by Commercial Ski Areas (H.P. 1867) (L.D. 2554)

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

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I move that this Bill and all accompanying papers be indefinitely postponed.

I think this bill has been sufficiently debated in the House. We have had two debates on it, one very lengthy. I think my position has been very

clear that this is not a good bill, it is not good tax policy, it is not consistent tax policy.

As I pointed out last week when we discussed this bill originally, the industry that would benefit from this tax break already enjoys a tax exemption on their final product, there is no sales tax on a ski lift ticket. I think you have a case here of an industry telling you that they have their cake and they would like to eat it too. There has been no justification proven for this bill, no need for this bill.

In fact, the one ski resort that testified in front of the committee in favor of this bill paid an income tax last year on an adjusted gross income well in excess of \$5 million. There has been no indication that passage of this would result in a tremendous flurry of economic activity. They just came in and said they wanted a tax break. There are a lot of people in this state who want a tax break.

I would hope that this legislature would require a little more proof of need and justification for a tax break before they grant one.

I would urge everyone in this House to indefinitely postpone this bill. Mr. Speaker, I request the yeas and nays.

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

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

I would like to know if the committee did any research on the amount of outstanding loans that some of these ski areas still owe the State of Maine under FAME and the Maine State Guarantee Authority?

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

The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope you go along with Representative Cashman's motion on this bill. It certainly is discriminatory. There is no reason, no reason whatsoever, why we should give one industry a break like this when we don't give our Ma and Pa grocery stores on Main Street a break when their compressor breaks down in the middle of July and they have to buy a new one in a hurry. I certainly hope you will go along with Representative Cashman and vote to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you wouldn't go along with the good gentleman from Old Town. I would hope that you would enact this bill this morning.

This proposal that is before you is no different than the bill that we passed two years ago exempting manufacturers from the sales tax on energy used in that process.

The gentleman from Old Town mentioned that there is no tax on their end product. Well, I am sure that I can cite you instances where there is no tax on the end product of manufacturers in this state that also receive the exemption on the sales tax on energy used in their manufacturing process.

I think one has to take a look at what we as state government are attempting to do with the State of Maine. We are attempting to have Maine grow, have it diverse in different areas, we are encouraging people to travel to Maine, we are encouraging people to use our facilities here and by doing so, we are encouraging them to spend dollars.

In order to attract those individuals to this state, we have to make an investment in this state. These individuals who own these eleven ski areas are making an investment in this state. It is evident that one ski area has been prosperous, but that is one of eleven. There are eleven ski areas in this state and that is one of eleven.

I am sure, given the time, that I could probably give you instances from balance sheets where there are owners and operators of these areas that are operating in a deficit condition.

Also, the state has an aggressive proposal and plan on the board inviting people to this state to use these facilities. These facilities don't all enjoy snow-making equipment. Not all of these units have that ability. When they don't have that ability and when you have an open winter such as this and such as we have had in previous years, they can't manufacture snow. Mother nature doesn't provide the snow, so their investment that they have made turns into a condition where they just don't make it. I think we have seen that happen with one of the state-owned ski areas.

I just think that this is consistent and I will debate that issue until this is all over, that it is consistent tax policy because snow is an integral part of their doing business in this state. It is unlike the storeowner that the gentleman from Monmouth brought up, it is different than a golf course that somebody else spoke of, it is not the same folks. This is an issue that comes right down the line with the same issue that we debated two years ago allowing that exemption on energy and previously back in 1977, '78, '79 and '80 when we extended the sales tax exemption on equipment used in manufacturing, new and used, it is no different. This is part of their operation and, if mother nature doesn't provide the snow for people to ski on, then they have to manufacture that snow so they can provide that service.

I would just hope this morning that you would follow your good light as you did last Thursday and pass this to be enacted.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: I would just like to point out that although many people consider this to be a good year for snow and for the ski areas in the State of Maine, many ski areas closed during the season for lack of snow. Even though there was a lot of snow this year, at certain time periods there was not enough snow or there was rain and sleet that caused the snow to go away, so the ski areas had to close. Mt. Abram had to close, Saddleback had to close, Camden Snow Bowl had to close as well as other mountains within the state. I think it is important for people to realize that even in a good year, when there is a lot of snow or what is considered a lot of snow, a lot of these ski areas still have to close and it is because they can't make snow. In order to be in the ski industry today, it is important to be able to make snow to guarantee people that there will be snow there especially if they want to buy a season's pass; otherwise they are going to go somewhere else.

I just wanted to go over a couple of points that have been made here today and the past few days on this debate. I have thought about them for quite a while and I have tried to come up with an answer about how I feel about this bill and why I put it in.

I guess one of the arguments that has been used against this bill is the fact that it is going to open the door if we pass this bill. We are going to have a lot of other people coming in asking for an

energy exemption. I guess that might be true but it seems to me that whether or not this bill passes, we are still going to have these people coming in. It was even mentioned here in debate, what about the doughnut maker? You know, the doughnut maker uses electricity to produce a product. If we pass this bill, they should be able to also come in with a bill and ask for an exemption.

Well, it seems to me whether or not this bill passes has nothing to do with that because we have already passed a policy in this House last year that says that people that produce a product and produce it with electricity should be able to come in and ask for a tax exemption. We did that, we gave a \$25 million tax break for those industries. It seems to me the door has already been opened and other people have the right to come in and to try to justify their position on whether or not they should be given the same tax break. Whether or not we pass this bill, I think you will continue to see people coming in and asking for electricity breaks who produce a product and the reason why is because the door is already open and it is already tax policy of this state.

I don't think that you should be voting against this bill because of fear of other bills because we already have that policy in this state.

As far as the point that has been made that if we gave this tax break to the ski areas that that break gets passed on to the consumers because of the fact that you don't charge for a lift ticket. I guess my only other point to that would be that the manufacturers that we gave the \$25 million tax break to also are not paying the tax. It is passed on, they aren't the one's that are paying it, it is passed on to the people who buy products or whatever within the area. To me, no matter how you slice it, you can try to change it around, the manufacturer is the one who gets the break no matter how you go about it whether it is with this ski industry or with smoke stacks or whatever.

I know it is very difficult to reverse votes in this House and we did on the second vote and I appreciated the support that I got from many people. I know that many people voted for that bill at that stage because they knew that it was important. I felt it was important for my area because of what we have lost for industry. The ski areas are starting to build up in the area and it is important for our area and I certainly appreciated your support. I hope that we can pass this now on to the Appropriations Table.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: While it is true that anyone can ask for a tax exemption, it doesn't mean that because they come up and ask, and ask very nicely I might add, that we have to give them one. We are here to make decisions on these tax exemptions.

My very conservative, and sometimes my frustration I would add, Lewiston Daily Sun had an editorial over the weekend and I might add that we have a ski resort in my community -- where it posed the question, "Will Slug Breeders get a Break for Slime Removal Expenses?" They were, obviously, quite angered by this bill. I think it is interesting that a very pro-business newspaper would find this not justifiable.

I think we do have to consider that, although many of these ski resorts do close periodically because of a lack of snow, amusement parks also close periodically because of pouring rain. All businesses that are seasonal and all businesses that are in the recreation field sometimes have to shut down and I

don't want to start handing out exemptions to all of them. I think this is a case where it is not that it is a whole lot of money but it certainly wasn't justified.

To answer Representative Holloway's question, no we did not study the indebtedness of the ski industry to the State of Maine. However, they never brought to us any facts about their indebtedness either. In committee, there really wasn't a strong case made for this and I would ask you to please vote this down.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I sold yellow pages advertising throughout the State of Maine and parts of New England. One of the areas where I worked was North Conway, New Hampshire. I can well remember what a bad winter they had when we canvassed. Actually their advertising dollar was curtailed and it was real tough to see these industries have to really lay low and some of them could not survive.

Personally, I am not a skier so I am not talking on my behalf this morning but in overlooking this situation, I certainly can't compare it to a Mama and a Papa store. We are talking about recreation here. We are talking about family participation. You have all heard the slogan "the family that plays together stays together" and certainly the ski industry has been one that we can be proud of in keeping our families together. So, I look at it in that light and not strictly as a business oriented situation.

I hope that you go along and pass this bill.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I know I am a new face on this particular debate but I thought I would get up and tell you why I would urge you to oppose the motion to indefinitely postpone and support this bill.

Obviously, this is not a bill that is of great importance to the district that I represent. I strongly support this bill because I think it is a bill of great importance to the overall economic health to the State of Maine.

We have been talking with a lot of different industry leaders around the state and we have seen what economists and experts have been saying about a possibility of an emerging two Maine's and a disparity between one region and another region.

We have also heard a lot of talk about increasing tourism and we have heard a lot of concerns from the people who live inland. When their budget for tourism is increased, a lot of times those regions don't feel the increase as well as the areas on the coast or in the southern part of the state.

I would submit to you that this bill is important on both fronts because this is an industry that is unique to the interior part of the State of Maine. This is one advantage that they have economically. I think that we should exploit that advantage and we should pass responsible taxation policy that would encourage the growth of jobs inland in the areas that surround skiing.

There has been talk of the Mom and Pop stores early on -- I would submit to you that there is a corridor of those Mom and Pop stores that go all the way up to the different ski areas in Maine and those would be benefited by this. I would strongly urge members of this House to take a look at the overall picture, to take a look at the two different Maine's and strengthen the areas that we need to strengthen. I think that we are going to see the result of that policy come back in increased revenues for the coffers for this state.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I believe that if you go along with passing this bill that you are establishing a bad tax policy and you will be establishing a precedent. Next year I won't be here but there will be someone here from the Biddeford area and we do have a depressed industry in our own community. It is called Shape and they manufacture a cassette. They employ over 500 people, pretty close to 1,000 people and their sales have gone down based on foreign competition. I am sure that if we are going to talk about saving jobs that we should do the same for the cassette industry and that the Representative's from Biddeford next year will introduce a similar type of legislation to give that industry a particular break.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of the motion to indefinitely postpone this bill. I don't generally speak on bills that don't come from my committee and are headed to the Appropriations Table. I chose to today for one reason and that is because I am afraid if we do enact this bill that it does set some very definite precedent which I don't support.

It seems to me that there are two reasons that the proponents of this bill are arguing in favor of it. One, that it is a tourism piece of legislation and that it ought to be supported for that particular reason. The other is that it is an industry that depends on the weather and somehow that ought to be different than other tax policy.

Well, I represent an area of the state that depends on tourism as well. There is no legislation in, there is no other tax break that is being considered to assist my area of the state that depends on the sun rather than on the snow. I think that doesn't bode well for my area and I don't think it is fair for just one area of the state to get it. The businesses in my area take as much chance as the businesses in the northern part do.

The other part that they are talking about as far as the weather goes, in my real life, I used to be in the paving and excavating business. We have no tax breaks for commercial businesses that are involved with the construction industry and they certainly depend on the weather as well. In fact, we are hurt even more because, when we get ready to trade a piece of equipment, we have to pay a sales tax on the full amount rather than on the trade difference. In other words, if you buy a piece of equipment for \$100,000 and you trade in a piece of equipment worth \$25,000, you still pay the tax on the full \$100,000 even though the difference is \$75,000. It is not like trading a car. When you trade in a piece of construction equipment, you have to pay the full tax on the gross amount, not on the difference. I think that is discriminatory and I guess if I was going to say that there is an industry in the state that perhaps needs tax policy change, it would be the construction industry more than it would be this particular industry. I grant you I am partial but it seems totally unfair to me that one industry in the state ought to pay the full freight rather than on the difference.

Nevertheless, that is not the issue at hand. The issue at hand is, is this particular piece of legislation good tax policy? I would submit to the House that it is not. There are a lot of businesses

out there that depend on the weather, who depend on tourism, who are not getting a tax break, who will never get a tax break. It seems to me, as a business person myself, when you go into business, you take a chance. You take a chance on the weather and you take a chance on whether you can make a go of it or not, that is part of being in business. If you make money, great; if you don't make money, I don't think you should come to the legislature looking for help.

I think these businesses are capable of making it on their own and I feel badly that they should have to come here and ask us to subsidize them.

I hope you vote in favor of the motion before us.

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

Representative NICHOLSON: Mr. Speaker, Members of the House: I am for everybody in business and for that pay check. That is one reason I am here, the development of the Maine economy.

I go along very strongly with what Representative Racine and Representative Higgins have just said. It is very simple, enough is enough. Businesses have to manage business to make profits. We are not going to be in that position of supporting them as they manage their business when they put the cost of operation into any business as they develop a profit.

I think that the Taxation Committee should come back to us with an overall plan and consider everybody that is in business if this is the way to go. A businessman is an independent.

Talk about tourism, it is one of the biggest industries we have in this state and it is very, very important to us during the four seasons. I firmly suggest to each and every one of you, follow the light of Chairman Cashman.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, I would like to pose a question through the Chair.

To the Chairman of the Taxation Committee, I would like to know if he has looked at how important the ski industry is to the State of New Hampshire and, if so, what kind of data does he have and if, indeed, New Hampshire has a sales tax on their snow-making equipment?

The SPEAKER: Representative Simpson of Casco has posed a series of questions through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am Chairman of the Taxation Committee for the Maine State Legislature, not the State of New Hampshire, so I haven't really looked into their needs. However, they don't have a sales tax at all.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: The reason I asked that question is we have heard a lot of arguments for and against this bill but I think that is really the issue. Our ski industries, as important as they are to this state, as important as they are in comparison with construction industries and whatever, compete with New Hampshire. Since New Hampshire does not have that sales tax, and I don't know exactly what tax policy they do have, I haven't looked at those figures, I would hope that was probably the issue here.

Today, I assume that we are at a competitive disadvantage with that state and we ought to make sure that our ski industry is able to compete with

New Hampshire. This business has meant a lot to this state especially to all the satellite related industries especially in the winter time because of the importance of tourism and recreation in this state during those slow winter months. I would ask you not to vote for the indefinite postponement of this bill.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: As the members of the House can tell, I think the members of the House are all over the place on this particular bill. I think as we go through this debate, we can find that we all agree on two points, that we have a commitment to jobs and that we support the expansion of tourism.

My good friend from Scarborough talked about those of us along the coast and our dependency upon the sun from the Spring through the Fall. Actually, one of the most important things we look toward on our weekend or day by day through the Summer is trying to reach full occupancy along the coast and the resort areas. The key is Wednesday and Thursday night television weather forecasting in Boston and points south. If that TV forecaster comes on and predicts a sunny weekend, we will see people from the south sneaking away from their jobs early or just reporting in sick and heading for Maine for the weekend and we will have 100 percent occupancy. But if that forecaster predicts rain and cold, when you get into that weekend, you can't give the rooms away.

There are times where we will have a summer that will be cold and wet or we have had summers where we have had rain every weekend and bright sunny days on the week days. I can tell you from a first-hand experience working with businesses along the coast that, when you have those bad weekends or you have that cold wet summer (and they come in cycles), you begin to see bankruptcies. You see constituents who are scheduled to work maybe two full-time jobs now working one part-time job. You begin to see it ripple throughout the economy.

We see it here in Augusta because, when those sales taxes are reported monthly and you can't give the rooms away, we have less money coming in. At the turn of the year, we will see it in terms of the income tax, both personal and corporate.

I share the frustration of the gentleman from Scarborough that there is nothing that this House can ever do in helping us ensure sun throughout the summer and a strong coastal economy. I think if we look at the flip side in terms of our mountains in the winter season, there are some things that we can do.

I think I need to say up front that I do not own a condo in that area and do not own a parcel of land. My only view of mountains is to either climb them in the summer and look down or fly over them but you would never catch me on a slope, the only skiing I do is on flatland near my home.

We heard the gentleman from Portland talk about the needs before the Human Resources Committee and despite some of the federal reductions, we are going to be able to meet those needs because Maine's tourism industry, both the hunting and fishing camps, the summer and winter businesses, are raising that money, sending money to the treasury so that we can meet the needs, not only of what we are doing now but the needs of the future.

Representative McPherson from Eliot expressed the other day the real frustration and anger some of us have in York County because it seems as if the money is leaving York County to go elsewhere. That is

something this House is going to have to address in terms of our regional needs as well.

Even though I don't benefit in terms of voting for forestry issues or for potatoes or other issues that move through -- we had a bill here the other day on the excise tax for the Bangor International Jetport and when that bill first came through as a tax bill back in 1981-82, I supported it. I felt that if Bangor was strengthened, Maine would be strengthened. If Aroostook and the potato farmers are strengthened, Maine is strengthened and those of us in York County benefit as well.

I think the strategy in this House has been that as different regions come to us asking for help, even though we are not the direct beneficiaries in terms of that being a parochial or regional issue, we have given that help because we want those strengths and those needs built upon in those different regions.

It is a very simple fact of life -- in any ski season that, if those resorts can start up one week or two weeks earlier and run to one to two later, we will see it in our state treasury. If they can't start up earlier, if they can't remain open later or if we have a bad winter in terms of no snow or we don't have the snow at the right time, then we will see some real belt-tightening that has to be done here. Even though those of us from York County and other areas aren't beneficiaries in terms of this bill, I have heard Representatives from western Maine asking for help. I have to vote red today in terms of defeating the motion that is before us, which is indefinite postponement. I would hope that you could vote for the greater Maine to strengthen Maine and help western Maine today.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I want to put this debate back into a little bit of perspective because we have had a lot of talk about the situations of the beaches down in the southern part of the state. That region does quite well and, obviously, we would like it to do better because we would all do better. Let's look at it in perspective -- who wins the head to head contest between New Hampshire and Maine in terms of beaches? Maine wins in terms of the quality of the beaches, in terms of the number of beaches but when you go head to head in the skiing industry, who wins there? New Hampshire wins because of their geographic advantage, because of their established flow of skiers to that particular area but I would submit to you that any time we can see an increase in the number of people going to ski on Maine slopes, those people are going to be captured by the beauty that they see on the way to and from and at those resorts.

I submit to you that we are also going to see an increase in other industries that are affected by tourism, summer industries. I think once people have been exposed to the interior of the State of Maine, Maine is going to come out on top on camping, fishing, canoeing and the whole wide range of summertime industries.

I would submit to you by bringing them into the state to "Ski Maine" that is going to spill over into the summer. I think we have a distinct advantage when it comes to beaches but I think we are at a disadvantage when it comes to ski slopes. This is a bill to even the score on that and I think we would all benefit if we do that.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the

members present and voting. Those in favor will vote yes; those opposed will vote no.

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

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

Representative RICHARD: Mr. Speaker, I would like to pose a question through the Chair.

When the so-called Kyes Fibre bill was passed here in a recent session, that was for the electricity used in manufacturing, I don't believe that that included equipment. What is the situation concerning this being different from that piece of legislation?

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

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure that I understood the question but I will answer what I understood the question to be.

We did pass a bill to exempt manufacturers from the energy used in the manufacturing -- that bill gave a tax exemption to an industry that enjoyed the same exemption in most other states that they operated in. It also gave a tax exemption to an industry that does not enjoy a tax exemption on their end product. That, I think, is the difference between this issue and the issue that we dealt with last session.

While I am on my feet, I would just like to say since New Hampshire has been brought up a couple of times, that every industry in this state that has a like industry in New Hampshire, competes with New Hampshire, perhaps we should just repeal the sales tax if that is the concern of the members of the House.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Men and Women of the House: I would like to carry that explanation a little further. Back in the late seventies, and I believe the question the gentleman from Madison asked was, if the equipment used in the manufacturing process was exempt from the sales tax and that answer is, yes. We passed that law back in the middle seventies on new equipment and then we were back in the next session after that or two sessions after that and passed the sales tax exemption on used equipment used in manufacturing.

I might say to the gentleman from Biddeford that he might want to have his industry checked to see if they qualify for that exemption. I am sure that they do.

The SPEAKER: The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that L.D. 2254 and all accompany papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 225

YEA - Aliberti, Anderson, Anthony, Baker, Bost, Boutilier, Bragg, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Crowley, Daggett, Davis, Dellert, Dore, Dutremble, L.; Farren, Foster, Garland, Gwadosky, Hale, Handy, Harper, Hepburn, Hickey, Higgins, Holloway, Holt, Hussey, Jacques, Ketover, Kilkelly, Lisnik, Look, Lord, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mitchell, Murphy, E.; Nicholson,

Nutting, Oliver, Paradis, P.; Paul, Pines, Pouliot, Priest, Racine, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Salsbury, Seavey, Sherburne, Strout, D.; Swazey, Tardy, Taylor, Telow, Thistle, Tupper, Wentworth, Willey.

NAY - Allen, Armstrong, Bailey, Bickford, Bott, Cote, Curran, Dexter, Diamond, Erwin, P.; Farnum, Foss, Glidden, Gould, R. A.; Greenlaw, Hichborn, Hoglund, Jackson, Jalbert, Joseph, Lacroix, LaPointe, Lawrence, Lebowitz, MacBride, Mills, Moholland, Murphy, T.; Norton, O'Gara, Paradis, E.; Paradis, J.; Parent, Perry, Reed, Scarpino, Sheltra, Simpson, Small, Smith, Soucy, Stevens, A.; Strout, B.; Tammaro, Tracy, Walker, Warren, Webster, M.; Weymouth.

ABSENT - Begley, Brown, Conley, Duffy, Gwynne, Hanley, Hillock, Kimball, Mayo, Nadeau, G. G.; Nadeau, G. R.; Reeves, Rice, Ruhlin, Stanley, Stevens, P.; Vose, Whitcomb, Zirkilton, The Speaker.

Yes, 81; No, 49; Absent, 20; Vacant, 1; Paired, 0; Excused, 0.

81 having voted in the affirmative and 49 in the negative with 20 being absent and 1 vacant, the motion to indefinitely postpone did prevail. Sent up for concurrence.

The eighth tabled and today assigned matter was taken up out of order by unanimous consent:

Bill "An Act to Amend the Endangered Species Act" (H.P. 1875) (L.D. 2567)

TABLED - March 25, 1988 by Representative MURPHY of Kennebunk.

PENDING - Passage to be Engrossed.

Representative Jacques of Waterville offered House Amendment "A" (H-528) and moved its adoption.

House Amendment "A" (H-528) was read by the Clerk and adopted.

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

On motion of Representative Crowley of Stockton Springs, the House reconsidered its action whereby An Act to Ensure that a Certain Percentage of Public Housing is Handicapped Accessible (H.P. 1869) (L.D. 2558) was passed to be enacted.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 2558 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-533) and moved its adoption.

House Amendment "A" (H-533) was read by the Clerk.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to make this regulation consistent with the existing statutes in the law which we failed to do in the original bill.

Subsequently, House Amendment "A" was adopted.

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Horse Racing and Racing Facilities (H.P. 1781) (L.D. 2434)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the

members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

At this point, Speaker Martin appointed Representative Michaud of East Millinocket to act as Speaker pro tem for the afternoon's session.

(Off Record Remarks)

On motion of Representative Coles of Harpswell, Recessed until five o'clock in the afternoon.

(After Recess)

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

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Marine Resources reporting "Leave to Withdraw" on Bill "An Act to Prohibit the Use of Airplanes or Aerial Surveillance in the Taking of Any Tuna" (S.P. 917) (L.D. 2393)

Was 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 Transportation on Bill "An Act to Enhance Enforcement of the Handicapped Parking Laws" (S.P. 879) (L.D. 2282) reporting "Ought to Pass" in New Draft (S.P. 974) (L.D. 2587)

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 Tuesday, March 29, 1988.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-359) on Bill "An Act Relating to 6-Axle Vehicles Carrying General Commodities" (S.P. 869) (L.D. 2264)

Signed:

Senators:

DOW of Kennebec
THERIAULT of Aroostook
CAHILL of Sagadahoc

Representatives:

POULIOT of Lewiston
MACOMBER of South Portland
McPHERSON of Eliot
MOHOLLAND of Princeton
CALLAHAN of Mechanic Falls
MILLS of Bethel
STROUT of Corinth
SALSBURY of Bar Harbor

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

Signed:

Representatives: REEVES of Pittston
SOUCY of Kittery

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-359)

Reports were read.

Representative Moholland of Princeton moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Ketover.

Representative KETOVER: Mr. Speaker, Men and Women of the House: You are probably wondering why I am standing, I am not on the Transportation Committee and I do not drive a truck but my family has been involved in transportation for many, many years. My uncle, who lives here in Augusta, is in the trucking industry. My family uses trucks and has used trucks for many years and my husband is also in the trucking business. They said that this bill is not a good bill and have asked me to please try to convince you that it is a bad bill.

We are talking about raising the gas tax this year and one of the reasons is because the roads and bridges need to be repaired, that the cars and trucks are destroying the roads and the bridges. By putting this into law, you will definitely be destroying the roads and the bridges, more weight, more pounding on the roads. This is a menace, this will cause it to be more of a menace.

Probably the trucks will have to use the back roads because they will probably be denied the use of the interstate. That means they will use roads like Route 1 and then what will happen to Route 1? It certainly won't be able to carry all that weight. The roads now are clogged with cars and this will cause them to be more clogged with more trucks. I believe they cannot support that kind of load.

My question is, who is going to certify that this equipment is placed incorrectly? What is to say -- keep those brakes from coming apart? What is going to hold that in there and who is going to make sure they don't disconnect them?

I was talking to one of the state policeman and they do all the weighing and checking and they believe that this is a bad thing to do. They are against it, at least the one's that I have talked to.

I didn't sit on the committee, I didn't hear the testimony for this bill but I can tell you that this is not a good way to go. They tell me that it will disperse the load on the trucks -- well, I think anything that weighs a 100,000 is a 100,000 -- I don't care how you spread it out, it is still going to be on that load.

So, I would hope that you would indefinitely postpone this bill and I would ask for a roll call.

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

Representative RACINE: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to the Chairman of the Transportation Committee.

The question would be, under current law, what is the maximum weight that these vehicles can carry? Based on the Statement of Fact, it is 100,000 pounds. Could you tell me how much more weight that the vehicles will be able to carry on our roads?

The SPEAKER PRO TEM: The Representative from Biddeford, Representative Racine, has posed a question through the Chair to the Chairman of the

Transportation Committee who may respond if he so desires.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: Three-quarters of your trucking industry now is hauling 100,000 pounds. With another axle on your trailer and a little bit longer, this common carrier that hauls oil like Merrill Transport and some of the other common carrier truckers -- if you divided those axles out, you would get better space on the highway than you would if you just had a single axle truck. The more axles you put under your truck and trailer, the more weight you can haul.

While I am on my feet, I want you to know that I don't need this bill. I am just speaking for the common carrier because three-quarters of the trucking industry now in the State of Maine are allowed to haul 100,000 pounds. We are just discriminating against the quarter. The Maine Truckers' Association came in and spoke in favor of the bill. The State Police spoke in favor of the bill and there was nobody who spoke against the bill.

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

Representative RACINE: Mr. Speaker, Men and Women of the House: Based on what you have said, three-quarters of the trucking industry are now allowed to carry up to 100,000 pounds and one-quarter of the trucking industry is not allowed to. Could you tell me why the one-quarter of the other trucks are not allowed to do this?

The SPEAKER PRO TEM: The Representative from Biddeford, Representative Racine, has posed a question through the Chair to the Chairman of the Transportation Committee who may respond if he so desires.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I will try. As long as I have been in the trucking business which is 45 years, they have always allowed that fish, fruit, farm produce and forestry have a 10 percent more weight. When we used to haul 80, we could put on 10 percent more for nothing and that would give us 88 percent. Then when we had the gas tax, they had an agreement that would give 100,000 pounds and we pay so much more money from 80 to 90 and then we can put on another permit to allow 100,000 pounds. Altogether, I think it costs around \$300 or \$400 extra dollars, money for the state. They have been doing this Representative Racine for the last 20 or 25 years. They have been exempting fish, fruit, farm produce and forestry, rocks, gravel, anything of that substance -- the only thing that they haven't done is give the common carrier such as canned goods and things of that sort.

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

Representative RACINE: Mr. Speaker, Men and Women of the House: I am very concerned about increasing the weight of any vehicle and this is based on what I have been reading in some of the reports that have been put out trying to convince us that we should support a 5 cent gasoline tax. This is based on the current conditions of our roads and specifically our bridges that are deteriorating to such a degree that it will require major renovations. If the conditions of our roads and bridges are such, I don't believe at this time we should be tinkering with increasing the weight which will cause further damage to the roads and bridges.

I believe I will support the good Representative from Portland and I move the indefinite postponement of L.D. 2264 and all its accompanying papers on the basis of what I just presented to this body. I don't believe we should increase the weight. I think it is the wrong time and, by increasing the weight, we are going to cause additional damage. I request a roll call.

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

Representative SOUCY: Mr. Speaker, Men and Women of the House: I probably should state my position as being on the Minority Report. My concern was, with the overweight trucks, It is my understanding that the vast majority of the trucks on the Maine roads do not overload their trucks but there are a number who do.

My concern is going to be addressed with an amendment that I will propose later. The amendment would simply say that the increased income that is going to come from these registrations for these increased weight of trucks will be used for a weight enforcement and that is the only reason why I signed on with the Minority Report. My concerns will be taken care if the amendment is accepted.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: First, I would like to make a comment to the gentleman from Biddeford, Representative Racine, and try to put it in simple language of what we are trying to do.

At the present time, you have four axle trucks, five axle trucks and six axle trucks hauling forest products that I am familiar with. We allow a forest product truck out there with four axles today to haul 68,000 plus 10 percent tolerance, which brings them up to around 76,000 pounds. I know you have the forward axle, but if you divide that into simple terms, Representative Racine, it is allowing you about 19,000 per axle. Take general commodities, today they are not allowed to haul 100,000 pounds but if you put that over a six axle truck and you divide it out, I hope you can see that you are putting the weight distribution so that you are not doing as much damage to the roads as you are on vehicles that we are allowing today with the forest products. What the general commodity people asked for in this bill is to have the same treatment that those other commodities are having and that is why I support the bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Ketover.

Representative KETOVER: Mr. Speaker, Men and Women of the House: Representative Soucy hit the nail on the head. I think by putting more weight out there, they are going to overload their trucks. They are are overloading their trucks. They are not always being weighed, unfortunately. The weighing stations are not always open and, because of that, there are more accidents. You and I both know that when you go down the road, you will see a truck turned over or he is jackknifed because he is either speeding or he has skidded on the ice. I can tell you that loads do shift and if they hit something, the load shifts and the truck tips over, innocent people have been killed. With more weight on those trucks, that truck is going to be harder to control. That scares me a lot because I know of people who have been innocently killed.

I can tell you this, my husband drives a truck and he has driven on the roads up north where they have soft-shoulders and he was almost killed because someone was on his side of the road. Either he was

going to kill them or he was going to get killed himself. He chose to try to kill himself to protect those people. He went over, hit the soft shoulder and turned that truck over and was almost decapitated.

When I tell you that a heavy truck is not a safe truck, I am not saying that just because it destroys the road but it is very dangerous. You can put all the axles you want on that truck, it is still going to be heavy. I hope that you will listen and not vote for this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Men and Women of the House: As I understand it from speaking with my seatmate here, with six axles you have more control of the truck than you do with five.

I would like to go back to the point about the roads. I have done a little simple division myself too. If a truck with five axles can now load 100,000 pounds under the exemption, they get 20,000 per axle. We are talking now of six axles which makes it 17,000 pounds per axle which would be less on the road itself. It would be more evenly distributed.

The reason I want this bill to pass is the fact that we are actively pursuing port development in Eastport presently. We are in competition with Canada. In St. John, we are trying to attract our traffic from Georgia-Pacific to continue to come down to Eastport and if we can get this six axle through, we will be able to carry more down from Georgia-Pacific down to Eastport and be a heck of a lot more competitive with our neighbors and be able to stay in business. Right now, Canada can, in fact, use six axles and has much more of an advantage than we do. That is the reason why I want to see this bill pass.

As a matter of fact, they have 120,000 pounds.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: In looking at the bill and having heard the explanations that we have heard this afternoon, I would like someone on the committee to answer the Statement of Facts statement, (you might say) that permitting this vehicle at the higher weight would increase individual vehicle productivity from 17 percent to 33 percent while resulting in only minimal additional pavement and bridge consumption for the total program. As a lay person who doesn't sit on Transportation and who is not aware of these terms, I can understand pavement consumption, but bridge consumption -- if a bridge has a certain weight tolerance, no matter how many axles it has, it is going to have additional weight on it and I don't understand what the impact is going to be.

As the gentleman from Biddeford stated, we have a problem with bridges in this state at this time because most of them were built during the great Depression under the WPA program. If we are going to be increasing certain weights, by virtue of this bill, isn't this going to be jeopardizing at a quicker rate our bridge program in needing to necessitate and expedite bridge construction programs? I don't have any problem with increasing the efficiency of these carriers by adding an additional axle. I think it probably evens out the load but as far as the bridges are concerned, we still have a bridge that is going to be there having this amount of weight. Can someone please answer that question?

The SPEAKER PRO TEM: The Representative from Augusta, Representative Paradis, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Members of the House: I will try to answer the question of the good gentleman from Augusta. As I understand this, by spreading that load from five to six axles, you will have less impact per axle than you would with the present law. In other words, if the load is spread over more axles, it won't have as much impact on each axle as you go over that bridge.

While I am on my feet, the gentlelady from Portland, Representative Ketover, is concerned about the overload. The way I have seen it over the years is that the overload situation will not affect the general commodities as much as it will some of the other people out there who are hauling various products. The general commodity people, as I see them, know pretty much what their load is going to be when they leave to go to their point of destination. I think they know. There are a lot of other industries out there that do not know what their load is when they load it on because of various reasons. I don't think, Representative Ketover, that this bill is going to create more overloading by the general commodity industry.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I would like to respond briefly to the gentleman from Corinth's answer to my question. I guess my question is, if we allow 500 additional vehicles of this gross weight to be using our bridges, isn't that going to increase the deterioration of those bridges that are already severely impacted? Whether a truck has six axles or five or four, that amount of weight will still be on the bridge, it doesn't impact the bridge as it does a road in this same fashion, I am led to believe. If we add 500 more additional vehicles as it says in the Statement of Fact, then aren't we, in fact, (as it does imply) increasing the rapid deterioration of these bridges and isn't it going to cost a lot more than \$150,000 that it purports to bring in to the highway fund? That \$150,000 is the minimal amount of money. The sidewalk construction in front of the Blaine House cost a lot more than \$150,000. We are talking about bridges -- Augusta's bridge is supposed to cost \$30 million dollars. I am worried that the impact of the highway trust fund this is going to have if we allow 500 additional vehicles to use those bridges. I don't see anything here that kind of calms my fear about that. In light of the 5 cent a gallon increase that we have, a penny of that to be for the severe deterioration of the bridges.

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

Representative ALIBERTI: Mr. Speaker, I would like to pose a question through the Chair.

My question is, does this bill now address tandems or the increased use of tandems in the future?

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Aliberti, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Members of the House: At the present, we have tandems and we have tri-axles. The tri-axle is the three axle that we have had for quite some time for the exempt commodities like fish, fruit, farm produce and forestry products. This would add maybe 400 or 500 extra tri-axles and all those 500 wouldn't be running over the same bridge all the time.

I think in order to help the economy in the state that there wouldn't be any great percentage difference if we pass this.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I am sorry, perhaps I didn't clarify the question. I would like to know whether this bill addresses tandems now or is the intent to address the tandems in the immediate future? That is my question.

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Aliberti, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: The answer, I think, is no.

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

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

Could someone please tell me what the potential impact that this legislation will have on the railroad business? Will it encourage businesses to use trucks as opposed to trains?

The SPEAKER PRO TEM: The Representative from Rockland, Representative Melendy, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Members of the House: I would just like to say that competition never hurt anybody.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: I guess when it comes to our roads and the damages done to them, I guess all of us on the Transportation Committee are very sensitive to that issue, especially since many of us want to get more money for our roads so we can have better roads in our areas.

To me, this whole bill boils down to the fact that we already allow certain industries to carry that amount of weight. We also allow it to be carried on smaller trucks. The point is, as was shown with the study, when you spread out the weight, you would be in better shape overall as far as wear rather than having 100,000 pounds carried within a shorter distance. Not only that, it was also shown that on the larger bridges you are going to have the weight on the bridge all at one time but on the smaller bridges, which most of us are concerned with, you will be better off with this weight because your weight is going to be spread out longer and your truck is going to be actually over the bridge and you are not going to have the weight on the bridge all at the same time.

It seems to me that the biggest argument for this bill and why I supported is the basic argument that we already allow it on other commodities, we should allow it for all commodities and also over a longer haul so that it will spread out the weight.

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

Representative SMITH: Mr. Speaker, I would like to pose a question.

Will these trucks with 100,000 pounds be allowed to travel on I-95?

The SPEAKER PRO TEM: Representative Smith of Island Falls has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Men and Women of the House: No, they won't be able to travel on I-95, they will be able to travel on the Maine Turnpike, but not on I-95.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: It seems what we are saying here then is that our secondary roads, which are really in bad shape, are going to have greater loads on them than what I-95 has allowed. It seems that I-95 is a much better road than any of the Route 1 sections that I have seen.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we will vote this bill down. When Representative Moholland said that competition never hurt anyone, I want to assure you that the railroads in Maine have been hurt and we cannot afford to let them be hurt anymore. Until we get things in balance, I would suggest that we kill this bill.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how many of you are members of AAA of Maine but, if you are, last week in their monthly flier, they took a position on the five cent gasoline tax. Their position was that they could not support it because it was putting the burden on the automobiles to pay for the damages that were being caused by the trucking industry. They felt that it was unfair and, as a result of it, are not supporting the five cent gas tax. Basically, the roads and bridges are being damaged by heavy loads and your heavy loads are your trucks, it's your trucking industry.

Those of you that were here four years ago, if you recall, we wanted to put a full-time weight station down at the entrance of the Maine Turnpike so we could stop these overweight trucks from coming into the state. That thing was defeated by the trucking industry, they didn't like that, they didn't want that. They wanted to have permission to be able to drive on our roads with overweight trucks.

I feel that the damage is caused by overweight trucks. I think that we should not increase the weight at this time.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I think what we have lost here in the debate is weight distribution. Anyone who has awakened in the morning after a nice night's sleep and sat on the side of the bed and just thinking a little bit whether or not he or she wants to get up immediately -- if you set too long on the side of that bed, you are distributing all your weight on that side. After doing so, take a look at that bed. My wife has and warned me, "Harry, we bought this mattress and it is an expensive mattress, I would like to have it last the 25 years it is guaranteed." But if I go to bed and lay out on that mattress, I have distributed all the weight fairly evenly, fairly evenly, and it will last a great deal longer. Therefore, think of that truck and the weight they are putting in there as a guy just

getting a good night's sleep, just relax, it's going to be all right, our roads are going to be just fine.

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 PRO TEM: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: Before we vote, I would like for us to take a look on Supplement No. 3. I am not going to debate it because the item is not presently before us but it seems that the issue that we are being asked to decide on tonight, L.D. 2264, is a little bit premature.

The committee has recommended, 12 to 1, that we not even study the impact of overweight trucks on Maine highways. That bill was a product of the commission on which Representative Carter chaired over the course of the interim session to look at the effects of these overweight trucks on our highways and bridges. The Transportation Committee does not even want us to take a look at the impact, the fiscal impact, that it has on our highways and bridges and on the highway trust fund. Yet tonight, they want us to consider allowing 500 extra vehicles on our highways and bridges.

I think it is the other way around, I think we ought to pass a bill to study the impact of these overweight trucks on our highways and see what kind of distribution limit we can rationally permit more people to use them but, at the same time, not impact severely.

How long is it going to be, five more years, three more years, four more years before the next Governor says, I need another nickel? I just think that it ought to be the other way around, let's study the impact and then we can perhaps recommend this type of legislation.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: To the gentleman from Augusta, Representative Paradis, he will notice that that is on another supplement and I think you will find out with the debate at that time why the committee took the stand that they did.

I just want to say one thing in response to Representative Racine. I can't remember any time that the trucking industry ever opposed additional enforcement. The association's that represent the trucking industry in the State of Maine have encouraged more enforcement of the weight laws.

I would just point out to you that the Department of Transportation has worked on this legislation for the last couple of years that I know of and, as they have pointed out, the requirements to get this permit are much, much stricter than the other 100,000 pound commodity permit. The safety requirements are stricter to get this general commodity permit. I would ask you to support the committee's recommendation.

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

Representative SMITH: Mr. Speaker, Men and Women of the House: It seems to me the issue before us is something like the speed limit. We could not enforce the 55, so we went to 65. Well, we can't enforce the

truck weight, so we are going to increase the truck weight.

If I understand Representative Vose properly, if I get on the scales and stand on my two feet and weigh 200, I would be better off by getting on my hands and knees and I would probably weigh 100.

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

Representative MOHOLLAND: Mr. Speaker, Men and Women of the House: I would just like to echo Mr. McPherson's words -- with this 100,000 pounds, you have got to have a certain length, a certain wheel base, you have to have fixed axles, you can't be able to lift them up and down, there are eight or ten different things that you have to do for the common carrier to haul this.

By the way, some of the ladies and gentlemen in the House here don't think that we pay enough to haul on the highways. I would just like to give you a little example -- I have 15 trucks that haul logs and lumber that never touch the highway and they cost me \$480 per truck, per year.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: I just wanted to, one more time, go over one more point. If you don't like the fact that we are increasing the weight, the point is, we already allow 100,000 pounds to be carried on our roads. The point is, as Representative Paradis pointed out, you are just going to be allowing more trucks to do so. It is not a case of whether or not you want to allow that amount of weight to be carried on those roads, we already allow it. It is a question of, are we going to allow more people to be able to carry that weight? To me, it just seems fair, if you are going to allow it for some businesses, you should allow it for all businesses. That is the basic argument from my point of view.

I understand the Representative from Augusta's argument, it is a good argument. The point is, we already allow that amount of weight to be carried on the roads, it should be allowed for all the different truckers and we are spreading the load out to make it better. It came from a Transportation Study, which is supported by that study. I hope that you will pass this bill and vote against the current motion.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Racine of Biddeford that L.D. 2264 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 226

YEA - Aliberti, Allen, Baker, Bost, Carroll, Carter, Clark, H.; Clark, M.; Dutremble, L.; Handy, Holt, Joseph, Ketover, Mahany, McSweeney, Melendy, Mitchell, Oliver, Paradis, P.; Racine, Rolde, Sheltra, Smith.

NAY - Anderson, Anthony, Begley, Bickford, Bott, Boutilier, Bragg, Brown, Callahan, Chonko, Conley, Cote, Crowley, Curran, Daggett, Davis, Dellert, Dexter, Diamond, Dore, Duffy, Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoggund, Holloway, Hussey, Jackson, Jacques, Jalbert, Kilkelly, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, Mills, Moholland, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Parent, Paul, Perry, Pines, Pouliot, Priest, Reed, Richard, Ridley, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey,

Sherburne, Small, Soucy, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Tammaro, Taylor, Telow, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Bailey, Cashman, Coles, Gurney, Hillock, Kimball, Mayo, Michaud, Nadeau, G. G.; Nadeau, G. R.; O'Gara, Rand, Reeves, Rice, Simpson, Stanley, Tardy, Thistle, The Speaker.

Yes, 23; No, 107; Absent, 20; Vacant, 1; Paired, 0; Excused, 0.

23 having voted in the affirmative, 107 in the negative, with 20 being absent and 1 vacant, the motion to indefinitely postpone L.D. 2264 did not prevail.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Carter.

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

Pursuant to Joint Rule 21, every bill that comes out of committee that is going to have a fiscal impact during the current biennium must have a fiscal note. I fail to find one on this bill.

The SPEAKER PRO TEM: The Chair would respond that the fiscal note is in Committee Amendment "A."

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker. I don't have Committee Amendment "A" before me -- could someone be kind enough to read it to me?

(At Ease)

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

The SPEAKER PRO TEM: In answer to Representative Carter of Winslow, the amendment has been distributed.

The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I believe the amendment is already on the bill and what the amendment does is add \$150,000 in revenue. That \$150,000 is allocated to the State Police Weigh-in Division. We hope that will give us more effective weight position.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-359) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Carter.

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

I believe that the fiscal note is incomplete. It only shows potential revenue but it shows no cost for the wear and tear that is going to be caused to the roads and the bridges if this bill is passed. I would like to ask the Chair if I am correct or if I am in error?

(At Ease)

The House was called to order by the Speaker.

The SPEAKER PRO TEM: The Chair would respond that the Office of Fiscal and Program Review states that the fiscal note is in Committee Amendment "A."

Subsequently, Committee Amendment "A" (S-359) was adopted and the Bill assigned for second reading Tuesday, March 29, 1988.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative TARDY from the Committee on Agriculture on Bill "An Act to Define the Financial Relationship of the Maine Potato Board and the Department of Agriculture, Food and Rural Resources" (H.P. 1761) (L.D. 2414) reporting "Leave to Withdraw"

Representative STROUT from the Committee on Transportation on RESOLVE, to Release State Claims to Certain Land Abutting the Bath Road in Brunswick (H.P. 1770) (L.D. 2423) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 1837) (L.D. 2514) Bill "An Act to Revise the Charter of the Brunswick Sewer District" (Emergency) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-536)

(H.P. 1700) (L.D. 2333) Bill "An Act to Provide for the Education of Students Residing in Long-Term Drug Treatment Centers" (Emergency) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-538)

(H.P. 1739) (L.D. 2385) Bill "An Act to Implement the Recommendations of the Special Commission to Study Teacher Training in the University of Maine System" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-539)

(H.P. 1773) (L.D. 2426) Bill "An Act to Create the Maine Student Artist Awards Program" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-540)

(H.P. 1599) (L.D. 2188) Bill "An Act Relating to Shellfish Sanitation and Monitoring" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-541)

(H.P. 1860) (L.D. 2546) RESOLVE, Authorizing the Sale of Certain Public Lands Committee on Energy and Natural Resources reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Provide the Capability to Assess the Impact of Overweight Trucks on Maine Highways" (H.P. 1751) (L.D. 2400)

Signed:

Senators: CAHILL of Sagadahoc
THERIAULT of Aroostook
DOW of Kennebec

Representatives: MOHOLLAND of Princeton
MILLS of Bethel
STROUT of Corinth
MACOMBER of South Portland
CALLAHAN of Mechanic Falls
POULIOT of Lewiston
SOUCY of Kittery
McPHERSON of Eliot

SALSBUURY of Bar Harbor

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-531) on same Bill.

Signed:

Representative: REEVES of Pittston

Reports were read.

Representative Moholland of Princeton moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of Representative Carter of Winslow, tabled pending the motion of Representative Moholland of Princeton that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, March 29, 1988.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

An Act to Reform the Pharmacy Laws (Emergency) (S.P. 963) (L.D. 2555) (S. "A" S-349)

TABLED - March 25, 1988 by Representative ALLEN of Washington.

PENDING - Passage to be Enacted.

On motion of Representative Allen of Washington, retabled pending passage to be enacted and specially assigned for Tuesday, March 29, 1988.

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

An Act to Require Testing for Dioxin and Toxic Metals at Energy Recovery Facilities (S.P. 907) (L.D. 2362)

TABLED - March 25, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L. D. 2362 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-537) and moved its adoption.

House Amendment "B" (H-537) was read by the Clerk and adopted.

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

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

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

TABLED - March 25, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Marsano of Belfast, under suspension of the rules, the House reconsidered its action whereby L.D. 2552 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-542) and moved its adoption.

House Amendment "A" (H-542) was read by the Clerk and adopted.

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

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

An Act to Promote Solid Waste Research (Emergency) (H.P. 1652) (L.D. 2260) (C. "A" H-492)

TABLED - March 25, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 2260 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-492) was adopted.

The same Representative offered House Amendment "A" (H-545) to Committee Amendment "A" (H-492) and moved its adoption.

House Amendment "A" to Committee Amendment "A" 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 and sent up for concurrence.

The Chair laid before the House the fifth 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 25, 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 specially assigned for Tuesday, March 29, 1988.

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

Bill "An Act to Revise the Energy Building Standards Act" (S.P. 93) (L.D. 247)

- In House, Bill and accompanying papers indefinitely postponed on March 21, 1988.

- In Senate, Majority "Ought to Pass" in New Draft Report of the Committee on Energy and Natural Resources read and accepted and the New Draft (S.P. 958) (L.D. 2539) passed to be engrossed as amended by Senate Amendment "B" (S-352) in non-concurrence.

TABLED - March 25, 1988 by Representative HOGLUND of Portland.

PENDING - Motion of same Representative to Recede and Concur.

On motion of Representative Jacques of Waterville, retabled pending the motion of Representative Hوجلund of Portland that the House recede and concur and specially assigned for Tuesday, March 29, 1988.

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

An Act to Recodify the Laws on Municipalities and Counties (H.P. 1855) (L.D. 2538)

TABLED - March 25, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Carroll of Gray, retabled pending passage to be enacted and specially assigned for Wednesday, March 30, 1988.

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

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

TABLED - March 25, 1988 by Representative CARTER of Winslow.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, I move that House Amendment "A" be indefinitely postponed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Men and Women of the House: This amendment before you today simply eliminates the state-owned Capitol Park from consideration as a future site of the Supreme Court facility. There has been a great deal of controversy over this site and it is time that we have an up or down vote on whether or not we think this open space is appropriate for a building and a parking garage.

Without this amendment, I am convinced that the \$340,000 in the bill will be used to prove that the park should be the site.

I would like to quote from the Portland Press Herald of last week. "There are plenty of other potential court sites in Augusta but there is only one Capitol Park and when there is only one of something, it is worth keeping."

I urge you to vote against the pending motion.

Mr. Speaker, I would ask for a roll call.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: As a resident of the Capitol Complex area, I support the amendment to the resolve. We all hope that the Supreme Court will relocate in Augusta but at some location other than the State Capitol Park.

Maine is one of the few states to have a beautiful park bordering its capitol. When the Capitol Complex Master Plan was designed, every effort was made to protect the scenic beauty of the area. In the opinion of the architect, Capitol Park was one of the greatest assets and should not be destroyed. Many Maine people have worked hard to preserve the park as hallowed ground. Much of the early history of our state revolves around that park. Hundreds of our young men came to Augusta to join the Army during the Civil War. Capitol Park served as a mustering and training ground for our soldiers going into combat.

Many stories are written about how they suffered in the severe Maine winter weather during their limited training before heading south. The park also served as the mustering ground for the militia during the Spanish-American War when the Battleship Maine was sunk in Havana.

Over the years, especially in the summer, Capitol Park has been enjoyed by hundreds of people having picnics, family parties, playing badminton, volley ball matches and it is just a great place to relax with children for both local and tourists.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Men and Women of the House: I believe that the amendment before us is premature. Let me tell you why I think so.

The bill that is before us today is the result of a lot of work put in by some very dedicated people that were members of the Supreme Judicial Court Relocation Commission that was created in the last legislature. Among them were myself, Senator Jean Chalmers, who incidently was the Chair, Honorable

David Flanigan, Senator Walter Hichens, Representative Elaine Lacroix, Professor Eugene Mawhinney, Representative Patrick Paradis, Honorable Peter Rubin and Commissioner Rodney Scribner and the judicial advisor was Active Retired Justice Elmer Violette.

The Task Force was charged to come up with certain functions. Specifically the duties were that the Commission shall investigate any possible consolidation, existing functions and personnel of the Supreme Judicial Court and the disposition and acquisition of court facilities. The committee met throughout the year, held public hearings, both here in Augusta and in Portland and we did encounter some opposition in Portland, which is understandable. Before we go any further, let me tell you where I stood on this whole issue from the beginning.

I was against it because I thought it would be too expensive. I suspect, because of my position, I probably was appointed to that Commission but, following many, many hearings and hours of debate among the Commissioners, I came to change my position. Usually, I change because of either logic or common sense or sometimes both. I don't do so lightly but, once I do reach a decision, I am usually set in concrete.

The Supreme Judicial Court of Maine is only one of two in the nation that does not have its seat within the capitol city, the other one being Louisiana. The Maine Supreme Judicial Court also has the sole honor of being the only court in the nation that does not have its facilities all in one building, under one roof. You must also remember that the Supreme Judicial Court is an equal branch and should be treated as such and this, incidentally, made our decision to try and site the building quite difficult. I know some will take this lightly; others will take it more seriously. The Commission had to be cautious and careful that it did not locate the court, for example, in the lot up above here because the court building would have been higher than the capitol and destroy the appearance of equality. We considered other spots. For example, where the Dolphin Restaurant used to be, we could have located some of the court there but it would have been situated in a hole and again, would not have received the treatment that it truly deserved as an equal branch.

Let me read to you some of the reasons for moving the court from its present location to Augusta. It would put the court in the same city with the other two branches of government and it would also put the court into its suitable building which would be consistent with the prestige, stature, and dignity that needs to be associated with the state's highest court. The move to Augusta would also allow better communications and a closer working relationship with the other two branches of government. Though not specifically exclusive, moving into suitable new quarters would allow Superior Court Justices, the Chief Justices of the Superior Court and the Chief Judge of the District Court and the Administration Office of the Courts to all be in the same building. This would offer major advantages in communication and efficiency and cost of operation.

Currently, the Supreme Court and its facilities are located in various sections in Portland — some are in the high rent district. I believe, in the long run, it would be much more economical for the court to be located in Augusta.

I said earlier that the amendment preventing the court from being sited at the further most east end of the Capitol Park was premature and I say so because we have no way of knowing whether the ground

there would be suitable to support the court, for one thing.

Secondly, I think other areas that we had in mind might meet the same fate. One way that you can kill a bill is by driving up the costs of construction and this is an excellent way of doing it. I suspect some of my friends in these hallowed chambers are posturing and are so intent to kill this legislation and doing so by coming in the backdoor.

To locate any building within the Capitol Complex, you have rules you must abide by and some of those deal with parking facilities. The court itself would require 230 parking spots, that drives the cost up quite a bit. The DOT building, north of Capitol Park, currently has a parking problem. It was the belief by some of the Commission members that if the further most point of Capitol Park proved capable of holding a building (in other words, if the test borings proved satisfactory) that we would be able to kill two birds with one stone. Instead of building two parking garages, we would only need one and the cost could be shared, thereby killing two birds with one stone.

If you have to locate the Supreme Court building too far away from here, you would also have to require the construction of a duplicate legal law library, we have one in this building. The closer that the Supreme Judicial Court building can be located to this building, the less expensive it is going to be.

We tried to accommodate every one. We understand that Capitol Park is an emotional issue and none other than the Mayor of Augusta called that to our attention, not to mention the Garden Federation Club. I might add that the members of the Garden Club were present at all our work meetings and hearings except for the hearings that we had in Portland. They never did indicate that they would oppose siting the building at the further most end of Capitol Park providing that certain conditions were met. They indicated, which is in the minutes that were taken while we were holding our hearings, that they would actively support the move to the Capitol Park site if the following conditions were included in the legislation for the move. Those conditions (and there are five of them) are as follows: (1) that as little of the Park as possible be taken and few trees as possible be removed; (2) that there be no vehicle road between the court building and State Street; (3) that the court building be the last building to be placed in the Park; (4) that the design of the building be such as to complement the State House; (5) that the building be well landscaped. We have met all those conditions and we have gone even further, we have stipulated that a member of the garden club will serve on the Commission. One will be recommended by the members of the club itself.

I think we have gone out of our way to try to ensure that if, and I say if because this is still in its first stages, the court planner can be allowed to complete his work and tell the design commission what is actually needed. If the design commission can then enter into design competition, then we might know what the actual cost of such a venture might be. We might know what type of building that we are talking about, whether it would enhance the view when we look easterly down Capitol Park or not. As it is currently drawn into legislation, the building would be at the further most end, there would be no road in front of it, just a foot path, and it would be designed to complement existing buildings that we have in this area.

I have taken much more time than I intended to and I want to assure you that the reason I am taking the position I am is that I feel obligated to the members of the Commission who worked long and hard to hammer out a site, a potential site, that we think will be the least expensive and do the best job in the long run. I might also add that in the beginning we considered about (I believe) 18 different sites. There was an awfully lot of work put into this and I would reiterate that if this amendment is allowed to be put on the bill, it would restrict the potential siting of the court building and only service to drive up the cost. At the last session, we heard the cost could be in the vicinity of \$15 million dollars, which included, not just the court building, but a parking garage.

So, I would hope that you would join with me today and vote to indefinitely postpone this amendment. I would ask for the yeas and nays.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I don't live in Augusta and I don't have any real reason to really care about whether there's a park there or not except for one thing and it has to do with the continuity of the actions of the legislature and the consistency of our thoughts and processes.

If you will look at what we have been doing in here for the past couple of years with putting out bond issues to guarantee that the state will buy land, to guarantee public access to the woods, the shorefront and to the Governor's programs requiring the town's to do comprehensive planning to restrict and control development, I think it is somewhat inconsistent for us as a body to take a position where we are buying land for public access and we are requiring comprehensive planning in other towns. But we as a body will then go and recommend to take away lands that exist for public access and to do something with no comprehensive planning or no planning or planning that does not coincide with that of the municipality in which we are seated.

If you will look around the City of Augusta, some areas are very pretty and some areas aren't very pretty. Look around at the amount of land that is left in this city for the residents. You will find a little park here and a little corner park there, a little free land up by the University of Maine in Augusta, the far end of town, but if you look at the most densely populated area of this town and land available for public enjoyment and public access, that park down there is about it.

Personally, I would have a very difficult time looking myself in the face if I voted for a \$35 million dollar bond issue for public access, which I did, and then voted against this amendment to take that little park away from the people in Augusta.

This state certainly has enough land and this state government certainly holds enough land in Augusta and outside of Augusta that we can site for the Supreme Court in a respectable, impressive place without taking away the last, large, free access, open area from the people of the City of Augusta. I think it would be a crime to do it.

I would urge your support of the amendment.

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

A vote of the House was taken and more than one-fifth of the members present and voting having

expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Men and Women of the House: Just a point of clarification. The previous speaker alluded to the Capitol Park as belonging to the residents of the City of Augusta, actually it is state property. If we took any other site other than Capitol Park, we would then be, in fact, taking land away from the citizens of Augusta. The playground, just this side of the Naval Reserve Building, has been suggested as a potential site. Some of us are hesitant to take anymore land that belongs to the taxpayers of the City of Augusta and we think it ought to be on state land.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: I will be very brief because I only want to respond to the one comment that was made by the Representative from Winslow, Representative Carter and that is about the issue of whether or not this is premature. Certainly he has given you a great deal of background that surrounds this issue, the expansive costs that may entail at a later date but to say that it is premature, I think, is misguided and I will tell you why.

I think if we are going to spend \$340,000, which is what this Resolve does, the plan for a potential \$10 to \$15 million dollar bond issue, is not premature for this legislature or any legislature to say, we want that design but we don't want it there. Because if you don't say that and that proposal comes back to this legislature after having spent \$300,000, and then the legislature says, but we never wanted it there to begin with, you have got to start all over again. That is where I am coming from.

I don't know whether I want the court in Augusta or in Portland and Bangor as it is now -- that is not the issue, the issue is, do you want to put it in Capitol Park or do you want to exclude that forever? If you want to exclude it forever, you vote against the motion in front of us now and that way the people who are going to do the planning, who are going to spend the \$300,000, will have some direction. I think that is important and I don't think it is premature.

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Winslow, Representative Carter, that House Amendment "A" (H-485) to Committee Amendment "A" (H-481) be indefinitely postponed.

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, pursuant to House Rule 7, I request leave of the House to pair my vote with the Representative from Wiscasset, Representative Kilkelly. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Winslow, Representative Carter, that House Amendment "A" (H-485) to Committee Amendment "A" (H-481) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 227

YEA - Aliberti, Boutilier, Carter, Diamond, Dore, Duffy, Foster, Jacques, Joseph, Lacroix, Lisnik, Mahany, McGowan, Moholland, Paradis, J.; Paradis, P.; Perry, Pouliot, Richard, Ridley, Sheltra, Soucy, Strout, D.; Swazey, Vose, Walker.

LEGISLATIVE RECORD - HOUSE, MARCH 28, 1988

NAY - Allen, Anderson, Anthony, Baker, Begley, Bickford, Bost, Bott, Bragg, Brown, Callahan, Carroll, Chonko, Clark, H.; Clark, M.; Conley, Cote, Crowley, Curran, Daggett, Davis, Dellert, Dexter, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Garland, Glidden, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holloway, Holt, Hussey, Jackson, Jalbert, Ketover, LaPointe, Lawrence, Lebowitz, Look, Lord, MacBride, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; McHenry, McPherson, McSweeney, Melendy, Mills, Mitchell, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, Oliver, Paradis, E.; Parent, Paul, Pines, Priest, Racine, Reed, Reeves, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, Stevens, A.; Stevens, P.; Strout, B.; Tammaro, Taylor, Telow, Tracy, Tupper, Warren, Webster, M.; Wentworth, Whitcomb, Willey, Zirnkilton.

would just like to say for the Record that this Section 2 provision applies only to solid waste laws, it would not do away with the County Commissioners' authority to promulgate any other ordinances, just solid waste laws which are dealt with by LURC and DEP.

House Amendment "A" was adopted.

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

The Chair laid before the House the following matter: An Act to Increase the Minimum Wage (H.P. 1887) (L.D. 2582) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Tuesday, March 29, 1988.

(Off Record Remarks)

On motion of Representative Holloway of Edgecomb, Adjourned until Tuesday, March 29, 1988, at nine o'clock in the morning.

ABSENT - Armstrong, Bailey, Cashman, Coles, Gurney, Hillock, Kimball, Mayo, Michaud, Nadeau, G. G.; Nadeau, G. R.; O'Gara, Rand, Rice, Simpson, Stanley, Tardy, Thistle, Weymouth, The Speaker.

PAIRED - Handy, Kilkelly.

Yes, 26; No, 102; Absent, 20; Vacant, 1; Paired, 2; Excused, 0.

26 having voted in the affirmative and 102 in the negative with 20 being absent, 1 vacant and 2 paired, the motion to indefinitely postpone House Amendment "A" (H-485) to Committee Amendment "A" (H-481) did not prevail.

Subsequently, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading Tuesday, March 29, 1988.

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

Bill "An Act Relating to Exceptions to Prevent Escapes and Other Offenses under the Interception of Wire and Oral Communications Law" (H.P. 1846) (L.D. 2528)

TABLED - March 25, 1988 by Representative PARADIS of Augusta.

PENDING - Passage to be Engrossed.

Representative Marsano of Belfast offered House Amendment "A" (H-543) and moved its adoption.

House Amendment "A" (H-543) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter: An Act to Revise the Solid Waste Law (H.P. 1725) (L.D. 2368) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby L.D. 2368 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-544) and moved its adoption.

House Amendment "A" (H-544) was read by the Clerk.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This L.D. was flagged down by the Speaker's legal beagle who had a problem with the way Section 2 was worded so he went to work and this is what he and our assistant came out with. I