

# MAINE STATE LEGISLATURE

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



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

# **LEGISLATIVE RECORD**

OF THE

**One Hundred And Thirteenth Legislature**

OF THE

**State Of Maine**

## **VOLUME IV**

### **SECOND REGULAR SESSION**

March 25, 1988 to May 5, 1988

Index

### **SECOND CONFIRMATION SESSION**

May 13, 1988

Index

### **THIRD CONFIRMATION SESSION**

June 15, 1988

Index

### **THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

Index

### **FOURTH CONFIRMATION SESSION**

November 14, 1988

Index

### **FOURTH SPECIAL SESSION**

November 28, 1988

Index

### **HOUSE & SENATE LEGISLATIVE SENTIMENTS**

December 3, 1986 to December 6, 1988

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Emergency  
An Act Relating to Horse Racing and Racing Facilities

H.P. 1781 L.D. 2434

Tabled - March 29, 1988, by Senator CLARK of Cumberland.

Pending - ENACTMENT  
(In House, March 28, 1988, PASSED TO BE ENACTED.)  
(In Senate, March 24, 1988, PASSED TO BE ENGROSSED, in concurrence.)

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Off Record Remarks

On motion by Senator PERKINS of Hancock, ADJOURNED until Wednesday, March 30, 1988, at 8:30 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
55th Legislative Day  
Wednesday, March 30, 1988

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

Prayer by Reverend John Neff, Pleasant Street United Methodist Church, Waterville.

The Journal of Tuesday, March 29, 1988, was read and approved.

Quorum call was held.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency) (S.P. 946) (L.D. 2494) have had the same under consideration and ask leave to report: That they are unable to agree.

(Signed) Representative McHENRY of Madawaska, Representative RAND of Portland, and Representative WILLEY of Hampden - of the House.

Senator PRAY of Penobscot, Senator DUTREMBLE of York, and Senator PERKINS of Hancock - of the Senate. Report was read.

On motion of Representative Gwadosky of Fairfield, the Committee of Conference Report was rejected.

On further motion of the same Representative, the House Insisted and asked for a second Committee of Conference. Sent up for concurrence.

SENATE PAPERS

Ought to Pass in New Draft

Report of the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide for Payment of Contributions by Employers Under the Maine State Retirement System" (S.P. 887) (L.D. 2299) reporting "Ought to Pass" in New Draft (S.P. 977) (L.D. 2595)

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.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed in concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Require Commercial Trucks to Stay in the Right Lane Except for Passing" (S.P. 850) (L.D. 2216)

Signed:

Representatives: SOUCY of Kittery  
CALLAHAN of Mechanic Falls  
MOHOLLAND of Princeton  
STROUT of Corinth  
POULIOT of Lewiston  
SALSBURY of Bar Harbor  
McPHERSON of Eliot

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require Motor Vehicles to Stay in the Right Lane Except for Passing" (S.P. 978) (L.D. 2599) on same Bill.

Signed:

Senators: THERIAULT of Aroostook  
CAHILL of Sagadahoc  
DOW of Kennebec

Representatives: REEVES of Pittston

MILLS of Bethel  
MACOMBER of South Portland

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

Reports were read.

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

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask you to defeat the motion that is before you so we can accept the Minority Report.

The bill is not one of the biggest bills that we are going to have this session but I think it does make a little common sense. On your calendar, it says L.D. 2216, but on your desks in New Draft, it is 2599.

It is a very simple bill. It says that vehicles driving on either the interstate or the turnpike will drive on the right-hand side except when passing. I really don't understand what the problem is with this type of bill. I think the fact that we all have been annoyed by the fact that people will go by you, get out into the left-hand lane and stay there, I think it creates a very dangerous situation.

On the turnpike and 95, there is no law that says you can't pass on the right-hand side but I think passing on the right-hand side is a dangerous maneuver. You never know when that driver out in the left-hand lane is going to come back in.

As I said, it is not a big bill, it has a couple of things, I think, in its favor. It makes a little common sense and it costs no money.

I would ask for a Division, Mr. Speaker.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I sort of agree with my good friend across the aisle. If you stop and think, on the turnpike it might not be all right to pass on the left but we have miles and miles of secondary roads and my only thought was, that it would create an awful traffic jam if you couldn't pass four or five cars going the speed limit on secondary roads.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I think you will find that this applies to limited access roads only.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: You will find that a letter has been distributed and each one of you should have one on your desks. It came from the Massachusetts Senate and I would hope that you would read it.

I wanted to quote a couple of things that came from the State of Massachusetts. "The Massachusetts State Police support this specific law because it restricts heavy trucks from monopolizing the roads. The driving in the right-hand lane is an attempt to slow down speeding trucks and this law, supposedly, reduces heavy truck side-slashing."

I would hope that you would support Representative Macomber on this issue. The law has been in effect in Massachusetts since 1968 and it is working.

The SPEAKER: The Chair will order a Division. The pending question before the House is the motion of the Representative from Princeton, Representative Moholland, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 80 in the negative, the motion to accept the Majority "Ought Not to Pass" Report did not prevail.

Subsequently, the Minority "Ought to Pass" Report was accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed in concurrence.

#### Non-Concurrent Matter

Bill "An Act to Ensure Local Participation on the Radiological Emergency Preparedness Committee" (H.P. 1706) (L.D. 2343) which was passed to be engrossed as amended by Committee Amendment "A" (H-532) in the House on March 28, 1988.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-368) in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

#### PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

##### Reported Pursuant to Statutes

Representative MITCHELL from the Committee on Marine Resources, pursuant to Maine Revised Statutes Annotated, Title 12, Section 6681, Subsection 7 ask leave to submit its findings and report that the accompanying Bill "An Act to Amend the 2-Inch Clam Law" (H.P. 1903) (L.D. 2600) be referred to the Joint Standing Committee on Marine Resources for Public Hearing and printed pursuant to Joint Rule 18.

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

#### ORDERS REPORTS OF COMMITTEES

##### Unanimous Leave to Withdraw

Representative WEYMOUTH from the Committee on Fisheries and Wildlife on Bill "An Act Pertaining to Free Hunting Licenses for Residents Over 70 Years of Age Who Have Had Military Service" (H.P. 1805) (L.D. 2471) reporting "Leave to Withdraw"

Representative WEYMOUTH from the Committee on Fisheries and Wildlife on Bill "An Act to Regulate Use of Jet Skis Within Water Bodies" (H.P. 1587) (L.D. 2165) 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

Representative STEVENS from the Committee on Business Legislation on Bill "An Act to Enhance the Voting Rights of Minority Shareholders" (Emergency) (H.P. 1738) (L.D. 2384) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1900) (L.D. 2596)

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

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

Divided Report

Majority Report of the Committee on Education on Bill "An Act to Restrict Smoking in Elementary and Secondary Schools" (H.P. 1682) (L.D. 2311) reporting "Ought to Pass" in New Draft (H.P. 1901) (L.D. 2597)

Signed:

Senators: RANDALL of Washington  
KANY of Kennebec  
ESTES of York

Representatives: PARADIS of Frenchville  
MATTHEWS of Caribou  
KILKELLY of Wiscasset  
OLIVER of Portland  
O'GARA of Westbrook  
LAWRENCE of Parsonsfield  
HANDY of Lewiston  
NORTON of Winthrop  
BOST of Orono

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

Signed:

Representative: SMALL of Bath

Reports were read.

Subsequently, the Majority "Ought to Pass" Report was 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 item appeared on the Consent Calendar for the First Day:

(S.P. 821) (L.D. 2143) Bill "An Act to Expand and Clarify the Jurisdiction of the Maine State Pilotage Commission" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "B" (S-365)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence.

CONSENT CALENDAR

Second Day

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

(H.P. 1827) (L.D. 2503) Bill "An Act to Amend the Maine Banking Code" (Emergency)

(H.P. 1729) (L.D. 2372) Bill "An Act to Revise and Modify Certain Laws Relating to the Department of Inland Fisheries and Wildlife" (C. "A" H-548)

(H.P. 1756) (L.D. 2405) Bill "An Act to Enhance and Clarify the Role of the State Board of Education" (C. "A" H-550)

(H.P. 1793) (L.D. 2457) Bill "An Act to Replace the Abandoned Property Law" (C. "A" H-551)

(H.P. 1821) (L.D. 2496) Bill "An Act to Provide a Mechanism for Insurance for Foster Care and Respite Care" (C. "A" H-552)

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

(H.P. 1458) (L.D. 1969) Bill "An Act to Provide Protection from Molestation to Fixed Fishing Gear" (C. "A" H-553)

On motion of Representative Mitchell of Freeport, was removed from Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-553) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

(H.P. 1567) (L.D. 2134) Bill "An Act to Clarify the Laws Relating to Atlantic Salmon Conservation" (C. "A" H-554)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects" (S.P. 238) (L.D. 657) (C. "B" S-362)

Bill "An Act to Restore Driver Education Credit in Secondary Schools" (H.P. 1477) (L.D. 2012) (C. "A" H-549)

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

FINALLY PASSED

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Make the Language of the Constitution Gender-Neutral (H.P. 1877) (L.D. 2571) (S. "A" S-360; H. "A" H-521)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 93 voted in favor of same and 25 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1988 and June 30, 1989 (H.P. 1796) (L.D. 2460)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Establish the Maine Elderly Tax Assistance Program (S.P. 880) (L.D. 2283) (C. "A" S-358)

An Act Concerning Charter Changes in Quasi-Municipal Corporations or Districts (H.P. 1888) (L.D. 2583) (H. "A" H-524)

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

ORDERS OF THE DAY  
UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first matter of Unfinished Business:

Bill "An Act Relating to 6-Axle Vehicles Carrying General Commodities" (S. P. 869) (L.D. 2264) (C. "A" S-359, H. "A" H-518)  
TABLED - March 29, 1988 (Till Later Today) by Speaker MARTIN of Eagle Lake  
PENDING - Required Fiscal Note

On motion of Representative Moholland of Princeton, retabled pending required fiscal note and later today assigned.

The Chair laid before the House the second matter of Unfinished Business:

An Act to Improve the Regulation of Pesticides (H.P. 1557) (L.D. 2121) (S. "A" S-356 to C. "A" H-516)  
TABLED - March 29, 1988 (Till Later Today) by Representative DIAMOND of Bangor  
PENDING - Passage to be Enacted

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

The Chair laid before the House the third matter of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (12) "Ought Not to Pass" - Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-531) - Committee on Transportation on Bill "An Act to Provide the Capability to Assess the Impact of Overweight Trucks on Maine Highways" (H.P. 1751) (L.D. 2400)  
TABLED - March 29, 1988 (Till Later Today) by Representative CARTER of Winslow.  
PENDING - Motion of Representative MOHOLLAND of Princeton to accept the Majority "Ought Not to Pass" Report.

On motion of Representative Moholland of Princeton, retabled pending his motion that the House accept the Majority "Ought Not to Pass" report and later today assigned.

The Chair laid before the House the fourth matter of Unfinished Business:

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 29, 1988 (Till Later Today) by Representative DIAMOND of Bangor  
PENDING - Motion of Representative HOGlund of Portland to Recede and Concur.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: This little gem has more lives

than the proverbial cat. The proponents will say that it is a little different but a leopard does not change its spots. This cat just had a little old paint job.

There is no fiscal note on this so I don't know how you are going to enforce it. I've never seen a bureau yet that said they had too many people, too much personnel so there is only one way that I can see that it can be enforced. Aroostook County will be all right. They are so numb from the cold up there, they wouldn't know how to build their home so they've got to look to Augusta. When they get ready to build, all they have got to do is call the Representative from Eagle Lake and he will open his window, shout down here to Augusta and say "We have a home here already to build and how about the standards?" They will open their windows down here in Augusta and they will shout back, "Are you building it right?" "Are you building it right?" "Oh yes." "That is a good boy, okay go ahead." But what about the rest of us that don't have the access to someone like the good Representative from Eagle Lake? He is the only one that I know that could be heard. I don't know anybody in my area. But just see what we are going to do to his home -- he is going to have to open that window so much, look at the heat loss he is going to have.

Anyway, I was over in Africa many years ago, as you have heard me say, and I saw my first camel caravan, a magnificent sight, a mile long at least. The Arabs had a saying "Never let the camel get his nose under the side of your tent." Think about it a little bit and this is what is happening, the camel's nose is under the side of the tent. I hope you will all join me in putting a club to that because you know what will happen. Some of my opponents, I overheard out in the hall said, we have got the votes here, we've got a little bit here, we will come back next year and get the rest. This is exactly what will happen.

So just vote no today because remember, the "insulation police" will get you if you don't watch out.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: It is always hard to follow the Representative from Kingfield, Representative Dexter. I disagree with his remarks about the Aroostook County people and I hope the Aroostook County people will go along with the motion to recede and concur.

There were some remarks the last time we debated this bill about what "owner-built" was. Senate Amendment "B" further defines what "owner-built" is.

Earlier we were discussing Quebec-Hydro and there were a few legislators who got up and said that one of the cheapest forms of electricity is through hydro power. That is probably true. However, the cheapest is conservation.

At the public hearing, we heard the President from Central Power Company say that it was estimated that between 3,000 and 4,000 new houses were built last year that were not energy efficient. Over the lifetime of those houses, it would save the ratepayers anywhere from \$30 to \$60 million dollars. That is quite a bit of savings.

The cost of someone who is building an energy efficient house that is not exempt under this bill is going to be minimal compared to the costs that that individual will be saving.

We talk about small business and what can we do to help small business? This bill, under the

commercial building section, will help small business as far as their electric bill is concerned. It is not fair for some speculator to build a building and rent it to a small business person and that small business person would have to pay the added costs on his electric bill because the developer did not build that building energy efficient.

I would hope that this body would go along with the motion of Representative Hogland that the House recede and concur.

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

Representative LORD: Mr. Speaker, Men and Women of the House: I urge you to defeat this motion to recede and concur and to adhere to the original motion on the last time we debated this issue.

It was said during the debate that we have been spending millions of dollars to insulate homes. That is true but I think if you would look at the homes that have been insulated, they are the homes that are about 50 years old and over. Those homes didn't have any insulation. Back in those days, you were paying 4 to 6 cents for a gallon of oil and that is quite a lot less than what is being paid now.

I am not going to give you a life history here but I would like to go through a few steps as to what I see has happened with insulation in homes across the State of Maine.

When I was about 12 or 13 years old, I had my first experience in helping to build a house. My mother and father gave my sister some land and they built a home. I helped to lath that home with wooden laths. They didn't insulate that house then, there was no thought of insulating it. They used to put storm windows on and we still put storm windows on to save a little heat. There was no thought of insulating at all.

I didn't have any more experience at building homes until the 1947 fires came along. After the 1947 fires, I spent about a year helping to build homes in my town for the fire victims. It was there that we started to insulate. Back in those days, you would put three and a half inches of insulation in the walls and you put three and a half inches of insulation on the ceiling next to the roof area, that was the thing in those days.

In 1948, I had a fire in my own place and it gutted the inside of the main house and I took the whole roof off and put a double T dormer on and I insulated with three and a half inches on both places.

In 1979, I had another fire and that was in the other section of the house. In the meantime, I had had blown in insulation and after the fire, all that insulation got wet so I had to strip the walls. I took the wooden laths, the plaster off, and there again, I insulated a little with three and a half inches but the fellow I bought my material from stated, "You ought to put some insulation up over the kitchen, next to the open attic." He recommended six inches, which I did, but I still had three and a half in my walls. If this happened today, you could put three-quarters of an inch of Thermax on the walls and paint the joints and you would get the same R factor that you would get with a six inch wall.

We didn't know anything then about double-glazed windows. We didn't know anything about insulating doors -- that just wasn't heard of. The storm windows were aluminum with screens, which a lot of people put on.

The fact is we are advancing all the time on insulation. As a matter of fact, I was talking to a fellow this last weekend. I was speaking to him about this bill. He said, "You know Willis, in 20 or

30 years, what we are doing now will be antiquated." I think he is right.

There are still parts in this bill that are no good. On this inspection, who is going to inspect? You have to have that certificate. How are you going to get that certificate? What is the basis your going to give to give this certificate?

As my good friend Ed Dexter said, are you going to ride up to Augusta here and say, "I've done a good job." What are you going to do? Somebody is going to have to come down and inspect that house.

It was suggested that the plumbers or the electricians could inspect the house -- when you build a house, you don't insulate it until you get your wiring in and your rough plumbing in, then you will insulate it and cover it up. So that is not a solution.

I am against starting another bureaucracy. We don't need it. I don't want to throw roadblocks in the building industry to prevent people from getting their homes built and to live in them.

I hope and I urge you very strongly to vote down this motion and to adhere to our former motion.

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

Representative NICHOLSON: Mr. Speaker, Men and Women of the House: I go along with what the previous speaker just said about insulation and to a point about what the Chairman of the Committee said about the savings. As a member of the Utilities Committee, this is uppermost in our minds as we look at the whole picture of conserving heat and saving money and giving the lowest rates to our people as possible.

Insulation and savings is not new. In 1933, my father owned properties in Massachusetts and we insulated, we weatherstripped. In 1953, when I bought my home in South Portland, under the GI Bill, I had to follow certain regulations when it came to insulating that house in order to purchase it. It isn't new. In 1965, I built an office on Broadway for my business and, believe it or not, when I had that office built, I heated it with electricity because it was the most efficient and effective way to have heat in that building at that time. I had to meet certain standards to have that efficiency come about so these insulation ideas are not new.

We hear the great story of savings but, in my opinion, when it comes to conservation, there is only that much in the big picture of energy and what it is going to cost us. It is very important but it is not new. My concern with the whole thing at this time is, if we are going to have the program, who are the inspectors, how are we going to carry out the program and how much is it going to cost? Until we have these kinds of answers to go along with the whole picture, I believe we had better stay as is and go along with the thoughts of Representative Lord.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: The good Representative from Kingfield hasn't had many victories this session and I feel everybody deserves a few, no matter how small they might be, but I hope he doesn't get his victory on this issue.

There is one reason why I voted for this bill and one reason only. I have sat in this chamber for 10 years and heard the members of this House debate such projects as the Big A, Maine Yankee, Quebec-Hydro and we just can't afford to depend on another foreign country (even though it happens to be a country that

is fairly close to my heart) providing us with energy. We had this before, we had it two sessions ago, we had it last session -- Representative Ridley, Representative Dexter and myself were on a Committee of Conference, we didn't agree with the other body's Committee of Conference and the bill didn't pass. When the Vice-President of Central Maine Power gets up and says that, without this type of legislation, there will be an additional cost to the people of this state of between \$30 and \$60 million dollars in energy going out the window and through the roof, it made absolute sense to me to allow it to continue. That is the only reason, I am not for mandating, I am not for a new bureaucracy but I think there are a lot of other things that the people I represent could be doing with their money than letting it flow through the ceilings, walls and the windows of structures across this state. It just made absolutely no sense to allow it to continue.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: I don't know why my good friend from Waterville, Representative Jacques, had to remind me that I have zero victories this year. Nevertheless, I have got to talk a little bit about energy leaking out of the roof and so forth.

On the way to Saddleback in one of my little towns, there is a home there, maybe some of you people who ski up there have seen it, it was retrofitted by one of our good programs, moisture built up and the first thing they knew, they lost their siding and all they have now is boards and pieces of tar paper flapping in the breeze. I wonder how they have stood prosperity. We are always saving money here -- I thought about that every time I went by it this winter.

You can tighten up your home so much -- in fact, tests now show that that is the most unhealthy place to be when you are in one of these super tight homes.

Nevertheless, I am hoping for my first victory, if you want to call it that, and I request a roll call when the vote is taken.

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

Representative GOULD: Mr. Speaker, Men and Women of the House: I will not rehash everything that I said to you last week because I think your memories are sufficient to recall what those arguments were.

The only point I wish to make is in an editorial by the Portland Press Herald that said that some of the arguments we were using were shopworn. The only thing I can say to that is, if individual freedom and individual liberty and the argument in defense of it is shopworn, then I can tell you we aren't going to have it too long. So if you agreed with me last week, I hope you will vote with me this week.

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

Representative SHELTRA: Mr. Speaker, Men and Women of the House: Being a real estate broker, I am pretty much aware as to how these developers come in and what is done and what isn't done. We have laws now pertaining to the selling of a home where we have to have all of these disclosures. We have to specify about the sewer, if there is any radon gas or the possibility of it, and you have to tell the perspective buyer that he should have an inspection of his house. The seller has to qualify what the amount of insulation is so all of these regulations, we already have. In other words, if a developer comes in and he builds something that isn't properly insulated, everybody is going to be aware of it and

he is not going to be pulling the wool over anybody's eyes.

I remember being a landlord and I heated the apartment. More often than not, where was the heat going? It was going out through the open window, the tenant wasn't turning the heat down, the thermostat was up, that's where the heat was going.

We already have the rules, we should adhere to them, this bill is not necessary.

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

Representative ANDERSON: Mr. Speaker, Men and Women of the House: I only have one thing to say, I am not against insulation, it is great stuff, but I believe this bill will set up another bureaucracy and it will take a terribly lot of people to enforce it. I don't know how it would be enforced. I guess that is about all I have to say.

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

Representative RIDLEY: Mr. Speaker, Men and Women of the House: I will be short on this. I guess everybody knows my feeling against this bill.

The main concern that I have is that there is no fiscal note on it and I can't see any way that this bill will be enforced.

They did have some money that they tried to put through, kind of a backdoor approach of \$750,000 to enforce this bill -- that was defeated and now they come out with the story that they can take care of it in-house. If they can take care of it in-house with the inspections and manpower that would be required to properly administer this bill, they must have a lot of people over there that aren't doing too much.

I believe it will end up, if this bill passes, mandating these inspection procedures back to the towns, either lay it onto the code enforcement officer or some office in the town that enforces other laws that we have passed. I really don't think there is any need of it. The majority of houses that are being built today are insulated. People are aware of this and I don't believe there really is any need for this bill.

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

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

Does this bill include the conversion of the old homes into multi-family homes that aren't insulated? Do they have to be insulated?

Does this amendment exempt single family homes?

The SPEAKER: The Representative from Berwick, Representative Murphy, has posed a series of questions through the Chair to anyone who may respond if they so desire.

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

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: To answer her first question, this deals with new buildings, new construction.

To answer your second question, if that single family home is owner-built, then that owner-built is exempt. If it is not owner-built, then it would not be exempt. For example, if I was in the business of building houses to sell, I would have to comply but if I were supervising your house, then it would be exempt from this bill.

While I am on my feet, the people who would have to comply with this bill do not have to wait for any type of permit or any type of inspection. They would have to comply with the law.

I talked with a couple of contractors and they said, if it is in the law, more than likely, they



would comply with the law. Hopefully, it is going to be self-enforced.

To answer a question or concern that Representative Gould has regarding individual freedom -- of the 3,000 or 4,000 homes built last year that were not energy efficient, what choice would the ratepayer have for paying that increased cost in the rates? He has no choice.

I hope that you will go along with the motion to recede and concur.

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

Representative DUFFY: Mr. Speaker, Men and Women of the House: I would like to pose a series of questions through the Chair to the Chairman of the Committee.

In the amendment from the other body, it says "anybody who contracts with the general contractor, supervisor, construction of a single family residence is exempt." I understand that anybody who builds a single family home is exempt -- I applaud that but my question is, on single family residences, does that mean I can build a four-unit apartment building and live in one unit and be exempt from the insulation standards?

The other question I have is whether or not doors are necessary for these buildings to be insulated? I don't see that anywhere in the bill.

The Representative from Bangor, Representative Duffy, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Hoglund.

Representative HOGGLUND: Mr. Speaker, Men and Women of the House: To answer Representative Duffy's question, I would think that he would be trying to circumvent the law building a rental income type of thing. I think when you build an apartment house, and you are planning on living in it, that would not be considered a single residential complex. It is a multi-unit that you are providing for yourself to live in.

To answer Representative Sheltra, he said real estate agents have to have all these disclosures -- true. What happens is a lot of developers sell houses before they are even constructed. They don't go through real estate agents. Some of those developers don't insulate properly. Those are the one's we would like to kind of force or properly make do it.

To answer the freedom of Representative Gould -- we have that freedom. If you choose or elect to build your home, you don't have to do it, just pay higher electrical rates. If you choose conservation or helping other people to lower the rates, then you would comply with the law or do it on your own.

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

Representative DUFFY: Mr. Speaker, Men and Women of the House: I keep hearing circumventing the law. I honest-to-God hope that we don't use this law to circumvent because I admit it is better with the amendment but you can't make a bad bill good, no matter what you do, especially this bill.

I know that the good Representative didn't mention the fact that they left out insulating the doors in this law. I am sure they realize they can amend the bill later. We can keep amending this thing and maybe we can get a good bill out it.

I would also like to speak about the standards that they have included in this bill. I don't like to get technical on some of the aspects and try to argue technicalities on the floor of the House but in one instance, the foundation walls are to be

insulated on a slab foundation -- the way I read this, it doubles the insulation that we have used as a standard in this business for about 20 years. The cost would then probably increase twofold just on insulation around the foundation.

I read over the weekend where the energy office is down to 7 staff members out of 22 and I guess if you wanted to make a bill that would give them something to do, this would do it because I believe you can read this bill just about any way you want to read it, enforce it just about any way you want to enforce it. I don't think it is going to do what they want it to do except to put another layer of regulations on and increase the costs.

I do believe if they came with a set of standards that was about an inch thick and they worked on this bill correctly and took time with it in certain areas, I think this would be a good bill. I don't think we want to amend it or build a bill on the floor here or the other body just to get something out for somebody to do. I think we should spend a little bit more time on it. I laud the idea and I think in some areas it is very necessary but I don't believe this is the bill to do it with.

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

Representative VOSE: Mr. Speaker, Men and Women of the House: I just completed a cottage or home myself up at Meddybemps. Eventually, I plan to live there and I am really thankful that I followed, what I consider, the energy standards, even though it wasn't law. It didn't cost an arm and leg to do it. You are talking about 2 by 4's and 2 by 6's, that's about a buck difference. \$300 in the whole cottage, that was about it for studding.

I was in the building game myself too for about 30 years. I just listened to some of the stuff that Representative Duffy was talking about and I don't see that it is going to double twofold any cost to construction. I don't believe that and I never will.

I would like to read a few facts into the Record, if I may. Maine is the only state in the northeast that does not have minimum insulation standards for new residential construction.

In a study, I believe by the OER, building a home to meet these standards is estimated to increase the initial cost of a home by two and one-half percent. I don't question those figures having done that myself. As a matter of fact, I am going to go over those figures to determine just exactly how much it did cost me. I was told by some of the people that watched the construction and it has been proven that you can heat that with a candle. That's not quite true but I can assure you that the heating bills that I am paying now are considerably lower than I would have paid if I had used 2 by 4's. I have seen a building that used 1 by 2's and I can tell you where it is, it's in Maryland. Don't be snowed by that.

This extra investment is recognized by most banks as very prudent in keeping down the annual cost to heat the house. The banks will often raise the amount that they are willing to lend a home buyer due to lower heating costs. I believe that. I have not experienced that myself but I believe that they would do that.

Payment -- I think this is important and this is the result of a study, payment on the initial investment with two and one-half percent may be as quick as two to three years in an electrically heated house and five to seven years on oil heated homes. After the initial payback, the insulation pays real dividends in lower heating bills for the 40 to 60 year life of the structure and, as energy prices rises, the investment pays even greater dividends.

I don't have any problem down here voting to establish standards that I think is going to save my constituents money in the long run. They may say, you are costing me a little bit more initially and you can easily say that is true. As you proceed and live here in Maine, where we have very cold winters, you can easily see how much money you are going to save by it.

Utilities currently retrofit as best they can. Poorly insulated houses, using ratepaying money because it is cheaper to save electricity rather than contracting with new supplies, retrofitting can never be as effective and economic as building the house right the first time.

We have argued on conservation in this House many, many times. This is state policy, conservation, this is what we want, we don't want to build new facilities at a high cost to the ratepayers and, by conservation, we can save that new construction and this is a form of it.

The same principles apply to commercial space. Often times, commercial space is built on speculation and the small business owner ends up paying higher heating costs for the poor insulation decisions made by the builder. Commercial space is usually electrically heated. Again, cheaper costs to install by owner-built and the tenant pays the bill. Therefore, the impact is both on the business person and the ratepayer. It makes good sense, real good sense, to put that little extra money into insulating that home and it is going to save us, the ratepayers, money in the long run and it is going to save that person monies over the long run and he will be very, very thankful as I am. I have done just exactly that. I have built an energy efficiency home and very glad of it.

I hope you support this bill.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I believe this bill is very important and necessary -- now. In my district in Brunswick, we are undergoing a virtual explosion in building. It is not just single family homes, it is many condominiums and planned unit developments with literally hundreds of new units in the last couple of years and many more planned for the next two or three years. Most of these developers are doing an excellent job of super insulating their units and almost all of these units are electrically heated. Some are not.

Let me tell you about one of these developments which is quite a large development. I think by the time it is finished, it will probably have 100 units. It originally had a Good Cents sign from Central Maine Power at the driveway entering the development, it no longer has that sign.

Originally, the buildings and the units were supposed to meet the Good Cents standards, but as people have moved in and they have begun to get their heating bills, they have discovered that those standards, when the buildings were completed, were not really met. The units are attractive and they are reasonably priced. They are more reasonably priced than many of the other units being built in Brunswick and hence, they sold very rapidly to people of moderate incomes.

They were working people for the most part and they are away all day. There are not very many small children. The children that are there are usually in the junior high or high school age level, so there are no people home in many of these units.

However, as they are getting their heating bills, they are discovering that it is costing them about

\$200 or more to heat their units for two days on the weekend and early morning and a few hours in the evening during the week. Their homes, which were supposed to be reasonable and affordable, are no longer so. The mortgages are affordable, the heating bills are not. I know of at least one family that has to make immediate plans to move out.

I think we have to consider that my constituents and your constituents who are purchasing reasonably priced homes need to know that these homes are not going to bankrupt them in order to be heated. Without this bill, we will continue to have some developers who will not build to good insulation standards, perhaps to save a few dollars, perhaps because they are continuing to build the way they always have.

One of the things we know about laws in this state is that most people want to comply with the laws. When a law is passed, most people who are affected by it, comply with that law. If we pass this law, almost all of the developers who are not now building to the high energy standards that would be required, will do so voluntarily. But more importantly, our constituents will have the necessary law to enable them to hold their builders and developers to these standards. They will be able to ask questions, they will be able to put it into their contract, and they will be able to require that their homes and planned unit developments and condominiums that they are using their hard earned money to purchase and are struggling to meet their mortgage payments, will meet these energy standards.

I believe we can't wait to pass this bill. If we do, I will have perhaps 200 more units in my district that won't meet energy standards and they will be very, very expensive to heat. I don't know how many more hundreds there will be around the state.

Please vote to save us all energy and dollars. This bill needs to pass now. I would urge you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: I think we all sense this debate has gone on too long. I would like to remind us all that we willingly give up personal freedom's for the good of everyone. I don't think there is anyone in this House, certainly not very many, who would say that it is wrong for society to expect our children to go to school under compulsory education for the Jeffersonian Principles of Democracy. I don't think there are many in this House who oppose compulsory military service.

I would just like to suggest that this is a small freedom we might give up for the good of all. We have had energy crises in the past, we shall have them again if we are not more careful than we are now about wasting energy.

I also think perhaps we might consider that it is good for everyone if we deny the freedom to some people who rip us all off when they build shoddy housing. My dear aunt in Farmington, Maine lived in such a house before she died and I want you to know that people joked about such housing as being able to heat the whole north end of Farmington. So, let us think about the good of all.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I truly believe this is a good bill, a real good bill. You know business people are in business to make money. I used to own a house that I rented out. Just to give you an example of how business people think, I had a problem

with my hot water tank, it broke down. I had a pipefitter come in and he suggested to me (it was a gas hot water tank) that I should replace it with an electric hot water tank. I said, "Why?" He said, "It will cost you a heck of a lot less." I said, "Yes, but it costs a heck of a lot of money to heat water with electricity." He said, "What do you care, your tenant's are going to be paying." Well, that mentality, ladies and gentlemen, I don't like. I replaced that hot water tank with an oil fired hot water tank which cost me \$800. You know most people don't think of other people. When you are in business, you are there to make money.

There is nothing in this bill that says you cannot build a home the way you want to build it for yourself. It says that when you are a contractor, you must build that home energy efficient, which is good, it is good for everybody. That is why I am all for the bill.

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

Representative NICHOLSON: Mr. Speaker, Members of the House: I burns me up, this whole subject of heat. It really burns me up when I hear people say that business is in business to make money. Of course they are but at a reasonable profit. If not, none of us would have a job.

Talking about the electric hot water tank, you can put a jacket on it.

When people who buy a home as illustrated by the Representative from Biddeford, on that form when you buy that home and you resell it, an inspection program follows.

As far as commercialization is concerned, commercial building and condominiums, that is another story and it may have to be met but let's give the buyers some common sense.

If I am going to go into a condominium, I am going to make sure that that place has the standards for low cost heat. Yes, we do have Central Maine Power's Good Cents program C-E-N-T-S, but we also today in this society can use good sense when we purchase.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As most of you know, two years ago, the Committee on Human Resources had a commission dealing with general assistance. Ladies and gentlemen, this is going to help your taxpayers. If this bill isn't passed, there are going to be homes that aren't going to be heated right. There are going to be homes where people can't afford to heat them and will be going to your local general assistance office and your local general assistance office is going to have to pay for the heating bills.

I can tell you just in my county alone there is only one town that gets reimbursed from the state and that is the city of Portland. There aren't many of the 490 odd towns in this state, I think there are only about 125 or 130, that get reimbursed. Most of that comes right out of the pocketbooks of the taxpayers in that town. So, if you are looking to save some money on your tax dollars -- not tomorrow, but maybe down the road in a few years, when you have people such as Representative Rydell talked about -- you might want to consider this bill before you kill it. If you want to talk about property tax relief, most of the towns in this state aren't getting a cent from the state for general assistance. Most of them are paying it right out of their property taxes. I would hope that you would not go along with killing this bill.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I feel this bill presents an aura for giving support to conservation. However, I see no fiscal note, I believe there isn't one. I don't believe it can be enforced. Therefore, I can't support something that I agree with philosophically but I can't see much delivery on. Therefore, I urge you to vote against this bill.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Hoglund of Portland that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 230

YEA - Aliberti, Allen, Anthony, Baker, Carroll, Carter, Cashman, Chonko, Clark, M.; Conley, Cote, Crowley, Curran, Daggett, Dore, Dutremble, L.; Erwin, P.; Gurney, Hale, Handy, Hickey, Hoglund, Holloway, Holt, Jacques, Joseph, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lisnik, Mahany, Manning, Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, Moholland, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nutting, Oliver, Paradis, J.; Paradis, P.; Pouliot, Priest, Rand, Richard, Rolde, Rydell, Simpson, Stevens, P.; Swazey, Taylor, Telow, Thistle, Vose, Walker, The Speaker.

NAY - Anderson, Bailey, Begley, Bickford, Bost, Bragg, Brown, Callahan, Clark, H.; Davis, Dellert, Dexter, Duffy, Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gwadosky, Harper, Hepburn, Hichborn, Higgins, Hillock, Hussey, Jackson, Jalbert, Lawrence, Lebowitz, Look, Lord, MacBride, Macomber, Marsano, Martin, H.; Matthews, K.; McPherson, Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Paul, Perry, Pines, Reed, Ridley, Rotondi, Ruhlin, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stevens, A.; Strout, B.; Strout, D.; Tamaro, Tardy, Tracy, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey.

ABSENT - Armstrong, Bott, Boutilier, Coles, Diamond, Hanley, Mills, O'Gara, Racine, Reeves, Rice, Stanley, Warren, Zirkilton.

Yes, 64; No, 72; Absent, 14; Vacant, 1; Paired, 0; Excused, 0.

64 having voted in the affirmative and 72 in the negative, with 14 being absent and 1 vacant, the motion to recede and concur did not prevail.

Subsequently, the House voted to adhere.

(At Ease)

The House was called to order by the Speaker.

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

(Off Record Remarks)

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

BILL HELD

Bill "An Act to Expand the Membership and Clarify the Role of the Commission on Intergovernmental Relations" (Emergency) (S.P. 790) (L.D. 2078)  
 - In Senate, that body having Adhered to its former action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (S-354)  
 - In House, Reconsidered whereby it Receded and Concurrred and subsequently Passed to be Engrossed as amended by Committee Amendment "A" (S-354) as amended by House Amendment "B" (H-556) thereto in non-concurrence.  
 HELD at the Request of Representative DIAMOND of Bangor.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby Committee Amendment "A" (S-354) was adopted.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "B" (H-556) to Committee Amendment "A" was adopted.

On further motion of the same Representative, House Amendment "B" to Committee Amendment "A" was indefinitely postponed.

On further motion of the same Representative, Committee Amendment "A" (S-354) was adopted.

Subsequently, the House voted to concur.

(Off Record Remarks)

Representative Dexter of Kingfield moved that the House reconsider its action whereby it adhered to indefinitely postpone Bill "An Act to Revise the Energy Building Standards Act" (S.P. 93) (L.D. 247).

On motion of Representative Gwadosky of Fairfield, Recessed until five o'clock in the afternoon.

(After Recess)

Representative Michaud of East Millinocket resumed Chair.

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

The following Communication:

Maine State Senate  
 Augusta, Maine 04333  
 March 30, 1988

Honorable Edwin H. Pert  
 Clerk of the House  
 State House Station #2  
 Augusta, Maine 04333  
 Dear Clerk Pert:

Senate Paper 757, Legislative Document 2008, AN ACT Concerning Investment of State Funds in Corporations Doing Business in Northern Ireland, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the

question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Seventeen Senators having voted in the affirmative and sixteen Senators having voted in the negative, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

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

Was read and ordered placed on file.

Non-Concurrent Matter

RESOLVE, Authorizing the Sale of Certain Public Lands (H.P. 1860) (L.D. 2546) which was Passed to be Engrossed in the House on March 28, 1988.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-370) in non-concurrence.

The House voted to recede and concur.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Regulate Development Along the Shoreland Zone and to Protect Lake Water Quality" (H.P. 1808) (L.D. 2474) 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 VOSE from the Committee on Utilities on Bill "An Act to Compensate Municipalities for Land Used for Transmission Lines" (H.P. 1865) (L.D. 2550) reporting "Leave to Withdraw"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Allow Deductions for Merchantability Factors in Wood Measurement" (H.P. 1534) (L.D. 2088) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative PRIEST from the Committee on Economic Development on Bill "An Act to Create the Economic Corridor Action Grant Program" (H.P. 1625) (L.D. 2220) reporting "Ought to Pass" in New Draft (H.P. 1904) (L.D. 2601)

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:

(S.P. 855) (L.D. 2231) Bill "An Act Expanding the Role of the Bureau of Marine Patrol" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-367)

(S.P. 727) (L.D. 1986) RESOLVE, Authorizing the Commissioner of Administration to Implement the Final

Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 1627) (L.D. 2222) Bill "An Act to Establish and Appropriate Funds for the Advisory Committee on Staff Salary Parity and Nonresidential Services in Sheltered Group Homes for Girls" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-558)

(H.P. 1607) (L.D. 2198) Bill "An Act to Reduce Special Education Costs to Local School Administrative Units" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-560)

(H.P. 1824) (L.D. 2499) Bill "An Act to Add the Commissioner of Labor as an Ex Officio Member of the Board of Trustees of the Vocational-Technical Institute System" Committee on Education reporting "Ought to Pass"

(H.P. 1579) (L.D. 2157) Bill "An Act to Amend the Harassment Law" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-561)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Provide Protection from Molestation to Fixed Fishing Gear" (H.P. 1458) (L.D. 1969) (C. "A" H-553)

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

On motion of Representative Mitchell of Freeport, the House reconsidered its action whereby Committee Amendment "A" (H-553) was adopted.

The same Representative offered House Amendment "A" (H-562) to Committee Amendment "A" H-553) 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 in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Safety Hazards on Maine Lakes (H.P. 1772) (L.D. 2425) (C. "A" H-527)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Fund and Implement a Collective Bargaining Agreement with Certain Vocational-Technical Institute System Employees

Represented by the Maine Teachers Association (H.P. 1777) (L.D. 2430) (C. "A" H-525)

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. 105 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

An Act to Continue Professional Forestry Supervision of Biomass Fuel Wood Harvesting Operations (H.P. 1707) (L.D. 2344) (C. "A" H-526)

An Act to Ensure that a Certain Percentage of Public Housing is Handicapped Accessible (H.P. 1869) (L.D. 2558) (H. "A" H-533)

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

ORDERS OF THE DAY

HELD BILL

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Make the Language of the Constitution Gender-Neutral (H.P. 1877) (L.D. 2571) (S. "A" S-360; H. "A" H-521)

- In House, Finally Passed.  
HELD at the Request of Representative GWADOSKY of Fairfield.

On motion of Representative Gwadosky of Fairfield, having voted on the prevailing side, the House reconsider its action whereby the Bill was passed to be enacted.

On further motion of the same Representative, tabled pending final passage and specially assigned for Thursday, March 31, 1988.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

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

Appropriations and Financial Affairs

Bill "An Act to Create a Demonstration Project to Provide for Ladders of Advancement in the Nursing Profession" (Emergency) (H.P. 1906) (Presented by Representative ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

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

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

SENATE PAPER

The following Joint Order: (S.P. 979)

ORDERED, the House concurring, that the "Resolve, Concerning a Proposed Supreme Judicial Court Facility", H.P. 130, L.D. 159, and all its accompanying papers, be recalled from engrossing to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Enhance the Voting Rights of Minority Shareholders (H.P. 1900) (L.D. 2596)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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

(Off Record Remarks)

On motion of Representative Gould of Greenville, Adjourned until Thursday, March 31, 1988, at nine o'clock in the morning.

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

In Senate Chamber  
Wednesday  
March 30, 1988

Senate called to Order by the President.

Prayer by the Honorable Ronald E. Usher of Cumberland.  
SENATOR USHER: Let us pray. Oh Lord as we enter this holy week, we will not forget to pray for all those in need. We ask that You give us guidance as we make decisions concerning our future. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$13,000,000 to Investigate, Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites, Solid Waste Landfills and Abandoned Underground Oil Storage Tanks"

H.P. 1902 L.D. 2598

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

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

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Extend the Sales Tax Exemption on Energy Use in Manufacturing to Agricultural Businesses"

H.P. 1668 L.D. 2286

Bill "An Act to Create a Joint Underwriting Association for Directors and Officers of Corporations"

H.P. 1779 L.D. 2432

Ought to Pass in New Draft

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Extend the Coyote Night Hunting Season"

H.P. 1735 L.D. 2380

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

H.P. 1895 L.D. 2590

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act Concerning Law Enforcement Education and Training and Funding for Training"

H.P. 1556 L.D. 2120