

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

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
56th Legislative Day
Thursday, March 31, 1988

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

Prayer by Reverend Chandler Holmes, North Waterboro Community Church.

The Journal of Wednesday, March 30, 1988, was read and approved.

SENATE PAPERS

The following Communication:
The Senate of Maine
Augusta

March 30, 1988

Honorable Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today agreed and Joined in a Second Committee of Conference on the disagreeing action between 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).

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

Was read and ordered placed on file.

Unanimous Ought Not To Pass

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLVE, Authorizing the Sale of Certain Public Lands Located in the City of Portland (Emergency) (S.P. 969) (L.D. 2577)

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

Unanimous Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act Concerning Cutting in Resource Protection Areas" (S.P. 942) (L.D. 2489)

Report of the Committee on Economic Development reporting "Leave to Withdraw" on Bill "An Act to Establish an Interagency Task Force on Affordable Housing" (S.P. 849) (L.D. 2215)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Provide Maine Residents Access to Graduate Social Work Education in Southern Maine" (Emergency) (S.P. 927) (L.D. 2438)

Report of the Committee on Economic Development reporting "Leave to Withdraw" on Bill "An Act to Assure Adequate Housing for the People of Maine" (S.P. 954) (L.D. 2526)

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

Ought to Pass as Amended

Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-363) on Bill "An Act to Enhance Outdoor Recreation Opportunities" (S.P. 889) (L.D. 2301).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-363) and Senate Amendment "B" (S-376).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-363) was read by the Clerk and adopted.

Senate Amendment "B" (S-376) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Non-Concurrent Matter

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

- In House, passed to be engrossed as amended by Committee Amendment "A" (H-481) as amended by House Amendment "A" (H-485) thereto on March 29, 1988.

- In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-481) as amended by House Amendment "A" (H-485) thereto on March 29, 1988 in concurrence.

- Recalled from Engrossing Department pursuant to Joint Order (S.P. 979)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-481) as amended by House Amendment "A" (H-485) thereto and Senate Amendment "A" (S-374) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Create a Demonstration Project to Provide for Ladders of Advancement in the Nursing Profession" (Emergency) (H.P. 1906) (L.D. 2603) which was referred to the Committee on Appropriations and Financial Affairs in the House on March 30, 1988.

Came from the Senate, under suspension of the rules, read twice and Passed to be Engrossed without reference to a committee in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Create the Maine Student Artist Awards Program" (H.P. 1773) (L.D. 2426) which was passed to be engrossed as amended by Committee Amendment "A" (H-540) in the House on March 28, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-540) as amended by Senate Amendment "A" (S-371) thereto in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

COMMITTEE ON AUDIT AND PROGRAM REVIEW

STATE HOUSE STATION 5

AUGUSTA, MAINE 04333

Honorable Charles P. Pray, Chair

Honorable John L. Martin, Vice-Chair

Legislative Council

113th Maine Legislature

Augusta, Maine

March 25, 1988

Dear Senator Charles P. Pray and

Representative John L. Martin:

We are pleased to transmit the Committee's 1987 - 1988 report to you and members of the Legislative Council regarding the Maine Maritime Academy.

The Committee's report indicates that the Maine Maritime Academy continues to provide a unique contribution to Maine's post-secondary education

system and further recognizes the able leadership of President Kenneth Curtis.

These recommendations will now be subject to Public Hearing. We urge the full Legislature to consider our proposals carefully and we invite questions, comments, and input regarding any part of this report.

Sincerely,

S/Beverly M. Bustin S/Neil Rolde
Senate Chair House Chair

Was read and with accompanying report ordered placed on file.

The following Communication:
COMMITTEE ON AUDIT AND PROGRAM REVIEW
STATE HOUSE STATION 5
AUGUSTA, MAINE 04333

Honorable Charles P. Pray, Chair
Honorable John L. Martin, Vice-Chair
Legislative Council
113th Legislature
Augusta, Maine 04333

Dear Senator Charles Pray and
Representative John Martin:

Pursuant to 3 MRSA, Chapter 23, we are pleased to transmit the Committee's 1987 - 1988 report to you on:
Maine Conservation School;
DEP - Underground Petroleum Storage Tanks;
DOT - Eminent Domain/Sale of Surplus Property;
Alcohol and Drug Abuse Planning Committee;
Board of Examiners of Psychologists;
Electricians' Examining Board;
Maine Occupational Information Coordinating Committee;
State Board of Social Worker Licensure; and
Maine Uniform Accounting and Auditing Practices Act.

In addition to the diligent work of the Committee members, we would like to particularly thank the adjunct members who served on our subcommittees from other Joint Standing Committees; their expertise enriched and strengthened the review process.

These recommendations will now be subject to Public Hearing. We urge the full Legislature to consider our proposals carefully and we invite questions, comments and input regarding any part of this report.

Sincerely,

S/Beverly M. Bustin S/Neil Rolde
Senate Chair House Chair

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

Reported Pursuant to Statutes

Representative ROLDE from the Committee on Audit and Program Review, pursuant to the Maine Revised Statutes Annotated, Title 3, Chapter 23 ask leave to submit its findings and report that the accompanying Bill "An Act Relating to Periodic Justification of Departments, Agencies and Programs of State Government under the Maine Sunset Laws" (H.P. 1905) (L.D. 2602) be referred to the Joint Standing Committee on Audit and Program Review for Public Hearing and printed pursuant to Joint Rule 18.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Maressa McAllister, a 3rd grade student at the Red Bank School in South Portland and the 1988 March of Dimes Ambassador, a brave and lovely young girl, on the occasion of the March of Dimes' 50th anniversary celebration in Maine; (HLS 1117) by Representative RYDELL of Brunswick. (Cosponsors: Representative MACOMBER of South Portland, Senator GILL of Cumberland, Senator MAYBURY of Penobscot)

On motion of Representative Rydell of Brunswick, was removed from the Special Sentiment Calendar.
Was read.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: Today at the Legislature we are honoring the March of Dimes on the occasion of its 50th anniversary celebration. Most of us are very familiar with the efforts of the thousands of March of Dimes volunteers to raise funds to support research, which resulted in medical science developing a preventative vaccine and virtually eliminating the disease of polio. The work of the March of Dimes did not end with the successful polio vaccine. This vital, voluntary health organization then turned its attention to an equally frightening and important problem, a child health problem that is our number one health problem for children in our nation. For the past 30 years, the March of Dimes has committed its volunteers and its resources to the prevention of birth defects. The March of Dimes is the leading non-governmental organization devoted to supporting programs to improving child health care, reducing the incidents of birth defects, low birth rate and infant mortality.

Through its support of research and direct service programs in our state and across the nation, thousands of children have been given healthier starts to their lives.

Here in Maine, among the programs supported by the March of Dimes Fund and Professional Assistance are a statewide, healthy mothers, healthy babies coalition, which works to bring prenatal care and information to pregnant women. Also, the YWCA of greater Portland's Teen Parent Program, which is aimed at assisting high risk pregnant teenagers to enable them to have healthier pregnancies and to give birth to healthier children. Also medical and experimental genetic courses at the Jackson Laboratory in Bar Harbor. These organizations have set up displays in the rotunda and have representatives here today to participate in our celebration of the March of Dimes.

Here in the House of Representatives we are especially pleased to have Maressa McAllister as our Honorary Page for the day.

Maressa, as the 1988 March of Dimes' Ambassador, has personally benefited from the March of Dimes efforts. Maressa was born with a birth defect known as spina bifida but, through medical intervention and hard work and courage on her part and on the part of her family, she has overcome her handicap, despite having endured 8 operations in nine months during her first year of life and approximately 17 operations in her lifetime. She will undergo more surgery and more medical intervention as she grows older.

She is here with her mother and her brother to share today in our celebration.

I have personally been honored to serve as a member of the Healthy Mothers/Healthy Babies Board and also as a member of the March of Dimes

Professional Advisory Committee. The March of Dimes is an organization and Maressa McAllister as the March of Dimes' Ambassador of 1988, deserves our recognition, our thanks, and our support.

I would ask you all to join in the celebration today by spending time at the exhibits and participating in the balloon liftoff at twelve noon today on the front steps of the Capitol. Thank you.

Subsequently, was passed and sent up for concurrence. Ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative ANTHONY from the Committee on State and Local Government on RESOLVE, Authorizing the Sale of Certain Public Lands Located in the City of Bangor (H.P. 1891) (L.D. 2584) reporting "Ought Not to Pass"

Representative WENTWORTH from the Committee on State and Local Government on RESOLVE, Authorizing the Sale of Certain Public Lands Located in the City of Augusta (H.P. 1892) (L.D. 2585) reporting "Ought Not to Pass"

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

Divided Report

Majority Report of the Committee on Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-557) on Bill "An Act to Facilitate the Collection and Organization of Data for Effective Use in State Government" (H.P. 1622) (L.D. 2217)

Signed:

Senators: KANY of Kennebec
ANDREWS of Cumberland
DILLENBACK of Cumberland

Representatives: MELENDY of Rockland
CROWLEY of Stockton Springs
MAHANY of Easton
HICHBORN of LaGrange
CARROLL of Gray
BAILEY of Farmington
STEVENS of Bangor
PRIEST of Brunswick

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

Signed:

Representatives: STANLEY of Cumberland
ARMSTRONG of Wilton

Reports were read.

On motion of Representative Crowley of Stockton Springs, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-557) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

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

(H.P. 1800) (L.D. 2464) Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1988-89" (Emergency) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-563)

(H.P. 1730) (L.D. 2373) Bill "An Act Establishing the Maine Seed Capital Tax Credit Program"

Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-564)

(H.P. 1823) (L.D. 2498) Bill "An Act to Exempt Law Enforcement Personnel from Having to Pay Ferry Tolls" Committee on State and Local Government reporting "Ought to Pass"

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Promote Solid Waste Research (H.P. 1652) (L.D. 2260) (H. "A" H-545 to C. "A" H-492)

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. 114 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 ENGROSSED

Emergency Measure

An Act to Revise the Charter of the Brunswick Sewer District (H.P. 1837) (L.D. 2514) (C. "A" H-536)

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

PASSED TO BE ENACTED

An Act to Require Testing for Dioxin and Toxic Metals at Energy Recovery Facilities (S.P. 907) (L.D. 2362) (H. "B" H-537)

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

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

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

I am not positive about this but I understand that this sets up a method for the DEP to do some testing at solid waste recovery facilities. My question is, does the state have the current technology and manpower and necessary equipment to do the testing? Assuming that the answer to that is yes -- how much will that cost be to the recovery facilities because I think they have to reimburse the state for the testing? I am not opposed to the testing necessarily but I am not sure about the total amount of the cost but it is going to have to be reimbursed, in most cases, by municipalities who do send their trash to these facilities. I wonder if someone could answer those two questions.

The SPEAKER: The Representative from Scarborough, Representative Higgins, 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, Members of the House: To answer the gentleman's question, there is an additional staff person at DEP required to be on board for this testing.

The committee went round and round, as far as putting that additional staff person on for DEP. We

decided to put it in the bill, and if the Appropriations Committee decides not to fund it, the recommendation from the Energy Committee would be that the Department hire a consultant and have the facility reimbursed.

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

Representative HIGGINS: Mr. Speaker, the second question was, do we have an idea how much this would cost to do these tests on the facilities?

The SPEAKER: The Representative from Scarborough, Representative Higgins, has posed a question 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, Members of the House: We have had various figures, Mr. Higgins, as far as the actual cost. I think they range anywhere from \$50,000 to maybe \$100,000. I am not sure that I can give you the actual figure because there is a variation of what it would actually cost.

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

PASSED TO BE ENACTED

An Act to Enhance Enforcement of the Handicapped Parking Laws (S.P. 974) (L.D. 2587)

An Act to Permit the Department of Transportation to Exempt Certain Railroad Crossings from Requirements to Stop (H.P. 1624) (L.D. 2219) (C. "A" H-530)

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.

PASSED TO BE ENACTED

An Act to Revise the Solid Waste Law (H.P. 1725) (L.D. 2368) (H "A" H-544)

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

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Men and Women of the House: I would move that this bill and all its accompanying papers be indefinitely postponed.

Up until now, very little has been spoken on the contents and intent of this bill. As you will recall, last year, L.D. 1896 "An Act to Prevent Any Landfill from Being Constructed Over or Near an Aquifer, to Maintain Regional Landfills and to Clarify the Intent of the Solid Waste Law" was passed with much support by this body. It was written to prevent possible detrimental effects from landfills on our natural land areas, particularly the aquifer sites. Part of that legislation granted authority to the County Commissioners of this state to enact ordinances for regulation of solid waste disposal in their unorganized townships. For many years, the Commissioners by statute, have served in a similar capacity for these townships as selectmen do for the organized towns. They make provisions for the construction and maintenance of roads, fire protection for buildings, garbage and trash disposal, ambulance services and street lights in some areas. In short, with the exception of the taxation process, the educational needs and the social and human services, they are the administrative body. So, why shouldn't they have this authority since they are responsible for trash disposal anyway?

The authority, as enacted, had restrictions as to its scope and no one objected until now.

The Washington County developed and was in the process of finalizing approval of a draft ordinance. This ordinance was developed under the direction of the Commission by its township agent, the Washington County Regional Planning Commission with input from representation from the townships.

This document, still in draft form, suddenly became a severe threat. To whom and why? Here you have a government entity, which has been trying to address some means to assure that the concerns of the state's natural resources would be protected in landfill siting, suddenly being chastised for trying to fulfill a desire of this legislature based on the law passed for that purpose. Why? Why was this yet to be approved work so questioned?

The Commissioners, for years, have been trying to address the solid waste problem for these townships, just as the selectmen in the unorganized towns have been trying to address their concerns. For two years, the Water Quality Committee of the county's regional planning commission in conjunction with the Soil and Water Conservation District and the State Geological group and the U.S. Geological Survey had been developing and carrying out a program of monitoring and testing the water resources of the downeast area of Hancock and Washington counties from the ocean to Route 9. This work was revealing very new and previously unknown deposits of underground reservoirs. We call them aquifers now.

The Commissioners were merely trying to protect those critical areas in the county which could be harmed by improper placement. Meanwhile, in another area of the state, other municipalities were trying to find some solutions for their solid waste problems. The DEP placed a time limit on usage of sites for dumps. A plan which stressed the development of trash incineration had been endorsed by our own Energy and Natural Resources Committee. This plan would provide answers to these needs. Towns were solicited to become party to this plan and organization was instituted. They were enrolled as perspective customers for these incineration disposal programs. The DEP was charged with the awesome task of providing a viable site to accommodate this ash for disposal.

The Township 30 site was being tested by those disposal companies for possible use prior to April of 1987. When this potential siting was made public, those who had been working on the water resources program, were much concerned. The Commissioners were concerned since this site was within the county boundary and was abutting the area which had shown vast water resources of pristine quality. However, the application for the township site had been filed with the DEP's approval under its standards and that is where it is at this time.

In my personal opinion, the application having been filed prior to the county's ordinance finalization does not come under the scrutiny of the Commissioners' ordinance nor can it be retroactive for that purpose. The Commissioners accepted that fact and proceeded to develop their ordinance in an effort to guide themselves and the organized towns in the county on similar ordinances to protect the county's areas. However, this county ordinance was attacked even before it was finalized for being too strong, that it contained improper constraints such as the requirement of 90 percent of the trash must come from within the county and other language which apparently was offensive to interested parties outside the county.

Before its final adoption, these issues were removed from the ordinance -- was it acceptable now? No. Now Washington County could not have any ordinance. It was improper and usurped the authority of the Land Use Regulation Commission and the Department of Environmental Protection. Even though the language of the law allowed it, could it be that the law itself usurped the authority of these agencies? If so, why was it written and enacted in the first place? Or is it that Washington County could not have ordinances because it had been targeted for use as a disposal site before the law was enacted?

The bill before you today strips the entire authority from the County Commissioners of any county to develop ordinances as previously allowed. After this bill, L.D. 2368 before us today was presented, it now becomes necessary to have an amendment attached which nullifies any ordinance adopted by the county commissioners authorized under Title 38, Sections 1310-W, the same law, which last year was so good -- just why has the law changed and is now so bad? Has the Township 30 site, which this ordinance would not, in fact, become unfit -- why this change of position?

The enactment of this bill with its amendment will place all townships in this state without local government entity to speak in behalf of the citizens there on these matters. They will now be dealing solely with the DEP and LURC, who are in essence, the planners, the judge and the jury of these issues. If these citizens have objections to any decisions, they as individuals, will have to provide their own cases to these bureaucracies or can they? Do they have recourse? Where is the equality of representation for these areas? Compare their rights with that of us who live in the organized towns and cities. We can enact ordinances so far, but for how long? Are they being left to the mercy of the bureaucracies? I say yes and I ask you this question, would you swap your living places with them and live in the downeast townships?

I would request a roll call, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Men and Women of the House: We are a democracy. It has long been the responsibility of the county commissioners to address the concerns, the needs, and the rights of those people living within the unorganized territories of the State of Maine. Any effort to take this right and this responsibility from the commissioners is an affront to the democratic principles of our government.

I hope you will support the motion of the good Representative from Jonesboro.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: We would like to put this in its correct perspective this morning. When the original solid waste bill came before the committee, there was no provision in there for county commissioners promulgating ordinances in unorganized territories. What the committee did was give county commissioners intervenor status and gave them \$50,000 for that intervenor status to find out what was going on a proposed landfill in their site. That is the way the bill was going to come out until Representative's Vose, Moholland, Tammaro, and I believe Representative Farren, showed up at the committee. Their concern was that the county commissioners or someone have the authority in unorganized territories

to indeed promulgate ordinances that dealt with lighting, traffic, fencing and signs of those proposed landfills.

There was much debate in the committee before we put that addition in the bill. The concern was that the county commissioners, if given that authority, could in fact promulgate an ordinance that would violate constitutional law and preempt the location of a site based on parochial politics.

We were assured at that time, ladies and gentlemen of the House, that the county commissioners would not do that. They would deal with traffic, signs, lighting, fencing and with buffers so that those concerns could be addressed in an unorganized territory.

To clarify a matter, organized towns cannot promulgate ordinances that preempt LURC or DEP in siting of landfills. Let's make that very, very clear.

The county commissioners then promulgated an ordinance based on the fact that there is supposed to be a ground water aquifer in that site. Now, the law very clearly states that if that is the case, it cannot be sited in that area. We have been told by all the people involved, if all the contentions are true, it will not be sited in that area. But, lo and behold, the county commissioners decided to promulgate an ordinance that puts in such things as, 90 percent of the trash has to generate from within Washington County.

There is no question this would be struck down as unconstitutional but it would take two, three, four years. Men and women of the House, we do not have that time. You have half the dumps in the State of Maine now in noncompliance. 110 towns, including my hometown of Waterville, and Representative Carter's hometown of Winslow, who has been using our landfill for the last two years, have signed an agreement with PERC that they will be taking care of our trash.

Now, it has been asked why I sponsored the bill that would take away the authority from the county commissioners to do what should be their right. That is not what I am doing. We gave them a right to promulgate ordinances to protect the health and welfare of their people within their jurisdiction but they chose to abuse that and ignore that. We are faced with a statewide, major, multi, multi, million dollar problem.

Now, if the ordinances had been left to stand, the first thing I would have done is gone to my towns and said, adopt this same ordinance. Anybody that is smart would have gone to their county commissioners and said, adopt this same ordinance for all of your unorganized territories in your county. You know what sites would have been left with that type of language? None. Not a one in the State of Maine. So, where are we? We are back to ground zero.

Take the solid waste management bill we passed, throw that out the window, start right back from ground zero. Sooner or later, men and women of the House, the DEP is going to have to do their job and start closing these landfills and fining the people of the towns because they are in noncompliance and are polluting ground water all over the State of Maine.

I think you should know that one half of the solid waste in the entire State of Maine will be taken care of by the two sites, PERC and MERC right now. Two-thirds of the state's entire population will be taken care of by these two projects. Now, if we allow ourselves to become parochial, forget about the overall statewide policy, we are going to be in very big trouble.

I do not want to take authority away from county commissioners. I voted to give them that authority to start off with, but it was only when the ordinance came out (and it was about this thick) and the only thing they didn't say in that original ordinance was that the trash could not be gray, white or black. It was only when that ordinance came out, we saw very clearly that we had made a mistake. We will still allow the county commissioners to be intervenors. We are still providing the \$50,000, but you cannot allow them to be intervenors in a negative way and then, at the end of the project, have ultimate veto power on whether a project is sited or not on nothing more than political pressure because you and I both know county commissioners are elected just like we are.

The State of Maine successfully argued that we could not site a nuclear waste dump in the State of Maine because of scientific reasons. We argued we could not locate that site in Maine because Maine was a small state, small in population, low in representation in Washington, that we didn't have a lot of people that could fight this effectively. We argued and won that this should be sited on sound, scientific data based on the best information available on where that site should be located. The Energy and Natural Resources asked no more than that for the location of solid waste landfills in the State of Maine -- on the best scientific data available. If that data and those criteria cannot be met, it will not and should not be sited there. But, to allow an ordinance to preempt will devastate the entire solid waste program as we now have it. Your towns are going to be in the same exact situation very shortly.

Waterville's landfill should have been closed a year and a half ago. It has not been. Waterville has signed an agreement with PERC on disposing of their solid waste and they need an ash dump.

I understand the concerns of the people in Washington County. Had the Washington County commissioners stuck to their word or the word that was given to us by the representatives from the Washington County delegation and promulgated ordinances dealing with the public safety concerns in that county, this bill would not be here before you today. They did not do that. It was only after we brought that out that they said, "We are sorry, we will withdraw that ordinance." There are still 15 other counties, men and women of the House, and a delay is a delay.

There is no question those provisions would have been struck down as unconstitutional. It violates both interstate and in the state.

Let me assure you that we have not dropped our guard on this whole matter. The committee has put in there that after we get into our solid waste program, all the trash coming into the State of Maine will be required to go through the same scrutiny that the trash in the State of Maine does. This would be recycling, removing of metals, removing of any of the hazardous waste substances that are in that trash. That is as far as we can push it on the constitutionality but the committee is aware of those concerns and we do not want to turn Washington County into a dump site for out of state waste. We are talking about in the State of Maine. That is our concern. dealing with the trash in the State of Maine. not out of state trash. That is why we are passing this bill because the same thing could happen again and again.

We do not want to take the authority away from the County Commissioners to be intervenors, we are still going to give them the \$50,000 but you cannot be an intervenor in a negative way and then

ultimately have final say on whether a project is sited or not. That should belong to the professional people in this state, DEP and LURC. We cannot do it any other way and if we do, if we succumb to parochial politics, we are all destined to drown in our own trash.

So, I would ask you to vote against the motion to indefinitely postpone and let this thing work the way it was originally designed to work and should work and hopefully will work.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I am glad we are finally debating this. This is a terrible bill. I think you should think long and hard before you vote for it.

Last October, the legislature met and gave county commissioners the authority to enact ordinances regulating landfills in the unorganized territory, that was in October, this is March, and it is being stricken from the books now because one county overstepped their bounds.

You know towns and cities have a lot of power in this state and I bet in the past there have been one or two towns and cities that have enacted a foolish ordinance and an ordinance that may be unconstitutional but no one comes in here and puts in a bill to strip that ordinance power from the town.

The other thing that particularly alarms me about this bill -- this is the second bill we have had dealing with this, one particular landfill in Township 30 and, not since the Big A dam debate, has so much attention been focused in the Energy and Natural Resources Committee on an issue that ought to be decided by regulatory bodies based on fact. Every time we turn around, every time something goes wrong down in Township 30, someone has a bill in here. It is a bad thing to do, it is a bad precedent. We have a Board of Environmental Protection -- and as Representative Jacques correctly stated, they will approve or disapprove the site based on the facts. They shouldn't be coming into the legislature every time something goes wrong for the developer.

I think that they are going to reject it because I think the project is being fueled by two forces, money and politics. It is an effort to take the "ash" from the "trash" out of the populated part of the state and landfill it down in the boonies. I think it was done for political reasons because no one thought that anyone down in the boonies of Washington County would object, but they did object.

I hope you will join Representative Look and indefinitely postpone this bill now. It is a terrible precedent and something that we really ought not to pass.

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

Representative PARADIS: Mr. Speaker and Members of the House: I hope that you do not accept the motion which is before us at this time to indefinitely postpone this bill. The bill merely clarifies the role of the county commissioners to act as intervenors in cases of land use within their counties such as we have had with this one.

What we have had up to this point with the bill that we passed last Fall was to cloud the authority of the Land Use Regulation Commission and the DEP as to who had jurisdiction and who had the authority. I believe that has been clearly invested in the Executive Branch through these two departments in order to make determinations as to which sites and what sites were proper and would be used for our landfills.

With the ordinance that was passed by the county commissioners, we suddenly had two people which were claiming jurisdiction, claiming authority over such actions. This placed any developer or anyone seeking a site from conflict and not being able to comply with either one side or the other.

The bill you have before you merely clarifies that, places the authority or reaffirms the authority where it should be, where it was originally placed to begin with. It keeps in place the current authority of the county commissioners in order to act as intervenors which was granted to them. It keeps in place the funding which is provided by the developer to the county commissioners in order to keep from being an imposition upon the property taxes of that county so that they have adequate funds in order to proceed with the intervenor status.

I believe it is a good bill. I believe that there will not be a landfill or any waste disposal site placed in any position which is not proper or which does not meet the technical requirements which are called for under our current laws.

I believe it is a good bill and I would certainly hope that you would vote for passage and defeat the current motion which is before us.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I have served on this subcommittee for the solid waste bill and I think we spent a year on it. One of the hardest things was getting the \$50,000 for the municipalities to have intervenors status. In that \$50,000, we wanted it so that we could hire our own soil scientist to prove whether our landfill site was proper or whether it was not. I feel that is a very important part of that bill. I would hope that you would support the position of Representative Jacques this morning.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I can't add anything to what my good friend across the aisle, Representative Look, said. This is all happening in my district, so I would like to tell you that 95 percent of what she did say is correct.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Men and Women of the House: I would like to read from the bill which was passed last year. You have heard that the ordinance which was written was non-conforming to the bill as passed. The general authority category says, "County commissioners may enact ordinances to apply within the unincorporated townships and plantations within their jurisdiction for the regulation of solid waste disposal provided that these ordinances are not less stringent than or inconsistent with this title or the land use regulations law, Title 12, Section 681 to 689. The scope -- ordinances adopted by the county commissioners under this section may include such standards as the county commissioners find reasonable and necessary to protect the public health, safety and welfare and the environment including without limitation conformance with federal and state solid waste rules, fire safety, traffic safety, levels of noise which can be heard outside the facility, distance from existing residential, commercial or institutional uses, ground water protection and the compatibility of the solid waste disposal facility with zoning and land use controls administered by the Maine Land Use Regulation Commission."

I served with two of the members of the county commission that were there at the time the ordinance was enacted. Two of these gentlemen had been on the same board as I had prior to my coming to this body. I know that it was not intentional on their part to make any part of that ordinance in non-conformance to the terms of the bill of last year.

It is true that 90 percent factor was written into the draft copy of that ordinance. However, the late chairman of that commission, Mr. Charles Gillis, appeared before the committee and indicated that that had been taken out of that ordinance. I am sure that any other parts of that ordinance that were objectionable and in non-conformance to this law could have been resolved had they had an opportunity in a quiet, sensible, business-like manner to discuss this with the committee and this ordinance could have been worked. However, the delegation from Washington County wanted to have a chance to work this out. It was not possible and, for that reason and for the reasons that I personally was told last year by a member of this body, "You have got to take our trash, there is nothing in Washington County." This has irritated me a great deal because I have worked a long time to try to make Washington County a part of the whole State of Maine.

For that reason, I have come here this morning and made the motion that I have. I do recognize the needs of waste disposal and I do know that something has got to be resolved. But do we do it in such a manner as what is happening? I think not.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I will try to address you in a calm, rational manner. We are not picking on Washington County. This does not deal with just Washington County. I would dare say that, had not the unconstitutional provisions of that ordinance been picked up when they were, the whole thing would have ended up in court for one, two or three years. Men and women of the House, we do not have one, two and three years. We cannot deal with this problem on a county to county basis. It is a statewide problem and has to be dealt with statewide.

I have always done whatever I could to help Washington County Representatives during my ten years on the Energy and Natural Resources Committee, just like I have done whatever I could to help every other county. It is not us against Washington County, it is, do you have a solid statewide policy or don't you? Your towns are going to be affected by your vote here today, make no question about it.

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

Representative PARADIS: Mr. Speaker, Members of the House: Just one brief word to reiterate what Representative Jacques has just said. I can assure you that from my perspective that there is no one who is riding or attempting to ride roughshod over the people of Washington County or any other county or municipality or anyone in the unorganized territory in order to solve their personal, parochial, local problems by shipping it somewhere else.

I can assure you that the test will be made that that determination will be ascertained as to the proper location of the site, all technical aspects that safeguard that site will be made and, if they are not, then we have the Department of Environmental Protection and LURC standing on guard in order to ensure that everyone concerned is protected and cared for.

I would urge you again to defeat the motion which is before us and go on with the enactment of this bill.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: We may not be trying to push something off on Washington County but what I do think is happening is that some people are trying to site a landfill that serves most of the state in second-rate soil while there are first-rate soils in the populated part of this state, in a part of the state where there are no people. That is what is happening in this particular case.

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 Look of Jonesboro that L.D. 2368 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 231

YEA - Allen, Anthony, Begley, Bott, Brown, Chonko, Clark, M.; Dellert, Dore, Farren, Foss, Glidden, Harper, Hichborn, Holt, Jackson, Ketover, Kilkelly, Lisnik, Look, MacBride, Mahany, Martin, H.; Mills, Mitchell, Moholland, Oliver, Paradis, J.; Pouliot, Reeves, Rice, Rotondi, Rydell, Strout, D.; Tamaro, Thistle, Tracy, Vose, Warren, The Speaker.

NAY - Aliberti, Anderson, Bailey, Bickford, Bost, Bragg, Carroll, Carter, Clark, H.; Conley, Cote, Curran, Daggett, Davis, Dexter, Diamond, Dutremble, L.; Erwin, P.; Farnum, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hepburn, Hickey, Higgins, Hoglund, Holloway, Hussey, Jacques, Jalbert, Joseph, Kimball, Lacroix, LaPointe, Lawrence, Lebowitz, Lord, Macomber, Manning, Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Priest, Racine, Rand, Reed, Richard, Ridley, Rolde, Ruhlin, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stanley, Stevens, A.; Strout, B.; Swazey, Tardy, Taylor, Telow, Tupper, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey.

ABSENT - Armstrong, Baker, Boutilier, Callahan, Cashman, Coles, Crowley, Duffy, Hanley, Hillock, Marsano, Nadeau, G. G.; Nutting, Salsbury, Scarpino, Simpson, Stevens, P.; Zirnkilton.

Yes, 40; No, 92; Absent, 18; Vacant, 1; Paired, 0; Excused, 0.

40 having voted in the affirmative, 92 in the negative with 18 being absent and 1 vacant, the motion did not prevail.

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

ENACTOR

Later Today Assigned

An Act to Amend the Cosmetology Laws (H.P. 1759) (L.D. 2408)

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

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

PASSED TO BE ENACTED

An Act to Regulate the Hiring of School Bus Drivers (H.P. 1812) (L.D. 2480) (C. "A" H-534)

An Act Concerning High Speed Chases (H.P. 1864) (L.D. 2552) (H. "A" H-542)

An Act to Amend the Endangered Species Act (H.P. 1875) (L.D. 2567) (H. "A" H-528)

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

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.

FINALLY PASSED

RESOLVE, to Study the Need to Increase the Supply of Reimbursable Mental Health Professionals (H.P. 1894) (L.D. 2588)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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 item of Unfinished Business:

Bill "An Act to Require Supervisory Auditors to Obtain Professional Certification within 3 Years" (H.P. 1594) (L.D. 2180)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-510) and House Amendment "A" (H-519) on March 24, 1988.

- In Senate, Passed to be Engrossed as amended by House Amendment "A" (H-519) in non-concurrence on March 28, 1988.

- In House, House Receded and Concurred.

TABLED - March 29, 1988 (Till Later Today) by Representative CARTER of Winslow.

PENDING - Motion of same Representative to Reconsider.

On motion of Representative Carter of Winslow, the House reconsidered its action whereby the House voted to recede and concur.

On further motion of the same Representative, the House voted to recede.

The same Representative offered House Amendment "A" (H-559) to House Amendment "A" (H-519) and moved its adoption.

House Amendment "A" to House Amendment "A" was read by the Clerk and adopted.

House Amendment "A" (H-519) as amended by House Amendment "A" (H-559) thereto was adopted.

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

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

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

TABLED - March 28, 1988 by Representative CARROLL of Gray.

PENDING - Passage to be Enacted.

On motion of Representative Carroll of Gray, retabled pending passage to be enacted and specially assigned for Monday, April 4, 1988.

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

Bill "An Act to Ensure Local Participation on the Radiological Emergency Preparedness Committee" (H.P. 1706) (L.D. 2343)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-532) on March 28, 1988.

- In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-368) in non-concurrence.

TABLED - March 30, 1988 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

On motion of Representative Kilkelly of Wiscasset, the House voted to recede.

On further motion of the same Representative, Committee Amendment "A" (H-532) was indefinitely postponed.

Senate Amendment "A" (S-368) was read by the Clerk.

On motion of Representative Kilkelly of Wiscasset, Senate Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "A" (H-566) and moved its adoption.

House Amendment "A" (H-566) was read by the Clerk and adopted.

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

The Chair laid before the House the fourth item 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 30, 1988 (Till Later Today) by Representative MOHOLLAND of Princeton.

PENDING - Required Fiscal Note.

On motion of Representative Moholland of Princeton, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-359) was adopted.

The same Representative offered House Amendment "A" (H-555) to Committee Amendment "A" (S-359) and moved its adoption.

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

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I have requested a fiscal note that would be in proper form from the Department of Transportation. It is my understanding that they are currently working on it. The fiscal note that Representative Moholland has just offered before this body is incomplete. I would hope that some kind member would table this item until the proper fiscal note is before us.

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

Representative MOHOLLAND: Mr. Speaker, Men and Women of the House: I would like to have a ruling from the Chair on this amendment. My good friend, Representative Carter, said he is getting a fiscal note from the Department of Transportation -- I would ask whether that would be germane at this time?

The SPEAKER: The Chair would advise the Representative from Princeton, Representative Moholland and members of the House, the Chair is not in a position on ruling of a fiscal note, that is a matter of policy. Fiscal notes are prepared by the office and then submitted to the Chair. The Chair does not have any other fiscal note available to him and cannot be a judge. However, he has his own conclusions, but that is another matter -- a matter of opinion.

Representative Jacques of Waterville moved this Bill be tabled pending adoption of House Amendment "A" to Committee Amendment "A" and later today assigned.

Representative Moholland of Princeton requested a division on the tabling motion.

The SPEAKER: The pending question before the House is the motion of Representative Jacques of Waterville that this matter be tabled and later today assigned pending adoption of House Amendment "A" to Committee Amendment "A." Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

92 having voted in the affirmative, 13 in the negative, the motion to table until later in today's session did prevail.

(Off Record Remarks)

On motion of Representative Hickey of Augusta, Recessed until five o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Unanimous Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on RESOLVE, to Allow Joel Batzell of West Farmington to Bring Civil Action Against the State of Maine (S.P. 957) (L.D. 2540)

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

Unanimous Leave to Withdraw

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on RESOLVE, Establishing the Commission to Study the Feasibility of Acquiring Coastal Property (S.P. 908) (L.D. 2363)

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

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:

Energy and Natural Resources

Bill "An Act to Implement the Recommendations of the Study of the Department of Environmental Protection" (Emergency) (H.P. 1907) (Presented by

Representative HOLLOWAY of Edgecomb) (Cosponsors: Senators LUDWIG of Aroostook and USHER of Cumberland) Ordered Printed. Sent up for Concurrence.

(Off Record Remarks)

ORDERS

On motion of Representative MOHOLLAND of Princeton, the following Joint Order: (H.P. 1909)

Ordered, the Senate concurring, that the Joint Standing Committee on Transportation be directed to report out to the House, a bill entitled "AN ACT Relating to 6-Axle Vehicles Carrying General Commodities" and a bill entitled "AN ACT to Clarify and Correct the Motor Vehicle Laws."

Was read and passed and sent up for concurrence.

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CARROLL from the Committee on State and Local Government on Bill "An Act to Limit Elected County Officials to Commissioners, Sheriffs and Probate Officers" (H.P. 1629) (L.D. 2224) reporting "Ought Not to Pass"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Allow for Service Payments to Municipalities with Significant Amounts of State-Owned Property" (H.P. 1589) (L.D. 2173) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative CARROLL from the Committee on State and Local Government on Bill "An Act to Authorize the City of Old Town to Acquire Land from the University of Maine to Construct a Solid Waste Disposal System" (Emergency) (H.P. 1502) (L.D. 2052) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Require Employers to Develop and Implement Day Care Plans" (H.P. 1807) (L.D. 2473) 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 BOUTILIER from the Committee on State and Local Government on Bill "An Act to Increase the Indebtedness of Frye Island Municipal Corporation" (H.P. 1454) (L.D. 1965) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Increase the Debt and Reserve Fund Limits and to Change the Annual Meeting Date of Frye Island Municipal Services Corporation" (Emergency) (H.P. 1908) (L.D. 2606)

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.

(At Ease)

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Make the Exemption for Home Knitters from the Unemployment Insurance Tax Retroactive" (H.P. 1832) (L.D. 2509)

Signed:

Senators: COLLINS of Aroostook
DUTREMBLE of York
ANDREWS of Cumberland
McHENRY of Madawaska

Representatives:

HALE of Sanford
ZIRNKILTON of Mount Desert
WILLEY of Hampden
RUHLIN of Brewer
BEGLEY of Waldoboro
HEPBURN of Skowhegan

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

Signed:

Representatives: RAND of Portland
JOSEPH of Waterville
TAMMARO of Baileyville

Reports were read.

Representative McHenry of Madawaska moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I did have a 20 minute speech prepared but I will abbreviate it to three for your convenience.

This is a bill that I brought in in the first session of 1987 to give a retroactive exemption to people who were in the home knitting business. The reason for the retroactive exemption is that in 1985 this legislature made home knitters exempt from the unemployment insurance tax. It was not discussed at the time, giving a retroactive exemption. Part of the unemployment insurance tax policy is, when they do an audit, they will go back three years and assess the tax. Those people who were liable to pay this tax, some paid it, one paid in full. That person went out of business and has since moved out of the state.

I was asked by a constituent to sponsor a bill that would make the tax retroactive. I brought that in last year and the Department of Labor opposed it in a public hearing because it would put their department out of conformity with the federal unemployment insurance tax laws. I withdrew that bill, contacted Senator Mitchell's Office, had it worked out with the U.S. Department of Labor so that it would be acceptable to our Department of Labor on the conformity issue.

I got a memorandum last year from our Department of Labor that outlined to me the type of bill that they would find acceptable. I sponsored that bill and got a good public hearing from the Committee on Labor. Their objection, which I don't understand, I tried to explain it to them — people had paid the tax and they objected that it would be unfair to those that didn't but that is not the case. Those people who paid the tax are willing to pay the tax if that, indeed, is the final determination. They have come to the legislature asking for a retroactive exemption and that is the very same people who have paid the tax, minus one, who has gone out of business and left the state.

I think this is a fair thing to do, I think it is the right thing to do. We are talking about \$17,000 in delinquent taxes and \$8,000 in penalties. The Department has the authority to abate the penalties but they do not have the authority to abate the tax.

I have talked to people to see if this is something that would cause a precedent or has ever been done before. I have talked with people on the Taxation Committee and they have told me that, in several cases recently dealing with the Mahogany quahog tax and dealing with the guides who had to pay a meals tax, that in those cases what they did was abate the past taxes that were due and started fresh with either an exemption or whether the tax was determined to be paid. In 1985, we made home knitters exempt from this tax. They are doing their work in their home, they were never tax evaders, they argued that they were self-employed. We determined that by our standards, no, they weren't self-employed but we would make them exempt because it was unfair for them to be paying the tax.

I ask you today to vote against the Majority "Ought Not to Pass" Report and support the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out very briefly to you that the report you have before you is not only a Majority Report but it is also a bipartisan report. I think perhaps it might be useful to review, very quickly, a history of what happened in the past.

In the 112th Legislature, the Labor Committee did look at this industry and decided that they would prefer to give them an exemption for future (I emphasize future) unemployment taxes. However, we did -- and I recall because I was on the committee at that time, specifically address the retroactive part of that bill. We decided as a committee at that time not to make that exemption retroactive as to taxes already assessed.

There are members of that industry (with that in mind) who went ahead and dutifully paid their taxes that had been legally assessed them by the state. There are people in the industry who questioned the accuracy of the assessment from the Bureau of Labor and went through the appeal process to the courts. This was a due process of the law of the State of Maine. The court system, in hearing of the facts of the case, upheld the position of the State of Maine in assessing this cottage industry in unemployment tax. I think it is useful to point out to you that there were unemployment benefits paid through the Labor Department to people in that industry. So, not only were they paying, but they were also receiving benefits.

Those who went to court and failed to prevail are now asking this legislature to overturn the courts decision. They have gone to the legislature as their court of last resort. We make the new laws but I don't feel we should be utilized as an appeal process in the court system, there are other court facilities for that.

I think that if we were to now take and exempt those people who questioned that in court and relieve them of that assessment of those taxes and keep the money of the people who dutifully went ahead and paid their taxes without questioning through the court system -- that would be discriminatory. I think we are going to open ourselves up (possibly) for a lawyers dream because certainly, if you paid your taxes and cannot be refunded under federal law, then somebody else who did not pay their taxes and we go

ahead and exempt them from paying those taxes, I think the lawyers will jump all over us. So, in the sense of fairness, I would ask the members of this body to support the Majority Report and vote "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Ladies and Gentlemen of the House: I think I should rise to add a bipartisan flavor to the other side of this issue.

I first must commend the Labor Committee because they have been very patient with those of us who have been pursuing this issue for the last two or three years.

I think there is just one thing that I need to point out. I do have a constituent that is involved in this, one of those that was in the original test case and, at this point, I believe has contributed something like \$7,000 to the state and is now being asked to pay in approximately that same amount in back taxes. I want the people of the House to understand that there is an agreement amongst those who have paid in that they are willing to just forgive that amount. They have no intention to pursue it.

I think the thing that has propelled them to ask us to make this last effort to try and roll this thing back is that we are talking about just a small portion of the home knitters in the state. If it were the entire body of those that previously, before this court case, would have been liable for the taxes, I think our argument would be moot. There is only a percentage of them, grant you, probably because of the size of the operations, they are the larger percentage of those that would be liable for back funds but there are others that have never stepped forward and identified themselves. There is really no vehicle there at this point in time for the Department of Labor to be able to identify them.

So, from my standpoint, the fairness issue is that if those that have paid in are willing to call it quits right here and all they are asking is that they don't have to pay back taxes like those that have not been identified don't have to pay back taxes and also the amounts that they have paid to this point.

If you can understand that, then you have done very good in two or three minutes.

I would encourage your support to vote against the pending motion.

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

A vote of the House was taken.

76 having voted in the affirmative and 26 in the negative, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (H-565) on Bill "An Act to Establish a Detention and Rehabilitation System for Chronic Operating-Under-the-Influence Offenders" (H.P. 1597) (L.D. 2183)

Signed:

Senators:

BUSTIN of Kennebec
GILL of Cumberland
MATTHEWS of Kennebec

Representatives:

KIMBALL of Buxton

ANTHONY of South Portland
TAYLOR of Camden
MAYO of Thomaston
GREENLAW of Standish
BAKER of Portland
MELENDY of Rockland
THISTLE of Dover-Foxcroft
STROUT of Windham

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

Signed:

Representative: MANNING of Portland

Reports were read.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to explain one thing on this bill. The reason why I am on the other side of the issue is that I feel that this issue could have been dealt with before we left here this year. I know it is a complex issue but I feel because of the things I have learned since I have been here in the last three or four years dealing with corrections, I think we could have dealt with it before we adjourned. It is more or less a protest vote.

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

Committee Amendment "A" (H-565) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" 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. 1555) (L.D. 2115) Bill "An Act to Make Certain Statutory Changes to Facilitate District Court Judicial Administration" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-567)

(S.P. 912) (L.D. 2378) Bill "An Act Providing for the 1988 Amendments to the Finance Authority of Maine Act" Committee on Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (S-372)

(S.P. 860) (L.D. 2248) Bill "An Act Relating to the Penobscot Indian Reservation" (Emergency) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-373)

(S.P. 940) (L.D. 2484) Bill "An Act to Provide Reimbursement to Certain Employees of the Department of Corrections for Meal Expenses" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-375)

(H.P. 1874) (L.D. 2566) RESOLVE, to Amend the Duties, Title and Reporting Date of the Special Commission to Study School-Entrance Age and Preschool Services (Emergency) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-568)

(H.P. 1679) (L.D. 2308) Bill "An Act to Designate the Schooner Bowdoin as the Official State Vessel" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-570)

(H.P. 1745) (L.D. 2391) Bill "An Act to Extend the Uses of the Potato Marketing Improvement Fund" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-569)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence and the Senate Papers were 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. 1800) (L.D. 2464) Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1988-89" (Emergency) (C. "A" H-563)

(H.P. 1730) (L.D. 2373) Bill "An Act Establishing the Maine Seed Capital Tax Credit Program" (C. "A" H-564)

(H.P. 1823) (L.D. 2498) Bill "An Act to Exempt Law Enforcement Personnel from Having to Pay Ferry Tolls"

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.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Enhance Outdoor Recreation Opportunities" (S.P. 889) (L.D. 2301) (C. "A" S-363; S. "B" S-376)

Was 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.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Facilitate the Collection and Organization of Data for Effective Use in State Government" (H.P. 1622) (L.D. 2217) (C. "A" H-557)

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

On motion of Representative Crowley of Stockton Springs, the House reconsidered its action whereby Committee Amendment "A" (H-557) was adopted.

The same Representative offered House Amendment "A" (H-575) to Committee Amendment "A" (H-557) 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 following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative ALLEN from the Committee on Business Legislation on Bill "An Act Concerning the Regulation of Welders" (H.P. 1520) (L.D. 2073) reporting "Ought to Pass" in New Draft (H.P. 1910) (L.D. 2607)

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. 1828) (L.D. 2504) Bill "An Act Relating to School Construction" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-573)

(H.P. 1822) (L.D. 2497) RESOLVE, to Establish the Commission to Study the Management of Water Resources in Maine Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-574)

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

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act to Amend the Cosmetology Laws (H.P. 1759) (L.D. 2408) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter: 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) which was tabled earlier in the day and later today assigned pending a adoption of House Amendment "A" (H-555) to Committee Amendment "A" (S-359).

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

Subsequently, the bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-571) on Bill "An Act to Strengthen Boating Safety Enforcement" (H.P. 1463) (L.D. 1974)

Signed:

Senators: TUTTLE of York
CAHILL of Sagadahoc
ESTES of York

Representatives:

MITCHELL of Freeport
RICE of Stonington
HOLT of Bath
LOOK of Jonesboro
CROWLEY of Stockton Springs
KETOVER of Portland
COLES of Harpswell
RUHLIN of Brewer
SALSBURY of Bar Harbor

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-572) on same Bill.

Signed:

Representative: SCARPINO of St. George

Reports were read.

On motion of Representative Mitchell of Freeport, the House accepted the Majority "Ought to Pass" Report and the Bill read once.

Committee Amendment "A" (H-571) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JACKSON from the Committee on Taxation on Bill "An Act Authorizing Counties to Choose Alternative Sources of Revenue" (H.P. 913) (L.D. 1225) 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 CURRAN from the Committee on Banking and Insurance on Bill "An Act to Increase Reimbursement Levels to Respite and Foster Care Providers" (H.P. 1569) (L.D. 2140) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 1553) (L.D. 2113) Bill "An Act to Protect Maine's Outstanding Rivers from Water Diversion Projects" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-577)

(S.P. 862) (L.D. 2250) RESOLVE, Authorizing Kenneth and Janice Demuth to Bring Civil Action Against the State Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-377)

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

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

SENATE PAPERS

Ought to Pass in New Draft

Report of the Committee on Banking and Insurance on Bill "An Act to Amend the Maine Insurance Guaranty Association Law" (S.P. 810) (L.D. 2119) reporting "Ought to Pass" in New Draft (S.P. 981) (L.D. 2609)

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.

CONSENT CALENDAR

First Day

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

(H.P. 1716) (L.D. 2355) Bill "An Act to Require Legislative Confirmation of Members of the Maine Human Rights Commission" Committee on State and Local Government reporting "Ought to Pass"

(S.P. 848) (L.D. 2204) Bill "An Act to Protect Elderly, Infirm Persons from Improvident Transfer of Title to Property" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-386)

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

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

SENATE PAPERS

Ought to Pass in New Draft

Report of the Committee on State and Local Government on Bill "An Act to Extend a Sunset Provision in the Civil Service Law" (Emergency) (S.P. 919) (L.D. 2410) reporting "Ought to Pass" in New Draft (S.P. 980) (L.D. 2605)

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.

CONSENT CALENDAR

First Day

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

(S.P. 971) (L.D. 2579) Bill "An Act to Establish Operating Permits for Commercial Dairy Farms" Committee on Agriculture reporting "Ought to Pass"

(S.P. 768) (L.D. 2025) Bill "An Act to Increase the Eligibility of Juveniles for Attendant Care" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-384)

(H.P. 1536) (L.D. 2090) Bill "An Act Concerning State Mandates to Local Governments" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-578)

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

passed to be engrossed as amended and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and 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) (S. "A" S-360; H. "A" H-521)

TABLED - March 30, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Final Passage.

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 2571 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-579) and moved its adoption.

House Amendment "B" (H-579) was read by the Clerk. Representative Wentworth of Wells requested a roll call on adoption of House Amendment "B."

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 adoption of House Amendment "B." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 232

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Baker, Bost, Bott, Boutilier, Callahan, Carroll, Carter, Cashman, Clark, M.; Coles, Conley, Cote, Crowley, Curran, Daggett, Davis, Dellert, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hepburn, Hichborn, Higgins, Hoglund, Holt, Jackson, Jacques, Jalbert, Ketover, LaPointe, Lawrence, Lisnik, Look, Macomber, Mahany, Manning, Marsano, Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paul, Perry, Pines, Pouliot, Priest, Rand, Reed, Richard, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Tamaro, Tardy, Taylor, Telow, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Whitcomb, The Speaker.

NAY - Bailey, Begley, Bickford, Bragg, Clark, H.; Dexter, Farren, Harper, Hussey, Lebowitz, Lord, MacBride, McPherson, Parent, Sherburne, Strout, B.; Swazey, Willey.

ABSENT - Brown, Chonko, Hickey, Hillock, Holloway, Joseph, Kilkelly, Kimball, Lacroix, Martin, H.; Mills, Nutting, Paradis, P.; Racine, Reeves, Rice, Ridley, Salsbury, Scarpino, Small, Strout, D.; Thistle, Weymouth, Zirnkilton.

Yes, 108; No, 18; Absent, 24; Vacant, 1; Paired, 0; Excused, 0.

108 having voted in the affirmative and 18 in the negative with 24 being absent and 1 vacant, House Amendment "B" was adopted.

Representative Wentworth of Wells requested a roll call on engrossment.

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 passage to be engrossed as amended by House Amendment "B." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 233

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Baker, Bost, Bott, Boutilier, Carroll, Carter, Cashman, Coles, Conley, Cote, Crowley, Curran, Daggett, Davis, Diamond, Dore, Duffy, Dutremble, L.: Erwin. P.; Farnum, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hepburn, Hichborn, Higgins, Hogle, Holt, Jackson, Jacques, Jalbert, Joseph, Ketover, LaPointe, Lawrence, Lisnik, Macomber, Mahany, Manning, Marsano, Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paul, Perry, Pouliot, Priest, Rand, Reed, Richard, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Taylor, Telow, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; The Speaker.

NAY - Bailey, Begley, Bickford, Bragg, Callahan, Clark, H.: Dellert, Dexter, Farren, Harper, Hussey, Lebowitz, Look, Lord, MacBride, McPherson, Parent, Pines, Sherburne, Strout, B.; Wentworth, Whitcomb, Willey.

ABSENT - Brown, Chonko, Clark, M.; Hickey, Hillock, Holloway, Kilkelly, Kimball, Lacroix, Martin, H.; Mills, Nutting, Paradis, P.; Racine, Reeves, Rice, Ridley, Salsbury, Scarpino, Small, Thistle, Weymouth, Zirkilton.

Yes, 104; No, 23; Absent, 23; Vacant, 1; Paired, 0; Excused, 0.

104 having voted in the affirmative and 23 in the negative with 23 being absent and 1 vacant, the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-360) and House Amendments "A" (H-521) and "B" (H-579) in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act to Ensure that a Certain Percentage of Public Housing is Handicapped Accessible (H.P. 1869) (L.D. 2558) (H. "A" H-533) which was passed to be enacted in the House on March 30, 1988.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-533) and Senate Amendment "A" (S-388) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Create the Economic Corridor Action Grant Program" (H.P. 1904) (L.D. 2601) which was passed to be engrossed in the House on March 30, 1988.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-383) and "B" (S-385) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Relating to Horse Racing and Racing Facilities (Emergency) (H.P. 1781) (L.D. 2434) which was passed to be enacted in the House on March 28, 1988.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-381) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Concerning Charter Changes in Quasi-Municipal Corporations or Districts (H.P. 1888) (L.D. 2583) (H. "A" H-524) which was passed to be enacted in the House on March 30, 1988.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-524) and Senate Amendment "A" (S-387) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Reform the Pharmacy Laws" (Emergency) (S.P. 963) (L.D. 2555) which was passed to be engrossed as amended by Senate Amendment "A" (S-349) and House Amendment "A" (H-546) in the House on March 29, 1988.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-349) and "B" (S-378) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 9 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Improve the Regulation of Pesticides (H.P. 1557) (L.D. 2121) (S. "A" S-356 to C. "A" H-516) which was passed to be enacted in the House on March 30, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-516) as amended by Senate Amendments "A" (S-356) and "C" (S-380) thereto in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPER

The following Joint Order: (S.P. 983)

LEGISLATIVE RECORD - SENATE, MARCH 31, 1988

ORDERED. the House concurring, that when the House and Senate adjourn, they do so until Monday, April 4, 1988, at 12 o'clock in the afternoon. Came from the Senate, read and passed. Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative Carter of Winslow, Adjourned until Monday, April 4, 1988, at twelve o'clock noon pursuant to Joint Order S.P. 983.

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

In Senate Chamber
Thursday
March 31, 1988

Senate called to Order by the President.

Prayer by the Honorable Edwin Randall of Washington.

SENATOR RANDALL: Let us pray. As we are gathered this day under the shadow of the cross, sign of human shame and divine wisdom, like Jesus we would follow faithfully in His way. Like Jesus we would live to You and die to You, for we are Your people, we belong to You. We offer You our worship and our lives, may Your name be glorified this day as we are open to Your presence through Jesus Christ. Amen.

Reading of the Journal of Yesterday.

Senator MAYBURY of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator MAYBURY: Thank you Mr. President. Mr. President, men and women of the Senate. I would like for you to take just a couple of moments this morning concerning the efforts of all of those volunteers throughout the State of Maine, who give of their time and energies in helping stamp out birth defects in children. Today, we are recognizing the 50th anniversary of the March of Dimes of Maine and I wanted to bring this to your attention. There are displays in the rotunda that if you have a moment to go through and look at some of the work that has been done and I hope that you will reflect upon anniversary for the March of Dimes that will continue through the whole year. Thank you.

Off Record Remarks

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Regulate Development Along the Shoreland Zone and to Protect Lake Water Quality"
H.P. 1808 L.D. 2474

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 Allow Deductions for Merchantability Factors in Wood Measurement"
H.P. 1534 L.D. 2088

Bill "An Act to Compensate Municipalities for Land Used for Transmission Lines"
H.P. 1865 L.D. 2550

Ought to Pass

The Committee on EDUCATION on 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"

H.P. 1824 L.D. 2499