

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**FIRST REGULAR SESSION**

**May 16, 1983 to June 24, 1983**

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can do so. The governing body of any municipality may decide to form such a district and I am sure that the likelihood of that occurring is as high in the small communities as it would be in the large communities.

Secondly, the state valuation would only be exempt during the period for which the payback on the municipal debt would occur, so that as soon as the municipality has paid for those public improvements, usually a ten year period or so which involves the bonding time period, after that point in time, that increased state valuation is considered as would be in any other municipality and therefore the educational subsidies would decrease and the county tax responsibility would increase.

All we are saying is that we have enacted a good TIF piece of legislation and right now it is not workable and this bill aims at making it workable and I hope you would vote against the pending motion so our localities and municipalities are able to use this development tool.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Durham, Mr. Hayden.

Mr. HAYDEN: Mr. Speaker, Men and Women of the House: I would like to address some of the questions that have been raised by this bill and as a co-sponsor and somebody that comes from small towns, I think some clarifying would be of use.

First of all, tax increment financing is not just a tool for big cities. It may seem more enticing to the big cities because they have more plans for which they might want to defer their debt, but the town of Lisbon, for example, which I represent, could well benefit from a tax increment financing type of legislation.

The statement has been made that this represents a policy shift within our state government and I think there is some accuracy to that, but it is possible to recognize it as a policy shift and still support the bill, which, in fact, I do. The policy shift is this—in deferring that debt, in effecting some of the revenue sharing formula, the complicated formula that all the towns in the county have to live by, we still can be giving an economic aid and an economic revitalization to every town in that county and I think that is the important point to remember. If you have a tax increment financing district that gives birth to an industrial park that is going to employ people, it is not going to employ people just in Lisbon, it is going to employ people in Brunswick, Durham, Auburn and Sabattus and some of those benefits are going to go over outside the town boundaries to the county boundaries. I think that is the ultimate answer to this question. If you don't buy into that theory, if you don't think that the birth of a district in one town is going to help the people in another town, perhaps it would be wise to vote against this.

I think the essence of tax increment financing is that if a town can make a wise investment, a wise decision, and rationally decide to defer its debt, everyone in the vicinity is going to benefit, not just the people in that town. I think that is the reason for the bill, a reason why those policy shifts are, in my mind, justified and why I am voting in support of the measure and against the Minority "Ought Not to Pass" Report.

The SPEAKER Pro Tem: The chair recognizes the gentleman from South Portland, Mrs. Thompson.

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. The Education Finance Act attempts to equalize educational opportunity throughout the state by requiring that every community raise as much money as it is capable of according to its tax base. Does this bill, in fact, say that those communities who opt to use tax increment funding will then be at an advantage over those communities who do not use TIF and will this cause some disequalizing or unequalize our Education Fi-

nance Act? Can someone from the committee answer that, please?

The SPEAKER Pro Tem: The gentlewoman from South Portland, Mrs. Thompson, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, the valuation reflected in these improvements would not be included in state valuation and therefore, to some degree, there might be an artificial inflation because this is not considered in the subsidy index and a benefit to the community in which the project is located.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer.

Does this in any way affect the debt limitation on the cities and towns in circumventing debt limitation on the cities and towns?

The SPEAKER Pro Tem: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: It is a form of financing improvement above and beyond regular funding that the cities generally use for these improvements. It is a new mechanism, one that has been primarily used in the western areas and quite successfully out there. To my knowledge, there is only one tax increment financing district in the state, which is in the Lewiston-Auburn area, and when we passed this legislation in the past, we hoped that there were enough incentives to encourage this so they didn't have to go the regular bonding route that they have in the past.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I would like to pose another question through the Chair. If I understand your answer, what you are saying is that this is a way to cut around the debt limitations that we put on our city and town governments? End run it?

The SPEAKER Pro Tem: The gentleman from Bangor, Mr. Kelleher, has posed another question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I wouldn't use those particular terms. It is a new, novel, more creative approach of trying to bring in specialized industries or development special districts whereby you can improve the development in the area.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I would like to pose a further question through the Chair. Does this bill come from Maine Municipal?

The SPEAKER Pro Tem: The gentleman from Bangor, Mr. Kelleher, has posed another question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: In answer to the question, not to the best of my knowledge.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rose to answer the gentleman's earlier question concerning the debt limitation of the municipality. It would be my understanding that this bill has no effect on that. This is more a method by which the debt is retired than it is an end-run around the bonding limitations of a municipality.

What we are doing with tax increment financing is retiring a debt that was incurred through encouraged development. The municipality involved incurred the debt to encourage a development, they use the increased tax revenue from that development to pay off that debt and I think it is important when we discuss the effect on the smaller towns, if a large municipality uses this vehicle, it is important to remember that they are only deferring putting this new development into the state valuation until such time as the municipality involved can use the increased revenue for other purposes other than retiring a debt that they incurred to encourage the development.

The SPEAKER Pro Tem: I would like to pose a question to the Chair. Should there be a fiscal note on this bill?

The SPEAKER Pro Tem: The Chair would respond to the gentleman from Bangor, Mr. Kelleher's request for a possible fiscal note that at this time there may appear to be a fiscal note needed; however, it would not be needed until acceptance of a committee report.

On motion of Mr. Jalbert of Lewiston, tabled pending the motion of Mr. Higgins of Portland to accept the Minority "Ought Not to Pass" Report and tomorrow assigned.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Moneys Dedicated to the Highway Fund to be Used to Provide Operational Subsidies for Various Forms of Surface Passenger Transit (H. P. 968) (L. D. 1248)

Report was signed by the following members:

Senators:

TEAGUE of Somerset  
TWITCHELL of Oxford

— of the Senate.

Representatives:

MCCOLLISTER of Canton  
MASTERMAN of Milo  
INGRAHAM of Houlton  
DAY of Westbrook  
BROWN of Bethel

— of the House.

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

Report was signed by the following members:

Senator:

WOOD of York

— of the Senate.

Representatives:

HIGGINS of Portland  
ANDREWS of Portland  
CASHMAN of Old Town  
KANE of South Portland  
KILCOYNE of Gardiner

— of the House.

Reports were read.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report.

The SPEAKER Pro Tem: The gentleman from Portland, Mr. Higgins, moves that the House accept the Minority "Ought to Pass" Report.

Mr. Moholland of Princeton requested a division.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: A few weeks ago when I voted for an increase in the gas tax, I voted for that tax because I believed our highways needed the money. I didn't vote for an increase in the gas tax to subsidize transit busing. If they want transit busing, let them put a bill in here and let them seek their own tax rather than to take the highway money that the roads desperately need.

The SPEAKER Pro Tem: The Chair recognizes

the gentleman from Westbrook, Mr. Day.

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: Like Representative McCollister, I feel the same way, that we passed the gas tax to fix the roads and not get into surface transportation whether it be dog sled, trains or buses or what have you. If that need is that pressing, there are other means by which we can do it. We have turned a fair amount of money back to the municipalities already and many of those municipalities are subsidizing bus transit and some of that money could be used. If the plans that are in the works now come to fruition and more revenues go back to the municipalities, I think those municipalities can handle this on their own rather than getting into a constitutional question as to whether we should be subsidizing buses all over the State of Maine.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: It is true that this is a constitutional amendment but I would like us to try to put the idea out of heads, the way Mr. Day seems to insinuate from time to time, that amending the Constitution of the State of Maine is like rewriting the bible. The sad fact is, our Constitution is cluttered up with a lot of things that ought to be statutory, and sometimes we have to go to the Constitution.

As far as this bill, the practical effect of this bill is only to allow the people of the State of Maine who are paying the gas tax to vote yes or no on the question of whether or not some of that gas tax ought to go to transit funding.

Let me explain why I think this should be allowed by this House. In fiscal year, 1982, there were 13 operations in the State of Maine, rural, urban, small, large, and their funding was \$2.3 million state; \$3.8 million local and one half million dollars state. There have since been some severe reductions in federal funds from the Federal Department of Transportation and from the Federal Health and Human Services Department. The Congress has responded to this problem and has endorsed the importance of public transit by setting aside in the new gas tax a certain amount of the increase for public transportation, but there is a requirement that this money be matched by state funds. The Governor's Office has said that in endorsing this bill we stand to lose several million dollars in the State of Maine for public transit unless we come up with the money to match the federal money in the gas tax.

I don't really believe that there is going to be any money in the General Fund in the next year or the next few years for this kind of funding, and my feeling is that it is the proper thing to take out of the Department of Transportation and out of the Highway Fund. I know that Mr. Carroll feels differently and some others do. The only thing I ask today is that you let the people who are paying the gas tax have the opportunity to say whether or not they think part of this gas tax ought to go for this function.

We heard an awful lot of testimony before the committee, largely from people who were going to benefit from the increase in the gas tax and now seem to feel some proprietary right to it, to that amount of money, saying that transportation in a large disperse state like Maine is so important that it absolutely deserves a dedicated fund and deserves that special consideration in the Constitution.

I think that transportation in this state, whether in the country or in the city, for the handicapped, the elderly, and the working poor, ought to be of sufficient importance to us to make some special provision also.

I urge you to accept the Minority Report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: About a month and a half

ago, I voted against the five cent increase in the gas tax in this body and I did so for one specific reason, I thought it was too much at a particular time. When I got home and told my people I voted against it, they all said one thing—good, because we don't think they are going to take that five cents and put it where it belongs, fixing the highways and the bridges. They will be down here with a plan to take some of that money away, and I said, "oh no, they wouldn't do that." In my naiveness, I didn't believe it would be this soon and, lo and behold, here we are six weeks, seven weeks down the road and now we are going to send it out to the people of the State of Maine to decide whether we should take some of that money and put it on something besides fixing the roads and the bridges. Well, I don't know about the rest of you, but I was elected to come down here and vote to represent my people and I will vote on their behalf today when I vote to kill this particular issue once and for all and do the job I was sent down here to do. I hope the rest of you do the same thing because I have an idea that this is just one of many things to come, ladies and gentlemen, and we shall see what we shall see.

I would request a roll call.

The SPEAKER Pro Tem: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those in favor of a roll call will vote yes; those opposed will vote no.

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

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Representative Jacques is right on target, there isn't any question in my mind that that is exactly what is occurring, just as he said. When I voted for that five cent gas tax myself, I knew what it meant to the people in my area. Our roads are in terrible condition. We need that money to go just exactly where we voted it to go, to repair the roads in Washington County, Aroostook County, and many of the other counties where the roads are just as bad — no way should it go to any other place but that.

I sure hope that you kill this bill dead.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRHAM: Mr. Speaker, Ladies and Gentlemen of the House: Being from the northern part of the state and a rural area. I am well aware of the need for surface passenger transit; however, I do feel that the problem with this bill is undedicating the Highway Fund. We voted to kill undedicating the Highway Fund before, let's be consistent.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: In first observing this bill as a member of the Transportation Committee, obviously I had some mixed emotions, but in further observation and discussing it with the sponsor and members of the Taxation Committee, I decided that I was going to support the bill and for a very simple reason, for those provisions outlined in the testimony today, that this will go to the voters. It is a Constitutional Amendment and they have the final say as to whether we can do this or not, first of all.

Secondly, should the voters approve this concept allowing us to use some transportation dollars for assistance in mass transit, this legislature, obviously has the second say. It is going to go to the Transportation Committee, this legislature will have to determine whether or not they are going to use any money to fund any part of the mass transit system in Maine. So there is more than one checks and bal-

ance to this entire process that I think will protect those people.

In terms of the testimony previously, that we passed the gas tax for the purpose of fixing the highways, I have no problem with that, that is, of course, the intent behind the passage of that gas tax increase. As I said, the people of Maine are going to have the ultimate decision on whether to do this or not through their votes on election day.

The main reason I think of the thrust behind my decision on this bill was—I have been in this legislature five years and I can remember five years ago a big concern over energy conservation, we were doing everything we could possibly think of to encourage people to use less fuel because of our dependency on foreign oil. I have seen a constant escape from that attitude in the last few years and that energy conservation seems to be taking a back seat to a lot of issues these days and that really is my prime concern in why I have departed with some of my colleagues on the Transportation Committee. I think this legislature ought to make a statement that energy conservation is still a critical issue in this country and this state and this is one way we can do it, by making that statement that we are willing to use some money to go toward mass transit and, ladies and gentlemen, if the people of Maine do not agree that they want their highway tax dollars to go directly to the roads, they have the option of voting it down when it comes to the ballot box.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to make a statement this afternoon with my vote along with the vote I made for the five cent tax increase a few weeks ago, and that is to insure that the roads are built and repaved and resurfaced in this state, my statement now is that I move that this bill and all its accompanying papers be indefinitely postponed, and I request the yeas and nays.

The SPEAKER Pro Tem: The gentleman from Bangor, Mr. Kelleher, moves that this Bill and all its accompanying papers be indefinitely postponed and has requested a roll call.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I hate to give in but I think this bill must not be looking too good for Mr. Kelleher to try to kill two in one day.

Just by way of information, in response to Mr. Jacques, this bill was put in long before the gas tax was passed, and as far as the gentlelady from Houlton, Mrs. Ingraham, this is not an undedication, it is a further dedication. The Constitution right now, in Article 9, Section 19, says what the highway fund can be spent on and includes expense for state enforcement of traffic laws and a few other generalities—this would put operational subsidies for forms of surface passenger transit, so it is a further dedication and no an undedication.

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

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

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I think I am the one man who stands to lose more than anybody on this bill today and I am right on target with Mr. Kelleher. I had to hold my nose, and I have 30 trucks running up and down the highway and I know there are probably 100,000 more trucks running up and down the highway bouncing

over holes and in to the ditch and all over the place — my fuel is 13 cents a gallon, jumped up 13 cents more a gallon, so I had to take my pumps completely out of Washington County and buy all my fuel in Bangor. I held onto my nose doing this and I did vote for that five cent tax. I think, like Mr. Kelleher said, that everybody in this House should vote to fix the roads and not to ride people up and down the highways with our gas money.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: A few years ago, as a matter of fact it was the 110th, we faced a period of time when the federal government said we are not going to give you anything more, because a few years ago they offered us something. If you raised so much state money, we will put up so much federal money and you build a new program. Today we have heard about the new money that the federal government is offering us if we will raise matching money. When will it be, the 112th when the federal government says we have no more money for you, you have to carry the program yourself? I don't think we want to go down that road again.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, I would like to pose a question through the Chair, please. I pose this question to anybody who can answer it. What is the cost to the taxpayers of the State of Maine everytime we send an issue out for a vote?

The SPEAKER Pro Tem: The gentleman from Waterville, Mr. Jacques, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, in answer to the gentleman from Waterville, I believe that if there is only one issue on the ballot in a Fall referendum vote, it would cost approximately \$60,000. To put any additional questions, and there usually are, it is approximately \$2,000 for extra printing.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Anderson, Armstrong, Bell, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Chonko, Clark, Conary, Conners, Cooper, Cote, Cox, Crowley, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, Mayo, McCollister, McGowan, McHenry, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Rondoni, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Andrews, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Carroll, D.P.; Cashman, Connolly, Crouse, Diamond, Gauvreau, Higgins, H.C.; Hobbins, Kane, Kilcoyne, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray,

Nadeau, Reeves, P.; Rolde, Seavey, Thompson.

ABSENT—Carrier, Curtis, Dudley, Gwadodsky, Mahany, Manning, Matthews, Z.E.; McPherson, Nelson, Racine, The Speaker.

Yes, 114; No, 26; Absent, 11.

The SPEAKER Pro Tem: One hundred and fourteen having voted in the affirmative and twenty-six in the negative, with eleven being absent, the motion does prevail.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-305) on Bill "An Act to Address the State's Responsibility Under the Potato Industry's Long-Range Plan" (H. P. 1170) (L. D. 1558)

Report was signed by the following members:

Senators:

WOOD of York  
ERWIN of Oxford  
HICHENS of York

— of the Senate.

Representatives:

LOCKE of Sebec  
PARENT of Benton  
STOVER of West Bath  
ANDERSON of Stockholm  
CROUSE of Washburn  
MICHAEL of Auburn  
SHERBURNE of Dexter  
SMITH of Island Falls

— of the House.

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

Report was signed by the following member:

Representative:

McCOLLISTER of Canton

— of the House.

Reports were read.

On motion of Mr. Michael of Auburn, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-305) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment" (H. P. 623) (L. D. 775)

Report was signed by the following members:

Senators:

SEWALL of Lincoln  
CHARETTE of Androscoggin

— of the Senate.

Representatives:

TELOW of Lewiston  
POULIOT of Lewiston  
CONARY of Oakland  
MacBRIDE of Presque Isle  
RACINE of Biddeford

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1293) (L. D. 1714) on same Bill.

Report was signed by the following members:

Senator:

CLARK of Cumberland

— of the Senate.

Representatives:

BRANNIGAN of Portland  
PERKINS of Brooksville  
MARTIN of Van Buren  
MURRAY of Bangor  
STEVENS of Bangor

— of the House.

Reports were read.

Mr. Brannigan of Portland moved that the Minority "Ought to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Minority Re-

port and tomorrow assigned.

#### (Off Record Remarks)

At this point, Speaker Martin returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman from Fairfield, Mr. Gwadodsky, for acting as Speaker pro tem.

Thereupon, Representative Gwadodsky returned to his seat on the floor and Speaker Martin resumed the Chair.

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

The following Joint Order: (S. P. 594)

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out a bill relating to the manner of approval of amendments to the Maine Indian Claims Settlement.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

#### Unanimous Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Prohibit Hospital Services Price Discrimination" (S. P. 210) (L. D. 631)

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

#### Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act Relating to Penobscot Nation Trust Land Designation" (S. P. 82) (L. D. 193) reporting "Ought to Pass" in New Draft (S. P. 593) (L. D. 1713)

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

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the Rules, the New Draft was read the second time and passed to be engrossed in concurrence.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Provide for Consumer Representation before the Maine Milk Commission" (Emergency) (H. P. 1137) (L. D. 1499) on which the Majority "Ought Not to Pass" Report of the Committee on Agriculture was read and accepted in the House on May 25, 1983.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on Agriculture read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-157) in non-concurrence.

In the House: Mr. Michael of Auburn moved that the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Sherburne.

Mr. SHERBURNE: Mr. Speaker and Members of the House: I would hope that the House would not recede and concur on this. I didn't realize this was coming up on the floor today so I am not very well prepared.

I think it was pretty well brought out the other day that the consumer is well represented by the commission. All the members of the commission are only consumers. They cannot represent the industry in any way, so it seems as though most of those commission members, being consumers, are going to look out for the consumer. Many of them, before they have been appointed to that commission, have been opposed to the commission, but once they get on there and have a chance to study the workings of the commission and the industry, they usually represent not only the industry but the consumers also.

I hope you will oppose this motion to recede and concur.