

# MAINE STATE LEGISLATURE

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OF THE

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(First Special Session)

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that they are not going to now, or at least a lot of people don't think they do.

I would point out to you again, though, that the feds promulgated their regulations, withdrew them, and they are going to promulgate them in June and we are going to have to face them again, and I think the state should take some action. I think this bill has been well worked out, and even for all our jumping up and down, it is a good bill and does cover the problem.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, like the gentleman from Bar Harbor, am in a rather perplexing situation. I have tremendous respect for the gentleman from Stonington, who I consider one of the experts in the fishing industry, and its laws and regulations, but in checking with some of my constituents and the effect these regulations might have on them and the innuendoes or suspicions that they have on their implementation, I think I would have to go along with the indefinite postponement today and hope that in another session we would come up with a more complete set of regulations.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, does this bill require an extra wholesale license for the wholesalers?

The SPEAKER: The gentleman from Stockton Springs, Mr. Shute, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: To answer Mr. Shute's question, if he was listening to my initial remarks, he would have heard that I did indicate that this in fact does require an extra license. It separates the wholesale shellfish license certificate from the wholesale seafood license and the reason I said that the committee had done this was simply because when the department takes a shellfish violation into court under the present wholesale dealers' and processors' license, the courts have been very, very slow to convict the person of a shellfish violation because it would completely eliminate that person's ability to operate under that license. So what we have done is separate the two licenses. The gentleman is correct, it does require another license.

The department indicates there are presently about 400 wholesale processing dealers' licenses. I tried to find out this morning from the chief warden just how many presently licensed wholesale dealers and processors would require the two licenses, and he couldn't give me any type of any answer. In my estimation, and it is an estimate, it might be somewhere in the vicinity of 25 to 30 people that would require a second license.

Mr. Speaker, to save some time, I request when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: 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 desiring a roll call vote 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: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to delay this very much longer, ~~excepting~~ I have just been reading the bill and I have read the statement from the department and also the

commissioner, who violently objects to this bill. I think it would be a serious mistake, gentlemen, if we went into a special session and passing a bill of this magnitude would be inflicting things on certain members of our shellfish industry that shouldn't be done at this time, until we give it more study, more time, and certainly the 108th isn't that far away.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Mr. Lynch is absent and he wishes to vote for the bill and I wish to vote in opposition to it.

The SPEAKER: The gentleman from Waterville, Mrs. Kany, wishes to pair her vote with the gentleman from Livermore Falls, Mr. Lynch. If the gentleman from Livermore Falls, Mr. Lynch, were present, he would be voting nay and the gentleman from Waterville, Mrs. Kany, would be voting yea.

A roll call has been ordered. The pending question is on the motion of the gentleman from Franklin, Mr. Conners, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Byers, Call, Carey, Carroll, Carter, Chonko, Clark, Conners, Connolly, Cox, Curran, P.; Davies, DeVane, Doak, Durgin, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hunter, Hutchings, Immonen, Ingegneri, Joyce, Kaufman, Kelley, Kennedy, Laverty, Lewin, Lewis, Littlefield, Lizotte, Lunt, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Pearson, Pelosi, Perkins, S. Perkins, T.; Peterson, P.; Pierce, Post, Quinn, Raymond, Rideout, Shute, Silverman, Snowe, Sprawl, Strout, Stubbs, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong.

NAY — Birt, Burns, Carpenter, Cooney, Curtis, Dam, Goodwin, H.; Greenlaw, Hall, Jackson, Jensen, Kelleher, Lovell, Mackel, Mills, Peakes, Peterson, T.; Rolde, Saunders, Smith, Snow, Spencer, Tarr, Theriault, Torrey, Webber, Winship.

ABSENT — Ault, Bowie, Churchill, Cote, Curran, R.; Dow, Drigotas, Dudley, Dyer, Gauthier, Hinds, Hughes, Jacques, Jalbert, Laffin, LaPointe, LeBlanc, Leonard, McMahon, Mulkern, Norris, Palmer, Powell, Rollins, Susi, Talbot, Teague.

Yes, 94; No, 27; Absent, 27; Paired, 2.

The SPEAKER: Ninety-four having voted in the affirmative and twenty-seven in the negative, with twenty-seven being absent and two paired, the motion does prevail.

The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, I now move that the House reconsider its action and I hope you vote against me.

The SPEAKER: The gentleman from Stockton Springs, Mr. Shute, moves that the House reconsider its action whereby the Bill and all accompanying papers were indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A viva voce vote being taken, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Clarify Certain Provisions in the Education Laws" (Emergency) (S. P. 651)

(L. D. 2056) which was tabled earlier in the day and later today assigned.

On motion of Mr. Morton of Farmington, retabled pending adoption of Committee Amendment "A" as amended by House Amendment "E" thereto in non-concurrence and tomorrow assigned.

#### (Off Record Remarks)

On motion of Mr. Tierney of Durham, the House reconsidered its action whereby Bill "An Act Redistributing the Powers of the Executive Council" (H. P. 1997) (L. D. 2197) (C. "A" H-1115) was passed to be engrossed.

Mr. Tierney of Durham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1166) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: The purpose of this amendment is to require the Joint Standing Committee on Business Legislation have some input into the nominations of the Superintendent of the Bureau of Consumer Protection and the Superintendent of Insurance. I feel very strongly that this amendment should be adopted because the Insurance Commissioner, for one, has a vast amount of power in the state. After public hearing, he has the opportunity to set the insurance rates which all of us must pay, whether it is our automobile insurance or workmen's compensation, our property insurance or liability insurance, it is an extremely important position.

I do feel that this is a position which should not be allowed to be approved without some legislative input and I would hope you would adopt House Amendment "A".

Thereupon, House Amendment "A" was adopted.

Mrs. Boudreau of Portland offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1183) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: This amendment deals with Title 21, the election laws. We are putting the governor back in in certain sections because he does have the powers still.

Thereupon, House Amendment "C" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I presently have an amendment being printed but it has not come over from the office. I wish that somebody would table it.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage to be engrossed as amended and tomorrow assigned.

On motion of Mrs. Najarian of Portland, Adjourned until ten o'clock tomorrow morning.