

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, March 23, 1976

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

Prayer by the Reverend Ronald Libby of Charleston.

The journal of yesterday was read and approved.

Orders

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage: (H. P. 2228)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Lewiston Comprehensive High School Winners of New England Hockey Championship For 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I want to state for the record that this order was presented by me for the entire Androscoggin County delegation.

Thereupon, the Order received passage and was sent up for concurrence.

Mr. Raymond of Lewiston presented the following Joint Order and moved its passage: (H. P. 2229)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Warriors of Lewiston Maine's Marching Ambassadors And Their Special Bicentennial Salute On Maine Day In Washington, D.C.

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constituion and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Raymond.

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: You will note that there is a pamphlet on your desks this morning showing a picture of the Maine Marching Ambassadors, the Pine Tree Warriors. I wish to apologize for being about ten days late in presenting this order; however, we were waiting for this pamphlet to come out so that we could give you a little background on the Pine Tree Warriors.

I am very proud that we have such a unit in the cities of Lewiston and Auburn. In four weeks time, these people had to raise \$6,000 in order to represent the State of Maine on Maine Day in Washington, D.C., celebrating the Bicentennial year. I just thought I would take this opportunity to let the members be aware that we have such a great and fine unit in the state.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I would just like to tell the House this morning that it is very interesting to get this pamphlet here on the desk,

because I received one of these in the mail from Fort Wayne, Indiana. It seems that my wife's sister, who is a displaced Mainer and who misses Maine a great deal, was thrilled to pieces the day she walked up the steps of the capitol last week and found the Pine Tree Warriors there. It was a fine program and I want to compliment them this morning.

Thereupon, the Order received passage and was sent up for concurrence.

Mr. Theriault of Rumford presented the following Joint Order and moved its passage: (H. P. 2233)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Rumford High School Pantherettes State Champion Girls Gymnastics For 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: Rumford is getting to be the home of so many champions that it is getting to be embarrassing to present these orders. But I can assure you that I have another one coming up tomorrow.

Thereupon, the Order received passage and was sent up for concurrence.

On Motion of Mr. Albert of Limestone, it was ORDERED, that Thomas Mulkern of Portland be excused March 22nd and 23rd for personal reasons.

Tabled and Assigned

Mr. Talbot of Portland presented the following Joint Order and moved its passage: (H. P. 2218)

WHEREAS, there are presently 16 county jails within this State which are operated independently by the sheriffs and county commissioners of the respective counties; and

WHEREAS, very little attention is focussed on county jails where many intolerable and inhumane conditions are allowed to continue; and

WHEREAS, as a result of this and related problems an increasing number of deaths, including suicides, among prisoners have occurred during the past 2 years; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Human Resources to make a comprehensive study of the several county jails of this State to gather first-hand information as to existing conditions and concern for human rights in such facilities and to determine what impact, if any, appropriate agencies of the state have in improving conditions and preventing additional deaths; and be it further

ORDERED, that the committee shall complete this study no later than 90 days prior to the next regular session of the Legislature, and submit to the Legislative Council within the same time period its findings and recommendations including copies of any recommended legislation in final draft form; and be it further

ORDERED, that upon passage of this Order in concurrence, the Clerk of the House shall forward a suitable copy of this Order to the Senate and House chairmen of the committee.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I am presenting this order for a couple reasons, one being that the organization SCAR, which represents prison reform and who are concerned with conditions in our country jails wrote several letters, one to legislative leadership and the other one to the Governor of the state, asking them, in behalf of SCAR and other organizations throughout the state, to look into the inhumane conditions in our county jails, they being concerned with the deaths that have taken place in the last couple of years in our county jails.

The second is a personal reason why I am sponsoring this order. I am very concerned and very disturbed about the last three deaths that have taken place in our county jails, two in Cumberland County and one in York County. Although I am very much interested and very much disturbed at the three deaths, I am very, very concerned with the one that took place in York County with the death of Armand Turgeon, who died after having two epileptic seizures.

I thought I would generally look into county jails and do some research and some investigating on my own to find out what we could do about the entire area of our county jails. I was very surprised and again very disturbed at these kinds of conditions, one being that nobody has control over our county jails. They are solely controlled by the sheriff of that particular county who is an elected official. The Department of Mental Health and Corrections has a jail inspector and can set standards, but that is all. The Attorney General's Office has very little authority, also. In order to shut down the York County jail, the Attorney General's Office had to go through a judge and go through the legal process in order to shut that jail down.

I took and I read the reports coming out on those three deaths from Mental Health and Corrections and from the Department of the Attorney General. I am very dissatisfied and very disturbed at those reports. I am not saying that I am disturbed because of those two departments, I think they did a good job to the best of their ability insofar as what they could do as far as those instances were concerned. But I am concerned and I think everybody in this body should be concerned that three lives have been lost because of human error and neglect. If we as a legislative body don't take action on that, those reports will just become part of statistics, just like everything else. That bothers me.

I want you to know that this is only the first step that I am taking insofar as a look at our county jails. They are a horror show. Every county jail in this state is a horror show. There isn't one county jail in this state that can even meet federal standards, and that disturbs me. Dispensing drugs and medicine within our county jails also disturbs me.

Both reports coming out of Mental Health and Corrections and one coming out of the Attorney's Office are in agreement insofar as no criminal liability as far as those three deaths are concerned. I happen to think otherwise. There was human error and there was neglect and three lives have been lost.

I read the reports, both reports out of Mental Health and Corrections and one out of the Attorney General's Office, and there are some discrepancies in those reports. The blood sample that was taken on Armand Turgeon in York County, the blood sample that was to come to Augusta is lost and nobody knows where it is. That disturbs me. Nobody knows where that blood sample is. There are discrepancies in both those reports insofar as the incident is concerned, and I am very, very much disturbed.

Like I said, I want to make this very clear, this is only the first step that I, as a legislator, am going to take, and I hope that this body and

the other body join with me in passing this joint order so that our whole realm of county jails and the inhumane conditions can be brought to light and that we can do something about it legislatively.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I think before we vote on this order, we ought to realize that the department has been conducting a survey on the jails. In Somerset County, we have been made to clean up our jails somewhat, and it was within a month, I believe, that there was a report in the Waterville Sentinel, at least, of the survey that they had made of the jails. I didn't have time this morning to find out just what the survey was, and I wonder if perhaps this order might be tabled until later in today's session until we find out for sure whether there really is a need for it or not.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: For the record, York County is without a jail. We closed our jail a little less than a year ago because of the conditions.

York County was aware of the problem in their county jail and the voters, by referendum, voted \$800,000 for a new county jail. However, with inflation and other problems, we are still without a jail, but I understand now that federal funds did become available. I think the money is available and it is just a matter of approving a plan.

In regard to some of the statements regarding some of the problems in the jails, that the gentleman from Portland made, I think the investigation proved that there was not negligence on the part of the sheriff's department there, the jail itself was the problem and not negligence on the part of the guard. The gentleman involved had a history of illness, they were aware of that, but it happened on a weekend, and I understand there was an attempt made to get this man to a proper place. He was denied it for one reason or another. The accident that happened was unfortunate, but I don't think it was negligence on the part of the deputy sheriff.

I would now move indefinite postponement of this order.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if the gentleman from Biddeford, Mr. Farley, has read those reports, but I suggest that he do. I suggest that he read not only the preliminary reports that came out in the newspapers, but I suggest that he read the full report that is over in the Department of Mental Health and Corrections that they will not let out. You have to go there to read the report because of some of the statements and because of some of the accusations and because of some of the hospital reports that are in that report.

That death down there in York County disturbed me a great deal, and even though the Sheriff, Richard Dutremble, says that there was no criminal liability, in his own statement he says he is sorry the death took place but there was no criminal liability there. I disagree with that. Although they are without a jail now and the inmates from York County are taken to Cumberland County, which is my county, there are problems with that. I can't see York County or any other county in this state building a brand new jail if they don't have humane conditions for those people who are going to be put in it. If it was up to me, I would stop them from even building a jail in York County. As far as

Richard Dutremble is concerned, the sheriff of York County, I think he has got criminal prosecution coming his way.

In the report, both reports coming out of Mental Health and Corrections and from the Attorney General's Office, both are in concurrence with the fact that Armand Turgeon did have a history, and everybody knew it, of epileptic seizures. Yet in the sheriff's statement, in the sheriff's sworn statement, he said he knew nothing of the man having epileptic seizures or ever having a seizure in the jail. That is disturbing to me.

The other fact is, after they took a blood sample from a dead man and gave it to a deputy to get to Augusta, they lost the blood sample. They lost it, nobody knows where it is. A blood sample from a dead man that was supposed to come to Augusta to find out why the man died, they lost it. Nobody knows where it is and nobody is disturbed about it. I haven't heard anybody from York County say they were disturbed about that. If there was, and I am only saying that personally, I think there was criminal liability because three lives are lost. I don't want three lives lost again. I have got further testimony from a guard that says there are going to be more suicides and there are going to be more deaths in our county jails unless conditions change and unless we do something about it legislatively. That is what we have got to do.

I would hope you would go against indefinite postponement, unless you believe that those three deaths that have taken place, it is too bad, but something will take care of it. I think it is up to us as a legislative body, as elected officials, to definitely start now and do something about it. If those county jails don't have anything to hide, then they will vote against indefinite postponement. But of course if a county jail or a county has something to hide, you will vote for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: As chairman of the Penobscot delegation, I just wish to rise to defend the institution we have in Bangor. A great deal of work has been done on it in the last few years. In fact, I visited it three weeks ago. It was quite overcrowded and I accused the sheriff of making it too comfortable and too attractive. Well, he said he didn't send any invitations out, most of them were there because they were uninvited into other people's homes and were caught doing that.

I am not so awfully concerned. We don't want to make this a bed of roses, by any means, or we will have to build a whole lot of jails.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I rise really on this subject concerning another matter. I appreciate very much the feeling of the gentleman from Portland, Mr. Talbot, and also the opposing viewpoint of the gentleman from Biddeford, Mr. Farley. I think it is time that we in the House and Senate look at these orders which are being presented.

You will recall that at the last session the legislature had something in the order of 60 study orders, which cost the State of Maine over \$100,000. I vowed at that time that I would stop from time to time, when we had orders going through, and just question the necessity of an order being passed which may cost us another five or six thousand dollars.

It is my understanding that the Committee on County Government this last year when they studied county government at various levels, also, as they went around the state, they did inspect, indeed, the county jails. I would like some response from County Government on

that measure before we go ahead on this. Also, I do believe that in view of the conflicting beliefs of the gentleman from Portland and the gentleman from Biddeford, and in view of the fact that perhaps this has been studied three or four times in the last year, that we should table this matter until we can find out exactly what has been done in terms of study to determine whether or not we need to spend money on a subject which apparently has been well researched.

I would hope that someone would table this for at least one legislative day.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, I move this item lie on the table for one legislative day.

Thereupon, Mr. Talbot of Portland requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that this matter be tabled pending the motion of Mr. Farley of Biddeford to indefinitely postpone and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Talbot of Portland requested a roll call vote.

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 pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that this matter be tabled pending the motion of Mr. Farley of Biddeford to indefinitely postpone and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

Roll Call

YEA: Albert, Bachrach, Bagley, Bennett, Berry, G.W.; Berube, Birt, Bowie, Burns, Byers, Call, Carey, Carpenter, Carroll, Churchill, Conners, Cote, Cox, Curran, R.; Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Fenlason, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jackson, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, Miskavage, Morin, Murton, Nadeau, Norris, Palmer, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Raymond, Rolde, Rollins, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Tarr, Torrey, Truman, Twitchell, Usher, Walker, Webber, Wilfong, Winship.

NAY: Berry, P.P.; Blodgett, Boudreau, Bustin, Carter, Chonko, Clark, Connolly, Cooney, Curran, P.; Davies, Dow, Finemore, Flanagan, Greenlaw, Hinds, Ingegneri, Jacques, Jensen, Kany, LaPointe, Martin, A.; McMahon, Mills, Mitchell, Najarian, Peakes, Pelosi, Post, Powell, Quinn, Rideout, Saunders, Talbot, Theriault, Tierney, Tozier, Tyndale, Wagner.

ABSENT: Ault, Dam, DeVane, Farnham, Faucher, Gould, Hughes, Jalbert, Mulhern, Smith, Strout, Teague.

Yes, 99; No, 39; Absent, 13.

The SPEAKER: Ninety-nine having voted in the affirmative and thirty-nine in the negative, with thirteen being absent, the motion does prevail.

**House Reports of Committees
Leave to Withdraw**

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Establish the Maine Uniform Residential Landlord and Tenant Act" (H. P. 2098) (L. D. 2258) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Drafts Printed**

Mrs. Clark from the Committee on Business Legislation on Bill "An Act Regulating Water Well Construction" (H. P. 1849) (L. D. 2018) reporting "Ought to Pass" in New Draft Under New Title Bill "An Act Regulating Water Well Drilling" (H. P. 2231) (L. D. 2319) (Mr. Bowie of Gardiner abstained from voting.)

Mr. Truman from the Committee on Local and County Government on Bill "An Act to Clarify Clerk Hire Procedures in County Government and to Provide for a Deputy Treasurer in York County" reporting "Ought to Pass" in New Draft Under New Title Bill "An Act Concerning the Salary of Knox County Register of Probate and Clerk Hire and Legal Fees of the York County Treasurer" (H. P. 2230) (L. D. 2318).

Mr. Finemore from the Committee on Taxation on Bill "An Act Providing for the Collection of Motor Vehicle Use Taxes" (H. P. 1995) (L. D. 2176) reporting "Ought to Pass" in New Draft (H. P. 2232) (L. D. 2320)

Mr. Hewes from the Committee on Judiciary on Bill "An Act Relating to the Priority of Attorneys' Liens in Regard to Allegedly Stolen Property" (H. P. 2040) (L. D. 2214) reporting "Ought to Pass" in New Draft (H. P. 2234) (L. D. 2321)

Reports were read and accepted, the New Drafts read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act Concerning Certain Nonprofit Hospital or Medical Services Organizations" (H. P. 1990) (L. D. 2181)

Report was signed by the following members:

Messrs. THOMAS of Kennebec
JOHNSTON of Aroostook
— of the Senate.

Mrs. BYERS of Newcastle
BOUDREAU of Portland
Messrs. DeVANE of Ellsworth
RIDEOUT of Mapleton
HIGGINS of Scarborough
PIERCE of Waterville
BOWIE of Gardiner
TIERNEY of Durham
PEAKES of Dexter
— of the House.

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

Report was signed by the following members:

Mr. REEVES of Kennebec
— of the Senate.
Mrs. CLARK of Freeport
— of the House.

Reports were read.
On motion of Mrs. Boudreau of Portland, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act to Prohibit Payment of Dependency Allowance to Persons with a Spouse Employed full time" (H. P. 2118) (L. D. 2267) reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1029)

Report was signed by the following members:

Messrs. ROBERTS of York
PRAY of Penobscot
— of the Senate.

Mrs. TARR of Bridgton
CHONKO of Topsham
Messrs. SPROWL of Hope
TEAGUE of Fairfield
FLANAGAN of Portland
TIERNEY of Durham
SNOW of Falmouth
PEARSON of Old Town
— of the House.

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

Report was signed by the following members:

Mr. McNALLY of Hancock
— of the Senate.
Messrs. MARTIN of St. Agatha
LAFFIN of Westbrook
— of the House.

Reports were read.
On motion of Mr. Tierney of Durham, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-1029) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Adjust the Disqualification Period for Voluntarily Leaving Employment and to Adjust Maximum Unemployment Benefits Paid to Individuals Discharged for Misconduct" (Emergency) (H. P. 2116) (L. D. 2265)

Report was signed by the following members:

Mr. PRAY of Penobscot
— of the Senate.
Mrs. CHONKO of Topsham
Messrs. MARTIN of St. Agatha
LAFFIN of Westbrook
PEARSON of Old Town
FLANAGAN of Portland
TIERNEY of Durham
SNOW of Falmouth
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1023)

Report was signed by the following members:

Messrs. ROBERTS of York
McNALLY of Hancock
— of the Senate.
Mrs. TARR of Bridgton
Messrs. SPROWL of Hope
TEAGUE of Fairfield
— of the House.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I move the Majority "Ought not to pass" Report and would speak to my motion.

I have received a number of questions in the last few days about the large number of bills floating around the calendar dealing with the unemployment compensation system, and I would like to give you a little bit of background on maybe all of those bills and then tie them to this particular matter which is before us now.

The Joint Standing Committee on Labor conducted hearings and investigations throughout the summer in the field of unemployment. We discovered a number of inequities; we discovered a number of changes which we felt should be made in the system. We discovered, as we knew full well during the regular session, that our unemployment fund would be in the red

and, of course, it is and we also discovered that over half the states in the country are in the exact same situation. We do face a national problem in dealing with unemployment compensation in that our funds have, indeed, been exhausted.

We reported six bills to the special session. Four of these bills put money back into the fund. One of these bills takes money out of the fund and then we have this bill before us now.

The majority of the committee has in every case except on this bill gone along with the pieces of legislation which would put money back into the fund. With great reluctance, I was forced to vote against a bill from my good friend from Portland, Mr. Flanagan, which will be debated tomorrow, because even though I agree with him philosophically, I have to feel that it would be irresponsible at this time to take money out of the fund. I guess it all comes down to this bill, finally, and what I consider to be a rather crass attempt and a rather brutal attempt to penalize Maine's working people in an attempt to save a very few dollars for the unemployment system.

I would like to explain to you how this bill would work if passed. It deals with the question of voluntary "quits". Now, under the present law, if a person leaves his employment for reasons not attributed to his or her employment, then he or she cannot collect unemployment for 12 weeks. That means that under the present law they are already penalized three months. Many of us feel that that is too long but, regardless, we decided to leave that law the way it is — 12 weeks.

The bill presented to you by Mrs. Tarr eliminates that 3-month disqualification period and replaces it instead with a work requirement. She would state that if a person voluntarily leaves his or her employment for cause not attributable to the employment, that person would have to go out and earn eight times his or her benefit amount, or essentially go out and earn almost enough money to make that person eligible again for unemployment. The net effect of that requirement, if passed, would be, especially in these periods of high unemployment, the net effect of this would be to say that anyone who voluntarily quits his or her work would never receive unemployment compensation, despite the fact that that person's employer had paid into the fund based on that person's wage base while that person is working. I feel that this is very unfair. Although there seems to be a simplistic logic to it, we all know that the voluntary quits referred to in the law are many, many times not voluntary at all. Indeed, many people are forced from employment, harassed from employment or just simply have to leave their jobs because of personal reasons beyond their control.

We had an example, for example, in the regular session, where a husband and wife worked together in the Bates mill in Lewiston and drove in together from one of the outlying towns. They both worked the same shift. The husband was then transferred to the second shift, beyond his control. This left his wife without any transportation to get into work, so she had to leave work. Under Mrs. Tarr's bill, that woman would never be able to draw unemployment, even though her employer, the Bates Manufacturing Company, had paid into the fund for her while she was an employee. I feel that this is wrong. It discriminates not only against women in this situation, but single women who might have to leave their employment because of a sickness in the family or one of their children is sick, it is just a bad bill.

You are going to hear other speakers on it, but I hope you remember that this is a bad bill, that we can defeat it today, that there are other bills, such as Item 7, which are taking responsible steps towards putting money back into the

fund. I hope we can kill this bill and dispose of it.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I can't agree with Representative Tierney. I did agree with him on the last bill though, and I appreciate the motion he made, but on this bill, it did come about as a result of a study and it came about because of a tremendous amount of criticism that we received at hearings held throughout the state, a particular hearing in Biddeford, and I received many calls, many comments from constituents and other people on this voluntary quit provision.

If they are working and voluntarily quit their jobs without good reason attributable to their employment, then, under our statutes now, they can wait the 12 weeks or they can go out and earn eight times the maximum benefit amount.

I don't want to take from anybody if they have a good reason, and this would not happen if they had a good reason. They would have to be available for work and under the examples that Mr. Tierney gave, they would obviously not be available for work. If they have to attach themselves to the labor force, if they have to come back to work and earn eight times their benefit amount, that is what is important. They have to show that they attach themselves to the labor force.

I feel that unemployment is for people who through no fault of their own have lost their jobs and they should receive these benefits, but if they just voluntarily quit and feel that they can go on unemployment, I feel that this is wrong and I feel that this is not the purpose of the unemployment fund.

We did add in this bill, at the very end of the amendment, "until the claimant has eight times the benefit amount." Then that follows with — "provided no disqualification shall be imposed if such individual establishes that he left employment in good faith and accepted new employment on a permanent, fulltime basis and he became separated from the new employment for a good cause, attributable to employment with the new employing unit. "I think this is good, I think this is a good addition to the bill. This means that if somebody is working, then they have the opportunity to perhaps better their position or better themselves or get into a field that they are better trained for and they voluntarily leave the job that they have and they accept this employment, then, through no fault of their own, if they get laid off, perhaps the place went bankrupt, something else might have happened and they get laid off before they have earned their eight times the maximum benefit amount, this disqualification does not apply.

I hope this morning that you will think of the people who are working every day, who are paying their bills, carrying their load and vote against the "ought not to pass." These people are doing what is right, and believe me, the testimony that we heard in Biddeford, they are not happy when they are working, they are trying to do these things and then they see someone quit their job and then sit back and collect 65 weeks of unemployment.

I urge the defeat of the motion of the "ought not to pass" so we can accept the "ought to pass".

Mr. Kauffman of Kittery requested a roll call vote.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker, could I ask a question through the Chair? If somebody quits their job through harassment from the employer, can they still appeal to Manpower?

The SPEAKER: The gentlewoman from Old

Orchard Beach, Mrs. Morin, has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, I think that the answer is yes, very definitely. In fact, I know of a case where an employee was transferred and was not willing to accept the transfer and so voluntarily quit and yet the commission has seen fit to give that person the status of an employee who was discharged and that particular individual is now basking in the sun of Florida, drawing State of Maine unemployment and that is one of the reasons why the fund is being rapidly depleted.

In my opinion, the philosophy of the unemployment fund when it was initiated was thinking in terms of the family and the bread winner losing his job through no fault of his own, the fund was designed to tide him over until he got another job. It was not designed to make him whole nor was it designed to create better income than was available prior to losing his job and, unfortunately, that is what has happened to the system.

Abuses have crept in and we definitely have people today collecting unemployment who have no intention of going back to work, who are taking advantage of the system, working the number of weeks on for requirement to qualify and then automatically laying off, on their own, to qualify and get their payments. I think we need to take a careful look at these real abuses that have crept into the system. I think the bill that the gentlelady from Bridgton has brought in is an attempt to look at that very carefully and I suggest that you support it.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let me advise you that if you are interested in these kinds of matters, this is as pure a labor and management issue as you will find coming in here and you have just had trotted before you by Mr. Morton, the gentleman from Farmington, that time-honored management position where you castigate everyone who ever drew an unemployment check and say they are all basking in the sun in Florida. If you think that is accurate, then you go ahead and vote with him, but that is not what this is about and he knows it.

A voluntary quit — let me give you an example of a voluntary that I worked on this year for one of my constituents, employed by an employer who wanted to escape higher unemployment taxes and said to this fellow, well, if you resign, I will give you a good recommendation. Wanting a good recommendation for his next job, he resigned. Then he filed for unemployment and, obviously denied — voluntary quit, it is a management technique.

I hope that you will not be swayed by the gentle arguments of the gentlewoman from Bridgton, Mrs. Tarr, or the red herrings dragged out here by my friend from Farmington, Mr. Morton. I think you should go with Mr. Tierney on this piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the "ought not to pass" report. I would like to make just one or two points very quickly on this.

It seems to me that if someone quits for good reason, and this happens very often, Mr. Bustin has just cited you one type of situation, there can be others and I could name one where someone I know succeeded in organizing a union in the place where he worked. At one point in time, his schedule was made so unpleasant for him that he quit. Would he have been en-

titled to unemployment? Under this bill, it would be questionable. He could point to his schedule and say, this is an impossible schedule. It seems to me that if there needs to be discussion as to whether or not the employee quits for good reason, we are going to add to the amount of paper work and we are going to need many more people working on this type of problem. We will probably spend more money hearing appeals than we will save through the process, and I would also like to point out, as Mr. Tierney has, that already someone who quits is disqualified for three months.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I attended that hearing in Biddeford and I was very upset with a lot of abuses in this program, but I am also upset with the abuses in the welfare program and they don't take that for an example. I know we do have some abuses, but that is not the point. The point here today is to protect a man from employers who fire them illegally and call it voluntary quitting. I can cite plenty of cases. An old man in Westbrook was fired because he couldn't take an early bus and was told to come into work 15 minutes earlier. He couldn't catch an earlier bus because there was no bus, so they fired him and they call that leaving without good cause, because he couldn't come in 15 minutes earlier.

This bill is a terrible bill, no justification whatsoever against the working people of this state. The unemployment fund was brought up — to be sure — is for people when they lose their jobs to find another job and I agree with that, but I do not agree when employers fire people and take them off their jobs and call that leaving because of their own choosing. To do anything to weaken our labor law in this state is an injustice to the working people of this state. Some people do abuse it, sure they do, but look at the abuses in these give-away programs.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the views of my good friend Mr. Laffin, that nice, soft spoken legislator from Westbrook, and he was at that hearing in Biddeford and we did get a tremendous amount of testimony. I would just like to set the record straight. The remarks from Mr. Tierney, I am neither crass nor am I brutal, and I think people have gotten to know me around this house in the past year or so — I think that is kind of unfair, I don't think that I would introduce legislation that I would call brutal or crass, I really don't, so maybe you can think about that.

There were 17,000 voluntary quits last year — 17,000 people gave up their jobs and just walked away. That is quite a lot of jobs to give up and to know that you can be off from work for three months and then come back and collect your unemployment. I don't think the system was meant to allow this. I know there are abuses of employers but I also know that we have the appeal procedure.

I wish you really would give this some thought. I am trying to tighten up the unemployment laws. This would mean approximately \$1.8 million to the fund. I am not being brutal or crass and I can't remember what my good friend, Mr. Bustin, said about it, but I am not that either.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I really do hate to get up and oppose my dear friend, Mrs. Tarr, I have had a great deal of experience with the unemployment fund. I have written a number of laws on it during my course of service in this state. There are three things that I would object

to in this bill and one is, let's get down to the basic reasons why the unemployment fund was established. It was to carry a person while unemployed until they got a job. This is a rather trite statement, because if you will examine the decisions made by the unemployment commission over the years, you will find that very seldom, and I mean very seldom, does a person win an appeal to the hierarchy of the unemployment commission.

The second reason why I would oppose this bill is this. If a person is working on a job which is distasteful to them from the very day they took the job and realized by the employer after a period of say 8 or 10 weeks that this person is not qualified for this job, it is not her fault, and I believe that the employee deserves a second chance in securing employment and still draw the unemployment benefits.

The third reason is, I don't think in the Statement of Fact on this bill that this is any deterrent whatsoever to falling on the unemployment line.

Fourth, I don't believe that I ever heard of a person going to Florida on the amount that they draw from the unemployment fund. The principal reason why the unemployment fund is in jeopardy, the number one reason is that there are too many people out of work in this state. There is no other reason whatsoever. You may have a few abuses and I have had them over a period of years, but believe me when I tell you they are in the total minority.

I hope that you will go along with Mr. Tierney and support the "ought not to pass" on this bill.

At this point, former Governor Cross was escorted to the rostrum by the Sergeant-at-Arms, amid the applause of the House, members rising.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: What I have got to say may not pertain to this bill; however, I think the time has come in the closing days of this special session that maybe we should take and look and think, are we running for reelection, do we want to make campaign speeches here in the House or do we want to vote our conscience for what is best for the State of Maine and the people? I could go on a lot. I can prove that there are welfare recipients and unemployments right now drawing pay and they are in the southern climate for the winter. I can prove that and I will if requested. However I still say that I think we should take a good look at these bills, vote our conscience for the benefit of the State of Maine and not make campaign speeches on the floor of the House.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to merely ask a question. Do the employees make any financial contribution towards this unemployment fund?

The SPEAKER: The gentleman from Wells, Mr. Mackel, poses a question through the Chair to anyone who cares to answer.

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

Mr. TIRNEY: Mr. Speaker, Ladies and Gentlemen of the House: No.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct one or two things that have been said on the floor. First of all, I did not speak of all the unemployed who are drawing compensation being in Florida, only happened to speak of one case of which I have some knowledge. I did not say that that particular person was in Florida living on the unemployment, because obviously

they couldn't do that, they have other sources of income.

I, too, deplore the cases that were described by the gentleman from Westbrook and the gentleman from Augusta. These are just exactly the kind of abuses that should not occur on the side of management. I deplore those. But, the commission does exist, the commission does hear these cases and despite what the gentleman from Kennebunk says, I know some of them certainly are adjudicated in favor of the individual. So, I think, again, you should take a pretty good look at this bill.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to elaborate a question that Mr. Mackel asked and the answer that Mr. Tierney gave. His answer was flat no, that employees do not contribute to the fund. True. The employers contribute to the fund and it is the employers alone that contribute to the fund.

Right now, I, as an employer, contribute a little over two percent of my gross payroll goes towards the unemployment fund. If I lay off personnel or personnel discharges himself voluntarily in the next one or two years, then the state will look at my record and determine whether I should be in a higher percentage bracket.

Now I have control over whom I hire, I have control over whom I lay off, but I have very, very little control over those people who discharge themselves voluntarily. I don't think I will be in that situation because I am small enough so I can control it. There are those employers like Bath Iron Works that have very little control over the number of employees they have. It is unfortunate to an employer like that and maybe we don't have sympathy with the big companies but I can assure you Bath Iron Works has been losing money for several years, at least that subsidiary of Congoleum Industries, it is unfortunate that we put them in a position where they have absolutely no control over that percentage of tax that the state will levy upon them because of their history of discharges, layoffs, voluntary quits or whatever.

I believe that the department of Manpower Affairs has the ability to review each case and determine whether conditions were such that voluntary quit or discharge was the only alternative. In those cases, as has been stated here on the floor of the House, judgment is given in favor of the employee. I think we can treat that particular problem. I think it has been treated in the past, I think voluntarily just quitting the job, waiting out a period of time, going on unemployment, is just the wrong way of doing it. Number one is — and I would like to state right at this time, it is not your money it is the employers money, and he would like a little bit of control over that which he is being charged.

We changed the unemployment laws last year significantly. Our fund is 160 million in the red as of last week, if what I read in the paper is correct. The federal unemployment fund is in the red, many other states are in the red. Where does the federal government propose to get their money; where does the state propose to get its money? From the employer. If the employer has to pay an increase in that tax, then that means he can pass on that much less to his employee for a raise in the coming years.

We can only make so much as an employer and we can only pass so much on. When we are passing it out in benefits, which many employees don't take advantage of, then it is going to hurt the rest of the employees in the state.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think we are all aware of the problem of the deficit in the

employment security fund. However, I would like to remind the gentleman from Woolwich, Mr. Leonard, that those unemployment payments that these people receive, they cash their check, make their little payment to the clothing store, a little payment to the grocery store, a little payment to the plumber, the contractor, to keep the general economy going.

Now, over the last three or four years, we have an 8 or 9 percent unemployment in this country. I would dare say that any economist in this country, if we didn't have some of the programs that we have, there is a very, very narrow line between recession and depression, and I think if we didn't have some of these programs going, we would all be sitting here with nothing in our pockets and jumping out third story windows.

So, I can realize the problem that the gentleman from Woolwich has brought out. I think the problem lies in the way our unemployment fund operates. I think the Labor Committee for the last three or four years has tried to work at this problem. The rates go up at times of unemployment and we all realize the businessman at that time is probably at the worst time. I think if we want to solve this problem, correct this problem, we ought to look at the core of the problem, and that is, when there is time of high employment and business economy is good, it is then that we should start to build up the unemployment fund. I think we ought to look at that and do something about that. It has been before the committee, I know, it was there before the 106th. I think if there is one worthwhile project here for a study order for the 108th, it is that subject right there.

I hope that you would all support the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I disagree wholeheartedly with my good friend Mr. Leonard who I have the greatest respect for. It is true that the employers do pay, but it is the employees who make the money for these companies to pay and the employers are making money on employees or they wouldn't be in business in the first place. When their contracts are negotiated, don't you worry, management has got that unemployment figured right in there because they know they have to pay for it. That is all figured in their expenses. I say to you, it is the working people of this state who are paying for that. The employer sends the check in but it is the employees who are making the money for those companies. To suggest that employees should pay into this fund is absolutely ridiculous. There is no justification whatsoever.

I realize that the companies pay into this fund, and they are the only ones, there is no question about that, we understand that, but they have to pay into it, it is the law of our land and they should pay into it, because the working people now are working two days a week to pay for their taxes between Augusta and Washington and to insinuate that they should be taking more out of their pay for this fund is highly ridiculous.

I certainly want to emphasize to the members of this House that the unemployment fund is for the working people of this state when they are out of work and looking for a job. It has nothing to do whatsoever with employees paying into the fund. In order for this fund to be solvent, to be sure, it is not, and we have borrowed from the federal government to keep it going, but we have to keep it going because Mr. Farley has hit it right on the head, when money is coming in to people unemployed, they are paying all the bills that they can. To be sure, they are not paying them all because they don't have enough money but at least they are paying what they can.

This bill is detrimental to the working people of this state and it is for the management of this state. I don't believe that we as members of this House are sent up here to represent big business. We are sent up here to represent the people as a whole. I am very pleased and proud to say that there are more working people in this state than there are not working people. There are more working than there are on welfare.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: We have another labor bill coming up on page eight, item eleven, and I am sure that we will get into this discussion all over again. I do want to rise and support the gentledady from Bridgton, Mrs. Tarr. I would rise if for no other reason than to do that.

When the fund is in a deficit position — we have already borrowed \$13 million, it is anticipated we will be borrowing \$30 million more before the end of this fiscal year which begins in July. Next year we go on \$60 million. When the fund is in this precarious position, I think that the responsible position is to do all that we can to strengthen this fund. Mrs. Tarr has offered a simple way. It really isn't going to hurt anyone. If an employee quits and says that it is because of harassment, there is always a day of hearing, he is heard, and I think the way to go is to vote down this "ought not to pass" report and to accept the minority report "ought to pass" and hope you will do that.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: First, I want to tell you that my people before the commission have been very lucky and I think that they have been used well and I think they would tell you the same. So, I would like to make a good report for the commission that you are being heard from, because just recently I had a case for one of my constituents before this commission and it was well cared for.

I am concerned about the account, and Mr. Mr. Laffin from Westbrook seems to be concerned about big business, so I would like to speak to you for a minute from an area where there is no big business. I have no big business in my district. We did have some small industries, they are fast leaving and they are leaving the state because they failed to make a profit. Every time they leave, we put more money on the unemployment rolls and these people are entitled to it because they didn't quit their job, they didn't have any job.

Now, if we keep on pressing these small industries, I don't know about the bigger ones, like Mr. Laffin said, they are making money, but there are an awful lot of little ones that are not. They are barely trying to exist until this tight spell is over with.

I would like to say a few words for the small industries in my area that are having a hard time to exist. They want people to have unemployment, they are forced to lay off and they want these people, but people who quit, they come under a different category as far as I am concerned. If they quit because of a transfer on a job, it may be legitimate and the commission takes care of that.

Let me tell you what I am worried about, in my area there are no jobs and it seems this condition is getting worse daily and bills like this continue to make it get worse. I hope my seatmate doesn't consider this a political speech, because I didn't intend it for that. I intended to try to inform you as I see the situation from a small business point of view, small woodworking operations and this type of thing.

I want to keep the unemployment, we need it, we would be in drastic shape without it, but these people that want to further rob the ac-

count haven't come up with any new methods to raise money for it, and as I see it, being in debt and in the red like it is, it is certainly in jeopardy at the present time. I would like to take some mild step and this would be one of them. At least those people that have a job, they stay on the job and if they do quit for some reason, transfers or some reason that management has forced on them, which does happen, I suspect, on occasions, that is what the commission is for and this commission has done very good by my people. I think if you look into it, you will find they have done quite well by yours, too. I think they lean a little bit towards the man that works and I think they should. So far they have, at least in my area.

I do hope this morning you will do something to try to save this account and keep it from getting in the red any further and jeopardizing it any further because we really need this unemployment. Without it, we would be in tough shape.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to read a brief statement that appeared in one of our papers here. It states that the unemployment insurance fund in Maine has been bankrupt for a year. By the end of 1976, a total of 30 states in the nation will be in a similar plight. I realize that is not an official publication, it is the Bangor Daily News, but I do believe and do accept this to be a factual statement. I do believe that it is to the advantage of the employee to maintain this fund in a sound financial position. I do believe that we should enact any legislation necessary, again, for the benefit of the employee, to protect this fund so that legitimate unemployment can be provided for.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: It is very seldom I rise on a labor issue, but the fund's condition has come up. I have been here in this House for a long time, and if this fund is depleted, it is not because of the employees in this state, it is because of the employers who year after year, through this legislature, receive benefits by lowering the percentage of which they paid into the fund for so-called good performance. In the good years, it seems to me that they should have contributed more to this fund so that we would have ample money in the lean years, and they themselves, from a rating of 2.7, if I can remember right, have lowered the payments to this fund for good performance up to .05 percent. By doing this through the years, they have depleted this fund to their own benefit and not to the benefit of the employees. Now that this fund is down, it seems to me that the percentage of pay should go up as far as the employer is concerned and this should be given to the employee.

Somebody said that the employee didn't pay into this fund. That is not true, that is part of his employment, part of his fringe benefits, part of those things that he has earned through the unions or otherwise. If an employee works for a company, he has given himself, his time, his sweat and everything else and when he is laid off he should be able to get a benefit.

Somebody also mention here about an employer. I happen to know someone from Lewiston, who through no fault of his own, because they closed down a portion of a mill in Lewiston and moved it to Augusta and he was offered employment, he took that employment. Consequently, the ride that he was getting — he didn't have a car — the person he was riding with got laid off so he didn't have any transportation so he was forceably laid off and then he

couldn't get unemployment. That is why this bill is here today.

I feel that we should go along with Mr. Tierney this morning and vote for the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you a little statistic here on what happens in other countries on unemployment benefits, how the United States compares with other countries in unemployment benefits. The United States lags behind other industrial nations in unemployment benefits, according to the study by the United Nations International Labor Office. The average benefit paid in the United States is 36 percent of a worker's salary. By comparison in the study report, Denmark gives unemployment workers 90 percent of their regular pay to a maximum of \$30 a day for more than two years. The Japanese unemployment collect up to 80 percent of their pay for 300 days and gets a bonus if they find a job. Benefits in the Netherlands and West Germany also runs up to 80 percent of wages and in Britain, the unemployment receive payments for rent or property taxes in addition to jobless benefit.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: The thing that I object to principally is this bill and the way it is written. I would refer you to the statement of fact. Under the present law, an individual who is discharged for misconduct or leaves his employment voluntarily without good cause, attributable to such unemployment, may receive the full maximum benefits. Well, they just want to reduce it in the number of weeks that they have to make up this unemployment. I don't think that this is a deterrent. I don't think this bill is going to do anything as far as the unemployment fund is concerned.

I think the principal reason that the fund is in jeopardy at the present time is not the few abuses or the number of abuses but because of the fact that we have had an unusual situation in regard to unemployment.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just rebut Mr. Jacques a little bit. I get a little tired of hearing these facts and figures given us from other countries when you don't match law for law or benefit for benefit. Quite possibly in Japan or in Denmark, maybe they don't have voluntary discharges and maybe they don't have this particular law on the books that we are trying to get rid of or at least try and take the inequities out of today. So we can't really compare those things. Frankly, a lot of the countries he mentioned are having a real inflation problem. Great Britain, of course, as we all know, has probably led the world in social reform, and will probably lead the world right down the tube as a result of it.

The point of it is, the more benefits you give — and I am talking benefits and this certainly is a benefit, and those benefits cost money, and today's cry by the people, at least the cry I hear, I hear it in state government, people tell me they are sick and tired of trying to eat the benefits we have been giving them. They would like some pay. If you increase the amount of money coming out of the unemployment fund, then you are in fact decreasing the amount of money that will be available for employee raises in the new few years. I guess it is a matter of preference and which do you think is necessary? Do you want a few, in this particular case to take advantage of something that a few of us feel, and evidently it is a few

because there have been a lot more speak for this particular piece of legislation on the "ought not to pass" than have the other way, the side I am on, do you want just a few to take advantage of an abuse or abuse the unemployment fund, or do you want to get rid of that abuse and pass on the money that you will save from it to the employees of the state?

The SPEAKER: A roll call has been requested. 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 pending question is on the motion of the gentleman from Durham, Mr. Tierney, that the Majority "Ought not to pass" Report be accepted: All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, P. P.; Berube; Birt, Burns, Bustin, Call, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Dow, Drigotas, Farley, Faucher, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Lafin, LaPointe, LeBlanc, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McKernan, Mills, Mitchell, Morin, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Silverman, Smith, Snow, Spencer, Stubbs, Talbot, Theriault, Tierney, Truman, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Ault, Bagley, Berry, G. W.; Boudreau, Bowie, Byers, Carpenter, Connors, Curtis, DeVane, Doak, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Garsoe, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, McBreaarty, McMahon, Miskavage, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Rideout, Rollins, Snowe, Sprowl, Susi, Tarr, Teague, Torrey, Tozier, Twitchell, Walker, Webber.

ABSENT — Blodgett, Carey, Gould, Hughes, Mulkern.

Yes, 85; No, 61; Absent, 5.

The SPEAKER: Eighty-five having voted in the affirmative and sixty-one in the negative, with five being absent, the motion does prevail.

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

Mr. TIERNEY: Mr. Speaker, having voted on the prevailing side. I now move we reconsider our action and hope you all vote against me.

The SPEAKER: The gentleman from Durham, Mr. Tierney, having voted on the prevailing side, now moves that we reconsider our action whereby we accepted the Majority "Ought not to pass" Report. All in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Consent Calendar

First Day

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

Bill "An Act to Amend the Procedures of the Maine Labor Relations Board" — Committee on Labor reporting "Ought to Pass" as

Amended by Committee Amendment "A" (H-1022) (H. P. 1961) (L. D. 2148)

Bill "An Act Clarifying the Use of the Mental Health Improvement Fund" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1024) (H. P. 2068) (L. D. 2238)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 24 under listing of Second Day.

Tabled and Assigned

Bill "An Act to Redefine the Administration of Medication in the Nursing Practice Act" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1025) (H. P. 1934) (L. D. 2122)

On the request of Mr. McMahon of Kennebunk, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-1025) was read by the Clerk.

(On motion of Mr. Goodwin of South Berwick, tabled pending the adoption of Committee Amendment "A" and tomorrow assigned.)

Bill "An Act to Incorporate the Frye Island Municipal Services Corporation" (Emergency) — Committee on Local and County Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1026) (H. P. 2109) (L. D. 2263)

No objection having been noted, the above item was ordered to appear on the Consent Calendar of March 24 under listing of Second Day.

Bill "An Act Appropriating Funds for the Purchase of Town Histories" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1027) (H. P. 1949) (L. D. 2135)

On the request of Mr. Dam of Skowhegan, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-1027) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act Relating to Town Ways" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1028) (H. P. 1920) (L. D. 2108)

Bill "An Act Exempting Public Accountants and Certified Public Accountants From the Insurance Consultant Law and Deleting the 3-Year Limitation on Applications for Permits to Practice Accountancy" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1037) (H. P. 2084) (L. D. 2262)

Bill "An Act to Provide a Procedure for Establishing Additional Exceptions for the Definition of Rental Units and to Clarify the Procedure for the Appointment of a Rent Control Administrator or Board under the Municipal Rent Control Act" — Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1040) (H. P. 2099) (L. D. 2259)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 24, under listing of the Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49-A, the

following items appeared on the Consent Calendar for the Second Day:

Bill "An Act Relating to Voting Places in Certain Unorganized Townships" (Emergency) (C. "A" H-1003) (H. P. 1982) (L. D. 2151)

On the request of Mrs. Boudreau of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-1003) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act to Permit the Town of Camden to Vote on June 8, 1976, on Certain Local Option Questions Concerning the Sunday Sale of Liquor" (Emergency) (H. P. 2147) (L. D. 2289)

No objection having been noted at the end of the Second Legislative Day, was passed to be engrossed and sent up for concurrence.

Bill "An Act to Enable Counties to Hire County Administrators" (H. P. 2092) (L. D. 2251)

On the request of Mr. Nadeau of Sanford, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

Bill "An Act to Grant the Power to Confer Graduate Degrees of Doctor of Osteopathy to St. Francis College of Biddeford" (C. "A" H-1005) (H. P. 1929) (L. D. 2116)

Bill "An Act to Conform Certain Maine Statutes to the 14th Amendment of the Constitution of the United States, to Title VII of the United States Civil Rights Act of 1964, as Amended in 1972, and to the Maine Human Rights Act" (C. "A" H-1008) (H. P. 2174) (L. D. 2219)

Resolve, Authorizing Merrilyn Young, or her Legal Representative, to Bring Civil Action Against the State of Maine (C. "A" H-1011) (H. P. 2174) (L. D. 2297)

Bill "An Act to Clarify Various Statutes Relating to Superior Court Fees and Costs" (Emergency) (C. "A" H-1016) (H. P. 1866) (L. D. 2037)

No objections having been noted at the end of the Second Legislative Day, the above items were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

Second Reader

Tabled and Assigned

Bill "An Act to Revise the Statutes Concerning Alcoholic Beverages" (H. P. 2223) (L. D. 2311)

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

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I will have to apologize to the Liquor Committee, but these bills have been coming so fast and furious the last two days, and I have several questions on this bill that I haven't had an opportunity to ask the committee.

The first question is on page 7 of the bill. It says liquor may be sold in any municipality on the day of holding a general election or a statewide primary. Does this mean retail?

On page 16, the request for renewal of licenses. This looks like it is taking all control away from the municipalities. I would like to know if this is so.

On page 17, licensed clubs may offer prize as gratuities or other inducements, and it does not say 'to members only,' which I believe is the present law.

Right beneath that, it is giving all clubs the right to reduce prices as an inducement to get

people in early and probably stay late. I don't like that section.

Section 36 has increased the fee for the identification card from one dollar to three dollars. I think this is quite a stiff increase. I would like some answers to those questions, please.

The SPEAKER: The gentlewoman from Portland, Mrs. Boudreau, has posed a series of questions through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I had suspected that perhaps we would have to clarify a few items, so I had an analysis of L. D. 2311 made up and I would like to read it to you.

This was a comprehensive study conducted by the Liquor Control Committee to clarify the present statutes and make several substantive changes. The Committee's proposal clarifies the present liquor statutes in the following ways, and I would like to state at this time that many of these laws haven't been changed since the middle thirties, since we became a monopoly state. I spent a good many hours on this. It was the result of a study that was given to us.

In section 1, pages 1 through 6 of the bill, the licensed premises are defined in our group in alphabetical order.

Section 4 of the bill, pages 8 through 12, the powers and duties of the State Liquor Commission and the Bureau of Alcoholic Beverages are more clearly defined and enumerated than in the present statutes.

Section 5 of the bill, pages 13 through 13, the local option, Sunday sale questions have been significantly simplified without changing the meaning or intent of the present law. Presently, there are 17 questions which have been reduced to 8 in L. D. 2311. This section also places the responsibility for holding elections pertaining to local option, Sunday sale questions upon the local community.

There are a number of substantive changes proposed in the bill which may be described as follows:

Section 2 of the bill, pages 6 and 7, clarifies the present section of the law pertaining to business days and hours of sale of alcoholic beverages. This section would also allow the sale of alcoholic beverages on Election Day and extends the hour of sale to 1:00 A.M. on Monday morning, as it is on every other day of the week.

Section 11 of the bill, page 15, allows the State Liquor Commission to establish the days and hours of sale for state retail liquor stores and special agency stores.

Section 12 of the bill, and several subsequent sections provide limited control over bottle clubs which presently are not regulated by the state.

Section 25 of the bill, pages 17 and 18, revamp the entire licensing schedule. Present licenses and fees are of several types of liquor establishments are based on the population in which they are located. L. D. 2311 establishes a uniform system and reduces license fees for all groups. In addition, the number of different types of licenses is reduced from 41 to 8. Wholesalers fees and certificates of approval fees which have not been changed for many years and which represent national firms have been raised in the bill.

Section 38 of the bill, page 23, establishes a guide post on the southbound side of the Maine Turnpike and gives directions to the Kittery Liquor Store.

In conclusion, L. D. 2311 greatly simplifies and clarifies the present liquor laws and makes the law much more understandable to everyone.

In regard to the changing of the price of the identification cards from a dollar to three, because of the cost of operating this, it was felt that this was justified.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman for his response, but I am afraid I don't feel that my questions have been answered properly.

I am very much opposed to the sale of liquor on any election day. This has never happened in the State of Maine and I see no reason for it in the future. We have troubles enough on election day without a lot of people running around with liquor. I still think the municipal officials, the people who know these licensees, should have more authority over granting renewals.

I see no provision here for the State Liquor Commission to check with the officials. It says the officials can send recommendations for approval or disapproval, but I am not even sure that they are going to be aware of the particular time when these licenses are renewed.

I definitely am opposed to hotels and bars being able to reduce their price and offer inducements to attract the people on their way home from work and then they get in there and they stay. If drinks were at the normal price, they probably wouldn't go in.

I am very much opposed to these sections and if they are going to be amended, I would have to move the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, I would like to ask a question of anyone on the Liquor Control Committee. As I understand it, the liquor laws in this state now permit Class A restaurants to have inducements, if you will, or lowering prices. I think if a workingman can't walk home and go into a place we call a beer parlor and buy a glass of beer for a little less but somebody who wants to stop in a cocktail lounge can, I don't understand this.

As I understand it, right now, except for what we used to call beer parlors, any licensee in this state can offer lower prices and inducements. And as I understand that one point in this bill, it would simply change it to every licensee. I would direct that as a question to somebody on that committee.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: This is correct. Places now have the opportunity to offer inducements, and we felt it should go across the board.

Mrs. Boudreau of Portland was granted permission to address the House a third time.

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: In that particular section, it has the condition that they may advertise this.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Raymond.

Mr. RAYMOND: Mr. Speaker and Members of the House: The advertising portion of this bill is not what it may seem. Clubs can advertise within their clubs, not in public. But in order to advertise in a newspaper or on the radio, first of all, you have to have permission from the Liquor Commission for the sample of what your advertisements will be. Once the Liquor Commission gives you permission to do this, then you can go on with it.

One of the main reasons we have to have permission is because it seems that some of the ads going to these newspapers should not be seen by many people. You have naked women sometimes with a cocktail in her hands or whatever the case may be, and this is what we are trying to prevent, things of this nature going into the newspapers. So any newspaper advertising, anything on the radio, it has to be approved by the Liquor Commission, but there is nothing to prevent the restaurants, hotels or clubs from advertising to their own membership.

As far as the inducement is concerned, it is

permitted like other restaurants used to have. In other words, you can go and have a meal and if you order a \$6.95 steak, you can probably have champagne or a cocktail with it. It is giving the same authority to everyone only certain people had before.

In answer to the I.D. cards, it was recommended that we increase this from \$1 to \$3. As you well know, the Commission travels throughout the state at certain times of the year to issue these cards to individuals of 18 years to prove their age. But also taking advantage of this are many of our senior citizens who feel they would like to have an identification card. I realize we are not in the photography business and should not be, but for these reasons, the price of fuel has gone up, the traveling expenses of these individuals has gone up and the committee felt that we should go along with the Commission and increase this one dollar fee to three dollars.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending passage to be engrossed and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act to Exempt Community Based Retardation Services from the Sales Tax" (H. P. 2070) (L. D. 2240).

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Second Reader Tabled and Assigned

Bill "An Act Relating to Conflicts of Interest in Offices Subject to Legislative Confirmation" (H. P. 2127) (L. D. 2279)

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

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: In view of the fact that the State Government Committee has a bill which I believe is coming before us concerning the transfer of the Executive Council powers and duties in respect to Joint Standing Committees on Confirmation, which the Judiciary Committee did not have the report for consideration when this bill was brought before us, I would hope that somebody might table this in order that we might get a chance to look at it.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: Before the motion to table is made, I would like the learned gentleman who just spoke or anyone else to once and for all give us a definition of what conflict of interest is.

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

The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I wish I had the wisdom to answer that question. I don't believe this bill specifically gives a definition of what constitutes a conflict of interest.

On motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and specially assigned for Thursday, March 25.

Second Reader Tabled and Assigned

Bill "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316)

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

Mr. Pearson of Old Town offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1034) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: You have before you a bill that is designed to revise and clarify the right-to-know law or the freedom-of-access law. Part of that bill includes a section on page 3 of the bill to allow live or recorded broadcasts to take place at any public meeting in the state which, of course, also includes the House and Senate. The amendment that I presented intends to delete the House and Senate from that requirement, because under the State Constitution, Article IV, Part Third, Section 4, it says that the House and Senate will establish their own rules.

I have spoken to former Speaker Hewes, President Sewall and Speaker Martin, and to the best of their recollection, television has never been denied in either body in the time that they have been serving here in the legislature.

What I am saying is that it is permissible to have live broadcasts in the House and the Senate as it is now, under the rules as they presently exist. I am not in any way, shape or form trying to say that television or a live broadcast of any sort should not take place here. I am just saying that because the Constitution says that the House and the Senate shall establish their own rules, that that is the proper vehicle that should be used in allowing television or live broadcast in the House and Senate and not by statute.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: This bill rearranges and restructures the present "right-to-know" law, which was extensively amended in the regular session. The bill deletes a portion of the previous right-to-know law which I sponsored, which was ambiguous. That was the now famous section which allowed executive sessions by adjudicative bodies. The bill also continues the philosophy of enumerating those reasons why executive sessions may be held and continues the procedural requirements for calling executive sessions which are contained in the present law. The declaration of intent often seeks to more clearly state the public policy on a citizens right to know. It has added a provision for public notice which, while weak, is quite practical and workable.

I wish to compliment the members of the Legal Affairs Committee for their efforts in producing this law and I hope you support it.

Mr. Garsoe of Cumberland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1044) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, this merely corrects a grammatical error in Section B of Page 4 in order that it would read that negotiations sessions may be conducted in open session on the agreement of both parties. The bill was inadvertently printed backwards.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Having worked on this committee and having worked on this bill, I would disagree with my good friend from Cumberland, Mr. Garsoe, in the fact that while he may feel this was a grammatical error, it was done by intent. In fact, the previous bill stated that an executive session could be called by one of the two negotiating parties. We make this a permissive piece of legislation and say that both of the negotiating parties are required to agree on executive session before it is called.

Mr. Garsoe has a little different aspect on this than I, in that he is a negotiator and prefers

to work in executive session. Myself, speaking for some of the smaller towns and some of the smaller town school boards, I would like to tip the scales a little bit to the area of the small town school boards and let them decide whether they in fact do desire executive sessions. If they do desire executive sessions, they are perfectly at will to do this and both parties will agree to it, but if they do not, it is within their realm to leave these negotiations open to public scrutiny.

Therefore, I would move the indefinite postponement of this amendment.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Due to one of those very infrequent errors by the Reference of Bills Committee, this subject matter was also directed to the Joint Standing Committee on Labor during this special session and we were able to work out an agreement where we would go forward with the bill presented to the Legal Affairs Committee. But prior to this discovery, the Labor Committee did discuss this issue at length and I would report to you, without getting into the policies behind this, I am sure there is going to be debate, but that the Labor Committee unanimously felt that executive sessions should be allowed unless both parties want the negotiating sessions open. And I would like to communicate to you the unanimous feeling of the Labor Committee on that point and ask you to support Mr. Garsoe's amendment.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Blue Hill is correct, it depends upon your perspective as to whether this bill was printed backwards or not.

The concept of executive session negotiations should not be construed as secret, and I think this is what we sometimes conclude, that it is a secret process and, therefore, there is something evil about it. I would just insist that the process itself does not lend itself to being conducted in public for the very reason that we would then have a tendency that I regrettably must point out we sometimes see on the floor of this body, statements and positions being taken for public consumption.

Again, I would just point out that this does not mean that they have to be secret. I understand the concern of the gentleman from Blue Hill and I would only point out that any school board that feels itself overwhelmed or being subdued in private sessions has the perfect authority to bring into their negotiating team, citizens from the community and municipal officers, they should have hopefully not agreed with the union to have the union control whom they put on their negotiating team. I don't see that this is a hazard, but the way it is written, if the parties wish to conduct the negotiations in public session, they have the freedom to do it. I would merely point out that if this open session is forced on either party, it would be detrimental to the process.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Because of the quirk that Representative Tierney told you a little earlier, this bill was reported to both the Legal Affairs Committee and the Labor Committee and I introduced the original bill to go to Legal Affairs because of a problem that I recognized serving as a member of the city council in the City of Old Town. At that hearing in Legal Affairs, there were people from both management and labor who appeared and supported the same concept that Representative Garsoe is trying to put across to you today. I would repeat, both labor and management supported Mr. Garsoe's position, so, I would urge you to defeat the motion of the gentleman from Blue Hill, Mr. Perkins.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I would just remind you that the legislation as written, without the amendment, is entirely permissive in that by having a non-executive session, it hampers the negotiations and both parties can agree to have executive sessions. This does not mandate that one party can arbitrarily put the whole negotiation into executive session, it takes two parties the way it is written.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Blue Hill, Mr. Perkins, to indefinitely postpone House Amendment "B". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Perkins of Blue Hill requested a roll call.

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I think I would like to urge you to support the motion of the good gentleman from Blue Hill, Mr. Perkins, that this amendment be indefinitely postponed. I think both he and I see the situation in our constituencies where negotiations regarding school contracts have in fact been closed to the public and has created a great deal of consternation.

It seems to me that we are all under attack, perhaps without due cause, for trying to conduct business of government in less than an open and frank manner. It seems to me that this would be one opportunity that we would have to allow discussion of what amounts to public business before the general public, and I would like to pose a question to either Mr. Tierney or to Mr. Garsoe as to the reason or rationale why we should start off in a position of having these matters considered to be closed to the public rather than having them to be considered automatically to the public unless the two parties would agree otherwise.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to either the gentleman from Cumberland, Mr. Garsoe or the gentleman from Durham, Mr. Tierney.

The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if this would help illustrate the matter, but collective bargaining being performed in public would be similar to spending your honeymoon on the traffic circle down here in Augusta.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose a question to the gentleman from Durham, Mr. Tierney. My question would be the same as the question posed by Mr. Greenlaw. He said that the Labor Committee felt unanimously that they should start off in closed sessions and that he wouldn't explain the rationale why, and I would ask him to please explain the rationale.

The SPEAKER: The gentleman from Standish, Mr. Spencer, has posed a question through the Chair to Mr. Tierney of Durham.

The Chair recognizes that gentleman.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I always enjoy answering the questions of the noble gentleman from Standish, Mr. Spencer, and I will certainly try to explain at least my own feelings for sup-

porting this amendment. I would certainly not dare speak for the other members of the Labor Committee, because I am sure that they are quite capable of speaking for themselves.

I support this amendment, first of all, because it preserves the status quo. I speak for this amendment, second of all, because although the negotiations could potentially be secret if at least one party wanted it under this amendment and any final ratification of any collective bargaining agreement would have to take place in public under the present system. There is no question that any citizen can go to a school board meeting, a final meeting which ratifies any collective bargaining agreement, so the eventual ratification is public no matter what we do under this law and that eventual ratification, it seems to me, is the proper place for input on the part of the concerned citizenry.

We had a hearing on a bill in the regular session which dealt with this subject and we heard opposition, not surprisingly perhaps, from virtually every segment of the public sector. We had opposition from Maine Municipal Association, from the Maine School Management Association, from the Maine Association of Superintendents, from the Maine Teachers Association, you name it, they were all in against the bill. The only people that I have spoken to in favor of this bill, and which is why the good gentleman from Blue Hill and the good gentleman from Stonington I am sure are involved, is from the press. You see, the press just loves this issue because they just love the ringing sound of open meetings.

I had a very long discussion with one editor in my area, a very fine individual who I have a lot of respect for, and I asked him a very simple question. I said, well, if you want the open meetings, let me ask you this, would you cover them? He said, of course not, we don't have enough reporters to go to all the collective bargaining sessions of all the different contracts in all the different towns within my readership. I said, well, when would you cover them? He said, we cover them when someone calls us up and tells us there is going to be a hot and juicy item discussed that night. You see, that is precisely the point.

This bill, unless we adopt this amendment, leads us into a situation where the parties in a collective bargaining relationship, when they want to score points in the press, when they want a posture for the press, slip that phone call into the local reporter and he shows up and your collective bargaining takes place in the headlines, and when that happens, the reporters start calling all the city councilmen and people and people freeze into their initial positions in the collective bargaining process. They don't have room for flexibility any more once they have made a statement to the press and once it is plastered over the headlines. What happens then is, if you don't have the parties moving towards each other in collective bargaining, you have the parties staying far apart, and when that happens under our law, eventually you are going to march your way through mediations, through fact finding and eventually to some out-of-state arbitrator who is going to come in and write a contract for your little town.

I don't think that that is what the good gentleman from Blue Hill really wants, although I understand his need to placate the particular newspaper in his area who sends us all copies of his editorial page from time to time in the mail. Maybe I am the only one who got them.

I do think that this is a good amendment, I think it leads to rational collective bargaining, I think it cuts down on posturing and I think it reduces the amount of time that our towns and cities are currently spending in the collective bargaining process. I think that is a very important factor. I think these negotiations go on

much too long and if you have the press in there, I can guarantee you it is going to go on a lot longer.

If you are concerned about the particular question of public ratification, I urge you to address the bill sponsored by my good friend from Stow, Mr. Wilfong, and my friend from Skowhegan, Mr. Dam, dealing with line items and the amendment that Maine Municipal has put on, but don't try to do it here, it is the wrong place.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to learn of the honeymoons on the circle and my honeymoon with the press. I only call your attention to an instance which I think draws the merit of killing this amendment and this instance is, you have your members of the small town school board meeting in negotiation with the teachers and the representative of the Maine Teachers Association being present on behalf of the teachers. The expertise and the balance of power lies with the negotiator because this is his business and this is where the expertise lies. There is no expertise given to the members of the school board unless it is by their education, but they are usually people off the street who have been elected to fulfill this job and have had no expertise other than past experience.

Therefore, I would ask you in benefit of the small towns to support my motion to indefinitely postpone, because I feel that in the interest to the small town — if it is a large town in a large area, the paid negotiator may be brought in and in this case, both parties may agree to go into executive session, but let's tip the scales back a little bit and even them up just a little bit by leaving this bill the way it is.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, under Joint Rule 19, would a teacher be in conflict on this vote?

The SPEAKER: The Chair would rule that there is no conflict, in part based on the precedent which has been issued by the Ethics Committee which used to operate in this legislative body prior to the new commission. The commission at that time ruled that teachers were members of classes and, therefore, were not individually affected, either negatively or any other way under the basis of the proposed legislation. If under the rules, the state law under which we operate, which defines conflict of interest for legislators, is specifically defined to mean that it will directly have a financial gain for the individual legislator.

The pending question is on the motion of the gentleman from Blue Hill, Mr. Perkins, that House Amendment "B" be indefinitely postponed. A roll call has been ordered. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Blodgett, Burns, Carpenter, Carroll, Chonko, Churchill, Connors, Curtis, Dudley, Durgin, Dyer, Farnham, Faucher, Fraser, Goodwin, K., Gray, Greenlaw, Higgins, Hinds, Hunter, Hutchings, Immonen, Kauffman, Kelley, Laverty, Leonard, Lewin, Littlefield, Lovell, Lunt, Mackel, MacLeod, Maxwell, McBreairey, McMahon, Morin, Najarian, Norris, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Rideout, Silverman, Strout, Torrey, Tyndale, Walker, Webber.

NAY — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Bustin, Byers, Call, Carey, Carter, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Farley, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Hall, Henderson, Hennessey, Hewes, Hobbins, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Lewis, Lizotte, Lynch,

MacEachern, Mahany, Martin, A.; Martin, R.; McKernan, Mills, Miskavage, Mitchell, Morton, Nadeau, Palmer, Pearson, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Usher, Wagner, Wilfong, Winship.

ABSENT — Doak, Gauthier, Gould, Hughes, Mulhern, Rollins.

Yes. 50; No. 94; Absent. 6.

The SPEAKER: Fifty having voted in the affirmative and ninety-four in the negative, with six being absent, the motion does not prevail.

Thereupon, House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose an inquiry through the Chair to anyone on the committee. In the law that we passed last session on Legislative Investigating Committees, one provision says that a witness who is being investigated may object to having his testimony televised. I am wondering if the Legal Affairs Committee in preparing the bill that is now before us have taken that into consideration or whether we will end up with a conflict in the law?

The SPEAKER: The gentleman from Standish, Mr. Spencer, has posed a question through the Chair to any member of the Legal Affairs Committee who may answer if they so desire.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, unfortunately, I can't answer the question but we have a further problem with the bill in that it may, in fact, be incomplete. First of all, there is no statement of fact on it and if someone will table this for one day, we may be able to get the answer for Mr. Spencer and make sure that the bill is complete when we finally pass it.

On motion of Mr. Rolde of York, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act to Change County Budgets to an Annual Basis" (H. P. 2094) (L. D. 2253)

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

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAY: Mr. Speaker, I would like to pose a question to the Chairman of the County Government Committee and also the gentleman who has signed this bill out. I would suggest that all of you look at it, L. D. 2253. I would ask the gentleman to tell us whether or not this allows the county commissioners to set the county tax rate without the involvement of the legislature, as is presently the case? If the bill does not do that, if the bill continues the present situation, I would ask the gentleman to elaborate on that also.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, has posed a question through the Chair to any member who may care to answer.

The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: If you would look at the statement of fact on the bill, it says, "The purpose of this act is to change the county budget from the biennial to an annual basis." This is now possible because it is changed to annual legislative sessions. This does not, in any way change the system of setting up budgets by the commissioners and having their public hearing in their local communities and then the budget coming to the legislature. They would still do that under this bill.

The only thing that this bill would do is allow the budget to be for a one-year term only and

then the budget would be coming in each term. Prior to this time or annual sessions of the legislature, this could not be done because we did not meet in annual sessions, but now that we do have annual sessions, or we are going to have them starting with the next legislature, this will make the county budgets on a one-year basis. They will still have to be approved by the legislature and there is no change in that, makeup.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry, I guess I just don't understand, but when I read the first section of this bill, it seems to take out the legislature in the process of setting the county budgets and I guess I would like a little more clarification, because if you read through the first section, it just wipes out the legislature altogether. The only reference made to the legislature is on Page 2, which states that prior to the convening of the legislature, the county commissioners of each county shall meet with the respective county legislative delegation on finalized estimates, but in no way does it seem to indicate that the legislature is going to pass on the final authorization. I really have some serious problems with this unless it can be explained clearer.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to look at Page 2, Section 2. The only change in the present law are those words that are struck out and the large print that appears on the bill, the reason being that this changes the budget to an annual basis.

In the first line, it says, 'said estimate,' we changed it to 'such.' In the second line, it was changed to 'such' also. Down in the fourth line, we changed it to where it said "the 20th day of December in the year prior to the convening." We say in each year. Then it spells it out in the last section very clearly. "A copy thereof shall be signed by the Chairman of the County Commissioners and attested by their clerk who shall transmit it to the office of Secretary of State on or before the 20th day of each January." Then we struck out "in which the legislature meets" and left in "together with the county reports for the two preceding years to be by him," meaning the Secretary of State, "to be laid before the legislature." This does nothing different from the present law than say that the legislature as a body will, each year, act on the county budgets.

Thereupon, the bill was passed to be engrossed and sent up for concurrence.

Second Reader

Later Today Assigned

Bill "An Act to Allocate Part of Lobster and Crab Fishing License Fees to the Lobster Fund and Boat Fund" (H. P. 2079) (L. D. 2242)

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

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

Mr. GREENLAW: Mr. Speaker, my amendment has not been returned from the printers, and I would appreciate it if someone would table it until later in today's session.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage to be engrossed and later today assigned.

Resolve to Reimburse the Town of Waldoboro for Assisting in the Capture of Escapees from the Maine State Prison in Thomaston (H. P. 1807) (L. D. 1966)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Amended Bill Tabled and Assigned

Bill "An Act to Redefine 'Subdivision' in the Site Location and Development Act" (H. P. 1979) (L. D. 2169) (C. "A" H-1000)

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

(On motion of Mr. Rolde of York, tabled pending passage to be engrossed as amended and tomorrow assigned.)

Amended Bill Tabled and Assigned

Bill "An Act Providing for a Comprehensive State-wide Program of Primary Prevention of Alcohol and Drug Abuse and other Forms of Socially Disruptive and Potentially Self-destructive Human Behavior" (H. P. 1800) (L. D. 1959) (C. "A" H-1006)

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

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, if I may, I would like some background on the need for this particular bill. I have a couple of questions on this. I might ask, might this develop into another mandated school program? I notice in the bill itself, that is within the original L. D., it provides in a fiscal note for \$304,000 for 1976-77 and more for subsequent years. However, the committee amendment seems to wipe that all out and provide for \$20,000 from the General Fund. Quite frankly, I would like to have more information on this bill.

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

The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, I am going to make a request that this be tabled for one legislative day. The reason is, Representative Silverman has received an emergency phone call and has suddenly left the House. He made this request to me on his way out.

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

Bill "An Act to Set the Unemployment Insurance Contribution Rate for New Employers at the Average Contribution Rate for all Employers in the Previous Year" (H. P. 2144) (L. D. 2284) (C. "A" H-1010)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Bill "An Act Relating to Charitable Solicitations" (H. P. 1983) (L. D. 2165) (C. "A" H-996)

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

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

House Amendment "A" (H-1045) was read by the Clerk and adopted.

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

Amended Bill Tabled and Assigned

Bill "An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites" (Emergency) (H. P. 1948) (L. D. 2134) (C. "A" H-993)

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

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, I would like to ask to have this bill tabled for one day for purposes of amendment.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending passage to be engrossed as amended and tomorrow assigned.

Amended Bill

Later Today Assigned

Bill "An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators" (S. P. 663) (L. D. 2087) (C. "B" S-435 as amended by H. "C" H-1036)

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

(On motion of Mr. Blodgett of Waldoboro, tabled pending passage to be engrossed as amended and later today assigned.)

Passed to Be Enacted Emergency Measure

An Act to Exempt Emergency Vehicles and School Buses from the Statutory Prohibition of the Use of Studded Tires From May to October (H. P. 1953) (L. D. 2138) (C. "A" H-975)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to the Initiative and Referendum Processes (H. P. 2027) (L. D. 2203) (C. "A" H-954, H. "A" H-992, S. "A" S-426)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and one 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 Creating the Maine Railroad Equipment Authority (H. P. 1858) (L. D. 2026) (C. "A" H-974)

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

Enactor

Tabled and Assigned

An Act Regarding the Rights of Students at the University of Maine in the University Bargaining Process (H. P. 1966) (L. D. 2155) (C. "A" H-977)

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

The SPEAKER: The Chair recognizes the gentleman from Mapleton, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I move that this item be tabled for one legislative day.

Mr. Davies of Orono requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Mapleton, Mr. Rideout, that this matter be tabled pending passage to be enacted and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 78 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

At this point, former Governor Cross was escorted from the Hall by the Sergeant-at-Arms, amid applause of the House, the members rising.

An Act Relating to Requests for Absentee Ballots (H. P. 2062) (L. D. 2232)

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

On request of Mrs. Najarian of Portland, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

(Off Record Remarks)

On motion of Mr. Tyndale of Kannebunk, Recessed until three-thirty in the afternoon.

After Recess 3:30 P.M.

The House was called to order by the Speaker.

Orders of the Day

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

Bill, "An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation in the Department of Audit, and of Employees of the Fraud Investigation Division in the Department of Audit" (H. P. 1992) (L. D. 2174) — In House, Passed to be Enacted, March 16 — In Senate, Indefinitely Postponed in non-concurrence March 18.

Tabled — March 19 by Mr. Farley of Biddeford.

Pending — Motion of Mrs. Berube of Lewiston to recede and concur.

On motion by Mr. Farley of Biddeford, the House voted to recede from passage to be enacted.

On further motion of the same gentleman the House voted to recede from passage to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1021) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: The amendment before you merely inserts back into the bill the Director of Program Review and Evaluation in the Department of Audit under a classified position.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to Be Engrossed as amended by Committee Amendment "A", Senate Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

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

Senate Report — "Ought to Pass" — Committee on Performance Audit on Bill, "An Act to Provide Funds to the Department of Inland Fisheries and Wildlife" (S. P. 718) (L. D. 2254) — In Senate, Passed to be Engrossed, March 18.

Tabled — March 19 by Mr. MacEachern of Lincoln.

Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

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

Bill, "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index" (H. P. 1799) (L. D. 1958) — In House, Passed to be Engrossed, March 19.

Tabled — March 19 by Mr. Theriault of Rumford.

Pending — Motion of the same gentleman to Reconsider Passage to be Engrossed.

Thereupon, the House reconsidered its action whereby the Bill was passed to be engrossed.

Mr. Ingegneri of Bangor offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1033) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Ingegneri.

Mr. INGEGNERI: Mr. Speaker and Members of the House: What this amendment does is that after the cost of living as written, 3 percent, and stays at that figure or goes higher for three successive months, the board of trustees — it says here "Future general adjustments may be made to retirement allowances for all retired state employees, teachers or beneficiaries of either, by the board of trustees." You notice, this says 'may' instead of 'shall'.

In addition, "The board of trustees shall only make a general adjustment in the retirement allowances, when, after consultation with the actuary, they find the adjustment shall not endanger the solvency of the retirement system nor materially alter the actuarial assumptions so as to increase state contributions. Each such adjustment, when made by the board of trustees, shall be equal to the change in the index." Further, This Act shall apply to all participating local districts, which was something that was suggested on the floor, and the effective date of this act shall be 90 days after adjournment of the first special session of the 107th Legislature, or one day after the effective date of an act of the first special session of the 107th Legislature, if any, that makes a general adjustment in state salaries for active state employees under the present system.

So, in effect this would protect any action which the legislature may take with regard to a general wage increase for all state employees which would trigger the present mechanism. It would not endanger any such adjustment and would go into effect after such adjustment, or 90 days after the close of the session, and I think that very careful safeguards have been built in against the fears of insolvency of the system or throwing off a little bit the assumptions that the actuaries make as to future unfunded liability. I think now it is a bill that is pretty tight, pretty conservative and it is just a very preferable mechanism to what we have at the present time, and I urge the passage of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I think that the amendment is an improvement, and to me it has proved that the proponents of the bill agree with me in all I said in my previous arguments.

As far as this amendment is concerned, there is still a big hole in it. For me, the whole idea of these bills, this one and the one that is still in committee, was to be sure that the retirees would get an increase. If this bill passes with this amendment and the state employees do not get a raise, or if they get a raise that is not declared a general increase, then the retirees will not get a raise until November 1 and may not get one then if there is not an increase for the CPI. So I definitely am against this amendment and I move for its indefinite postponement.

The SPEAKER: The gentleman from Rumford, Mr. Theriault, moves that House Amendment "C" be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Ingegneri.

Mr. INGEGNERI: Mr. Speaker and Members of the House: It is a peculiar thing that when the bill with the amendment got more conservative, the gentleman from Rumford got more liberal. He is worried about it not going into effect immediately, and I thought that the idea of this was to make sure that nothing would happen. If there is a general wage increase, this will go into effect one day after that general wage increase. If not, it would go into effect 90 days after the adjournment of the session, at which time the mechanism would begin to go.

Again, I urge that you adopt this amendment and I request that 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 pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that House Amendment "C" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Birt, Blodgett, Byers, Carey, Carter, Conners, Curran, R.; Farnham, Faucher, Fraser, Garsoe, Hewes, Immonen, Jackson, Jensen, Laverty, Leonard, Lewis, Lizotte, Lynch, Mackel, Raymond, Saunders, Shute, Snow, Susi, Theriault, Torrey, Truman, Webber.

NAY — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Boudreau, Burns, Bustin, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Dow, Drigotas, Durgin, Farley, Fenlason, Finemore, Flanagan, Gauthier, Goodwin, K.; Gould, Gray, Hall, Henderson, Hennessey, Higgins, Hobbins, Hughes, Hunter, Ingegneri, Jalbert, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, LeBlanc, Lewin, Lovell, Lunt, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Nadeau, Najarian, Norris, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Powell, Quinn, Rideout, Rolde, Silverman, Smith, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Tierney, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

ABSENT — Ault, Bowie, Doak, Dudley, Dyer, Goodwin, H.; Greenlaw, Hinds, Hutchings, Jacques, Littlefield, Morton, Mulkern, Palmer, Peakes, Pierce, Post, Rollins, Strout.

Yes, 30; No, 101; Absent, 19.

The SPEAKER: Thirty having voted in the affirmative and one hundred one in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, House Amendment "C" was adopted.

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

Mrs. NAJARIAN: Mr. Speaker, I move that this be tabled unassigned.

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, moves that this matter be tabled unassigned pending passage to be engrossed as amended. Is this the pleasure of the House?

The Chair hears objection and the Chair will order a vote. All in favor of this matter being tabled unassigned will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 28 hav-

ing voted in the negative, the motion did prevail.

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

Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and to Permit the Legislature to Override All or Part of Such a Veto by a Two-Thirds Vote of Each House (H. P. 1981) (L. D. 2170) (C. "B" H-942 as amended by H "A" H-943)

Tabled — March 19 by Mrs. Najarian of Portland.

Pending — Passage to be Enacted.

On motion of Mr. Jensen of Portland, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "B" as amended by House Amendment "A" thereto was adopted.

The same gentleman offered House Amendment "C" to Committee Amendment "B" and moved its adoption.

House Amendment "C" to Committee Amendment "B" (H-1039) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does two things. First of all, it takes care of the inconsistency that was put in the bill originally. Earlier in this session we passed a bill which allowed the Governor 10 days in which to veto a bill. The way this bill was originally introduced and engrossed, it allowed 5 days. This amendment takes care of that error and then goes one further.

It also requires that when any bill or resolution containing appropriations be sent to the Governor and he exercises his right of item veto on any specific line. If he exercises that right after the time that we have left legislative session, then we are automatically called back into session so as to require that we deal with that veto one way or the other.

In the past, what we have done is, we have recessed for five days, we have come back and dealt with a veto. That is what we did last year. However, when you extend it to 10 days, I think you change that and make it more difficult in fact for us to do that, since a 10-day period is a good deal longer and makes it more difficult for people to get back here.

The present governor exercised his right to wait until the last minute on our education bill some week or two ago. What I am afraid of is that either this governor, or even more importantly, future governors, will do the same thing as a matter of strategy and tactics. It seems to me that regardless of the merits of the bill itself, we ought to have a chance to come back and vote one way or the other, up or down, to sustain or override any item veto the governor exercises.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland, Mr. Jensen, on his first approach is correct, that there has to be a correction from five to ten days. I have an amendment to that effect.

His second approach, where it says that it is mandatory that we return after a veto, I question this because I do not believe that the leadership of this House or the Senate or any legislature would allow a veto to take place without calling the legislature on an appropriation. It already is in the law, as far as our Constitution goes, in Article IV. It says the legislature may convene at such times on the

call of the President of the Senate and the Speaker of the House, with the consent of the majority of the members of the legislature of each political party. Where this is already present in our Constitution, I say it is unnecessary and I would hope that you would vote for the indefinite postponement of this amendment and a proper amendment will be placed on the item veto bill and I will ask for a roll call on the vote.

The SPEAKER: The gentleman from Calais, Mr. Silverman, moves the indefinite postponement of Huse Amendment "C" to Committee Amendment "B".

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

Mr. JENSEN: Mr. Speaker and Members of the House: I would hope the members of this House would not vote to indefinitely postpone my proposed amendment.

Item veto is a piece of legislation and a constitutional amendment which will in fact reduce the power of the legislature, reduce the power substantially.

If you will remember when we were debating this before, my good friend from Waterville, Mr. Carey, suggested that in fact he as mayor of his city also had item veto. He also felt so strongly about it that he never exercised that item veto and I would hope he would continue that way.

When he exercises his item veto, it is my understanding that his city council can override him. They are in session on a regular basis fairly often. We come into session and we meet for awhile and then we leave.

Unfortunately, the most important business of any legislative session generally occurs at the end of that session. This means the dollar figures, the appropriations matters virtually always come out during the last few days. Granted, there is a clause in the Constitution which allows the legislature to call itself into session. However, that does require an active act of the legislative leadership. That is something which actually requires leadership to go out, get approval from a majority of both parties in both Houses and then go from there. What I am looking for is an automatic session. If the governor exercises his right to veto an appropriation matter, or certain lines of that appropriations act, then we ought to be brought back to deal with that. If we don't vote to sustain him, fine. If we vote to override him and implement that program or insure that those funds actually are spent, fine.

My feeling is strictly one of power of the legislature as opposed to the executive branch. I think that we ought to have a chance to vote up or down on those proposals. It seems to me that to do otherwise is to substantially reduce the power of the legislature, and it seems to me, with the number of people elected, we are far closer to the people than any executive is ever going to be. For that reason, I hope you vote against the pending motion to indefinitely postpone my amendment.

The SPEAKER: A roll call has been requested. 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 pending question is on the motion of the gentleman from Calais, Mr. Silverman, that House Amendment "C" to Committee Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bagley, Berry, G. W.; Birt, Blodgett, Bowle, Call, Carter, Churchill, Conners, Curtis, Dam, Durgin, Farnham, Faucher, Finemore, Fraser, Garsoe, Gauthier, Gould,

Gray, Higgins, Hunter, Hutchings, Jackson, Joyce, Kelley, Laverty, Lewin, Lovell, Lunt, Mackel, MacLeod, McBreairty, McKernan, McMahon, Mills, Miskavage, Palmer, Pelosi, Perkins, S.; Peterson, P.; Raymond, Rideout, Shute, Silverman, Snowe, Sprowl, Tarr, Teague, Torrey, Tozier, Tyndale, Walker, Webber.

NAY — Ault, Bachrach, Bennett, Berry, P. P.; Berube, Boudreau, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, DeVane, Dow, Drigotas, Farley, Fenlason, Flanagan, Goodwin, K.; Hall, Henderson, Hennessey, Hewes, Hobbins, Hughes, Immonen, Ingegneri, Jalbert, Jensen, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Leonard, Lewis, Lizotte, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, Mitchell, Morin, Nadeau, Najarian, Norris, Pearson, Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Saunders, Smith, Snow, Spencer, Stubbs, Susi, Talbot, Theriault, Tierney, Truman, Twitchell, Usher, Wilfong, Winship.

ABSENT — Doak, Dudley, Dyer, Goodwin, H.; Greenlaw, Hinds, Jacques, Kauffman, Littlefield, Morton, Mulken, Peakes, Perkins, T.; Rollins, Strout, Wagner.

Yes, 55; No, 79; Absent, 16.

The SPEAKER: Fifty-five having voted in the affirmative and seventy-nine in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, House Amendment "C" to Committee Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, two questions if I may. One, in reference to the 10 days the governor would have to veto, should the first constitutional amendment be turned down by the voters and it remains at five days, is it our intent that this one would have 10 days?

The second question, is the posture of the bill now that he may not reduce the appropriation, it must take it entirely out?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed two questions through the Chair to anyone who may care to answer.

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

Mr. JENSEN: Mr. Speaker, in response, the answer to both questions is yes. Mr. Carey of Waterville offered House Amendment "B" to Committee Amendment "B" and moved its adoption.

House Amendment "B" to Committee Amendment "B" (H-1057) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This is being distributed now, and to save you any embarrassment because of not having it before you, I would point out to you that it is in reference to the letter that the governor sent us on the 22nd of March where in the third paragraph he said, "I feel it is so vital to economical operation and good for Maine people that if nothing else, you should make it effective when my term expires, if you do not want to give this right to this particular governor." I am not bashful about what I have said in the past. I do not want to give this right to this particular governor; however, I am taking a very different direction from what I have taken in the past and I would be in favor of giving it to the next one, should it be this governor, who happens to get reelected.

I have no qualms at this time in giving it to the next man. The bill originally called for this to take effect in 1985. The Committee Amendment changed that to 1977, and my amendment would change the Committee Amendment so that it would read 1979, so it would be effective

immediately upon the assumption of office of the next governor, whoever that may be.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't care whether it is 1976, 1979 or 1999, I haven't got any problems with Governor Longley, but I don't think he should have the item veto and I didn't think that Governor Curtis should have it when he was governor. I do move for the indefinite postponement of this amendment, because I don't believe the governor downstairs is unique. He is no different than any other man or woman that may sit in that chair, and for these reasons, I hope you would support the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the indefinite postponement of House Amendment "B" to Committee Amendment "B".

The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, for very different reasons from the gentleman from Bangor, I do support his motion. I didn't believe that Governor Curtis should have the item veto nor this governor nor any other governor. I hope we will indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I know that the gentleman from Bangor, Mr. Kelleher, is opposed to the item veto. He and I, on a couple occasions have appeared before the State Government Committee and have been successful in defeating it. But I am concerned that if there are enough votes to pass this thing, that at least it would be effective with the next Governor, whoever it is, so I am very sorry that he made this motion to amend.

I would ask a question of the gentleman from Nobleboro, Mr. Palmer, who seems to lend support to the indefinite postponement of this order, is he in fact in opposition to giving the governor the item veto?

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think what I have said up to this point in time would indicate that the gentleman from Waterville—must have been missing because I have supported the item veto for this governor or for any other governor. I believe, and I have said before that in this day of burgeoning budgets, it is only right that any governor doesn't have to reject a whole bucketful of figures in order to get at a thing which he feels is wrong or incorrect. I do favor it and I do favor it for Governor Longley. I am not afraid to have him have the veto power, I hope he does have the item veto power. I do not believe that it takes one ounce of power away from this legislature, because we still can override any item by a two-thirds vote, just the same way we can a whole budget today. For those reasons and because I do believe in him, as the gentleman from Bangor does not, I still hope that you will indefinitely postpone this amendment which causes the delay of the item veto until 1979.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would support the motion for indefinite postponement of this amendment. I support it because of the reason that I have no fear of this governor having the item veto power. I have no fear of any governor having it. I would hope if we were going to let a resolution out to the people, that we would do so so that we could let the existing governor have that power. I don't think there would be any harm in this and I think there would be a lot worse harm for the legislature in postponing this to 1979 when they could give the Governor the power in 1977.

It is a way to speed up the process of the legislature and it is a good resolution, but the amendment is no good. Therefore, Mr. Speaker, when the vote is taken on the motion for indefinite postponement, I would ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Can anyone tell me if this bill was presented to the legislature at the last session? I don't think it was. If that is the case — I have a fairly good memory and I served in the late 40's with the gentleman from Nobleboro, Mr. Palmer, and I know the bill was never presented then because there were only about 13 or 15 of us and if it wasn't presented the last time, he could have never have voted for it because it was never before us. I just thought I would toss that out in passing.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This bill was presented to the 106th Legislature and as I remember it from the roll call, the gentleman from Nobleboro, Mr. Palmer, was absent on that occasion.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I venture to say that all members of this House have been absent at one time or another. The fact that they were absent when a given issue was being debated doesn't by any means mean that they had changed their attitude. I resent that very highly, because I very deeply do believe in item veto, and if I had been there then I would have voted for it.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: As the sponsor of the item veto bill before this session, I now find that the very clever tactics of using personalities and using past approaches is not coming forthwith. Of course, it was expected.

What we are talking about is an item veto, where the executive of this state, regardless of who is elected every four years, has the power to go at an appropriation budget and take an item and veto it if he thinks it is not a priority, if he thinks that taxes are not going to suffice and there could possibly be deficits and making a sensible business approach to the Maine State Government. It is an approach, I am quite sure, as I have sat here for six years, that the Speaker has worked hard for. It is an approach that when I came here for the first time in the 105th that there was a party vote all the way down the line, The Republicans voting against it, the Democrats voting for it, and for some reasons — I have the vote right here, Mr. Kelleher.

The SPEAKER: The gentleman would please confine his remarks directly to the issue.

Mr. SILVERMAN: There are changes taking place in Maine State Government. One of those changes was that the majority party changed into the Democratic party being the majority, and there are many of us in the Republican party that have felt all along that the line item veto should be a part of our Constitution. We also see at this time a chance for that passage.

I would hope that we realize we are here to vote on principles, principles for what makes good government and line item veto means an executive check and balance system over an Appropriations Committee of 10 men that come before us with an appropriation bill and very, very seldom do you see it open, if at all. I call this good legislation.

I am opposed to the amendment of Mr. Carey, because I think when you bring in this amendment to change it to 1979, you are not dealing with the principle of line item veto, you are

dealing in the principle of personalities of one group against the executive. I think this is very irresponsible legislation and I know the members of this House, I have watched them over the years, know that good government, good solid principle and vehicles in government is what makes Maine government what the people of this state want.

I would hope you would vote for the indefinite postponement of this amendment. I would hope you would vote for the passage of this bill. The major thing we are talking about here today is giving the people of the State of Maine the right to vote for this constitutional amendment, whether they want it or not. When the final roll call comes in this vote, and there will be a roll call, let the people know who would vote against them having the right to vote on this amendment and who will vote for them to have that right, for it is their decision in the long run and it is their decision on what affects their Constitution. With that I would hope for the indefinite postponement of this amendment, and when we talk, let's talk about the item veto and not personalities and not how one man voted or how another man voted, it is how we all feel and will vote today. I ask for a roll call.

The SPEAKER: The Chair would state that a roll call has been requested.

The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't feel at all intimidated. In addressing this amendment, I will say this, that we are now giving the Chief Executive in the State of Maine, with the change to annual sessions and the power that is being transferred to the executive branch of government, just probably three times as much power as the executive branch of government has ever had before in the State of Maine and I am not including in this the item veto, but that is a fact, that is an actual fact. I think anybody on State Government that has been studying this and the agonizing that they have had up there trying to determine how different things are going to be done, how different people are appointed to boards, and so forth and so on, that they really are turning over to the executive branch of government, whoever happens to be there, a great deal more power than the executive branch has ever had.

To continue on in this session and to present this governor with an additional piece of power such as the item veto probably would be a mistake. So, I would hope that you would vote against the indefinite postponement of Representative Carey's amendment and give us all a chance to see how this additional power is going to work down in the corner office, and I am sure it will be well used, I am not concerned about that, but see how that is going to work and then, if two thirds of this body and two thirds of the other body decide that they want to give this veto with this amendment on it, then the next governor, whoever it might be, or whether this man is reelected or whether we have someone else, then they will have a chance to exercise this additional power. I hope that you would vote against the indefinite postponement of this amendment.

The SPEAKER: A roll call has been requested. 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 pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "B" to Committee Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, DeVane, Dow, Drigotas, Durgin, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Nadeau, Palmer, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Raymond, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, The Speaker.

NAY: Ault, Bachrach, Blodgett, Carey, Curran, R.; Davies, Gauthier, Hall, Kany, Lizotte, Najarian, Norris, Quinn, Rideout, Rolde, Susi, Winship.

ABSENT: Doak, Dudley, Dyer, Goodwin, H.; Hinds, Jacques, Littlefield, Martin, R.; Morton, Mulken, Peakes, Rollins, Strout.

Yes, 121; No, 17; Absent, 13.

The SPEAKER: One Hundred twenty-one having voted in the affirmative and seventeen in the negative, with thirteen being absent, the motion does prevail.

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

Order Out of Order

Mr. Perkins of Blue Hill presented the following Joint Order and moved its passage: (H. P. 2242)

ORDERED, the Senate concurring, that the following bill be recalled from the Governor's Office to the House: "An Act Relating to Employment of Drug Inspectors by the State Board of Pharmacy" (H. P. 1879) (L. D. 2054)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

An Act to Regulate Drinking Water (S. P. 687) (L. D. 2198) (C "A" S-431)

Tabled — March 19 by Mr. Leonard of Woolwich.

Pending — Passage to be Enacted.

On motion of Mr. Kelleher of Bangor, The Chair laid before the House the fifth tabled and today assigned matter:

An Act to Regulate Drinking Water (S. P. 687) (L. D. 2198) (C "A" S-431)

Tabled — March 19 by Mr. Leonard of Woolwich.

Pending — Passage to be Enacted.

On motion of Mr. Kelleher of Bangor, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the sixth retabled pending passage to be enacted and tomorrow assigned.

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

Bill, "An Act Concerning Single Motor Vehi-

cle Registration Plates and Placement of Motor Vehicle Inspection Stickers" (H. P. 2009) (L. D. 2191)

— In House, Passed to be Engrossed as Amended by House Amendment "A" (H-976)

— In Senate, Majority "Ought Not to Pass" Report accepted in non-concurrence

Tabled — March 22 by Mr. Rolde of York.

Pending — Further Consideration.
On motion of Mr. Birt of East Millinocket, the House voted to insist and ask for a Committee of Conference.

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

Bill, "An Act to Amend the Definition of 'School Bus' to Include School Buses Rented from School Administrative Units by Nonprofit Organizations in Order to Transport Children" (Emergency) (H. P. 1930) (L. D. 2117) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-973) — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" as amended by Senate Amendment "A" (S-442) thereto, in non-concurrence.

Tabled — March 22 by Mrs. Najarian of Portland.

Pending — Motion of Mr. Fraser of Mexico to Recede and Concur.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Unless someone can give me a good reason why we should have the Senate amendment on this bill, I would oppose the motion to recede and concur. If you take a look at the Senate amendment, it is nothing that we ought to be getting involved in. I believe what it says is — I would pose a question to the Clerk whether that is filed under Senate number 442?

The SPEAKER: The Chair would answer in the affirmative.

Mr. McKERNAN: Thank you, Mr. Speaker.

What this amendment does, at least the way I read it, is to really extend the committee amendment. The committee amendment deals with school buses that are used for other purposes. As I read that amendment, it says that religious groups which use buses of their own to transport kids have to make their buses like school buses, redo them, repaint them, qualify the way they would if they were a school. That is a far cry from the committee amendment which we passed that just says that they will have to comply — the groups that rent buses from school systems will have to comply with the laws.

I have no problem with the committee amendment, and that is what we passed in this House last time, and I would hope that we would not, if my understanding of the amendment is correct, that we would not recede and concur and instead we would insist on our action where we passed this bill with just the committee amendment on it.

Mr. Palmer of Nobleboro requested a vote on the motion to recede and concur.

The SPEAKER: The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
7 having voted in the affirmative and 88 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. McKernan of Bangor, the House voted to insist.

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

Joint Order Relative to Committee on State Government reporting out a bill to facilitate the setting of financial and tax policy by the Legislature (H. P. 2227)

Tabled — March 22 by Mr. LaPointe of Portland.

Pending — Passage.
Thereupon, the Order received passage and was sent up for concurrence.

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

House Divided Report — Majority (8) "Ought Not To Pass" — Minority (5) "Ought to Pass" as Amended by Committee Amendment "A" (H-1014) — Committee on Election Laws on Bill, "An Act Relating to the Registration of Voters" (H. P. 2039) (L. D. 2212)

Tabled — March 22 by Mrs. Boudreau of Portland.

Pending — Acceptance of either Report.
Thereupon, on motion of Mrs. Boudreau of Portland, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Election Laws on Bill, "An Act Relating to Absentee Voting" (H. P. 2212) (L. D. 2271)

Tabled — March 22, by Mrs. Durgin of Kittery.

Pending — Acceptance of either Report.
The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker, I move we accept the majority "ought not to pass" report.

The SPEAKER: The gentlewoman from Kittery, Mrs. Durgin, moves that the House accept the Majority "Ought not to Pass" Report.

The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I guess probably I feel kind of badly, as she does maybe, being on opposite sides of this bill. We had a good relationship on the Election Laws Committee, but occasionally even the best of friends will part, and I think this happens at this time.

For quite a long while, actually ever since I have been on this committee, I was hoping that we could develop some kind of a bill to do some things with the absentee ballot process. I have long felt that anybody in the political arena involved in the absentee ballot process, it leaves some degree of suspicion, and I am not saying there is any fraud or anything else, but it leaves the ultimate suspicion and continually, every election, there are always some questions in this area.

This bill here takes the whole process right away from the political arena. Actually, it does much at the local level as what is done by people who are not living locally but are registered. The ballots are sent to the applicant after application. The person votes and returns the ballot to the clerk, and you have eliminated much of the process whereby there can be any element of suspicion. The area where it might give you the most problems is where somebody happened to become incapacitated within the last six business days prior to this. This allows a team of two people to go out and contact these people after submitting an application or calling requesting an absentee ballot.

One of the questions that has been raised is, how much will it cost? It is going to cost quite a bit more in the community to have tellers go out and contact these people. In the average community, I can't imagine over half a dozen people, or two or three people who might become sick in the last six days prior to the date of election. So, frankly, I don't see where that is a problem.

The question has come up as to whether there will be as many people who will vote. If these people are really capable of voting and desirous of voting, I don't see where the process is

any more complicated. There is nothing to prevent anybody in the political arena, a candidate, anybody working in either one of the two political parties or any other person from going and giving them an application and letting them mail it in. But the entire use of the ballot and the process of handling the ballot will be taken completely out of the political process and be done by mail and will be done strictly between the clerk and the person voting.

Frankly, I think it is a good bill. I have had telephone calls on it. I have had letters in support of it, and I have had various people around the state who have indicated support for it.

At the various hearings that we had on elections, there were people from some of the largest cities. Not all the larger cities supported it, but there were some of them that supported a concept of this type. I think the most prevalent area, we had one hearing up in the Orono area, and people from that entire area, all of the larger communities in that area indicated some change was desired in the use of absentee ballots and in the discussion of this process there seemed to be general consent or agreement that it was a good idea.

I would hope you would defeat the "ought not to pass" report and then we can accept the minority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: In the regular session, I asked to resign from the Liquor Control Committee to serve on Election Law, because I felt that something like this was coming down the pike.

I believe this is a bad bill. It would prevent any one of you serving here today from going after absentee ballots. I would like to ask you, if you don't go after absentee ballots, who else is going to go for you? I collect a lot of absentee ballots. I do it on the level. We had a little trouble in our Somerset County over absentee ballots. We had a Democrat who was abusing it. He was not a candidate but he was abusing the absentee ballot process and we made sure he got caught at it and he went to court and he paid quite a fine.

I feel that this should be left where it is now, and I hope you go along with Mrs. Durgin.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker, I oppose the motion. This is clearly going to make it a little tough on politicians. There is no question about it, but what it is going to do is allow people who get organized early enough to get absentee ballots to people. The only difference is, they won't be able to look over their shoulder while they are marking the ballot. This does provide secrecy, as in a voting booth, and I think it is clearly a matter of the interest of the public's right to privacy and the right to vote on an even basis versus the people who are seeking their vote and their convenience — that means us a lot of the times, and people will be competing against us. I think we ought to make that bit of sacrifice for this bit of even-handed change.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: This is a case where the cure is worse than the disease, particularly this absentee balloting procedure by mail, no witness to what goes on the application, no witness to the signature that is signed onto the ballot. Who is going to be in the house when the mail comes? How do we even know that the person that requested the ballot gets it and sends it back. If you want to talk about a situation which has high potential for voter fraud, this is it.

The current system is not imperfect. On the other hand, to do this kind of thing where there

is no check and balance, where there is no officer of the state, is inviting a much, much worse situation. I hope you will support the gentlewoman from Kittery; Mrs. Durgin.

The SPEAKER: The pending question is on the motion of the gentlewoman from Kittery, Mrs. Durgin, that the Majority "Ought not to pass" Report be accepted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Berube of Lewiston requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address at least one point that was made by the gentleman from Augusta, Mr. Bustin, when he said that a ballot came into the house and it is no knowing who or how it might be handled. If I can't trust the members of my own family, I don't know who in heck I can trust. I think that we are getting into a pretty tough situation in this world when we think that members of our own family, if you have got somebody sick or incapacitated and ask for a ballot to come into the house and somebody is going to use it fraudulently.

I would like to point out one other thing, that Maine, as far as I can determine, is the only state, at least in this part of the country, and I haven't found another state that uses the process that we use. Most states use mailing processes of one sort or another. We use absentee ballots sent all over the world; we have used it for a good many years for people who are in the armed services or people who are away, and that has worked very successfully. I fail to see any good reason why the same process can't be worked here.

There hasn't been an election that I have known, ever since I have been involved in elections, in the last 20 years at least, that I haven't seen some indication in the papers of the possibility that somebody may have done something or pointing the finger. I am not indicating that anybody is, but I have seen plenty of evidence in the papers of somebody doing it. At least this will take the entire process away from the politicians and put it back between the person who is handling the ballots in the town office and the person who is doing the voting. To me, it is a practical sensible way to do it. I hope you will vote against the motion of "ought not to pass".

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to one part of the section here, 1253. The team to get the absentee ballots shall be composed of two persons consisting of one representative from each of two major parties. These teams shall be designated by the clerk from names supplied by the municipal committees of the two major parties. If that isn't more political than the present system, then I guess I don't know what a political inference is. I hope that you will indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker, Ladies and Gentlemen of the House: This not only takes one from each party, it is also going to be costly for either the town or the state. It takes just

about an hour to do an absentee ballot. It isn't only this, shut-ins look for the candidates themselves. It is an afternoon's entertainment for them to have a candidate come and call on them, and I am sure they are not going to feel as free to vote if two strangers come into their home.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I think that the gentlelady from Kittery, Mrs. Durgin, pointed out one of the things that I object to, it is entertainment, I think, to a large extent.

I believe that our local politicians have developed, in some cases, a local following, a following of admirers that they have cultivated over a period of years by providing them with this service. I must confess it is quite a convenience, I would think, to have individuals come around with the ballot in hand and to solicit the vote, in effect, of some of these older people.

There is an amendment that is available that I think would help overcome one of the obstacles that was mentioned by a previous speaker, and this amendment would, among other things, provide for an application being provided under oath so that it would help overcome some of these difficulties involved.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Wagner.

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a couple of questions to anyone who may care to answer regarding this team. Has the committee considered, number one, that it designates the two major parties; has this resolved whether or not this would mean the Democrat and Republican party or the Democrat and Longley for Me. party as a member on the team?

My second question is, there are some workingclass neighborhoods in my district where we might have trouble getting a Republican to go into. If a Republican member failed to show up for the team, would I then be able to go in with a team that did not have a Republican member on it or how would I go about collecting my absentee ballot?

The SPEAKER: The gentleman from Orono, Mr. Wagner, has posed a series of questions through the Chair to any member who cares to answer.

The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the first question, the two major parties are the Democratic and Republican party. They are the only parties in the state so far.

The second question, no, you could not go in otherwise, you would have to have one of each.

While I am on my feet, Mr. Speaker, this is a well intentioned bill but a very bad bill. It makes it very difficult for the ill, the elderly and the physically handicapped to vote. Absentee voting would be by mail only, except for the six days before the election. If you became incapacitated six days before an election, you could be voted by this team. Okay, say you have had a heart attack ten days before the election. You are in special care seven days, you come out three days before the election, you are not able to go out and vote but you would like to vote, you lost your right to vote because this team cannot vote you. You were incapacitated more than six days. With the mail the way it is, in three days there is no way you will ever get an application and a ballot back and forth.

The other great obstacle in this is the cost. The team would have to be two people, one from each party. Paying them the minimum wage, that is \$4.60 an hour. I asked the Secretary of State to give us a figure, because I thought if in any way this should pass, no way would I want

this to be turned back to the cities and towns to pay. I asked the Secretary of State for an appropriation to put on this should it pass. The appropriation, the very minimum one, is \$36,000. That does not include mileage for the people who would be doing this work.

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

Mrs. KANY: Mr. Speaker and Members of the House: There were several things brought up by Mrs. Boudreau which were good points, but I see that some of them at least are drafting an amendment which has been passed out under filing H-1018, and one was that if somebody had become physically incapacitated before that six-day period, that they would not be eligible for an absentee ballot, that provision is changed in the amendment so that anyone who is physically incapable of attending the polls, that would cover Mrs. Boudreau's objection to that.

Secondly, she suggested that perhaps few people might be voting just because the candidates or their paid or volunteer workers might not be going out to get those absentee ballots. In the amendment, it calls for the application having to be notarized or signed by a justice of the peace, and that the absentee voter would have to subscribe to an oath. It would seem to me that the candidates or their paid or volunteer workers could go out with those applications and that would be enough to justify and to get out all those absentee ballots. I am sure you would have just as many people voting under that system.

Thirdly, another point that Mrs. Boudreau brought up, which is a very valid point, is the fact that it probably would cost something to the municipalities. The bill reads that the municipal clerk could determine if an amount could be paid, perhaps either by the ballot or whatever during the six business days in which a team would be going out.

It just seems to me that that determination could be made on the local level. Perhaps if there were volunteers available, then you wouldn't have any problem with the cost, but if you did need to pay, perhaps it could be looked upon as just another election cost. We have other costs in elections, including paying our wardens or whatever, and it seems to me that an item like this, which I consider real, major, political reform, that perhaps it is worth it to send a team out in which there would be two parties represented. Candidates are not even allowed closer to a voting booth. They have to stay behind a railing when there are election officials present, and all of a sudden, of course, we allow these same candidates, whether they are paid or volunteer workers, to walk around with a ballot in their hand, and I think this is what this legislation really accomplishes, is real reform, and that it takes the actual candidates or their workers out from being the only or sole person with that voter who is voting by absentee.

We have bipartisan support for something like this in our community. Waterville has had as many as 1,200 absentee ballots in one election, and we see the need for some real reform. Perhaps all of your communities do not have problems such as we have had, but we certainly need it in our community.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose an inquiry through the Chair. What would happen in Baldwin if both Democrats refused to be on the committee?

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

Mr. SHUTE: Mr. Speaker, I am afraid I can't answer the question, but I did serve on the Election Laws Committee and I had several

problems with this bill and that is the reason why I signed it "ought not to pass."

First, some of the towns in my county, it is impossible to even call a town caucus. We can't get three Republicans together in some towns to call a town caucus, so I wondered how we would ever get people to serve on this election team.

I think the biggest problem I have with the bill is the team of workers. I have my towns within my district that it is very difficult to get people to work at election time, and I am positive some of the smaller towns in the state could not get a team of election officials to go out and collect the absentee ballots.

I would hope that you would go along with the majority report and kill this bill.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would hope that the House would go along and accept the majority "Ought Not to Pass" report. There are two things in this bill that bother me. Number one is that — and while I have great admiration for municipal clerks, I think that maybe you could find a bad apple in that group just as you could in the case of a candidate going out and getting absentee ballots that Mr. Birt speaks about.

When I see here that the clerk will pick the names for the team from a party list that has been submitted by the municipal committee of that party, it causes me to wonder, what would happen in a primary if that clerk's brother or sister of father or mother were on the ballot and they knew of someone in that list that had been submitted by the municipal committee that was favorable to that candidate, would not they pick that person to go out and would not the other candidate have a very unfair advantage?

The other thing that bothers me is that I think, and maybe I am wrong and I stand to be corrected on this, but if my memory serves me right, unless we played with the election laws, on election day, you can deposit an absentee ballot up until the time of the closing of the polls, which is eight o'clock. On this, we say on election day that anybody who doesn't vote before five o'clock cannot vote. So we are taking three hours right away from them. Maybe they have been sick, maybe they didn't feel they wanted to vote, but all of a sudden maybe they say, well, I have always voted every year, I am 90 years old and I am not going to miss this election because this could be my last one. They might make this decision at quarter past six. You could get out there with an application and you could get back with the application and you could go back with a ballot and have them vote and deposit the ballot, but it might be five minutes of eight when you got to the ballot box. Are you going to deny those people the right to vote?

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Call.

Mr. CALL: Mr. Speaker and Members of the House: This plan of barring a candidate from voting an incapacitated person is not a case of removing the situation from the hands of politicians. The person the candidate selects to represent him could be more of a politician than the candidate.

The same could be said of the team. That team could put on quite an act. Whether or not it could be called entertainment would be a matter of opinion. This is a bad bill and I say, let's defeat it right now.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, in the interest of saving time, I would move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Buxton,

Mr. Berry, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I just wanted to point out to Mr. Dam that the amendment with the filing number of H-1018 does change that to 8:00 P.M. when the polls close, so your problem with the bill, then, should be solved, if that was your only problem.

Mr. Spencer had a very legitimate question. What happens in a town like Baldwin in which there are just a few people? The bill itself does say that the clerk could name people to fulfill that obligation, perhaps not even necessarily from that municipality. But if there are a lot of problems here with this bill and yet some communities feel the need for this and maybe if it is too much for the small communities, I would hope that you would pass this bill and allow it to be put in the amending stage where perhaps the smaller communities could be eliminated and it could apply to communities with a population over 15,000. But perhaps some of us feel the need for that, at least we do in our city.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: To my good friend, my very, very good friend from Waterville, Mrs. Kany, I think it says in the bill on page 3 that should the municipal committee fail to supply a list, that the clerk can choose someone. But if the committee does supply the list, the clerk uses that list to choose the person from.

I think also that at this stage, and maybe I am wrong, maybe the session has dragged on too long and affected my head, but I don't think we have the amendment on the bill yet. I think we are talking just about the bill.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I think we are all familiar with the process of getting absentee ballots down through the years and all we are hearing here today is the testimony on how much harder it is going to be for the people who are housebound or in in a hospital or they are laid up and they can't make it to the polls. I think the indefinite postponement of this bill will save a heck of a lot of questions.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Dam, the Representative from Skowhegan, the 8:00 P.M. time is in the regular bill on page 4. The filing deadline: In order to be valid, an absentee ballot must be delivered to the municipal clerk before 8:00 p.m. on election day, which is the time they close the polls.

I think the point that I would like to particularly address myself to is this team. All of the objection to this has been directed toward this team of people who are going out and picking up an absentee ballot. I dare say, and I am sure I am right, that in a great many towns there won't even be any team because there won't be anybody calling in. This particular team is only used in the event that somebody within the the last six days becomes incapacitated and is unable to get there. Or as the gentlelady from Waterville, Mrs. Kany, pointed out, if the amendment is adopted; it does allow the person who had been incapacitated a little earlier.

This team is a very minor part of the overall structure of this bill. Actually, the bill itself, the philosophy of the bill is a sound piece of legislation. I have had letters and calls from some of these people in the state indicating it is a good bill and they support it.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: In reference to my good friend from East Millinocket, Mr. Birt, since we are on page 4, I read in section 3 that the team will be responsible for delivering the sealed ballot to the clerk's office no later than 5:00 P.M. on the same day the ballot was voted.

It is true what Mr. Birt has said under "Deadline." In order to be valid, an absentee ballot must be delivered to the municipal clerk before 8:00 P.M. In my mind, this only tells me one thing, this is an even worse bill than I thought it was when I first saw it, because I don't know how if you go out on election day and get an absentee ballot, how you can deliver it to the clerk by 5:00 P.M. and still have until 8:00 P.M. to get it in the ballot box. I don't think you have got two ballots, unless Mr. Birt has got that arranged somewhere else.

The SPEAKER: The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Jalbert of Lewiston requested a roll call vote.

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 pending question is on the motion of the gentleman from Buxton, Mr. Berry, 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

YEAS: Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Blodgett, Boudreau, Bowie, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Conners, Connolly, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Dow, Drigotas, Dudley, Durgin, Farley, Faucher, Flanagan, Gray, Hall, Hennessey, Higgins, Hobbins, Hunter, Hutchings, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lizotte, Lovell, Lunt, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McMahan, Mills, Miskavage, Morin, Nadeau, Norris, Pearson, Pelosi, Perkins, T.; Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Sprowl, Susi, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

NAYS: Berube, Birt, Burns, Churchill, Curtis, DeVane, Farnham, Finemore, Garsoe, Goodwin, K.; Gould, Greenlaw, Henderson, Hughes, Immonen, Kany, Lewis, Mackel, McKernan, McMahon, Mitchell, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Post, Spencer, Stubbs, Teague, Webber.

ABSENT: Ault, Cooney, Doak, Dyer, Fraser, Gauthier, Goodwin, H.; Hewes, Hinds, Jacques, Littlefield, Lynch, Morton, Mulkern, Najarian, Palmer, Peakes, Stout.

Yes, 102; No, 30; Absent, 18.

The SPEAKER: One hundred and two having voted in the affirmative and thirty in the negative, with eighteen being absent, the motion does prevail.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (11) "Ought Not To Pass" — Minority (2) "Ought To Pass" as Amended by Committee Amendment "A" (H-1009) — Committee on Labor on Bill, "An Act to Strengthen the State Unemployment Trust Fund" (H. P. 2148) (L. D. 2287)

Tabled — March 22 by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Tierney of Durham to Accept the Majority "Ought Not To Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker and Members of the House: I have two reasons for standing before you today. One, it is my intent to focus attention on the problem of the unemployment fund and, two, to offer solutions.

We partially got into a discussion on this this morning when we were discussing the bill of the gentlewoman from Bridgton, Mrs. Tarr. It was brought out that this fund is funded entirely by the employer. He pays into the fund approximately \$30 million a year. The fund is, at this time, paying out \$60 million a year. It was brought out that we have borrowed \$13 million up to this point to fund this. It is projected by Manpower Affairs that we will be borrowing \$30 million by the end of this fiscal year and that we will be borrowing \$60 million next year.

I think it was the gentleman from Wells, Mr. Mackel, who also referred to the March 17th edition of the Bangor paper. It was on the front page that there are 30 states in the United States whose funds are in the same chaotic situation that the State of Maine is in. That is, they have borrowed \$10 billion from the federal government, from the Treasury — that is \$10 billion.

My bill, L. D. 2287, offers solutions to these problems. I would, number one, repeal the dependency allowance. This is something that I must take credit for. I voted for this, helped its passage and I think hindsight is better than foresight. I think that now we find ourselves in this deficit position and it was the wrong thing for us to do, to allow \$5 per dependent. If we repeal this dependency allowance, that would bring in approximately \$3,400,000, and these figures that I am quoting are all from Manpower Affairs.

Two, the bill would establish an employee contribution of one percent of covered wages subject to a limit. That limit would be \$6,000. An employee could pay as much as \$60 a year. That is one percent on \$6,000. That would bring into the fund \$14,700.

Number three, I would raise the tax on the employer by an additional one half of one percent. That would bring \$7,400,000 into the fund.

Fourth, I would raise the taxable wage base from \$4,200 to \$6,000. That would bring \$9,700,000 into the fund.

Fifth, and last, I would shorten the benefit period from 26 to 20 weeks. As it is now, an unemployed person can draw unemployment for 65 weeks. That is broken into three periods; 26 weeks is funded entirely by the state, the next 13 week period is funded one half by the federal government, and the last 26 week period is funded entirely by the federal government.

I reiterate, now an unemployed can draw 65 weeks unemployment. My bill would shorten this to 50 weeks, and broken down, it would be 20 weeks funded by the state, 10 weeks funded by the state and federal government, the last 20 week period entirely by the federal government.

The five items that I have mentioned would bring into the fund a total of \$37,900,000, and in the year 1978, if this bill were enacted, we would be back in the black to the tune of \$14,000.

I have an amendment to this bill. It was my intent when I had the bill drawn up that everything would have a trigger mechanism in it whereby when the fund reached a median level of \$35 million, these things would be

triggered out. When the fund reached that limit, for instance, one percent would no longer be paid by the employee. When the fund reached that \$35 million, the employer would no longer pay the one half of one percent additional. The actual wage base would also go from \$6,000 back to \$4,000.

I sit on the Labor Committee and I have been disturbed that this fund is in the chaotic situation that it is. I am trying to be responsible. I don't have all the answers, but I think that this is a responsible bill. I don't think that it is right for us to continually borrow money from the federal government, money that the federal government doesn't have, incidentally. I have already brought out the \$10 billion, and we have borrowed \$10 million from the Treasury.

So I guess by the looks of the House, I have talked long enough, because there are only a few of us left here. I hope that you will not support the motion of "ought not to pass." I realize that I am in the minority. I hope that you will not support this motion so that you can pass my bill, which I submit is a responsible bill.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would like to thank the good gentleman from Hope, Mr. Sprowl, for bringing to our attention what is a very real problem, a very real national problem, and that is the steady depletion of our unemployment trust funds due to the unparalleled recession that the United States has gone through. And since this bill is really more of a statement of frustration with the present system than anything else, I certainly appreciate his bringing it before us and presenting his very strongly held convictions, but I do not feel that this is a good bill and I would like to briefly tell you why, but first, perhaps I should explain that the bill has received an 11 to 2 "ought not to pass" report. I guess when we have a bill where the good gentlelady from Bridgton and I agree, it certainly is an issue that deserves some attention.

This bill was opposed by both management and labor alike, was opposed for a variety of reasons, but the most fundamental one is, there is no question that we have trouble with our unemployment problem. Just as sure as that is true, it is also true that this problem will not be ameliorated by state action, because there really is nothing we can do to bail ourselves out short of such a dramatic change sponsored by the gentleman from Hope.

What his bill essentially does is take \$40 million out of the Maine economy — takes \$40 million out of the Maine economy in this coming year. And the way he does that is to raise the tax on the employers by both increasing the taxable wage base and by raising the employer tax. So far people like the good gentleman from Woolwich, Mr. Leonard, who was concerned this morning about what he is having to pay under the present system. I can assure you that if this bill were to pass, his unemployment would increase dramatically.

This bill also calls for an employee pay-in of one percent into the unemployment fund. Ladies and gentlemen of the House, only three states have authorized employee pay-in. Of those three states, only two of them do it, and of those two, one of which is Alaska, which has extremely high unemployment benefits, and those two, the percent is only a half of one percent. The reason other states have not gone to an employee pay-in in the unemployment field is that it just doesn't work. What happens right at the outset is that any employer who has a labor organization, they will sit down and negotiate immediately as to who is going to pay this one percent, and the employer ends up paying that one percent anyway where the industry is organized and unionized. The only industries where the employee gets hit with this extra one percent is in the unorganized, it is in the low-in-

come, marginal industry which does not have the unions to protect them. So what happens, actually, you end up penalizing the exact people that Mr. Sprowl does not want to penalize. You penalize the employer beyond their means and you also impose on employees.

The good gentleman has stated we are borrowing. It is true, we are borrowing just like 30 other states are borrowing, and I would like to point out that we are borrowing interest free. But not to rationalize that, I urge this House to reject this bill, because if we do not, and I will quote on this point, if we do not, we will be dramatically increasing the taxes paid by Maine industry and it will continue to place us at a competitive disadvantage with other states, because other states are not moving in this direction. I don't think we ought to do it. It certainly is not going to do anything to try to attract industry into this state, and I hope we accept the majority "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker and Members of the House: I thank Mr. Tierney. We are both gentlemen this afternoon. He thanked me and I am going to thank him. Up until this point, I didn't know that he was aware that there was a problem, but now that he has reiterated what I have said, that we do have problems, I would like his solution.

I have an answer. I have provided an answer. It may not be the entire answer, but it is the answer that I am faced with when I pay my bills in business. It is the answer that I come up with when I pay my own personal bills. Somewhere along the line you have to pay the fiddler. My bill does this. We are paying things. This bill is designed to pay for things as we go.

Representative Tierney, where are your solutions?

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I always enjoy answering questions. I like to answer them yes or no, but I guess I won't be able to on this one.

The good gentleman has asked a series of questions. I would like to state first of all that my personal position has been quite consistent. It is obvious that we are going to have to borrow from the federal government. If the good gentleman would like to examine the remarks I made on this floor during the regular session, he will see that on several occasions I made it very clear to this House on unemployment bills that the State of Maine would be going into the red and that our unemployment system would be exhausted.

Now, in the area of solutions, I would first of all state that since we are dealing with a massive problem, this is not a problem unique to Maine, you are dealing with a mass of unemployment and a mass recession, that any key to the economic recovery of this and to the economic recovery of the unemployment fund is going to have to come from the national level. It is going to have to come through our ability to attract jobs. And specifically as to the unemployment fund, I certainly think we should move in the direction outlined by the good gentleman from Biddeford this morning, and that is, when the fund is good, that is the time to build it up, that is the time, when we are in a series of economic prosperity, to protect ourselves when times are bad. But the employers of this state always defeated those moves in the past when the fund was in good shape, because they didn't want to pay that extra infinitesimal percentage of a percent, so what happened is, we are in this position now.

If the good gentleman also examines other pieces of legislation which we have passed and which he has supported, which is increase the eligibility requirements in order to receive unemployment in the first place, he would notice that we have taken some steps, some responsible steps, to build up our fund.

Of the five bills reported by the study commission, four of them are on their way to becoming law and all four of those bills do things to strengthen the fund, but let's not go this route. Let's not go a route that isn't supported by anyone, isn't supported by industry, isn't supported by management, isn't supported by the Department of Manpower Affairs. I think we have to be responsible and reject the bill.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker and Members of the House: Mr. Tierney threw something my way and I just caught it when I was back to, so I wanted to at least stand up and respond a little bit.

I am not necessarily worried as an employer of having to pay more if there is some responsible action on the other end that will at least limit the benefits that are going out. Be that what it may, that is my position on that. As far as waiting until the time we can afford to pay back, until the economy is in a position so we can pay back this money, to that I say, bunk! If you have a deficit and you continue with a deficit and you are living beyond your means, your ability to pay, I suggest the economy will never catch up.

One of the things I have thought of, and it has come to mind this year, maybe one of the things we should do with the unemployment fund is pass legislation that would require that all employers increase the employee's pay by the amount that that employer is having withheld from him and paying into the unemployment fund. That would give the employee accountability as to where these hidden benefits are going and how much they are in fact costing him. Then I would like to see what happens in this legislature the next time when the majority of these representatives that support this liberal, and I call it liberal, attitude towards giving everybody everything as long as you possibly can. I would like to see their attitude and see what their constituents think of their vote when they see more and more deductions being taken from their paycheck. Because if you start — and I am willing to go along with this legislation, because I think with Mr. Sprowl, it is responsible, at least we are facing a problem that we have.

If we increase the deductions, or let's say that we increase the benefits and we keep carrying a deficit, eventually we are going to have to pay that back. Where do we get it from? We get it from the employer. We don't get it from the employee, because the employer is paying that particular individual, or the employees, an amount of money. If he can't take it from the employee, where does he get it? It comes out of this huge profit that the gentleman from Westbrook keeps referring to that industry and business has in this state. I suppose that is why they fail all the time. It comes from the business. Where does it go after that? It goes back to the consumer, and all you have done in the process is added a lot of administrative costs to the dollar that you are trying to distribute. It doesn't even make sense.

It adds to your bureaucracy, it takes away a lot of the buying power of our dollar and eventually we are going to, and I think we have, we have exceeded our ability to pay. We have to reverse that trend and this is one of the few pieces of legislation I have seen this year, regardless of who it impacts, that will reverse that trend and finally put us on a responsible foot and headed in the right direction.

I hope you support Mr. Sprowl and not the motion now before us.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, I would like to pose a question. I think the remark was made, but I think I missed it. I would like to know how many states are there now where their un-

employment funds are dead or borrowing from the federal fund?

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

The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: There are 30 states whose unemployment fund is in a bankruptcy position — 30.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: There are 30 states now. I imagine shortly there will be three or four more. That would run about 66 or 68 U.S. Senators. I doubt very, very much if the State of Maine will ever be called upon to pay for this debt.

The SPEAKER: The pending question is on the motion of the gentleman from Durham, Mr. Tierney, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Sprowl requested a roll call vote.

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.

ROLL CALL

YEA: Albert, Bachrach, Bennett, Berry, P.P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Farley, Farnham, Finemore, Flanagan, Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Immonen, Ingengeri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, LaPointe, Laverty, LeBlanc, Lunt, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, Mills, Miskavage, Mitchell, Nadeau, Najarian, Norris, Pearson, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Truman, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY: Ault, Bagley, Berry, G.W.; Bowie, Byers, Carey, Connors, Curtis, Dudley, Durgin, Fenlason, Garsoe, Gould, Gray, Higgins, Hunter, Hutchings, Kauffman, Kelley, Leonard, Lewin, Lewis, Lizotte, Lovell, MacLeod, McKernan, McMahon, Morin, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Rollins, Sprowl, Torrey, Tozier, Twitchell, Tyndale, Webber.

ABSENT: Call, Carroll, Cote, Doak, Dyer, Faucher, Fraser, Gauthier, Goodwin, H.; Hewes, Hinds, Jacques, Laffin, Littlefield, Lynch, Mackel, Morton, Mulkern, Palmer, Peakes, Smith, Strout, Susi.

Yes, 89; No, 39; Absent, 23.

The SPEAKER: Eighty-nine having voted in the affirmative and thirty-nine in the negative, with twenty-three being absent, the motion does prevail.

Sent up for concurrence.

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

House Divided Report — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" — Committee on Natural Resources on Bill, "An Act to Permit Local Plumbing Inspectors to Ap-

prove Repairs to Existing Septic Systems" (H. P. 2206) (L. D. 2306)

Tabled — March 22 by Mr. Farley of Biddeford.

Pending — Motion of Mr. Blodgett of Waldoboro to Accept the Minority "Ought to Pass" Report.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

House Divided Report — Majority (12) "Ought to Pass" as Amended by Committee Amendment "A" (H-1012) — Minority (1) "Ought to Pass" as Amended by Committee Amendment "B" (H-1013) — Committee on State Government on Bill, "An Act to Establish a Division of Travel Information" (H. P. 2022) (L. D. 2201)

Tabled — March 22 by Mr. Cooney of Sabattus.

Pending — Motion of the same gentleman to Accept the Majority "Ought to Pass" Report; as amended by Committee Amendment "A" (H-1012)

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: You have before you today acceptance of the "ought to pass" report by the State Government Committee on Bill "An Act to Establish a Division of Travel Information." I would like to give a little background on this part of the bill and the previous bill which led to this particular amendment. In no way do I want to downgrade the effort of the State Government Committee. They have worked many long afternoons in work sessions to come up with an amended version of this bill which you have before you in Committee Amendment "A", which was accepted and is ten pages of this bill.

I would like to bring out at this time that the original had called for a different funding mechanism, which we felt in the industry was a half of one percent. We had been told by the executive branch here in Augusta to stop coming in and asking for money out of the General Fund without some mechanism to fund a tourist bureau within one of the departments here.

In the past, the Department of Tourism has been in DED, DCI and in the executive branch and been controlled down there. It is now in a position where it is down to a zero base. There is no money, no people or agency involved in tourism related activity. We feel that this is a rather deplorable state with an industry that generated in 1972 \$472 million worth of income and added somewhere in the neighborhood of \$30 million to the General Fund through the sales tax. Committee Amendment "A" proposes a 50 cent a room tax. This is not the worse thing in the world, but I think from a manageable, taxable, collectible point of view, that it is next to impossible to have accountability within the industry in collecting it, and I know that we have been told this by the Taxation Bureau. If a man is renting so many rooms and he doesn't fill them, and he doesn't have to show that he has got 40 rooms rented, he has got to collect 50 cents a room in order to send it in.

A half of one percent, ladies and gentlemen, would be just one cent on \$2. It would be a half a percent above the 5 percent and would include the restaurant business. You are going to hear some arguments, I assume, against a half percent on the local restaurants which are in the State of Maine on a yearly basis, but I feel that this is so small that their benefits from an agency that would be working for their behalf on a year-round basis, they would certainly benefit.

I would just give you a few more facts and

figures. Tax on food would not hurt Maine people. Eighty percent of food sales tax comes from non-residents. About 12 percent comes from you and I that are here eating out for pleasure or many of our men traveling on expense accounts. The bill would call, as I have said for one cent on a \$2 basis. Many of our fast food chains, I have been told, the committee felt that they had qualms about taking a tax back to their home because the Ma's and Pa's out eating on Sunday at MacDonald's or Burger King or this type of thing would be supporting our industry.

I fail to see that this is a logical argument. I feel that these people are at key locations throughout our state and certainly are benefiting from the flow of traffic that we generate here in June, July and August and our fall business which is expanding.

We have fallen down in recent years. The statement of fact in the original bill tells us that vacation travel in recent years has declined in Maine, resulting in a loss of revenues to the state through the sales and gasoline tax. We have many agencies here in Augusta and you know it. For instance, and I don't want to downgrade the great Department of Agriculture which we commemorated here yesterday and had some of their products freely passed out to us; however you are spending money, people are employed supporting this industry which is representing and should represent the good farmers and the industries throughout our state.

I just feel that our industry at this particular time will not accept the two features of this proposal which has been brought by State Government particularly Committee Amendment "A" and also Committee Amendment "B" which proposes a two percent increase on the present sales tax on rooms only. Therefore, you are picking out one segment of the industry to support this department.

In closing I would just mention that we have suggested that the department go in the Department of Transportation, because all federal funding for this type of thing today is coming through the Department of Transportation under reorganization. There are plans on the board right now for new information centers down the line, one at Fryeburg, one in Houlton, one in Calais, which I would like to think could be funded through the Department of Transportation in future years as we go along. There is one coming up which I have been asked about, why is one opening in Brunswick where we have the large one in Kittery? The one in Kittery was funded with some federal funding on a 90-10 basis with the state.

The one proposed at Brunswick is being proposed because it is the separation of 1 and 95 and we feel that in order to give these people the information that they need for the coastal region, they can get it at this next logical stop. This is in the plan for this particular spot.

I, therefore, feel that we should get back on the original bill, if possible, in any way, and I am trying to be a little bit of a political realist here today in feeling that the second floor is not going to vote either of these proposals, probably not even the original proposal, but at least we are offering something which is amenable to a possible surcharge on top of the sales tax, which would be in lieu of even half of one percent. There is a mechanism to get some funding and it might be a little more palatable and not coming out in tax form.

I would move to substitute the bill for the report at this time, Mr. Speaker.

The SPEAKER: The gentleman from Bar Harbor, Mr. MacLeod, moves that the Bill be substituted for the Reports.

The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and

Gentlemen of the House: I would oppose that motion. If it were to pass, I probably would oppose the bill. The bill was a sales tax increase bill of one half of one percent on every meal and on every lodging in the state. The majority of the committee, in fact I think the committee was almost unanimous in feeling that an across-the-board sales tax was just out of the question as a mechanism for raising money for this industry.

However, on the other hand, there was unanimous agreement on the committee that the tourist industry is a very important part of our state's economy, that it has been on a decline or at least level for the last few years when other states are improving their tourism picture and that it is an important contributor to our state in terms of employment and in terms of tax revenue and that our state does have a responsibility to try to assist this industry.

So, the committee tried to determine if there was a funding mechanism that would fall primarily on the tourists, on the out-of-stater, and not so much on the Maine person, on a funding mechanism that might be more acceptable to the Governor. So what we have suggested in the Majority Report, which is 12 to 1, is that there be a fee, we call it for public relations purposes and for no other reason, a hospitality fee, of 50 cents on every hotel and motel room and 25 cents on every campground site and this, we feel, is the best we can do in coming up with funds for tourist promotion.

I might point out that the 50 cent and 25 cent fee raises \$1.5 million. This is \$400,000 more than the Farnham proposal, which is Committee Report B, and I believe more than the one half of one percent increase on the sales tax originally proposed by the industry.

It has some other advantages also. Whereas the 7 percent charge that would be placed on hotel and motel rooms by Mr. Farnham and is a clear sales tax increase and has all the objections of being called a tax and being a tax, that is not refundable to Maine people who live in boarding homes or live in tourist homes on a long-term basis, whereas the bill calling for a 50 cent fee is refundable after 28 days. That is a period already in the law having to do with long-term residents. Those people would get a refund of that fee that they had paid.

So, what you are going to find is only the transient tourist, almost always in the case of a hotel or a motel, a person from out of state is going to be paying this fee. I think that that person will not object to paying that fee if he knows that it is for the services that he as a tourist demands, to be able to write to our state and to get information.

I ask that the development office send up some of the information that I knew they had from other states and I just wanted to hold up some of the brochures, marvelous things, this one from Quebec just on their parks, this one on Washington State. Look at how this folds out, inside is a beautiful, four-color pamphlet. Beyond that is another four-color pamphlet. Beyond that are countless brochures on specific things that the state has to offer. This is what we are competing with. We have got one of the greatest states in the country for tourists and we are simply not sending them the kinds of things that our competing states, who also have natural beauties and some of them who don't have the natural beauties that we do, are sending out to them.

So, I think that the tourist is willing to pay a fee for the services that he demands, and we feel that for public relations purposes, a hospitality fee is a thing that is reasonable, that the tourist would accept, and although I am not too confident that the Governor would accept it, it is a reasonable proposal that I think the industry should consider as viable.

Now, there are some other provisions in the

committee bill that were not in the industry bill. The industry bill provides that the tourism division would be placed in the Department of Transportation. They would point out to you, as has been pointed out by the previous speaker, that many federal funds are available through the Department of Transportation; therefore, it should go in the Department of Transportation. When in fact there is a rift between the industry and the Governor over this issue and they just don't want it in the Governor's department period, we feel, regardless of who the governor is, that this division should go in the development office, so we have placed it there. That in no way inhibits their getting federal funds for information services or for other parts of promotion of the industry.

Another thing that Mr. MacLeod, of course, probably just won't agree with and understand, since he operates a motel in Bar Harbor on the coast, is that they have plans through the publicity bureau, I believe, to put a second information center, as he said, at the fork of Route 1 and 95 so that people going up the coast or up the turnpike further along the coast can get tourist information. The committee specifically said that priority should be given in developing information centers to developing centers along our borders at the points of entry, so that people coming down from Quebec and heading for Old Orchard will have an information center when they cross the border. Perhaps we can entice them to stop at one of our inland lakes or some other place along the way.

People coming in from New Hampshire or across the border at other Canadian points would also have information centers. So we felt that this was a priority, obviously. The coastal tourism segment of the industry disagrees and they are, of course, a very powerful factor in the whole tourism picture.

What we have today is a bill that I think is viable and presents itself as a real assistance to this industry. The things that I see defeating it are the industry itself and perhaps the industry squabbles with the Chief Executive. So, I would sincerely hope that the legislature would support the majority 12 to 1 "ought to pass" report and would send this bill on its way.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I might just clear up a few points for your information here. The young gentleman has given us a good classroom lesson on tourism and I appreciate the brochures which just further points up that the State of Maine has nothing. You saw the letter on your desk a while ago which indicated that the travel bureaus are writing to the State of Maine right now and are getting a sad song, that we have no material on hand. I know these are hard times and maybe the state shouldn't be doing this sort of thing.

However, as far as this rift with the governor is concerned, I would like the young gentleman from Sabattus to understand that there has been working very closely with the Governor an advisory group from tourism and travel bureaus throughout the state. Not all of that segment were in the business itself. Some were from restaurants and others. There has been some ill feeling. I think, for something that was done awhile back among some of the camp owners as far as the Governor was concerned, and I have not gotten into that argument and I don't believe we should at this time.

I might, just to help the young gentleman, seeing that he has a very nice classroom technique here this afternoon, I would like to explain to him that you collect a tax over the counter at a motel or a hotel or in a restaurant and it goes on a person's bill. I am not saying that there are people out there who are dishonest, but when you have got a 100-unit motel or a 75-unit hotel I

think there are going to be a few loopholes in how many of these 50-cent-a-room taxes are collected from time to time. You have a no vacancy situation where you might be filled or you could at least indicate that you might be and then you report in 18 rooms instead of 25. The Department of Taxation has told us that this is not an easy bill or an easy tax to collect and to have accountability for it.

We were told to assess our industry, and they would go with a half of one percent. It is so small that I can't see where the argument is valid that it is going to hurt even the year-round restaurant operation in the State of Maine.

To further clarify, my point in bringing up Brunswick was in no way that the coast was pushing to have an information bureau at Brunswick. I didn't even know there was one going there until I came up to this session. It is a priority, apparently, that they tell me in the Department of Transportation that has been arrived at and their deciding to build one there. We have known for years that we needed one, or an upgraded one, in Calais and Houlton and these points that he has alluded to on the borders, we need them and we have got a down-the-road plan to try to get them in time and some of our funding in this mechanism is set aside yearly to pay for these information centers that are scattered or would be scattered around the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I join with my House Chairman, Representative Cooney, in urging you not to substitute the bill for the report. Unfortunately, the gentleman from Sabattus, Mr. Cooney, debated Reports A and B which are not before us at the present time and when that time comes, although I am a minority of one, I will handle the gentleman, as they say, from Sabattus. But at the present time, I hope you do not accept the motion of Mr. MacLeod.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the committee who signed the majority report, I would like to very enthusiastically support the motion of the gentleman from Bar Harbor, Mr. MacLeod. It doesn't particularly prevail to go back into the committee activities that went on, but there is a good deal of confusion in backing and filling and shifting of positions on the matter and, finally, I for one signed that other report simply in the interest of getting something out here on the floor or we would have been here until July.

The position taken by Mr. MacLeod is a valid one. Whether this is a tax or not and whether it will be vetoed or not are really not germane to the basic issue. Mr. MacLeod and Mr. Cooney both agree absolutely that this industry is in need of help and that this industry should pay for their own help. The industry itself agrees that they should pay for their own help. I don't think we need to debate that item at all. It becomes a question of how we shall get the money from the industry or from the people who patronize the industry to be used for the promotion.

I would suggest that the bill, which Mr. MacLeod has moved, proposes one half of one percent on the sales tax for food and for rooms. Now, this not only catches the giant out-of-state people, such as the MacDonald's, and has them contribute to what essentially is good for them and for the state, too, it also catches the people who own the hotels.

Now, under the proposal that the majority of the committee has, those of you who keep rooms in Augusta will be paying 50 cents a night for those rooms for the purpose of adding to this fund. If you take the bill that Mr. MacLeod is

suggesting and moving very properly here today, then you will be paying, for a \$15 room, seven and a half cents toward this contribution to the State of Maine.

If the term tax disturbs people, then we can amend the bill once it is accepted to call this half a percent an economic development surcharge, if you wish, but I do think it is a good idea. I do think the bill moved by Mr. MacLeod is the proper way to do it.

The SPEAKER: The pending question is on the motion of the gentleman from Bar Harbor, Mr. MacLeod, that the House substitute the Bill for the Reports. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Cooney of Sabattus requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I am at a loss, really, to understand the thinking on this. I would guess that many of us, judging by that vote, are feeling that they are supporting the industry by voting with our in-house industry representative, Mr. MacLeod, this afternoon.

I know that we have on several occasions discussed both Report A and Report B in the original bill with representatives of the tourist industry in long sessions in committee. There was, I believe, agreement that some mechanism such as this would be acceptable to them. Now, a particular gentleman who used to sit in a seat down here to my right who is a very vocal leader of the tourist industry, has appeared on the scene just today and has voiced his very vocal opposition to this particular bill and Mr. MacLeod now, who evidently I had felt was willing to accept one of the committee drafts is now very much opposed to this bill and it put me, and I don't know how many of the rest of you, in a very difficult position where those of us who were voting yes I would guess are voting for the industry and I, in voting no against substituting the bill for the report, I feel I am voting for the industry.

I would just say that the committee has done a great deal of work on this to try to get a viable bill that raises a great deal of money, more money than the other two bills raise. I might say that in the case of Report A and Report B, the difference is \$400,000, and I would think that would certainly more than make up for any miscalculations on the part of innkeepers around the state with regard to paying this fee. So, I respect how the House would vote, but I would encourage you not to vote for substituting the bill for the report.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Again, I want to call your attention to the remarks of the gentleman from Sabattus Mr. Cooney. What he is trying to tell you, if you vote to substitute the bill for the report, you are increasing the sales tax to 5½ percent on every meal that is eaten by Maine people. There are thousands of our people eating out every day.

Your committee didn't feel that we should punish Maine people. We thought we could put it on the tourists, who would be the person paying 90 percent of the tax, whether you call it the

hospitality tax of 50 cents or my version of 7 percent on room rentals.

We also had in mind, all the time we were working on this bill in committee, that we didn't think we could ever get an increase in the sales tax by the second floor. We did everything we could. We want to help this industry. We want you to kill that motion and accept one of the others, and I will not cry if you take the one I am all alone on or take the other one. But the industry does need help, and I think the motion of Mr. MacLeod, he is cutting his throat from ear to ear instead of helping himself.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: There is no denying, I repeat, that this industry needs help. There is no denying that this industry brings people in that help the entire State of Maine, and there is no denying that somehow or other, if we are going to raise money to advertise for this business, then we are going to have to do it by some kind of tax. Now, you can tax rooms if you happen to feel that we are catching only out-of-staters on rooms, and you can hit them a heavy belt, which is the 2 percent proposed in Committee Report B or the 50 cents a night in Committee Report A, or you can squarely face the issue and you can put a half percent, which would cost exactly one penny on a \$2 meal. You can put a half percent on restaurant food, which is the large bulk of the sales. I, for one, will not object to paying that one penny on a \$2 restaurant meal for the purpose of helping to improve the economic status of this state.

I am not by any stretch of the imagination an industry representative. There are absolutely zero motels in Gorham. There is one restaurant known as Fourteen Main that closes at two o'clock in the afternoon.

Everybody agrees that the industry needs help and the state needs help. I think we should squarely face the issue. I see absolutely nothing wrong with putting one half of one percent for an economic development surcharge on this industry and allowing it to be used in a proper manner. There has been an axiom for many, many years which all Americans recognize — when business is good, it pays to advertise; when it is bad, you have got to advertise.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I won't belabor you with too much more rhetoric at this particular time. I would just like to say that I had no particular fight with the State Government Committee. They have worked very hard on this bill. They believe in what they brought out. I just happen to feel that the industry had worked very, very hard with a group that was appointed by the Governor to come up with the Advisory Travel Council, which has been working hand in hand with the Maine Publicity Bureau, which is the agency which will be carrying the ball if we ever get any funding up here for tourism, in conjunction with the Department of Tourism. I hope that you will stay with your original vote and go along with me at this time.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Lovell.

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: In the other body, in the 100th and 101st session, I was chairman of the Committee on Industrial Recreation and Development and at that time we spent a great deal of money in the State of Maine to get the tourists in. Now, I can't see how that we ever stopped doing such a thing. Our tourist business over the years has built up so that this past year it was estimated our tourist business as \$500 million, nowhere near as good as Florida, it was \$5 billion in Florida, but we had \$500 million. In addition to that, bringing tourists into the State

of Maine and your State of Maine Edition definitely states that you are apt to bring in, and in many cases will bring in, new people that will establish industries in your state.

Consequently, New Hampshire has gotten, as I mentioned previously, 60 new industries out of the Fortune magazines top 1000 industries, and for every dollar that New Hampshire spends for tourism, they figure that they get back \$400 in state taxes and fees from the tourists.

I certainly believe, as I listen to this debate, that the fairest way and the best way is to go along with the gentleman from Bar Harbor, Mr. MacLeod.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bar Harbor, Mr. MacLeod that the Bill be substituted for the Report. A roll call has been ordered. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Byers, Churchill, Conners, Curtis, Dam, DeVane, Drigotas, Dudley, Durgin, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Gould, Gray, Henderson, Hennessey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kaufman, Kelley, LaPointe, Laverty, LeBlanc, Lovell, Lunt, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahan, Mills, Miskavage, Morin, Nadeau, Najarian, Norris, Palmer, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Powell, Quinn, Rideout, Rolde, Rollins, Shute, Silverman, Spencer, Teague, Theriault, Torrey, Tozier, Usher, Walker, Webber, Winship.

NAY — Bennett, Berry, P. P.; Burns, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, Dow, Farnham, Goodwin, K.; Greenlaw, Hall, Hobbins, Hughes, Ingegneri, Kany, Kelleher, Kennedy, Leonard, Lewin, Lewis, Lizotte, MacEachern, Mitchell, Pelosi, Peterson, T.; Pierce, Post, Raymond, Saunders, Snow, Snowe, Sprowl, Stubbs, Talbot, Tarr, Tierney, Truman, Twitchell, Tyndale, Wilfong, The Speaker.

ABSENT — Call, Cote, Curran, R.; Doak, Dyer, Farley, Faucher, Fraser, Goodwin, H.; Hewes, Hinds, Jacques, Laffin, Littlefield, Lynch, Martin, R.; Morton, Mulkern, Peakes, Smith, Strout, Susi, Wagner.

Yes, 78; No, 50; Absent, 23.

The SPEAKER: Seventy-eight having voted in the affirmative and fifty in the negative, with twenty-three being absent, the motion does prevail.

Thereupon, the Bill read once and assigned for second reading tomorrow.

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

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Liquor Control on Bill, "An Act Relating to Location of State Liquor Stores" (H. P. 1805) (L. D. 1964)

Tabled — March 22 by Mr. Lizotte of Biddeford.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I hope we go against the motion to accept the majority "ought not to pass" report. I hope that we go along and accept the minority "ought to pass" report and I would ask for a vote.

The only thing that this bill asks is that we establish some guidelines as to the closing of the State Liquor Stores in order to open agency stores. I believe that we have gone beyond what was intended when we passed the agency bill. The agency store was supposed to be a service for the people living great distances from the State Liquor Stores, but now we have gone beyond that and we say that any liquor store that costs more than 8 percent to operate should be closed. I am sure that that was not the intent of the agency bill that we passed in the regular session.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that we are just simply getting away from the original purpose of our state stores. They were set up so there would be some control over the sale of the liquor. That was the intention. I am sure that I agree with the previous speaker, that was my intention in voting to establish open stores in places where it is impossible to run a liquor store.

I know that you have all seen the paper that the Chairman of the Liquor Commission has said that he can foresee any number of stores opened in place of the state stores. Apparently, the intention is to eliminate state stores and to put the liquor business entirely into the hands of private people.

I hope you will not accept this report.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose the pending motion to accept the majority "ought not to pass" report. I do so for many reasons. I do so because it is my belief that this bill is an essential bill in order to clarify the intentions of this legislature when it enacted legislation to create agency stores under Title 28 of the Maine Revised Statutes.

The purpose and intention of the agency store concept, which we passed last year, was to allow agency stores in rural areas and geographical areas, which do not have liquor stores, to establish such stores. Unfortunately, the bureau and the state liquor commission used the agency store bill as a vehicle to close existing stores in our state.

The City of Saco is a good example of how the commission and the bureau circumvented the law. The City of Saco's liquor store was closed several months ago and, as many of you know, the City of Saco is not a rural area and it is not an isolated area. It is a city with a population of over 12,000 people and has an annual growth rate of over 11 percent. Now common sense only dictates that the intention of the legislation which we passed last time was not to close stores in cities such as Saco in order to create agency stores.

It is my belief that the closing of the Saco store will mean a loss of revenue to the State of Maine. The Saco store, in the past, has done a good business because of the tourism in our area and it also has been a convenience to my constituents in Saco and neighboring communities of Buxton and parts of Old Orchard and parts of Biddeford.

The legislation before you, I feel, will prevent further closings of existing stores in our state which are showing a profit. I think the time has come for this legislature to clarify its position on this bill to show the Liquor Commission and other state bureaucrats that they cannot ignore the wishes of this legislature.

I request a roll call when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think two of the previous speakers have covered a good deal of

what the original intent of the law was. The original law that was passed last session, to read it exactly, it says in the statutes: "The bureau, with the approval of the State Liquor Commission, shall have authority to license and regulate in cities, towns and unorganized territories which have voted in favor of the operation of state stores under local option provisions and where there is no state store, retailers or special agency stores on an annual, seasonal or temporary basis for the purpose of selling liquor in sealed bottles."

The commissioner and the commission has indicated that it is their intent to close off all of the stores that are costing over 8 percent to operate, but it is interesting that the first store that they went into, as has been pointed out by the good gentleman from Saco, Mr. Hobbins, was a store in Saco which operated at a 7.6 percent cost of operation, which is under the 8 percent.

Now, you do have circulated on your desks some information that I dug out of a 1974 report and it has listed the stores that are over 8 percent and over the 90 stores, there are 40 of them and then there are 10 more that are within a half of one percent, or actually a third of one percent of the 8 percent level. So, theoretically, all of these are going to be closed as leases run out. These are not going to be closed all at once but as leases run out. I am sure that this is not the direction, as pointed out by one of the previous speakers, that the state wanted or is even desirous of going.

When the state went into the liquor store business, and for many years this was their direction, they had three primary points in mind — one of them was control, one was service and the last one was making money. We find that they are being reversed now, money has become their first object. The thing to do is to push liquor as hard as you can and try to make as much money as you can. I think in the long run that problem is going to work against us.

If it is the direction of the commission, the State Liquor Commission, that they want to abolish the state stores, let's do it face on, come in with legislation and we will decide that legislation, whether we will or will not abolish state stores. Actually, this bill is going completely beyond what the intent of the law is.

If you will defeat the "ought not to pass" report, and then will accept the "ought to pass" report, I do have an amendment on my desk which will establish some guidelines on how these stores will be regulated, as to what ones may be closed, if any, and what ones will be open.

When this bill was heard, it was set out to set stores up in places like Lubec, Blue Hill, and places like that, but the first listing that came out, and I have the ad in the paper of November 7, 1975, in which there were 12 stores that advertised, three of which already had stores in there. One of them was in the town of Patten. Patten is a rather isolated, 40 miles away, and actually their costs of operation was not that overall high. They had a very successful little store up there and it was working out very well. It was a one man operation and was doing about a \$140,000 a year business and costing about 11.6 percent to operate. I think that is within the guidelines that probably anybody could operate a store. At the present time, none of the merchants in that town really want an agency store. If it is forced on them they may take it rather than seeing it going out of town.

I hope you will defeat the "ought not to pass" report and then we can accept the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Lovell.

Mr. LOVELL: Mr. Speaker, I would like to pose a question through the Chair. The majority

was 9 "ought not to pass" and the minority 3 "ought to pass." If this bill does not pass, does that mean that the present towns and cities that have liquor stores that are showing a profit, that that liquor store will not be closed?

The SPEAKER: The gentleman from Sanford, Mr. Lovell, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: To answer that, as I understand it from the commissioner, the way the law reads now, he feels that he has the right to open or close any store that he wants to. By the use of the agency store concept, he has the right to close a store. He can walk in and close any store in the state, with the possible exception of Kittery, I am not sure that he can close the Kittery store, but he can close any store. This is the way the law is worded.

The agency store bill then authorizes him to put in an agency store — this is what the law says in this case — in the case where there is no store, so once he closes a store, no store there, then he can institute an agency store. He has indicated that it is his general intent to close every store that is costing over 8 percent to operate. That will close about 40 stores and that is the list that I have put together for you.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Raymond.

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if Mr. Birt is misinformed or if he got some wrong answers somewhere. There is one point that he made that is true. When the agency stores were first formed, the rules were not properly set up for them. Consequently, it seems that the director took upon himself to close stores and open agency stores wherever and whenever he felt that he should do so. This was quite a concern to the entire Liquor Control Committee.

The statement that Mr. Birt made, that potentially every store that has a cost of operation of 8 percent or more will be closed is an error. The statement that was made at that time was that whenever stores would be closed, those that have a percentage of over 8 percent would be the ones picked, if one store was to be closed.

We have been assured by the liquor commission, not by the director, that there would be a moratorium put up on the closing of liquor stores in this state until the next session.

The commission has also mentioned that they would stay within the 20 agency stores, if any would be opened, until the next session. These agency stores would be in municipalities where they have no liquor stores or where the access is great mileage, 30, 20, 15 miles, so that where there is a need for agency stores, this is where they would be placed.

They had to come in front of Liquor Control with a report prior to the next session advising us on what they intend to do. At that time, if there are any problems, I think this particular problem can be taken care of at that time. I don't think that we should come here and tell the members that the Liquor Commission is going to start closing 40 liquor stores in this state when this is not a fact.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Lovell.

Mr. LOVELL: Mr. Speaker, I would like to ask one more question. I hate to prolong this, but we have a population of 19,000 in Sanford and do I understand that there is a moratorium definitely signed, put into law, that there be no liquor stores closed for at least a year that are now in existence? Would the Sanford store have to be closed?

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Raymond.

Mr. RAYMOND: Mr. Speaker, Ladies and

Gentlemen of the House: I am not aware that the Sanford store is to be closed. However, since the last closing of the Saco store, this created quite a problem and a concern to Liquor Control. That is why this came about. We asked the commission to have a moratorium on the closing of any liquor store until the next session and they assured us that they would do this. Of course, we did not ask them to do this in writing, we took their word for it at the meeting. If I am in error, I would like any member of the committee to please stand and correct me on it.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to agree with the gentleman from Saco, Mr. Hobbins. Scarborough was one of the fortunate towns that had a liquor store in it that was closed and I can see from this that I am not sure what these 8 percent figures mean but apparently Scarborough was less than 8 percent and I don't see it on here. The commission, in its wisdom, apparently felt it necessary that the store be closed. I don't think it had anything to do with profitability, because I don't think there is a store in the state that is not bringing extra money into this state, there is not a one of them, that is running an unprofitable situation just because they have a monopoly. They closed the store in Scarborough, their excuse, or what have you, was that we could travel to South Portland or Old Orchard and that was just about their only idea, I guess, that they had stores close enough and they had a virtual monopoly on the situation and we had no right to interfere in their business, and I think that that is wrong.

I think it boils down to this, do we want to let a bureaucratic agency decide on where these stores are going to be and when they are going to be closed without us here having any input? If we want the control of the liquor stores in the statutes, then we should, I think at this time, now that we have instituted, even though there is a moratorium, agency stores, then we had better take the initial step and start holding onto whatever control that we do have.

We should face this issue head on. If they are going to close stores in areas and say, we will put in an agency store instead, that is one way, but I think we should concern ourselves with how they go about doing it and the rights and responsibilities of the people that we represent. I don't think we can just sit back and say, okay, fine, if they want to let private enterprise take over the liquor of this state, then let's say that, let's not just close stores down saying that they are not profitable or the lease is running out or there is a store relatively close at hand and you don't need one in your town.

I would hope, at least for the time being, we could accept the "ought to pass" report and defeat this motion of the "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: Just to briefly reply to the gentleman from Sanford, Mr. Lovell, this bill here, in fact, would be a statutory moratorium. If people here are on this list that was distributed by Mr. Birt, have any concern at all, whether liquor stores in the areas may potentially be closing in the future or whether the moratorium is on by the commission or not, then I would urge you to defeat the pending motion and then accept the minority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I would like to pose a question through the Chair to some member of the Liquor Control Committee. We have used the figure here this afternoon of 8

percent, would someone explain 8 percent of what as a magic number?

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, has posed a question through the Chair to any member of the Liquor Control Committee who may answer if they so desire.

The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: This is the cost of operation. As far as labor and rent, if anything goes over 8 percent, then the commission sees fit to close that liquor store.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have the report of the Liquor Commission ending June 30, 1974 and I will briefly try to explain what we are talking about.

Let's take the Saco, or I can take the Scarborough store, either one, or any other one of them, but those are two good examples. The Saco store did a gross sale last year of \$443,743. The costs of goods sold was \$269,000 and they showed a gross profit of \$174,589. Their operating expense for salaries, trucking, utilities, rent, depreciation of equipment, supplies and other, stock, loss or gain and cash over or short was \$33,731.81, leaving a net income for the merchandise that they sold to the State of Maine of \$140,857. That was 31.74 percent of their entire sales, and their operating costs in the Saco store, in this case, was 7.60 percent. So the figure that we are talking about is the amount after your gross profit is realized and your cost of goods is taken out. Then the percentage is required to operate a store and then what your net income, the figure we are talking about, this 8 percent, is the gross operating cost and anything above the 8 percent gross operating costs, as he has indicated, he would close the store.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I would like to pose a question. It sort of follows the question that Mr. Palmer asked. The operating expenses above 8 percent, does the Liquor Commissioner, to a large degree, have the power to determine what the operating costs will be, certainly if they tend to be on the high side? With a moratorium of a year, any stores that he desires to have closed, couldn't he by policy and by personnel and various things see that their operating costs were above 8 percent?

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

The Chair recognizes the gentleman from Lewiston, Mr. Raymond.

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: What was just mentioned is a fact and this was brought out by the committee. As a matter of fact, I think I brought it out myself. If this was so, this could be easily done by either putting more men or people than you need in those stores and bring up those expenses. This is why I said that it was in error, the statement that was made, that any store with an 8 percent or more will be closed. This is not a fact.

What I mentioned a while ago, and I will repeat it, at the time that the stores were being closed, they were trying to close the stores that had 8 percent or more at the time in the cities or municipalities where they felt there were too many stores, if there were two stores or three stores or whatever the case may be, or one close by within a miles radius, they felt that it was not necessary to have two stores.

There was a store in Auburn, which was about six-tenths of a mile from Lewiston, that store

only had operational costs of about 6 percent, that store was closed because there was another one six tenths of a mile further. Why go through that expense? This is the reason that one was closed. However, the logic of the Saco store being closed, I don't know what it was. I think that was a big mistake. Had the committee known this early enough, I think this could have been prevented. But the gentleman from the other body found out about it a couple days before the stores had to be closed and, consequently, there was nothing we could do about it. I think it was closed on the 2nd of January.

Please don't be deceived by the people who tell you that any store with an 8 percent or more operational cost will be closed, because this is not a fact.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, I would move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Waterville, Mr. Pierce, moves that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I would ask for a division on that motion.

Whereupon, Mr. Bowie of Gardiner requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker and Members of the House: I hope you all realize that accepting this motion of postponing the whole bill is exactly the same as accepting the majority "ought not to pass" report.

We need this bill. There may be a moratorium on the books, a moratorium locally. If there is one, there is no harm in passing this bill for the next year, and then if we find we don't need it later on, it eventually can be repealed.

As far as the Commission is concerned, of course I know and you all know that what we read in the media may be grossly exaggerated, and yet in last Sunday's paper, we read that the commissioner is planning to have a whole lot of private stores and eliminate a whole lot of these public stores. It seems to me if the moratorium is on, he should have made some mention of that.

Anyway, regardless whether there is or not, for this one year I think we need the bill. I hope you will vote against this motion to indefinitely postpone.

The SPEAKER: A roll call has been requested. 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 pending question is on the motion of the gentleman from Waterville, Mr. Pierce, that L. D. 1964 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bowie, Garsoe, Henderson, Mackel, Mahany, Maxwell, Norris, Perkins, T.; Pierce, Quinn, Raymond.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Drigotas, Dudley, Durgin, Farley, Farnham,

Fenlason, Finemore, Flanagan, Goodwin, K.; Gould, Gray, Greenlaw, Hennessey, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegnieri, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, MacEachern, MacLeod, Martin, A.; Martin, R.; McBreairty, McKernan, McMahon, Miskavage, Mitchell, Morin, Nadeau, Najarian, Palmer, Pearson, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Powell, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl; Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong, Winship, The Speaker.

ABSENT — Call, Cote, Curran, R.; Doak, Dow, Dyer, Faucher, Fraser, Gauthier, Goodwin, H.; Hall, Hewes, Hinds, Jacques, Laffin, Littlefield, Lynch, Morton, Mukern, Peakes, Post, Smith, Strout, Susi, Wagner.

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

The SPEAKER: Eleven having voted in the affirmative and one hundred fourteen in the negative, with twenty-six being absent, the motion does not prevail.

The pending question now before the House is on the motion of the gentleman from Jay, Mr. Maxwell, that the Majority "Ought not to pass" Report be accepted.

A roll call has been requested. 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 Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: After that vote, I guess I see how this is going, but I do want to at least explain my position on this and tell you why I made that motion. I made it because I felt that debate was wandering all over the lot and we weren't debating the bill. We were debating the agency bill and I think members of the Liquor Control Committee can tell you how I stood on that bill. There has been nobody on that committee that had more reservations about it last year when it passed or this year when it has been in effect. I have some real reservations on what that bill is going to do to the state. I can tell you that the situation which existed with the Liquor Commission, the Liquor Enforcement Division and the Commissioner when we came into session has been changed a great deal. I am not going to go into great detail on that now, but it just isn't the same as it was then.

I would agree with my friend from Saco, Mr. Hobbins, that undoubtedly that store shouldn't have been closed. But I just want to point out that if I have ever seen a red herring, this is it. And if you will look at Waterville and Winslow, both the towns I represent, they are both over 8 percent. So on this basis, I would be opposed to this motion and for this bill.

I think it is not a good bill. The power should be left with the Liquor Commission, not the liquor commissioner, the Liquor Commission, and this situation, too, has been greatly remedied throughout this session. This is where it belongs. If we can't leave such power with them, then we should abolish them. It is as simple as that.

I am not going to go on in any great detail, but I would hope that you would think about this and go with the majority of the committee.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and

Gentlemen of the House: I would just remind you that Sanford seems in a leeway here. Unless someone can correct me, the nearest liquor store of the Sanford store would be Rochester, New Hampshire.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that the Majority "Ought not to pass" Report be accepted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bennett, Byers, Garsoe, Gray, Henderson, Mackel, Maxwell, Perkins, T.; Pierce, Quinn, Raymond, Talbot.

NAY — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Drigotas, Dudley, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Goodwin, K.; Gould, Greenlaw, Hennessey, Higgins, Hobbs, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, MacEachern, MacLeod, Mahany, Martin, R.; McBreairty, McKernan, McMahon, Miskavage, Mitchell, Morin, Nadeau, Najarian, Palmer, Pearson, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Powell, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Stubbs, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong, Winship, The Speaker.

ABSENT — Call, Cote, Curran, R.; Doak, Dow, Dyer, Faucher, Fraser, Gauthier, Goodwin, H.; Hall, Hewes, Hinds, Jacques, Laffin, Littlefield, Lynch, Martin, A.; Mills, Morton, Mulkern, Norris, Peakes, Post, Smith, Strout, Susi, Wagner.

Yes, 12; No, 11; Absent, 28.

The SPEAKER: Twelve having voted in the affirmative and one hundred eleven in the negative, with twenty-eight being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

Bill, "An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud Against the State" (Emergency) (H. P. 2155) (L. D. 2290)

Tabled — March 22 by Mrs. Berube of Lewiston

Pending — Motion of the same gentlewoman to Reconsider Adoption of House Amendment "B" (H-1030)

On motion of Mr. Rolde of York, retabled pending the motion of Mrs. Berube of Lewiston to adopt House Amendment "B" and later today assigned.

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

An Act to Require an Annual Governor's Report on Employment and the Economy (S. P. 720) (L. D. 2256)

Tabled — March 22 by Mrs. Najarian of Portland.

Pending — Passage to be Enacted.

On motion of Mrs. Najarian of Portland, retabled pending passage to be enacted and later today assigned.

The following papers appearing on Supple-

ment No. 1 were taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-454) on Bill "An Act Relating to Costs in Contested Cases and Depositions in Probate Court" (S. P. 709) (L. D. 2236)

Report was signed by the following members:

Messrs. COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland — of the Senate.

Mrs. MISKAVAGE of Augusta
Messrs. BENNETT of Caribou
HENDERSON of Bangor
SPENCER of Standish
HEWES of Cape Elizabeth
PERKINS of South Portland
HOBBINS of Saco
HUGHES of Auburn — of the House.

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

Report was signed by the following member:
Mr. McMAHON of Kennebunk — of the Senate.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-454)

In the House: Reports were read.
Thereupon, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-454) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-452) on Bill "An Act to Temporarily Exempt Property Owners on Islands in Casco Bay from Certain Waste Discharge Compliance Requirements" (Emergency) (S. P. 708) (L. D. 2235)

Report was signed by the following members:

Messrs. WYMAN of Washington
O'LEARY of Oxford — of the Senate.

Mrs. HUTCHINGS of Lincolnville
Messrs. PETERSON of Windham
CURRAN of Bangor
McBREAIRTY of Perham
DOAK of Rangeley
WILFONG of Stow
CHURCHILL of Orland
HALL of Sangerville
BLODGETT of Waldoboro
AULT of Wayne — of the House.

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

Report was signed by the following member:
Mr. TROTZKY of Penobscot — of the Senate.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-452).

In the House: Reports were read.
On motion of Mr. Peterson of Windham, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-452) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" on Bill "An Act Relating to Water District Rate Proceedings" (S. P. 715) (L. D. 2245)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. CYR of Aroostook
GREELEY of Waldo — of the Senate.

Mrs. TARR of Bridgton
Messrs. LITTLEFIELD of Hermon
LUNT of Presque Isle
NADEAU of Sanford
SPENCER of Standish
GRAY of Rockland — of the House.

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

Report was signed by the following members:

Mrs. SAUNDERS of Bethel
Messrs. KELLEHER of Bangor
BERRY of Buxton
LEONARD of Woolwich — of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.
On motion of Mr. Kelleher of Bangor, the Bill and Reports were recommended to the Committee on Public Utilities in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Concerning the Analysis of Unexpended Balance and Payment Maximums under the Aid for Dependent Children Program" (H. P. 1904) (L. D. 2091) which was Passed to be Engrossed in the House on March 22, 1976.

Came from the Senate, with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House: On motion of Mrs. Berube of Lewiston, tabled pending further consideration and specially assigned for Thursday, March 25.

Order

Mr. Carey of Waterville presented the following Joint Order and moved its passage: (H. P. 2241)

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary shall report out a "Resolve, Authorizing Frederick Gooldrup and Germaine Gooldrup, or their legal representatives, to bring Civil Action Against the State of Maine"

The Order was read and passed and sent up for concurrence.

Consent Calendar

First Day

Bill "An Act to Promote the Sale of Maine Potatoes" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-457) (S. P. 701) (L. D. 2220)

Bill "An Act to Revise the Potato Licensing Law" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-458) (S. P. 702) (L. D. 2221).

No objections having been noted, were ordered to appear on the Consent Calendar of March 24 under listing of Second Day.

Bill "An Act Relating to Teacher Employment — Committee on Education reporting "Ought to Pass" as ended by Committee Amendment "A" (S-459) (S. P. 640) (L. D. 2029).

On the request of Mr. Higgins of Scar-

borough, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-459) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Bill "An Act Relating to Residency for the Purposes of Municipal Relief of the Poor" — Committee on Judiciary reporting "Ought to Pass" (S. P. 738) (L. D. 2288)

On the request of Mr. Lizotte of Biddeford, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, I would like to pose a question through the Chair to anyone on the Judiciary Committee. What exactly does this bill do? I have read the bill and I don't know what it does.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, in the absence of the House Chairman, I would ask somebody to table this for one legislative day.

Mr. Lizotte of Biddeford moved this matter be tabled for one legislative day.

Subsequently, the same gentleman withdrew his tabling motion.

Thereupon, the Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Bill "An Act to Amend the Employment Security Law" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-453) (S. P. 691) (L. D. 2210)

Bill "An Act to Require the Employment Service to Provide Services to High School Students" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-456) (S. P. 719) (L. D. 2255)

Bill "An Act to Revise Requirements for Permanent Markers Under the Land Subdivision Law" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-451) (S. P. 717) (L. D. 2268)

Bill "An Act to Assure Resources for the Resolution of Disputes" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-455) (S. P. 666) (L. D. 2296)

Bill "An Act to Promote Efficiency in Maine State Government" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-450) (S. P. 699) (L. D. 2223)

Bill "An Act Relating to the Refund of Fees on Certain Unused Semitrailer Registrations" (Emergency) — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-449) (S. P. 649) (L. D. 2066)

No objections being noted, were ordered to appear on the Consent Calendar of March 24 under listing of Second Day.

Passed to Be Enacted

An Act Relating to Conferring Degrees by Thomas College (H. P. 1927) (L. D. 2114) (C. "A" H-994)

An Act Relating to Definition of Retail Sale under Sales and Use Tax Laws (S. P. 669) (L. D. 2128) (C. "A" S-437)

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.

An Act to Allow the Board of Environmental Protection to Grant Limited Variances to Statutory Time Schedules (H. P. 1950) (L. D. 2136) (C. "A" H-984)

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

Mr. Davies of Orono requested a roll call vote on passage to be enacted.

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 Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, could we have a brief description of this bill, please?

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

The Chair recognizes the gentleman from Waterville, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill which was debated at length the other day which allowed industries which are over 75 percent completed to have the variance to bring the state deadline in line with the federal deadline of July 1, 1977.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cooney, Curran, P.; Curtis, Drigotas, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Goodwin, K.; Gould, Gray, Greenlaw, Hennessey, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Joyce, Kany, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBrearty, McKernan, Miskavage, Mitchell, Nadeau, Najarian, Palmer, Pearson, Pelosi, Perkins, S.; Peterson, P.; Pierce, Powell, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Sprowl, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Usher, Walker, Webber, Wilfong, Winship.

NAY — Ault, Berry, P. P.; Connolly, Cox, Davies, Henderson, Ingegneri, Jensen, Kelleher, LaPointe, Lewis, Peterson, T.; Raymond, Spencer.

ABSENT — Berry, G. W.; Call, Cote, Curran, R.; Dam, DeVane, Doak, Dow, Dudley, Dyer, Faucher, Fraser, Garsoe, Gauthier, Goodwin, H.; Hall, Hewes, Hinds, Jacques, Jalbert, Kauffman, Laffin, Littlefield, Lynch, Martin, A.; McMahon, Mills, Morin, Morton, Mulhern, Norris, Peakes, Perkins, T.; Post, Quinn, Smith, Strout, Stubbs, Susi, Tyndale, Wagner.

Yes, 95; No, 14; Absent, 41.

The SPEAKER: Ninety-five having voted in the affirmative and fourteen in the negative, with forty-one being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act Relating to the Formation of Political Parties and to Political Designations (H. P. 1960) (L. D. 2140) (C. "A" H-985)

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

On motion of Mr. Palmer of Nobleboro, tabled pending passage to be enacted and tomorrow assigned.)

An Act Concerning Transit District Buses Used for Elementary Pupil Transportation (H. P. 1996) (L. D. 2177) (C. "A" H-980 as amended by S. "A" S-439)

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

On motion of Mr. Gray of Rockland, the House reconsidered its action whereby Bill "An Act to Clarify Various Statutes Relating to Superior Court Fees and Costs," House Paper 1866, L. D. 2037, was passed to be engrossed.

On further motion of the same gentleman, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1055) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, I would like to inquire of the gentleman as to just what is going on.

The SPEAKER: The gentleman from South Portland, Mr. Perkins, has posed a question through the Chair to the gentleman from Rockland, Mr. Gray, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. GRAY: Mr. Speaker, Men and Women of the House: During the regular session, we passed a law having the state take over from the counties the cost of superior court. However, each county will be required to pay into the state every year from now on what it cost them to conduct their 1974 superior court costs. This amendment exempts expenditures caused by the criminal prosecution of any inmate of a state institution from being counted when the amount of county support for the superior court is determined. In other words, those counties who have state institutions in them are burdened with an extra premium. This would eliminate that premium.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, and I am not sure whether I have any objection to the amendment or not, but I would like to have somebody table this so that we could at least take a look at it before it goes rushing through here.

Thereupon, on motion of Mr. Rolde of York, tabled pending the adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Allocate Part of Lobster and Crab Fishing License Fees to the Lobster Fund and Boat Fund" (H. P. 2079) (L. D. 2242) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Greenlaw of Stonington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1054) was read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker, I would like to ask a question of the good gentleman from Stonington if I might. Does any of this money go to the sternmen?

The SPEAKER: The gentleman from Durham, Mr. Tierney, has posed a question through the Chair to the gentleman from Stonington, Mr. Greenlaw, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I knew before the session was over that my good friend from Durham, Mr. Tierney, was not going to let me get away without some reference to the sternman bill. And to answer his question, it very simply is no.

Thereupon, House Amendment "A" was adopted.

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

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, on page 8 of today's calendar, item 9, having voted on the prevailing side on L. D. 2212, I now wish to reconsider our action whereby we accepted the "ought not to pass" report.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, moves the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report on Bill "An Act Relating to the Registration of Voters," House Paper 2039, L. D. 2212.

Thereupon, on motion of Mr. Higgins of Scarborough, tabled pending his motion to reconsider and later today assigned.

(Off Record Remarks)

On motion of Mr. Carey of Waterville,
Adjourned until nine-thirty tomorrow morning.