

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Thursday, March 17, 1977

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

Prayer by Senator Gerard P. Conley of Cumberland.

The journal of yesterday was read and approved.

(Off Record Remarks)

Papers from the Senate

The Following Joint Order, An Expression of Legislative Sentiment recognizing that: the Lady Rams of Bangor High School have won the girls' Eastern Maine Class "A" Basketball Championship for the academic year, 1977. (S. P. 287)

Came from the Senate read and passed.

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

RESOLVE, to Establish an Experimental Coho Salmon Program (S. P. 279) (L. D. 892)

Came from the Senate referred to the Committee on Fisheries and Wildlife and ordered printed.

In the House, was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act Concerning the Power of Podiatrists" (S. P. 280) (L. D. 893)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act Prohibiting the Dissemination of Obscene Matter to Minors" (S. P. 281) (L. D. 894)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Revise the Water Quality Program" (H. P. 265) (L. D. 881)

Came from the Senate referred to the Committee on Natural Resources and ordered printed.

In the House, was referred to the Committee on Natural Resources in concurrence.

Bill "An Act Concerning the Charter of the Newport Water District" (H. P. 284) (L. D. 897)

Came from the Senate referred to the Committee on Public Utilities and ordered printed.

In the House, was referred to the Committee on Public Utilities in concurrence.

Bill "An Act Relating to Rules and Regulations Promulgated by State Agencies" (S. P. 282) (L. D. 895)

Bill "An Act to Articulate Lines of Authority for all State-Budgeted Programs" (S. P. 283) (L. D. 896)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, were referred to the Committee on State Government in concurrence.

Bill "An Act to Establish a Sign on the Maine Turnpike Announcing the Moosehead Lake Region" (S. P. 278) (L. D. 891)

Came from the Senate referred to the Committee on Transportation and ordered printed.

In the House, was referred to the Committee on Transportation in concurrence.

Non-Concurrent Matter

Bill "An Act to Revise the Salaries of County

Officers" (H. P. 738) (L. D. 752) which was read twice under suspension of the rules and passed to be engrossed in the House on March 10, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-26), "B" (S-27), and "C" (S-30) in non-concurrence.

In the House: On motion of Mr. Hughes of Auburn, the House voted to recede from its action whereby the Bill was passed to be engrossed.

Senate Amendment "A" (S-26) was read by the Clerk and adopted in concurrence.

Senate Amendment "B" (S-27) was read by the Clerk and adopted in concurrence.

Senate Amendment "C" (S-30) was read by the Clerk.

On motion of Mr. Hughes of Auburn, Senate Amendment "C" was indefinitely postponed in non-concurrence.

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

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

Whereupon, Mr. Henderson of Bangor requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that this matter be tabled for one legislative day pending passage to be engrossed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. Whereupon, Mr. Quinn of Gorham 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 Nobleboro, Mr. Palmer, that this matter be tabled pending passage to be engrossed in non-concurrence and specially assigned for Tuesday, March 22. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Birt, Bunker, Byers, Carter, F.; Churchill, Connors, Cunningham, Devoe, Durgin, Dutremble, Flanagan, Garsoe, Gauthier, Gill, Gillis, Gould, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kane, Kelleher, Kilcoyne, Laffin, Lougee, Lunt, Mackel, Marshall, Masterton, McBreairty, McMahon, McPherson, Moody, Morton, Nelson, N.; Norris, Palmer, Peltier, Peterson, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Theriault, Torrey, Whittemore.

NAY — Bachrach, Bennett, Berry, Berube, Biron, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Diamond, Dow, Drinkwater, Elias, Fowlie, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hickey, Higgins, Howe, Hughes, Jensen, Kany, Kerry, LaPlante, LeBlanc, Lizotte, Locke, Lynch, MacEachern, Martin, A.; Maxwell, McHenry, Mills, Mitchell, Nadeau, Najarian, Pearson, Perkins, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Talbot, Tierney, Tozier, Trafton, Twitchell, Tyndale, Valentine, Wood, The Speaker.

ABSENT — Beaulieu, Benoit, Blodgett, Boudreau, P.; Brown, K. L.; Carey, Carrier, Davies, Dexter, Dudley, Fenlason, Green, Hall, Hobbins, Huber, Hunter, Lewis, Littlefield, Mahany, Masterman, McKean, Nelson, M.; Peakes, Stubbs, Truman, Wilfong, Wyman.

Yes, 58; No, 65; Absent, 27; Vacant, 1.

The SPEAKER: Fifty-eight having voted in the affirmative and sixty-five in the negative, with twenty-seven being absent, the motion does not prevail.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I think there was a mixup. There are two counties that have communicated to me that there are very minor technical problems relating to their counties on particular salaries. The communication on the second one didn't get spread around well enough to avoid this confusion, but we do have other county salary bills, and we would really rather not hold up this whole shenanigan for these two. We can take care of the two technical problems in another bill, which we will do as soon as possible. We don't want to hold up the county budget process, and we are at the mercy of the county delegation in each of these cases; whatever they want is fine. We just have to find a way to work it out.

For the general information of the House, the first two amendments that were adopted were adopted with the consent of the county delegations; the third one, there was no agreement with the county delegation, and it also struck at the principle, one of the basic principles of the bill, which is why the committee, as well as the delegation, felt that Amendment "C" ought to have been indefinitely postponed.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would like to pose a question to Representative Henderson. I can't find my amendments on my desk here, so I would like to ask him if either S-26 or S-27 is the amendment for York County?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, has posed a question through the Chair to the gentleman from Bangor, Mr. Henderson, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HENDERSON: Mr. Speaker, I move that we table this until later in today's session so that I can clarify that. I just can't quickly absolutely guarantee it. I believe they are. Everybody says yes and he says yes.

Thereupon, the Bill was passed to be engrossed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter
Tabled and Assigned

Bill "An Act to Reduce the Cost of Electric Utility Services to Customers and Encourage Energy Conservation through Improvements in Electric Utility Rate Design" (H. P. 691) (L. D. 873) which was referred to the Committee on Energy in the House on March 9, 1977.

Came from the Senate referred to the Committee on Public Utilities in non-concurrence.

In the House: On motion of Mr. Connolly of Portland, tabled pending further consideration and specially assigned for Tuesday, March 22.

The following Communication:
REPORT OF COMMITTEE ON ELECTIONS
ELECTIONS IN DISTRICT 45

The Committee on Elections to which was referred (a) the returns of votes cast for Representative to the Legislature; (b) the report of the Commission on Governmental Ethics and Election Practices on the appeal of Jed Davis, House District 45, and; (c) the petition of Jed Davis, have had the same under consideration and beg leave to report that;

The Committee met and reviewed the above documents heard from both parties and recom-

mended that several questions of law be posed to the Supreme Court. Based upon our review of the facts, and the opinion of the Justices of the Supreme Court, the Committee finds that;

a) The decision by the Commission on Governmental Ethics and Election Practices on recommending that David Ault be seated as the Representative from District 45 is correct, and that

b) Mr. Ault retain the seat in the House which was previously assigned on January 5, 1977.

Signed:

HARLAND GOODWIN
Chairman

The Communication was read and ordered placed on file.

Thereupon, Mr. Ault of Wayne was permanently seated as a member of the House of Representatives for the 108th Session. (Applause)

Mr. Ault of Wayne was granted unanimous consent to address the House.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: It is a long, long time from November 2 to March 16, but I want to take this occasion to thank those people who volunteered to help me and did help me from the recount on. I want to thank my Republican friends in this House and I want to thank my Democrat friends in this House who provided me with encouragement in the last two and a half months.

There are a number of things that impressed me during this whole thing, but the one thing I want to impress upon you that did impress me the most was the Commission on Governmental Ethics and Election Practices, which was appointed by partisan leadership but proved to be a very nonpartisan group of dedicated people of the highest integrity. They were determined to be impartial in their decisions and do their best for the people of the State of Maine. And if we do anything in this session to affect that commission, I hope we strengthen their role in the election process.

It is with humility that I take this seat, and I thank you all.

The following Communication: (H. P. 899)
DEPARTMENT OF FINANCE AND ADMINISTRATION
CENTRAL COMPUTER SERVICES
STATE HOUSE
AUGUSTA, MAINE

March 16, 1977

To: The Honorable James B. Longley
and
Members of the 108th Legislature

The accompanying Comprehensive State Master Plan for Data Processing is submitted in accordance with the provisions of Title 5, MRSA, Chapter 157. This statute was enacted in 1975 and this is the first submission under its provisions.

The statute requires that the plan include a report on the current status of State data processing, including information on major items of equipment, major applications, data processing personnel, costs and sources of funding for State data processing.

The plan was prepared with the assistance of several individual members of the Computer Services Advisory Board and was reviewed by the entire Board at a regular Quarterly Meeting on February 25, 1977.

Respectfully submitted,

Signed:

STEPHEN W. LOCKE Sr.
Director

The Communication was read and with accompanying papers ordered placed on file and sent up for concurrence.

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and referred to the following Committees:

Business Legislation

Bill "An Act to Enable Domestic Stock Insurance Companies to Acquire Minority Interests and to Insure That Minority Shareholders Receive Fair Value For Their Shares" (H. P. 902) (Presented by Mrs. Boudreau of Portland)

Bill "An Act to Correct the Used Car Information Law" (H. P. 903) (Presented by Mrs. Boudreau of Portland)

Bill "An Act to Require Alcoholism Treatment Benefits in Health Insurance Policies" (H. P. 904) (Presented by Mr. Norris of Brewer)

Bill "An Act Relating to the Licensing of Auctioneers" (H. P. 905) (Presented by Mr. Norris of Brewer)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Relating to Meeting to Reconsider Vote of a Prior Education District Meeting" (H. P. 906) (Presented by Mr. Burns of Anson)

Bill "An Act Concerning the per Pupil Cost of a School Administrative Unit Losing More than 33% of its Enrollment between June and September" (H. P. 907) (Presented by Mr. Bagley of Winthrop)

(Ordered Printed)

Sent up for concurrence.

Energy

Bill "An Act to Provide Tax Incentives for Energy Efficient Automobiles" (H. P. 908) (Presented by Mr. Howe of South Portland)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Permit Certain Native Americans to Hunt Moose in Maine" (H. P. 909) (Presented by Mr. Pearson of Old Town)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families" (H. P. 910) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Annex Certain Territories to the Town of Howland" (H. P. 911) (Presented by Mr. Dudley of Enfield)

Bill "An Act to Provide for the Modernized Government of Counties, Providing Optional Forms of Government and the Structure, Organizations, Powers, Duties, Functions and Responsibilities of Such Government" (H. P. 912) (Presented by Mr. Burns of Anson)

(Cosponsors: Mr. Birt of East Millinocket, Mrs. Berube of Lewiston, Mr. Palmer of Nobleboro)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Eliminate Tax on Marine Worms and Replace it With a Fee for Inspection and to Specify Certain Offenses Concerning the Sale of Marine Worms and Other Commodities" (H. P. 913) (Presented by Mr. Blodgett of Waldoboro)

Bill "An Act Relating to Tuna Fishing" (Emergency) (H. P. 914) (Presented by Mr. Garsoe of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Prohibit the Importation of Nuclear Waste into the State of Maine" (H. P. 915) (Presented by Mr. Stubbs of Hallowell)

Bill "An Act Appropriating Funds for Mosquito Control in York County" (Emergency) (H. P. 916) (Presented by Mr. Truman of Biddeford) (By Request)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Require Utilities to Pay Excise Tax on their Vehicles" (H. P. 917) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Increase the Income Limitations Contained in the Elderly Householders Tax and Rent Refund Act and to Reduce the Percentage by which a Claim is Limited under that Act" (Emergency) (H. P. 918) (Presented by Mr. Hunter of Benton)

Bill "An Act to Amend the Elderly Householders Tax and Rent Refund Act to Allow Access to State Tax Assessor's Records by the Department of Human Services" (Emergency) (H. P. 919) (Presented by Ms. Goodwin of Bath) (Cosponsor: Mr. Perkins of Blue Hill)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 894) recognizing that: the Rumford High School Panthers and coach John Shaw have won the Western Maine Class "A" Basketball championship for Academic year 1977

(Presented by Mr. Theriault of Rumford) (Cosponsor: Mr. Brown of Mexico)

The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 895) recognizing that Timothy Ziko of the Rumford High School Basketball team has won the Vinal Trophy as outstanding player in the Western Maine Class "A" basketball tournament

(Presented by Mr. Theriault of Rumford) (Cosponsor: Mr. Brown of Mexico)

The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 896) recognizing that: the Minutemen of Sterns High School of Millinocket have won the Eastern Maine Class "A" Boys' Basketball Championship for the academic year 1977 (Presented by Mr. Marshall of Millinocket) (Cosponsor: Mr. Birt of East Millinocket, Senator Pray of Penobscot)

The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 897) recognizing that: the Portland High School Bulldogs Boys' Track Team has won the State Class "A" Track Title for the Academic Year 1977

(Presented by Mr. Brenerman of Portland)

The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 898) recognizing that: the Cheverus High

School Stags Boys' Indoor Track Team has won the Southwestern Maine Track Championship and the State Class B Track Title for the Academic Year 1977

(Presented by Mr. Brenerman of Portland)

The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 900) recognizing that: Mrs. Jennie W. Casparius of Falmouth has been selected as Maine Mother of the Year by the Maine Mothers Committee

(Presented by Mrs. Huber of Falmouth)

The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 901) recognizing that: Maine's hardworking citizens working in agriculture contribute mightily to Maine's economy and fully deserve the recognition which March 22nd, "Agriculture Day", accords them

(Presented by Mr. Mahany of Easton)
(Cosponsors: Mr. Torrey of Poland, Senator Hichens of York)

The Order was read and passed and sent up for concurrence.

(Off Record Remarks)

An Expression of Legislative Sentiment (H. P. 920) recognizing that: The Lake Region Lakers Girls' Basketball Team has won the Western Maine Class B Regional Championship for the Academic Year 1977

Presented by Mrs. Tarr of Bridgton.

The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 921) recognizing that: Curtiss F. Kimball of Shapleigh has been advanced in Troop 327 to the rank of Eagle Scout

(Presented by Mr. Wood of Sanford)

The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 922) recognizing that: The "Red Riots" of South Portland High School have, with 21 wins and no losses, won the Western Maine Class "A" Girls' Basketball Championship for the 1977 academic year.

(Presented by Mrs. Gill of South Portland)

The Order was read and passed and sent up for concurrence.

Tabled and Assigned

Ms. Goodwin of Bath presented the following Order:

ORDERED, that the following House Order, passed on January 18th, be repealed as follows:

~~Ordered, that notwithstanding rules of the House, all Bills and Resolves carrying or requiring an appropriation that are in order to be passed to be engrossed or to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of that committee.~~

The Order was read.

(On motion of Ms. Goodwin of Bath, pursuant to House Rule 54, tabled pending passage and specially assigned for Tuesday, March 22.)

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Edward Mackel of Wells be excused March 8th, 9th, and 10th for health reasons.

AND BE IT FURTHER ORDERED, that Luman Mahany of Easton be excused March 15th, 16th and 17th for health reasons.

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Order:

ORDERED, the House concurring, that when the House adjourns, they adjourn to Tuesday, March 22, at 9:30 in the morning and when the Senate adjourns, it adjourn to Tuesday, March 22, at 10:00 o'clock in the morning. (S. P. 305) Came from the Senate read and passed.

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

House Reports of Committees

Ought Not to Pass

Mr. McPherson from the Committee on Local and County Government on Bill "An Act Concerning the Appointment of Deputy Registers of Probate" (H. P. 38) (L. D. 55) reporting "Ought Not to Pass"

Mr. Stover from the Committee on Local and County Government on Bill "An Act to Increase the Salary of the Cumberland County Register of Probate to \$10,500" (H. P. 37) (L. D. 54) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

Leave to Withdraw

Mr. Drinkwater from the Committee on Local and County Government on Bill "An Act Concerning Meetings of the Commissioners of Cumberland County" (H. P. 287) (L. D. 372) reporting "Leave to Withdraw"

Mr. Dow from the Committee on Fisheries and Wildlife on Bill "An Act Relating to the Taking of Smelts and Bait Dealer Licenses" (H. P. 194) (L. D. 256) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Authorizing the Issue of Combination Hunting and Fishing Licenses at Reduced Fees to Members of the Maine National Guard" (H. P. 112) (L. D. 142)

Report was signed by the following members:

Messrs. PRAY of Penobscot
REDMOND of Somerset
USHER of Cumberland
— of the Senate.

Messrs. PETERSON of Caribou
MASTERMAN of Milo
McKEAN of Limestone
DOW of West Gardiner
MILLS of Eastport
TOZIER of Unity
PEARSON of Old Town
ROLLINS of Dixfield
— of the House.

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

Report was signed by the following members:

Messrs. MacEACHERN of Lincoln
GILLIS of Calais
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, I make a motion that we accept the Majority "Ought Not to Pass" Report and will speak very briefly to my motion.

The SPEAKER: The gentleman from West Gardiner, Mr. Dow, moves that the House accept the Majority "Ought Not to Pass" Report.

The gentleman may proceed.

Mr. DOW: Mr. Speaker and Members of the House: This little bill gives the National Guard a reduced hunting and fishing license. Although

I have nothing at all against the National Guard, if we let this go through, I can't see any reason why we won't have to let all the other worthwhile organizations in the state also have a reduced license, like the Veterans of Foreign Wars, the disabled veterans, the policemen, even the firefighters. That is why we signed this bill out with a majority "ought not to pass" report.

Mr. Marshall of Millinocket requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to ask that you vote against the majority report so that someone, hopefully, will move for the acceptance of the minority report, which is "ought to pass," and the reason I am asking that you accept today the minority report is so that we can have a chance to introduce an amendment next Tuesday, which is presently being drawn up.

I will tell you what the amendment is. It would allow reduced license fees only to those individuals who would reenlist after the effective date of the bill, which would be sometime after October, or next year. This would be an inducement for them to do so, to reenlist, and would help, probably, solve a problem which exists presently in the Guard which has to do with their strength requirement.

It would also do another thing; it would remove the fiscal note which is presently on the bill so that effectively there would be no loss of revenue to the department.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am aware that there may be some amendments coming, as the Representative from Lewiston so indicated, and with the bills coming in on National Guard license plates and reduced fees on hunting and fishing licenses, and it is my understanding there may be a bill to provide one free fishing rod per season and maybe another amendment to add flashing blue lights to their automobiles.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker and Members of the House: I am a member of the committee that reviewed this bill, and as you probably realize by looking at your calendar, I signed the minority report, "ought to pass." I just feel obligated to explain my position on it.

I signed the "ought to pass" as a favor to the sponsor, who I admire greatly, and she wanted the opportunity to debate the bill and I felt that I should give her that opportunity.

I oppose the bill; I think we should kill it. 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 West Gardiner, Mr. Dow, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Berry, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Byers, Carter, D.; Carter, F.; Chonko, Conners, Connolly, Cote, Cunningham, Curran, Devoe, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Flanagan, Fowlie, Garsoe, Goodwin, H.;

Goodwin, K.; Gray, Greenlaw, Henderson, Howe, Hughes, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Palmer, Pearson, Peltier, Perkins, Peterson, Post, Prescott, Silsby, Smith, Spencer, Sprowl, Stover, Talbot, Tarbell, Tarr, Teague, Tierney, Tozier, Trafton, Twitchell, Valentine, Whittemore, Wilfong.

NAY — Austin, Berube, Biron, Carey, Churchill, Clark, Cox, Gill, Gillis, Gould, Hickey, Higgins, Jacques, Marshall, Martin, A.; Nelson, N.; Quinn, Raymond, Rideout, Rollins, Shute, Strout, Stubbs, Theriault, Torrey, Wood, Wyman.

ABSENT — Benoit, Blodgett, Brown, K. L.; Carrier, Carroll, Davies, Dexter, Fenlason, Gauthier, Green, Hall, Hobbins, Huber, Hunter, Lewis, Littlefield, Mahany, Masterman, Norris, Peakes, Truman, Tyndale.

Yes, 100; No, 27; Absent, 22; Vacant, 1.

The **SPEAKER**: One hundred having voted in the affirmative and twenty-seven in the negative, with twenty-two being absent, the motion does prevail.

The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, having voted on the prevailing side, I move reconsideration and I hope you all vote against me.

The **SPEAKER**: The gentleman from Lincoln, Mr. MacEachern, moves the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted. All those 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.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act Pertaining to Birth Records" (H. P. 380) (L. D. 469)

Report was signed by the following members:

Mr. CARPENTER of Aroostook
— of the Senate.

Mr. GOULD of Old Town
Mrs. DURGIN of Kittery
Messrs. COTE of Lewiston
MOODY of Richmond
JOYCE of Portland
CARRIER of Westbrook
SHUTE of Stockton Springs

— of the House.

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

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Mr. HEWES of Cumberland
— of the Senate.

Messrs. BURNS of Anson
BIRON of Lewiston
DUDLEY of Enfield
— of the House.

Reports were read.

Mr. Moody of Richmond moved the Majority "Ought to pass" Report be accepted.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I wish somebody would table this for one day. I have an opinion coming from the Attorney General's Office that would go along with this debate.

Whereupon, on motion of Mr. Biron of Lewiston, tabled pending the motion of Mr.

Moody of Richmond to accept the Majority "Ought to pass" Report and specially assigned for Tuesday, March 22.

Consent Calendar

First Day

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

(H. P. 326) (L. D. 417) Bill "An Act to Clarify Authorization for Payment of Witness Fees for State Witnesses in Criminal Prosecutions" — Committee on Judiciary reporting "Ought to Pass".

(H. P. 438) (L. D. 545) Bill "An Act to Update Validation of Street Installations of Certain Utility Structures" — Committee on Public Utilities reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 22, under listing of the Second Day.

Consent Calendar

Second Day

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

(H. P. 318) (L. D. 409) Bill "An Act Relating to Notification of Results of Election Contests by the Commission on Governmental Ethics and Election Practices" (C. "A" H-67)

(H. P. 149) (L. D. 179) Bill "An Act Amending the Aggravated Unlawful Gambling Statute" (C. "A" H-68)

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Provide an Excise Tax Credit for Construction and Operation of Breweries within the State" (H. P. 340) (L. D. 431)

Bill "An Act Providing for the Revocation and Nonrenewal of Liquor Licenses for Nonpayment of State Taxes" (H. P. 383) (L. D. 474)

Bill "An Act to Provide for the Purchase of Certain Town Histories" (H. P. 876) (L. D. 899)

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

Amended Bills

Bill "An Act Concerning Open Alcoholic Beverage Containers in Motor Vehicles" (H. P. 83) (L. D. 103) (C. "A" H-69)

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

On motion of Mr. Berry of Buxton, 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-77) was read by the Clerk.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that was before us yesterday and debated at some length. Unfortunately, there were many members of the House who were not present.

I think in order to understand just what this bill does, I would just like to read to you maybe a couple of sentences from the original bill. The original bill proposed to make it illegal to carry any bottle, can or receptacle containing any alcoholic beverage which has been opened or seal of which has been broken or the contents of which have been partially removed, in a motor vehicle. That was the intent of the original bill.

I am told that the original bill didn't fare well

in committee and a committee amendment was worked out. The committee amendment, for all purposes, in effect replaces the bill. That is Committee Amendment "A".

My problem is not whether or not this House wants to restrict vehicles from having alcoholic beverages in them, opened or unopened. I don't care which way you do it. If you want to allow people to carry opened bottles that have been reclosed, fine. If you don't want to, that is also fine with me. The problem that I have is with the amendment, and that section of the amendment that says "top secured." I mentioned yesterday that that probably was not very good language; it is very misleading.

I checked with several brothers of the bar, as Mr. Kelleher calls them, and they agreed that it is very poor language and probably would ultimately be interpreted by the judge in the court room and by nobody else.

I proposed to write some language, or have written for me, language that would perhaps better define just what that was supposed to mean.

I spent some time yesterday afternoon with the sponsor of the bill, and he and I came to an agreement, although he tells me this morning we don't agree any longer, and that language now would define a liquor bottle this way: "Liquor bottles or other receptacles shall not be considered as opened if the cover has been replaced securely." In effect what I did is just change two words in the original committee amendment, and I think by using the word "replaced," you recognize that the intent of the committee was to allow people to be able to transport a bottle that had been opened and the cap screwed back on. That is what I hope my amendment does perhaps a little better than the committee amendment.

Just before I sit down, I would like to inform the people down in that area of the House that if they wish to vote for my amendment, they should push the switch to the left, and if they are opposed, they should push it to the right.

The **SPEAKER**: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, after yesterday, I am rather reluctant to speak on this bill, but I checked with my cosponsors and they said it is all right if I speak on the bill providing I don't vote on it. In any event, we can chalk up yesterday as our happy hour.

I would pose a question to the gentleman from Buxton, Mr. Berry, if the language in his bill can be construed to mean a beer cap as being replaced securely?

The **SPEAKER**: The gentleman from Rockland, Mr. Gray, has posed a question through the Chair to the gentleman from Buxton, Mr. Berry, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. BERRY: Mr. Speaker, I will attempt to. Being totally unfamiliar with beer and beer caps, things of that nature, I guess there might be some question about a beer cap, I don't know. I would answer it this way. If you do want to transport beer, buy the type of container with a screw-on cap and you are all set.

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

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

Mr. LIZOTTE: Mr. Speaker and Members of the House: The only thing that bothers me is this — we are creating a law that could very easily put innocent people to breaking the law. I have always felt it is wrong for anyone to drink while driving, but this bill would put a person who is returning his empties to the store for redemption in trouble. If for some reason one of the bottles was only half empty, and that happens often enough, I am not saying this is done intentionally, but imagine if you have one of

your beers that is flat and you are returning it to the store, in the process you get stopped by an officer, you are guilty of an opened container in your car, you are liable, and police officers go by the law.

I am sure there are a lot of other reasons why this bill would be very difficult to enforce, and for that reason, I move for the indefinite postponement of this bill and all its accompanying papers.

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

Mrs. KANY: Mr. Speaker, I would pose a question through the Chair. I was hoping that someone would be kind enough to explain the existing law on this particular subject.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: It is currently illegal for the consumption of liquor in an automobile. The problem arises from this: In order for that to be enforced, naturally, the officer must catch the person in the act of having the beer bottle, beer can, up to his lips and in the actual consumption of same. Currently it is legal to have open beer, open liquor, of any kind in an automobile upon a public way.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Unlike my friend from Buxton, I am an expert on beer. I have consumed several cans in my lifetime and I have not been beyond the consumption of a can of beer in my automobile; in fact, I will probably have one on the way home tonight in my car.

The present law that has been referred to here is the public drinking law. A motor vehicle has been considered a public place, and this is the only law that prevents anyone from drinking in an automobile. We do have operating under the influence laws, but I am sure a can of beer in a car is not going to put somebody under the influence.

As I said the other day, I think this is one of the most ridiculous pieces of legislation that has ever come before us. I have got several years of experience in law enforcement, and I can see no way whereby this thing could be enforced. I know from personal experience that if I am stopped by a police officer and I have a can of beer between my legs, I am going to conceal it before he gets to open the door, and I am sure everyone here could find a means to do this.

I just think this is an unnecessary law. We have enough laws on the books. Let's get rid of this law. I go along with Mr. Lizotte. Let's indefinitely postpone this piece of ridiculous legislation.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: Not to talk about one's temperate habits, but there is no law presently, as pointed out by Mr. Moody of Richmond, regarding this area, and I think a law should be invoked to prohibit such irresponsible action of those who would drink and drive, because as a matter of fact, at least to my experience, I have never known anyone who has drunk and got more sober.

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

Mr. TARBELL: Mr. Speaker and Members of the House: I believe the current state of the law is that it is against the law to drink in a public place or in a motor vehicle. I think Mr. Moody was correct in saying that a person has to be caught in the act of actually drinking in a public place or in a motor vehicle.

One of the problems that might arise if we pass such legislation before us today is that — this is a crime; this constitutes a crime to have

an open bottle in an automobile — if an officer has probable cause to suspect that this crime is being committed, in other words, if there is an open bottle, and if he can somehow justify probable cause, such as the example pointed out to us yesterday by Mr. Nadeau, drinking a Coke, may give rise to probable cause or think that that is an open beer can and stop a vehicle; and investigate further for an arrest, could, in other words, give powers to law enforcement officers for pretext stop for other purposes.

I think we ought to be aware that this problem could arise and it very possibly would arise if we enact such legislation.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: I am not a lawyer, but if my memory serves me correctly, I do not believe that an officer can arrest on probable cause for a misdemeanor.

Mr. Lizotte of Biddeford 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.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against the indefinite postponement of this bill. This is just a repeat of what we did yesterday. That same motion was made; it was defeated. I don't know how many more times they are going to try to do that.

There is just one point that I would like to point out. To give you an example, when we were arguing about raising the legal drinking age, there was a lot of propaganda passed around that the fatality rate and accident rate of those teenagers on our highways rose greatly when the drinking age was lowered. Well, likewise, this here, if you do not pass this bill, you are going to leave that incentive for somebody to drink and drive and have open liquor in their automobiles.

I sincerely hope that you will vote against the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Here, again, we are working with a great minority. What we are saying is, anybody in a vehicle cannot have an open bottle of beer. To me, this is kind of ridiculous. I may be driving the vehicle, and this is good for me, I shouldn't have an open bottle of beer, but what about the five passengers in my vehicle? What is wrong with them having a bottle of beer if they so desire? They are not driving, I am. They have rights too. I don't understand why we are saying that no one in that vehicle can have a bottle of beer. If he wants to have a bottle of beer, he has worked eight hours a day, what the heck, it is not going to hurt him. It is just the driver, and we have laws that can stop that.

Let's quit legislating to the minority and work on the majority a little bit.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The law applies equally to the driver and the passengers in the car. Drinking in a vehicle on the highways is against the law.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Biddeford, Mr. Lizotte, that this bill and all its accompanying papers be in-

definitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Beaulieu, Bennett, Berry, Biron, Bustin, Carey, Carroll, Carter, D.; Chonko, Connolly, Cote, Devoe, Dow, Dudley, Elias, Gillis, Goodwin, H.; Hickey, Hughes, Hutchings, Jacques, Jalbert, Kelleher, Lizotte, MacEachern, Maxwell, McHenry, McKean, McPherson, Mills, Nadeau, Norris, Peterson, Quinn, Raymond, Rideout, Silsby, Tarbell, Theriault, Tozier, Valentine, Whittemore, Wilfong.

NAY — Austin, Bachrach, Bagley, Berube, Birt, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Bunker, Burns, Byers, Carter, F.; Churchill, Clark, Connors, Cox, Cunningham, Curran, Diamond, Drinkwater, Durgin, Dutremble, Flanagan, Fowlie, Garsoe, Gill, Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Higgins, Howe, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, Lougee, Lunt, Lynch, Mackel, Marshall, Martin, A.; Masterton, McBrearty, McMahon, Mitchell, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Perkins, Post, Prescott, Rollins, Shute, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Tierney, Torrey, Trafton, Twitchell, Wood, Wyman.

ABSENT — Benoit, Blodgett, Brown, K. L.; Carrier, Davies, Dexter, Fenlason, Gauthier, Green, Hall, Hobbins, Huber, Hunter, Lewis, Littlefield, Mahany, Masterman, Peakes, Truman, Tyndale.

Yes, 45; No, 84; Absent, 20; Vacant, 1.
The SPEAKER: Forty-five having voted in the affirmative and eighty-four in the negative, with twenty being absent, the motion does not prevail.

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

Bill "An Act to Adjust Allocation of Funds from Certain Public Lands" (H. P. 168) (L. D. 206) (C "A" H-72)

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.

Second Reader

Tabled and Assigned

Bill "An Act to Allow the Purchase of Liquor at a Reduced Price in the Town of Sanford" (H. P. 285) (L. D. 369) (C "A" H-70)

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

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I should get up and speak on this, having voted on the "ought not to pass" report. I feel I should explain my position.

I am not against any reduction in liquor prices throughout the state. In fact, I think it is a great idea, but I have always wondered if the state can afford the loss of revenue. The only reason we ever reduced the price of liquor at the Kittery store was to keep the lifeline route in competition with the Portsmouth store.

We proved that Maine can get the out-of-state business in the summer season, but I am not sure that it is a good precedent to open other stores. I am afraid what we have gained in Kittery will soon be lost if we attempt to reduce prices in other stores. If we accept this one, I am sure that others will follow. I don't think the State of Maine can afford it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I had a bill in this House four years ago and two years ago to equalize the price of liquor throughout the state. In my opinion, right now I think there are 87 liquor stores across the state and somewhere around 86 of them are subsidizing the Kittery Liquor Store program that we have now.

If some kind gentleman or lady in this House would table it, I would like to put an amendment on this bill to take care of my community and Lewiston and Portland and everywhere else, Blue Hill, Old Town, Farmington, so if someone would kindly table this bill, I would like to prepare an amendment so we could all enjoy fair liquor prices throughout the state.

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

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

Whereupon, Mr. Nadeau of Sanford requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that this matter be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 54 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I am glad you let me have a moment of your time so I can explain why I put it in for Sanford. I put in a Bill, "An Act to Allow the Purchase of Liquor at a Reduced Price in the Town of Sanford." In effect, the bill would allow the Liquor Commission, with the approval of the Commissioner of Finance, to reduce the price of liquor in one additional store, that store being Sanford.

I am not naive to the fact that the Kittery store has caused some criticism, which I have just seen, since it has implemented the reduced prices, and I have already seen some additional criticism if this bill passes.

Let us pause for a minute to reflect just what faces Sanford. Rochester, New Hampshire, 16 miles away from Sanford, in effect Rochester is our sister town, really just down the road. What does it have to offer for Sanford and most of York County residents? Number one, it has cheaper liquor. Number two, it has cheaper beer, cigarettes and even milk, and the biggest factor, it has no sales tax. How do we know about this? The merchants of Rochester, Dover and Somersworth, known as the tri-city area, advertise frequently on a local radio station, which is AM; they have since gone FM; they can now cover most of York County. What do they say? Come to New Hampshire, no sales tax, don't be foolish, don't shop in Maine.

What else do we find? Take a look at your TV Guide next time you are home. Open it up; you will see a full-page ad put in by the State of New Hampshire advertising this weeks' special, reduced prices, even lower than our normal prices in the New Hampshire liquor stores.

For example, a fifth of Jim Beam sells in New Hampshire for \$4.20; in Maine, \$5.25. Last time I was in New Hampshire, they had a special, you could buy a half gallon of Jim Beam for \$8.50. That is a bargain. I ask you, where would you buy your booze?

Under the law, you are allowed to bring four quarts across the border. If you were to buy four fifths of Jim Beam at \$4.20 a fifth in New Hampshire compared to \$5.25 a fifth in Maine, that is a savings of \$4.20. That 13 cents per mile which you are paying for mileage, round trip, 32 miles to Rochester, it would be \$4.16. You have already paid for your gas. If you have friends with you who bought some liquor, you are way

ahead of the game. You probably bought a lot of other articles there. This is what the merchants of Sanford are faced with.

I know the members of the legislature are tired of hearing about New Hampshire, but the fact is fact and it is there, the problem is New Hampshire, and they are getting our taxes, no matter how you want to look at it.

In comparing gross sales at Sanford in 1975, which was \$448,000, it is now \$557,000 fiscal year ending June 30, 1976. Most stores have increased in their sales, but how much more would Sanford have jumped if all the people in the Sanford area would buy their liquor in Sanford and not in New Hampshire?

I wish we could compare our in sales with those of Dover or Rochester, New Hampshire. Now with the 20-year-old drinking age, guess where all the 18 and 19-year-olds from Sanford and York County are going to go to buy their booze? Think about it.

Ladies and gentlemen, I am sure that the total revenue from the sale of alcohol would not decrease, because I feel that Maine residents and tourists who now buy their liquor in New Hampshire would buy their liquor in Sanford if the price were comparable and it would more than compensate for the lower price in volume sales. It would also increase sales tax revenues, as the incentive to go to New Hampshire would be removed and people would spend their money on goods and commodities from Maine merchants.

It is difficult to estimate how much business is lost to the State of New Hampshire. I wish I could put a figure on it. I know it must be pretty high.

My last plea — why give New Hampshire our tax money; let's try to put ourselves on a somewhat even basis with them and give our merchants a fighting chance. That is all I am asking.

I don't complain about paying for the Maine Turnpike when I go to Bangor; from Augusta I am not paying anything. I know that is only one small factor. You would actually have to come to York County to see how many people actually go to New Hampshire every weekend, not just to purchase liquor but all sorts of food commodities and clothing. I think if we can remove this incentive and let the people buy at a reduced price, equal to those in Kittery, I think it would make a big difference to the merchants in the York County area.

Whereupon, on motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed as amended and specially assigned for Wednesday, March 23.

Bill "An Act to Provide for the On-Premises Sale of Alcoholic Beverages By Indoor Racquet Sport Clubs" (H. P. 436) (L. D. 543) (C "A" H-71)

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.

Enactor

Reconsidered

An Act to Suspend Certain Municipal Charter Provisions to Fiscal Year Transitions (S. P. 285) (L. D. 890)

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

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

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

House Amendment "A" (H-874) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, I would pose a

question. Maybe the gentleman from Nobleboro could explain his amendment.

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

Mr. PALMER: Mr. Speaker and Members of the House: I would be glad to do that. There apparently was a technical error when the original bill was drawn. This is for the City of Bath, and they discovered a problem with their city charter, and this has to be put in. It is a minor thing, it is just a technicality. It has to be put through because I believe the deadline for final passage is next Wednesday.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent; ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

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

(H. P. 543) (L. D. 656) Bill "An Act Converting Wallgrass Plantation into the Town of Wallgrass" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-76)

Objection being noted, was removed from the Consent Calendar.

Thereupon, the Report was accepted. Under suspension of the rules, the Bill was read twice. Committee Amendment "A" (H-76) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill "An Act to Increase the Use of Wood Fuel as a Supplement to Conventional Energy Sources in Residential Space Heating" (S. P. 295) (L. D. 921)

Came from the Senate referred to the Committee on Energy and ordered printed.

In the House, referred to the Committee on Energy in concurrence.

Bill "An Act to Open Floods Pond to Fishing" (S. P. 293) (L. D. 919)

Bill "An Act to Reduce Resident Hunting License Fees" (S. P. 292) (L. D. 918)

Came from the Senate referred to the Committee on Fisheries and Wildlife and ordered printed.

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Permit 17 Year Olds to Donate Blood Without Parental Consent" (S. P. 289) (L. D. 915)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act Concerning the Small Claims Laws" (S. P. 301) (L. D. 927)

Bill "An Act Concerning Powers of the District Court to Send Juveniles for Mental Examinations" (S. P. 300) (L. D. 926)

Came from the Senate referred to the Committee on Judiciary and ordered printed.

In the House, referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Employee Contributions to Unemployment Trust Fund" (S. P. 296) (L. D. 922)

Bill "An Act to Amend the Unemployment Compensation Act" (S. P. 294) (L. D. 920)

Came from the Senate referred to the Committee on Labor and ordered printed.

In the House, referred to the Committee on Labor in concurrence.

Bill "An Act to Clarify the Town Line Between the Towns of Waterford and Stoneham" (S. P. 297) (L. D. 923)

Bill "An Act Concerning Funding of Social Service Agencies and Non-Profit Corporations by Counties and Municipalities" (S. P. 298) (L. D. 924)

Bill "An Act Providing for the Separate Listing of County and Municipal Appropriations on Taxpayer's Bills" (S. P. 299) (L. D. 925)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Create the Bureau of Community Antenna Television within the Public Utilities Commission" (S. P. 263) (L. D. 910)

Came from the Senate referred to the Committee on Public Utilities and ordered printed.

In the House, referred to the Committee on Public Utilities in concurrence.

Bill "An Act to Articulate the Line of Authority in Land Use and Environmental Protection Programs" (S. P. 288) (L. D. 914)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, referred to the Committee on State Government in concurrence.

Bill "An Act Relating to Sales of Vending Machines Required by the Returnable Container Law" (S. P. 291) (L. D. 917)

Came from the Senate referred to the Committee on Taxation and ordered printed.

In the House, on motion of Mr. Tierney of Lisbon Falls, tabled pending reference in concurrence and specially assigned for Tuesday, March 22.

Bill "An Act Exempting New Machinery and Equipment used in the Hatching of Poultry from the Sales and Use Tax Law" (S. P. 290) (L. D. 916)

Came from the Senate referred to the Committee on Taxation and ordered printed.

In the House, referred to the Committee on Taxation in concurrence.

Bill "An Act to Establish a Sign on Interstate 95 Announcing Peaks-Kenny State Park" (S. P. 302) (L. D. 928)

Came from the Senate referred to the Committee on Transportation and ordered printed.

In the House, referred to the Committee on Transportation in concurrence.

Bill "An Act to Establish a State Program for the Support of Education Based on Local Tax Efforts and Local Educational Needs" (Emergency) (H. P. 923) (Presented by Mr. Palmer of Nobleboro)

Was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders of the Day

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

An Act to Annex the Town of Otisfield to Oxford County (H. P. 127) (L. D. 160) (H. "A" H-49)

Tabled — March 15, 1977 by Mr. Greenlaw of Stonington.

Pending — Passage to be Enacted.

On motion of Mrs. Tarr of Bridgton, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems (H. P. 99) (L. D. 123) (H. "A" H-35)

Tabled — March 16, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: Here we are back with this bill again, and I am continuing to oppose it. After another weekend at home and talking to my constituents, I am more determined than ever that this bill should be defeated. In spite of what has been said, the death of this bill will not mean the end of education in Maine. The education system in Maine seems to be progressing fairly well without this, and I believe it will continue to operate as well if we do not pass it.

What I and my constituents object to is the setting up of a dictatorship, with someone sitting in a plush office here in Augusta and by merely pushing buttons, our people back home have to dig deeper and deeper into their pockets to find money to pay for some of these doodads that the bureaucrats want.

We have nothing against vocational training. In fact, we want good vocational training, but when such things happen as happened in our area last summer that would cause the cost per student to rise to \$9,000, that is too much, especially we had our talk from the Commissioner Tuesday telling us that the secondary school student cost was \$1,074 per student. In the case of Mexico, if their students had gone to the Nova school, and if this bill were in effect and we would have had to accept that vacant store last summer, it would have cost them \$9,000 per student to attend that school. We certainly feel this is a little too much.

We have a new high school in Rumford, the best and most modern available at the time it was built several years ago, with modern workshops and equipment especially provided for vocational training. The Nova director did not believe that this was good enough. He went out on his own and signed a lease for renting the shopping center after practically telling the area people it was none of their business even though it was their tax money that would have to pay for this luxury.

Don't try to explain to my constituents that 90 percent of this money is from the state. They have this crazy idea that dollars coming from the state and the federal government are still their tax dollars. That is odd, isn't it?

Some of you may take a ho hum attitude on this, you may say, so what, that last summer's uproar in Rumford was a tempest in a teapot. Let me remind you that your area may be the next one to feel the power of the bureaucrats.

I would call your attention to the Statement of Fact on this L. D., the second paragraph. It says, it is intended that this bill will extend greater decision-making authority to local administrative units. Does this make sense to you? The whole idea of the bill is to put teeth in the law so that if the local administration units should not comply with the rules, then the commission would withhold their state subsidies. Is this giving local administrative units greater decision-making authority? To me what it adds

up to is the state telling the local units, make all the decisions you want as long as they are the decisions we want you to make. If there is a conflict between your decision and ours, then you had better make sure our decision is your decision or we will cut off your funds.

Because of this, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Rumford, Mr. Theriault, moves that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This, I think, is a crucial test. The gentleman from Rumford is in essence asking you, as legislators, to pass bills regarding education, put them into law but don't enforce them.

I will grant that Rumford has had vocational education back at least three decades and perhaps more. When the vocational center concept came into being and when Augusta and Lewiston and Waterville and the others saw the handwriting on the wall and saw the benefits of having a vocational center, Rumford was not alert to the possibilities until it was too late and the legislature had placed a moratorium on vocational centers.

There was a study, and as a result of that study, the legislature said there would be 14 vocational centers and 11 regional vocational high schools. Rumford was a vocational region.

Now, we have in place all of the vocational centers and regions except northern Oxford. There are troubles in Washington County, which is a large region, and I think we may have to adjust to that region. In the northern Oxford area, all of the school units, in establishing the cooperative board in coming together to establish a vocational regional school were in agreement. The trouble developed because of the authority given to one man, which is a local problem, ought to have been addressed on the local level and not try to involve all the laws in public education in the State of Maine.

The problem in Rumford is being resolved. There is a special bill coming out that is the agreement of all the units involved, and the Town of Rumford, to establish a vocational center in Rumford. I hope it doesn't go beyond this particular area, because the legislature in years past has recognized that we cannot have expansive vocational educational development alongside every academic high school in the state.

What the gentleman has asked is that you indefinitely postpone this bill. What the bill does or seeks to do is to give to the Commissioner of Education the right to seek compliance with the laws that you enact with the laws that have been enacted by previous legislatures. Unless you and the lawmakers that went ahead of you enacted these laws with their tongues in their cheeks, they ought to be enforced.

The commissioner has no enforcement powers except under the School Finance Act and under the Special Education Act for the Handicapped. That is it, period. He has nothing to say about the length of the school year. He has nothing to say about the curriculum. He has nothing to say about almost anything that is in Title 20, except the two areas that I mentioned.

Is there enforcement power in the State of Maine? In 1873, the Senate and House enacted a bill that says, when the Governor and Council have reason to believe that any town has neglected to raise and expend the school money required by law or to faithfully expend the school money received from the state, it shall be their duty to direct the State Treasurer to withhold further payment to such town from the State Treasury on account of the states school fund and mill tax until such towns shall satisfy

them that it has expended the full amount required by law for common school purposes. This has been amended several times in the courts of the succeeding years.

The present law says, "when the Governor has reason to believe." No longer is there a council. When the Governor has reason to believe that a town or district has neglected to raise and expend the school money required by law, or to employ teachers certified as required by law, or have instruction given in the subjects prescribed by law, or to provide suitable textbooks in the subjects prescribed by law, or faithfully to expend the school money received from the state, or in any way to comply with the law prescribing the duties of administrative units in relation to public schools, he shall direct the Treasurer of State to withhold from the apportionment of state school funds made to that administrative unit such amount as he may deem expedient. The amount so withheld shall not be paid until such administrative unit shall satisfy said Governor that it has expended the full amount of school money as required by law and that it has complied in all ways with the law prescribing the duties of administrative units in relation to public schools. Whenever such administrative units shall fail within the year for which the apportionment is made so to satisfy the Governor, the said amount withheld shall be forfeited and shall be added to the General Fund of the state.

In 1873, the enforcement power was divided between the Governor and the Council. In 1977, the power for enforcement lies with the Governor, and you will notice that there is no due process, there is no appeal, there is no hearing procedure. Recourse would have to be directly through the courts.

I think it is time that we update some of our laws. In the current law giving the Governor the right to withhold money, the words "administrative units" are used. Administrative unit today does mean the same as in 1954. It includes your school committees, your cooperative boards, your SAD directors, your CSD boards.

We have enacted into law other areas in the education field that I don't believe is covered by this section giving the power to the Governor, and I wonder what is meant by "faithfully to expend the school money received from the state." Does that mean that there shall be no embezzlement? Does it mean that it should be prudently used? What does it mean? Is there a possibility that he could say to Livermore Falls for any reason, I am now going to withhold your state subsidy until you comply with my wishes?

I hope that you do not indefinitely postpone this bill. The bill as printed is not the bill that should be enacted. There are concerns that the commissioner should not have the power to seek compliance with rules and regulations that he draws up on his own. If the law requires that he draw up rules and regulations, then I think the legislature that enacts that into law has the right and duty and responsibility to stand back of the law, and if the rules and regulations are not to their liking, then to amend the law. But in the interim, he should have the power to adopt rules and regulations under the statutory controls. I think that that applies not only to education, I think it applies to every department in the state, that rules and regulations have been overdone, they have gone way beyond the intent of the law.

When the vote is taken, I would request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: We had a somewhat similar situation in Winthrop, that I am representing, we are in a region with Augusta, and my school board and superintendent have been kind of concerned about the fact that

Augusta has practically the whole say in regard to vocational education. It happens that reasonable people are getting together and settling that in a reasonable way, and I am sure that same thing can be done in any other region in the State of Maine.

I hope you do not indefinitely postpone this bill.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: We are not asking anyone to pass laws and then not enforce them. All we are asking is that we pass reasonable laws. There is no law that has been passed to say that the Nova or vocational areas can go out and purchase buildings or rent buildings at these high prices and that is part of the law, but the law would say because the town of Rumford or the other Nova area towns would not appropriate money to pay for this, then that they are not in compliance with the law. This is the part that we don't like. We don't feel that it was necessary to buy that place or to even lease it, and that is why we oppose this bill.

This bill, if it had been in force last summer, Rumford and our area would now be in the possession of this vacant building and it would have cost them \$70,000 this year to take care of that building. This is only the building itself, the lease, the remodeling and the maintenance of that one building for one year — \$70,000. To be in compliance with the law, we would have had to pay for that. We would have had to take it over.

The commissioner approved the action of this Nova director that went out and signed this lease, so it was one of his rules; therefore, if we did not comply with his rules, then he could withhold our subsidy. All we want is to have a fair shake and we believe that this bill will not give us a fair shake. That is why we want to have it indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: To attempt to shed some light on a very confusing subject, I would like for us to look at the bill, which is 123, and note that part of the bill deals with compliance by allowing the withholding of state aid, but there is another important part which we have not referred to yet saying that local citizens who feel that they are not getting the right kind of program that the state has said they should have have a right to appeal to make sure that they are getting their vocational education, but it gives the citizens a chance to complain if they feel the school board or the local people are not complying with the educational statutes. That is another part.

I think we should also point out that Mrs. Post amended this bill and her amendment does some very drastic things to the bill and, frankly, I am not sure how I feel about it but I would like you to know about it. Mrs. Post's amendment says that the commissioner can withhold money only if your unit does not provide the information that he needs to form his estimates for the School Finance Law. If you will look at her amendment, it has a filing number of H-35 — it says, authorize in Section 3744, and that says information for the School Finance Law.

So there are several things that are going on here. There are so many things going on here and I am so distressed with the bill, you will have noticed that I have had two amendments on your desks; every one of them seems to come out wrong.

I think this bill needs to go back to the committee. I am going to tell you why. There are some basic policy questions in here which perhaps we are beginning to address.

Mr. Lynch has pointed out that the Governor now has the authority to withhold state aid; that

is true. We have to decide if that is who we want to withhold the state aid. If we want the commissioner, and somehow I feel that is more appropriate in government reorganization, then there should be a due process procedure, and that was what I was attempting to do with my amendment, but my amendment did not repeal the Governor's powers, and if we are going to give the power to the commissioner, I certainly don't want to leave it in the hands of the Governor as well.

There is a lot of work that needs to be done on this bill, but I think you should look at the bill as a whole, I think you should consider what Mrs. Post's amendment has done to the bill, and I ask you to vote against indefinite postponement and then I would like to make a motion to recommit the bill to committee.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, a parliamentary question? Is the move to recommit in order?

The SPEAKER: The Chair would advise the gentleman that the motion to recommit could be made if the motion to indefinitely postpone does not prevail.

Mrs. POST: It is not in order now?

The SPEAKER: The Chair would answer in the affirmative.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: Since my name has been brought into this conversation, I have had some concerns over it and I called the Department of Education and I asked them exactly what it was they wanted. They told me that what they were interested in is making sure only that they got the information that was necessary for them under the School Funding Act. So I said, fine, and I put an amendment on that limited their authority to just that. Then I was approached by some people in the Department of Education and they said, well, actually that wasn't all that they wanted, they also wanted to be able to withhold funds if you don't comply with the rules and regulations or with statutes. I said, well, that is very different from what you told me a few days earlier, which is not unusual for the kind of information that we get from the Department of Education from time to time, so I said, well, I am not going to take my amendment off. If you want to take it off, you may try.

I think that just from the debate that has taken place so far, obviously different people think that this bill is going to do different things. Mr. Lynch has said that this is an attempt to update the laws, then why didn't they take the power away from the Governor to withhold school subsidies? If they were interested in updating the laws, then why didn't they provide for due process? The only time they provide for due process is when a citizen makes a complaint. If the commissioner decides he wants to withhold aid, there is no due process.

I think that obviously there are some very definite problems with the bill. I think maybe the issue of whether the Governor ought to have complete power to withhold funds should be addressed. Therefore, I ask that this bill be recommitted to committee.

Thereupon, the Bill and all its accompanying papers was recommitted to the Committee on Education in non-concurrence and sent up for concurrence.

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

Bill "An Act Concerning County Contingent Funds and the Rate of Interest Which May be Charged for Delinquent County Taxes" (H. P. 877) — Referred to the Committee on Local and County Government in the House on March 16 (Reference reconsidered on the same date)

Tabled — March 16, 1977 by Mr. Higgins of Scarborough.

Pending — Reference.

Thereupon, the Bill was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

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

Mr. GREENLAW: Mr. Speaker, is the House in possession of "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979," Senate Paper 105, L. D. 234?

The SPEAKER: The Chair would answer in the affirmative, having been held at his request.

On motion of Mr. Greenlaw of Stonington, the House reconsidered its action where the Bill was passed to be enacted.

On further motion of the same gentleman, tabled pending passage to be enacted and specially assigned for Tuesday, March 22.

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

Mr. MORTON: Mr. Speaker, is the House in possession of L. D. 531?

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act to Correct Errors and Inconsistencies in Laws of Maine," Senate Paper 186, L. D. 531, held at the request of the gentleman from Farmington, Mr. Morton, is in the possession of the House.

Mr. Morton of Farmington moved the House reconsidered its action whereby the Bill was passed to be enacted.

The SPEAKER: The gentleman may proceed.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: My standing here today is an old story to older members, but it may be an education to some of the newer members of this body. It happens sometimes that an inconsistency creeps into the Errors and Inconsistencies Bill which is in error and inconsistent with the purposes of the Errors and Inconsistencies Bill. If I have confused you, that is exactly what has been intended by the actions that have previously taken place in this body.

The idea of the Errors and Inconsistencies Bill is to correct spelling, punctuation and to decide which of two separate laws about the same thing, one saying yes and the other saying no, is correct among other things.

This particular L. D. 531, which I happen to have gone out and dug up a copy of because I doubt that very many others did and there are plenty up in the stack up there, has 72 sections in it, and as usual, only the members of the Judiciary Committee are entirely familiar with its contents. I am informed that they are familiar with the contents of this particular bill, L. D. 531, that they went over it item by item, which is their duty and their responsibility to the rest of us here in the House, and I am also informed that an amendment was offered in that committee process which was unanimously rejected by the committee, they obviously did not consider it proper or germane. It appeared here on the House Floor and was adopted as House "B", H-52, under the gavel.

Furthermore, it might be interesting for you folks to note that this amendment, or the substance of this amendment, was also filed as an L. D., L. D. 525. If you want to take the time to look at your books, you will find that L. D. 525 is in there and also, if you look at L. D. 531 and you have kept your records properly, you will find H-52, House Amendment "B", and they are exactly the same thing. So what in effect House Amendment "B" is is a substitute for an L. D.

Of course, the L. D. is subject to certain restrictions that an amendment doesn't have to go through, one of the biggest ones being a public hearing and the total legislative process,

so by slipping it into the E and I Bill, all the public scrutiny has been avoided.

Frankly, and I won't go on with this any longer because I think you can all see the picture in the matter, but what I hope to do here today is to back this bill up to the engrossment stage, remove House "B" (H-52) and then reenact the bill without House "B". The matter in question can then be dealt with in a normal manner for any L. D., and L. D. 525 is the vehicle which has already been filed to do that with.

What I am fighting here for today is more than the substance of this or any other amendment. It is a principle that may affect any one of you or your constituents at any time. Whether I was aware at the time this amendment was brought up, or whether I was even on the floor when it was brought up, is immaterial. I have every confidence that had it been noted in the legislative process prior to enactment, it could have been stopped. I accept responsibility for missing and not catching it at that time. Now I am asking that you reconsider so that it can be properly addressed through the routine legislative process, and in order to do that, we will have to reconsider our enactment, then I will have to get a two-thirds vote to suspend the rules to go back to engrossment, and finally we will get back to engrossment where we can take this amendment off.

I am sorry to have taken so much of your time this afternoon, but this is the first time this particular little incident has happened in this session of the legislature and it is time that we had just a little parliamentary lesson.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: Principle is exactly the reason why House Amendment "B" was placed on the Errors and Inconsistencies Bill. Mr. Morton from Farmington, my able friend and almost seatmate, is absolutely correct in what he has related to you, as far as he went.

I have to go back to the first regular session of the 107th Legislature, where a bill was introduced by Representative Mahany that contained the exact language as indicated in both the L. D. and in Amendment "B" to the Errors and Inconsistencies Report.

This bill had public hearings, it was debated here on the floor of the House and may have been debated in the other house, I do not know. The exact substance of L. D. 525 and Amendment "B" was the subject of those debates. This was enacted into law and became Chapter 465 of the Public Laws and signed by the Governor on June 12, 1975. We presumed that this was the effective law, it was still in effect until I was contacted by the Fair Manager of the New Portland Fair, I believe sometime in December to the effect that there had been a change made in the law. I was dumbfounded to realize or think how it could be changed.

Well, you are absolutely correct, principle and the Errors and Inconsistencies Bill, when I checked the Errors and Inconsistencies Bill for the special session of the 107th, I found that Chapter 770 of the Public Laws, and I believe it was Section 44, had a very inconspicuous paragraph in it indicating that the Title 7 Subsection 65, subsections under that, one and two, were hereby repealed; so, therefore, substantive change was made by the Errors and Inconsistencies Bill in the special session of the 107th Legislature. That was the same legislature that had already enacted this action.

The remainder of this points out very, very well that when this Errors and Inconsistencies Bill comes along, you had better be on your toes and looking very, very closely.

Therefore, I object to the moving back on this and I request the yeas and nays.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to explain the posture of this as far as the Judiciary Committee is concerned. In the last legislature, during the consideration of the Errors Bill, a change relating to the Agriculture Fairs was brought into the committee and it was presented to the committee as a bill that did not involve a substantive change, and I personally, although at the time I was not the Chairman, was concerned that it was a substantive change and I was directed to go and speak to a member of the other body who I had understood was the sponsor of this original legislation, and he said there was no problem with the change that was put into the Errors Bill in the last session. It turned out, I learned when I got back here this session, that there were several bills in on this subject and the change that went into the Errors Bill last time did significantly affect one of the fairs, which was the New Portland Fair which Representative Burns is concerned about.

The Judiciary Committee was presented with an amendment by Representative Burns to restore the status quo prior to the last Errors Bill and, essentially, the question that was raised was whether two wrongs make a right.

In the last legislature, a substantive change was put into the Errors Bill, which ought not to have been, and the committee was faced with the questions of whether to correct that by establishing the status quo as it existed before. The committee voted not to make another substantive change in the Errors Bill this time, though the vote was not, in fact, unanimous, and I for one felt that it was proper to have the issue raised on the floor of the House as to whether an error in the original Errors Bill should be corrected. I didn't have any objections to Representative Burns offering his amendment to reestablish the status quo. He did that and I was surprised that there was no debate about it. There obviously is some debate now.

If we pass the bill as it is, we will be back where we were before a substantive change was made in the Errors Bill last session. If we don't pass this, we will be where we were after a substantive change was made in the Errors Bill, and I think it is up to the House on how they want to proceed.

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

Mr. TIERNEY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Standish, Mr. Spencer. The question is, trying to clarify his remarks, is he going to vote with Mr. Morton or is he going to vote with Mr. Burns?

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to the gentleman from Standish, Mr. Spencer, who may answer if he so desires.

The Chair recognizes that gentleman. Mr. SPENCER: Mr. Speaker, I am not sure that I so desire. I think I will vote for Mr. Burns.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I understand that the New Portland Fair is in the fall, and I am wondering if there would be any harm in our going through the regular procedure. I haven't anything against the New Portland Fair, except that in Bangor there are two fairs within 15 miles of each other. I know that our city attorney is interested in reviewing the bill and there may be no problem with this, but when he asked me about the issue, I indicated that it had come to the Judiciary Committee as an error proposal, that we had decided not to consider it as an error and that he would have an opportunity to come to a public hearing. So, I am just

wondering if there is any damage to be done by letting the normal process go forward, both to protect the integrity of Errors Bill and to provide the public input if there could be some. I would like to support Representative Morton's position unless there is any unalterable damage that would be done by doing it otherwise.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I understand from the information that I got today that it also involves the Lewiston Fair and the Maine State Fair in Lewiston has been in existence for over 100 years and it would abridge some of their, from what I am told, activities, because there is another fair within, I guess, the required distance, so I am with Mr. Morton on this one.

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

Mr. NORRIS: Mr. Speaker, I would pose a question to the Chair, is this amendment germane to this bill where it is a substantive change and has had no public hearing?

The SPEAKER: The Chair would advise the gentleman from Brewer, Mr. Norris, that the time to question the germaneness of the amendment is prior to it being adopted. Once the amendment was adopted by this body, it is not before this body for a ruling by the Chair and, therefore, the Chair cannot give a ruling on the amendment.

The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: The issue before us this afternoon does not really have anything to do with the fairs. The issue is whether this new Committee on Judiciary, whether its members are going to accept substantive changes in the Errors and Inconsistencies Bill. We had hoped, the majority of us on the committee, that we would not accept these and that the Errors and Inconsistencies Bill would not be something looked at to put a sneaky in. This is something which is just supposed to deal with the errors and inconsistencies and not with a substantive change.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Cote is correct in it involving the Lewiston State fair as well as Farmington. I am somewhat familiar with the problem that Mr. Burns has, as well as Mr. Morton and Mr. Cote, and my opinion is that the committee should recommit it and clean the bill up, because it is a major substantive change and I do move recommitting the bill to the Committee on Judiciary.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I agree in part with my friend from Bangor, Mr. Kelleher, but the committee didn't report this bill out with this amendment on it. This is an action that was taken by this body, the House.

As I look back over the few semesters that I have been here, I know in years past that there have been errors made on many pieces of legislation. I have never seen an error allowed to continue on, such as an error like this one, with a substantive change in an Errors and Inconsistencies Bill where the House didn't allow it to be backed up and the problem taken care of. I think this is a unique situation because there definitely is a problem here of some magnitude.

We have an amendment, and I am as guilty as the rest of the members on the Judiciary Committee, I think, for allowing this amendment to go on, I wasn't aware of it at the time it happened, because it does present a substantive change to a bill that is not created for that pur-

pose, so we are in error this afternoon. This House is in error, in my opinion, and I think the only reasonable thing to do is to back the bill up and take care of the error, and then if we have a problem, a legislative problem, that Mr. Burns be allowed to present legislation to take care of his problem and argue it and debate it through due process.

I would hope that this House would allow the bill to be backed up and to take care of an error that is wrong. I think we all admit that.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I will withdraw my motion to recommit and do exactly what Mr. Norris urges the House to do, back the bill up and properly take care of it here. However, it does take two thirds to suspend the rules, if I remember correctly, and if the House is not able to get the two thirds necessary, then perhaps Mr. Spencer or one member of the committee would then recommit it themselves and take care of it in the fashion that it belongs.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps the proper resolution on this would be to allow the bill to be backed up and then to have the House vote on whether to correct the original error that was made or not and put it on an equal basis so the House can make that determination.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to draw your attention to the record of March 3, 1977. When I introduced this amendment, I specifically stated that this was a substantive change in the law, so the House was made aware that this was a substantive change. I stand on my motion and hope you defeat the vote to reconsider.

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. 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 pending question before the House is on the motion of the gentleman from Farmington, Mr. Morton, that the House reconsider its action whereby the Bill was passed to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Benoit, Berry, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Bustin, Byers, Carey, Carter, D.; Carter, F.; Churchill, Clark, Conners, Cote, Cunningham, Devoe, Dow, Drinkwater, Dudley, Durgin, Dutremble, Flanagan, Fowlie, Garsoe, Gill, Gillis, Gray, Henderson, Hickey, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lougee, Lunt, Lynch, Marshall, Masterman, Masterton, Maxwell, McBrearty, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Raymond, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Stubbs, Tarbell, Tarr, Teague, Torrey, Trafton, Valentine, Wyman.

NAY — Burns, Carroll, Chonko, Connolly, Cox, Curran, Diamond, Elias, Goodwin, K.; Greenlaw, Hughes, McHenry, Moody, Nadeau,

Najarian, Post, Prescott, Quinn, Theriault, Tierney, Tozier, Twitchell, Wilfong, Wood.

ABSENT — Bennett, Blodgett, Carrier, Davies, Dexter, Fenlason, Gauthier, Goodwin, H.; Gould, Green, Hall, Hobbins, Jalbert, Jensen, Lewis, Littlefield, MacEachern, Mackel, Mahany, Martin, A.; Peakes, Rideout, Talbot, Truman, Tyndale, Whittemore.

Yes, 99; No, 24; Absent 26; Vacant, 1.

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

On motion of Mr. Morton of Farmington, 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 House Amendment "B" was adopted.

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

Mr. MORTON: Mr. Speaker, it is my intention to see that this bill is enacted without House Amendment "B". However, I am wondering if at this time you would clarify it for myself and the House. L. D. 525 is still filed and before us so that will be a vehicle Mr. Burns can use to get his idea before the House and the legislature, and I would ask you at this time if it would be proper to consider the germaneness of this amendment or don't we have to be concerned with that anymore?

The SPEAKER: The Chair would advise the members of the House that one must keep in mind that when you are dealing with the Errors and Inconsistencies Law, there is a great deal of flexibility since it deals with Title I through the end of the titles, wherever that may be, and there is nothing to which it can be referred to. Therefore, the Chair would have to rule that the amendment offered is germane pursuant to the bill. Whether or not it is a substantive change is one which is not covered by rules and is one that must be decided by this body.

Mr. MORTON: Mr. Speaker, then as I understand it, the bill is ready to be engrossed without the House Amendment "B". Is that correct?

The SPEAKER: The Chair would advise the gentleman that the present position is that House Amendment "B" is now pending adoption. That is in the position which we are now in.

Mr. MORTON: Mr. Speaker, I move the indefinite postponement of House Amendment "B."

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I bow to Mr. Morton. We will hear more about this bill later on.

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

Mr. NORRIS: Mr. Speaker, a parliamentary inquiry. If under these extenuating circumstances in the question of fairness, is it possible for Mr. Burns to bring this matter before the House in a legislative document? That is, can he clear it through leadership?

The SPEAKER: The Chair would advise the gentleman from Brewer, Mr. Norris, that the gentleman from Anson, Mr. Burns, does have a bill which covers this and is before this body and before the committee.

Thereupon, House Amendment "B" was indefinitely postponed.

Mr. Spencer of Standish offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-81) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "D" is directed at an error that was called to

my attention yesterday afternoon in Title 5, Section 8B. Title 5, Section 8B, among its other provisions, creates an exception to the requirement that state employees pay rent for housing which is provided to them. As it was originally adopted in 1973, Section 8B provided that a state employee whose classification was 21E or less would not have to pay rent on the state provided housing, for instance, in the area of the prison or other state facilities. What that meant was that a state employee who was earning less than \$275 a week would not have to pay rent for the housing that was provided by the state in connection with his job.

When we enacted the Hay Classification Plan, we set up a whole new system of classifications, and an amendment to Title 5, Section 8B, was never drafted to reflect that change. So what happened was that the classification 21E turned out to be a lower rate of compensation and employees who previously were not paying rent for their housing, who were earning less than \$275, all of a sudden are faced with the prospect of paying rent for their housing if their income falls between \$254 and \$275. It doesn't appear to me that this was the intent of the legislature to suddenly make this class of employees start to pay rent. It was a failure to change the classification reference in Title 5, Section 8B, and this amendment would correct that so that the group of employees who would not have to pay rent for their housing would remain the same as it was prior to the adoption of the Hay Report.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker and Members of the House: This is the first I have seen of this amendment, I am on the Judiciary Committee, and I haven't had a chance to really look it over and I would hope that someone, so that we don't go through this whole process again, might table it for one legislative day.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending adoption of House Amendment "D" and specially assigned for Tuesday, March 22.

The SPEAKER: The Chair would like to say a few words so that the record will show that the members of the Natural Resources Committee who missed roll calls today missed them pursuant to the approval of the Speaker because they were attending a special committee meeting in their hearing room.

(Off Record Remarks)

On motion of Ms. Clark of Freeport,
Adjourned until Tuesday, March 22, at 9:30 in
the morning.