

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, April 7, 1977

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

Prayer by the Reverend George Fowler of the Unity Union Church.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Order, an expression of Legislative Sentiment recognizing that: The Madison Woman's Club, whose purpose is service to its community through work with children, will celebrate its 35th anniversary of federation on April 30, 1977. (S. P. 411)

Came from the Senate read and passed. In the House, was read and passed in concurrence.

The following Joint Order, an expression of Legislative Sentiment recognizing that: Mrs. Sonya Cirks of Industry has been awarded the Outstanding Community Leader Certificate for her environmental improvement activities, including work with anti-litter and sign ordinances. (S. P. 412)

Came from the Senate read and passed. In the House, was read and passed in concurrence.

The following Joint Order, an expression of Legislative Sentiment recognizing that: Mary E. Thombs of Waterville has won the Kennebec County Spelling Championship for 1977. (S. P. 413)

Came from the Senate read and passed. In the House, was read and passed in concurrence.

The following Joint Order: (S. P. 406)
ORDERED, the House concurring, that H. P. 253, concerning study of 200-mile limit by Joint Standing Committee on Marine Resources, as amended by Senate Amendment, filing No. S-7, is further amended by striking out in the last line of the 8th paragraph the word and figures "April 15, 1977" and inserting in their place the word and figures "May 1, 1977"

Came from the Senate read and passed. In the House, was read and passed in concurrence.

Bill "An Act to Provide Temporary Compensation to Incapacitated Persons Pending Application for State or Federal Aid" (S. P. 403) (L. D. 1386)

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

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Relating to Secured Transactions under the Uniform Commercial Code" (S. P. 353) (L. D. 1361)

Bill "An Act Prohibiting Financial Institutions from Making Mortgage Loans Subject to Payment on Demand" (S. P. 401) (L. D. 1384)

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

In the House, referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Permit Snowmobiling on the Entrance Road of Baxter State Park" (S. P. 404) (L. D. 1387)

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

In the House: Mr. Blodgett of Waldoboro moved that the Bill be referred to the Committee on Natural Resources in non-concurrence.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill is the result of the fact that recently, within the past few years, the Baxter Park Authority has promulgated a regulation that outrules snowmobiles in the park. Up until a couple of years ago, they have been allowed to use the roads in the park.

We have many, many snowmobilers in my area and the Millinocket area who like to use these roads to go fishing and other things, just go snowmobiling and enjoy the scenery, and this bill would permit these people to do it. It is not an environmental matter; it is an outdoor recreation matter. I feel that it should go to the Fisheries and Wildlife Committee.

I hope you will not go along with the motion before you right now.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I don't think what we are discussing is whether or not snowmobiles but where the bill should be referred, the function of the bills here to be heard before the proper committee. In this case, it has to do with the use of a state park, which would come under the Conservation Department and normally these activities would be heard before the Natural Resources Committee.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: For several sessions now, we have had snowmobiling and anything pertaining to it controlled in the Department of Fish and Game. It is a duly constituted division of that department, and that is certainly where this bill belongs to go along with the ones we have had before.

The SPEAKER: The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that this Bill be referred to the Committee on Natural Resources in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Whereupon, Mr. Green of Auburn 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 Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take this opportunity to ask you to defeat this motion, that we go along with the Representative from Lincoln, Mr. MacEachern.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that this Bill be referred to the Committee on Natural Resources in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bunker, Carey, Carter, F.; Chonko, Clark, Cox, Curran, Davies, Dexter, Diamond, Fowle, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Higgins, Hobbins, Huber, Hunter, Hutchings, Immonen, Jackson, Jensen, Kane, Kany, Kerry, Kilcoyne, Laffin, Locke, Masterton, McMahon, Mitchell, Moody, Nelson, M.; Palmer, Peakes, Peltier, Perkins,

Quinn, Raymond, Shute, Spencer, Stover, Stubbs, Talbot, Teague, Tierney, Trafton, Valentine, Wilfong, Wood, Wyman.

NAY — Aloupis, Austin, Beaulieu, Bennett, Birt, Burns, Bustin, Byers, Carrier, Carroll, Carter, D.; Churchill, Connors, Cote, Cunningham, Devoe, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Gauthier, Gillis, Gould, Hickey, Jacques, Jalbert, Joyce, Kelleher, LeBlanc, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McBrearty, McHenry, McKean, McPherson, Mills, Morton, Nadeau, Najarian, Nelson, N.; Norris, Pearson, Peterson, Plourde, Prescott, Rideout, Rollins, Silsby, Smith, Sprowl, Strout, Tarr, Theriault, Torrey, Tozier, Truman, Twitchell, Whittemore.

ABSENT — Ault, Boudreau, P.; Brown, K. L.; Connolly, Dudley, Howe, Hughes, LaPlante, Lewis, Martin, A.; Post, Tarbell, Tyndale.

Yes, 67; No, 70; Absent, 13.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy having voted in the negative, with thirteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. MacEachern of Lincoln, the Bill was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act Relating to Certificate of Need" (S. P. 384) (L. D. 1358)

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 Relating to State Income Tax Deduction for Student Tuition Payments" (S. P. 402) (L. D. 1385)

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

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

Reports of Committees Ought Not to Pass

Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act Concerning County Clerk Hire by County Commissioners" (S. P. 208) (L. D. 659)

Was placed in the Legislative Files without further action pursuant to Joint Rule 20 in concurrence.

Non-Concurrent Matter

Bill "An Act to Require an Annual Adjustment in the Standards of Need for Families Receiving Aid to Dependent Children" (H. P. 1124) (L. D. 1342) which was referred to the Committee on Performance Audit in the House on March 29, 1977.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

In the House: On motion of Mr. Goodwin of South Berwick, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Reduce Traffic Accidents and Fatalities by Providing for the Establishment of Education and Treatment Programs for Persons Convicted of Operating under the Influence of Alcohol" (H. P. 1122) (L. D. 1340) which was referred to the Committee on Liquor Control in the House on March 29, 1977.

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

In the House: The House voted to recede and concur.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were

received and referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act to Recognize the Maine Competition as the Official Housing Design Contest for the State of Maine and to Appropriate Moneys in the General Fund to Fund this Contest" (H. P. 1238) (Presented by Mr. Wood of Sanford)
(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act to Require Independent Candidates to File Petitions on April 1st" (H. P. 1239) (Presented by Mrs. Durgin of Kittery)
(Ordered Printed)
Sent up for concurrence.

Energy

Bill "An Act to Exempt Certain Woodburning Appliances from the Sales Tax" (H. P. 1240) (Presented by Mrs. Huber of Falmouth)
(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear" (H. P. 1241) (Presented by Mr. Pearson of Old Town)
Bill "An Act to Permit Farmers to Shoot Marauding Animals" (H. P. 1242) (Presented by Mr. Torrey of Poland)
(Ordered Printed)
Sent up for concurrence.

Energy

Bill "An Act to Provide Home Winterization for Older Citizens" (H. P. 1243) (Presented by Mr. Davies of Orono) (Cosponsors: Mr. Wyman of Pittsfield, Mrs. Trafton of Auburn, Mrs. Huber of Falmouth)

Committee on Human Resources was suggested.

On motion of Mr. Talbot of Portland, the Bill was referred to the Committee on Energy, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act to Establish the Maine Juvenile Code" (H. P. 1244) (Presented by Mr. Spencer of Standish) (Cosponsors: Mr. Hobbins of Saco, Mr. Gauthier of Sanford, Mrs. Kane of Augusta)
(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Provide for the Purchase of Copies of 'Acton-Shapleigh, Maine, Past and Present' by the Acton and Shapleigh Historical Society" (H. P. 1245) (Presented by Mr. Wood of Sanford)
(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to Undertake, to Preserve and to Enhance the Anadromous Fish Runs of the State of Maine (Emergency) (H. P. 1246) (Presented by Mr. Pearson of Old Town)

Committee on Marine Resources was suggested.

On motion of Mr. Dow of West Gardiner, the Bill was referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Natural Resources

Bill "An Act to Expedite the Construction of Natural Gas Pipelines in the State" (Emergency) (H. P. 1247) (Presented by Mr. Kelleher of

Bangor) (Cosponsors: Mr. Blodgett of Waldoboro, Mrs. Huber of Falmouth)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Provide a Temporary Disability Plan for State Employees" (H. P. 1248) (Presented by Mr. Bunker of Gouldsboro)
RESOLVE, to Authorize the Conveyance of the National Guard Armory in Auburn to the City of Auburn (Emergency) (H. P. 1249) (Presented by Mr. Green of Auburn) (Cosponsors: Mr. Hughes of Auburn, Mrs. Trafton of Auburn, Mrs. Lewis of Auburn)
(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Provide for the Periodic Review of Sales and Property Tax Exemptions" (H. P. 1250) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mrs. Trafton of Auburn, Mr. Wood of Sanford, Mrs. Post of Owls Head)

Bill "An Act to Provide Sales Tax Exemption to Agricultural Fairs" (H. P. 1251) (Presented by Mr. Smith of Mars Hill) (Cosponsor: Mr. Burns of Anson)

Bill "An Act to Establish a Pipeline Privilege Tax" (H. P. 1252) (Presented by Mr. Torrey of Poland)
(Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Bill "An Act Pertaining to Retirement Benefits for County, City and Town Employees" (H. P. 1253) (Presented by Mr. Stubbs of Hallowell)
(Ordered Printed)
Sent up for concurrence.

Study Report

Committee on Health and Institutional Services

Mr. Goodwin from the Committee on Health and Institutional Services to which was referred the study relative to the administration of medication pursuant to H. P. 2357 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to the Administration of Medication" (H. P. 1236) (L. D. 1389) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1254) recognizing that: The North Star Chapter of Caribou has captured the New England DeMolay Basketball Championship for 1977 (Presented by Mr. Peterson of Caribou) (Cosponsor: Mr. Bennett of Caribou)

Was read and passed and sent up for concurrence.

A Joint Resolution (H. P. 1237) in memory of Donald C. Messer of South Portland, who was a dedicated policeman and an outstanding citizen (Presented by Mr. Curran of South Portland) (Cosponsors: Ms. Benoit of South Portland, Mrs. Gill of South Portland, Mr. Howe of South Portland)

The Resolution was read and accepted and sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Mr. Mills from the Committee on Fisheries and Wildlife on Bill "An Act to Make Alloca-

tions from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) (H. P. 195) (L. D. 257) reporting "Leave to Withdraw"

Mr. Mills from the Committee on Fisheries and Wildlife on Bill "An Act Limiting to 8 the Number of Dogs which May be Used to Hunt Bear" (H. P. 264) (L. D. 332) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

New Drafts Printed

Mr. Bustin from the Committee on Election Laws on Bill "An Act to Repeal Certain Statutory Provisions Concerning Distinguishing Marks on Ballots" (H. P. 31) (L. D. 48) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify the Marking of Ballots" (H. P. 1235) (L. D. 1388)

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Defense of Indian Claims Litigation" (Emergency) (H. P. 254) (L. D. 323) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1977, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government" (H. P. 1255) (L. D. 1413)

Reports were read and accepted, the New Drafts read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-116) on Bill "An Act to Ensure that the Uniform Property Tax Rate Conforms to Limits on Educational Funding Established by Statute" (Emergency) (H. P. 66) (L. D. 91)

Report was signed by the following members:

Mr. MARTIN of Aroostook — of the Senate.

Messrs. COX of Brewer
TEAGUE of Fairfield
MAXWELL of Jay

Mrs. CHONKO of Topsham
Messrs. IMMONEN of West Paris
CAREY of Waterville

— of the House.

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

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland

— of the Senate.

Messrs. MACKEL of Wells
TWITCHELL of Norway

Mrs. POST of Owls Head — of the House.

Reports were read.

On motion of Mr. Carey of Waterville, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-116) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Prohibit the Hunting of Bear with Dogs" (H. P. 355) (L. D. 448)

Report was signed by the following members:

Messrs. USHER of Cumberland
PRAY of Penobscot
REDMOND of Somerset

— of the Senate.

Messrs. MILLS of Eastport

PETERSON of Caribou
 MASTERMAN of Milo
 GILLIS of Calais
 DOW of West Gardiner
 MacEACHERN of Lincoln
 TOZIER of Unity
 PEARSON of Old Town
 McKEAN of Limestone

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

Report was signed by the following member:
 Mr. ROLLINS of Dixfield

— of the House.

Reports were read.

Mr. Dow of West Gardiner moved that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. DEXTER: Mr. Speaker and Members of the House: I would request a division.

I have received over 2,000 signatures on petitions on this matter, and I would be remiss in my duties as a Representative if I didn't bring this to the attention of the House.

In contrast, I received just 10 calls on this highly important act.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: At our hearing on this bill, we had approximately 120 people and we had something like three or four in support of this bill; the rest weren't in favor of it.

Bear hunting is a major industry in the State of Maine at this time. A lot of people earn their living from bear hunting and the bear hunting people, and the only way to hunt bear is with dogs. I urge you to support the motion of my seatmate.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Mr. Speaker, Men and Women of the House: Coming from an urban area in this state and not familiar with bear hunting, and I know there are some people here in the House who are, I just wish someone would explain to me the procedure involved in hunting bear with dogs, what kind of dogs are used and just explain a little bit about this sport.

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

Mr. MacEACHERN: Mr. Speaker, to answer the gentleman's question, bear hunters use dogs to track and follow bear. They don't attack them, they don't chew them up, they tree them. Once the bear is treed, he is shot by the hunter when the hunter comes along. It is a very humane way of hunting. There is no particular violence involved. The bears are treated very well, and when they are shot, they are dead. There is no suffering involved, no violence at all.

Incidentally, these dogs are very expensive material. Some of them are worth four or five thousand dollars. These people invest a lot of money in them and they use them in a controlled manner to hunt bear. It is an integral part of outdoor life in the State of Maine, hunting bears, and a bill like this would be an economic disaster to many people in the State of Maine who depend on bear hunters to earn their living.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Mr. Speaker, Men and Women of the House: If shooting treed bears is not violent, I would like to know what is.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, I would like to pose a question to anybody on Fish and Game that might answer this. How many bears are going to be left?

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Every two years, we have bear bills and dog bills chasing these bears around. What we have here, these were bills that were controversial that came before the committee. The committee has promised to come out with a bill later for doing it with only six dogs. This, the professional bear hunters, seem to be happy with.

The professional bear hunter maintains an establishment that can run to \$125,000 in value to him. These dogs that they use, there is quite a performance in training them. If anybody isn't familiar with it, they use a pickup truck with a cage on the side where the old dog, which is called the strike dog, they drive slow along a back country road and if that dog's nose picks up a bear scent, he drops out of the cage and starts tracking around. When he sounds off, they let another dog go, which is also partially trained, and that is a sticker dog. Those two dogs start unraveling the trail, and as they start to go, two more dogs are let go that have had some training and behind them come the untrained two. That is what they want to settle on and I think it is a very good compromise and a very definite settlement to all the bear and dog questions we have been hearing in the past two weeks.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to report that bear grease is used as a hair restorer and I have used it for years.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: No one as yet has answered Representative Hall's question, and his question was, how many bear will be left?

Mr. Hall, since we decided to protect the bear and make them a game animal, they have been multiplying very fast, much to the deprivation of many camp owners that have camps back in the wilderness, and the bear are multiplying at about a 20 percent rate. A bear dog won't depreciate the bear at all.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss if I didn't say just a little bit on this bear hunting bill.

Over in the western part of the state, some farmers over there started to raise corn along with their other foods and grains, and they tried to collect, I think somewhere between forty and sixty thousand dollars from the state in bear damage to their corn crops. One of the testimonies that was given down there was to this effect, and he said he either had to raise bear or raise corn, but he couldn't raise both of them.

So, in the problems that come up, they put the dogs in there, bear dogs and hunters from around that area, and inside of about seven weeks they got 58 bear, so you can imagine how much of their corn and other grains was taken and the damage done by the bear that was in that area. If we do not take a certain amount of these bear, nobody will be able to grow any type of grain in the State of Maine.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: The fact is that we do have bear hunting in the state. It is a major part of our economy. Also, if you have ever seen a bear that was wounded and running off into the woods, he is a very dangerous animal. He can do a lot of damage to property and to human beings.

They use the dogs mainly to come up with a good, clean shot, which eliminates the possibility of a wounded bear in the woods. In the event a bear is wounded and does go off into the woods, then the dogs are used for tracking him down and to finish the job so you don't have a wounded animal in the woods. I think it is more inhumane to have a wounded animal wandering in the woods than it is to have an animal that you are going to shoot and have him dead when you shoot him.

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.

A vote of the House was taken.

Whereupon, Mr. Truman of Biddeford 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 Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, I would like to point out just one thing that I think we all overlooked. Because most of these people are high-grade or high-class sportsmen, many, many times this bear is not shot, he is allowed to go on his way once they have treed him, let him go to hunt him again.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, could someone tell me what the law presently is as far as bear hunting?

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

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

Mr. DOW: Mr. Speaker and Members of the House: As the law stands right now, you can use four dogs to hunt bear.

The SPEAKER: A roll call has been ordered. 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, Austin, Bagley, Beaulieu, Bennett, Berry, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Bunker, Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Churchill, Connors, Cote, Cunningham, Dow, Drinkwater, Elias, Fenlason, Garsoe, Gauthier, Gillis, Goodwin, H.; Gould, Gray, Hickey, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jacques, Jalbert, Joyce, LeBlanc, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McBreairty, McHenry, McKean, Mills, Nadeau, Nelson, N.; Palmer, Pearson, Perkins, Peterson, Plourde, Quinn, Rideout, Rollins, Silsby, Smith, Sprowl, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Valentine, Whittmore, Wilfong.

NAY — Ault, Bachrach, Benoit, Berube, Brenerman, Brown, K. C.; Burns, Carter, F.; Chonko, Clark, Cox, Curran, Dexter, Diamond, Durgin, Dutremble, Flanagan, Fowlie, Gill, Goodwin, K.; Green, Greenlaw, Hall, Henderson, Howe, Huber, Hughes, Jackson, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Littlefield, Masterton, Mc-

Mahon, McPherson, Mitchell, Moody, Morton, Najarian, Nelson, M.; Peakes, Peltier, Prescott, Raymond, Shute, Spencer, Stover, Stubbs, Talbot, Tierney, Trafton, Wood, Wyman, The Speaker.

ABSENT — Brown, K. L.; Connolly, Davies, Devoe, Dudley, LaPlante, Martin, A.; Norris, Post, Tarbell, Tyndale.

Yes, 82; No, 58; Absent, 11.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-eight in the negative, with eleven being absent, the motion does prevail.

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

Mr. DOW: Mr. Speaker, having voted on the prevailing side, I make a motion we reconsider and hope you vote against me.

The SPEAKER: The gentleman from West Gardiner, Mr. Dow, moves we reconsider our action whereby the Majority "Ought Not to Pass" Report was accepted. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

Leave to Withdraw

Mrs. Post from the Committee on Education on Bill "An Act to Reduce the Uniform Property Tax Required for Education to 9 Mills" (Emergency) (H. P. 396) (L. D. 508) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Relating to School Funding and Inventory Tax Reimbursement" (Emergency) (H. P. 1160) (L. D. 1252)

Report was signed by the following members:

Mr. MARTIN of Aroostook — of the Senate.

Messrs. CAREY of Waterville
COX of Brewer
TEAGUE of Fairfield

Mrs. CHONKO of Topsham
Mr. IMMONEN of West Paris — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-118) on same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland — of the Senate.

Mrs. POST of Owls Head
Messrs. TWITCHELL of Norway
MACKEL of Wells — of the House.

Reports were read.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I won't be making a motion, only because I will be unable to make the motion to table for the one day. However, I would like to point out that this bill is one of the series of bills that the Taxation Committee was ordered to report out by midnight last night. We made the deadline with probably an hour or so to spare. But I would point out that this bill is the one that was heard yesterday afternoon and it is not in the best shape possible. The amendment that has been offered is an effort by a minority, anyway, to try to make this bill a little more acceptable.

There is still the thought that the people who were at the hearing, the business community, are going to be meeting with the Maine

Municipal Association and some members of Taxation, some members of the legislature; in the meantime they are going to try to come up with a funding mechanism for L. D. 1252 and the inventory tax portion of it. Obviously, they may be searching for that ideal tax, the one that taxes somebody else, but we don't know if they are going to find that or not.

Because we are going to be hearing Mrs. Najarian's bill on Monday, I would hope that somebody would table this for one day so that on Monday morning we may be able to get a report back from the business community and at that point decide whether or not we wait any further for Mrs. Najarian's bill or whether or not we take action at that time.

Whereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and specially assigned for Monday, April 11.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Repeal the Uniform Property Tax" (H. P. 843) (L. D. 1028)

Report was signed by the following members:

Mr. MARTIN of Aroostook — of the Senate.

Messrs. COX of Brewer
TEAGUE of Fairfield

Mrs. CHONKO of Topsham
Messrs. IMMONEN of West Paris
CAREY of Waterville — of the House.

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

Report was signed by the following members:

Messrs. JACKSON of Cumberland
WYMAN of Washington — of the Senate.

Messrs. TWITCHELL of Norway
MACKEL of Wells

Mrs. POST of Owls Head — of the House.

Reports were read.

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

Mr. CAREY: Mr. Speaker and Members of the House: This is Mrs. Post's bill. I would make a motion that we accept the Majority "Ought Not to Pass" Report and would point out that this bill is identical in language to the bill which is scheduled to go to referendum if it is defeated in both bodies.

Thereupon, on motion of Mr. Carey of Waterville, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 143) (L. D. 173) Bill "An Act Relating to the Plans and Specifications Governing School Construction" — Committee on Education reporting "Ought to Pass"

(H. P. 321) (L. D. 412) Bill "An Act to Revise the Laws Relative to the State Military and Naval Children's Home" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-115)

(H. P. 160) (L. D. 198) Bill "An Act Relating to Town Hospitals" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-114)

(S. P. 225) (L. D. 780) Bill "An Act to Clarify the Law as to Fraud by a Guest or Customer in a Hotel, Inn, Boarding House or Eating House" — Committee on Legal Affairs reporting

"Ought to Pass" as amended by Committee Amendment "A" (S-46)

(S. P. 130) (L. D. 310) Bill "An Act to Transfer the Alcohol Treatment and Education Program of Operating under the Influence Offenders to the Department of Human Services" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-45)

(H. P. 826) (L. D. 999) Bill "An Act to Establish Maine Writers Week" — Committee on Legal Affairs reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 11, under listing of the Second Day.

Consent Calendar

Second Day

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

(H. P. 614) (L. D. 751) Bill "An Act Concerning the Purchase of School Books"

(H. P. 203) (L. D. 263) Bill "An Act Concerning Territories Included in Baxter State Park"

(S. P. 121) (L. D. 279) RESOLVE, Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers

(S. P. 284) (L. D. 897) Bill "An Act Concerning the Charter of the Newport Water District" (C. "A" S-44)

(H. P. 126) (L. D. 159) Bill "An Act Prohibiting the Hiring of Illegal Aliens"

(H. P. 230) (L. D. 293) Bill "An Act to Ensure that the Powers and Duties of Fire Chiefs are subject to Municipal Collective Bargaining Agreements" (C. "A" H-106)

(H. P. 641) (L. D. 785) RESOLVE, Appropriating Funds for Fire Protection Equipment in the vicinity of State Owned Facilities and the Unorganized Territories at Greenville (H. P. 495) (L. D. 614) Bill "An Act to Provide Certain Travel Expenses for County Commissioners of all Counties" (C. "A" H-107)

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

Passed to Be Engrossed

Bill "An Act Relating to an Offense for Littering under the Litter Control Law" (S. P. 392) (L. D. 1294)

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

Second Reader

Tabled and Assigned

Bill "An Act to Provide County Commissioner Districts in Washington County" (H. P. 1225) (L. D. 1359)

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

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to L. D. 1359, the bill now before us. L. D. 1359 not only serves to place Washington County into districts but will, in effect, divide historically united people into three factions opposing each other and in competition for the fruits that may be available from affluent and aggressive district.

The present three county commissioners have been directing the fortunes of the people of Washington County for the past six years and a very commendable job has been accomplished. When you are riding with a winning combination, you do not change horses, so to speak, just on a whim or for political expediency.

In my travels throughout my district, District 102 in the Calais area and throughout Washington County, I have not heard of any out-

cry by the people of Washington County for this division. I have not heard of any condemnation of our present system of county government. The three commissioners are doing a good job. I have not heard a single voice rise in support of or demand for this districting of Washington County, and this is partially due to the fact that very little, if any publicity has been given to this proposal. In other words, the great majority of the people in Washington County are not aware that this change in their government has been proposed.

This bill, if approved, would divide and, in essence, disenfranchise two thirds of the people in Washington County to the effect of denying them the equal opportunity to have a say in the selection of the three commissioners who will direct the future of Washington County, as opposed to the system that is presently utilized where each voter in Washington County has the opportunity to have a say in the selection of the county commissioners.

Further evidence of the unfairness of this bill is the fact that 45 percent of the county tax comes out of one district, the Calais and Woodland area; yet, we are to be relegated to a minority voice in the selection of the county government officials.

District 102 is not demanding a majority voice in the conduct of the county government, but we are demanding an equal voice in the county government affairs, and that is all. With the districting of Washington County, this will not be possible.

The county commissioners serve the people of the whole county and not those in some specific part or section of the county. Traditionally, the three commissioners in Washington County have worked together to promote and preserve the best interest of the people from Danforth to Steuben, that is from one end to the other. There has been no factionalism or sectionalism within the Washington County Commission since it was established. The records of thousands of meetings since 1820 bear this out.

The proposed bill to district Washington County can only bring divisiveness to the committee. As commissioners begin to be elected by only one third of the voters, they will become the champion of that particular third of the population; thus, sectionalism will be introduced into the commission and the overall administration of the county will suffer.

As I stated before, the great majority of the people of Washington County are not aware of this proposed change in the county government. Therefore, Mr. Speaker, I ask that this bill and all its accompanying papers, if any, be indefinitely postponed.

The SPEAKER: The gentleman from Calais, Mr. Gillis, moves that this Bill and all its accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, I submitted it the first time and I stand now to defend it.

The gentleman from Calais says that the bill was not publicized in Washington County. The notice was put in the Bangor Daily News, it was in the Machias Valley News Observer, and I sent a copy to the Calais Advertiser. I cannot say whether it was put in the Calais Advertiser because I have not read a copy of that week's paper.

I feel that districting is not going to hurt Washington County. Mr. Gillis says that there is going to be divisiveness in Washington County. I would remind the gentleman from Calais that he was elected from a district and not from the whole county.

Washington County does enjoy geographic balance with its county commissioners. This bill would insure that it remains that way. I feel

that this commissioner districting concept will bring the one man-one vote concept closer. Most all of the counties in the state do have districting. I feel that Washington County is not any more rural than Aroostook County; therefore, I hope that you will not go along with this motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I want to support the motion of the gentleman from Calais, Mr. Gillis, that this bill and all its accompanying papers be indefinitely postponed.

In Washington County, we need good people on our board of county commissioners. We now can pick from the whole county and we can pick the best qualified people, regardless of where they live.

I would point out to you that Washington County is a sparsely settled area and that we have to be very careful when we select officials to get the best, regardless of where they live. I think that the passage of this bill would be a great mistake. I urge you to vote for indefinite postponement.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: As Chairman of the Washington County Delegation, we had this in our delegation and discussed it. I so notified the Representative presenting this bill that I wouldn't support it at that time and I won't now, because since we have had this thing brought up, we have had a lot of people in Washington County calling my house and calling Nathan Cohen, who you remember was a member of the Governor's Council, when they couldn't reach me, and he was a little bit disturbed about that procedure. But we have had a lot of complaints coming my way that the people in the county don't want this bill, and that is it. I support the indefinite postponement.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Calais, Mr. Gillis, that this bill and all accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Nelson of Roque Bluffs 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 Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I would like to pose a question through the Chair to anyone in the House who may care to answer. It is my understanding that a great many counties have moved towards essentially the single-member district concept, as we have done in the House. I, obviously, don't know anything about this particular Washington County breakdown, but it disturbs me to see us giving such short notice on a bill which would seem to extend a single-member concept which this House has adopted for itself and many other counties have adopted it as well. I would like to ask how many counties remain with this type of at-large voting?

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

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I may be corrected by any county if I am wrong, but I believe that

every county other than Washington County has districts, but I think at least two counties have districts from which the candidates come, but the election is at large. So generally speaking, in terms of the membership, all counties other than Washington County are districted.

If I may continue briefly, this was before the Committee on Local and County Government, which committee did recommend the unanimous "ought to pass" report based on the notion that the other counties had been districted and that the principle of single-member districts had been established for the legislature.

On the other hand, I think some of us might feel a little bit of a twinge of imposing something on a subdivision that may not have thought the method through and it may be that if there is some merit to this and that the local residents ought to have an opportunity to make a judgment on it, we could amend the bill to provide for a referendum, which would then put the issue squarely before the people of Washington County where they could make that decision.

I would urge you not to indefinitely postpone this proposition but maybe at least preserve it so we can find out a direct reading from the people involved.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I served on the Towns and Counties Committee of this legislature about eight years ago when the first districting bills came in for counties, and much to my objection they districted my county for a variety of reasons, and at that time I think most of them were political, but that is notwithstanding the point.

I would hope that you would respect the gentleman from Eastport, Mr. Mills, who also served on that committee eight years ago, and do not pass districts for Washington County.

I would have preferred, in my county, and I attempted to put an amendment on the bill, when I could see that I couldn't get anything else in terms of killing the bill, to have them at least run from a district but be voted at large, because I was disenfranchising my area for two thirds of the county.

I would hope that you would listen to Mr. Gillis and Mr. Mills and defeat this bill. I was only hoping that perhaps someday the Towns and Counties Committee would come out with a uniform bill and repeal every single district we have in the counties of this state.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: The controversy in the delegation was that this called for voting by a district. I personally think the thing is unconstitutional, as you are disenfranchising 66 percent of your registered voters in the county to vote for a commissioner.

Let's take the cost on the thing. If you are taking your county taxes and 66 percent is being paid by one area alone, what happens to the candidate you pick? He has got to live in the district; only the people in that district can vote for him and the other 66 percent of the county, under this bill, don't have any voice at all. I say that is disenfranchising the voter.

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker and Members of the House: There is a lot of talk about disenfranchising here this afternoon, and I am just wondering what they mean by that. I can't see where anybody is being disenfranchised. They are all going to have an opportunity to vote for the county commissioners. They are not being disenfranchised any more than any of the people are in Washington County who voted for any one of us that stand in this House. They have the

same opportunity. This disenfranchisement, I just can't see it.

Again, I urge you not to favor this indefinite postponement motion.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, I would like this tabled for two legislative days.

Whereupon, Mr. Mills requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Belfast, Mr. Drinkwater, that this Bill be tabled pending the motion of Mr. Gillis of Calais to indefinitely postpone and specially assigned for Tuesday, April 12. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Mills of Eastport 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 Belfast, Mr. Drinkwater, that this matter be tabled pending the motion of Mr. Gillis of Calais to indefinitely postpone and specially assigned for Tuesday, April 12. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bunker, Burns, Carter, D.; Chonko, Churchill, Clark, Connors, Curran, Dexter, Diamond, Drinkwater, Durgin, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Hutchings, Jackson, Jacques, Jalbert, Jensen, Joyce, Laffin, Lizotte, Locke, Lynch, MacEachern, Masterton, Maxwell, McHenry, McKean, McPherson, Mitchell, Moody, Morton, Najarian, Nelson, N.; Peakes, Pearson, Prescott, Quinn, Raymond, Shute, Spencer, Sprowl, Stover, Talbot, Tarr, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood.

NAY — Aloupis, Ault, Austin, Birt, Boudreau, P.; Brown, K. L.; Bustin, Byers, Carrier, Carroll, Carter, F.; Cote, Cox, Cunningham, Devoe, Dow, Dutremble, Fenlason, Garsoe, Gillis, Gould, Green, Higgins, Huber, Hunter, Immonen, Kane, Kany, Kelleher, Kerry, Kilcoyne, Lewis, Littlefield, Lougee, Lunt, Mackel, Mahany, Marshall, Masterman, McBrearty, McMahon, Mills, Nadeau, Palmer, Peltier, Perkins, Peterson, Plourde, Rideout, Rollins, Silsby, Smith, Strout, Stubbs, Teague, Theriault, Torrey, Whittemore.

ABSENT — Carey, Connolly, Davies, Dudley, Elias, Gauthier, LaPlante, LeBlanc, Martin, A.; Nelson, M.; Norris, Post, Tarbell, Tyndale, Wyman.

Yes, 77; No, 58; Absent, 15.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty-eight in the negative, with fifteen being absent, the motion does prevail.

Bill "An Act to Make the Lobster Fund a Continuing Account and to Transfer \$10,000 from the Boat Fund to the Lobster Fund" (Emergency) (H. P. 1226) (L. D. 1360)

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

Bill "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for

Major Offices shall be Determined by Lot" (H. P. 479) (L. D. 594)

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

Mr. Bustin of Augusta moved that the Bill and all accompanying papers be indefinitely postponed and 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 Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: I hope to remind you that I do have a sense of humor but also I do feel this is a serious bill and I rise to do battle again with the B's. I could see Mr. Bustin and Mrs. Boudreau conspiring in the back during the last break.

I must speak to some things that I failed to speak to you yesterday. Mr. Bustin in very good oratory spread around some things that I just can't stand any longer. He stood up and told you that I beat my opponent who came before me in the alphabet; that is true, but I beat him 2 to 1, so this doesn't apply.

I have never, ever said that your position on the ballot is going to guarantee that you win or lose. We have simply said that it is a statistical advantage only in a close race, that the person at the top gets the advantage, which we call the donkey vote, they just put it there because they don't know who they are voting for. I just want the record to show that we are not attempting to be intellectually dishonest as some of our opponents are.

I hope you will vote against the motion to indefinitely postpone this bill. It is important to have the position on the ballot determined in a fairer manner.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't know that the ante on this measure had been raised to the level of intellectual honesty or dishonesty. Conspiracy which the gentleman saw in the back of the hall was that the House Chairman of the Election Laws Committee was trying to prevail upon me to let this matter ride today so that it could go down to the Senate where it would meet its eventual reward in the happy hunting ground. However, I said no, I would like to take one more whack at it.

I think we all know the issues. It is a bad bill. There is nothing unAmerican about alphabetical order and I hope you will vote to indefinitely postpone the measure.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Augusta, Mr. Bustin, that the Bill be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bunker, Bustin, Byers, Carey, Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cunningham, Curran, Devoe, Dexter, Diamond, Dow, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Gould, Gray, Hickey, Hunter, Hutchings, Jacques, Jalbert, Kelleher, Laffin, Lewis, Lizotte, Lougee, Mahany, Masterman, Maxwell, McMahon, Norris, Palmer, Perkins, Rideout, Sprowl, Talbot, Tarr, Torrey, Twitchell, Whittemore.

NAY — Ault, Bachrach, Brenerman, Brown, K. C.; Burns, Carroll, Cox, Drinkwater, Fowlie,

Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Littlefield, Locke, Lunt, Lynch, MacEachern, Mackel, Marshall, Masterton, McBrearty, McHenry, McKean, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Peterson, Plourde, Prescott, Quinn, Raymond, Rollins, Shute, Silsby, Smith, Spencer, Stover, Strout, Stubbs, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Valentine, Wilfong, Wood, The Speaker.

ABSENT — Connolly, Davies, Dudley, Elias, LaPlante, LeBlanc, Martin, A.; Mills, Post, Tarbell, Tyndale, Wyman.

Yes, 64; No, 76; Absent, 11.

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

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

Passed to Be Enacted Emergency Measure

"An Act to Clarify the Borrowing Capacity of the Fort Fairfield Utilities District and to Provide for the Imposition of Liens to Secure Payment of Sewer Rates of the District (H. P. 928) (L. D. 968) (H. "A" H-95)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act Relating to the Display of Live Animals" (S. P. 142) (L. D. 383)

"An Act Relating to Adoption of Regulations for Maine Meat Inspection Act" (S. P. 143) (L. D. 384)

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

Enactor

Tabled and Assigned

"An Act Concerning Rules and Regulations of the Board of Construction Safety Rules and Regulations" (H. P. 434) (L. D. 541)

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

On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and specially assigned for Tuesday, April 12.

Finally Passed

RESOLVE, Authorizing Vandelia T. Rowe to bring Action against the State (H. P. 492) (L. D. 611) (C. "A" H-90)

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

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

Mr. MacEACHERN: Mr. Speaker, in reference to Bill "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot" (H. P. 479) (L. D. 594), having voted on the prevailing side, I now move that we reconsider our action whereby we passed the bill and hope you all vote against me.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that the House reconsider its action whereby L. D. 594 was pas-

sed to be engrossed. Those in favor will say yes; those opposed will say no.

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

Orders of the Day

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

Bill, "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility" (H. P. 1230) — In House, referred to Committee on Performance Audit.

Tabled — April 6, 1977 by Mr. Goodwin of South Berwick.

Pending — Motion of the same gentleman to reconsider reference to Committee on Performance Audit.

Thereupon, the House reconsidered its action whereby the Bill was referred to the Committee on Performance Audit.

On motion of Mr. Goodwin of South Berwick, the Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

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

House Divided Report — Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-104) — Minority (5) "Ought to Pass" as Amended by Committee Amendment "B" (H-105) Committee on Education on Bill, "An Act Increasing the Pay for Substitute Teachers" (H. P. 186) (L. D. 248)

Tabled — April 6, 1977 by Mrs. Mitchell of Vassalboro.

Pending — Motion of Mr. Lynch of Livermore Falls to Accept the Minority "Ought to Pass" Report.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill was heard by the Education Committee with a fairly good response.

We have had letters, I have and I imagine many of you have, from the superintendents opposing it because it would cost more money. I was a superintendent of schools for 12 years myself and I know how they think. How many of you have heard from high school principals? I have. The high school principals tell me that it is very difficult to get qualified substitutes.

One thing I want to make clear from the start is that we are not talking about baby sitters, we are talking about degree people with a certificate who are substituting. Many of those people, of course, are married women who have taught and have taken time out to raise a family. Now, they have to provide for a babysitter. If their husbands are employed, and in most cases they would be, at a salary enough so that the income tax is a consideration, they would probably be in at least the 20 percent bracket on income tax; 20 percent of the \$20 that they now are paid is \$4; \$5 for a babysitter leaves them with around \$11.

The better teachers are not going to get up in the morning on sudden call at seven o'clock, hunt up a babysitter, make all the changes they have to make in their plans for that day and teach school all day for \$11. The result is that we are not getting many qualified teachers, we are getting some babysitters. In this area, I find that some of the towns are paying that \$20.

Eight years ago, the minimum salary for teachers was set up by the legislature. A Bachelor's Degree teacher started at the salary of \$5,000. At the present time, the average starting pay for a person with a Bachelor's Degree is \$8,000; that is an increase of 60 percent. At the same time, eight years ago, the figure of \$20 was set for a certified degree teacher as a substitute. If the salary had gone up the same 60 percent that the regular teachers had gone up, that would mean that

they would be getting \$32 at the present time. My bill calls for \$30. It does not mean that they go as far as they should according to all the figures.

There is one other consideration that I think you ought to know, particularly in regard to the high schools: I am told that many towns, several towns so far, and many are in the process of having negotiated into their contract a provision that if a teacher covers for a teacher who is out instead of hiring a substitute, in many cases because they cannot find a substitute, those teachers will be paid extra at the same rate they are now receiving. If a teacher is receiving \$55 a day, for instance, and teaching five periods, that means that that teacher would get \$11 for filling in for a missing teacher. Now, if that missing teacher was teaching five periods, and most of them do, that would cost the town \$55 for those regular teachers coverage as opposed to \$30 if my bill goes through, a direct saving to the town under my bill of \$25.

One thing that I was rather amazed at in the committee, that is that quite a number of people, some people who signed that minority report, talked about not mandating things for the towns. I looked at them and wondered if they really meant that when we figure we are mandating special education, which costs millions of dollars, we are mandating vocational education that costs millions of dollars, we are mandating transportation that costs millions of dollars, we mandate the length of the school year, the minimum length, we mandate the teaching of at least three years of English in high school and those people worry about mandating an extra \$10 for substitute teachers. It seems to me that is like what St. Luke was talking about when he talked about straining at a gnat and swallowing a camel.

One thing this minority report does that disturbs me very much is that it removes the present \$20. Both reports repeal the present salary schedule for teachers. Why? Because this simply is not needed any more.

The salary schedule mandate starts at \$5,000 for a Bachelor's Degree. As I said, Bachelor's Degree teachers are now starting at \$8,000. The teachers are organized. They have professional negotiations set up by law. The substitute teachers are not organized. The substitute teachers are explicitly excluded from negotiations. The professional substitutes, the teachers who have taught, the retired teachers, this bill says if they have had 15 years experience, they must get the \$30. Those teachers, at the present time, have no protection, all over the State of Maine they are still getting \$20. What happens if you remove the floor from people that way above it? Nothing. The regular teachers can stand having this floor removed. What happens if you remove the floor of teachers who are still on that floor? They end up in the basement.

It seems to me it is rather ridiculous to remove what little protection those teachers do have at \$20, which is what the minority report would do. I hope you will defeat the minority report and accept the majority report.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We have given to the school units the right to negotiate. We no longer need a minimum salary schedule in the law. If there is a need to pay \$35, \$40 or \$50 on the local level for a certified teacher, then the local school committee and superintendent ought to be smart enough to see that they have to pay it. If they don't pay it, then I think the citizens are not alert as to what is going on in the classrooms. It is as simple as that. You either tell them they have to pay \$30 or you let it be decided on the local level.

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

Mrs. NAJARIAN: Mr. Speaker, I would like to pose a question through the Chair to any member of the Education Committee. It says substitute teachers shall be compensated at a rate of not less than, I guess, \$30 for each day of service and I would like to know what you mean by a day of service. If they substitute only half a day, would they still be required to pay the \$30 or \$35 or whatever the number is that is recommended?

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, has posed a question through the Chair to any member of the Education Committee who may answer if they so desire.

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

Mr. BAGLEY: Mr. Speaker, I am not sure what the program is now, but when I was superintendent, we paid the teacher half of whatever we were paying the full-time teacher.

In regard to this matter of supply and demand, if that is the criteria, then I would suggest that all the minimum wage laws should be repealed. I notice that there are laws in here to raise the minimum wage. I found no laws to repeal that minimum wage at the present time.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: As one of the members who signed the minority report, I think part of it has been covered by the comments of the gentleman from Livermore Falls, Mr. Lynch. I think most of the comments that we have heard indicated that many of the communities are quite a bit above the level. We heard the comments from one superintendent today, a former superintendent who I talked with today, and he said that they were at about the level as established by this bill and at the end of 10 days, if the teacher was in there substituting for over 10 days, then they were established at the minimum rate established in the scale they had for a teacher at that level and they were also reimbursed for the difference between that pay and the pay they had received for the previous ten days.

I think most of these programs, salary schedules, or salary rate for substitute teachers is being determined successfully at the local level and, basically, I guess I haven't seen the need for the bill and that is why I signed the report out the way I did.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I am kind of in a quandary with this because I have in the past done a lot of substitute teaching and have some friends and their wives who do quite a bit and make a little bit of an income on the side. I have talked to my school board members about this and I guess the problem that I have is that I don't really think we have to raise the minimum level up to \$30. I think that that is a little excessive for what the average substitute teacher does do. At the same time, I am afraid of getting rid of that basic minimum because, unlike the gentleman from Winthrop, Mr. Bagley, I think, in my area anyway, there is an over-abundance of substitutes and I am afraid that if we remove the minimum, it would be a way that some school districts could save some money and start offering people \$10 or \$15 or so to come in. I think what would happen is, you would get the fairly decent substitute to stop doing it at that rate.

I think what we ought to do is defeat this minority report and also probably defeat the majority report and just leave things the way they are. I think we would be a lot better off.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I seldom speak on education bills, but yesterday I was told that

this would cost the City of Lewiston an extra \$30,000, and I am not about to vote to increase the cost of education in Lewiston to the tune of \$30,000 for substitute teachers.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I don't have them with me, but I have figures that were sent over from the department that would indicate this would increase the total cost of education something over a million dollars. I think you should keep that in mind as you vote on this matter.

I do have to respond to my good friend, the gentleman from Winthrop, when he would have you construe this in such a manner that the school system is saving money by the use of substitutes. You will find that the teachers have a goodly number of days that they can be away from the job and receive full pay, so this substitute money goes on top of that and you should not in any way regard this as a device that schools are using to save money.

I support Mr. Lynch's view of this situation. Mr. Bagley of Winthrop was granted permission to speak a third time.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: There are three things I want to say. First, in regard to the gentleman from Cumberland, my talk about saving money was in those towns where the high school teachers have negotiated contracts stating that they will cover for missing teachers at the current rate they are being paid, and the current rate, by and large, is \$11 per subject. Now, if five different teachers substitute for a missing teacher and are paid \$11 apiece, that would cost the town \$55, and I meant, when I talked about saving, that the town hiring a substitute teacher at \$30 would save over paying the regular teachers \$55.

In regard to Mr. Birt's statement about the people being up there already, I did just a brief study. I found that Augusta is paying \$20; SAD 51 is paying \$20; SAD 11 is paying \$20; Hallowell-Farmingdale is paying \$20; Waterville is paying \$20; Eastport is paying \$20; Hodgdon is paying \$25; Readfield is paying \$25 and Winthrop is paying \$30.

Now, I am sorry that I found Winthrop is paying \$30 because it sounds as though I was working for a bill that wouldn't cost my home town anything. Actually, I promise you that I put that bill in before I realized that Winthrop was already up to that \$30.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: When you make your decision on this bill, it is a very simple issue. Do you believe there should be a minimum floor for substitute teachers? If you think there should be a minimum floor, even though you might not agree with Mr. Bagley's number, you should vote against Mr. Lynch's motion of the minority report.

The amount of money you can amend to any amount that you think is appropriate, but that is the issue — should there be a minimum floor for substitute teachers? They do not have collective bargaining, and when we talk about a salary for them, we are not talking about just any substitute teacher, but a teacher who has retired at a minimum of 15 years of teaching or a teacher with a Bachelor's Degree and in possession of a Teacher's Certificate. Only those highly qualified substitutes would be covered by this minimum floor.

I urge you to vote against the minority report.

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

Mr. LYNCH: Mr. Speaker, I would ask if there shouldn't be a fiscal note on this and if by chance it should be passed, shouldn't it go on the Appropriations Table?

The SPEAKER: The Chair would advise the

gentleman from Livermore Falls, Mr. Lynch that there is no fiscal note attached to the bill and if, in fact, the fiscal note is necessary, it would have to be added when the bill is in the stage of Second Reading and of course at this point we are not at that point.

Mr. Bagley of Winthrop was granted permission to speak a fourth time.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to say that if this goes into effect next fall sometime, it won't affect the money that we are spending this year; the appropriations for the current year will not be affected in any way, shape or manner.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We are considering a 77-78 budget, and if the law is changed, all the days off that the teachers are entitled to take will have to be paid for.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: My Brewer superintendent is going to hate me for this — perhaps he won't hate me any more than he already does, because I wrote him back a letter telling him my position on this when he wrote about complaining. His statement was that Brewer had no difficulty getting plenty of qualified substitute teachers for \$20 a day. I thought I noticed before I left school there were a lot of new faces among the substitute teachers this year and it was a source of concern to me that these substitute teachers were only being paid \$20 a day. Some of these, I think, from watching the same faces come in over and over, were well qualified teachers who were practically making a job of substituting. They didn't come just one day now and then, they might be in two, three or four days a week substituting for different teachers. If a person is going to spend this much time in working, there are not too many jobs that they couldn't go out and work full time at and get more than \$20 a day, this person that is well qualified.

I think out of fairness to these well qualified teachers, we should not base their salaries strictly on the law of supply and demand. I thought treating of labor and services as a commodity had been pretty well discredited in our society. I think we should think a little bit about our students' interests, at least making it a little more likely that they would be having better qualified substitutes.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I think we ought to make it very clear that if we support the motion of Mr. Lynch, we are not necessarily accepting an "ought not to pass." This is a minority report that removes the minimum salary for teachers, removes the minimum rate of compensation for substitute teachers, removes the authority of the commissioner to adjust allocations to local units upon showing that the units manipulated expenditures to gain unfair advantages and removes the requirement that money paid by the unit for an annuity contract for an employee should be included as part of his salary.

Some of these other issues haven't even been addressed. I think we should be very careful. There are two issues here. We are not accepting a report or an "ought not to report," we are going to be voting to accept a minority report that actually removes the minimum amount for a substitute teacher.

I would hope that you would vote to oppose the motion that Mr. Lynch has made and, perhaps, also at the same time, on the next motion, oppose what would then be the majority report.

The SPEAKER: The Chair recognizes the

gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the comments that were just made. What we are doing by accepting the minority report, we are removing Section 1901. Now, that contains a salary schedule that was put in in 1968 with a starting salary for BA degree of \$5,000 and extending it after 10 years to \$7,500; that is no longer needed.

The next section says, "notwithstanding other provisions of this section, no town shall be required to increase the salary of any teacher more than \$500 in any one year." The purpose of that was, when the salary schedule was put in 1968, it was to allow towns to make the adjustment over a year or two. In other words, some school units would have to increase their teachers' salaries \$1,000 or \$1,500, and that was put in to limit it to \$500 in any one school year. I don't believe that is any longer needed.

The next part is the real heart of the bill and one we have been debating, and that is the substitute pay.

The next paragraph tells the commissioner of education that he may adjust the salary steps if a unit shows evidence of manipulation to gain an unfair advantage or is adjudged excessive. That he has in the school funding act of 1976.

The last paragraph says, "Any money paid by a school administrative unit as a premium for an annuity contract for the benefit of an employee, shall, for the purposes of minimum salary for teachers be considered part of such employee's salary." That is no longer needed.

When we went to a negotiation process in this state, the school units were alerted that this could be included in their contract and each teacher has to sign asking that money be taken out for an annuity as part of their salary. There is nothing in Section 1901 that is needed.

I would also remind you that if you are opposed to the minority report and favoring a \$30 level, that you consider you are going to have to vote on a state funding bill and you have been quarreling over \$293, \$290, \$287. Just take into account that if you go to \$30, you are going to have to come up with some more money for substitute teachers.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House accept the Minority "Ought to pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Bagley of Winthrop requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House accept the Minority "Ought to pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Beaulieu, Berube, Birt, Boudreau, A.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carter, D.; Carter, F.; Connors, Cote, Cunningham, Devoe, Dexter, Diamond, Dudley, Durgin, Dutremble, Garsoe, Gill, Gray, Hickey, Higgins, Huber, Hunter, Hutchings, Jacques, Jalbert, Kane, Kilcoyne, Laffin, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Marshall, Masterman, Masterton, Maxwell, McBrearty, McHenry, McMahon, McPherson, Mills, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Peltier, Perkins,

Peterson, Raymond, Rollins, Silsby, Stover, Strout, Teague, Theriault, Torrey, Truman, Twitcheil, Whittlemore, Wyman.

NAY — Ault, Bachrach, Bagley, Bennett, Benoit, Berry, Biron, Blodgett, Boudreau, P.; Brenerman, Bustin, Carrier, Carroll, Chonko, Clark, Cox, Curran, Dow, Drinkwater, Elias, Fenlason, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hobbins, Howe, Hughes, Immonen, Jackson, Jensen, Joyce, Kany, Kelleher, Kerry, Lewis, Locke, Mahany, McKean, Mitchell, Moody, Pearson, Prescott, Quinn, Rideout, Shute, Smith, Spencer, Sprowl, Stubbs, Talbot, Tarr, Tierney, Tozier, Trafton, Valentine, Wilfong, Wood, The Speaker.

ABSENT — Carey, Churchill, Connolly, Davies, Gauthier, Gillis, LaPlante, LeBlanc, Martin, A.; Plourde, Post, Tarbell, Tyndale.

Yes, 74; No, 64; Absent, 13.

The SPEAKER: Seventy-four having voted in the affirmative and sixty-four in the negative, with thirteen being absent, the motion does prevail.

The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, having voted on the prevailing side, I would move that the House reconsider its action and I would speak to that motion if I may.

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, moves that we reconsider our action whereby we accepted the Minority "Ought to pass" Report.

The gentleman may proceed.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: The reason I didn't speak before we took the roll call on this is very simple. I felt that a bill such as this would pass. I simply want to remind you, in urging you to vote for reconsideration, that the action the House has just taken repeals entirely — at least this is my understanding of the minority report.

It says in Committee Amendment "B" in the Statement of Fact, "The purpose of this bill is to repeal the existing statute which presently provides for the following: 1. Minimum salary for teachers" and this will leave it entirely up to the municipalities in deciding what they will pay their substitute teachers. I am not sure that all the members of the House, with all due respect to their judgment, were aware that this is what they were voting on.

I certainly hope that you will reconsider your action so that we may have an opportunity to amend Mr. Bagley's bill and provide, perhaps, for a more reasonable minimum salary, but certainly there should be a minimum salary for substitute teachers. I would hope that you would move to reconsider and, Mr. Speaker, I would ask for a division.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I have to rise to speak now since Mr. Wyman, my good friend from Pittsfield, has chosen to do so. I have a close place in my heart for substitute teachers. I have, some very close relatives who perform that sport. In Windham, for example, after one has substituted for ten days they, indeed, are paid a full teacher's salary, and that is fine, but unless you have checked with your superintendent about what this is going to cost your school system, I suggest you not vote and go on record as Mr. Wyman has asked you to go on record in voting for this.

We have heard some good debate and good discussions, but I urge you carefully, as I am sure most of you have done, to check and see what kind of an impact this will have on your own home town. To reconsider at this point might not be the wisest move.

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

Mr. NORRIS: Mr. Speaker, a parliamentary

inquiry. Would either report be amendable at second reading?

The SPEAKER: The Chair would answer in the affirmative, provided that the amendment did not deal with the committee amendment. If the amendment dealt with the committee amendment, that would be adopted at first reading. It would have to be amended at that time.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The issue is rather clear-cut. Mr. Wyman says that we ought to have a minimum floor for substitute teachers. If you adopt that philosophy, then you should not repeal the minimum salary schedule. You ought to set the floor high enough so that you force those school units that have not met that floor, force them up in spite of their ability to conduct negotiation on the local level.

It is clear-cut. It is local control or state control.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: This matter of giving people who have the power of negotiation any more rights, it seems to me isn't hardly needed. My point is that the substitute teachers have no organization, they are specifically excluded from negotiations; therefore, it seems to me they do need the floor.

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

Mr. MARSHALL: Mr. Speaker, I ask to be excused from this vote due to a conflict of interest.

The SPEAKER: The Chair would advise the gentleman from Millinocket, Mr. Marshall, that the Chair has to assume that he is a substitute teacher. The Chair would have to rule that the member is not in conflict, pursuant to the law. The law says that they are in conflict only if you are different from an existing class of citizens in the citizenry of this state.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: There were a few comments here about cost. I think if you ask a college graduate to go into a school for one day from eight in the morning until three in the afternoon and pay him \$30, I don't think you are paying him too much money.

I have been a substitute myself, and you know, some of these kids know you are coming in for one day and some of them like to have fun with substitutes because they figure this guy is only going to be here for one day and we are going to have a ball today, and I don't think \$30 is too much to ask somebody to come in and handle the class in an orderly manner.

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

Mr. COX: Mr. Speaker and Members of the House: I would like to address myself briefly to the problem of trying to assess how much this is going to cost the community. It is very difficult to do this. For one thing, you don't know how many days you are going to have substitutes. And someone brought up the difference between the regular teachers' pay and the substitutes, and it took my mind back to last fall. You only get about so many days that you can be absent from your job as a teacher and be paid. Well, I would just give you a personal example. I had to take two days off to come to the pre-legislative conference last winter. I had already taken the two days that I was allowed for personal business for something else, so they hired a substitute teacher to take my place for two days. They saved enough money on my salary, which they deducted from me, to pay a substitute teacher for six days. So if this happens very often, I would suggest it would probably con-

siderably lower the total cost of substitutes.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: To respond to a question that was just posed, I know how we can determine how much substitute teachers are paid. We have a school system with 650 teachers. Our substitute payment account last year we had to budget for was over \$180,000.

We pay our substitute teachers \$25 a day. You add \$5 per person and I can imagine what my substitute teacher account is going to have to be next year.

What we are addressing ourselves to right now, I assume, is to vote on the committee amendment. I distinctly asked Senator Katz if he had checked with the Maine Teachers Association, especially Miss Sullivan, to see if they had any objections to this section that we are about to repeal that is called for in this amendment, and she said, no. I will trust Miss Sullivan, that she was working in the best interest of teachers.

I urge you to accept the minority report and to reject the committee report on the \$30 a day.

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

Mr. GOODWIN: Mr. Speaker, I would like to pose a question to the gentleman from Livermore Falls, Mr. Lynch. When the bill was heard, I assume that most of the people there probably thought that the bill would be dealing with raising the substitute teachers' pay from roughly \$20 to \$30, and I am just wondering what the difference in the hearing would have been, if there was much talk at the hearing and if anybody concerned really had a chance to address the concern of totally dropping the minimum of \$20? I would suspect that that didn't happen, and I am very concerned with this because I think this is the type of thing that probably came out during the working session or afterwards and probably a lot of substitute teachers across the state did not have a chance to address themselves to it.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think Mrs. Beaulieu, the gentledady from Portland, has announced that that question was asked the President of the Maine Teachers' Association at the hearing and the answer that Mrs. Beaulieu gave you was the answer that she gave, that she had no objection to the repeal of this section.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to the point that the gentledady from Portland made and the gentleman from East Millinocket, this position that the President of the Maine Teachers' Association has taken could very well be a reflection of the fact that substitute teachers are not covered under collective bargaining — teachers are, but not substitutes.

As the gentleman from Winthrop has mentioned, they are expressly exempt from collective bargaining, so they have no protection. I think this bill grants them the kind of protection that they need. I would rather see us retain the current floor, minimum wage, than adopt the Committee Amendment "B". I would hope that you would keep that in mind. If we can't do any better for substitute teachers, I certainly feel very, very strongly that we should not be taking a step back, and that is exactly what this Committee Amendment "B" will do. We will be worse off than we were before we had the bill, so I hope you will vote for reconsideration.

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

Mr. BAGLEY: Mr. Speaker and Members of the House: I would like to straighten out this

matter of what the Maine Teachers' Association said. The President of the Maine Teachers' Association told us in committee that she did not object if we eliminate the salary schedules. She appeared in favor of an increase in the minimum salary and she certainly never told anyone that she was in favor of repealing that \$20.

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

Mr. COX: Mr. Speaker, I would direct a question to the Speaker. Is this amendment germane to the bill since the bill deals with raising the pay of substitute teachers?

The SPEAKER: The Chair would advise the gentleman from Brewer, Mr. Cox, that at this point the amendment is not before this body and the Chair is not in a position to rule.

The motion at this point is the motion to reconsider.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I would simply like to comment that when you see education bills coming out of committee, you can rest assured that they have been thoroughly scrutinized because you can see the evidence of the division right here on the floor of the House.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the House reconsider its action whereby the Minority "Ought to pass" Report was accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was read once. Committee Amendment "B" (H-105) was read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker, I would pose a question to the Chair. Is Committee Amendment "B" germane to the bill?

The SPEAKER: The Chair would call your attention to both Committee Amendment "A", which is under filing number H-104 and Committee Amendment "B" which is under filing number H-105. The Bill deals with increasing the pay for substitute teachers. Committee Amendment "B" would amend the bill to deal with substitute teachers and minimum salaries for teachers, and the Chair would rule that Committee Amendment "B" is not germane.

Thereupon, the Bill was assigned for second reading the next legislative day.

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

Bill, "An Act to Amend the Vocational Education Laws" (Emergency) (H. P. 1209)(L. D. 1329)

Tabled — April 6, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Engrossed.

On motion of Mr. Lynch of Livermore Falls, retabled pending passage to be engrossed and specially assigned for Tuesday, April 12.

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

From the Senate: The following Order: (S. P. 422)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, April 11, at eleven o'clock in the morning.

Came from the Senate read and passed.

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

(Off Record Remarks)

On motion of Mr. Bagley of Winthrop,
Adjourned until Monday, April 11, at eleven
o'clock in the morning.