

# 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

Monday, May 23, 1977

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

Prayer by Pastor Wayne Perry of the Bible Baptist Church, Plymouth.

The members stood at attention during the playing of the National Anthem by the Webster Middle School Band of Auburn.

The journal of the previous session was read and approved.

The rules were suspended to permit the members to remove their jackets.

## Papers from the Senate

Bill "An Act to Amend Certain Provisions of the Employment Security Law" (S. P. 504) (L. D. 1789)

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

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

## Reports of Committees

## Ought Not to Pass

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Clarify the Establishment of the Funding Level for Education" (S. P. 471) (L. D. 1691)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Permit Governing Representation of Regional Vocational Centers by the Participating Communities" (S. P. 420) (L. D. 1461)

Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act Amending the Nomination by Petition Election Process" (S. P. 475) (L. D. 1724)

Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Reorganize the Department of Conservation" (S. P. 203) (L. D. 601)

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

## Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Permitting Terminally Ill Patients to Die a Natural Death" (S. P. 75) (L. D. 184)

Report of the Committee on Marine Resources reporting "Leave to Withdraw" on Bill "An Act Permitting 10 Traps to a Trawl in Waters Adjacent to Kittery" (S. P. 332) (L. D. 1091)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Non-Concurrent Matter  
Later Today Assigned

Bill "An Act Concerning Residential Utility Consumer Action Groups" (H. P. 1285) (L. D. 1507) on which the Minority "Ought to Pass" Report of the Committee on Public Utilities was read and accepted and the Bill Passed to be Engrossed in the House on May 19, 1977.

Came from the Senate, with the Majority "Ought Not to Pass" Report of the Committee on Public Utilities read and accepted in non-concurrence.

In the House: Mr. Kelleher of Bangor moved that the House Insist.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Kelleher of Bangor to Insist and later today assigned.)

Non-Concurrent Matter  
Later Today Assigned

Bill "An Act Establishing a Consumer Complaint Office within the Public Utilities

Commission" (H. P. 170) (L. D. 208) on which the Minority "Ought to Pass" Report of the Committee on Public Utilities was read and accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-369) in the House on May 19, 1977.

Came from the Senate, with the Majority "Ought Not to Pass" Report of the Committee on Public Utilities read and accepted in non-concurrence.

In the House: Mr. Kelleher of Bangor moved that the House Insist.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Kelleher of Bangor to Insist and later today assigned.)

## Non-Concurrent Matter

Bill "An Act Concerning County Contingent Funds and the Rate of Interest Which May be Charged for Delinquent County Taxes" (H. P. 877) (L. D. 1102) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-337) in the House on May 18, 1977.

Came from the Senate, the Bill and accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Henderson of Bangor, the House voted to Insist.

## Messages and Documents

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

May 20, 1977

To: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval L. D. 1495, An Act Establishing an Experimental Open Season on Moose (H. P. 1298).

The decision to veto this bill was not an easy one because I respect the right of hunters and I certainly respect the fact that a majority vote of the Legislature approved this measure. I am also appreciative that this is a highly emotional issue and an issue where it is extremely difficult to set aside one's own personal feelings. Nevertheless, I tried in every way possible to consider the rights of the hunter before reaching a final decision.

In the final analysis, I felt I had to veto L. D. 1495 for the following reasons:

(1) The organization, planning and implementation of this limited experimental season could easily become an administrative nightmare for the Department of Inland Fisheries and Wildlife. We are informed that this session of the 108th Legislature might not be adjourned until after July 1st. This would mean that this law would not become effective until the first of October or even later. Since the season would have to be conducted in October there would be precious little time for the Department to accept applications, conduct the lottery and issue the licenses. We are advised that the process could not begin until the law becomes effective 90 days after adjournment. I am advised that it would be possible, through the errors and inconsistencies methodology, to address this question, but I am also advised this would leave open another door of a constitutional challenge of any transgression, breach or shortening of the 90 day restriction.

(2) The facts and data as to the size of the Maine herd and the need for it to be thinned are in serious dispute. Even though this bill was not submitted by the Department of Inland Fisheries and Wildlife, I respect the opinion of Commissioner Maynard Marsh and his staff that a limited, experimental season could be conducted under close supervision. I have had input from an outstanding biologist who is a proponent and from what I am advised is an equally well regarded biologist as an opponent. I cannot accept the argument of some that a

season for the hunting of any animal should be justified on the basis that a herd needs to be thinned or that diseased animals need to be removed. I cannot believe that the average hunter, with a casual observation, would be able to detect a diseased animal and shoot only those. If diseased animals need to be removed I believe this should be done on a more scientific basis and I am informed the Department has the authority to do that.

(3) I could not be supportive of the lottery approach of selecting the 600 persons who would be granted licenses. This approach left me with an uneasy, uncomfortable feeling as I tried to equate sport with the shooting of a moose. This feeling was fortified by many, many letters and telephone calls we received from sportsmen who equated shooting a moose with "shooting fish in a barrel" or "shooting the family cow." It left one with the feeling that we have a "captive game" and that there is no question of whether the animal can be shot and that the only question is how many hunters will be allowed to shoot. Also, the fact that there would be an organized effort by non-hunters to become part of the lottery to secure protective licenses would, I feel, seriously negate any research benefits expected to be gained by the hunt.

While I tried to the maximum degree possible to base my final decision to veto on facts, I respect the emotions of the hundreds of Maine citizens who wrote and called my office to encourage me to veto the bill to protect this majestic animal which only a few years ago was in danger of vanishing from our forests.

I had to believe that these people had as much right to their emotions as hunters have the right to kill game.

There was a general theme that ran through all the correspondence we received and I would like to share with you a few of the things Maine people said:

"Even if the hunting season does not jeopardize their numbers, it will surely frighten them and one more lovely link with the natural world will be lost to us," said a Greenville citizen.

"What a shame to kill these tame and majestic creatures," said another Northern Maine citizen who echoed the sentiment of literally hundreds of people who wrote and called describing the moose as majestic, tame, gentle and unafraid of man.

An elderly lady wrote: "In 65 years, I have been privileged to see four adult moose and one calf. If there is to be an open season on moose, when will I again have this privilege and what heritage will be left to my grandchildren?"

Proponents also wrote and called. The general theme of their comments was that they wanted to hunt moose or that they felt others had a right to hunt. They also expressed their opinions that an experimental season would be beneficial and improve the herd.

We tried to carefully weigh the data and facts offered by both proponents and opponents as well as the emotions expressed by those on both sides.

However, a brief letter from a woman in Freeport perhaps summed up what many people were trying to say. She wrote:

"One morning when I was eight years old my father woke me up very early to see what was in our back yard. It was a magnificent moose. He stood on our lawn looking noble and majestic; quietly nibbling on our grass. It was a pleasant memory that not many people have experienced."

I don't think we are at a point in Maine where the facts justify or where it is necessary for us to destroy future memories.

I, therefore, respectfully ask this Legislature to sustain my veto of L. D. 1495.

Very truly yours,

Signed:

JAMES B. LONGLEY  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The question now before the House is, shall this Bill become law notwithstanding the objections of the Governor?

The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: Back in July 1974, on the street in Caribou, Maine, I met a super insurance salesman. Like all super insurance salesmen when they want to sell a policy, he was very friendly and easy to talk to. Being a country farm boy and inexperienced with super-salesmen, it didn't take James B. Longley long to sell me an insurance policy. It was an unusual policy, one that the people of Maine had been looking for for quite some time. The policy I bought was to guarantee not only to me but to the people of Maine many very important things — open government, which can only be carried out by open doors to all government departments, including the Governor's Office, to the people of Maine through their elected state representatives, appointment of efficient, experienced, well-qualified department heads to independently carry out the duties of each department. The thing I liked best in the policy I bought back in 1974 was written in big, black letters which stated that fiscal responsibility would be restored to state government and all decisions would be made on facts rather than on politics and on emotions.

Like all insurance policies, the policy James B. Longley sold me back in 1974 had on the very back page some very fine print — after paying very dearly for my policy, I suddenly realized, after reading the fine print, that the policy is worthless. The fine print states that the most important open door of all will be cut in half and only the top half will be open so a young lady can tell any Representative who wishes to enter that the Governor is busy dictating memorandums to his efficient, experienced, well-qualified department heads, memorandums instructing them to carry out their duties one hundred percent according to his wishes, or else.

A very good example of the fiscal responsibility written in the fine print would be acceptance of millions of federal dollars for hundreds of programs and then finally turning down a \$100,000 grant that could help disabled veterans.

Another example of fiscal responsibility is violently criticizing the Appropriations Committee for putting a tentative figure on the University of Maine budget and at the same time he is increasing the budget for his own personal department by 53.3 percent.

I am sure that many of you are wondering what connection the insurance policy I bought from James B. Longley back in 1974 has to do with the Governor's veto that we have before us today. The point I am trying to make is that I strongly feel that James B. Longley, the super-salesman I met in 1974 is now Governor James B. Longley, the super politician, basing his decision to veto this bill on the print rather than on the actual policy sold to me in 1974.

I am not going to ask anyone to help override this veto, unless you would rather have the body at the other end of the hall make the final kill.

Before ending, I wish to point out one thing. Moose and deer do very well on practically the same habitat. Moose are much larger than deer and are less open to attack by hard winters and other animals. Under good game management, we sell between two and three hundred thousand hunting licenses and harvest between thirty and forty thousand deer every year. Deer hunting is good all over the state. We haven't legally harvested the moose for over 40 years.

In 40 years, why hasn't our moose population overrun the whole state? Is it because of poor management, disease or poaching? Our experts in game management say all three. Think about it.

On behalf of the Canadian Government, Canadian hunters along our hundreds of miles of border and the poachers in the State of Maine, I wish to thank Governor Longley for vetoing the moose bill. With the 22 game wardens we are presently down, I am sure that the population will be well controlled.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: No longer can I sit in silence during this moose debate. I thank the Governor for using his good common sense and vetoing this bill.

It happens that I grew up on Moose Island, and there I spent 20 years of my life and I saw one moose. If, as some say, there is a problem with the herd and its size needs to be reduced, then don't open season on the moose. Give the experts, the wardens, the authority to selectively hunt those problem moose and then take that meat and put it to good use, give it to the people in our state institutions.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: This bill was thoroughly debated on several occasions and I don't think we can add much to that. The Constitution clearly states that the last word and the last action shall be with the people. The people have spoken. Thousands of letters, telegrams and telephone messages reached the Governor's desk, and these were people from all over the State of Maine, realizing that this is nothing more than an open slaughter.

I hope today that you will sustain the Governor's veto and let us go on to other important issues.

The SPEAKER: The pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor. Pursuant to the Constitution, the vote will be taken by the yeas and nays. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Beaulieu, Biron, Boudreau, A.; Boudreau, P.; Brown, K. C.; Carrier, Carter, D.; Churchill, Conners, Cunningham, Davies, Devoe, Dexter, Dow, Duntremble, Elias, Fenlason, Garsoe, Gillis, Goodwin, H.; Greenlaw, Higgins, Hobbins, Hutchings, Immonen, Jensen, LeBlanc, Lougee, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBreairty, McHenry, McKean, McPherson, Morton, Nadeau, Palmer, Pearson, Peltier, Peterson, Plourde, Quinn, Rideout, Rollins, Smith, Spencer, Strout, Teague, Theriault, Torrey, Tozier, Truman, Whittemore, Wilfong, The Speaker.

NAY — Aloupis, Bachrach, Bagley, Benoit, Berry, Berube, Birt, Blodgett, Brenerman, Brown, K. L.; Bunker, Burns, Bustin, Byers, Carroll, Carter, F.; Chonko, Clark, Connolly, Cote, Cox, Curran, Diamond, Drinkwater, Dudley, Durgin, Flanagan, Gauthier, Gill, Gould, Gray, Green, Hall, Henderson, Hickey, Howe, Huber, Hughes, Hunter, Jackson, Jacques, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lotzotte, Locke, Lynch, Mackel, Masterton, McMahon, Mitchell, Moody, Najarian, Nelson, M.; Nelson, N.; Perkins, Prescott, Raymond, Shute, Silsby, Sprowl, Stover, Talbot, Tarbell, Tarr, Tierney, Trafton, Tyndale, Valentine, Wood, Wyman.

ABSENT — Ault, Bennett, Carey, Fowle, Goodwin, K.; Jalbert, Kerry, Lunt, Mills, Norris, Peakes, Stubbs, Twitchell.

Yes, 60; No, 78; Absent, 13.

The SPEAKER: Sixty having voted in the affirmative and seventy-eight in the negative, with thirteen being absent, the Governor's veto is sustained.

The following Communication:  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

May 21, 1977

To: Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature:

I am returning without my signature and approval H. P. 504, L. D. 623, An Act to Provide for Specially Designed Registration Plates for the Maine National Guard.

I am advised that this bill is in essence the same bill which was vetoed and sustained during the 107th Legislature. I won't repeat all the arguments made in that message, since many of them were addressed during legislative debate.

I question how we can justify providing special license plates to the National Guard without doing the same for the Veterans of Foreign Wars, and/or American Legion, and/or Red Cross, and/or Salvation Army, and/or Rotary, and/or Kiwanis, and/or other civic groups and charitable organizations. There just does not seem to be any compelling distinction which would justify discriminatory treatment. The precedent which it would set for a Legislature and Governor could create repeated efforts by other groups to gain the same favor and would put a Governor and Legislature in a difficult position in distinguishing between requests and refusing any one over another.

If the purpose of the bill is to bring recognition to the National Guard for their efforts and contributions to this state, I believe that there must be other and better ways, whether it involves bumper stickers or medallions or decals for display in auto windows. In brief, there are alternatives to this approach which could be initiated by the groups themselves without any special treatment from the state.

I must also question whether something is fundamentally wrong if special license plates are needed as an inducement or incentive for membership in the National Guard. If this is true, perhaps we should explore beyond this superficial approach and determine what substantive steps should be taken to enhance and strengthen our National Guard. No one questions the value of the National Guard and the dedication of the many fine men and women who support it.

By a rough count, if every special organization or group requested the same treatment, judged by the standard this Legislature would establish, then there may be as many as twenty five or thirty bills similar to this one. If every Governor vetoed such a bill once in every session, the time necessary for initial deliberation and then for debate on the veto could consume hundreds of hours of legislative and Executive time and could be very costly to Maine, as well as, frustrating for future legislators and Governors.

In addition, there is the danger that when an auto is somehow identified by an official state designation, whether it be a license plate or insignia on the door, it must be misleading relative to law enforcement and might be misinterpreted and/or questioned by the general public. Currently, there is limited use of special license plate designation based on necessity and compelling reasons for the handicapped, as well as for the proper designation and recognition of Maine's citizens serving in our Legislature. I am also advised and feel that expansion of this practice for group after group would dilute the public purpose presently being served.

In summary, I appreciate the objective of the

supporters of this bill. However, I disagree with the method which they have chosen to achieve the objective. I question the basis for creating this kind of discriminating exception, as I fear that it would create a costly and troublesome precedent, and I believe that there are alternatives available which would not involve a discriminatory action by government and would be just as, if not more, effective for appropriate recognition and/or incentive for National Guard membership purposes.

Very truly yours,

Signed:

JAMES B. LONGLEY  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The question now before the House is, shall this Bill become law, notwithstanding the objections of the Governor?

The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: Just to refresh your minds, this is the National Guard plate bill which we debated some time ago. I would take, if you would allow me a few moments, issue with some of the remarks in the page and a half veto message sent by the Governor. He said that this is essentially the same bill that he vetoed in the 107th. This is not. This has a net revenue to the state of \$6,000 additional monies. He also says that this would create a precedent because the Rotary and Kiwanis social organizations might request a program.

I would submit that the word 'precedent' is not the right word because we already have set precedent. The handicapped persons, as you know, pay one dollar annually for a specially designed license plate. Our municipal and state officials have specially designed plates. Automobile dealers, legislators, Clerk of the House, President of the other body and our Speaker have special plates. The antique cars have special plates at \$7.50 a year. This would bring in \$10 a year. And, of course, we have the famous vanity plates, and we see these ranging anywhere from "Footsie," I think it is and an "Ask Me" and some even worse. So I don't think this is a precedent at all.

I might add that there are two very important words that we could attach to this legislation, and that is recognition and pride.

I won't go into what the other states do for the members of their state guard, they range anywhere from total income tax exemption to total tuition paid at the state universities, and I think this is very little to ask of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As House Chairman of the Committee on Transportation, we reviewed all the facts and all I can say at this time is that the Governor of the State of Maine lacks imagination. He certainly is lacking when he takes all the poor excuses you can think of to veto a bill.

This is good legislation. The National Guard is willing to pay for these plates, and I think it is only fair, only just, and it is only right. If you believe in fair play, if you believe others have the right to buy a plate with anything they want on it, then why shouldn't the National Guard have the right to buy their own license plate?

I urge you all to vote with me this morning to override the Governor's veto.

The SPEAKER: The pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor. Pursuant to the Constitution, the vote will be taken by the yeas and nays. All those in favor of this Bill becoming law notwithstanding the ob-

jections of the Governor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Bagley, Beaulieu, Bennett, Berube, Biron, Boudreau, A.; Brown, K. L.; Brown, K. C.; Burns, Byers, Carrier, Carroll, Clark, Conners, Cox, Cunningham, Curran, Dexter, Diamond, Dow, Drinkwater, Elias, Fenlason, Garsoe, Gill, Gillis, Gould, Greenlaw, Henderson, Hickey, Higgins, Howe, Huber, Hutchings, Kany, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Locke, Lougee, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, Morton, Nadeau, Nelson, M.; Nelson, N.; Palmer, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Strout, Tarbell, Theriault, Tierney, Torrey, Tozier, Truman, Whittemore, Wood, Wyman, The Speaker.

NAY — Bachrach, Benoit, Berry, Birt, Blodgett, Brenerman, Bunker, Bustin, Carter, D.; Carter, F.; Chonko, Connolly, Cote, Davies, Devoe, Dudley, Durgin, Dutremble, Flanagan, Gauthier, Goodwin, H.; Gray, Green, Hall, Hobbins, Hughes, Hunter, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kelleher, Kilcoyne, Lizotte, Mahany, McPherson, Mitchell, Moody, Najarian, Pearson, Sprowl, Stover, Talbot, Tarr, Teague, Trafton, Tyndale, Valentine, Wilfong.

ABSENT — Ault, Boudreau, P.; Carey, Churchill, Fowlie, Goodwin, K.; Jalbert, Kerry, Lunt, Mills, Norris, Peakes, Stubbs, Twitchell. Yes, 86; No, 51; Absent, 14.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-one in the negative, with fourteen being absent, and eighty-six being less than two thirds of those present and voting, the Governor's veto is sustained.

#### Orders

An Expression of Legislative Sentiment (H. P. 1580) recognizing: Rev. William K. McDonough of St. John the Evangelist Church is celebrating his 50th year of priesthood in the Roman Catholic Diocese of Portland and of service to the citizens of Maine (Presented by Mrs. Gill of South Portland)

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

An Expression of Legislative Sentiment (H. P. 1583) recognizing: David L. Mahoney has been recognized for his outstanding academic record by being chosen Valedictorian of South Portland High School (Presented by Mr. Curran of South Portland) (Cosponsor: Ms. Benoit of South Portland, Mrs. Gill of South Portland, Mr. Howe of South Portland)

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

An Expression of Legislative Sentiment (H. P. 1584) recognizing that: Joseph Belyea, a student at South Portland High School, won first place in the 1977 New England School Boy Cross Country Tournament (Presented by Mr. Curran of South Portland) (Cosponsors: Ms. Benoit of South Portland, Mrs. Gill of South Portland, Mr. Howe of South Portland)

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

An Expression of Legislative Sentiment (H. P. 1585) recognizing that: Michael A. Pike has been recognized for his excellent academic record by being chosen Salutatorian of South Portland High School (Presented by Mr. Curran of South Portland) (Cosponsors: Ms. Benoit of South Portland, Mrs. Gill of South Portland, Mr. Howe of South Portland)

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

A Joint Resolution (H. P. 1581) in memory of Orville Coleman Harvey of Greenville, who was an active businessman, a well-beloved member of church and fraternal organizations and a public-spirited citizen (Presented by Mr. Masterman of Milo)

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

#### House Reports of Committees Ought Not to Pass

Mr. Curran from the Committee on State Government on Bill "An Act Increasing Per Diem paid to Members of the Maine Land Use Regulation Commission and Concerning Appointment of the Director of the Maine Land Use Regulation Commission" (H. P. 780) (L. D. 904) reporting "Ought Not to Pass"

Mr. Curran from the Committee on State Government on Bill "An Act to Revise the Law Relating to the Land Use Regulation Commission" (H. P. 1010) (L. D. 1228) reporting "Ought Not to Pass"

Mr. Boudreau from the Committee on Election Laws on Bill "An Act to Establish a Run-off Primary Election" (H. P. 519) (L. D. 637) reporting "Ought Not to Pass"

Mr. McMahon from the Committee on Election Laws on Bill "An Act to Require Independent Absentee Ballots be Counted so that they may be seen by those Viewing the Court" (H. P. 618) (L. D. 811) reporting "Ought Not to Pass"

Mr. Boudreau from the Committee on Election Laws on Bill "An Act to Require Independent Candidates to File Petitions on April 1st" (H. P. 1239) (L. D. 1464) reporting "Ought Not to Pass"

Mr. Lynch from the Committee on Education on Bill "An Act Relating to an Adult Education Act and Adult Vocational Education and Establishing a Bureau of Adult Education" (H. P. 1304) (L. D. 1560) reporting "Ought Not to Pass"

Mr. Peterson from the Committee on Human Resources on Bill "An Act Permitting the Removal of Certain Nonmembers from the Tribal Reservation of the Penobscot Indians" (H. P. 373) (L. D. 462) reporting "Ought Not to Pass"

Mr. Joyce from the Committee on Legal Affairs on Bill "An Act Relating to the State Bureau of Identification" (H. P. 1360) (L. D. 1601) reporting "Ought Not to Pass"

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

#### Leave to Withdraw

Mr. Theriault from the Committee on Veterans and Retirement on Bill "An Act Concerning the Definition of Spouse Under the State Retirement Law" (H. P. 1331) (L. D. 1556) reporting "Leave to Withdraw"

Mrs. Durgin from the Committee on Election Laws on Bill "An Act Relating to the Marking of Ballots at a Primary or General Election" (H. P. 619) (L. D. 816) reporting "Leave to Withdraw"

Mr. Lynch from the Committee on Education on Bill "An Act Relating to School Construction" (Emergency) (H. P. 144) (L. D. 174) reporting "Leave to Withdraw"

Mr. Peterson from the Committee on Human Resources on Bill "An Act to Provide Annual Updating of Determinations of Need Under the 'Aid to Families With Dependent Children' Program" (H. P. 1386) (L. D. 1609) reporting "Leave to Withdraw"

Mr. Fenlason from the Committee on Education on Bill "An Act to Expand the Borrowing Capacity of Private Post-Secondary Educational Institutions" (H. P. 1452) (L. D.

1697) reporting "Leave to Withdraw"

Mr. Cote from the Committee on Legal Affairs on Bill "An Act to Provide that Committees of the Board of Trustees of the University of Maine and Maine Maritime Academy are Governed by the Right-to-Know Law" (H. P. 767) (L. D. 907) reporting "Leave to Withdraw"

Mr. Burns from the Committee on Legal Affairs on Bill "An Act Regulating the Sale of Handguns" (H. P. 1315) (L. D. 1588) reporting "Leave to Withdraw"

Miss Aloupis from the Committee on Business Legislation on Bill "An Act Against Unfair, Deceptive or Unreasonable Debt Collection Practices" (H. P. 1345) (L. D. 1682) reporting "Leave to Withdraw"

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act Relating to Domestic Insurers' Assets" (H. P. 181) (L. D. 243) reporting "Leave to Withdraw"

Mr. Rideout from the Committee on Business Legislation on Bill "An Act Concerning Certificates of Contribution for Insurers in the Maine Insurance Guaranty Association" (H. P. 742) (L. D. 947) reporting "Leave to Withdraw"

Mr. Sprowl from the Committee on Business Legislation on Bill "An Act Concerning Disbursement from the Marshaled Assets of a Delinquent Insurance Company" (H. P. 743) (L. D. 948) reporting "Leave to Withdraw"

Mr. Jacques from the Committee on Transportation on Resolve, to Abolish the Augusta State Airport (H. P. 1134) (L. D. 1352) reporting "Leave to Withdraw"

Mr. Brown from the Committee on Transportation on Bill "An Act to Provide Funds for Airport Improvements" (H. P. 1293) (L. D. 1528) reporting "Leave to Withdraw"

Mr. Strout from the Committee on Transportation on Bill "An Act Appropriating Funds for Improvements to the Wiscasset Airport" (H. P. 788) (L. D. 905) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Referred to the Committee on Appropriations and Financial Affairs

Mr. Peterson from the Committee on Human Resources on Bill "An Act to Provide Investigative Personnel for the Maine Human Rights Commission" (H. P. 985) (L. D. 1196) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted, the Bill referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act Authorizing Municipalities to Create Development Districts" (H. P. 1216) (L. D. 1482)

Report was signed by the following members:

Messrs. O'LEARY of Oxford  
JACKSON of Cumberland  
HICHENS of York

— of the Senate.

Messrs. STOVER of West Bath  
McPHERSON of Eliot  
LaPLANTE of Sabattus

Mrs. MARTIN of Brunswick  
Mrs. BERUBE of Lewiston  
Messrs. DRINKWATER of Belfast  
GRAY of Rockland  
TRUMAN of Biddeford

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-377) on same Bill.

Report was signed by the following members:  
Messrs. HENDERSON of Bangor

HICKEY of Augusta

— of the House.

Reports were Read.

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

Mr. HENDERSON: Mr. Speaker, I move we accept the Minority "Ought to Pass" Report and would speak briefly.

The SPEAKER: The gentleman from Bangor, Mr. Henderson, moves that the House accept the Minority "Ought to Pass" Report.

The gentleman may proceed.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Some of the problems that members of the committee and others have with this bill propose to be changed by a House Amendment, so I hope that we would accept the Minority "Ought to Pass" Report and let this go to second reading where the sponsors of the bill will try to make it acceptable to members of the House:

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-377) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Consent Calendar

##### First Day

(H. P. 550) (L. D. 667) Bill "An Act Concerning Fly Fishing in the Kennebec River" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-386)

(H. P. 905) (L. D. 1118) Bill "An Act Relating to the Licensing of Auctioneers" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-389)

(H. P. 1176) (L. D. 1404) Bill "An Act to Authorize the County Commissioners of Hancock County to Transfer Certain Accounts to Certain Active Unorganized Townships" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 992) (L. D. 1191) Bill "An Act to Define Duties and Set Salaries for Special and Part-time Deputy Sheriffs" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-388)

(H. P. 1214) (L. D. 1451) Bill "An Act Concerning Record Checks on Applications for Employment with Fire Departments" — Committee on Legal Affairs reporting "Ought to Pass"

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

##### Tabled and Assigned

(H. P. 310) (L. D. 401) Bill "An Act to Increase the Salaries of the Judiciary" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-379)

On the objection of Mr. Carrier of Westbrook, was removed from the Consent Calendar.

(On motion of Mr. Greenlaw of Stonington, tabled pending acceptance of the Committee Report and tomorrow assigned.)

(H. P. 224) (L. D. 288) Bill "An Act to Amend the Priority Social Services Program to Serve Elderly Health Needs" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-378)

(S. P. 280) (L. D. 893) Bill "An Act Concerning the Power of Podiatrists" — Committee on Health and Institutional Services reporting "Ought to Pass"

(S. P. 357) (L. D. 1182) Bill "An Act to Repeal the Definition of Insane Person Contained in Title 1 of the Maine Revised Statutes" — Commit-

tee on Health and Institutional Services reporting "Ought to Pass"

(S. P. 425) (L. D. 1483) Bill "An Act Concerning the Podiatrics Practice Act" — Committee on Health and Institutional Services reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 24, 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. 1288) (L. D. 1521) Bill "An Act Concerning Certain Powers of Joint Standing Committees Responsible for Action on gubernatorial Nominations"

(H. P. 1306) (L. D. 1543) Bill "An Act Concerning Admission of Certain Children into the First Grade" (C. "A" S-149)

(S. P. 97) (L. D. 226) Bill "An Act Relating to Conduct of Examinations" (C. "A" S-149)

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

(H. P. 1378) (L. D. 1571) Bill "An Act to Adjust the Civil Process Fees and Travel Allowances for Deputy Sheriffs" (C. "A" H-375)

On the objection of Mr. Henderson of Bangor, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-375) was read by the Clerk.

On motion of Mr. Henderson of Bangor, tabled pending adoption of Committee Amendment "A" and specially assigned for Wednesday, May 25.

(H. P. 1177) (L. D. 1405) Bill "An Act to Amend the Law Providing for Variances from Zoning Laws" (C. "A" H-376)

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

##### Passed to Be Engrossed

Bill "An Act to Assign the Responsibilities of Sewage Disposal to the Department of Environmental Protection" (H. P. 1578) (L. D. 1791)

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

##### Second Reader

##### Tabled and Assigned

Bill "An Act Relating to the Powers of Plantations and their Organization" (H. P. 1396) (L. D. 1635)

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

(On motion of Mrs. Post of Owls Head, tabled pending passage to be engrossed and specially assigned for Wednesday, May 25.)

##### Amended Bills

Bill "An Act to Authorize a Bond Issue in the Amount of \$300,000 for the Renovation of Leavitt Hall at the Maine Maritime Academy" (H. P. 1346) (L. D. 1626) (C. "A" H-363)

Bill "An Act to Amend and Repeal Certain Laws Relating to Amusements and Sports" (H. P. 1111) (L. D. 1378) (C. "B" H-366)

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

**Passed to Be Enacted**

"An Act to Repeal Certain Laws Relating to State Government Administrative Procedures and Services" (H. P. 1005) (L. D. 1209) (H. "A" H-326)

"An Act Providing Funds for a Fishway at the Frankfort Dam in Frankfort" (H. P. 1153) (L. D. 1371)

"An Act Amending the Ambulance Service Law" (H. P. 1523) (L. D. 1748) (H. "A" H-298, H. "B" H-345)

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.

**Orders of the Day**

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

Bill, "An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations" (H. P. 1144) (L. D. 1391) (H. "A" H-368 to C. "A" H-350)

Tabled — May 20, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Garsoe of Cumberland to Indefinitely Postpone Bill and all Accompanying Papers.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the motion to indefinitely postpone and adopt the unanimous Committee Report from the Committee on Labor.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I had hoped we would hear some reasons why this body should adopt this piece of legislation, unanimous report or not.

You may recall that last Friday I was trying to explain to a seemingly disinterested body, somewhat distracted perhaps by the lateness of the hour, why I thought we should not pass this piece of legislation, and at the risk of distracting you and delaying these procedures again this morning, I would just briefly like to give you some background on this whereby we passed, I believe almost three years ago, collective bargaining for state employees. It was a bad bill then and it is a bad law now, but we have got to work together to try and make it work. There are so many reasons why it shouldn't work, that only if we cooperate will it work. One of the things that is going to make it not work is this little gem before you here today.

The reason we have been so delayed in getting to the bargaining table is the agonizing procedure of determining just what groups of employees are going to be bargaining. Ten thousand state employees are finely divided into seven bargaining units. If you knock out the state police, which I think has a certain logic to being by itself and it is a small unit, you have got six bargaining units for all state employees. These units were determined through the process of the unions and state government, the Governor let's say, proposing different outlines as to which would make the best units in the light of what is best for the state government and what is best for the employees. These determinations were made by the Maine Labor Relations Board Executive Director, a neutral, but he was working under a stricture in the law that said you will avoid excessive fragmentation, because it was very readily known and readily seen that if we allowed a proliferation of bargaining units, the community of interest and the state's best interest would soon be subjected to a proliferation of units all with dif-

ferent objectives, all with different goals and that the state would be whipsawed into an impossible situation. It is my understanding that New York City bargains with over 109 different employee groups.

During the process that finally resulted in the seven units being determined, this unit was put up for consideration; it was not accepted, it was appealed, they had a hearing on it. When you hear the Governor being criticized for the delay of the implementation of collective bargaining, keep in mind that this process had to be all worked out. Anyone could propose a certain structure for a bargaining unit. If it was denied, he had the right to appeal. This is what ended up in the delay. Now we find this group coming in for legislative approval to set up a separate bargaining unit, not one but three, and depending on how you read, in my mind, the somewhat ambiguous language, it could result in six.

In any event, I would just like to ask you to keep in mind as you vote on this piece of legislation that this has been proposed. It was denied by the arm of state government, the neutral arm of state government charged with making these determinations. This would further delay the start of collective bargaining. It would require additional staff and administrative expenses because now you are setting up a different employer. The state board of education will be named the employer for these people. What you are going to do is, you are going to place employees in the same classification, doing the same type of work, in different bargaining units.

It is my understanding from members of the committee that the phone calls have already started, that if this group can set up its own bargaining unit, why can't we? They are leaving the other teaching staff that are in state employ back in the units that were originally set up.

For this and other reasons that I do not want to bore you with, I would sincerely hope that you would vote to indefinitely postpone this piece of legislation today.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope we will not postpone this bill and all its papers today. The purpose of this bill is to give collective bargaining rights to the nurses and to the employees of the Maine Maritime Academy. The one thing that I would like to have you read in this is on Committee Amendment "A" that was put out by the Labor Committee. It says that the purpose of this amendment is to require that all collective bargaining agreements reached by vocational-technical instructors, state schools for the practical nursing employees concerning cost items such as salaries, pensions and insurance must, before becoming final, be approved by the legislature. This is a compromise. I did not truthfully and honestly feel that this legislature should give approval of salaries, pensions and insurance, but I went along with it. I feel that it probably has some merits. I gave in a little to go along with that and I will stick to my commitment to the Labor Committee to support this.

The other House Amendment "A" to Committee Amendment "A" is nothing more than the correction of the legal language in the bill. But the most important part of this bill that I think we should all be concerned with this morning is that public policy of the State of Maine is for the sole purpose to promote the improvement of the relationship between the public employees and the employees providing a uniform basis for recognizing of their rights. I think that that is the most important thing that we should consider here today.

The other thing that I would like to bring your

attention to is that no person shall be discriminated against for collective bargaining purposes in any way, shape or manner. If they so choose to organize, I feel that is their prerogative to do so.

My good friend from Cumberland mentions all the procedure that we have gone through in the Hay Report. I am telling you, when we get a final cost of that figure, it is going to be staggering, it is going to cost the taxpayers of this state some dough. You keep that in mind when you bring up about the Hay Report and giving the employees the right. The classification is not fair. Personally, the classification stinks in my opinion. It has done nothing but divide the employees of this state against one another. That is what the Hay Report did. We will have to take the blame because I was in the 107th when that was passed. Whether I voted for it or whether I did not has no bearing. I was a member of it and I shall have to accept the consequences, as everyone else who was a member will also have to do.

The purpose of this bill is to let nurses, if they so choose, to organize. It does not say they have to, but if they so choose, and they will be protected by the law and under the law so they will not be harassed or lose their jobs. Those who find shortcomings with this type of bill are only doing so to deprive people of their right to organize.

We are going to be in a long process up here for years to come because of what the last legislature did. The employees of this state were cheated by the members of the last legislature. The employees of this state face that same problem today.

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

Mr. GARSOE: Mr. Speaker, I submit the gentleman from Westbrook is off the point.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, has raised a point of order. The Chair would suggest that the gentleman from Westbrook, Mr. Laffin, restrict his remarks to the pending bill on bargaining insofar as it deals with the effects of the last legislature. He may proceed on that basis. The Chair recognizes the gentleman from Augusta, Mr. Bustin, and inquires for what purpose he rises.

Mr. BUSTIN: Mr. Speaker, just to point out in determining the Chair's ruling that the remarks of Mr. Laffin, in my opinion, are strictly on target. He is discussing the financial side of the situation which has brought this bill to fruition.

The SPEAKER: The Chair thanks the gentleman from Augusta. The Chair can make his own ruling.

The Chair recognizes the gentleman from Westbrook, Mr. Laffin, who may proceed.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I was only answering some of the remarks that I did not bring up, Mr. Speaker, the gentleman from Cumberland brought up, I didn't.

The bill that we have before us today, naturally, is what we are going to vote on, we are not going to vote on what happened two years ago. I realize I don't know too much, but I do know that. I am glad that the gentleman from Cumberland brought that to my attention.

I am speaking today on L. D. 1391. I feel that the members of this House should give consideration to this bill with the amendments as it reads, and to the Committee Amendment, especially in Committee Amendment "A", House Paper 1144. That is a very important part and that is more or less the compromise that the Labor Committee came out with.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: On Friday, one of the

references made by the gentleman from Cumberland, Mr. Garsoe, was that he believed that this piece of legislation was an end-run. I would concur in that. I would also say that there are times in any football game when an end-run is a very appropriate offensive maneuver, particularly if you are trying to go up the middle against Too Tall Mosher from the Governor's office, speedy Parker Denaco at guard, only to be faced, once you are past those two, with that infamous linebacker, Tiger Bill Garsoe. There is nothing wrong with an end run when you have no justice and no equity for what has happened through the management offices.

Mr. Laffin's points are right on target. The VTI faculty were murdered by the Hay Plan. When they came to the T.C.R.B., Roger Snow said, "we recognize that there is a tremendous inequity, a tremendous injustice here, but it is not within our province to correct it. What these people want to do is help correct the situation themselves by bargaining directly with their employer, which is the State Board of Education. They have come to the legislature for relief when they could not go anywhere else."

The law already has carved up some of the units. These people are in a unit of some 3,000 people, and the inequities that deal with these people are certainly not going to be corrected in a unit of 3,000.

Often times before this body there are measures and timely articles appear in the press. I would direct your attention to page one of this morning's Portland Press Herald, S.M.V.T.I. morale plummets as money hassles plague the faculty.

One of the things at stake in this bill is the deterioration of the program at the vocational-technical institutes. The faculty there are being so mistreated that they are leaving in droves and when you have highly qualified, competent people leaving your educational institutions, you are just asking for trouble, you are asking for a less quality program, and I don't think anybody in this legislature wants to see the VTI program go down the drain, and that is as much at stake here as the collective bargaining issue itself.

Mr. Speaker, I ask for the yeas and nays when the vote is taken.

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 Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: On hearing the gentleman's remarks from Westbrook, I perhaps have got a better insight as to why we had a unanimous committee report. I want that gentleman to know that these people already have bargaining rights; no one can harass them in their free choice of forming a bargaining unit. Everything that he wants for these people they are now eligible for and, in fact, in place and ready to begin bargaining on. The question is whether this body is going to endorse a splintering into three more collective bargaining units, possibly because of the fact that some union's nose is out of joint, and when I hear Mr. Denaco of the Maine Labor Relations Board described in the terms that were used here today, I really sympathize with him, because I knew when he headed into this that he could never be right. When you have competing unions and there can only be one winner, he has to be wrong. And I want you to know that he has conducted himself in a manner that truly gives him the title of neutral, and you are being asked here today to undo the work that he has done.

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

Mr. HOWE: Mr. Speaker and Members of the House: I do not speak, of course, as a member of the Labor Committee and I wasn't endorsed by any labor unions. I am not speaking because there is any fight between labor unions; I am not aware of what may be going on there, but I am aware of some of the problems at SMVTI, which I think are comparable with the other VTIs. As the gentleman from Augusta pointed out, the VTI instructors are, in my opinion, sort of lost in a much too large for them bargaining unit of about 3,200 people that have been grouped as professional technicians, I believe, and although these instructors do deal, some of them deal with technical courses, not all of them do. I submit that they are educator-teachers at an institution of post secondary education as much as are the teachers at the university and Maine Maritime Academy, and of course the same goes for the school of practical nursing. We are talking about the instructors of nursing at a post-secondary educational institution.

I think there is as much reason to fragment, if you will, these people into their own bargaining units as there was for the state police. The state police, as I understand it, were broken out into a separate bargaining unit because they worked a non-standard work week. It simply doesn't parallel that of any other employee in state government, perhaps.

The instructors at the VTI's work a non-standard work year, if you will; they work 42 weeks a year. They don't have the same problems as those other 2,000-plus professional technicians, and although they can bargain now, I believe it is going to be very difficult for them in that large group of other employees with other problems and other concerns and other job descriptions to bargain for what they need. I am not familiar with the whole Hay Plan and I was not in the last session of the legislature. Overall, I don't know if it is good or bad for state employees, but I feel there are some serious drawbacks in the Hay Plan in that they did fail to take into consideration some of the aspects of the job of an educator and qualifications of an educator. The Hay Plan fails to take into consideration the level of educational achievement and it provides for no lateral entry for someone who has been working in a technical field coming to teach at the VTI's.

For these reasons, I think it does make sense to give the VTI's, and the instructors at the school of practical nursing this end run, if you will, and provide them with their own bargaining unit. So I hope you will not vote to indefinitely postpone the bill.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am only rising this morning to point out the importance of this debate. As I read the debate back and forth, it seems to me that the ultimate proliferation is to have the state bargain separately with each employee, but it is certainly reasonable, if that is unreasonable, and I think it is, to expect to find in the future some 25, 50 or even 100 bargaining units set up with this opening of the door. And I can't believe that this would be anything but a pretty complicated procedure for all concerned.

I was surprised to hear the good gentleman from Augusta indicate that any group represented by a labor organization would not be adequately represented. That, to me, is a rather serious admission for a union official to make, but that as it may, I am glad the question is getting aired very thoroughly, or at least in part here today in the legislature. I, for one, have very little knowledge of matters in this area and I rather think that goes for most of the members here. We do have men who are very

familiar with it, the gentleman from Augusta, the gentleman from Cumberland, both of whom represent different points of view, but I think the future of the State of Maine is very much in a balance here as we vote this morning. All of these people, as I understand it, are presently represented by labor organizations of one or another, and I think it might be most unwise to expand the number of units that the state will have to work with.

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

#### ROLL CALL

YEA — Aloupis, Brown, K.L.; Bunker, Byers, Carter, F.; Conners, Cox, Devoe, Dexter, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gauthier, Gillis, Gould, Gray, Huber, Hunter, Hutchings, Immonen, Jackson, Lougee, Lynch, Mackel, Masterman, Masterton, Maxwell, McPherson, Morton, Palmer, Perkins, Rollins, Silsby, Sprowl, Stover, Torrey, Whittemore.

NAY — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cunningham, Curran, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Gill, Goodwin, H.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Lizotte, Locke, MacEachern, Mahany, Marshall, McBreairey, McHenry, McKean, McMahon, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Peltier, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Shute, Smith, Spencer, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Ault, Austin, Carey, Fowlie, Goodwin, K.; Jalbert, Kerry, Littlefield, Lunt, Mills, Peakes, Tarbell.

Yes, 39; No, 100; Absent, 12.

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

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

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

Bill "An Act Concerning the Small Claims Laws" (S. P. 301) (L. D. 927) (C. "A" S-131)

Tabled — May 20, 1977 by Mr. Henderson of Bangor.

Pending — Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, the Bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill "An Act to Reorganize Certain Boards and Commissions and to Affiliate Certain Boards and Commissions with Departments of Maine State Government" (S. P. 501) (L. D. 1787)

Tabled — May 20, 1977 by Mr. Quinn of Gorham.

Pending — Motion of Mr. Tierney of Lisbon Falls to Reconsider Reference to Committee on State Government.

The SPEAKER: The Chair recognizes the



gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: This is the item, if you will recall, that I mentioned to you at the very close of Friday's session. It is a very lengthy bill and it was my question if we even wanted to deal with it so late in the session. However, having discussed the item with some members of the State Government Committee, being assured that this bill will be appearing on our calendar once again, relatively quickly, I withdraw my motion.

Thereupon, Mr. Tierney of Lisbon Falls was granted permission to withdraw his motion to reconsider whereby the Bill was referred to the Committee on State Government.

The Chair laid before the House the following matter:

Bill "An Act Concerning Residential Utility Consumer Action Groups" (H. P. 1285) (L. 1507) which was tabled earlier in the day and later today assigned, pending the motion of Mr. Kelleher of Bangor that the House insist.

Thereupon, the House insisted.

The Chair laid before the House the following matter:

Bill "An Act Establishing a Consumer Complaint Office within the Public Utilities Commission" (H. P. 170) (L. D. 208) which was tabled earlier in the day and later today assigned, pending the motion of Mr. Kelleher of Bangor that the House insist.

Thereupon, the House insisted.

On motion of Mr. Tierney of Lisbon Falls, the following matter was taken from the Unassigned Table:

Bill, "An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry and Veterinary Medicine" (Emergency) (S. P. 131) (L. D. 311) — In House, Minority "Ought to Pass" in New Draft (S. P. 491) (L. 1767) Report was Read and Accepted and the New Draft Passed to be Engrossed on May 12. — In Senate, Senate Adhered to its former action whereby the Majority "Ought to Pass" in New Draft (S. P. 490) (L. D. 1766) Report was Read and Accepted and the New Draft Passed to be Engrossed in non-concurrence.

Tabled — May 17, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

On motion of Mr. Lynch of Livermore Falls, the House voted to adhere.

Mr. Norris of Brewer moved that the House reconsider its action whereby Bill "An Act Concerning the Small Claims Laws" (S. P. 301) (L. D. 927) was indefinitely postponed.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against reconsideration. I have been tabling this bill for the past week to see if we could straighten out some of the problems that exist with the bill. I have come to the conclusion that the only way to avoid what will be at least one full legislative day of wrangling around on it, which will ultimately lead to nothing, is to accept the motion of indefinite postponement.

The bill was originally submitted to reduce the dollar amount of small claims and to remove certain kinds of law suits involving tort actions and complicated suits from the small claims courts. The bill, as it came out of committee, had problems with it because the area of claims was narrowed to the actions in contract basically, which meant that the small claims litigation would really become largely a collection area of litigation. It is a complex bill and in trying to pull the various interested parties together, I have simply been unable to do it

so that I just feel that the bill is not going anywhere and the indefinite postponement is the best course to take.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I probably would have to agree with my committee chairman. I am a little appalled this morning, I have noticed that this bill has been tabled because it was a bill that we did hear and some of the district court judges were in favor of it and lowering the limit, there was some little objection to the fact that this court is being used for collection agencies and the very people that opposed lowering the limit were the oil dealers and folks like that and I don't deny that they certainly should have their day in court but the companies of the magnitude whose representative was there in the very final end of the work session and objected to this limit being lowered, certainly are able and capable to have attorneys full-time to collect from the citizens and perhaps being a lay person, I misunderstand the use of this court.

If you all feel that this court is to be used on a majority as a collection agency for larger corporations, then certainly don't reconsider and have it indefinitely postponed.

The SPEAKER: The Chair will order a vote. If you are in favor of the motion of Mr. Norris of Brewer to reconsider, you will vote yes; those opposed will vote no.

A vote of the House was taken.

8 having voted in the affirmative and 82 in the negative, the motion did not prevail.

Mr. Truman of Biddeford was granted unanimous consent to address the House.

Mr. TRUMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify a statement recently made by Mr. Farley of the other body with regards to the proposed site of the Biddeford-Saco Bridge. Mr. Farley stated to the members of the Transportation Committee and to the press that the area was not in my district and that I did not represent the people there.

I went to the Ferry Lane area yesterday and checked with my city clerk this morning and the proposed bridge site is in my district, House District No. 115.

(Off Record Remarks)

On motion of Mrs. Prescott of Hampden, Adjourned until nine o'clock tomorrow morning.