

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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**

Tuesday, May 24, 1977

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

Prayer by the Reverend Gordon Buzza of the United Methodist Church, Old Town.

The Journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:  
The Senate of Maine  
Augusta

May 23, 1977

The Honorable Edwin H. Pert  
Clerk of the House  
108th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today Adhered to its action whereby it Indefinitely Postponed Joint Order (H. P. 1273) Relative to Joint Standing Committee on Taxation, reviewing the tax structure on spirits and wines and Reporting out a Bill on same.

Respectfully,  
(Signed) MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act Relating to Legislative Review of Conflicts of Interest in Appointments Subject to Confirmation" (S. P. 509) (L. D. 1795)

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

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

**Reports of Committees  
Ought to Pass in New Draft  
New Draft Printed**

Committee on Business Legislation on Bill "An Act Concerning Insurance Coverage for Deaf and Mentally Retarded Persons" (S. P. 47) (L. D. 96) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Insurance Coverage for Deaf, Mentally Retarded, Blind and Developmentally Disabled Persons" (S. P. 507) (L. D. 1792)

Came from the Senate with the Report read and accepted and the New Draft passed to be Engrossed.

In the House, The Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

**Divided Report**

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Prohibiting State Legislators from Serving as Lobbyists within 4 Years of their Retirement from Office" (S. P. 246) (L. D. 755)

Report was signed by the following members:

Messrs. COLLINS of Aroostook  
Mrs. SNOWE of Androscoggin  
—of the Senate.

Mr. CHURCHILL of Orland  
Ms. BACHRACH of Brunswick  
Mr. STUBBS of Hallowell  
Mrs. KANY of Waterville  
Messrs. CURRAN of South Portland  
VALENTINE of York

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-150) on same Bill.

Report was signed by the following members:

Mr. MARTIN of Aroostook  
—of the Senate.  
Mrs. MASTERTON of Cape Elizabeth

Mr. DIAMOND of Windham  
Mrs. LOCKE of Sebec  
Mr. SILSBY of Ellsworth

—of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted. In the House: Reports were read.

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

Mr. CURRAN: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report in concurrence.

The SPEAKER: The gentleman from South Portland, Mr. Curran, moves that the House accept the Majority "Ought Not to Pass" Report in concurrence.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House the Bill that is before us this morning concerns lobbyists. I think that the important thing we should take back to our people is the faith and trust that we as legislators sometimes lose. Sometimes we overlook the wishes of the people and come up here and vote our own convictions with no consideration for the people back home.

I think this is a good bill, this is a bill that is going to put some trust back in the legislators as individuals, it is going to require that none of us serve as lobbyists for four years, and I think there is some talk now of coming in on other sections of two years, but regardless of what it is, I would certainly hate to see this bill killed without a good debate. I would hate to see this bill turned back just for the simple reason that we as individuals here who do the majority of us, in fact I will say everyone in this House, and I have never known anyone yet that wasn't for the people back home.

I would certainly hope that we do not accept the "Ought Not to Pass" Report and ask for a division.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I honestly don't view this as a people's bill to take back home. Ever since I have been in this body, I have never, hopefully, voted for anything that would abridge anybody's rights outside the halls or inside the hall of this building.

I would hope that you would not support this bill this morning, and I move the indefinite postponement of this and both reports.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the indefinite postponement of this Bill and all accompanying papers.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I guess the majority of us on the committee in reporting this bill out to the floor decided that it was unnecessary, and I would like to point out a couple of features of the bill. If you decide it is necessary, I hope that you will remove the grandfather clause so it will count for you people.

I don't think, or it has not been my experience, that those legislators who have retired from office and not gone after another position here in the legislature, those who have been defeated, have had that kind of impact on the decisions here that we need to take and say that once you stop running for office you can't come back here and lobby. Certainly, we would be excluding some experience in the legislative process and I think all of you from time to time have found the lobby of benefit, and I really think you are dealing with an unnecessary piece of legislation here.

The minority report does bring it down to two years, but, again, there is a grandfather clause, and if it is going to be good for the legislators of

the 109th, then perhaps if this bill is passed you ought to make it good for the people of the 108th.

I sincerely hope you will support Mr. Kelleher's motion.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I was a signer of the "ought to pass" report on this bill, and I would just like to point out to you, it is through just a basic sense of fairness that I signed it that way because of the state law that was passed in the last legislature that disqualifies state employees who have left state service from lobbying for a period of one year after they leave their employment.

So I feel that in a sense of fairness what is good for one is good for all, because I feel that we are state employees also.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I am a little surprised this morning at the comments of the gentleman from Westbrook, Mr. Laffin, a great champion of labor, always speaks for new employment and now he is trying to put some poor legislator out of work. I hope we go along with the indefinite postponement of this bill this morning.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: I feel that rather than reinforcing the confidence of the people back home, voting for this bill would say to them that in fact you can't trust these people to exercise their judgment because their old pals may lean on them and influence them. In my view, the people back home have a confidence in us that we will act for their benefit and I don't think we need restrict anybody's liberties in order to prove that we are not going to be influenced by former legislators.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I signed the "ought to pass" report because I, like the gentleman from Ellsworth, Mr. Silsby, think it is only fair; the point he made about state employees is very valid.

The other reason is, I don't really agree with the gentlewoman from Brunswick, who says that the people back home have a high regard for us in this body. I am not sure that is always the case. I think anything we can do to improve that image would behoove us to do it.

I hope that you will support the Minority "Ought to Pass" Report.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a good bill, and the reason I think it is a good bill is because of an elementary problem that I think every one of us has if we are honest with ourselves, and that is, at least in my case, the Speaker of this House and the President of the other body has extended to me every courtesy that I can imagine that a person would ever have. I have built up friendships, I think, and in some cases those friendships, in particular instances, might lend one to believe that he might have obligations.

I am not very eloquent in trying to put across what I am trying to say, but that would not only extend to the members of my own party, but the gentleman from Nobleboro, Mr. Palmer, has been extremely kind to me and if he were to be a lobbyist in the next session of the legislature, I think that he would have an undue advantage with many of us, as I think the Speaker of the House would and a number of others. I think that is the crux of the whole bill. So I would

hope that you would vote against the indefinite postponement of this bill and all its accompanying papers.

Thereupon, Mrs. Masterton of Portland requested a roll call vote.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Being a new legislator down here, I did have an occasion to talk to two or three lobbyists in the hall, and I don't know how you feel about it, but I will tell you how I feel. I don't think there is a lobbyist in the halls, in the State of Maine or in the country that can change my vote if I am going to vote the way my people think I should vote. And as far as whether I have their confidence or not, I will tell you what, wait until next election, because if I don't, they will let me know it real quick.

If I vote to accept this bill, then what I am saying to myself and to you and to the people at home is that I have been listening to the lobbyists and I have not taken into consideration the people at home. And I will tell you what, if I vote to support this bill, I am going to feel guilty, and I don't feel a bit guilty right now.

I would hope that you would go along with the gentleman from Bangor, Mr. Kelleher, and put this bill where it needs to be — six feet under.

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

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

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

#### ROLL CALL

YEA — Aloupis, Ault, Bachrach, Bagley, Bennett, Benoit, Berry, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Carter, F.; Chonko, Churchill, Conners, Cote, Cox, Cunningham, Curran, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Henderson, Higgins, Howe, Hunter, Immonen, Jackson, Jensen, Kane, Kany, Kelleher, Kilcoyne, LaPlante, LeBlanc, Lewis, Lunt, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McKean, McPherson, Mills, Mitchell, Morton, Nelson, N.; Norris, Palmer, Perkins, Peterson, P. Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Smith, Sprowl, Stubbs, Talbot, Tarbell, Tarr, Theriault, Torrey, Tyndale, Valentine, Whittemore.

NAY — Berube, Brown, K. L.; Carter, D.; Clark, Davies, Dexter, Diamond, Elias, Flanagan, Gauthier, Greenlaw, Hall, Hickey, Hobbins, Huber, Jacques, Joyce, Laffin, Lizotte, Locke, Lougee, Lynch, MacEachern, Martin, A.; McHenry, Nadeau, Nelson, M.; Pearson, Peltier, Silsby, Spencer, Teague, Tierney, Tozier, Truman, Twitchell, Wilfong, Wood, Wyman.

ABSENT — Austin, Beaulieu, Brenerman, Carrier, Carroll, Connolly, Devoe, Fowlie, Hughes, Hutchings, Jalbert, Kerry, Littlefield, McMahon, Moody, Najarian, Peakes, Shute, Stover, Strout, Trafton.

Yes, 90; No, 39; Absent, 21.

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

#### Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Establish a Sign on Interstate 95 Announcing Peaks-Kenny State Park" (S. P. 302) (L. D., 928)

Report was signed by the following members:

Messrs. GREELEY of Waldo  
McNALLY of Hancock — of the Senate.

Messrs. CARROLL of Limerick  
JACQUES of Lewiston  
BROWN of Mexico  
JENSEN of Portland  
ELIAS of Madison

Mrs. HUTCHINGS of Lincolnville

Messrs. LITTLEFIELD of Hermon  
McKEAN of Limestone  
LUNT of Presque Isle

— of the House.

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

Report was signed by the following members:

Mr. MINKOWSKY of Androscoggin — of the Senate.

Mr. STROUT of Corinth — of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

On motion of Mr. Jensen of Portland, the Majority "Ought Not to Pass" Report was accepted in concurrence.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act Concerning Expenses of the Commission on Governmental Ethics and Election Practices" (Emergency) (H. P. 816) (L. D. 989) on which the Minority "Ought to Pass" Report of the Committee on Election Laws was read and accepted and the Bill passed to be engrossed in the House on May 19.

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

In the House: Mrs. Boudreau of Portland moved that the House recede and concur.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mrs. Boudreau of Portland to recede and concur and tomorrow assigned.)

#### Non-Concurrent Matter

Bill "An Act to Provide for Exemption of Farm Supplies from the Sales Tax" (H. P. 538) (L. D. 653) on which the Minority "Ought to Pass" Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-382) in the House on May 20.

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

In the House: Mr. Carey of Waterville moved that the House recede and concur.

Mr. Maxwell of Jay moved that the House insist and ask for a Committee of Conference.

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

A vote of the House was taken.

Whereupon, Mrs. Post of Owl's Head 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 Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: We have passed this bill twice in the House. As I said, it was originally my bill. It came out of committee two years ago almost unanimous. It came through the House and through the Senate, laid on the Appropriations Table and the last night of the session it was killed. I would hope that we could do the same thing with it again, and I hope you would vote against the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would recede and concur and I will tell you why. I am a farmer and have been a farmer for quite awhile. Last year I paid a little over \$300 for sales tax. I feel as though if I am going to be exempted a sales tax, what about the woodsman? What about the people that earn only \$2.50 an hour? Where are you going to end with it? You are going to have to pick the tab up somewhere else. So, I do not see that putting bills in this way and keeping picking away at what we have already got, which is a pretty good system, is doing us any good.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the Houser recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Bagley, Benoit, Berry, Berube, Biron, Birt, Brown, K.L.; Bunker, Burns, Carey, Carter, F.; Chonko, Cote, Cox, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Garsoe, Gauthier, Gill, Gillis, Gould, Hall, Hickey, Huber, Immonen, Jackson, Kane, LeBlanc, Littlefield, Lizotte, Locke, Mahany, Marshall, Masterton, McHenry, McKean, McPherson, Mills, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Plourde, Prescott, Raymond, Silsby, Stubbs, Talbot, Tarr, Teague, Theriault, Tozier, Truman, Whittemore.

NAY — Austin, Bachrach, Bennett, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K.C.; Bustin, Byers, Carter, D.; Churchill, Clark, Conners, Connolly, Cunningham, Curran, Davies, Devoe, Dexter, Dow, Elias, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Henderson, Higgins, Hobbins, Howe, Hunter, Jacques, Jensen, Joyce, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Lewis, Lougee, Lunt, Lynch, MacEachern, Mackel, Martin, A.; Masterman, Maxwell, McBreairty, Mitchell, Nadeau, Norris, Perkins, Peterson, Post, Quinn, Rideout, Rollins, Smith, Spencer, Sprowl, Tierney, Torrey, Twitchell, Tyndale, Valentine, Wood, Wyman.

ABSENT — Beaulieu, Brenerman, Carrier, Carroll, Fenlason, Fowlie, Hughes, Hutchings, Jalbert, Kerry, McMahon, Moody, Peakes, Shute, Stover, Strout, Tarbell, Trafton, Wilfong.  
Yes, 62; No, 69; Absent, 19.

The SPEAKER: Sixty-two having voted in the affirmative and sixty-nine in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Maxwell of Jay, the House voted to insist and ask for a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act to Provide that Voter Registration Forms Include a Warning Concerning Knowingly Supplying False Information" (H. P. 747) (L. D. 952) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-352) Report of the Commit-

tee on Election Laws was read and accepted and the Bill passed to be Engrossed as amended by Committee Amendment "A" (H-352) in the House on May 20, 1977.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Election Laws read and accepted in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, the House voted to insist.

#### Non-Concurrent Matter

Bill "An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools" (H. P. 1025) (L. D. 1273) which was passed to be engrossed as amended by Committee Amendment "A" (H-275) as amended by House Amendment "A" (H-384) thereto and House Amendment "A" (H-295) in the House on May 20, 1977.

Came from the Senate with that Body having insisted on its former action whereby it Indefinitely Postponed the Bill and accompanying papers and asked for a Committee of Conference.

In the House: On Motion of Mr. Lynch of Livermore Falls, the House voted to insist and join in a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act to Amend the Requirement for Public Notice of Public Proceedings under the Right to Know Law" (S. P. 426) (L. D. 1484) on which the Majority "Ought Not to Pass" Report of the Committee on Legal Affairs was read and accepted in the House on May 20, 1977.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought to Pass" Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed and asked for a Committee of Conference.

In the House: Mr. Cote of Lewiston moved that the House adhere.

Whereupon, Mr. Henderson of Bangor moved that the House insist and join in a Committee of Conference.

Mr. Cote of Lewiston requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Henderson, that the House insist and join in a Committee of Conference. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: If you take a look at this L. D., there is a 180 degree difference — one is one way; one is the other. Currently, the meetings will be open unless they both decide to close them. There is 180 degrees. I do not know how a committee of conference is going to resolve this, so why do we not end it right here and adhere to our previous stand.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I think there is some opportunity here. I do not think there is anyone in this House who is really in favor of informing the news media. On the other hand, the current law allows for what may be a very great loophole. This particular proposal may be

too stringent, as we have heard some objections the other day, and I think it is only reasonable that the committee be given an opportunity to work out a compromise in this matter so that we can accomplish the objective I think we all share without necessarily doing it in the way this bill is written.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: At the hearing, two small newspapers appeared. I do not remember the names of the newspapers, they were from small towns. It seemed they had a problem with some selectman but generally over the state that problem does not exist. The M.M.A. appeared and they were opposed to the bill. Many communities I got calls from were opposed to the bill. I think if we are going to serve the majority of the people of this state, we will not vote to insist and ask for a committee of conference.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Henderson, that the House insist and join in a Committee of Conference. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bennett, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, K.; Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Immonen, Jackson, Jensen, Kane, Kany, Kilcoyne, Laffin, LeBlanc, Locke, Lynch, MacEachern, Marshall, Martin, A.; McHenry, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Plourde, Post, Quinn, Silsby, Spencer, Sprowl, Stover, Talbot, Tarr, Teague, Tierney, Truman, Twitchell, Valentine, Whittemore, Wood, Wyman.

NAY — Bagley, Berry, Biron, Brown, K. L.; Brown, K.C.; Bunker, Burns, Byers, Carrier, Carter, D.; Carter, F.; Churchill, Conners, Cote, Devoe, Drinkwater, Dudley, Durgin, Dutremble, Gauthier, Goodwin, H.; Gould, Gray, Hall, Hunter, Hutchings, Jacques, Kelleher, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Lunt, Mackel, Mahany, Masterman, Masterton, Maxwell, McBreairty, McPherson, Mills, Morton, Peterson, Prescott, Raymond, Rideout, Rollins, Smith, Strout, Stubbs, Tarbell, Theriault, Torrey, Tozier, Tyndale.

ABSENT — Beaulieu, Brenerman, Fowlie, Hughes, Jalbert, Joyce, Kerry, McMahon, Moody, Peakes, Shute, Trafton, Wilfong.

Yes, 81; No, 56; Absent, 13.

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

#### Non-Concurrent Matter

RESOLVE, Designating Weesage Marsh at Thomaston as the "R. Waldo Tyler Wilderness Area" (H. P. 1533) (L. D. 1765) which was passed to be engrossed in the House on May 13, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-156) in non-concurrence.

In the House: On motion of Mrs. Post of Owl's Head, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act to Establish Chester Greenwood Day" (H. P. 1189) (L. D. 1425) which was Passed to be Enacted in the House on May 20, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: Mr. Morton of Farmington moved that the House adhere.

Mr. Biron of Lewiston moved that the House recede and concur.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Before the vote is taken this morning, I just want to bring out one point, that this piece of legislation, to date, has gotten further in this body than Mother's and Father's Day and I would be ready to debate anybody on the importance of those too.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This bill was rejected in the other body by a very narrow margin. We must remember that yesterday was a pretty warm day. The bill, has spoken for itself, and its publicity and educational value are established. If it must be defeated, let the mistake be made elsewhere not in this House. The division was demonstrated in a decisive manner last week. I urge you to defeat the recede and concur motion and get on with the adhere motion.

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

A vote of the House was taken.

48 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Morton of Farmington, the House voted to adhere.

#### Messages and Documents

The following Communication:

State of Maine

Office of The Governor

Augusta, Maine 04330

May 23, 1977

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

I am returning without my signature and approval H.P. 1123, L.D. 1341, An Act Relating to Location of State Liquor Stores.

This bill is in essence the same as a bill, L.D. 1964, which I vetoed during the 107th Legislative Session. That veto was upheld by the 107th Legislature, and the arguments contained in my veto message of June 11, 1976 remain just as valid and compelling.

This bill could be very costly to the people of the State of Maine. It could mandate that a liquor store be maintained and operated even though that store was much more costly than other available alternatives. It would, then, legislate poor business and management practices by tying the hands of the Maine State Liquor Commission regarding their ability to close the less efficient State Liquor Stores. The bill provides, in part, that an existing State store shall not be closed "... unless the net operating cost of an existing State store exceeds 15% of its gross revenue". Agency stores carry an operating cost to the State of 8%. It is obviously not a good management practice to require the State to run a State store at a cost up to 15%.

In addition, I am told that this legislation could create other problems such as forcing the State to maintain a store in a particular location when the rent for that facility has been increased right up to the limit which would bring the operating costs just below 15% of gross revenue. In other words, it would be possible for a landlord to increase the rent knowing that a store could not be closed as long as the total cost was below a certain maximum figure. This bill could penalize those stores which are running at a low cost and would virtually establish

an incentive for those who control the cost factors to increase their charges to the State to approach the 15% figure.

I appreciate the concern of individual legislators and citizens with regard to the closing of a store in their respective areas. Their concerns are legitimate and should be addressed. My own concern, however, is that we not over react with legislation that would cripple the management ability of State government. I will, however, again ask that the Liquor Commission not make any decision to close a facility until it has received complete input from legislators and citizens affected. In addition, I am requesting that the Commission document the basis for any of their decisions so that the reasoning is fully disclosed and understood.

I respectfully ask that my veto of this bill be sustained.

Very truly yours,  
(Signed) JAMES B. LONGLEY  
Governor

The Communication was read and ordered placed on file.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have somebody update us on this. Could they at this time explain this bill to us?

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that I introduced. I did introduce it last year. At that time, the experience was, as is pointed out in the veto message, it was vetoed. Since then there have been some other factors that have come into the picture. I think the major one was the fact that there was an excellent editorial in the Waterville Sentinel relative to the substitution of agency stores for state stores.

What brought this about originally was the fact that the agency store bill was passed with the intent that this would be put into communities where there was presently not a State liquor store and not large enough to be able to afford a state store. I am referring primarily to areas such as Blue Hill, Lubec and places of this nature. These stores have been put in. In some cases, they have worked good; in some cases, I have heard criticisms of them. I did talk with a friend of mine who I happened to run into yesterday. He was telling about an agency store in his area of the state which is selling liquor up until midnight. This is perfectly within the rights of the store. It is one of the comments the commissioner made at the time the agency stores were introduced, that it would give them longer hours to sell liquor. I think that is probably one of the big objections that I might have to it.

My major reason for putting the bill in was that the commissioner had closed stores, state stores, and instituted agency stores. It is my contention that this bill, as it is presently written, or the law that is presently on the books, the commissioner could actually close every liquor store in the State of Maine over a period of time and put in an agency store.

I talked with the Governor yesterday afternoon, and it was his contention that by the passage of this legislature is interfering with the administrative operation. I disagreed with him strongly at that in the discussion, and I do now. When a piece of legislation is passed and it is not being administered as the legislative intent was, then the legislature has every right to pass additional language to tighten up the law so that it will be administered properly.

What this bill actually does is forbid the commissioner from closing stores that are beyond three miles of a state store and then putting in an agency store or stores in which the gross operating cost is over 15 percent.

The original agency stores were set up with a gross operating cost of 8 percent. At the present time, there are two bills before the legislature to increase this from 8 percent to 12 percent and to 15 percent, so it is apparent that some of the agency stores are not satisfied with their markup and are looking for an additional markup. At the same time, it is my understanding with talking to the people on the Liquor Control Committee that the alcoholic department is going to start to deliver the liquor to the agency stores. Now, initially the agency stores were paying for the cost of transportation. This is going to increase the profit to the stores, which I have no problem with, but it is also going to be an additional cost to the commission.

It is apparent to me at least that eventually the markup is going to have to go up somewhere in the area of the 15 percent, which is presently in the bill.

I have talked with grocers and grocers tell me that they need about an 18 percent gross profit in order to take care of operating expenses. If you are asking for any one particular product that they are selling to be sold for less than that, then it has either got to be run as a loss leader or else they are taking that loss because they want to keep the store in the town and actually have to increase costs of other products in order to be able to take care of this loss.

Frankly, I hope you will vote to override the veto this morning. I think we are doing nothing but putting additional legislation on the books to correct some of the inequities in operational practices of the department.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: In the Governor's veto message, he states, "I appreciate the concern of individual legislators and citizens with regard to the closing of a store in their respective areas. Their concerns are legitimate and should be addressed." Well, that is what I am going to do this morning, is address to you my concerns of our own Sanford liquor store.

I have in front of me the State of Maine Bureau of Alcoholic Beverages financial statement for the year ended June 30, 1976. Last year's percent of net sales, operating costs for the Sanford liquor store was 8.65 percent. So under the present law, they could have closed the Sanford store. This year's financial statement was a little bit better, it was 6.7 percent operating cost. Now, for some reason, the Sanford store sold more booze last year, I don't know why but we did. There is the trend would reverse itself again and our operating costs would increase back to 8 percent, the commission could close the Sanford store, and right now there is a moratorium on all state agency stores. So put yourself in my position. Number one, they close our store because we operate over 8 percent. Number two, there is a moratorium on state agency stores. Number three is, guess what, you said it, the next closest liquor store to Sanford is in Rochester, New Hampshire. Tell me, if you lived in Sanford, would you go to Biddeford, which is 18 miles away to buy your booze, or would you go to Rochester, New Hampshire, which is 16 miles away, to buy your liquor, and the liquor there is over \$1.25 cheaper a fifth. You are all consumers; where would you go?

Go ahead, close the Sanford store and you will be losing over \$100,000 in revenue. That is what this bill, if you defeat it, sustain the veto, would

purport to do. I urge you this morning to override the Governor's veto, keep the store in Sanford and other places open, not give the State of New Hampshire more money than what they are already making. I urge you to override the veto.

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

Mr. BAGLEY: Mr. Speaker and Members of the House: I am rather amazed at the last speaker, because the last time we were debating a liquor bill, he was advocating closing the state liquor stores, very definitely. I think the whole question today is whether we want to continue with our state liquor store controlled system or whether we want things wide open. I hope you vote to override the veto.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope the gentleman from Winthrop, Mr. Bagley, didn't misunderstand me. Right now, there is a moratorium on state liquor stores so that I don't want the Sanford Store closed, which could happen if this bill does not become law. So I would urge you to override the veto and let this bill become law.

The SPEAKER: The pending question is, shall Bill "An Act Relating to Location of State Liquor Stores, House Paper 1123, L. D. 1341, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. A two-thirds vote of those present and voting is necessary to override the veto of the Governor. 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 — Ault, Bachrach, Bagley, Bennett, Benoit, Birt, Blodgett, Boudreau, A.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Churchill, Connors, Connolly, Cox, Cunningham, Curran, Dow, Drinkwater, Dutremble, Elias, Fenlason, Gauthier, Goodwin, H.; Gould, Hall, Henderson, Higgins, Hobbs, Hughes, Immonen, Joyce, Kany, LaPlante, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBreairty, McHenry, Mills, Nadeau, Najarian, Nelson, M.; Palmer, Pearson, Peterson, Plourde, Post, Prescott, Rideout, Smith, Teague, Theriault, Tozier, Truman, Twitchell, Valentine, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berry, Berube, Biron, Brown, K.L.; Brown, K.C.; Byers, Carter, D.; Carter, F.; Chonko, Clark, Cote, Davies, Dexter, Diamond, Dudley, Durgin, Flanagan, Garsoe, Gill, Gillis, Goodwin, K.; Gray, Green, Greenlaw, Hickey, Howe, Huber, Hunter, Hutchings, Jackson, Jacques, Jensen, Kane, Kelleher, Kilcoyne, Laffin, Lewis, Littlefield, Locke, Mackel, Masterton, McKean, McPherson, Mitchell, Nelson, N.; Norris, Peltier, Perkins, Quinn, Raymond, Rollins, Shute, Silsby, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Tierney, Torrey, Trafton, Tyndale, Whittemore.

ABSENT — Beaulieu, Boudreau, P.; Brenerman, Devoe, Fowle, Jalbert, Kerry, LeBlanc, McMahon, Moody, Morton, Peakes, Wilfong.

Yes, 70; No, 68; Absent, 13.

The SPEAKER: Seventy having voted in the affirmative and sixty-eight in the negative, with thirteen being absent, and seventy being less than two-thirds of these present and voting, the Governor's veto is sustained.

#### Orders

An Expression of Legislative Sentiment (H. P. 1587) recognizing that: Charles Lindbergh,

on May 20, 1927, became the first person to fly alone across the Atlantic Ocean, thus accomplishing a feat of daring and imagination which continues, 50 years late, to inspire all humans who dream of soaring through the air.

Presented by Mr. Pearson of Old Town. (Cosponsors: Mr. Tozier of Unity, Mr. Valentine of York, Mrs. Tarr of Bridgton)

The Order was read.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This order will be forwarded to the National Committee which is celebrating the 50th anniversary of Lindbergh's flight and was sponsored by Mr. Tozier from Unity, who is a pilot, and Mr. Valentine from York, who is a pilot, and the lovely lady from Bridgton, Mrs. Tarr, whose husband is a pilot.

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

An Expression of Legislative Sentiment (H. P. 1589) recognizing that:

Cheryl Ann Wibberly has been recognized for her outstanding academic record by being chosen valedictorian of Penquis Valley High School.

Presented by Mr. Masterman of Milo.

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

An Expression of Legislative Sentiment (H. P. 1590) recognizing that:

Susan Lee Lumbrá has been recognized for her excellent academic record by being chosen salutatorian of Penquis Valley High School.

Presented by Mr. Masterman of Milo.

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

On motion of Mr. Diamond of Windham, the following Joint Order: (H. P. 1592)

WHEREAS, there are more than 240 correction officers employed by state and county governments in Maine; and

WHEREAS, there is no standard training program or requirement specifically for such officers as there is for police officers; and

WHEREAS, on the basis of testimony presented on several bills before it, a majority of the Joint Standing Committee on State Government having voted in favor of a study to determine whether it may be in the interest of the State to establish a policy and standard training requirement for corrections officers now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government be authorized to study the training of state and County corrections officers and to report back to the second regular session of the 108th Legislature:

(1) The most appropriate training to be required of such officers; and

(2) A plan, including funding, to provide such training as expeditiously as is possible; and be it further

ORDERED, that the Department of Mental Health and Corrections, the Maine Criminal Justice Academy and such other agencies or departments as may be determined by the Joint Standing Committee on State Government be authorized and directed to provide the committee with such assistance as the committee deems necessary to carry out the purposes of this order; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, and submit to the Legislative Council within the same time period its findings and recommendations including copies of any recommended legislation in final draft form; and be it further

ORDERED, that upon passage of this order

in concurrence, copies of this order be transmitted forthwith to the Department of Mental Health and Corrections and the Maine Criminal Justice Academy as notice of the pending study.

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

An Expression of Legislative Sentiment (H. P. 1593) recognizing that:

The Girls' Track Team and the Boys' Track Team of Orono High School are the Penobscot Valley Track Champions for 1977.

Presented by Mr. Davies of Orono. (Cosponsors: Mr. Devoe of Orono, Senator Curtis of Penobscot)

The Order was read.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: It has become somewhat repetitive for me to stand up and present orders on behalf of the Orono High School Track Team. Both the men and women's track teams have consistently won regional and state championships in this area. This marks the eighth order to this effect in the last three year that I have been involved with, and I think it is a tribute to the excellent athletic program that the Orono High School has put together, that both men and women consistently rise to the top of their class in athletic competition.

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

On motion of Mr. Nadeau of Sanford, it was Ordered, that J. P. Normand LaPlante of Sabattus be excused May 25th, 26th and 27th for personal reasons.

#### House Reports of Committees

##### Ought Not to Pass

Mr. Strout from the Committee on Transportation on Bill "An Act Pertaining to the Right-of-Way of Vehicles at Intersections" (H. P. 1133) (L. D. 1351) reporting "Ought Not to Pass"

Mr. Elias from the Committee on Transportation on Bill "An Act Concerning Motor Vehicles Located at Official Motor Vehicle Inspection Stations" (H. P. 1055) (L. D. 1286) reporting "Ought Not to Pass"

Mr. Brown from the Committee on Transportation on Bill "An Act to Regulate Left Turns at Traffic Light Controlled Intersections" (H. P. 1294) (L. D. 1527) reporting "Ought Not to Pass"

Mr. Hughes from the Committee on Judiciary on Bill "An Act to Require the Court System to Compensate Washington County for Certain Equipment and Space" (H. P. 1215) (L. D. 1452) reporting "Ought Not to Pass"

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

##### Leave to Withdraw

Mr. Bustin from the Committee on Labor on Bill "An Act to Establish the Maine Wage Assurance Fund" (H. P. 1371) (L. D. 1578) reporting "Leave to Withdraw"

Mrs. Tarr from the Committee on Labor on Bill "An Act to Establish Penalties for Contractors who Violate Laws Governing Public Works Contracts" (H. P. 1174) (L. D. 1400) reporting "Leave to Withdraw"

Mrs. Beaulieu from the Committee on Labor on Bill "An Act to Safeguard Law Enforcement Officers' Individual Rights" (H. P. 1319) (L. D. 1616) reporting "Leave to Withdraw"

Mrs. Hutchings from the Committee on Transportation on Bill "An Act to Provide for a Sign on Route 302 at the Maine-New Hampshire Border Indicating the Scenic Route to Old

Orchard Beach and the Lakes Region" (H. P. 1195) (L. D. 1427) reporting "Leave to Withdraw"

Mr. Mahany from the Committee on Agriculture on Bill "An Act Establishing Farmers Homestead Loans" (H. P. 1340) (L. D. 1652) reporting "Leave to Withdraw"

Mr. Rideout from the Committee on Energy on Bill "An Act to Prohibit the Sale of Gas Stoves with Pilot Lights" (H. P. 1433) (L. D. 1654) reporting "Leave to Withdraw"

Mr. Moody from the Committee on Legal Affairs on RESOLVE, Authorizing Alfred E. Bert, M.D. to Bring Civil Action Against the State of Maine (H. P. 1377) (L. D. 1572) reporting "Leave to Withdraw"

Miss Brown from the Committee on Natural Resources on Bill "An Act to Encourage Local Inspection Systems to Identify Illegal Domestic Waste Disposal Units" (H. P. 1380) (L. D. 1605) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft

##### New Drafts Printed

Mr. Birt from the Committee on Education on Bill "An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems" (H. P. 99) (L. D. 123) reporting "Ought to Pass" in New Draft (H. P. 1586) (L. D. 1799)

Ms. Benoit from the Committee on Natural Resources on Bill "An Act to Standardize Some of the Procedures and Statutes Administered by the Department of Environmental Protection" (H. P. 364) (L. D. 483) reporting "Ought to Pass" in New Draft (H. P. 1588) (L. D. 1800)

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

#### Divided Report

##### Later Today Assigned

Majority Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act to Provide for 4-year Terms of Office for Representatives, Governors, and Lieutenant Governors of the Passamaquoddy Tribe of Indians" (H. P. 870) (L. D. 1063)

Report was signed by the following members:

Messrs. LOVELL of York  
MANGAN of Androscoggin  
— of the Senate.

Mrs. KANY of Waterville  
Messrs. DAVIES of Orono  
BURNS of Anson  
PETERSON of Caribou  
MARSHALL of Millinocket  
GREEN of Auburn  
Mrs. HUTCHINGS of Lincolnville  
Mr. TALBOT of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-383) on same Bill.  
Mr. HICHENS of York

— of the Senate.

Messrs. LaPLANTE of Sabattus  
CUNNINGHAM of New Gloucester  
— of the House.

Reports were read.

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

Mr. TALBOT: Mr. Speaker, I move that this lie on the table one legislative day.

Whereupon, Mr. Pearson of Old Town moved that the matter be tabled until later in today's session.

The SPEAKER: The Chair would inform the gentleman that the longer time takes

precedence. The Chair will order a vote. All those in favor of this matter being tabled for one legislative day pending acceptance of either report will vote yes; those opposed will vote no.

A vote of the House was taken.

23 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

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

Mr. PEARSON: Mr. Speaker, the Representative from the Passamaquoddy Tribe is here, but he is not in his seat, and I would ask somebody to table this until later in today's session.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I have already talked to Mr. Stevens, and I have talked with the sponsor of the bill, Mr. Fenlason, and we have come to the conclusion that we would like to table this for one day, but since you have defeated that motion, I would ask that we table it until later in today's session.

Whereupon, on motion of Mr. Quinn of Gorham, tabled pending acceptance of either report and later today assigned.

#### Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act Relating to the Qualifications for Licensure as a Real Estate Salesman" (H. P. 183) (L. D. 245)

Report was signed by the following members:

Messrs. PIERCE of Kennebec  
CHAPMAN of Sagadahoc  
— of the Senate.

Messrs. JACKSON of Yarmouth  
SPROWL of Hope  
HOWE of South Portland

Miss ALOUPIS of Bangor

Messrs. KILCOYNE of Gardiner  
PEAKES of Dexter  
RIDEOUT of Mapleton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-390) on same Bill.

Report was signed by the following members:

Mr. FARLEY of York

— of the Senate.

Mr. WHITEMORE of Skowhegan

Mrs. BOUDREAU of Portland

Ms. CLARK of Freeport

— of the House.

Reports were read.

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

Mr. JACKSON: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Yarmouth, Mr. Jackson, moves that the Majority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The classification on real estate brokers and salesmen, there are two classes, there are two licensing exams. Presently, if you want to be a real estate salesman, you have to take an exam; you are not required to take a course prior to taking the exam. Most people do, but you are not required to do this.

The second step up the ladder is to be a broker and in order to be a broker you have to have taken a course or an apprenticeship program, and you again have to take quite a comprehensive exam that includes appraising and running an office and all kinds of things.

My objection to this is that it is unnecessary and it unnecessarily complicates the problems

of getting into the real estate business. People to now want to get into the real estate business have to take an exam. If they are licensed as salesmen, they have to operate under a broker; they cannot open an office and operate by themselves. Therefore, there is the control by making the exam comprehensive and what is in the exam to weed out people who don't have the background and don't know what they are doing. You also have the further control that they are working under a broker and he is responsible for their actions.

I feel this unnecessarily complicates the problem; it makes it more expensive to take a course. It would cost probably \$150 or more and would take at least one semester. I feel it is unnecessary. I think it bars the public from this profession and I think until we can require that the people in this profession upgrade themselves and require continuing education within their profession, we have no right to make it harder for people to go into the profession.

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

Mrs. BOUDREAU: Mrs. Speaker, Men and Women of the House: I hope you do not accept the "Ought Not to Pass" Report. This bill would require a real estate salesman to take a course of only one semester. I can't think of any other profession or trade that doesn't have to have some educational requirements, and buying a house or land is probably one of the biggest investments the consumer will make. And today, with all the new environmental laws, all the rules and regulations, I really think a real estate salesman should have the required training. They do much the same work as the broker, so I think they should meet some requirements, and I think this is a very minimum. It is written right into the amendment so it can't be increased and they know exactly what they have to do.

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

Mr. HOWE: Mr. Speaker and members of the House: I am one of those who signed the Majority "Ought Not to Pass" Report for reasons similar to those espoused by Mr. Jackson of Yarmouth. I am also a little concerned that the real estate commission, who was behind the bill, are not willing to impose the same requirements on all those people already in the field. I think that is unfair to impose a requirement upon those people yet to come into the business and not impose the same educational requirement on the hundreds of real estate sales personnel already in the field.

I also feel that if an examination is required, as it is for anyone going into the field, that that examination ought to be sufficient to screen out those persons who are not yet fully prepared to enter the profession. I understand that the pass rate of this examination is somewhere around 50 percent. Apparently, it is adequately screening out persons who are not fully prepared. I guess I see it really as another unnecessary roadblock to persons entering this profession. Therefore, I signed the "ought not to pass" report.

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

Mr. WHITEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the minority who signed this "ought to pass." The reason I signed it "ought to pass" is because I have been in the real estate business for 13 years. I got my license without going to school, without taking a course. I went and took it and became a salesman but I had to work under another broker. The broker I worked for had never taken a test and had never studied real estate. He had it back in the days when you did not have to. I am not saying anything against the gentleman, he is a very fine gentleman, but he had never studied it. After getting my license and going to work for him, I realized I

had so much to learn, I was handling valuable property for people and I was not knowledgeable of how to handle it, so I signed up to take a course. I got halfway through the course when they found out I had a license and they thought I was silly wasting my time, but I did not, I thought I was smart. I have continually taken courses.

I am very serious about this business because there are too many people in it that are not qualified in my estimation. I am not saying they are dishonest, it is because they are not knowledgeable.

If you take a test and get a salesman's license, go to work for a broker who has never studied real estate, after one year; you can go take a test and get a broker's license. You have had really no background, no one to help you, to guide you in the right way as far as I am concerned. I know of many brokers today that have never taken the test and are still active. They may be honest, but they are doing a lousy job, only because they are not knowledgeable. They do not go to seminars. I think this is a very serious thing. I see nothing wrong with going to school, taking a course, getting your salesman's license, then work for a year for a broker in a qualified office, then you can take a broker's test and go on your own or wherever you want to from there on. I hope you will support this Minority Ought to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, 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. Whittemore of Skowhegan 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 Yarmouth, Mr. Jackson, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Ault, Bachrach, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brenerman, Brown, K.C.; Bunker, Burns, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Cote, Cox, Cunningham, Dexter, Diamond, Dow, Dudley, Dutremble, Fenlason, Garsoe, Gauthier, Gill, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Henderson, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, Joyce, Kane, Kany, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Lizotte, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McKean, McPherson, Mitchell, Morton, Nadeau, Nelson, N.; Norris, Palmer, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Shute, Spencer, Sprowl, Stover, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Valentine, Wood, Wyman.

NAY — Austin, Bagley, Benoit, Boudreau, A.; Brown, K.L.; Bustin, Byers, Chonko, Clark, Connors, Connolly, Curran, Davies, Devoe, Drinkwater, Durgin, Flanagan, Goodwin, K.; Green, Hickey, Higgins, Hobbins, Hunter, Immonen, Jensen, Kelleher, Littlefield, Locke, Lougee, Lunt, Lynch, McBreairty, Nelson, M.; Pearson, Peltier, Perkins, Peterson, Prescott, Silsby, Smith, Strout, Stubbs, Talbot, Tarbell, Traffon, Whittemore.

ABSENT — Beaulieu, Elias, Fowlie, Gillis,



Jalbert, Kerry, MacEachern, McMahon, Mills, Moody, Najarian, Peakes, Tyndale, Wilfong.  
Yes, 89; No, 47; Absent, 14.

The SPEAKER: Eighty-nine having voted in the affirmative and forty-seven in the negative, with fourteen being absent, the motion does prevail.

Sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act Pertaining to Retirement Benefits for County, City and Town Employees" (H. P. 1253) (L. D. 1472)

Report was signed by the following members:

Messrs. COLLINS of Knox  
LOVELL of York  
O'LEARY of Oxford

—of the Senate.

Mr. THERIAULT of Rumford

Ms. CLARK of Freeport

Messrs. NELSON of Roque Bluffs

LOUGEE of Island Falls

HICKEY of Augusta

BUNKER of Gouldsboro

AUSTIN of Bingham

MacEACHERN of Lincoln

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-385) on same Bill.

Report was signed by the following member:

Mr. LAFFIN of Westbrook

— of the House.

Reports were read.

Mr. Theriault of Rumford moved that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs

Whereupon, Mr. Theriault of Rumford requested a division.

The SPEAKER: All those in favor of tabling until later in today's session will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative and 65 having voted in the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I am well aware of where this bill is going with only one "ought to pass." However, what the bill does, and I wish to bring it to the attention of the House, is mandate that anybody who had served in the military service and who worked for a local participating district be able to credit his military service retirement if he so chose. Unfortunately, the situation is now in many of your school districts whereby the teachers are able to credit their service time and the janitor or the custodian or the cafeteria workers are not able to credit their service time. I think that this is a very serious inequity and something should be done about it. I realize there are other arguments against it; however, I wish that you would seriously consider this bill because it does attempt to solve an inequity.

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

Mr. THERIAULT: Mr. Speaker, Members of the House: There is one bad feature of this bill. It is going to force the municipalities, the cities and the counties to pay for something that they are not prepared to pay for. This is anything but local control.

As Mr. Stubbs from Hallowell said, it is a mandate. They will have to do it if you pass this law, they will have no choice in the matter. This is not a bill that would cost the state anything but it would cost the people in different cities and towns or counties something. In fact, when I asked the sponsor what the cost would be for this, he said there is only one employee in

Hallowell that would be affected and this is not going to cost very much. Actually, I think it would cost on the average of \$2,000 per person that would go under this. It is not definite and I have no proof of the fact, but the point of it is that though it did not affect Hallowell very much, he was not too interested in how much it would affect other cities and counties. I hope you will vote "ought not to pass."

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, 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.

88 having voted in the affirmative and 12 having voted in the negative, the motion did prevail.

Sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Exempt Public Libraries from the Sales Tax" (H. P. 1052) (L. D. 1285)

Report was signed by the following members:

Mr. WYMAN of Washington

—of the Senate.

Mrs. POST of Owls Head

Mrs. CHONKO of Topsham

Messrs. TWITCHELL of Norway

MAXWELL of Jay

CARTER of Bangor

MACKEL of Wells

—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. MARTIN of Aroostook

JACKSON of Cumberland

—of the Senate.

Messrs. IMMONEN of West Paris

COX of Brewer

CAREY of Waterville

TEAGUE of Fairfield

—of the House

Reports were read.

On motion of Mrs. Post of Owl's Head, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

**Divided Report**

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act to Provide for the Retirement of Forest Rangers in Fire Control Work after 20 Years of State Service" (H. P. 1412) (L. D. 1580)

Report was signed by the following members:

Messrs. COLLINS of Knox

LOVELL of York

O'LEARY of Oxford

—of the Senate.

Mr. THERIAULT of Rumford

Ms. CLARK of Freeport

Messrs. NELSON of Roque Bluffs

LOUGEE of Island Falls

HICKEY of Augusta

BUNKER of Gouldsboro

AUSTIN of Bingham

MacEACHERN of Lincoln

—of the House.

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

Report was signed by the following members:

Mr. LAFFIN of Westbrook

— of the House.

Reports were read.

Mr. Theriault of Rumford moved that the Ma-

majority "Ought Not to Pass" Report be accepted. The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not accept the Majority "Ought Not to Pass" Report and that we can accept the minority report. This bill is an attempt to put the forest rangers, those that are involved in the forestry service, with fire control, to put them in the same category as the state police, the fish and wildlife wardens and the marine resources wardens and to give these forest rangers the same benefit as those other enforcement officers.

Your forest rangers, as you know, enforce your litter laws, issue your fire permits and enforce your open fire regulations. In this kind of weather where there is any danger of fires, they are patrolling in all forestry districts of the state. Their duty is to organize the fire crews and direct them in putting out the fires. I think that they should be in the same category as other enforcement officers.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: This is just another one of the bills that would change the benefits for a special interest group to try to bring the group nearer to the level of the state police. The words "special interest group" is not meant to be derogatory, but how else can you describe a group who is asking for something for their group and no one else? Is it not of special interest to that group alone?

This bill would do two things. It would lower the years of service necessary to 20 years and would permit the ranger to retire without taking any option and collect 100 percent of his retirement benefits. If he or she should die before his wife or the spouse, then he or she would automatically receive half the amount being paid to the ranger at the time of his or her death.

There is no fiscal note on this bill but the cost which the actuary came up with was \$1,000,848.69. It would have to be paid at the rate of \$225,000 per year to liquidate the additional cost and would come to 22.49 percent increase in contributions. I hope you go for the "ought not to pass."

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: We are back on the veterans and retirement money bills once more. It seems to me that every time we come up here to try to help the working people of this state, we always talk about money and, to be sure, that undoubtedly is the name of the game. However, what we are talking about this morning is the forest rangers who work for the State of Maine. We have 97 forest rangers in this state. We have 37 towers that they are in control of or are under their jurisdiction.

The forest ranger is an important part of the State of Maine because of the fact that we have so many forests in this state, forests that should be protected at all times. Many times in the cities we do not need forest rangers because we have city fire departments. The forest rangers do absolutely nothing for the cities, but they do for rural Maine what the city fire departments do for cities, they protect its woodlands, in many cases, camps and cottages and summer homes rural sections where there are small towns. Many times when they have a fire and it is not an incorporated town or an organization, the forest rangers are in charge of the protection of the woodlands. Many times when a fire breaks out in the small rural areas of this state, the town fire chief sees that it is a fire in the woods, he then calls in the forest rangers. The forest rangers and the fire chiefs of the local

towns, there might be four or five chiefs because certain ones cover different towns and are spread out, but the forest ranger then takes over, he becomes in charge. If there is a fire line, he directs it. He is in the wilderness, he is in the woods to put out these fires. Believe you me, a forest fire is a very hard fire to put out. When a building is on fire, it can be raging but in a very short time it can be brought under control in the cities. However, that is not true in the woods because water is not always accessible. They have to go, in many instances, miles into the woods to get to the fire. They have to carry tanks on their backs, and these are all under the jurisdiction of the forest rangers, to see that our woodlands are protected. Many times the forest rangers are in the woods for many hours. He does not go home at eight o'clock or nine o'clock, whenever his tour duty is over, if there is a fire raging. He stays at the fire line.

Many of us here are working in private industry, at five o'clock we close our shops and we go home. A forest ranger is on call at all hours of the night. He is a servant of the people and he is out there protecting the woodlands of this state.

There are those who will say it is a million dollar price tag. I cannot deny that because I do not know whether that is true or not, but I have the greatest respect in many instances for our House Chairman on figures, because whenever it comes to a money figure, he is right there with the figures, and that I can't deny.

I feel this morning, where we have forest rangers working for the people of Maine, we should protect them and their families. This bill is so if a forest ranger should die, his widow would be protected by giving one of his pay to her. I think that is a small price to pay. I don't know what price people put on lives, some have more than others, but regardless of whatever the price you do put on this bill. I feel that it is something for the people of this state to consider. I don't think there would be any hardship to the fund if we gave them a retirement age for being out in the wilderness and fighting these forest fires. You have to be in the fire service to realize what a forest fire actually is. In Cumberland County, we only have seven towers and that is not too many, and the rest are all up in the middle part and northern part of the state.

In some part of the State, through testimony from the rangers that appeared, it was proven that in many cases they don't even need a tower because the wilderness is so vast that any smoke that comes up, they know that there are no homes in there and immediately they go right to the fire. It may take them hours to get there, but it can be pinpointed because of the wilderness area.

I would certainly urge the members of this House to give this bill very careful consideration. If we want good firefighters to protect our woodlands and protect our wilderness, I certainly believe that this bill is a worthwhile bill, regardless of the cost. We will always get the money, we always find money somewhere when we need it for certain bills, and even if it is on the 11th hour, we always seem to come up with it somewhere.

I would certainly urge the members of this House not to consider the money in this bill but to consider the people. I have always believed that people are worth more than money any day. Consider the people, the men who fight these forest fires, and I would certainly ask for your support and ask for the yeas and nays.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the Houser: I can assure you, the cost is \$1,848,699. I know my figures because I get them from somebody who does know them, and that is the actuary who does all the work for the Retirement System. That is the only time I quote costs or figures, when I am sure of them.

This, as Mr. Laffin of Westbrook says, would help the working people. I don't believe that that is exactly true. We may be helping some working people, but in doing this we are hurting others, and we are hurting more of the working people by passing this. If we help this group, we are hurting all other groups, and I maintain that we hurt more working people by passing this measure.

About the amount to widows or survivors, if this bill passes, what this means is that the automatic amount that the survivor would get, a widower, would be half of what the person who died was receiving. But if this bill does not pass, all the changes that it makes, that the person who is retiring would have to take the option that would pay his widow half pay when he or she dies so that at that point, when he makes the option, he would have a reduction on his retirement benefits. That is the only difference.

I hope you go for the "ought not to pass."

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, 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 — Aloupis, Ault, Austin, Bachrach, Bagley, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.C.; Bunker, Burns, Bustin, Byers, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Kane, Kany, Kilcoyne, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrairty, McHenry, McKean, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Perkins, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Twitchell, Tyndale, Valentine, Whitemore.

NAY — Conners, Connolly, Dutremble, Elias, Goodwin, H.; Hobbins, Kelleher, Laffin, Locke, Mills, Norris, Prescott, Strout, Stubbs, Tozier, Truman, Wood, Wyman.

ABSENT — Beaulieu, Birt, Brown, K.L.; Carey, Devoe, Fowlie, Huber, Jalbert, Joyce, Kerry, McMahon, Moody, Peakes, Peltier, Wilfong.

Yes, 117; No, 18; Absent, 15.

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

Sent up for concurrence.

#### Divided Report

##### Later Today Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Clarifying the Tax Status of Regional Planning Commissioners and Councils of Government" (H. P. 555) (L. D. 672)

Mr. JACKSON of Cumberland  
—of the Senate.  
Mr. IMMONEN of West Paris  
Mrs. POST of Owls Head  
Messrs. TEAGUE of Fairfield  
CAREY of Waterville

—of the House.  
Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-380) on same Bill.  
Report was signed by the following members:

Messrs. WYMAN of Washington  
MARTIN of Aroostook  
—of the Senate.

Messrs. MAXWELL of Jay  
CARTER of Bangor  
COX of Brewer  
MACKEL of Wells  
—of the House.

Reports were read.

Mr. Carey of Waterville moved that the Majority "Ought Not to Pass" Report be accepted. On motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Carey of Waterville to accept the Majority Report and later today assigned.

#### Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-387) on Bill "An Act to Clarify and Reform the Laws Relating to County Law Enforcement" (H. P. 214) (L. D. 224)

Report was signed by the following members:

Messrs. JACKSON of Cumberland  
HICHENS of York  
—of the Senate.

Messrs. STOVER of West Bath  
HENDERSON of Bangor  
McPHERSON of Eliot  
Mrs. MARTIN of Brunswick  
Mrs. BERUBE of Lewiston  
Messrs. GRAY of Rockland  
LaPLANTE of Sabattus  
HICKEY of Augusta  
—of the House.

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

Report was signed by the following member:  
Mr. O'LEARY of Oxford  
—of the Senate.

Reports were read.

Mr. Henderson of Bangor moved that the Majority "Ought to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to pose a question, if I might, to the good gentleman, and I am sorry I didn't have a chance to ask him before but I just saw that on the Consent Calendar Second Day, we have an item that looks very much, at least in part, like the bill that is under discussion right now. I wondered if it is a duplication or there are differences between the two bills?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, 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, there are differences. In fact, the bill on the Consent Calendar is a segment of this more comprehensive bill revising the recruitment of deputy sheriffs, their pay and so forth. The one on the Consent Calendar is a much narrower bill, dealing mainly with their rate of pay, their compensation. This bill now before us has that segment in it but it is a more comprehensive bill designed to professionalize deputies and take them out of the political process, provide civil

service, primarily, for deputy sheriffs. So, if the comprehensive bill fails, the committee would then offer the other bill, which will be tabled later for the House's consideration.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read one. Committee Amendment "A" (H-387) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Consent Calendar  
First Day**

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

(H. P. 970) (L. D. 1167) Bill "An Act Authorizing School Administrative Units to Charge a Driver Education Course Fee during the School Year" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-395)

(H. P. 763) (L. D. 931) Bill "An Act to Amend the Benefit Financing Provisions of the Employment Security Law" (Emergency) — Committee on Labor reporting "Ought to Pass"

(H. P. 1540) (L. D. 1770) Bill "An Act to Amend the Charter for the Maine Institution for the Blind" (Emergency) — Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 237) (L. D. 300) Bill "An Act Relating to Expenditures of Municipalities for General Assistance" — Committee on Performance Audit reporting "Ought to Pass" as amended by Committee Amendment "A" (H-393)

(H. P. 1393) (L. D. 1636) Bill "An Act to Provide for Legislative Review of Federal Grant Applications by State Agencies" — Committee on Performance Audit reporting "Ought to Pass" as amended by Committee Amendment "A" (H-392)

(H. P. 848) (L. D. 1039) Bill "An Act to Permit Municipalities to Renew Motor Truck Registrations" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-397)

(H. P. 1221) (L. D. 1448) Bill "An Act to Establish a Sign on the Maine Turnpike Showing the Exit for Coastal Maine" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-396)

(H. P. 1369) (L. D. 1594) Bill "An Act Relating to Use of Criminal Records in Occupational Licensing" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 1282) (L. D. 1518) Bill "An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems" — Committee on Natural Resources reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 25, 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. 550) (L. D. 667) Bill "An Act Concerning Fly Fishing in the Kennebec River" (C. "A" H-386)

(H. P. 905) (L. D. 1118) Bill "An Act Relating to The Licensing of Auctioneers" (C. "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."

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

**Tabled and Assigned**

(H. P. 992) (L. D. 1191) Bill "An Act to Define

Duties and Set Salaries for Special and Part-time Deputy Sheriffs" (C. "A" H-388)

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-388) was read by the Clerk.

On motion of Mr. Henderson of Bangor, tabled pending adoption of Committee Amendment "A" and specially assigned for Thursday, May 26.

(H. P. 1214) (L. D. 1451) Bill "An Act Concerning Record Checks on Applicants for Employment with Fire Departments"

(H. P. 224) (L. D. 288) Bill "An Act to Amend the Priority Social Services Program to Serve Elderly Health Needs" (C. "A" H-378)

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

(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"

(S. P. 425) (L. D. 1483) Bill "An Act Concerning the Podiatrics Practice Act"

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.

**Second Reader  
Tabled and Assigned**

Bill "An Act Authorizing Municipalities to Create Development Districts" (H. P. 1216) (L. D. 1482) (C. "A" H-377)

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

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

Mr. MacEACHERN: Mr. Speaker, I am in the process of having an amendment prepared for this bill, and I would hope that someone would place it on the table.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed as amended and tomorrow assigned.

**Passed to Be Enacted  
Emergency Measure**

An Act to Increase and Clarify Borrowing Capacity of the Topsham Sewer District (H. P. 837) (L. D. 1025) (H "A" H-360 to C "A" H-291)

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. 116 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 Operation of Vehicles on Private Property (H. P. 206) (L. D. 265) (C "A" H-323)

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

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't have the committee amendment and maybe that would clarify it, but I am looking at the bill and the title of the bill is different from the title listed on the calendar. Maybe the change was made in the amendment. I don't know, so I wish somebody could explain it to me.

The SPEAKER: The Chair would advise the gentleman that the bill was amended by Committee Amendment "A", which also changed the title, under filing No. H-323.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to the Motor Vehicle Excise Tax (H. P. 243) (L. D. 316) (C "B" H-335)

An Act to Permit Carpools Under the Public Utilities Law (H. P. 247) (L. D. 319) (C "A" H-333)

An Act Exempting Farm Machinery from the Personal Property Tax (H. P. 393) (L. D. 482)

An Act Relating to Recoupment Procedures under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act. (H. P. 514) (L. D. 632)

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 to Establish Procedures for Promulgation of Regulations Governing Travel Expense Reimbursement (H. P. 656) (L. D. 799)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and tomorrow assigned.)

An Act Concerning Sound Media Near Voting Places on Election Day (H. P. 981) (L. D. 1187) (C "A" H-324)

An Act to Create the Voluntary Fish Products Inspection Program (H. P. 995) (L. D. 1184) (C "A" H-331)

An Act to Amend and Repeal Certain Laws Relating to Agriculture. (H. P. 1065) (L. D. 1292) (H "A" H-346 to C "A" H-320)

An Act Converting Hammond Plantation into the Town of Hammond (H. P. 1088) (L. D. 1312)

An Act Relating to Expenditures of the Town Road Improvement Fund (H. P. 1132) (L. D. 1350)

An Act to Define the Term Intersection (H. P. 1220) (L. D. 1447) (C "A" H-334)

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 to Require a Cost-Benefit Evaluation of Government Regulation (H. P. 1565) (L. D. 1779)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and tomorrow assigned.)

**Orders of the Day**

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Veterans and Retirement on Resolve, to Increase the Retirement Benefits of Helen B. Pearson (H. P. 1057) (L. D. 1287)

Tabled — May 20, 1977 by Ms. Clark of Freeport.

Pending — Motion of Mr. Theriault of Rumford to Accept the Majority "Ought Not to Pass" Report.

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

Mr. THERIAULT: Mr. Speaker. Members of the House: I know many of you have been wondering why I keep tabling this, but the reason for it is that the lady in question, Mrs. Pearson, while in the employ of the state, was disabled. She was in an accident where she was hurt and she didn't realize that she could get a disability pension on it. She has put in the application for that disability and as yet the form accepting it has not been returned from the person who is evaluating it at this time. We were

supposed to get that last Friday but were not able to, and I hope that someone would be kind enough to table this so that we can wait another couple of days for that.

On motion of Mr. Quinn of Gorham, tabled pending the motion of Mr. Theriault of Rumford to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, May 26.

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

An Act to Dissolve Vocational Region 9 and to Establish a Vocational Center to Serve Northern Oxford County (Emergency) (H. P. 1113) (L. D. 1372) (C. "A" H-273)

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

Pending — Passage to be Enacted.

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

Mr. THERIAULT: Mr. Speaker, Members of the House: I hope that you will vote to reconsider this bill and after reconsideration that you would vote for enactment.

All this bill would do is to give the people in the northern Oxford vocational area a chance to vote on whether they want to dissolve Region 9 and establish a vocational center. This may seem a sure way of putting the entire control of vocational training in Rumford, but I do not see it that way.

It was said the other day that the situation in north Oxford vocational area last summer was caused by some hot heads and the trouble was local in scope. I do not agree with that. I believe that it was not hot heads that were involved in this but if you had been in my home town last summer and the representative running for reelection, you would have seen that at least half of the people were really upset and very much dissatisfied with Nova.

If this bill before us today should pass, it would go to referendum vote to the people in our area. There are six SAD's involved and four of them would have to agree to dissolve Nova for it to become effective. If three of them do not agree, then Nova will continue. The best thing about this bill is that if the people have a chance to vote on dissolving Nova and the vote is not to dissolve, then I feel sure that Nova would be revived and that those who are dissatisfied with it would know that they had their day in court and would go along with the majority. If this L. D. does not pass and the people have no chance to vote on this issue, then we can expect trouble from Nova again this summer and trouble and turmoil will continue to hound us until the issue is resolved through some other bill in some future session of the legislature.

The ones who will suffer the most, if we fail to pass this L. D., will be the students in our area who hope to take vocational training and will never be sure of just how they stand as long as this matter is not resolved. Please vote for reconsideration and enactment.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I wish I wasn't the sponsor of this bill and have to speak against it but I am and I have to.

The People in my area, as far as I can find out, are all against this bill, except the Finance Board of Rumford, and I don't think the Finance Board of Rumford should sling everybody up in that area. The people in Bethel, Dixfield, the Principal's Association, the superintendents are all against this bill. What is so bad about it, I really don't understand, but I hope that you will vote against the bill.

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

Mr. THERIAULT: Mr. Speaker, Members of the House: I can assure my friend Mr. Rollins from Dixfield that there is more than the Finance Committee in Rumford that is for this bill. There are many people for it, and in any case, if everybody is against it, then it doesn't have a chance in the referendum, that is all we are asking for, is to let the people decide for themselves, not somebody to contact someone telling them they don't favor it. How many people contact you on any one bill anyway? Just think of that. I hope you will go for reconsideration and for enactment.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do support the motion to reconsider and then pass the bill.

The SPEAKER: The Chair would like to correct a misimpression. The pending question is enactment.

Mr. LYNCH: Ladies and Gentlemen: Then I hope you do vote for enactment.

The bill requires that three quarters of the communities must vote in favor of the prevailing question. Rumford alone cannot control this situation. If four of the six communities decide not to go to a vocational center, Rumford can do nothing whatsoever about it, it will remain as a region. If four of the communities, including Rumford, decide that they want a center, then it will be a center vocational operation, but whatever decision is made, the people in the six communities will make it themselves.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to enter this debate among the folks of northern Oxford County, but it has come to my attention from people I know up there that there is a great deal at stake in the bill.

Mr. Lynch has suggested that we ought to adopt the bill and let this thing go to referendum because I guess what he is saying is that he is pretty sure that it is not going to pass.

Let me speak instead about what will happen if the bill does pass. I will be corrected on the floor by Mr. Theriault, I assume, if the information I have is wrong. If this thing goes to referendum and District 9 is in the hands of the Rumford Finance Board. This has been described to me as a power grab by the Rumford Finance Board which has an appointed agency. Under the Rumford Charter, if my information, again, is not incorrect, the only way that decisions by the Rumford Finance Board can be overturned is by a 2/3 vote of the citizens.

The students affected in this L. D. are all of the students in the school administrative district of the Bethel area, of the Mexico area and of the Dixfield area. It seems to me what we are doing is playing power games with the vocational training of a lot of students who really don't have too much to say about what is happening here.

I would urge you to vote against enactment.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We have 14 vocational centers in the State of Maine. They are operating. They are operating in the same manner that Rumford will operate, and I think it is very confusing to say that Rumford cannot operate as a center as the other 14 centers in Maine are continuing to operate at the present time.

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

Mr. BUSTIN: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch. Is it not true that one of the significant dif-

ferences between the vocational region and the center concept is that the town where the center is located has absolute control and the other communities pay tuition?

The SPEAKER: The gentleman from Augusta, Mr. Bustin, has posed a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: That is the way the vocational centers operate, but they are operating. They are operating in 14 centers in the State of Maine. Why is there something so unusual about the Nova center concept that is different? We have changes in the vocational center and vocational region governance coming up for consideration in this legislative session, but I can't find that sending a bill to these six communities for them to vote on is so unusual that we have to kill the bill in this legislature. Let it go to the communities. If they understand what is going on and if they decide they don't want a center, they will vote against it and there is nothing Rumford can do to counteract it.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Augusta, Mr. Bustin, he explained this power play very well.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let me just define the way I see what the difference is as Mr. Lynch has indicated. The difference is in establishing a center in this particular situation is that the total power is in the hands of an appointed finance board and that board is controlled by certain economic interests whose primary goal is I would suggest is not the advancement of vocational education in that area.

The SPEAKER: This being an emergency measure, it requires for its enactment the affirmative vote of two thirds of the entire elected membership of the House. Those in favor of final enactment will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Lynch of Livermore Falls 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. Those in favor will vote yes; those opposed will vote no.

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: You have just heard the gentleman from Augusta, Mr. Bustin, say that this is a power play by Rumford. One of the few areas in the state in which we have difficulties with the vocational center is the City of Augusta, and I think the move may be to introduce something into the governance of vocational centers in the Rumford area that can be transmitted to other vocational centers.

I hope you do not open this thing up. Let it go to the people in the Nova region; let them decide, don't you decide.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Livermore Falls is absolutely right about this district, this center, the center in Augusta. My school in Winthrop, Gardiner, Hallowell, Erskine, all come here and they all object very

strenuously to the way this thing is run solely and simply by Augusta. I can't imagine why the people in the other districts want to change from a region, which gives everyone some say, to a district, but they do, and if they want to change, I think they should have the chance to vote. Some of them want to change, I don't know how many, I don't know how the vote will come out, but it seems to me that they ought to have the right.

I had a bill in to change this area to a region from a district. I withdrew it on the statement that some of the people were going to try to see that the advisory committee, which is part of a center plan, would be listened to a little more carefully by the people in Augusta. I don't know if it is going to work or not. If it is not, I may be back with another bill in the next session, but at any rate, for the time being, it seems to me that it is only logical, let the people in the area decide what kind of a form they want. As I say, I can't understand why they want to change but if they do, if we prove to have a majority up there, I think they should have that right.

Mr. Bustin of Augusta was granted permission to speak a third time.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to advise the gentleman from Livermore Falls, Mr. Lynch, that he is 100 percent wrong regarding his suspicions to my motivations. The only reason that I got involved with this bill is from people in that area who really fear the deterioration of the vocational educational program up there in that area.

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

Mrs. MITCHELL: Mr. Speaker, Members of the House: I think you should not be misled by the title of this bill. The vocational region will not be dissolved unless four of the six towns vote for that to happen.

There is a great deal of ill feeling, you can feel it here in the legislature and you don't even live in the region. These people cannot be forced to work together. Give them a chance to go and vote on this issue, that is what the bill does, it says they will vote. Rumford is only one of the towns that can count towards this vote. It must have three other towns of the six that agree with it before the region is dissolved.

I urge you to vote for enactment of this bill.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted as an emergency measure. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K.C.; Bunker, Burns, Carey, Carrier, Carroll, Carter, D.; Chonko, Connolly, Cote, Curran, Davies, Devoe, Dow, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Gauthier, Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kelleher, LaPlante, LeBlanc, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Masterton, McBreairty, McHenry, McMahon, Mills, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Talbot, Tarbell, Tarr, Theriault, Tierney, Traflet, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Berry, Birt, Blodgett, Brown, K.L.; Bustin, Byers, Carter, F.; Churchill, Clark, Connors, Cox, Cunningham, Dexter, Diamond, Dudley, Durgin, Garsoe, Gill, Gillis, Higgins, Hunter, Kany, Kilcoyne, Laffin, Lewis, Littlefield, Mackel, Martin, A.; Masterman, Maxwell, McPherson, Morton, Norris, Palmer, Pearson, Perkins, Rollins, Shute, Silsby, Smith, Stover, Strout, Stubbs, Teague, Torrey, Tozier, Whittemore.

ABSENT — Ault, Austin, Beaulieu, Boudreau, P.; Fowlie, Goodwin, H.; Huber, Jalbert, Kerry, Marshall, McKean, Moody, Peakes, Peltier, Sprowl.

Yes, 89; No, 47; Absent, 15.

The SPEAKER: Eighth-nine having voted in the affirmative and forty-seven in the negative with fifteen being absent, and eighty-nine being less than two-thirds, the bill fails enactment.

Sent to the Senate.

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

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

Tabled — May 23, 1977 by Mr. Greenlaw of Stonington.

Pending — Acceptance of the Committee Report.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this bill is a very important bill and very worthy of your consideration. I don't feel that it is worthy of your consideration when this bill will cost over a half million dollars in two years' time.

I believe that some of the judges are worthy and some are not. This is my personal opinion. I have watched some of their decisions very carefully. As a matter of fact, I was quite upset recently when I saw in the Portland paper that a rapist was tried and convicted and he was given a six year sentence by one of the judges when the maximum sentence is 20 years. This is the type of thing we run across when we leave it to the discretion of some of the judges. Some of the judges are very good friends of mine; some of them are excellent; some others are limited, I think, and others I have very grave reservations about.

Some people say that our judges are the lowest paid in the nation and maybe this is so, but remember that most of the judges that we have now in any of the three courts also went on there voluntarily. Nobody twisted their arm to get on there. They are there and they never resigned because they could not take the strain or they could not do anything else. As a matter of fact, some of them could not take the strain and they are sick and everything else and they still get their pay which is much better than many state jobs.

I submit to you that the wages do differ in different courts, and aside from that, if you are to actually take everything that is involved into their remuneration for their services to the state, I submit to you that this amounts to a good year's wage. Maybe they deserve it, but I do not think that they deserve a \$7,000 raise at present. I do not think that the state can afford this. I am not willing to pay for that amount of money. They might deserve something. We have a lot of other state people that deserve raises and deserve a lot of other consideration, but we cannot give it to them because we haven't got the money. I think these people should be put on the same level as others.

I would like to just say a few things of how you can figure their wages. In the first place, the superior court judges get \$25,500. You have to remember that all these judges come under a non-contributory payment plan as far as retirement is concerned. This is really the crux of one of the points I am going to make. By not even contributing to it, if they make a salary of \$25,000, others make a little less, others a little more, after seven years, you tell me anywhere else in this state where you can retire after seven years at 70 and receive three quarters of that which is roughly \$19,000, now, you think about that a minute. If they do not retire at 70,

they can retire at 65, as long as they have served on two different courts, and after 12 years of service, they can still get three quarters of their pay. This is quite a thing. Some people argue at different times that we should not retire people after 20 years at a pension, that we should not retire them at 25 but here we are retiring people with 7 or 12 years at three quarters of their pay which amounts to a very substantial amount.

If this raise goes through, don't forget that we do have some retired judges. These people too would be subject to some of the new rules, the new laws that you would pass. I submit to you that if the widows of the judges can draw retirement at three eighths of their pay, if you have somebody at \$25,000 a year, roughly, the widow will get \$10,000 for the rest of her life. If you do not think this means a lot, you can sit down, take a pencil and figure it out. If your husband was paid \$25,000, how much is the retirement plan worth to him and to you? It is a protection for life whichever way you look at it. It is a protection for life, what other state employees or anybody that works for the state has legislature ever offered such a plan? Never, not that I know of.

As I said before that this amendment doesn't do that much difference. The only difference that it does do is actually complicate things a little bit, I think. It does do two things. It divides the \$7,000 in two years which still adds up to a \$7,000 raise no matter how you cut it. The other thing on the second page is that when the judges are appointed, they shall reside where they will be judges. This came up a few years ago. We had somebody that had been talked about being appointed judge. This person refused or gave an ultimatum to the ones that were going to do the appointment that unless this person got appointed into the district in that particular district where the resident was, then the job would not be taken. This is quite an ultimatum and I think to in a bill at this time very unfair.

I know some very qualified, interested, dedicated people from Portland who were for law and order and they would have made tremendous judges and they did not take that position because they would have had to move their family from Portland and go into some other district or go at large. I think that, at this time, it is very unfair to put this in here where they themselves have to pass over this appointment because the others got it and they tried to put it into law. Like I said again, the argument can go forever. I am very interested in what goes on no matter how unpleasant it is at times but I am also very aware as to how some of the appointments were made. I could question how they were made but I don't have to because I know how they were made. The fact is that I did like some of the other legislators when we had a little hearing, we had the judges down here. It seemed as like other legislators, I kind of objected to it because I think we were sold a bill of goods on the floor of the House here by the judge that came down here and told us how much they needed this thing. We all can use some money. But I do not think that we should go as high as \$7,000 dollars. That is more than a lot of people earn in a year. But he also has to work for it, so that is okay. A procedure which has bothered me a little bit and maybe the result would not have been any different, but this type of bill before was always sent to the Judiciary Committee. When it was sent to the Judiciary Committee, it had the same thing. It had a cost on it, an appropriation and everything else but then it went on the table. I don't know if the results would have been any different if it went to the Judiciary Committee, but this is something to note.

Again, I say to you that I have been subjected to some of the sentences that some of these judges have given. I want to make it very clear

to you that I do not talk in generalities, I talk in specifics. I think some judges are probably the best we can have. I cannot visualize a merit system under the judges because that would be impossible to administer. I can only say to you that you can inquire where you live and you will find that if we were running a popularity contest for the sentences handed out, some of the judges would not fare too well. I think that it is worth a lot of consideration. I do think that maybe, by amendment, we can do something here. But I do not sincerely believe two things: One, is that we should get involved in a \$7,000 raise and secondly, we cannot afford it. I would rather give them a little less and, if possible, give others, some. If we cannot give the others some, then it is up to you to decide if you still want to give some to the judiciary.

I have respect for the judiciary. I have respect for the laws of this state. But I do not think that of all that has happened here that we are in a position to give anybody a \$7,000 raise regardless of the argument that they are the lowest paid in the United States. I know this. I think that some of them might deserve a raise but I do hope that you give this good consideration and no matter what happens with it, I will bear it, I am sure.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would accept the unanimous report from the Committee on Appropriations and Financial Affairs, if for no other reason, the fact that it had a very distinguished sponsor who has had other great pieces of legislation before you such as the powers and duties of the Eagle Lake Water District. That, in and of itself certainly ought to give this bill consideration.

Very seriously, though I would like to explain to you what this bill does and the feeling of the Appropriations Committee. When the bill first came to us, it was a flat \$7,000 across the board for both years. As you probably well know by now, it has been amended to \$3,500 in the first year and the second \$3,500 in the second year. It will bring the district court judges from \$23,000 to \$26,500 the first year and \$30,000 the second. The superior court judges from \$25,500 to \$29,000 in the first, then \$32,500 in the second. Then the supreme judges from \$26,000 to \$29,500 and then to \$33,000 in the second year. I think perhaps it should be noted here that our superior court judges are 47th in the nation in terms of their pay and that our supreme court judges are 50th in the nation in terms of their pay. The last raise which the judiciary received in Maine was in 1974 which amounted to about a 4 percent increase. I realize that times are tough. I think you all know that this is going to go to the Appropriations Table. It is going to be in as precarious a position as any other piece of legislation that we have there. All of us on the Appropriations Committee felt that it at least it deserved that chance.

I do not think the retirement benefits really have anything to do with this particular debate. I think the thing we should be concerned about is the kind of people we are going to attract to the judiciary. The people we attract are usually men and women in the prime of their career who are able to command from anywhere from \$50,000 to \$100,000 a year. We then ask them to take a job at \$23,000 \$25,000, \$26,000. I am not sure how long we are going to be able to attract some of the qualified people that we have been lucky enough to get. If you want to compare some salaries, start looking at say the supreme court, \$26,500, The chief medical examiner in the State of Maine gets \$45,000. The Chancellor of the University of Maine, \$42,000. The president of the campus at Orono, \$39,200. The president at Portland-Gorham \$38,100. The Director of the Department of Mental Health, \$39,000. I think that these salaries are really way out of

whack. I realize that there is not much money to go around. I realize it may well die on the Appropriations Table but I think it is certainly worthy of our consideration when we start to divide up the pie.

I hope you will accept the "Ought to Pass" Report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When I first came to the legislature in 1969, I heard the very speech given then as we heard now by the Chairman of the Appropriations Committee that we let this bill go on its way over to the other body and set on the table, that the justices of the State of Maine are not paid adequately, that we will fail in 1969, in 1971, in 1973, in 1975 and now in 1977 to attract qualified individuals to serve on the distinguished courts of the state. I beg to differ with the gentlelady as I have in the past with former speakers in this house that, in fact, we would fail to get qualified individuals. We have an outstanding court.

I sympathize and appreciate the comments of the gentleman from Westbrook, Mr. Carrier and I think the House should heed well this morning that this bill should not pass based on the fact that we are the 47th in the nation in terms of salaries for the justice of the state, the earnable income of the people of Maine rank somewhere in the 40's or the 45's. My good friend from Sangerville said it is \$39,000. A \$3,500 raise is a substantial amount of money in consideration of the retirement benefits which I think we should deeply take into consideration and I am surprised that my good friend from Rumford, Mr. Theriault, is not up on his feet concerning the fact of what the retirement benefits are.

I think this bill really needs a haircut and a shave. What we should do is give it a good trimming here this morning and if the motion has not been made, I move that we indefinitely postpone the bill, notwithstanding the sponsor.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I think Ms. Goodwin was right when she said we had a few things out of whack. I think this bill here with the price on it is really out of whack. A few weeks ago, I remember Ms. Goodwin getting up and saying there was nothing for the elderly and a few other people in this House. I do not think we should take all our eggs or all our money and give it in one basket to just a certain segment in the state. I think we should divide among the people who are also suffering and deserving. I do not think anyone is suffering when he or she is earning \$26,000 a year. I think that is far from suffering. I think the elderly people are suffering much more than that. In fact, I read in the paper yesterday where in Sanford, Mr. Nadeau, was called by the selectman because they want to cut this ride that the Sanford bus has got a hard time and there are a lot of people that are paying 50 cents. The Portland Press Herald mentioned it yesterday morning that a lot of these people haven't got a car. They are taking that bus just to take a ride from Sanford, to Springvale. I think it is a shame. I think some of those people deserve having a little consideration. My wife and I were discussing it. We said these people should have a chance to ride on a bus like that and not to be tied in their home all of the time.

I think sometimes you have to divide and I think this is the time. I think when you are giving these people \$7,000 in two years, you are not being fair to the elderly and the other people. This is the reason I am going to vote against it.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you do not

indefinitely postpone this bill and that you do support its passage and that it has a high priority on the Appropriations Table.

I do support all of the comments that were made by the gentlelady from Bath, Representative Goodwin, that these needs need to be met.

I think that the judiciary, for several years, have not been given any consideration. I think there is a need to consider them. I think some of these people have been subjected to severe health conditions due to the tremendous amount of work they put on. I know they are a hard-working group of people, People who put a great deal of time over and above the normal workday. I think that if we are going to continue to attract and hold people to the courts, the type of people we want, that we have got to give them consideration.

I hope this bill is not indefinitely postponed.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Two short statements. My first statement is I did not like to see the judges lobbying us when they were here. The second statement is when the judges start handing out the sentence to fit the crime, I will vote to give them a raise.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I will make two brief points. The first is that day after day, session after session, we, in the legislature, are loading down onto our courts, the district and superior courts in the State of Maine and our judges, more and more duties and responsibilities, more and more rights, and more and more due process rights, more hearings.

The characterization or the character of our judiciary in the State of Maine is undergoing change. It used to be that a man or a woman before he or she went onto the court would go onto the court in his or her later years. After making his or her money, after putting their children through college, after obtaining all material necessities for security that they might have, this was the crowning or the capping of their judicial and legal career. That is no longer the case today. We have a younger and younger judiciary based on a career for judges today. If we are going to attract career, high quality jurists of younger age it is necessitating that we attract these men and women of younger age in order to carry out all these additional burdens. If we are going to maintain the high quality of younger career jurists, it is going to be necessary to compensate them equally or roughly equally to that which they could obtain in the private market. The private market at \$23,500 for a district court judge, a law student, just a mere few years out of law school, will be making that if not greater. If we are to maintain the career judiciary in the high quality that we need, I think we have got to grant the \$7,000 increase.

It is said that the \$7,000 dollars increase would merely represent a cost of living and not a real net increase in salary in terms of disposable income.

I, like Representative Martin, who opposed and did not appreciate the lobbying that this body and the other body went through by justices on our courts, would urge that we pass this in an attempt to maintain the integrity and maintain the independence of our judiciary. This is our third coordinate branch of government, just as we the legislature and the executive branch is. I do not appreciate having to have the judiciary and members of the judicial branch come crawling on their knees for basically a cost of living maintenance increase.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I urge you to vote against the motion to indefinitely postpone this bill. I frankly was embarrassed and felt it was a black mark on the legislature to sit and listen in the appropriation hearing room to these judges coming one by one before us and baring their souls and literally pleading that they be given an increase.

It is very difficult to attract judges to the bench these days. Many lawyers came and testified and said that they were paying more in income taxes than the judges were now receiving in salaries. They work hard and they work long. They are highly educated individuals and naturally want the same education for their children or similar and many of them have children now who are college age and they just cannot afford to give their children an education. In fact, their standard of living has been lowered since they have been serving on the bench.

They ask for \$7,000 each year. The Appropriations Committee gave them a \$7,000 increase over both years; I wish we could give them \$7,000 the first year. I think they deserve it. I sincerely hope you will not vote for the indefinite postponement of this bill.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer my dear friend, Mr. Birt, a few minutes ago when he spoke. I agree that they probably deserve a raise, but I think it is a big raise. I think a lot of other people should get a little more money, like I have mentioned previously. I think that putting everything in one basket is not the right thing. I am willing to give them something, but give them \$7,000 and giving nothing to the elderly or these other people I am not in favor of it.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I, too, am opposed to the motion to indefinitely postpone. I would like to echo the sentiments of the gentlewoman from Bath, Ms. Goodwin, and the gentlewoman from Portland, Mrs. Najarian regarding their comments on how the Appropriations Committee has treated this measure.

At the end of the session, as you all know, this bill will compete with other bills that are lying on the Appropriations Table. I would submit two things in terms of the financial picture of the state at this time. Number one: The Appropriations Committee has been, in my opinion, very very very stingy with the appropriation bills that they have reported out of committee. As a matter of fact, I asked the Legislative Finance Office yesterday to prepare for me a listing of the bills that we either had granted "leave to withdraw" or unanimous "ought not to pass" and also a listing of the ones that we passed. I have not received that yet, but I would submit that there are very very few appropriation bills that have come out of that committee and are lying on the Appropriations Table in the other body.

There was a gentleman, whose name does not come back to me at this time, I think he was from Caribou, I think he was president of Trial Lawyers Association, that appeared before the Appropriations Committee. He, in addition to his serving as president of the Trial Lawyers Association, serves as a member of the Governor's Advisory Council on Judicial Appointments. If my memory serves me correctly, he told me that the single deciding factor for many individuals in the state who are offered judicial appointment by a Chief Executive is the salary structure. I think if we are trying to do the very best we can to attract the most qualified people to serve on the bench in this state, that we have a responsibility to address that particular situation.

I will tell you right here and now that I share some of the feelings that the gentleman from Westbrook, Mr. Carrier, has talked about this morning in terms of some of the judicial decisions that are handed out in the courts of this state. I don't always agree with them, but I think we need to have some changes take place, particularly on the district court level.

It seems to me, if I can just repeat myself, that one of the best ways that we can bring about the changes in the district court system, or perhaps on the higher courts in the state, is to provide the judges that sit on those benches with a reasonable salary. I am not even convinced that the salary that we would appropriate with the addition of this money would be what is necessary to do the job.

I think I was one of two people who held out to the bitter end in the Appropriations Committee to see that the judges had the entire \$7,000 raise in the first year of the biennium rather than spread out over two years. I came to the conclusion, with the other committee members, that in terms of our financial situation, we had to perhaps go a little bit slower with these raises than we would like to do otherwise. I think that this is perhaps one of the most important appropriation bills to come out of that committee this year and I urge you on the strongest possible terms to vote against the motion to indefinitely postpone.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Certainly within the state government, the legislature, and all the branches of agencies in the executive departments, there are certain checks and balances, but there is no branch of government that the State of Maine and the people of Maine depend upon any more than the judicial branch. I think that one of the most fearful mistakes we can make is not to preserve the people in the judicial branch from being exposed to financial pressures. That ruins more people than anything else.

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

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: I have had the experience of practicing in an area where we had 50 courts in one building. I want to say that I am very proud of our judicial system in Maine, particularly in the district court level. I think that definitely here in Maine we have a court that is responsive to the people's needs. Many times I have been in court six-thirty to seven thirty in the evening and the judges have made their time available. Other times they have come in early to accommodate me in my legislative work down in Augusta, and I think it is a sad thing when we are 47th in the nation. It shows a lack of interest in our system of law and order. I strongly urge you not to support the motion to indefinitely postpone.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I might remind my learned colleague from Dexter that because we are 47th in the nation it is only because of the ability of the amount of money we have to pay the justices in the courts of this state. I might also remind this House that, among other things, I would assume that when the justices are presenting themselves in courts across the state that in fact any expenses that are incurred by them are paid in fact by the taxpayers of the state. Travel allowances, food allowances, housing accommodations, perhaps even telephone credit cards, so the \$26,000 or \$27,000 is not like the average guy who is paying for his gas to get back and forth to work or the fellow that is buying his lunch from his own salary.

It is understandable that the money is not high enough, but I think the ability for what the

state has to pay, it is within reason. We have got no idea exactly what is coming out of the Appropriations Committee in dealing with other bills. I am amazed to see this bill out so quickly and others that have been heard months ago are still sitting down there. It is understandable. It is also understandable that if in fact this bill dies it may even show up in the budget somewhere along the line. I have seen this happen in the House more than once in the last eight or ten years. That is why some of us read the appropriations act, read the errors and inconsistencies, because we know that sometimes good judgement prevails in those particular documents.

I think the House this morning should indefinitely postpone this bill. It will probably go over in the other body anyway and stay over there. We should wait and see what else is coming up. We have no House Appropriations Table; we are not going to have the pleasure of the other body of making that final and heroic judgment over there, so I would urge the House to indefinitely postpone the bill this morning.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: A great deal has been made this morning of the size of the increase that is contemplated in this bill. I would submit to you, ladies and gentlemen that the only reason the increase is at the level that it is because of our failure in the past to acknowledge the problem and to face up to it. That is what I hope you will do this morning — face up to it here and now. Don't send it over to the other body with an indefinite postponement motion. Get on the record in favor of taking care of a situation that definitely needs to be taken care of.

No one has argued with the fact that our judges are the lowest paid in the country. No one has argued with the fact that we have a tremendously high quality judiciary and the wonder is that we have been able to get and retain the quality of men we have at the present time on the Maine bench. No scandal has ever touched the Maine judiciary. Many capable and experienced attorneys have refused to serve when asked. Why not? They are earning anywhere from two to four times these salaries in private practice. If we continue the present salary level, it will not put us on the market segment for any but the least experienced and least qualified people for the Maine bench.

Ladies and gentlemen of the House. This is one of the highest priority items we have before us in this session. If you kill this bill, it will start the deterioration of the Maine judiciary, and that will be to the ultimate peril to the State of Maine.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I will first respond to the gentleman from Bangor. I do not call this bill coming out very early in the session. As far as I am concerned, this is very late in the session. I would also submit that there is very little left in the Appropriations Committee unless it is bills which were heard yesterday or last week and, of course, the budget bill.

I have been doing a little computing of what has happened over the last 10 years to judges' salaries. They have increased 30 percent by average of three percent a year for the last ten years, which at the same time legislators' salaries have increased 350 percent, for an average of 35 percent per year. I also would submit to you that this bill can be backed up when it reaches the Appropriations Table if we find that we are in a real bind for money and perhaps can only give them \$1,000 or \$2,000 or nothing. I would hope that you would give it that chance.

Last, but not least, it seems as though

somebody is always throwing the elderly around when we want to talk about not having enough money. I guess I have been guilty of that myself. I can promise you all that if it comes down to the last minute and there is only money there for the elderly and the judges, you know darn well where I am going to be. If my record as far as the elderly is concerned doesn't give that promise any credibility, then there really is not anything else left that I can say.

I would ask for the yeas and nays on the indefinite postponement motion.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: In all due respect to the Appropriations Committee and especially to the sponsor of this bill, I am concerned about it. I think that the quote Mr. Morton made, I do want to go on the record as taking care of some priorities. I think to put this on the table, we have an "X" amount of dollars at the end of this year, put this on the table and compete with state employees, the number one workers taking home \$105 a week. That is a salary you can compare to \$39,000 of some other bureaucrats. I am concerned about that.

We have some good legislation coming down the pipe too — homemakers' bills, other ones that are going to help a lot of people in the state. I think we should be concerned about giving somebody \$600 a week and somebody else, number one, getting maybe a little over \$100 a week and maybe at the exclusion of many fine programs.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the motion to indefinitely postpone this bill and all its papers. They say our judges are — whatever they say, 39 or whatever they are. Do you know what our state employees are? We have the lowest paid guards in the nation; we are 50th, we are right at the bottom. How can we justify giving a \$3,500 raise and we can't even justify a pay raise for the working people of this state? How can we do that?

This bill should have gone to the Veterans and Retirement Committee. We would have had a gentleman come in here with a whole list of figures of how much it is going to cost, but it did not go to that committee. How can we justify paying this kind of money to people who are working for the State of Maine and receiving less than welfare? Social welfare programs pay more than the minimum wage that we have for workers that work for the State of Maine. I cannot justify that. I cannot justify giving a salary increase that is going to amount to \$31,000 and \$30,000 a year and people taking home less than \$100 a week. I wish I could justify that and I would be glad to vote for it. I certainly cannot vote for anything that is going to go out of this House on an increase to welfare or to the elderly or to the aged or to the judges until the working people of this state have been given their just due, and we have not done that.

The concept of the bill for an increase to judges' salaries, I am not going to argue this morning. But I certainly do take exception to those who say that we need good judges. To be sure, we all agree on that. I do not know of any governor that has had trouble filling our judges' positions. I haven't seen any ads run that he needs candidates for these positions. I think the majority of the people serving in this position are good, reliable, honest people. That is not the problem. I do not think the salary has one thing to do with a person wanting to be judge. Judges are not usually appointed from first-year law school graduates. They are usually appointed by their ability, their experience and their knowledge.

If we are to support a piece of legislation that is only intended for an increase for judges of

this state, then, ladies and gentleman, when it comes time to appropriate money for underpaid state employees, you had better come up with that too. You had better vote for an increase in their wages. You had better do a lot of things, because we are going to need tax money to pay for this, and you are going to have to be prepared to vote for a tax increase whether you like it or not. When we can support programs and ignore the working people of this state, we are not doing the job that we were sent up here to do.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: If I could, I would like to lower the emotional pitch of this debate. I can understand why most people like to kick around judges. Most of us only see judges when we are in trouble. Usually we are on the receiving end of the jurist's very stern warning. We have to pay tickets and the people back home do not like judges very much because they usually see judges in those capacities too, so I can understand the emotion.

We are going to have to deal with some of the arguments which while skillful I guess rhetorically, really are kind of silly. Start at the first one with the fantastic amount of money that this bill calls for. Both years combined, it is less than a half million dollars. We passed today in non-concurrent matters, item seven, dealing with sales tax exemption for farm equipment, a bill which was \$4 million, eight times the amount we are talking about in this bill and no one was up waving their arms about that. It is not the money, really, it is the judges.

I can remember this debate my first term, there was another gentleman from Westbrook here and he got up and he was so upset about a pay increase he said they were all lawyers, that was the problem with judges, they were all lawyers. I tried to see him later and explain, you know, that is the kind of a tradition which has been maintained in every single country in the world.

Be that as it may, let's try to lower the emotional tone a little bit. I guess I am in a kind of uniquely advantageous position to say some of the things that I am going to say. I have always voted for virtually all the social services problems that come along and they call me too liberal. I have always voted for all those labor bills that Mr. Laffin and I agree on and some legislators have had the tendency of calling me the George Meany of Maine and they always criticize me because of my stands on labor and, yet, I can be for this bill without any difficulty at all. They will say, well, you are a lawyer, of course, you are for the bill. I can assure you that in my own personal practice, I will come before a judge of this state maybe once or twice a year. Virtually, all of my practice is before administrative boards, before federal management labor relations boards — I just don't have that much contact with the judiciary, so when I speak, I speak from, I think, the purest of motives.

One argument which I thought was rather interesting is that Mr. Carrier and Mrs. Martin said that they were not going to vote for an increase in judicial salaries until the judges start giving better decisions. Then Mr. Kelleher gets up and says, well, we already have an outstanding judiciary, they are doing a great job as it is, so we don't need more money to attract them into the profession. If you don't think you are being flim-flammed around from both sides of the corner on that one, then you haven't been listening to the discussion very closely.

Let's talk about judges. You know, my good friend from Sangerville, Mr. Hall, told me that the judges are not special people, and he is absolutely correct. Judges are just like the rest of us. They wear a black robe but they are human

beings. They have families, they have kids in school, they have cars that don't start in the morning. They are just like the rest of us and from that basis, ladies and gentlemen, they deserve a salary commensurate with their responsibility and that is what I am going to speak about.

The greatest social service program that we can deliver to the people of our state, more important than more money for the elderly, more important than more money for welfare recipients, more important than an increase in the minimum wage, the single greatest social service that we can deliver to the people of this state is justice. Our Constitution places the responsibilities or you are setting yourself up not in law books but in men — human beings.

The judiciary isn't any different than anything else, you get what you pay for. Think of the decisions we ask them to make. Who is going to have custody of a three-year-old child in a contested divorce? When is the person going to go to jail for ten years or five years or twenty years? Think of those responsibilities. The pay must be commensurate with those responsibilities or you are getting yourself up for a very dangerous situation, because just as they are men, they have their darker side.

Maine's judiciary has been remarkably free of any scandal throughout its history, but when you put the men and women of Maine court system in a compromising situation by paying them less than any of their compatriots around the country, then I would suggest to you that we are making a mistake.

Vote against indefinite postponement. If the increase is too much for you now, one legislator said, well, I can buy 10 percent, we all know there is an amendment on this, but don't vote to indefinitely postpone this bill because the justice that you and I need and our constituents need and our people need depends on the highest quality of judge. Don't make the mistake, don't shirk the need, don't make that emotional response that the good gentleman from Westbrook and the good gentleman from Bangor wants you to make. It may make you feel good for a minute, that because you were lucky enough to sit here and you have a chance to get back at those judges, I can assure you, over the long run the people of Maine will suffer.

Mr. Kelleher of Bangor was granted permission to speak a third time.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am not asking any individual to make any emotional decision here this morning and I dislike the cavalier approach of my floor leader in suggesting that. I don't think Mr. Tierney that you can measure the integrity of anyone whether they are sitting in this port, which is the highest in the state or sitting on the court of this state in the terms of dollars and cents. I don't think this House should have to accept the utterance of the fact that if we are paying higher wages or higher salaries, that, in fact, we are going to get better quality men and women to serve on those respective courts that we have created ourselves through the legislative process. I, personally, think the salary is too high and I don't think the time is appropriate for us to be considering a \$3,500 or \$7,000 salary as is suggested.

I would hope that the House would heed my words and not the heat of this building and vote to indefinitely postpone this bill.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The attorney in the right hand corner has just used the same argument that Congress used that was overwhelmingly disapproved by the people of this nation. The same argument. The very same argument he has used this morning to convince



you, Congress used it when they wanted to give themselves a \$12,000 raise, telling the people a bunch of lies, telling them that they needed this and that they needed that. They are no better than you and I and he has used that same argument, plus he has thrown in there a few lawyers tactics on this House. No one is questioning judges, in my opinion. I am not questioning the judges, I am questioning the sensible business of passing legislation for them when we have working people taking home less than welfare, that is what I am concerned about. Mr. Tierney knows very well that too. We don't care what Washington uses for their arguments to justify their pay raise. I could care less about them Senators and Representatives down there. But I care about the people of Maine who are taking home less than \$100 a week. I care about them. I also care about the welfare too but that is not my first priority.

I take exception when a member of this House will try to convince the other members of this House on a case that was used in Washington that has no bearing whatsoever. It was a poor argument, it was an offensive argument and I think the purpose should be argued on the merits of this bill and not whether so and so in Washington needs more money for his children's education or whatever they come up with.

I am convinced more and more now that this bill should be dead. I wasn't when we started but I am now.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of points that I would like to refer to. One is by the good chairman of the Appropriations Committee when she said in regard to how much that the increase had been to the legislative body but I might remind her that a good judge in my home town told me seven years ago that he started in with \$17,000 to begin with. So, if you took 3 percent of that each year, I don't believe that is too bad of an increase. I think what you are talking about for an increase depends upon what you start in with.

In regards to my good friend down in the corner, Mr. Tierney, if you notice the lights, Mr. Tierney, I didn't vote to take the sales tax off the farm products because of that very reason. However, I did mention to you and I would vote the other way on this, if I were assured that there would be an amendment tomorrow morning to go in to only give them 10 percent like I agreed to do to my own people in the county when I voted that way. That is the only way I will vote.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: If judges in this state are not adequately compensated, I think you will see very slowly, oh, so slowly that you probably won't even notice it, that mediocrity will creep into the judicial system of this state. Pretty soon, Governor Longley or any other governor that might be in this state, get on the phone and talk to a person that he thinks is adequately qualified to be a judge in this state and he will have the answer, no Governor, I thank you very much for the offer but I really couldn't afford it. When that happens, and I have seen it happen in other professions, the Governor of the state will be forced to nominate a judge who is less than excellent and we can't afford to have a judge that is less than excellent.

The best friend that a working man or woman in this state will ever have and I mean a low paid, working man or woman in this state, is a judge that is excellent. Don't settle for anything less than excellent, you can't afford to. It is too important to the people that are appearing before the bar.

Everybody in here likes to take a slap every once in awhile at a lawyer, we all enjoy it, everybody I suppose, likes to take a slap at a judge when he makes a decision that you don't like and we have all seen those decisions but you can't let yourself be carried away by those little momentary peaks in your life. Judges in this state are going to be just as good as the material that you can recruit and you can't recruit them without an adequate salary because they can make more in private practice.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Lisbon Falls, Mr. Tierney to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Tierney assumed the Chair as Speaker pro tem, and Speaker Martin occupied his seat on the floor.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late, the temperature is high, emotions are high, when we are dealing with a very complicated situation that doesn't have certainly any short answers.

I would submit that if you try to get something for nothing, usually you get nothing. I have been here as many semesters as my good friend from Bangor, Mr. Kelleher so I have heard all of the arguments on both sides of the question. I, more or less, have to agree with my good friend and a member of the opposite party down in the right hand corner, that it is a great chance to take a whack at the system every time that pay raises come in for the justices to make a great deal of talk and try to turn it down because they haven't given the decisions that we all agree with.

I heard my good friend, Mr. Kelleher from Bangor, refer to this as the highest court in the state and I would submit that if we can't afford to pay the court that metes out the justice and enforces these laws, that we pass and then is given the very intricate and hard task of interpreting the laws that this court passes, then if we can't afford to pay the people to do this, then we should adjourn this court forthwith and go home, if we can't afford to pay the co-equal branch of government that has to take care and interpret the things that we do, then we should quit also and go home.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Members of the House: A lot of people have said, and I have heard many of you say, this is my bill — this is my bill. It is my bill because I wanted to introduce it on behalf of the judiciary of this state.

A number of years ago, I sat in the other corner and with the gentleman from Westbrook, Mr. Carrier, I proceeded to kill a salary increase for judges because at that time I thought that it was the wrong opportunity. Perhaps I wish I could take that again, my action of four or five years ago, because I think the upshot of that has been rather negative and we are seeing some of that today.

I introduced the bill for a number of reasons and I would like very quickly to run them by you. I think judges have been hit by inflation just as much as all of you have, including the trees the gentleman from Sangerville, Mr. Hall grows. His trees have gone up just a little bit more than 3 percent in the last five years. He knows it and I know it.

We are placing more and more burden on the people out in that judiciary when we enact the type of legislation that we do here. It is fantastic what we do, what impact it has. If you

know judges well or know them at all, go up and ask one what we have done to their workload as a result of our enacting the criminal code, what we will do to them when we enact the juvenile code, the probate code and the type of thing that takes place as a result of all that type of interaction.

The gentlewoman from Brunswick, Mrs. Martin, suggested that one of the things we have to wait for was for sentences to get longer. What a circle that really is. At the Boys' Training Center, the Maine Youth Center, we have students, kids, call them what you want to, they are there sleeping on the floor because they were put there by judges and yet this body may not vote for additional salaries to take care of increased staffing of those institutions. It may not vote for increased bond issues for buildings to put them in, and for those of you who were members of this legislature a few years ago, do you remember when we had to change the law to allow people out of the State Prison at Thomaston because of overcrowding conditions? The judges put them there, we took them out.

We have a great deal of fun in this body sharing the blame with other people. We tend very often, I think, to disregard our own responsibilities in that concept, but in the final analysis, it is ours to take.

The gentleman from Lisbon Falls described it so well — justice is what we are interested in. That is the reason why I put in this bill. I think the judiciary of Maine need this bill badly.

I, with the gentleman from Westbrook, Mr. Laffin, vote on labor bills and support them and my record will so indicate that over the years that I have been here. I will match my record on social services with that of the gentleman from Bangor, Mr. Kelleher, because I have stood fast when I believed that the people needed to be treated fairly.

I ask you one thing, really to carry on the point of the gentleman from Westbrook, Mr. Laffin, when he said that he is concerned about the \$100 that people are taking home which is really well below the poverty line, and I fully agree and I will do whatever I can to increase that, but the one point to keep in mind, the people who get treated the worst in our judicial system are those very people because of our inability to provide a system that will do the right thing.

The \$100 a week person goes to court just as much and maybe even more so than the person who makes \$25,000, and that \$100 a week person doesn't have any recourse, nor the money, nor the resources to hire the attorneys to protect his rights and he can rely on only one person, that person with the black robe.

I ask you, if you want to protect that right of that individual, it is important that we have a judiciary that is one of the best, and one way to attract that type of man is to provide a salary where the person can stay. Some people said. I don't know of any judges who want to quit — well, I do. Someone else said, I don't know anyone who has turned down a salary, who has turned down a judgeship — well, I do.

I have been close to a couple of people who have been appointed to the bench, it is a task which I could not do, especially at the superior court level. I will tell you why. I wouldn't be able to sentence people knowing full well that they might spend the rest of their lives in institutions, away from the things that they may enjoy. You may say it is their own fault, and in part that is true, but also in part, it is because our system has failed them. We failed them at the \$100 wage of an individual who can't get an attorney, who gets maltreated in the judicial system, and once that initial thing has occurred, he falls into the same trap over and over again, and the first thing you know, that

person is on his way to higher education at Thomaston.

I plead with you, not because it is my bill but because it is the right thing to do, something that we should have done before. I ask you to vote against the motion to indefinitely postpone and I ask you to give this vote, this bill, a resounding vote to indicate not only to the people of Maine but to the judiciary of this state that we are thinking about the problems that they face, we stand ready to help them in that endeavor.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: When I brought this to your attention yesterday when I had it set aside, I was well aware that some of you took notice as to what kind of a bill it was. And when I came here this morning, I did not make any motion whatsoever to indefinitely postpone the bill. I did not send any letters or any notes to anyone in this House. If somebody feels different, well they didn't come from me. I did not ask my driver this morning to vote with me on this bill, and I only want to say to you that I am a little upset, because the Speaker and the Majority Leader have somewhat indirectly attacked me.

I did not rise on a point of privilege, but I think it is very unfair and I think it is only right for me to answer some of the accusations that were made against me. I submit to you that the Majority Leader said that Mrs. Martin and I would vote against this so we would have some judges that would make better decisions. I never said that. He also stated to you that when he first came here in the legislature he was sitting in back of me and that somehow or other he couldn't believe or understand why I voted to have attorneys collect their own fees instead of passing legislation that they provide the fees within the law. Well, my answer to him is very simple and very clear. At that time, when I was here in the legislature quite a few years back, ladies and gentlemen, like some of you, very few of you in here, I worked eight hours a day and I came here and tried to donate whatever ability I had. I could say to you that I did that, and my decision then was based, and still is, on the fact that I have to pay for these services and I have my tax money go to it, and the only difference there was, Mr. Tierney was going to school and I was working, and that was the difference, because it came out of my pocket, nobody else's pocket, and that was my reason then for objecting this.

Another thing, Mr. Martin says that five years ago we both tried to kill the same type of bill, well, this is probably true, but I don't think you have to discredit people. I am not going to go along the line of certain things that Mr. Martin did which I didn't like, certain conniving and some other things that have been going on which we don't have to bring up that is very obvious at different times. I don't like that. If they want to attack me, I will get attacked, but you can be sure that you are leaving the door open to come back.

I don't choose to go into this emotional line. All I want is justice. I did not suggest to cut the wages. I just said we can't afford this. If you can read between the lines, if you want to cut it down and allow them something else, that is a different thing, but there are a lot of things that are unsaid over here. They hit you with all kinds of things which are not true. Somebody said here that any lawyer today will make \$23,000 when he gets out of law school. This is not true. You take the paper anytime and there are jobs in there and they are offered between \$12,000 and \$14,000. You go work for the Attorney General's Office down here and you don't get any \$23,000. I submit to you that all the lawyers I know in this House, although I don't know them personally, all of them would take any of

these lower paid jobs if they were offered such jobs, not because of a loss in income, because in order to make \$23,000 or \$25,000 that you would get under this program and all the benefits that go with it, you have to run an office, you have to take in at least \$50,000 a year.

If some of you are not familiar with it, I am. You can discuss the thing and say, well, we only charge them 20 percent for office use. This is not true. You get a good secretary, you have got to pay her \$10,000 a year.

These are the things which bother me a little bit. You come out here and try to tell the people the facts and the truth as you know it and then somebody distorts the whole thing.

I still submit to you that if you are really interested, you want to check as to where and how some of these judges got the appointment. I will leave that there.

There is also something wrong within the judiciary. If there is something wrong within the judiciary, they can correct it themselves. We have 20 district judges here, and when it comes to the point that you have the chief judge telling 20 district judges and bring them down on the carpet because he doesn't believe the way they do; then things are pretty bad: When he discharges one of the best judges that we had in the district court, the chief judge, when he gets rid of them, that is a bad mistake too. I shouldn't talk about that, but I don't play cards with these people, I don't go to their parties. I had the chance to but I never did. Some of these people, we have had some of the best appointments that have been made in the last two or three years. I don't question that. We had good appointments before, but some of them are questionable, their behavior and all this. Anybody you bring in — there were openings, I was on the judiciary before and there were openings for judges and I do not know how many lawyers came to me asking for a letter of recommendation to get a judgeship.

As far as the Appropriations Table is concerned, do not be deceived by that. I don't care if it goes to the Appropriations Table or not, I am well aware it should go there. On the other hand, let us face it. What will happen on the Appropriations Table when somebody says, well, they will take care of the elderly first and they won't take care of them, this is not true. The judges will come first. They say it is difficult to attract judges. It isn't difficult to attract judges. To attract good judges, all you have to do is look like people. You had people in this House last year since then have been appointed judges, very dedicated people, and they are good judges. As a matter of fact, they are so good, the other judges in this state who have maybe slowed down a little bit are following their example in handing out sentences.

I can tell you, ladies and gentlemen, that they can say three percent and this and that. The three percent I believe, and from the information I got, this is not true. If you take the cost of living index back in 1967 and you look at the superior court judges' salary then, and you look at it today, it was 100 percent and now it is 175 percent. According to that table, the judges have gone up 66 percent, not three percent a year, 66 percent. As far as the legislators voting themselves a raise for 350 percent, I can only tell those of you who were here before that I never voted for a raise for the legislature, because very truthfully, I come here to help out and all they have to do is pay my expenses, take off the salary and I will still be here if I get elected.

Any lawyer in this House would be wise to accept such a position. I think that this is true. I don't even know what the background or the income of these people are, but I will tell you this, from my observation, there are not too many in this House that have made over \$25,000 or \$30,000 last year. I might be wrong, but this is the way things are.

We are not flim-flamming around here. We are just trying to bring a problem to you, just what it is here, and your best judgment will prevail. I am sure. They say they are free of scandal. They might be free of scandal, the courts might be free of scandal, the judges might be, but they are not free of questioning. The only fact is that there has been a scandal, but they are not free of questioning. There are a lot of things unsaid and I think they should stay unsaid.

When we have 19 or 20 district court judges that disagree with the way things are run, I think that they prevail, and I think they are worth probably more than we can ever offer. Somebody gets up and says we should adjourn and go home if we cannot take care of them. This is a ridiculous statement that we hide and adjourn every time we have a problem at home or if I am hungry I adjourn to go to bed. I do not think that this is right.

I truly think that most of these judges are trying to do a good job. This is not what I am trying to say. I hope that justice prevails at all times. Again, Mr. Martin said that he will not be able to sentence people. Let me tell you, ladies and gentlemen, I could sentence people. I could sentence people because I have been hurt, I have been subjected to this judicial system. I am not here in anger and I am not here because I do not like them. I need them as much as others, but to say that I could sentence people, I could sentence them, I would give them exactly what they deserve — no more, no less.

I did not think this would generate this much interest, but if nothing else prevails, the interest that it has created, not to discredit the judiciary, but it opens up an area where the people, your people, my people, demand better services and probably fairer sentences. People have a hard time to digest some of the things that have been handed out recently.

I submit to you that this bill needs some work done on it if it is to pass. I don't ever want to get involved in personalities because I think it is one of the most dangerous things we have on the floor of the House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Flanagan.

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this motion to indefinitely postpone this bill. I heartily support the bill before us and I would in like manner heartily support any of the social services or human services bills that will come before this body. I don't believe that there should be any contest between this bill and the social services programs.

I shudder to think what might happen to the social services programs if this bill is defeated. The dire results which would follow on the human services bill would be felt immensely by the whole state.

My experience has taught me over and over again that success begets success and failure begets failure. Success of this bill will insure our success with the human services bills that follow. All we have to have is the intestinal fortitude and the positiveness to stand by the human services bills as we will stand by this bill here.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this afternoon to discuss this bill a little bit and the arguments that have been given in favor of this legislation. I say to each one of you that if you are prepared, and I know this legislation does not address this, but if you are prepared to give yourselves a raise, which you all deserve, I personally feel you do, you should be prepared to vote for this bill. If you are prepared to go back to your constituents and say to them that I feel as an in-

dividual, as a legislator, that I deserve more money and I would vote for something like that, you should vote for this legislation.

I support this legislation. I also support raising the salaries of the people here in this House. The arguments that were given apply to the members of this House just as well. And if each of you are ready to go back to your constituents and say, I support a raise for myself, you should be able to vote in favor of this legislation. If you are not ready to raise your own salary, I cannot see how in good conscience you can pass this legislation.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to urge your vote against indefinite postponement. Your courts are increasing in efficiency. Your judges have earned the consideration offered in this bill. I have probably lost more cases than anybody else in this House. I have won a few, but I never judge a judge. Oh, how I think of the great judges that I have come in contact with over the years, those that are there now, the Devine's, the Glassman's, the Pomeroy's and the Wernick's. I could go on, the judges that really judge and people of this state could well be proud of. I often wonder if Cumberland County could properly operate without the compassionate understanding of our Judge Devine.

We have had our field day today in here kicking around the judges. I think a lot of it was unnecessary. I look up to the judges; I have always looked up to the judges.

Public opinion will raise the quality, the system will improve itself. I want to get my judges off the bottom rung of that ladder. I am ashamed of the position that they hold as the lowest paid judges, and I urge you to vote against indefinite postponement and then send this bill, with rousing support, down the hall. Today, we should be proud of our judges and reflect it by the vote that I ask you to give them.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: In all fairness and respect to our court system, I have my reservations about such a large salary increase. I am prepared for an increase in their salaries. I don't hesitate about that part. When I see our legislators drag our legislative pay into this dispute, I would like to take you back over life's highways just a few miles. I was here in the 102nd and the 103rd Legislatures. In the special session, had it not been for the Maine Truckers lobbying at the Augusta House feeding sardines and crackers, I know of some legislators who would have gone to sleep hungry that night, so don't belittle the legislators' pay. You get what you pay for in life. If you pay a man a dollar a day, you don't get a dollar a day, because he is underpaid and that always prevails in his mind. I hire people to work for me, and I learned long ago that you get what you pay for in life.

I am sad today, very sad because our state has not financially had the growth of the other states and we do have a problem when it come to dollars, but I want to assure you, each and every one, my heart is sad when I have to go to a Committee of Conference for secondary scholars to be transported to school. I think it is

extremely important that we treat all our people equally and with justice for all. We can only point to one man when the count is down, and that is the man in the black robe in the courtroom. He is the final man who makes the final decision, and his decision will be a decision that will determine the life and the future of many many people. So I am prepared to vote for a salary increase, not as large as you recommend, but I will go along against indefinite postponement today with reservations, knowing that we will try to correct the inequities in the future.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair thanks the gentleman from Lisbon Falls, Mr. Tierney, for acting as Speaker pro tem.

Thereupon, Mr. Tierney returned to his seat on the floor and Speaker Martin resumed the Chair.

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

Mr. BAGLEY: Mr. Speaker and Members of the House: I have one misfortune, I guess. I have been a math teacher most of my life and I have a tendency to put everything in terms of mathematics. We have heard so much about the poor working man and the poor old person, I did a little dividing here and I find that the average increase in wages for the workers of the State of Maine, if this bill did not go through and the money could be divided evenly, would be 5 cents a week. Now, that 5 cents a week isn't going to make too much difference to these hundred dollar a week people.

I also did a little figuring in regard to the senior citizens and I find that if this bill does not go through and all the money, not part of it given but if all the money is given to senior citizens, they would have a benefit of 10 cent a week.

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

The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, I wish to pair my vote with the good gentleman from Kennebunk, Mr. McMahon. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, I wish to pair my vote with Mr. Peltier of Houlton. If he were here, he would be voting nay and I would be voting yea.

#### ROLL CALL

YEA—Austin, Berry, Cerube, Brown, K.C.; Carey, Carrier, Conners, Connolly, Dexter, Diamond, Gauthier, Gillis, Gray, Hall, Hunter, Kelleher, Laffin, MacEachern, Martin, A.; McHenry, Nelson, N.; Quinn, Raymond, Rideout, Rollins, Teague, Torrey, Tozier, Wood.

NAY — Aloupis, Ault, Bachrach, Bagley, Bennett, Benoit, Birt, Blodgett, Boudreau, P.; Brenerman, Brown, K.L.; Bunker, Burns, Bustin, Byers, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Cox, Cunningham, Curran, Davies, Devoe, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kilcoyne, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Martin, J.; Masterman, Masterton, Maxwell, McBreairty,

McKean, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Norris, Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Post, Prescott, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Theriault, Tierney, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wyman, The Speaker.

ABSENT — Beaulieu, Boudreau, A.; Cote, Dudley, Fowlie, Jalbert, Kerry, Mills, Tyndale.

PAIRED — Biron, Churchill, McMahon, Peltier.

Yes, 29; No, 109; Absent, 9; Paired, 4.

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-379) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the following matter:

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-383) — Committee on Human Resources on Bill "An Act to Provide for 4-year Terms of Office for Representatives, Governors, and Lieutenant Governors of the Passamaquoddy Tribe of Indians" (H. P. 870) (L. D. 1063) which was tabled earlier in the day and later today assigned pending acceptance of either Report.

On motion of Mr. Pearson of Old Town, tabled pending acceptance of either Report and tomorrow assigned.

The Chair laid before the House the following matter:

House Divided Report — Majority (7) "Ought Not to Pass," — Minority (6) "Ought to Pass as amended by Committee Amendment "A" (H-380) — Committee on Taxation on Bill "An Act Clarifying the Tax Status of Regional Planning Commissioners and Councils of Government," (H. P. 555) (L. D. 672) which was tabled earlier in the day and later today assigned pending the motion of Mr. Carey of Waterville to accept the Majority Report.

On motion of Mr. Palmer of Nobleboro, retabled pending the motion of Mr. Carey of Waterville to accept the Majority Report and tomorrow assigned.

On motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action of yesterday whereby the House voted to insist on Bill "An Act Establishing a Consumer Complaint Office within the Public Utilities Commission," House Paper 170, L. D. 208.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending the motion to insist.

On motion of Mr. Goodwin of South Berwick, the House reconsidered its action of earlier in the day whereby Bill "An Act Concerning the Power of Podiatrists" Senate Paper 280, L. D. 893, was passed to be engrossed pursuant to Consent Calendar rules.

On further motion of the same gentleman, tabled pending acceptance of the Committee Report and tomorrow assigned.

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

Mr. CURRAN: Mr. Speaker, having voted on the prevailing side earlier in the day on Bill "An Act Prohibiting State Legislators from Serving as Lobbyists within 4 Years of their Retirement from Office," Senate Paper 246, L. D. 755, I move we reconsider our action and hope you all vote against me.

The SPEAKER: The gentleman from South

Portland, Mr. Curran, moves that we reconsider our action of earlier in the day whereby L. D. 755 and all accompanying papers were indefinitely postponed. All those in favor of reconsideration will say yes; those opposed will say no.

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

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

Mr. HENDERSON: Mr. Speaker, having voted on the prevailing side earlier in the day whereby the House voted to insist and join in a Committee of Conference on Bill "An Act to Amend the Requirement for Public Notice of Public Proceedings under the Right to Know Law," Senate Paper 426, L. D. 1484, I move we reconsider and hope you all vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Henderson, moves that we reconsider our action of earlier in the day on L. D. 1484. All those in favor of reconsidering whereby we voted to insist and join in a Committee of Conference will say yes; those opposed will say no.

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

Reference is made to (H. P. 1025) (L. D. 1273) Bill "An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools."

In reference to the action of the House today whereby it Insisted and Joined a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Messrs. CARROLL of Limerick  
LYNCH of Livermore Falls  
BAGLEY of Winthrop

Reference is made to (S. P. 426) (L. D. 1484) Bill "An Act to Amend the Requirement for Public Notice of Public Proceedings under the Right to Know Law"

In reference to the action of the House today whereby it Insisted and Joined a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Messrs. COTE of Lewiston  
BURNS of Anson  
SHUTE of Stockton Springs

(Off Record Remarks)

On motion of Mr. Connolly of Portland,  
Adjourned until nine o'clock tomorrow morning.