

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**May 26, 1977 to July 25, 1977**

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**Senate Confirmation Session  
September 16, 1977**

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AUGUSTA, MAINE

## HOUSE

Thursday, June 2, 1977

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

Prayer by the Reverend Howell K. Lind, Universalist Church of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees  
Divided Report**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Relating to State Income Tax Deduction for Student Tuition Payments" (S. P. 402) (L. D. 1385)

Report was signed by the following members:

Mr. MARTIN of Aroostook  
— of the Senate.

Messrs. MAXWELL of Jay  
CARTER of Bangor  
COX of Brewer

Mrs. POST of Owls Head

Mrs. CHONKO of Topsham

Messrs. TEAGUE of Fairfield

IMMONEN of West Paris

TWITCHELL of Norway

CAREY of Waterville

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (S. P. 505) (L. D. 1790) on same Bill.

Report was signed by the following members:

Messrs. JACKSON of Cumberland  
WYMAN of Washington

— of the Senate.

Mr. MACKEL of Wells

— of the House.

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

In the House: Reports were read.

On motion of Mr. Tierney of Lisbon Falls, the Majority "Ought Not to Pass" Report accepted.

**Non-Concurrent Matter**

Bill "An Act to Increase the Number of State Liquor Inspectors" (S. P. 454) (L. D. 1569) on which the Majority "Ought Not to Pass" Report of the Committee on Liquor Control was read and accepted in the House on May 31.

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

In the House: On motion of Mr. Greenlaw of Stonington, the House voted to adhere.

**Non-Concurrent Matter**

Bill "An Act to Prohibit Smoking at Public Meetings" (H. P. 361) (L. D. 453) which was passed to be engrossed as amended by Committee Amendment "A" (H-417) in the House on May 31, 1977.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

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

Mr. MacEACHERN: Mr. Speaker, I move that we recede and concur.

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

Mr. ROLLINS: Mr. Speaker, the sponsor of this bill is not in his seat and I would like to have this tabled until later in today's session.

The SPEAKER: The Chair will order a vote.

The pending question is on the motion of the gentleman from Dixfield, Mr. Rollins, 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.

Whereupon, Mr. Quinn of Gorham requested a roll call vote.

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

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

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: This is the no smoking bill which we so overwhelmingly passed the other day and I don't think it should die such a quick and ignominious death. I will not attempt to debate it factually again, I simply wish to point out that this House took a strong position on the matter. It is of vital importance to a great many people, it is something worthy of consideration, and I don't think we should cave in so easily. I recommend that we send it back to the Senate, so we would have to vote against the motion to recede and concur.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not vote to recede and concur on this bill. The sponsor put up a very good argument for this the other day. I listened to him with great interest. In my own life, I have smoked, quit about 10 years ago. I believe it is very bad for the health, not only for my health but for the health of others and I hope you will not vote to recede and concur.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I voted against this the other day when this bill first came up, and I rise to support the motion to recede and concur and I will give you a couple of brief reasons.

I would like to say that one of the things that bothered me about this bill the other day was the fact that we are mandating at the state level that there will be no smoking in public meetings here in Augusta, and as I understand it, municipal boards back home, school boards and so on would also be affected by this bill.

I have been in government for a couple of years and we have had a lot of meetings. There were smokers at those meetings and there were non-smokers at those meetings. But what really bothers me about this bill is the fact that no longer will we be able to vote on these things, which is what we have done in the past, at each separate meeting, decide amongst ourselves whether there will be smoking or no smoking. We are establishing something here in the statutes that will absolutely prohibit smoking.

The argument was raised the other day that if you have a meeting where everybody smokes, if this bill went through, you wouldn't be allowed to smoke.

I am not standing here saying smoking is good, I know it is not, and I am a smoker, so perhaps I do have a conflict of interest here, but even as a smoker, I have many times voted to have no smoking in rooms during a meeting, so I am certainly not entirely prejudiced. It is just the idea, the principle of the thing. Can't this be decided at the individual meetings with the individual people who are there?

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Representative Dexter, just a few days ago, presented some very good arguments, and I think he received more notes from you people here in this House than I have or any of us have all year congratulating him on his good points and also on the concern he is trying to express for those, including himself, who have emphysema and the kind of diseases where they like to go to meetings and be a part of meetings but they can't because they go to these meetings and the smoke from cigarettes, for example, the smoke that comes from the cigarette, the tar and nicotine has ten times the negative effect than that smoke that has already been inhaled. So for these people who are ill and have a handicap, it is quite important that they be able to participate in local decisions in local government without having to worry about their health.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I must apologize for being late. I had a flat tire in Farmington this morning in the pouring rain.

The other body saw fit to reject my bill, and like everyone says, it is a good bill. I have a feeling that I would like to ask this body to insist and ask for a Committee of Conference. The main objection, apparently, well it follows along with this excuse — there are three selectmen sitting down, all smokers, under this bill they wouldn't be able to smoke. So in this conference, if we could put an amendment in to allow a body to suspend the rules if a majority so wished — just picture three selectmen; we will take Representative Bustin, Representative Shute and Representative Laffin, and no one shows up to the meeting. With this amendment, Representative Bustin and Representative Shute could vote to smoke. Of course, Representative Laffin would be outnumbered. You can't do everything with a bill, so rather than go into a long, lengthy debate, I would ask you to vote against the motion to recede and concur so that I can move to insist and ask for a committee of conference.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I maintain that we can take care of the situation without this piece of legislation. The gentleman who just spoke said that they could suspend the rules. The rules can be suspended now. They can vote not to smoke at any meeting, as we have done in this House. I think this is an unnecessary piece of legislation.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The remarks of the gentleman from Lincoln, Mr. MacEachern, just a second ago, I think put the cap on this particular matter. All we are asking for here is a positive indication, so let's have a law on the books that we normally won't smoke unless the meeting can vote to suspend the rules. I think that is a reasonable way to go rather than having it the other way. This way, if you leave it the way it is, there is a tremendous pressure on anyone who doesn't care for smoke to not attempt to hurt the feelings of their neighbors, but if you have it the other way, if you have a law on the books that normally will not allow smoking in public meetings, but if they choose to suspend the rules, they may, then that pressure will be off. I think it is a reasonable way to go and I hope you will reject the motion to recede and concur.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: If this law passes, the

committee that is meeting presently cannot suspend the law. They can suspend any rules that they make locally, but if this bill passes, it becomes law and nobody can suspend that in their meetings.

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

Mr. QUINN: Mr. Speaker and Members of the House: Two quick points, one in direct answer to Mr. Raymond. If you allow us to insist and ask for a committee of conference, the bill may be written in such a way that a unanimous approval of the committee meeting could abrogate.

The second thing I would address are those remarks made by the gentleman from Auburn, Mr. Green, he speaks about rights. I think that one of the chief reasons for our form of constitutional representative democracy is the protection of the rights of the minority. I don't think it is at all unusual to have legislation of this type which protects people who are unable to protect themselves. We spend a great deal of time, it is one of the great criteria of the Democratic Party that we shall protect those who are ill, weak, poor, unable to take care of themselves; and I would suggest that in the case of smoking, this is very directly applicable.

I have sat on a great many municipal boards and commissions and councils, and I assure you that it is effectively impossible to get a rule passed to prohibit smoking. It has to be done by something of this method. If you object to its totality, such as Mr. Raymond did, then I think a committee of conference could design a system that would be acceptable to those three selectmen who choose to sit there and smoke together.

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

#### ROLL CALL

YEA — Beaulieu, Bennett, Berry, Boudreau, A.; Brown, K. L.; Burns, Bustin, Carey, Chonko, Connors, Devoe, Dow, Dutremble, Garsoe, Gillis, Gould, Green, Hickey, Hobbins, Laffin, Lunt, MacEachern, Mackel, Maxwell, McHenry, McKean, Najarian, Palmer, Peltier, Peterson, Plourde, Raymond, Rideout, Shute, Smith, Spencer, Talbot, Tarr, Theriault, Truman.

NAY — Aloupis, Bachrach, Bagley, Berube, Birt, Boudreau, P.; Brenerman, Carrier, Carter, F.; Churchill, Clark, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Gill, Goodwin, H.; Gray, Greenlaw, Hall, Henderson, Higgins, Howe, Hunter, Immonen, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LeBlanc, Lewis, Littlefield, Locke, Lougee, Lynch, Mahany, Marshall, Martin, A.; McBrearty, McMahon, McPherson, Mitchell, Morton, Nadeau, Nelson, M.; Norris, Pearson, Perkins, Post, Prescott, Quinn, Rollins, Silsby, Sprowl, Stover, Strout, Tierney, Torrey, Valentine, Whittemore, Wood, The Speaker.

ABSENT — Ault, Austin, Benoit, Biron, Blodgett, Brown, K. C.; Bunker, Carroll, Carter, D.; Connolly, Cote, Dudley, Fowle, Gauthier, Goodwin, K.; Huber, Hughes, Hutchings, Jackson, Jacques, Jalbert, LaPlante, Lizotte, Masterman, Masterton, Mills, Moody, Nelson, N.; Peakes, Sewall, Stubbs, Tarbell, Teague, Tozier, Tyndale, Wilfong, Wyman.

Yes, 40; No, 72; Absent, 39.

The SPEAKER: Forty having voted in the affirmative and seventy-two in the negative, with thirty-nine being absent, the motion does not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

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

Mr. QUINN: Mr. Speaker, having voted in the affirmative on item 2, page 1, I move that we reconsider our action and I urge you to vote against me.

The SPEAKER: The gentleman from Gorham, Mr. Quinn, moves that the House reconsider its action whereby it voted to adhere on Bill "An Act to Increase the Number of State Liquor Inspectors" Senate Paper 454, L. D. 1569. All those in favor of reconsideration will say yes; those opposed will say no.

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

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

Mr. QUINN: Mr. Speaker, having voted on the prevailing side on item 3, I request that we reconsider and ask that you vote against me.

The SPEAKER: The gentleman from Gorham, Mr. Quinn, moves that the House reconsider its action whereby it voted to insist and ask for a Committee of Conference on Bill "An Act to Prohibit Smoking at Public Meetings," House Paper 361, L. D. 453. All those in favor of reconsideration will say yes; those opposed will say no.

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

#### Non-concurrent Matter Later Today Assigned

Bill "An Act Relating to Refusal to Accept Work as Disqualification for Benefits under the Employment Security Law" (H. P. 360) (L. D. 452) which was indefinitely postponed in the House on May 19.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-351) in non-concurrence.

In the House:

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

Mr. BUSTIN: Mr. Speaker, I move that the House adhere to its former action whereby it indefinitely postponed this bill.

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

Mr. TIERNEY: Mr. Speaker, I move this lie on the table until later in today's session.

Thereupon, Mr. Palmer of Nobleboro requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that this matter be tabled and later today assigned pending the motion of Mr. Bustin of Augusta to adhere. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.  
51 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

#### Non-Concurrent Matter

Bill "An Act to Eliminate Weight Limits on Certain Species of Fish and to Provide For Uniform Possession Limits by Numbers" (H. P. 188) (L. D. 250) which was passed to be engrossed as amended by Committee Amendment "A" (H-398) in the House on May 26, 1977.

Came from the Senate Indefinitely postponed in non-concurrence.

In the House:

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: This is a good bill and I am going to kill it. I move to adhere.

Whereupon, on motion of Mr. Elias of Madison, the House voted to recede and concur.

#### Non-Concurrent Matter Later Today Assigned

Bill "An Act to Facilitate Out-of-state Post

Graduate Education in Certain Professions" (H. P. 408) (L. D. 502) which was Passed to be Enacted in the House on May 31, 1977 (having previously been passed to be engrossed as amended by Committee Amendment "A" (H-159) and House Amendment "A" (H-381))

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-381) in non-concurrence.

In the House: On motion of Mr. Lynch of Livermore Falls, tabled pending further consideration and later today assigned.

#### Non-Concurrent Matter

Bill "An Act Relating to Exhibition Dates for Agricultural Fairs and Exhibitions" (H. P. 420) (L. D. 525) on which the Majority "Ought Not to Pass" Report of the Committee on Agriculture was read and accepted in the House on May 27, 1977.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-413) Report of the Committee on Agriculture read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-413) in non-concurrence.

In the House: Mr. Mahany of Easton moved that the House adhere.

Whereupon, Mr. Burns of Anson moved that the House recede and concur.

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

Mr. MORTON: Mr. Speaker and Members of the House: We discussed this rather fully the other day. It didn't take very long to get a rather resounding vote against this bill. I trust that you all understand the question. It deals with two fairs; two conflicting dates. These two conflicting dates have existed for at least 150 years, or as long as these fairs have been going, except for one year two years ago when the law was slightly different. They have existed side by side.

This is unneeded legislation, as we certainly agreed on here in the House the other day, and I hope you will defeat the motion to recede and concur so that we can go on to adhere.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: We have gone through the history of this particular piece of legislation, and it is not major by any stretch of the imagination. However, it does bring up something that has been bothering me for some period of time. If this is such an insignificant piece of legislation, why are the lobbyists, the high powered lobbyists, interested in seeing this piece of legislation killed?

As I reminded you before, this piece of legislation was placed on the books by the 107th and then it was removed through some various means, through the errors and inconsistencies report, which involved a lobbyist and the Commissioner of Agriculture.

All through the hearing on this and in the lobby while this bill has been making its way back and forth, the lobby has been considerably active in it. Now, this brings up a question as to why. When a lobbyist gets interested in a piece of legislation like this, it usually means there is some money involved somewhere along the line. I am not saying payoff, I am saying money involved with the organizations that are involved.

During the testimony on this bill, a work session, the question was asked, who checks up on the monies that come through the agricultural fairs? The agricultural fairs are all non-profit organizations. The answer by the Commissioner of Agriculture was that other than what they checked for the stipend, there was no check that he was aware of in state government

on the monies that go through the Agricultural Fairs Association.

Well, I will submit to you that our little World's Fair in North New Portland, even though we do operate entirely on volunteer help, we clear from four to seven thousand dollars for a two-day fair and we do not have harness racing. So can you imagine what the gross income may be for some of the larger fairs that do have harness racing?

I would like to see this bill kept alive a little while longer and just see what the activity of the lobby is. So I do hope that you will vote to recede and concur with the Senate, and I ask for the yeas and nays when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: There are one or two things I would like to mention at this time. There are 25 fairs in the state. It is the duty of the Agriculture Commissioner to set the dates for all of these fairs. To do this, he must coordinate the dates with the fair associations and the harness racing commission. Most of the fairs have harness racing and pari-mutuel betting. If there is pari-mutuel betting, it returns a considerable amount of money to the General Fund, and this revenue reflects in the state stipend and enables the state to pay better stipends to the many fairs throughout the state.

There are two conflicts at present concerning this bill. One, a minor concern and it is usually taken care of without any difficulty, it is between Litchfield and the Lewiston fair. The other, which considerable testimony has been given on, is the New Portland Fair and Farmington. The Farmington Fair and the Lewiston Fair both have pari-mutuel betting. I believe it is essential to keep the fairs with the pari-mutuel betting going, and I think this bill handicaps the commission to a great extent in setting the dates for the various fairs.

I see no reason to prolong this bill further, and I hope you will not go along with the motion.

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 Anson, Mr. Burns, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Benoit, Berry, Brenerman, Burns, Chonko, Clark, Connors, Curran, Davies, Dow, Dutremble, Elias, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hickey, Hobbins, Howe, Hughes, Hunter, Kany, Martin, A.; Maxwell, McMahon, Nadeau, Najarian, Nelson, M.; Post, Quinn, Spencer, Torrey, Whittemore, Wilfong, Wood, Wyman.

NAY — Aloupis, Bagley, Beaulieu, Bennett, Berube, Biron, Birt, Boudreau, A.; Brown, K. L.; Brown, K. C.; Bustin, Carey, Carter, F.; Churchill, Connolly, Cox, Cunningham, Diamond, Drinkwater, Durgin, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Green, Hall, Higgins, Immonen, Jacques, Jensen, Joyce, Kane, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Locke, Lougee, Lunt, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, McBrearty, McHenry, McKean, McPherson, Mitchell, Morton, Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Talbot, Tarbell.

Tarr, Theriault, Tierney, Truman, Tyndale, Valentine.

ABSENT — Ault, Bachrach, Blodgett, Boudreau, Bunker, Carrier, Carroll, Carter, D.; Cote, Devoe, Dexter, Dudley, Fowlie, Gauthier, Huber, Hutchings, Jackson, Jalbert, Kerry, Lizotte, Lynch, Mills, Moody, Nelson, N.; Peakes, Sewall, Stubbs, Teague, Tozier, Trafton, Twitchell.

Yes, 37; No, 82; Absent, 31.

The SPEAKER: Thirty-seven having voted in the affirmative and eighty-two in the negative, with thirty-one being absent, the motion does not prevail.

Thereupon, on motion of Mr. Mahany of Easton, the House voted to adhere.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

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

The SPEAKER: The gentleman from Corinth, Mr. Strout, having voted on the prevailing side, now moves that we reconsider our action whereby we voted to adhere. All those in favor of reconsideration will say yes; those opposed will say no.

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

#### Orders

An Expression of Legislative Sentiment (H. P. 1634) recognizing that James J. Lancaster is retiring after 30 years of service as an educator, including 25 years in the South Portland School System and 12 years as principal of Mahoney Junior High School.

Presented by Mrs. Gill of South Portland (Cosponsors: Mr. Curran of South Portland, Mr. Howe of South Portland, Ms. Benoit of South Portland)

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

An Expression of Legislative Sentiment (H. P. 1635) recognizing that: Judy Fowle Has Been Recognized For Her Outstanding Academic Record By Being Chosen Valedictorian of Greenville 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. 1636) recognizing that: Cathy Jamieson Has Been Recognized For Her Excellent Academic Record by Being Chosen Salutatorian of Greenville High School.

Presented by Mr. Masterman of Milo.

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

On motion of Mr. Curran of South Portland, the following Joint Resolution: (H. P. 1621)

Joint Resolution Extending Appreciation to Members of The Maine State American Revolution Bicentennial Commission

WHEREAS, Maine and the nation commemorated the bicentennial of the creation of our Nation during 1976; and

WHEREAS, the success of the observance of the bicentennial is a tribute to the planning, dedication and resourcefulness of the Maine State American Revolution Bicentennial Commission, which effectively coordinated the efforts of the many communities and organizations which worked on projects and activities during the bicentennial year; and

WHEREAS, the spirit of the bicentennial and the recognition of the immeasurable value of our heritage as a state and as a nation will continue to grow through the many worthwhile cultural and historical projects which the commission helped plan and sponsor to the lasting benefit of the people of Maine; now, therefore, be it

RESOLVED: That the Senate and House of Representatives of the One Hundred and Eighth Legislature of the State of Maine extend their appreciation to the members of the Maine State American Revolution Bicentennial Commission for their dedicated services in the planning, coordination and sponsoring of bicentennial projects which will continue to inspire the citizens of Maine and which will continue to inform us on the lasting values upon which our nation was founded; and be it further

RESOLVED: That an engrossed copy of this resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the chairman and each member of the commission.

The Resolution was read.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: On your desks today, you will find copies of the final report of the Maine State American Revolution Bicentennial Commission. The report summarizes the activities of the commission during the period of the bicentennial. Copies of the report have been sent to various members of the public, libraries, including college and school libraries, to towns that participated in the celebration, as well as to the Governor and other officials who assisted the commission in its work.

As a member of the commission, I may be pardoned for saying that I feel the bicentennial was a successful one in Maine. In addition to the many celebrations and local committees which the commission assisted, I think we can take a considerable measure of pride in the dozens of worthwhile projects that were sponsored which highlighted the heritage of our state and our nation. This, of course, could not have been achieved without assistance from the legislature and even greater assistance from the communities, organizations and people of Maine. Time does not permit me to mention by name the hundreds of Maine people who gave of their time, energy and creativeness to make the bicentennial meaningful in their community and state.

The various members of the commission should be recognized as well for their devotion they brought to the task in attendance at the many meetings which involved planning the various projects and assisting in the execution of many in our own communities.

I think particular attention should be paid in the report to the several long-lasting projects which will for a number of years to come make adults as well as students in Maine more aware of the role that our state and its men and women played in the founding of the nation. These printed materials will fill a gap that has long existed in our schools at all grade levels to make Maine youth more fully aware of the value of their heritage.

The bicentennial was directed towards three goals — to recognize the heritage of our past, to celebrate the event and to plan for a better future. As you examine the dozens of projects which the commission and individual Maine communities and organizations sponsored, you will note that there were successful projects in all areas. Working with limited means, the commission at the state level and the communities at the local level formed a partnership which produced a bicentennial celebration of which I feel we can all be proud. We should recognize as well the skills and energy which were brought to the job by the Bicentennial Commission staff under the able direction of Mrs. Donna Mundy. They have contributed so much to the coordination and success of the celebration at the state level.

Thereupon, the Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Ms. Clark from the Committee on Business Legislation on Bill "An Act to Regulate the Use and Payment of Negotiable Instruments and to Require That Loans Made by Financial Institutions be Made Only by Money" (H. P. 1167) (L. D. 1397) reporting "Ought Not to Pass"

Miss Aloupis from the Committee on Business Legislation on Bill "An Act to Provide for Notifying the Debtor before his Debt is Turned over to a Collection Agency" (H. P. 933) (L. D. 1130) reporting "Ought Not to Pass"

Mr. Curran from the Committee on State Government on Bill "An Act Concerning the Accrual of Sick Leave by Injured or Incapacitated State Police Officers" (H. P. 553) (L. D. 670) 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. Carey from the Committee on Taxation on Bill "An Act to Raise the Corporate Income Tax for Corporations Earning over \$100,000" (Emergency) (H. P. 1051) (L. D. 1275) reporting "Leave to Withdraw"

Mr. Curran from the Committee on State Government on Bill "An Act to Increase the Total Aggregate Amount of Bonds which may be Outstanding to Fund the Industrial Building Mortgage Fund" (H. P. 1156) (L. D. 1494) reporting "Leave to Withdraw"

Mr. Curran from the Committee on State Government on Bill "An Act to Increase the Bond Limit of the Maine Guarantee Authority" (H. P. 1049) (L. D. 1284) reporting "Leave to Withdraw"

Mrs. Huber from the Committee on Energy on Bill "An Act Concerning State Energy Conservation" (H. P. 1266) (L. D. 1493) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

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

Mr. Whittemore from the Committee on Business Legislation on Bill "An Act Relating to the Practice of Real Estate Brokers and Salesmen" (H. P. 157) (L. D. 195) reporting "Ought to Pass" in New Draft (H. P. 1631) (L. D. 1833)

Mr. Carey from the Committee on Taxation on RESOLVE, Authorizing the Attorney General to Undertake Proceedings on Behalf of Resident Taxpayers of this State to Recover Certain Taxes Paid to the State of New Hampshire (Emergency) (H. P. 1560) (L. D. 1781) reporting "Ought to Pass" in New Draft (H. P. 1633) (L. D. 1834)

Mr. Pearson from the Committee on Public Utilities on Bill "An Act Relating to Public Utilities Commission Participation in the Federal Railroad Administration Track and Equipment Safety and Inspection Program" (H. P. 366) (L. D. 457) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide for the Department of Transportation to Participate in the Federal Railroad Administration Track and Equipment Safety and Inspection Program and to Administer Railroad Safety Investigation Provisions of the Maine Statutes" (H. P. 1632) (L. D. 1835)

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

#### Ought to Pass with Committee Amendment

Mr. Curran from the Committee on State Government on Bill "An Act Relating to the

Regulation of the Blueberry Industry" (H. P. 598) (L. D. 739) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-474)

Report was read and accepted and the Bill read once. Committee Amendment "A" was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" on Bill "An Act Concerning Proof of Residence Required for Certain Inland Fisheries and Wildlife Licenses" (H. P. 261) (L. D. 329)

Report was signed by the following members:

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

Messrs. PETERSON of Caribou  
MASTERMAN of Milo  
MacEACHERN of Lincoln  
MILLS of Eastport  
PEARSON of Old Town  
McKEAN of Limestone  
ROLLINS of Dixfield  
DOW of West Gardiner  
GILLIS of Calais  
— of the House.

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

Report was signed by the following member:

Mr. TOZIER of Unity  
— of the House.

Reports were read.

On motion of Mr. Dow of West Gardiner, 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 State Prison Guards With the Same Retirement Benefits as the State Police" (H. P. 1411) (L. D. 1615)

Report was signed by the following members:

Messrs. COLLINS of Knox  
O'LEARY of Oxford  
LOVELL of York  
— of the Senate.

Messrs. THERIAULT of Rumford  
BUNKER of Gouldsboro  
AUSTIN of Bingham

Ms. CLARK of Freeport  
Messrs. NELSON of Roque Bluffs  
HICKEY of Augusta  
MacEACHERN of Lincoln  
LOUGEE of Island Falls  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-458) 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 gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: As so many of us start out, this is my bill.

I want to make it clear that the Committee Amendment has changed the bill considerably from what was originally in the title and that the original bill dealt only with regard to Maine State Prison. I had this bill in for consideration if the earlier bill for all correction employees did not pass. What the amendment does essen-

tially is provide the same kind of retirement benefits for guards in all the correctional systems as is presently available to Maine State Police, and that means a 20 year retirement and survivor benefits. That is different from the bill that we considered earlier in which those kinds of benefits were extended to all correctional employees, and while I supported that particular bill, I think the need is even more crying for this type of retirement benefits for prison guards.

I want to make it very clear that I am not supporting this measure, I did not put in this measure as replacement for an increase in salary; that is a separate issue and I would support an increase in salary for prison guards. This is simply a retirement issue. The issue is whether or not people working under the kind of conditions that the guards in the institution work under today should be expected to work under those kinds of conditions for more than 20 years or whether or not the type of hazardous conditions that they have to work under should allow them to have benefits for their survivors.

While I think that maybe a few years ago, justifications could be made for saying State Police work under much more hazardous conditions than guards at the prisons do, or guards at the correctional systems do, that is not the case any more. Things have changed very much in the past five or ten years. The kinds of situations our guards are faced with now, in the past couple of weeks anyway, a guard was hit from a brick that was dropped from a window. As I understand it he suffered very severe damage and it is very possible that he may not be able to work again. Now, he would be covered by Workmen's Compensation, that is true, but that is not what the bill deals with. What the bill deals with is that people working under these kinds of conditions, when they are afraid and they have to be aware at any time that they may be assaulted or have verbal abuse hurled at them and not be able to respond, whether or not working under that kind of tension, how long can you expect people to work under that kind of tension, whether or not they should have early retirement benefits.

A year or so ago, we had a guard held at knife point, and I think that the verbal kind of abuse happens all the time. At the present time at the Maine State Prison, we are having a rash of the inmates setting fires in the prison and then the guards have to go in and put out. So they are acting as firemen in addition to acting as prison guards this time.

Now, I think one comment that I heard quite often during the hearing which sort of bothered me is, didn't the guards know what they were doing when they applied for the job in the first place? Well, I would have two answers to that, although I did not make it at the hearing because the question was asked after I testified. The first thing is, for those guards who have been working there 15 years, they did not know what they were getting into because the conditions have changed dramatically within that time. And the second answer to that is, when we had state employees generally coming in and saying that they needed to have full coverage for their health benefits, we didn't tell them, well, didn't you know what you were getting into when you signed up for it and it only had half benefits? We have teachers coming to say that they don't want to do noontime duty anymore. We do not tell them, didn't you know what you were getting into when you signed up for it? How come you are coming in and asking for more now? I do not really believe that that is the issue. The issue is whether we want to provide equity for some of the people who are employed that we are acting as employers for, or whether we want to take the role of saying you have got enough and you knew what you were getting into when you signed up for it so,

therefore, you should not ask for what is yours.

The reason there is a price tag on the particular bill it is my understanding, although I have discussed this with the chairman of the Committee, the price tag with the Amendment is \$800,000 and you ought to know that when you are voting on it. So at this point I would ask you not to accept the "Ought Not to Pass" Committee Report.

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

Mr. LAFFIN: Mr. Speaker and Ladies and Gentlemen of the House: I think that the bill that we have before us today deserves your consideration. This type of a bill is a working people's bill. We have situations where men are in their forties and fifties and, as you know, have to handle young men who, shall we say, you would not want for a next door neighbor. This is what we are talking about.

I have heard it said, well, they are only 50 years old and a man is young at 50, and to be sure, a man may be young at 50 if he sits behind a desk, but when he is working as a guard in the prisons of this state, he is an old man at 50. I certainly believe that this bill should be given your consideration on that ground and that ground alone.

We have a situation in this state today where the prison reforms are doing everything they can to see that the criminal is well protected, that his rights are not violated and in many many cases he is better off in prison than he would be on the streets socially. I think that we as individuals representing the people of Maine, we want good men in our prisons as guards, we want our prisons run right, and we must give the incentives to these people to attract the best kind of people possible.

The days of using a club and chaining them down in a prison, those days are all gone, anyone could have done that, but today it takes skill to handle these men because these men are very intelligent. There are those who say, well, they cannot be too smart, they are in prison, but these men that have committed vicious crimes against our society have to be put there and we need the best kind of men to guard them. I urge the members of this House to support this bill and I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Augusta Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Serving on the retirement Committee certainly is not an easy task. Practically all of us on it are retired people. If there were any possible way that we could see to present an "ought to pass" resolution, we certainly would do it. Our primary job is to protect the retirement system. We are controlled by actuaries and trustees who predicate the position of the different bills. Their position is that this bill will go approximately \$800,000 and that the retirement system is in no position to stand this kind of a cut.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: You know, I do not think that the retirement system is in a position to pick \$800,000, and I wouldn't expect them to, and that is why if the bill is accepted today there will be a price tag on it tomorrow. That is why the bill has to go on the Appropriations Table. I am not asking the retirement system to pick it up; I am asking that we decide in this House whether prison guards should have the same kind of retirement benefits as state police, that we are going to tell them right now that they are no longer second class citizens, that the state police are not somehow three or four stages above them and then when it comes time for the appropriation process, we decide whether we can afford to do it. I am not asking the retirement fund to pick up the slack.

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

Mr. THERIAULT: Mr. Speaker, Members of the House: First, in reference to the \$800,000. It is true that the \$800,000 that it would cost for this year to the retirement system would not come from the retirement system but if it passes it would come from the appropriations, the General Fund. But the problem with this is that this cost will continue into the future and then where will that money come from? You may not be aware of this, but this money is not always forthcoming from the General Fund as in the past. Though the state is obligated to pay in a certain amount of money each year to the retirement system, it fails to do that by a large margin. If we add another \$800,000 to that, who will have to pay for that if the state does not come up with it in two years or three years or four years? It would have to go onto the unfunded liabilities. That is why this bill is not the one that would break the camel's back, it is an additional straw and in the future, many more straws will accomplish the breaking of the camel's back.

I might say, as has been said, if you have looked at this L.D. with the amendment, H-458, I do not believe many of you have, so for your information I will tell you that this bill with the amendment is practically the same as L.D. 1073 with the exception of the title. The same people are covered and the same benefits are requested. They are so similar in form and fact that I even considered using the same speech that I presented for L.D. 1073. However, I decided that the title of L.D. 1615 tells the whole story, "An Act to Provide State Prison Guards with same Retirement Benefits as the State Police."

As I have told you in the past, the state police, being at the top in benefits, every other unit in the retirement system is trying to reach their level. I am not saying that the other groups are not deserving of the same benefits as the state police; I believe in some cases they are. What I am trying to tell you is that the past legislatures made a mistake in giving these benefits to the state police and the present legislature should not add to that error by bringing other groups to that level.

We are criticized when we bring in the cost factors on these L. D.'s. We are told that dollars should not be thought of when we are talking of aid to human beings. Unfortunately, we have to be realistic about these matters. We cannot be all things to all people. We decide to help one group and in this case we end up by hurting a far larger group.

There is no fiscal note on this but the figure of \$800,000 has been given; I cannot verify that. I had another figure and I am not sure of it, and I am not going to bring it up at this time because I tried to check on it and it did not have time.

Ladies and gentlemen, I hope that you will go with the "Ought Not to Pass" Report.

Mrs. Post of Owl's Head was granted permission to speak a third time:

Mrs. POST: Mr. Speaker, Men and Women of the House: Very briefly, I would respectfully disagree with Mr. Theriault in that this bill is not the same as the one we had before. The bill that we had before provided these kinds of benefits for all employees of corrections, and that meant the secretaries and the nurses the janitors, all employees. This one, this bill here, only provides the protection of these kinds of retirement benefits for the prison guards, and that is a very major difference from the bill that we considered before.

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 on L.D. 1615. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Austin, Bachrach, Bagley, Berry, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carter, F.; Chonko, Churchill, Clark, Cote, Cunningham, Curran, Dexter, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gauthier, Gill, Gillis, Gould, Green, Hall, Hickey, Higgins, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Jensen, Kane, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairey, McHenry, McMahon, McPherson, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Quinn, Raymond, Rideout, Rollins, Smith, Stover, Tarr, Teague, Theriault, Torrey, Trafton, Tyndale, Whittemore.

NAY — Ault, Beaulieu, Bennett, Benoit, Berube, Blodgett, Brenerman, Bustin, Carrier, Connors, Connolly, Cox, Davies, Diamond, Dow, Elias, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hobbins, Howe, Jalbert, Joyce, Kany, Kelleher, Laffin, Locke, McKean, Mitchell, Norris, Peakes, Post, Prescott, Shute, Spencer, Sprowl, Talbot, Tarbell, Tierney, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Carroll, Carter, D.; Devoe, Fowlie, Hutchings, Littlefield, Lizotte, Mills, Moody, Sewall, Silsby, Strout, Stubbs, Tozier.

Yes, 88; No, 49; Absent, 14.

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

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

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

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

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

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Establish County Boards, to Allow Them to Set and Approve County Budgets and to Allocate Services" (H. P. 215) (L. D. 225)

Report was signed by the following members:

Messrs. O'LEARY of Oxford  
HICHENS of York

— of the Senate.

Mrs. BERUBE of Lewiston  
Messrs. DRINKWATER of Belfast  
STOVER of West Bath  
LaPLANTE of Sabattus  
McPHERSON of Eliot  
HICKEY of Augusta  
GRAY of Rockland  
TRUMAN of Biddeford

— of the House.

Minority Report of the same Committee

reporting "Ought to Pass" in New Draft (H. P. 1620) (L. D. 1825) on same Bill.

Report was signed by the following members:

Mr. JACKSON of Cumberland  
— of the Senate.  
Mrs. MARTIN of Brunswick  
Mr. HENDERSON of Bangor  
— of the House.

Reports were read.

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

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

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

The gentleman may proceed.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: The bill you have before you is a consequence of the study the Joint Select Committee on County Government undertook last year. We have had several bills, one having to do with the Human Services Board, which this body disposed of, one having to do with law enforcement, which is currently before the other body, and a third bill which deals with the structure of County Government, and this is a proposal that we offer to you for your consideration. We offer it in this manner: The question I would hope we could address in accepting the report this morning is whether or not this body wishes to do something to change the structure of county government. It may not be embodied in this particular bill the way that it is drawn up, and that is one of the reasons why the committee could not agree in majority to support it, but there was broader sentiment in the committee that there be some change and that we report the bill to the floor and find out whether the winds of those changes are strong enough or whether we should just forget the issue. If there is sentiment for some sort of change, we hope that you would accept the Minority Report and in second reading could get a better idea of the kinds of changes that this body would accept.

Let me review for you briefly the nature of the bill. It has four elements primarily: (1) it changes the Board of Commissioners; (2) it changes the budgetary process; (3) it alters the powers slightly of counties; (4) it involves the appointment of two officers which are now elected; mainly, the County Treasurer and the Registrars of Deeds. Let me go through each of those briefly so you can understand at least the basics of this and whether any elements of this are acceptable.

First of all, the board would be changed from three members as now to seven, that three members would be elected as they are now in virtually every county from districts. Three additional members would be elected from districts, but those three additional members would be municipal officers, elected by districts, and the seventh member would be elected at large. The objects of this are several, (1) to open up a club atmosphere of only three commissioners, (2) as a consequence of that to provide a broader representation of different groups and interests within the counties, (3) to provide for Municipal representation on the board of commissioners since this has been a bone of contention in the past that between counties and municipal officers and there is the hope that there would be cooperation. The second element of the change has to do with the budgetary process.

This newly constituted board of commissioners would prepare the budget, would have a public hearing with required advertising and would finally approve the budget themselves. Now this proposal would obviously take the legislature out of this process. The bill also provides for an advisory finance committee if

the commissioners so wish to appoint one which could then assist the commissioners in this budgetary process.

Thirdly, the powers would basically remain as they are now for counties, the major changes being an expansion in their ability to develop a planning department, comprehensive planning department, but only with the referendum approval of the voters in that county.

Finally, there would be an appointment of a treasurer to serve at the pleasure of the commissioners and a registrar of deeds to serve on a term of four years. Now those are the basic elements. It may be that this House could only agree at say a very minimal level which might be to increase the board, provide for more representation, that would probably be the most conservative change that we can make but on the other hand try to democratize the system. If there is sentiment for that alone, then maybe the rest of the bill could be amended away and at least that amount of change could take place.

I know there is a lot of resistance to the change in budgetary process but that does not necessarily have to happen here, we could still have the commissioners as proposed here, but the final authority for the budget could still remain with the legislature. So there are a variety of alternatives and I hope we could address the question whether there should be changes or not, and then, very briefly, I would just like to present the arguments that I had before so I will not go over it again although I think there ought to be changes and it basically is that I do not think we can stand still, that the authority of counties has eroded over the periods while at the same time many special districts have been created and I, for one, am not sure who serves on my health administrative district board or my water district, sewer district, or maybe in the future police administrative district or whatever it might be and those are the kinds of things that I would like to resist by having a responsible intermediate form of government that is representative and also is administratively efficient which is another element that this bill tends to address.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Stover:

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the committee that signed the majority "Ought Not to Pass Report" I feel that I should give you some of my thinking as to why I signed that report.

This bill would first, as Mr. Henderson says increase the size of the board of county commissioners from three to seven, the thinking behind it that you would get perhaps more efficient administration. There is no guarantee of that but this certainly will increase the cost of administration. In my county the commissioners are now paid about \$2,000 round figures a year. In this bill, they would increase for these members to \$3,500 a year, the other would be a \$25 a day deal. So, in effect as far as Sagadahoc County it would quadruple the cost of administration. Another thing this would do as he says it would remove from the electoral process the election of two of the county officials.

I happen to be in favor of democracy. I believe the electorate is far smarter than some politicians would give them credit for and I like to see names on the ballot. I feel that is what democracy is all about. Also if the electorate does make a mistake, they have a chance to correct that the following election. People are elected, their chances of their being removed oftentimes are very remote. Another thing this does, this allows a county commissioner, as he says, to prepare the budget, but also allows him to adopt the budget. There is absolutely no accountability here at all. We are creating, well maybe I should not use that word, at least we are writing a blank check and also they have the

power as the bill says to go out and assess the tax. In other words, all through the whole process they prepare the budget, they adopt the budget, they assess the tax and we are writing them a blank check with apparently no recourse whatsoever. To me, that scares me to death.

Another thing, the reason of the bill is to give them more power. I would like to think of a story of a young man and woman who are out walking in the moonlight and she said to him, or he said to her rather, if I had a hundred arms, I would hug you with every one of them, and she said, well you are not using the two you have already and I feel that is the same way in county government. They have the power, they just don't use it because if they accept new responsibility, take on new programs, it means more work, and so I feel the problems are right there with the county commissioners. They are very content to go down there, pick up their check once a month with a minimum of work and a minimum amount of responsibility. They have the responsibility to go out and build civic centers, they buy buildings, they tear down buildings, they hot top parking lots, close roads, you go ahead and name it. They got the powers there, the reason why these districts have been created and been allowed to create I feel is because there has been a vacuum there which the commissioners could have picked up but chose not to, so I would urge you to vote against the motion before the House and accept the majority "Ought Not to Pass Report".

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: As the good gentleman from Bath, Mr. Stover said, this bill scares me to death, therefore, I shall move for its death. Mr. Speaker, I move for the indefinite postponement of this bill and all of its accompanying papers.

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

Ms. BACHRACH: Mr. Speaker, Members of the House: I will try not to repeat too much of what Jim Henderson said. I would like to run it by again since it is pretty new. I hope you will devote a few minutes today to considering a new form of county government.

Mr. Stover has made it evident that we need a new form of county government. We have all criticized the present form, often and at length. I offer you here today a possible alternative which was L.D. 225, now L.D. 1825, a new draft the chief difference between the drafts being that we have eliminated the section on provision of human services because that was already defeated by the House. The Joint Select Committee was established by the 107th Legislature to study the present form of county government, hold hearings in the counties and come out with some proposals to improve the delivery of services on a sub-state level. You have already seen our proposals to improve county law enforcement and to oversee funding of human services, which was rejected. However, a minority of the committee felt that there would never be a real change in the effectiveness of county government unless there was a basic change in the structure and that is what we offer you here. We recognized earlier in the studies that the outstanding weaknesses in county government was the role of the county commissioners. Their job was badly defined and lacking in effectiveness. Probably their most important function was preparation of the budget for the year and even for that, they were subject to the will and even the whim of the Legislators of the county. This has become a yearly power struggle which occupies entirely too much of the legislature's time and doesn't necessarily produce the best results.

Recognizing that the interests of the municipalities must be represented on the



county commissioners board, L.D. 1825, provides that with a seven member board, three members are to be elected municipal officers in office as selectmen or council members and further elected from districts in order to distribute representation more widely. This board of county and municipal officers will present a budget, hold hearings and finally approve the budget in the manner of town and city councils. It is not unheard of for town and city councils, after public hearings, to approve the budget. The board will act as the governing and policy making body at the county and will appoint a county administrator or clerk acting in that capacity to carry out the decisions of the county board. The bill further states that the board may appoint a county finance board to advise on matters of the budget if it so desires.

The duties and functions of the county board are divided into three categories, those that must carry out such as support of the courts, registration of deeds, provision of law enforcement, etc., those that may engage in county referendums such as planning on a county basis and those that may enter into in the form of contracts with municipality and this would include any type of structure other than county court buildings.

The bill sets an arbitrary limit on commissioners' salaries and states that municipal members will get per diem and expenses only. The regular commissioners will serve for three years, the municipal members for one and the initial salaries will be set by the legislature. Therefore, if the salaries are not according to the desires of the legislators of the county, they may, at that time, address the initial salaries. It seemed advisable to put some sort of a figure in the bill but that is not the final one.

L. D. 1825 provides that the county board of commissioners will appoint the registrar of deeds and county treasurer and the county treasurer may be the county administrator, if they so desire. The reason for this appointment is that I find in talking to these people that they feel that continuity is of value but, as Mr. Henderson pointed out, this section can easily be amended out if the sentiment of the legislature is opposed to that. I do not include anything concerning the probate officers because that is being considered in a revision of the probate court at this time.

It is important to note that this proposed legislation makes no significant change in the powers of counties other than to approve their own budget. There is no attempt to expand the county into a general purpose level of government nor to give it new powers that would encroach on municipal authority, rather, the intent is to create a responsible unit of government that can continue to provide its present services while developing new services and functions if it is desired by the people in the county.

In regard to assessing taxes, that is a form of language which I regret you have taken exception to. The counties now assess taxes in that they divide the total county budget into tax bills which they present to the municipalities that I am sure you know there would be no further assessment. However, the bill does provide that the county tax be identified as such in the tax bill sent to the citizens so that as a further check on the expenditure of county funds, the citizens will know exactly how much of their municipal tax bill is actually expended in the form of tax to support the county. The minority of this committee believes that it is critical to establish a new structure for county government if the county is to become a responsible and effective unit of government. This change should not be further delayed.

The compromises contained in the proposed legislation meet the objections to the prior bill of the committee which came out last year and

provide a firm foundation for the development of county government. Under the direction of the new board, the county can begin to meet the demands placed on it in a cooperative and effective manner. This new county government structure, combined with the power of finally approving the budget, can provide the mechanism and impetus of the evolution of counties to meet the demands for government services that are now being met by various sub-state districts.

The counties can actually provide these services with a flexible form of county government if the citizen so desires. This bill can provide the beginning of a simplified and understandable and responsible basis for sub-state government in Maine.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House; We still have a bill in local county government coming up that will offer a charter form of government to county governments. In other words, the local people in each county could be set up as a charter commission and decide what they themselves need in each county because I believe the needs of the Counties now are different probably in 16 different areas and possibly that would be something to look at in the coming days.

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

Mr. HOWE: Mr. Speaker, Members of the House: I have taken one brief look at the way the legislature approves the budgets of the counties as a freshman legislator, and that brief look has been at only one of the sixteen counties, but frankly, having gone through that procedure just once, and I admit to not knowing historically the reason for our having approval over that budget process, I think it is a hoax. It is not that one or two individuals, at least, in our county didn't do one heck of a job and put in a lot of time on it. My corepresentative from district 35, Mr. Curran, put in many many hours. I think he truly understood what was going on in the Cumberland County budget, but I don't know that he was perhaps the only one, with the exception of the gentleman at the other end of the hall, Senator Usher, who also worked with him.

The county commissioner are elected officials and it seems to me that being elected officials that they ought to be given some power and authority over that which they are supposed to control which are supposed to run and it seems to me we come up here early in the session, we are all running around trying to put our own bills in before cloture date, this is the way I felt, I don't know whether I felt alone this way or nobody else is simply standing up to express a similar concern, but to try to deal with that county budget in those opening days of the session while we are trying to deal with our own bills to me is a hoax. I just don't feel that our delegation was able, no matter how much we might have tried, to really take a look at the county budget and know what was going on there in those various departments and deal with them realistically.

I said in an earlier debate, on another bill, that I thought county government was something of an imprudent creature and I think it is precisely because the county commissions don't have control over their own budget and I think most people up there don't give a darn about the county government, don't know much about it and, again, I think it is because the people they put there don't have any real authority over the budget which is, after all, where it is really at in controlling any governmental entity. I think if we turn over to them that budgetary approval, they may develop a much higher level of awareness of county government and interest in it. I think the press may start at-

tending county meetings, the people may see what goes on there, the commissioners if you feel are not responsive and responsible now, I think will become so and I think it is time that we either turn over or return to them if the ever had the power to approve their own budgets and, therefore, I am going to support the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Wet Bath.

Mr. STOVER: Mr. Speaker, Members of the House: I am exactly of the opposite point of view of the gentleman that just spoke. I was a county official for many years, and I feel that I understand the process. I should understand it anyway, if anyone does, and I feel there should be checks and balances. A selectman, can you imagine a selectman preparing the budget and saying to the town's people, this is it, you have got to do it. Now do they have to go to a town meeting and the town's people then have the power to accept or reject the recommendations of the selectmen. And I can't see a better review board than the legislative delegation. I was never a member of the legislature before, I may never be again, but after all, they are a cross section of the thinking of the people of that county. The larger the county the larger the delegation and they must be interested in government or they would not be running for legislature in the first place. They are accountable, they have to go back for election every two years and I feel that they are an ideal group of people to consider this budget as prepared by the commissioners. But as I said before, you should have checks and balances and another thing that was brought out that I have forgotten to mention, under this bill in 1981, the commissioner is going to have the power to even set their own salaries. Now me, if I were a county commissioner, I would love that, but I can't see it from the basis of the taxpayer, so I would urge you to accept the motion before the House.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: Here, about a month ago, we defeated a bill that would have placed districts in Washington County. It was a long struggle and we finally made it, and here we are back again with the same thing. I can't go along with this bill, not only because of the districts but the efforts to change the structure of county. There were some counties where there for the past four or five years and if any of these ideas to change the structure of the county government originated here in Maine, I might be able to go along with it, but it does not originate here in Maine. None of these bills being presented to us here today, or in the past or in the future, have originated here in the State of Maine. It is all coming from this Council of Governments outside of the State of Maine, this national organization. They will do anything to get their way of changing the county structure of government. I am firmly opposed to it and I can never support it. Now the statement was made here this morning. . .

The SPEAKER: The Chair recognizes the gentleman from Brunswick Ms. Bachrach.

Ms. BACHRACH: I would just like to state that I wrote this bill myself.

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

Mr. GILLIS: If the gentledady says she wrote the bill, I apologize to her, but I have read similar material in other publications from out of state. The gentledady says she wrote it and I apologize to her.

The statement was made here this morning that we are all criticizing county government, not all, there are a good many supporters here for county government. I fail to see what is wrong with county government in its present

form. In Washington County we are happy with it. We have three hard-working commissioners down there and they are doing everything in their power to improve our government. And as far as the budget being approved at county level, no, I think the Legislature should maintain that control, to give the local and county delegation some authority on it. The one item I cannot stand in the deal is the additional cost it will bring about. It is going to add additional funds to the budget and down there in Washington County I know we cannot afford it. So I urge you to support the indefinite postponement.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: I signed the "Ought Not to Pass" Report and I am a strong supporter of county government. I signed the "Ought Not to Pass" Report because I am more in favor of the charter bill that will be coming out of the Local and County Government Committee later, within the next few days.

I felt that this bill would allow the people to vote in referendum in each county as to whether they wanted to improve the charter that they had and to set up a charter that would be acceptable to them and workable within that county. After the referendum, or during the referendum, I am not sure how this is going to work out yet, we are still working on it in committee, there would be made up for people within the county, each and every county that voted to do this. I felt that these people who work in between elections could come up and then resubmit to the people to be voted on once again by the taxpayers and the voters within each and every county as to what would be best for that individual county. Therefore, that is the reason I signed the "Ought Not to Pass" Report. I felt that the Charter Commission was the better way to do it, it would be down on the local level or on the county level. Certainly they know the problems better than I know the problems, better than I know the problems of York, better than I know the problems of Androscoggin or some other county; surely I am familiar with the problems of Waldo County.

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

Mrs. KANY: Mr. Speaker and Members of the House: I rise to support this bill which does, indeed, strengthen county government, and I say that as one who has never been a county government fan, but I believe that if we elect officials at the county level we should also give them the responsibility of setting their county tax rate, and I urge you to oppose the motion before us.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I would like to rebut some of the remarks and, secondly, I would like to ask that when the vote be taken it be taken by the yeas and nays.

With respect to some of the remarks that have been made, the salaries of commissioners, as has been pointed out, is something that is flexible that may be changed, so I hope that in itself will not scare you. That is something that could be amended and made more flexible. With respect to the election of officials and whether we are in favor of democracy or not, you will notice that the bill provides for a net gain of two more elected officials than we have now. It is just that they would be putting the elected — because there would be four more commissioners and they are in the policymaking body. There will be more policymakers elected; there would be fewer administrators elected.

With respect to the origins of this bill, and I understand that there have been those out of

staters who are trying to make changes in county government and all that sort of thing, but this bill is truly a product of the Maine experience because, to the Speaker's chagrin and the Budget Officer's pain, this committee did have hearings throughout the state in every county. There were, some counties where there wasn't much attendance, some counties there was more, and overwhelmingly the thought that those meetings centered around, there should be some changes made in county government. There were very very few who thought it ought to remain as it is and there were a few who thought it ought to be abolished altogether and the state assume these responsibilities. Overwhelmingly, people felt there ought to be an intermediate level of government that is responsible and there ought to be changes. Now, there were differences about those changes. Some people didn't think we should eliminate the election of these department heads, but there were feelings that it ought to be made more responsible, so I would want to defend the notion that it is a home-grown idea and that it has had broad publication, let's say, before today.

The budgetary process right now is one horrendous buck-passing operation. We have an elected department head who thinks they know what they need to run their department; then they have county commissioners who think they know and therefore they put it in the budget; then we have the Legislative delegation who make additional changes possibly, and fourth, sometimes we have the state interfering in, for instance, how much of the county budget ought to go for court system and a variety of things. There is nobody you can nail as far as the responsibility is concerned. You've got at least four people to shoot at, and what this is attempting to do is to make somebody responsible.

Now, the other point is, the gentleman from Washington County says we have a great bunch of county commissioners down there but on the other hand we do not want to trust them with the budget. Oh, gee whiz! On the other hand, people are saying, we have some questions about our county commissioners and we do not want to trust them with the budget, which really means we do not trust the electorate, so let's have the nerve to say that. If we do not trust the people who are electing these people or would now be electing a broader board who would be more responsive, we do not think the people are capable of electing that group, even though in municipalities of population sizes of these counties, we elect councils of similar sizes. They pass on budgets.

This is not a town meeting kind of thing. You cannot run counties of the sizes we are talking about, even the smaller ones, and the populations we are talking about, on a town meeting basis, or the alternative will be that the state will administer these things because it can't be done efficiently.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am from Penobscot County and I don't have to tell you people here that I represent the largest acreage in Penobscot County and I find the people there are not crying out for any changes in government. The only thing they are crying out about county government is that they don't want to expand it. I am sure they do not approve of the people in county government approving their own budgets. I will not bore you with a lot of conversation except to say that I hope you all will vote to indefinitely postpone this bill.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I think this debate this

morning has solidified in my mind a fact that has been gradually dawning on me since I have been in this body. I feel that in Cumberland County we have a system of county government that dreadfully needs some change. The gentleman from South Portland, Mr. Howe, put my thoughts on the score very well. But what seems to be coming to the floor is that this isn't the universal problem, that we can't find a device that is going to fit every county and meet its needs. The last speaker, I think, put that very well.

So I would hope that we might find some way of keeping this alive, and in light of the remarks of the gentleman from Belfast, Mr. Drinkwater, if we have another vehicle coming along that might meet the needs better, I suggest that we try to keep this one alive and consider that one when it comes down and see if we cannot work out some procedure that might give us a device that would meet the needs of the individual counties, because I am convinced that in Cumberland County we do need changes along the lines that we have heard discussed here in this bill this morning.

I am going to vote for the acceptance of the Minority "Ought to Pass" Report.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to offer the gentleman from Cumberland, and those who are unhappy with their forms of county government, a solution to their problem this morning, and that is called the elective process. That process is done at the ballot box the next time they have an election for their county officials.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will follow the thoughts of the gentleman from Cumberland, Mr. Garsoe, and I urge you definitely not to reject this bill out of hand here this morning at its first appearance before this body.

I took the time last night to review the bill, and having been a member of the Commission on Maine's Future for the last two years, and seeing the examination and the study and the work that that group of some 40-odd Maine people has been doing, I am sure they would find many parts of this bill not unfamiliar.

I think we have to agree that the most maligned form of government on the state level of government is county government, but in this day of proliferation of boards and commissions and committees, all of which are appointed, it is recognized that there is a vital need for some level of government with elected officials, not appointed officials, but elected officials to control the millions of dollars of grants and funds and different kinds of programs which we have foisted upon us by the federal government and which, of course, the state also participates in.

The county level of government is a middle level. It is in place, it has elected officials, and where it is larger than most municipalities, many of which are small and unable to handle these programs on their own, it is smaller than the state, it is closer to the people and it is in a position to take care of this kind of thing much better than other levels of government. To stand still in any endeavor is to wither and to die, and that is what is happening and going to happen to county government if we do not do something. Their powers are being eroded with every session of the legislature, and in its present form, county government is going to be more and more moribund. This bill is an avenue for the 108th Legislature to turn this process around, and it may well be that the bill mentioned by the gentleman from Sabattus is another way.

I urge you this morning to keep this bill alive

and give us a chance to do something to invigorate county government, to take care of that middle level of government and continue to provide an elective form. Don't kill it today. Let's let it ride along with the other one that is coming along and let us examine them both and make sure that we pick out the best method for taking care of county government and improving county government here in the 108th.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I did not want my remarks, in light of the response of the gentleman from Blue Hill, to be construed as criticism of the present occupants of the Commissioner's Office in Cumberland County. Solomon himself could not run that county under the conditions they are working under. This is not a criticism of the individuals, it is a criticism of the way county government has deteriorated and is now attempting to function.

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

Mr. HOWE: Mr. Speaker and Members of the House: I wish to echo the remarks of Mr. Garsoe. It is not the question of the ballot box, we could put Mahatma Gandhi, Winston Churchill and Golda Meir in the Cumberland County Commissioner's offices, but the structure needs changing and that is why I support this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I find myself agreeing with my good friend from Farmington and my good friend from Cumberland this morning. I would hope that we could vote in Penobscot County to let this go at least to second reader and then we could talk to the chairman of the committee and hold a county caucus and discuss which road we want to take, but let's not kill it at first crack.

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

Mr. QUINN: Mr. Speaker and Members of the House: I agree wholeheartedly with the last speaker. This bill is an attempt at reform which is long overdue. I think that it would be a shame, a true shame, for this Legislature to ignore an attempt by refusing at least to put this through a reader and to show that we are concerned with reform and improvement in county government, and I urge you to pass it.

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

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

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

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: In the course of two years' study of county government, I had the opportunity to see that it might indeed become a viable form of intermediate government. People in general like and feel comfortable with county government. Towns could make use of it to provide a means of working together on projects in common. If county government were allowed to be a responsible and responsive form of government, it could fill in many of the gaps in providing regional services in our old familiar form. As it is now, it is merely a buffer between municipalities and the state and kicked by both. As long as some legislators want to run the whole show from Augusta, as long as the legislators insist on playing mommy and daddy for county commissioners, the potential of county government cannot be realized and it

will not grow up and assume the responsibilities that it might be capable of.

I do not see the justification for thinking that the men and women who serve as county officers are not as capable, intelligent and effective as legislators. How can we, in fact, expect really capable people to run for these offices if they are to be seated on dunce stools in Augusta once a year while the legislators rap their knuckles? It seems to me that the time to end the game of pass the buck between the commissioners and the legislators has come and that we should ensure that the county officers take full responsibility for doing their jobs and satisfying their constituency.

L. D. 1825 establishes a board of commissioners on which municipal officers sit to watch out for the interests of the municipal taxpayers. With the addition of a finance committee and public hearing, there should be sufficient control of county budgets. The yearly turnover of municipal representatives who serve only one year will insure that the towns should be happy with their representation.

I hope that you will support the "Ought to Pass" motion defeat the indefinitely postponed motion and allow county government to grow up and get on with the job.

The SPEAKER: The pending question is on the motion of the gentleman from Sanford, Mr. Nadeau, 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, Austin, Bachrach, Bennett, Berry, Berube, Biron, Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Conners, Connolly, Cote, Cox, Davies, Devoe, Dexter, Dudley, Durgin, Dutremble, Fenlason, Gauthier, Gillis, Goodwin, H.; Gray, Hall, Hobbins, Hunter, Hutchings, Immonen, Jacques, Jalbert, Kane, Kelleher, Kilcoyne, Laffin, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Nadeau, Najarian, Palmer, Peltier, Perkins, Plourde, Post, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Teague, Theriault, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong.

NAY — Ault, Bagley, Beaulieu, Benoit, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Burns, Clark, Cunningham, Curran, Diamond, Dow, Drinkwater, Elias, Flanagan, Garsoe, Goodwin, K.; Gould, Green, Greenlaw, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Jackson, Jensen, Joyce, Kany, LaPlante, Martin, A.; Masterton, Mitchell, Morton, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Peterson, Prescott, Quinn, Spencer, Tarr, Tierney, Torrey, Tozier, Twitchell, Wood, Wyman.

ABSENT — Fowlie, Gill, Kerry, Mills, Moody, Sewall.

Yes, 91; No, 53; Absent, 6.

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

The Chair recognizes the gentleman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, having voted on the prevailing side, I now ask that you reconsider this vote and give this bill another chance. I really feel that it is necessary at this time to do some work on county government and improve its production, and I hope that you will consider letting this bill at least go to second reading so that if there are any questions that you object to in this bill, you may address them.

The SPEAKER: The Chair will order a vote.

The pending question is on the motion of the gentleman from Brunswick, Ms. Bachrach, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Green of Auburn requested a roll call vote.

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

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

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

Mr. MORTON: Mr. Speaker, I move this be tabled for two legislative days.

Whereupon, Mr. Goodwin of South Berwick requested a division.

The SPEAKER: All those in favor of this matter being tabled for two legislative days pending reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

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

Mr. HUGHES: Mr. Speaker, Men and Women of the House: I yield to no person here in my criticism of county government, at least as practiced in the County of Androscoggin; yet, I favor this bill, first of all, because I feel very strongly that there is something wrong in concept with county government, that we need a level of government somewhere between local and state, that there are plenty of legitimate functions for such a level of government and if, indeed, we had a level of government that was responsible, then I would favor not only continuing county government but strengthening it.

Well, the crucial feature of this bill is the fact that it broadens the board of county commissioners, so that no longer can you have two people running county government, and I think if that were not in the bill, as it was not in last year's bill, I could not support it, but with that kind of feature, I do support it. I don't see any reason in theory that we ought to be spending a great proportion of our time in the state legislature passing upon county government and county budgets.

I would urge you to reconsider this bill, give it a chance, get it to second reading where some people can make some useful amendments, but don't kill the bill this morning.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Brunswick, Ms. Bachrach, that the House reconsider its action whereby the Bill was indefinitely postponed will vote yes; those opposed will vote no.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Brunswick, Ms. Bachrach, that the House reconsider its action whereby the Bill was indefinitely postponed will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Beaulieu, Benoit, Birt, Blodgett, Boudreau, A.; Brennerman, Burns, Clark, Connolly, Cunningham, Curran, Diamond, Dow, Drinkwater, Elias, Flanagan, Garsoe, Goodwin, K.; Gould, Green, Greenlaw, Hickey, Higgins, Howe, Huber, Hughes, Jackson, Jensen, Joyce, Kany, LaPlante, LeBlanc, Locke, Lunt, Lynch, Martin, A.; Masterton, McKean, Mitchell, Morton, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Peterson, Plourde, Prescott, Quinn, Spencer, Tarr, Tierney, Torrey, Tozier, Trafton, Twitchell, Wood, Wyman.

NAY — Aloupis, Austin, Bagley, Bennett, Berry, Berube, Biron, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.;

Chonko, Churchill, Conners, Cote, Cox, Davies, Devoe, Dexter, Dudley, Durgin, Dutremble, Fenelon, Gauthier, Gillis, Goodwin, H.; Gray, Hall, Henderson, Hobbins, Hunter, Hutchings, Immonen, Jacques, Jalbert, Kane, Kelleher, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Lougee, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McBreairty, McHenry, McMahon, McPherson, Nadeau, Najarian, Palmer, Peltier, Perkins, Post, Raymond, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Teague, Theriault, Truman, Tyndale, Valentine, Wilfong.

ABSENT — Fowlie, Gill, Kerry, Mills, Moody, Rideout, Sewall, Tarbell.

Yes, 60; No, 82; Absent, 8.

The SPEAKER: Sixty having voted in the affirmative and eighty-two in the negative, with eight being absent, the motion does not prevail. Sent up for concurrence.

#### Consent Calendar

##### First Day

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

(H. P. 723) (L. D. 856) Bill "An Act to Provide for Legislative Confirmation of Gubernatorial Nominations to the Maine Human Services Council" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-475)

(H. P. 1265) (L. D. 1492) RESOLVE, to Provide for an Agreement Between the Department of Educational and Cultural Services and the City of South Portland to Establish a Greenbelt Area on the Southern Maine Vocational-Technical Institute Campus — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-467)

(H. P. 1283) (L. D. 1641) Bill "An Act to Amend the Oil Pollution Control and Discharge Prevention Laws" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-484)

(H. P. 15) (L. D. 24) RESOLUTION, Proposing an Amendment to the Constitution to Repeal the Section Concerning Continuity of State and Local Government in Case of Enemy Attack — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-483)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 3, 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 First Day:

(H. P. 421) (L. D. 526) Bill "An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland, Maine, an Emergency and Extended Shelter for Girls" (C. "A" H-463)

(H. P. 749) (L. D. 954) Bill "An Act to Create a Commission on Energy Efficiency Building Performance Standards" (C. "A" H-462)

(H. P. 365) (L. D. 456) Bill "An Act to Amend the Septic Tank and Cesspool Waste Act" (C. "A" H-455)

(H. P. 1246) (L. D. 1487) RESOLVE, Authorizing and Directing the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to Undertake, to Preserve and to Enhance the Anadromous Fish Runs of the State of Maine (Emergency)

(H. P. 756) (L. D. 929) Bill "An Act to Delete the Requirement that Appeals to Superior Court from a Municipal Board of Appeals must be Trial De Novo" (Trial Anew)

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.

(H. P. 1202) (L. D. 1431) Bill "An Act Relating to Granting Administration of an Intestate's Goods or Estate under the Law of Decedent's Estates"

On the objection of Mr. Tierney of Lisbon Falls, was removed from the Consent Calendar.

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

(H. P. 1364) (L. D. 1599) Bill "An Act to Provide Uniformity in the Method of Payment of Fees in Criminal Cases" (C. "A" H-465)

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

#### Second Reader Tabled and Assigned

Bill "An Act to Establish an Assessment of Student Performance in the Basic Skills" (Emergency) (S. P. 518) (L. D. 1810)

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

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

Mrs. PRESCOTT: Mr. Speaker and Members of the House: I wonder if any member of the Education Committee or someone can explain what the new draft is as opposed to the way the original bill was written. The original bill, as I understand it, calls for a competency test, and I am not sure that I understand whether this is a competency test or an assessment test and whether it is a prerequisite to graduation at the eleventh grade level. I would like to have an explanation if I could, please.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is an assessment bill. There has been a great deal of criticism directed at public school education not only in the State of Maine but across the nation. In order to take advantage of the federal assessing program, the bill directs that the commissioner will assess the educational level of the juniors, and that will be a more economical way of doing it. It is a one-time program, and I think we ought to know once and for all, is the criticism just or unjust as regards the ability of the students coming out of high school?

I think you have to keep in mind that more students stay in high school than they have in years past, and because of that, some of the youngsters do not acquire and probably are not capable of acquiring the level of education that others are, but I think we ought to know once and for all just what we are doing in the public school system.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I think that this is probably a worthy attempt at assessing what is coming out of high school. The only thing that bothers me with this bill, and I wonder if the Education Committee addressed this question, and that is, by the time you are in the 11th grade of high school, juniors in high school, which is the grade that I teach, and if you have a student, as I have had, who cannot read or write, you are at that point trying to find — well, it is too late is what I am trying to say. The assessment that ought to be done on whether a student needs remedial work or isn't operating up to par should have been done during — well, I am not sure exactly where but probably the third, fourth, fifth or sixth grades. I would suggest

that probably the earlier the better. And while this bill will probably show, to the tune of \$48,000, that there are some students graduating from high school who do not have basic skills, for \$48,000 I can give you that answer right now. The answer is, that is true, but even after you found that answer through a survey or whatever you are going to do with this test, you still haven't solved the problem, because you haven't licked it where it can be solved.

You know, it is a real tragedy to be a teacher and have a student who can't read nor write in the eleventh grade of high school. I can remember so well, one day I had this student who came in to see me and said he wanted to learn how to read and write and he was a junior in high school. He bought records and he put a lot of money into purchasing records along with the printed word and worked at it at home and he wanted to know if I would work on it with him in school, and I did, hours and hours and hours, and he still couldn't read or write, and I don't know why. But I don't think the junior year in high school is the time to do that.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: To answer part of the questions that have been raised by the gentleman from Old Town, Mr. Pearson, I think you will notice that the commissioner will submit a report to the Governor and the legislature by February 1, 1978. We did have some discussion about whether this was the proper place to do the testing. The third and fourth grades were mentioned in the discussion, but next year, the next session of the legislature coming in next January, this will give us some information and from that we possibly can do some evaluation as to whether some testing needs to be done at a lower level or whether we need to beef up some of the programs at the lower level.

I think this is a start in the right direction to at least determine if we have some problems, and if so, then maybe we can find out where we should correct them.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: First, I would like to address the question of why the committee chose the eleventh grade. It is not a test to determine how well Johnny individually is doing in the eleventh grade, because, clearly, that is too late. This kind of thing should have happened long before. We chose the eleventh grade because nationally assessment takes place. There are already very expensive materials developed for testing on that level. Maine has been testing samples of juniors on reading and samples of juniors on other subjects already. So we are just going to plug into existing materials. We are not trying to see how well Johnny does compared to Mary, but we are trying to see how well the State of Maine does as compared to other New England states, as compared to the rest of the United States. You can even, I suppose, use this information to see how well Portland does as opposed to Vassalboro. We can use it for all sorts of things, but we are not using it for anybody's graduation from high school.

The money involved is already in the budget because we have been doing sample assessments. We are simply taking existing monies, but instead of doing a sample, we are testing all juniors in the State of Maine.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I certainly don't oppose the testing of eleventh graders in high school. I think it would be an interesting thing to know, but I really think that it would be even more interesting and more useful if people in

the elementary grades were evaluated. I mean, I think we all know the answer. There are kids who are graduating from high school today who don't have the basic skills that make it in today's world.

I don't oppose this bill, but I just think that the emphasis should have been placed at the lower grades where you can test just as well as you can at the higher grades and it will show you an awful lot more and you can do an awful lot more with the kids, and you can end a tragic life for a kid that can't read or write when he is 18 years of age.

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

Mr. BUSTIN: Mr. Speaker, I would pose a question to the chairman of the committee or any other committee member. Under Section 1 of the bill, it talks about the preparation for the educational assessment and it indicates there that in order, I guess, to determine what the basic skills will be, the commissioner will be assisted by a panel of citizens. My question is, how are these people going to be selected? The bill does not seem to speak to that.

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: We have roughly two problems here. One is, how do we use available testing material economically, and I think we are doing that on the junior level. The other is, if there is a concern, what sort of testing should be done, who should be involved and at what level should the assessment be done?

I have been concerned, as the gentleman from Old Town has been, for some time. I feel that there must be recognition in the elementary grades of difficulties children are having. I further believe that we ought to put more money into the elementary grades and reduce some of the funding at the secondary level. I think we ought to recognize that a problem exists in the elementary grades, and if we don't solve the problem there, we are simply pouring money down a rat hole with all sorts of remedial programs at the secondary level.

I don't think anyone will argue that youngsters can learn faster at a younger age than they can at the secondary level, and I would hope that the state recognizes soon rather than late that it would be highly beneficial to educate these youngsters, give them the ability to acquire basic skills and not have them be a problem all through 12 grades of school.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. My question is, why should I vote for this particular piece of legislation which has a price tag of \$48,000 on it this session, when last session I went through about five drafts which would set up a committee to find out what we are teaching our school children? We went through one draft that didn't satisfy the Maine Teachers Association. We did another draft, we went through the Department of Education, we went through five drafts and got an okay from everybody. Everybody was pleased with the way it was written and what it did, and when it came to this floor, it got killed like you never saw any bill get killed before. Why should I, this session, after a whole year or two years have been wasted, vote for this particular piece of legislation?

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

Mr. BAGLEY: Mr. Speaker, Ladies and

Gentlemen of the House: I think that anytime we can find out what is going on on a specific, definite grade level, it is good, regardless of the time. I think the fact that the people tried last time to get something that would show something isn't any reason for voting against a particular measure at the present time.

As far as testing is concerned, we have had tests for years. When I was superintendent of schools, we gave tests regularly, in the third, seventh and tenth grades, and they were standardized tests. They were given all over the country, there were norms for students all over the country, and on those norms, we found that Maine was low, New England was next low and the national average was higher. I will explain that very simply. I used to say that after the Civil War through the 1860's, 70's and 80's, all the people in Maine who were real bright and had some get up and go, they got up and got, and the rest of us who stayed here didn't quite come up to a national average.

I was disturbed the other day because when we were having a hearing on this bill, we were told that on a few new tests, Maine was actually rating high. That spoiled my story until I recollected that probably some of those people are now coming back to Maine. At any rate, it seems to me that a specific thing that shows what is going on on a specific level compared with all other parts of the United States, and it is being done all over the United States, it seems to me that this thing is well worth it at this time. It is only a one-shot deal. I rather wish that the bill provided for an annual test on grade eleven, but if this turns out to be profitable enough, perhaps we will do that.

I have no question but what we need to spend money farther down in the grades. I suspect we are exactly in reverse on the per pupil cost. Probably we ought to be paying \$1,200 for elementary and \$900 on the secondary level. At any rate, that has nothing to do with this particular bill. This bill simply provides a way where we can find how we compare with other places and in what particular fields, whether it is in English, reading, you name, where we are weak on some and strong on the other, and it will give us a little something to go by in trying to improve our whole system.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer a couple of questions that we posed, one by the gentleman from Augusta, Mr. Bustin, who wondered about the meetings. It was in Section 1 of the bill under "A" and those would be public meetings that would be called. If you look on Page 2, you will see what kind of people would be included and, obviously, the state board people would be there and the Standing Committee on Education and Maine Education Council, but they would have to be meetings that would be called to invite the general public so that the commissioner could get information from these various groups plus the every day people from the state to see just what their feelings are about the education in this state.

The gentleman from Portland, Mr. Talbot, wondered why he should be spending extra money. This would not be extra money. We presently have a program called the Maine Assessment of Educational Progress, and this \$48,000 is part of their budget, so it is not an additional expenditure but it is part of that budget.

I don't know how many of you are familiar with the Maine Assessment of Educational Progress, but that is a program which does do sample testing on 9 year olds, 13 year olds and 17 year olds, the 17 year olds being the juniors in high school, so the sample testing is presently being done and is paid for under this — actually it is not state money, it is mostly federal

money, but it would cost more to test every single junior in high school, which is what this bill calls for. It is really to give a bench mark.

We hear that our children aren't able to read, aren't able to compute, aren't able to write, and we are not absolutely positive that it is true. We can cite examples, but if we test all of these children who are juniors, by that time they have had quite a lot of public education or private, wherever they have been going to school, but then we will know whether they have mastered these basic skills, then we will have something to go by. If they have, then our educational programs probably are pretty good and we can just keep on the way we have been going and change them just to update them. Otherwise, maybe we have to totally revise our educational program in this state, and that is what this will do, just to give us a bench mark for one year to see what we are doing and then see where we will go from there.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, I would pose two questions through the Chair. Question number one, in Paragraph B of Section 1, Page 2 of the bill, we talk about the assessment material. I would like some response, if I may, with reference to the section which deals with advice and assistance of a panel of persons knowledgeable in the area of educational testing. Perhaps someone could tell me who those persons are.

Question number two, who is going to determine the validity of the assessment materials?

The SPEAKER: The gentleman from Freeport, Ms. Clark, has posed two questions through the Chair to anyone who may care to answer.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I would hope that the commissioner would rely heavily upon the education for pressure in this particular area.

I think this whole problem is a little bit sensitive to teachers. What I hope the state gets out of this is a realization that the education system in Maine is good or there are some loopholes, some slots that the kids are falling through.

I agree that if we find out that many of the juniors cannot read, cannot write coherently and well, cannot do simple computations, then we have to address that problem. I don't think we can accuse the teachers because the difficulties, I think, develop in the early grades of school, and I think it is totally unrealistic to expect a teacher to handle 25, 30 or 35 youngsters learning to read, learning to write and learning to do simple mathematics to be able to develop in each one of these children a basic skill. I think we are going to learn out of this that we are going to have to turn around and put more money into our elementary grades to develop these youngsters before they get lost in the 12 grades of school. It is not developed as a criticism of teachers but a criticism of our public system that I think will come out of it.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add my support to this particular bill. I think it is a timely bill, I think it would give us an indication, if we do have problems, of the magnitude of the problem we have and the particular areas that do need corrective action.

I think the \$48,000 or whatever the sum involved is, I think that would be a sum well spent. Considering the millions of dollars that we are spending on education, I think it is time we perhaps took a sampling and see how we are doing and identify those areas where we should add more dollars or more emphasis or more in-

terest or whatever is necessary to correct a situation.

I would agree with Mr. Lynch that this is not a test of the individual, it is not a test of the teacher, but I think it could serve to be an analysis of our system, and I think we should do it.

Mr. Pearson of Old Town was granted permission to speak a third time.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the first time I have ever spoken three times on a bill, but it means a lot to me. After you have spent the money on this and you have found out the answers that you want to know, you are probably going to find that 95 percent of the students in the eleventh grade of high school can read, write and compute, and you are going to find that the other 5 percent can't do any of those or one of those sufficiently. Then what are you going to do with the information? What are you going to do with the information once you get it? In, I think it is the third grade in my school system, I am not really sure, but one of those lower grades, everybody is tested. Then they are tested again before they go into high school, and what do they do with the information? Nothing, they don't do anything with the information. The kids are pushed along from grade to grade and nothing ever happens to it. And they get up into the high schools and then they are the disciplinary problems, they are the ones who are going to have to lead a tragic life because nobody has done anything with the information that they have got. If you can tell me they are going to do something with the information, I would be for it.

I don't think this is a test of teachers; I don't feel sensitive about this. I think it is a test of the kids and I think that we ought to feel sensitive about them. I really don't think it is done at the right level.

Let me give you an example of a question that was on the merit scholarship test a couple of years ago. I know it was on there because my kids kept coming back to me and telling me about it. Tests are very tricky things, you know. The question was, if a presidential candidate gets a majority of the votes in each state, does he then get all of the electoral votes of that state? The answer was yes or no. You just figure out what the answer is. The answer is, or what the test wanted you to say was, yes, and that is true in every state in the Union except Maine. So every one of those kids who had gone through my class, and I had told them that that is true in every state but Maine, wrote no and got low grades on the test because the people in Princeton didn't know that. It is possible that you can have a divided electoral vote in the State of Maine.

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

Mr. BUSTIN: Mr. Speaker, let me pose my question again, and let me frame it just a bit. It would appear to me that the panel of citizens referred to in Section 1, Subsection A of this bill is going to have considerable power. It is going to assist the commissioner in going to these public hearings. I assume, which means that there will be press coverage and the people who are on this particular panel will, in fact, be making public statements, asking specific questions. Probably when this whole thing is concluded, they will be called upon to make a report and carry with them whatever prejudices they might bring to it.

Now, the question I have asked is, who is going to pick these people? It says here it is going to be representation, it doesn't say how many, from the State Board of Education. Is the State Board of Education going to select their own? Is the Governor going to appoint? Is the Commissioner of Education, in fact, going to select whomever he wants?

You come down to the Joint Standing Committee on Education. Will the Speaker appoint, will Mr. Lynch appoint, will it be Mr. Lynch, will it be someone else? Will the committee decide? How many of them will be on the panel?

The Education Council — and I don't know who is in that. The teaching profession — will the Commissioner of Education select someone he feels would support his point of view? Will the organized profession appoint representatives? How many? From what levels? From the eleventh grade level or will there be school administrators, in what proportion? The general public — who will select the general public members?

I think this particular matter is worth giving a little attention to. I am sure the reason nobody has answered the question is because maybe the committee doesn't know the answer, and if that is the case, why not back this up, let the committee put together an amendment so we will know who is on the committee.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: It is clear that the composition of the panel, as the bill is now drafted, is open to the discretion of the commissioner. If Mr. Bustin has serious concerns, I would suggest that he table it and perhaps an amendment could be worked up to make this more specific.

One final comment while I am up. To me, the most important part of this bill, even more important than the assessment, is that you are going to involve people, parents, citizens in talking about what we want for the education dollars we are spending. We sit up here in Augusta and it is necessary, but all we have been able to talk about is how much it costs and what we are going to spend. I think it is going to be very important to involve the citizens again. They feel very alienated from the education process, and to me, that is one of the most important parts of this bill.

I think tabling is very appropriate if Mr. Bustin wishes an amendment.

Thereupon, on motion of Mr. Bustin of Augusta, tabled pending passage to be engrossed and specially assigned for Monday, June 6.

#### Passed-to-Be-Engrossed

Bill "An Act Relating to Registration of Trucks of Less Than 6,000 Pounds as Automobiles" (Emergency) (S. P. 113) (L. D. 272)

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

#### Tabled and Assigned

Bill "An Act to Authorize Bond Issue in the Amount of \$11,500,000 for the Highway and Bridge Improvement Program" (S. P. 65) (L. D. 136)

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

(On motion of Mr. Carroll of Limerick, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act to Amend the Laws Relating to Criminal History Record Information" (H. P. 1629) (L. D. 1832)

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

#### Tabled and Assigned

Bill "An Act Relating to Reporting of Data of Abortions Performed by an Attending Physician" (H. P. 1628) (L. D. 1831)

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

(On motion of Mrs. Berube of Lewiston, tabled pending passage to be engrossed and specially assigned for Monday, June 6.)

Bill "An Act to Repeal Certain Laws Relating to Domestic Relations" (H. P. 1627) (L. D. 1830)

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

#### Later Today Assigned

Bill "An Act to Authorize Bond Issue in the Amount of \$2,348,000 for Construction of an Educational Wing at Central Maine Vocational-Technical Institute, a Mechanicals Building at Eastern Maine Vocational-Technical Institute and a Building Construction Facility at Southern Maine Vocational-Technical Institute" (H. P. 1618) (L. D. 1819)

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

Mr. Jalbert of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-487) was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to thank the gentleman from Auburn, Mrs. Lewis, who brought the birth of this amendment to my attention. I had presented another bill that would call for a self-liquidating bond on a dormitory. Both bills were together, and I think probably the Research Committee saw one and just wrote it in. It doesn't affect the basic parts of the bill in any way, shape or manner; it just takes out the self-liquidating bond and a very few words that should be shifted around. I move the adoption of House Amendment "A".

Thereupon, House Amendment "A" was adopted.

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

Mr. MCBREAIRTY: Mr. Speaker, I would appreciate it if this item could be tabled until later in today's session. I have an amendment to offer it hasn't been distributed yet.

Whereupon, on motion of Mr. LeBlanc of Van Buren, tabled pending passage to be engrossed as amended and later today assigned.

Bill "An Act to Provide for the Provisional Payment of Certain Disability Benefits Pending the Outcome of a Workmen's Compensation Application" (H. P. 1373) (L. D. 1576)

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

Mr. Bustin of Augusta offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-473) was read by the Clerk.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I will just briefly explain it, Mr. Speaker, since some members have asked questions about it.

This has to do with a situation in which an employee works for an employer and which provides not only the mandatory workmen's compensation but also the insured disability plan for medical payments. And sometimes under these situations, when an employee is sick or disabled, the employer will hold up the medical payment part of it to determine whether or not any workmen's compensation claim has been filed and will be paid. This would prevent that kind of thing from happening. In other words, if a person is sick, he will receive his medical benefits from the employer, then if the workmen's compensation claim is successful, he will repay the employer

that portion of the medical benefits for which he has been paid. It is one of those rare labor bills where the Chamber of Commerce and the Associated Industries of Maine were in complete support with working people on this particular measure.

Thereupon, House Amendment "A" was adopted.

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

#### Amended Bills

Bill "An Act Relating to the State's Bonded Debt" (H. P. 502) (L. D. 621) (C. "A" H-459)

Bill "An Act to Exempt Certain Woodburning Appliances from the Sales Tax" (H. P. 1240) (L. D. 1465) (C. "A" H-461)

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

Bill "An Act to Change the Deadline for Change in Party Enrollment in Order to Qualify for Voting in a Primary Election" (H. P. 1028) (L. D. 1246) (C. "A" H-452)

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

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

House Amendment "A" (H-489) was read by the Clerk and adopted.

On motion of Mrs. Boudreau of Portland, the House reconsidered its action whereby Committee Amendment "A" was adopted.

On further motion of the same gentlewoman, Committee Amendment "A" was indefinitely postponed.

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

Bill "An Act to Appropriate Funds to Enable the City of Eastport to Cope with Gale Damage" (Emergency) (H. P. 565) (L. D. 690) (C. "A" H-453)

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

#### Passed to Be Enacted Emergency Measure

"An Act to Amend the Benefit Financing Provisions of the Employment Security Law" (H. P. 763) (L. D. 931)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 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.

#### Emergency Measure

"An Act to Amend the Chart4r for the Maine Institution for the Blind" (H. P. 1540) (L. D. 1770)

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. 125 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 to Repeal Certain Laws Relating to Highway Taxes Assessed by Towns" (S. P. 449) (L. D. 1529)

"An Act Relating to Expenditures of

Municipalities for General Assistance" (H. P. 237) (L. D. 300) (C. "A" H-393)

"An Act to Permit Municipalities to Renew Motor Truck Registrations" (H. P. 848) (L. D. 1039) (C. "A" H-397)

"An Act Authorizing School Administrative Units to Charge a Driver Education Course Fee during the School Year" (H. P. 970) (L. D. 1167) (C. "A" H-395)

"An Act to Exempt Public Libraries from the Sales Tax" (H. P. 1052) (L. D. 1285)

"An Act to Repeal Certain Laws Relating to Alcoholic Beverages" (H. P. 1206) (L. D. 1434) (C. "A" H-364, S. "A" S-166)

"An Act to Establish a Sign on the Maine Turnpike Showing the Exit for Coastal Maine" (H. P. 1221) (L. D. 1448) (C. "A" H-396)

"An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems" (H. P. 1282) (L. D. 1518)

"An Act Relating to Use of Criminal Records in Occupational Licensing" (H. P. 1369) (L. D. 1594)

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.

#### Finally Passed

RESOLVE, Authorizing Alban E. Cyr, Sr., and Cyr Brothers Meatpacking, Inc., and Cyr Food, Inc., of Caribou to Bring Civil Action Against an Agency of the State of Maine (S. P. 511) (L. D. 1798)

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

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

"An Act Extending the Time for Apportionment of County Taxes From May to June in the Year 1977" (H. P. 1630) (L. D. 1829)

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.

By unanimous consent, ordered sent forthwith.

#### Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

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

Tabled — May 27, 1977 by Mrs. Post of Owls Head.

Pending — Passage to be Engrossed.  
On motion of Mrs. Post of Owls Head, tabled pending passage to be engrossed and specially assigned for Monday, June 6.

The Chair laid before the House the second item of Unfinished Business:

"An Act to Improve Prosecution Services" (H. P. 1571) (L. D. 1785)

Tabled — May 27, 1977 by Mr. Greenlaw of Stonington.

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

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

On motion of Mr. Greenlaw, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed. The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-472) was read by the Clerk.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: This amendment accomplishes two things. First of all, it adds \$4,000 to the appropriation for Prosecution District No. 6 and Prosecution District No. 7. It gets them back up to the amount of money that they had available to those two offices with both state and federal funds so that in effect, while there is an increase in the state funds, there is not any increase in the total funds that are available to them this year.

The other thing this amendment does is provide for a second year of funding. We currently operate on a biennial budget and it requires us to make an appropriation for a two-year period, and this bill only contains an appropriation for one year.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the third item of Unfinished Business:

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" as Amended by Committee Amendment "A" (H-440) — Committee on Marine Resources on Bill "An Act to Restrict the Hauling of Lobster Pots at Night in Certain State Waters" (H. P. 1148) (L. D. 1363)

Tabled — May 31, 1977 by Mr. Greenlaw of Stonington.

Pending — Motion of the same gentleman to Accept the Minority "Ought to Pass" Report.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank you and I am sure that the cosponsor of the bill, Mr. McMahon, shares my appreciation for allowing us to table this bill Monday inasmuch as he was not able to be here and wanted to speak on this bill.

I will try to be as brief as possible. I know that many of you are aware of what this bill attempts to do. Many of you have discussed it with both myself and the cosponsor and members of the Marine Resources Committee.

This is the first of three bills which the Marine Resources Committee will be sending out for debate on the floor of the House concerning the very important question of conservation of our lobster resource. Over a number of years, there have been a number of proposals coming before the legislature that have attempted to address the question of conservation of perhaps Maine's most famous and most important renewable resource.

The past five years, there have been comprehensive pieces of legislation that have attempted to place trap limits and some type of restriction on the licenses that are sold for harvesting of lobsters and crabs. Those efforts have failed, despite the fact that they have had substantial support from different areas of Maine's very long coastline. I think it probably is fair to say that the reason why they have failed is that they have attempted to address the variety of problems that the lobster industry has in one bill and I think those of us who have been involved with legislation along these lines now feel that that type of approach is not practical.

I think what we have attempted to do this year is to introduce at least two pieces of legislation that would address what we believe to be valid conservation measures on an area by area basis.

Representative McMahon and I met several times last summer and fall with members of the Southern Maine Lobstermen Association.

Their membership includes the area from Kittery Point to Cape Elizabeth. We discussed the possibility of some type of a trap limit limiting and after, I think, three or four meetings, one included our very fine and capable Deputy Attorney General Ed Bradley and the Commissioner of Marine Resources, we decided that doing that on an area basis was not practical. We then came upon the idea of, I should not say we, but the fishermen came upon the idea of trying to promote some conservation measures by having a time limit on the hours that a lobster fisherman could haul.

You will recall, as many of you know, that there is presently a time limit on when a lobster fisherman can haul traps during the summer. Up to four o'clock on Saturdays during the months of June, July and August, you cannot haul lobster traps after four o'clock and that prohibition also applies to Sunday. That bill was enacted ten years ago and I took some time yesterday to read through the legislative debate to see just exactly the pro and con arguments. I find, very surprisingly, that the same arguments made to enact that bill hold true for this bill, perhaps with one small exception. I think one of the major arguments that enacted that bill ten years ago was the fact that there seemed to be a substantial amount of short lobster trade in the state and there was a feeling that if we prohibited hauling after four o'clock on Saturdays and Sundays during the summertime, that that might be mitigated to some extent.

I think there is still a problem to some extent with the hauling of short lobsters here in the State of Maine, but I don't think that it is of a magnitude that it was perhaps ten years ago. I think the more serious problem at this point in time is the fact that we are harvesting far too many lobsters than biologists tell us will allow to continue the sustained yield of that particular resource.

The fishing mortality of this resource is in excess of 90 percent. What that means is that the first year that the lobsters become of legal size, we are harvesting somewhere in the neighborhood of 94 to 95 percent, and what we are suggesting is that that is far too high a percentage to be harvesting.

What this legislation did, as it was introduced, was prohibit hauling after four o'clock in the months of May through September. The Committee Amendment changes those months from May through September to June, July and August, which is somewhat analogous to the present prohibition of hauling after four o'clock that is state-wide.

The opponents of this legislation this morning I am sure are going to argue, and this is the objection we heard at the hearing, that this discriminates against the so-called part-time fishermen. I will admit that, in fact, it does do that. But I think the one thing that I want to impress most upon members of this House today is that it also discriminates against the full-time fishermen. As a matter of fact, there are some people within the membership of the Southern Maine Lobstermen Association who have supported this piece of legislation and now are somewhat opposed to it. They are opposed to it for the very simple reason that they realize that they will have to probably reduce the number of traps they fish because it makes no sense to leave traps in water and not haul them on a regular basis. So, I do submit that this is a good, sound piece of legislation that will take us somewhere along the road that we wish to travel in terms of conserving the resource.

I think there are a couple of other issues that I would like to bring to your attention of why I think it is important that this piece of legislation be enacted. First of all, we all know that the 200 mile limit bill which Congress was very gracious to enact has now gone into effect. The

Regional Fisheries Councils are basically managing the off-shore fisheries. They also very clearly have the authority to manage in-shore fisheries, and I think those of us who are closest to the industry feel that if coastal states do not manage this particular resource, that it is only a matter of time before the Regional Fisheries Council will impose types of restrictions that we do not wish particularly to support.

We heard last night in Ellsworth on a piece of legislation that will be before this House within two weeks, the cry from the fishermen that the fishermen have come to the legislature too many times asking for the legislature to do something and the legislature has failed to act. We had a rather interesting discussion about the fact that the legislature wishes to try and accommodate the interests of the fishermen and the fishermen can't get together. I suggest that the legislature, at this point in time, has to take some affirmative action on protecting the resource which is obviously important to the entire State of Maine.

Finally, I think that there was a recent Supreme Court decision last week that probably many of you read in the newspaper that raised some questions about non-residents. I think that it is an issue that this legislature has addressed a number of times and it will be an issue that we have to continue to address. I think that is one more reason why this particular type of legislation could well serve as a conservation measure.

Since this bill was reported out of Committee, the possibility has occurred to me that we might try this for a short period of time as opposed to putting it on the books and letting the legislation go on ad infinitum, until someone presented a bill, perhaps, to repeal it.

What I would ask this House to do today among other things in terms of giving this bill its first reading is to consider that possibility, because if this bill does reach second reading, I will offer an amendment that would have this legislation terminate at the end of three years. At the end of three years or perhaps at the end of the second year, lots of fishermen from the affected area would have to come back to Augusta and indicate if they wanted the legislation continued. I think that this approach is perhaps more desirable. It would give everyone an opportunity to state their point of view after a given period of time.

I know that there is going to be a substantial amount of debate on this issue. I hope you will listen very carefully. I think there are legitimate arguments on both sides. I think the time has come when the legislature really has to take a leadership position in terms of attempting to conserve and manage this resource. I would suggest that this was a good start and I would hope that you would support the "Ought to Pass" Report.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, wish to express my appreciation for your allowing this to be tabled on Monday. My comments are going to be considerably more brief than that of my colleague from Stonington. First, let me say how pleased I am to be able to sponsor this legislation with the gentleman from Stonington. I consider Representative Greenlaw an expert in this field. After having the privilege of visiting his district this past weekend, I can understand why.

Although I come from a coastal town, most of the fishing activity is done across the river from Kennebunk and Kennebunkport. This is not an area in which I have a great deal of expertise. I come to be co-sponsor of the bill because of the Southern Maine Lobster Associa-

tion, which is the group that asked us to present the bill to you, met for the better part of two years in Kennebunk. Because of that, I attended those meetings as a representative of Kennebunk. I really received an education in several ways. Several ideas were put forward at these meetings. The idea of new licensing requirements or trap limit those were the two most debated ones. The membership discussed them pro and con and all of the ideas were eventually rejected in favor of what you have before you. The bill has my complete support. It does pertain to your county mostly. It is an attempt to set up a zone to accomplish what the bill indicates it would like to have accomplished. It is a conservation measure. I did co-sponsor at the request of the association. It is controversial. I have received communications on both sides of the issue. However, if we refuse to sponsor things that were controversial in our areas, then nothing would be sponsored. I have no compunctions at all standing here telling you that I support the bill. I also support the changes that the committee amendment makes. And I would support Representative Greenlaw's attempt perhaps to make this on a limited or trial basis, should you allow the bill to get into second reading so that he can attempt to do that. My comments will be as brief as the bill.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill, while you might not think it would affect someone in Augusta, it is very near and dear to my heart. I submit that this bill is not a conservation measure. The intent as well as the effect of this bill would be to eliminate people who lobster part-time. Coming from a family of seven children, I was fed and clothed all the time I was growing up by a father that worked a full-time job in a shoe factory and went out lobstering in the summertime after work. I cannot believe that this body or the other body would pass a bill that would prevent people from working hard to support their families. I submit that if anyone has the initiative that he or she wants to work a full-time job and then, after an eight hour day go out and work some more until sundown to support their families, they have a perfect right to do it. The effect of this bill by prohibiting lobstering after 4:00 p.m. would make it virtually impossible for a person to work full-time and also get a little extra money for his or her family. With all the problems we have in the state with our local capita income, I cannot see why we would want to even deal with a bill that would try to prevent people from doing the best they can for their families.

This is not a conservation measure. I submit a good conservation measure would be to prohibit lobstering before 12:00 noon. That would be a good conservation measure, but that would terrifically discriminate against the people who lobster full-time and primarily start at 5:30 or 6:00 in the morning and are mostly done by 2:00 in the afternoon. Therefore, this bill does not affect them. This is their full-time livelihood. But if someone has a large family or even a small family and is perhaps unskilled and in a well paying job and wants to exert himself to work 12 to 14 hours a day to support his family, who are we to say he cannot do it?

Mr. Speaker, Ladies and Gentlemen of the House: I move for indefinite postponement of this bill and all of its accompanying papers and I hope that the vote will be with the yeas and nays.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I had some pretty fiery comments prepared for the gentleman from Stonington with this bill and



what did he do? He gives my little girl of six years old a cute little lobster pin and pinned it on her dress and all I have heard all yesterday afternoon and all this morning was how nice Skippy is. So I am forced to limit my comments and I am glad the gentelady from Augusta did that for me just prior to my speaking.

This bill will indeed put many of my constituents out of business. It is against part-time lobsterpersons. It definitely is going to eliminate today from participating in what is for them making ends meet with their budget. It is very very important to these people. It is very important that they work at the mill S. D. Warren and continue to lobster after work at four o'clock as well as in the summertime. This bill does conserve lobsters, it certainly does. It eliminates a great number of people who are making a livelihood with this business.

According to the comments from the gentleman from Stonington, he is ready to give us an amendment which would say, after three years, it would come back into the legislature and say do we, indeed, still want this piece of legislation? That is fine. But three years, with a substantial cut in salary for many many people just doesn't cut it. It isn't going to make it. Three years or three months, taking away the income these people get is incredible. It is incredible for anyone to suggest that.

I guess that I want to keep my comments brief and I hope that those who follow will. I think the points are quite clear. I think many in here have already made up their minds and understand what this really does. I hope that you would all vote against the bill.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think Mrs. Kane has touched on a point that we should discuss here. The lobstering industry is analogous in some ways to the frontier. I am afraid we have passed the frontier.

The catch of lobsters now is up to 94 percent being caught. The number of traps in the water between 1974 and 1975 jumped by 80,000. The catch in pounds between 1974 and 1976 jumped from 16,000,000 pounds to 19,000,000 pounds. Licenses did decrease because we increased the license fees so we could hire more wardens which was desperately needed by the industry.

This bill, during the three summer months, would mean that you couldn't lobster fish in York County after 4:00 in the afternoon. This would bear hardship on the part-time lobstermen. There were many part-time lobstermen at the hearing. There were people who have other jobs, other forms of employment, there were people from Pease Air Force Base in uniform who, when the day is over, go out and put down some lobster traps. There are people who fish a few traps so they will have some lobsters to give to their friends and to eat themselves. There are summer cottage owners who fish a few traps, putting them in on one weekend sometimes and pulling them on the next so they will have some lobsters and can get them cheaper than having to buy them. There are people who fish so they can sell them to supplement their income from other jobs. I appreciate this fact. But I also appreciate that the fishery is going to be fished out. Two things are going to happen. We are going to see a fishery that will be totally part-time and I will talk more about that in a second, or we are going to see the federal government come in, they have already declared the lobster a creature of the shelf, and they will set standards. I would imagine the way that they will do it is they will set a quota. They will say "X" number of tons of lobsters will be caught and when that has been caught, the fishery will be closed down. There will be no more lobsters taken that year until the next year when the quota can be fished

again. They may even, if we are not on our toes, lump all of New England together. We will be competing for our quota, our part of the quota with Massachusetts, New Hampshire and Rhode Island. I don't want to see that. I don't think it is necessary but in order to avoid that, there are going to be some very hard choices and some people are going to be hurt.

As I say, the frontier is closing. The buffalo are disappearing. We are hunting them out. The passenger pigeons are gone. We are reaching the same state with the lobster fishery.

This bill, set up for one county, a southern county in the state, a county with many part-time fishermen in it is controversial. It would approach the problem to a degree. We have tried other solutions. We have worked hard on trying to setup a limit on licenses. I could talk to you for a long time about the problems that this raises. We have talked about closed seasons. We have talked about trap limits and the enforcement of it. There is no easy solution. I would point out to you that the state has a multi-million dollar interest in the lobster fishery. I would point out to you that the fishery is basically supported by the man who makes his own living from the fishery, who earns his full income from it. It is a type of a job and it is an opening for the person who is willing to take a risk. In farming you take risks, but you take a far greater risk when you go to the sea. You can lose your gear. A storm can catch you. It is very easy to lose your life and many do. The people who are willing to scrape up the capital to do this, are willing to put out the traps and take the risk and dare the sea to make a living is a way of life. It is a way of life that has been very marked in the State of Maine and something that I think is valuable to the State of Maine. It is a way of life that will be lost if the fishery becomes totally part-time or if the federal government steps in.

I don't claim this is perfect legislation, but I think we should try this. The committee went last night to Ellsworth and we met with a good many lobstermen down there. They do not have the number of part-timers possibly that the southern county does. They certainly do not. I will admit that. They were very much in favor of the 4:00 closing throughout the whole state. Again, there would be people very much opposed to it. This is a solution that I think we should try.

I hope very much that you will support the passage of this.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to support the lady's motion from Augusta to indefinitely postpone this bill and all its papers. This bill does very little for conservation.

As you know, being a Representative from the southern part of the state, I can tell you that the large majority of the lobster fishermen in that area are what we call part-timers. Because of the economic reasons in the area, it is impossible to lobster fish full-time. Some of those at the hearing from the town of Kittery that I know, who supported this bill, don't earn their entire living from lobstering. There were two of them I think from Kittery. The majority of the opponents at the hearing were not camp owners or people that are here on weekends. They were people that are fishing to supplement their income. I was given a list of signatures just from the Kittery Point and York area, there were about 140 some odd names opposing this bill. I have one more question that was asked of me, "Just how do we propose to keep the lobsters from going into these traps after 4:00?" The traps are still going to be setting there.

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

Mr. MACKEL: Mr. Speaker, Ladies and

Gentlemen of the House: We have just heard from Kittery. I think we should also hear now from Wells and Ogunquit, both of which are coastal communities, both of which have part-time lobstermen and I would like to say, at this point, that those of us from Wells and Ogunquit feel that this is a very inadequate, a very unfair, a very discriminatory bill and we do very strongly oppose this bill.

I hope that you will vote to indefinitely postpone it.

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

Mr. VALENTINE: Mr. Speaker, Men and Women of the House: You have just heard from Eliot and part of Kittery. You have just heard from Wells and Ogunquit. Now you will hear from York and another part of Kittery.

I, too, like Mr. McPherson have the list of signatures. Most of the signatures on this 17 page petition are from people either in the York, Kittery, Kittery Point area, a few from Eliot and a few from other towns. The important thing about the signatures, all 145 of them on the list is that all of them are licensed lobster people. In addition, I have here a stack of letters, all but two of which were sent to me in opposition to this bill.

I would certainly support the motion of the gentlewoman from Augusta, Mrs. Kane, that this bill be indefinitely postponed. I don't think a single person who signed this list, any of the people who lobster with a full-time, part-time, whatever reason, would disagree with the fact that conservation is very definitely needed in the lobster industry. If the people in that industry in Maine don't take some measure very soon to regulate themselves, outside regulations will be imposed. I think everybody understands that. People in the lobster industry are reputed as being a very independent breed. It is very very difficult to get a consensus among any group in a particular area and even more so among groups statewide.

I am not entirely sure of the history of this bill. What I do recall earlier this year, and this could be disputed, is that it has its origins in disputes in the Kittery or Kittery Point area between those who consider themselves to be full-time and those who consider themselves to be part-time lobster fisherpeople. Some people may very sincerely believe that the intent of this bill is conservation, but the effect of this bill is very distinctly discrimination. Even those who supposedly full-time lobster, you will notice if you drive around coastal communities in the wintertime, will very often have all of their traps back up in their yards because during the winter months, sometimes it is not worth the effort involved or the risk involved to go lobstering. They find other jobs to carry them through the winter. I would ask you to consider the possibility of people who may very well be full-time lobster fishermen or fisherwomen who, because of family circumstances, may do what they do later on in the day.

The example that comes to my mind is that of a family with three school children. The wife is a school teacher. Because she is a school teacher, she comes home about mid-afternoon, at which point she takes care of the children and the husband who was taking care of the children then goes out and lobsters. That is what he does.

I realize that a lot of the people who do not live on the coast may or may not understand the issue. It is kind of a regional thing, but I think you will find that most of the legislators from the coastal communities, we have already heard from some of them and I am sure we will be hearing from a few more in York County and the part of Cumberland County that this touches also, are very much opposed to this. Most of the licensed people in their communities are very much opposed to this.

At the public hearing that was held, if I recall correctly, and I could be corrected, I believe there were 6 proponents and 50 or 60-some-odd opponents to this bill at that hearing.

I would hope that all of you would support the indefinite postponement motion.

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

Mrs. DURGIN: Mr. Speaker and Members of the House: I rise in opposition to this bill. Although I live in the lobster area, I must confess that I hardly know a lobster trap from a rat trap, but I have had many calls against this bill and only one in support of it.

There is another area that I would like to bring up and that is, this bill will prevent anyone from so-called moonlighting. If we are going to do it in the lobster industry, let's pick on other forms of work too, such as selling insurance, after four o'clock, selling real estate, pumping gas, packing bundles in the supermarket. One is as fair as the other, and I hope you will definitely vote for indefinite postponement.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in favor of the motion to indefinitely postpone offered by the gentlelady from Augusta.

First, I must remind all of you or ask all of you, are there any of us here who realize how necessary it is for a man with a family to have additional income, how difficult it is to work at one job and take care of all his financial affairs and bring up his family and give them what they should have? This bill would definitely stop a tremendous opportunity for ambitious individuals, ambitious family men to work and take care of their families in the manner that they should.

It is offered under the guise of conservation, but stop and think about it — limit the traps, who can count them down in 50 or 60 feet of water? How can they tell whether you have a 100 traps or 400 traps or 1,000 traps out there? Secondly, what lobsters are we catching? Are they Nova Scotia lobsters or New Hampshire lobsters? If we stop lobstering, they will move on and the other people will catch them too. So I say, let's offer some good, common sense on this bill-and-kill-it.

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

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: You have heard from the southern counties, now you are going to hear from an eastern county.

I rise in opposition to this bill. I signed it out of the committee "Ought Not to Pass" because I feel it is discriminatory. It is a kind of sneaky bill; it is what I call a foot-in-the-door type of bill. It is a bill that encompasses half the coast; next year, perhaps, the rest of the coast. That is why I signed it out "Ought Not to Pass."

Four o'clock in the afternoon in the summertime, there are five more hours of daylight there, and it is too bad if a man has traps out there that he can't go out and tend them after four o'clock when he gets home from work.

I am a part-time lobster fisherman. I do this whenever I get a chance. Sometimes it is every day, sometimes it is two days before I get out there. I have never sold a lobster in my life; I have fished them for six years.

As far as short lobsters are concerned, I wouldn't dare step ashore with a snapper in my bucket because I know the warden down there, he would be coming along and say, hello Normie, got some lobsters, huh? I would say, yes. How many you got? And he would look right in there and the first one he would pick up is that shortie and that would be all she wrote.

I urge you to support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the

gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, think that Skippy is a nice, nice man but I think he has got a bad, bad bill. It does stifle individual initiative. We must realize that many of these part-time lobster people are young people, and in my area, they may be commuting to the University of Maine in Portland-Gorham, they may be working on a Cape Elizabeth sewer system during the day and come home at night and go out and tend their traps, so I do urge you — also, I must say that I have not heard a word from the lobster people in my town, that is no doubt because this rather arbitrary line goes from Two Lights across over to the Hue and Cry Buoy, wherever that is, so my people can, of course, sneak across that line and go northerly, but I find the line, too, to be very discriminatory.

I do hope that we do vote to indefinitely postpone.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I want to correct a couple of things. The lobsters that go into the traps after four o'clock will sit in the trap until the next morning when he can be harvested. At least he won't be sitting there all week.

Everybody who fishes lobsters must be licensed. It doesn't matter whether they fish one trap one day a year or not, they must be licensed.

As far as the limit on traps, this in no way limits traps, possibly effort in the amount of traps that you can pull in the time available, but it does not limit traps. This does not get into that question.

We talked about moonlighting and the right to moonlight and insurance. I would suggest that there is a far greater number of people who buy insurance than there are lobsters and it is very hard to compare a limited resource to selling insurance or selling something like that.

In final summary, I would say that it is like an apple tree, that everybody is willing to take the apples off but no one wants to prune or fertilize it and eventually the apple tree will die.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like you to know that I was a part-time lobster fisherman and I did it because I had to have money to go on to school. I couldn't lobster fish and go to school at the same time. So, also to supplement the money which I made to go on to school, I periwinkle picked and I went fishing for codfish and many other things and I don't think you should deprive these people of the opportunity to go out at whatever time they have available.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: As is true of all lobster legislation and fishery legislation that comes before our committee, this was a difficult decision. Hearing the debate that we have gone through today, it makes it perhaps even more difficult on some of the things I really wanted to say and I want you to think about.

I think I share the concerns of Representative Greenlaw in terms of the future of our fishing industry and those same concerns that are shared by Representative Jackson. There is no question in my mind that if we don't take some action, the federal government is going to totally control the fishing industry. There is no question in my mind that if things remain the way they are, that a whole way of life that is very important to me anyway will disappear, in that we will no longer have fishing communities or

people who depend on all of their livelihood fishing.

When we talked about different kinds of regulations to fishing and conservation measures, usually the kind of bill which gets the most support when we talk in the fishing communities is one which we discussed last night; let's have a trap limit, let's limit the number of traps that an individual fisherman can put into the water. We usually are talking somewhere between 400 to 500 to 600 traps. That is a good measure for a ceiling to stop people from fishing 1,000 traps or 1,500. What it really does is put the total burden of conservation on the full-time fisherman because it places no kind of limit on the part-time fisherman because they only fish about 100 to 200 traps anyway.

The next alternative is to talk about limited entry, and we all know what kind of situation we get in then when the state tries to decide who can fish and who can't fish.

I want people to know that I very well understand what it is like to live in a family that needs to have that part-time income because I also grew up in that kind of family. However, I think that we as legislators in this body and the fishing industry itself have got to start making some decisions on whether or not the lobster industry or the fishing industry or the clam industry can still be used as the recreational area of the state or if it can still always be used as that place where people can go and make extra money when the industries in this state are not willing to pay them a living wage. It is very different from bagging groceries and it is very different from selling real estate, because we are dealing with a renewable resource that will only be renewable as long as we manage it in a way that there is enough of the species left to survive, and that is not happening now.

Having said those things you probably wonder why I voted on the "Ought Not to Pass" on the bill. I did so and I don't agree that the bill is a bad, bad bill, but it is also not a good one. I find it difficult to have it pass the straight-face test, and Representative Greenlaw and I have had many discussions on this, when you have a hearing on a bill which is to conserve the industry, to conserve the lobsters and it is supposed to be of benefit to the full-time fisherman or to the fishermen who make a living in that area and yet the people don't come or they are split on the issue. I think that my philosophy differs a bit from Representative Greenlaw's as to how much of a lead the legislature should take and how much is the responsibility of the fishermen themselves.

So, while I voted "Ought Not to Pass" on this bill, I think you may see some different kinds of votes on bills which may come out dealing with different parts of the state with a more comprehensive plan. Even the future of that bill which we had a meeting on last night, having listened to the debate in this House today, does not look good and that saddens me. I wish in the next couple of weeks you would do some very serious thinking about what you want the future of the fishing industry in this state to be. You ask yourselves the questions on whether or not we can continue to have that be the place that absorbs all of the needs of the working people of this state when we are not willing to pay them enough, or whether or not we can still afford to allow everyone to go out and fish as much as they want as a recreation because it is fun.

I just hope that while I will vote with the gentlelady from Augusta on this particular issue, that you do some very serious thinking about the whole issue in the next couple of weeks.

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

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would just take a couple of minutes if I could to rebut some of the arguments that have been made here on this particular piece of legislation.

I recall four years ago when I first introduced a piece of lobster legislation and Representative McKernan from Bangor sent me a note after all kinds of flowery comments made about the gentleman from Stonington and said, well, if they feel so strongly about the gentleman from Stonington, why don't they vote for your legislation? I know that we don't vote for legislation and we shouldn't vote for legislation based on personalities, and I am certainly not asking you to do that today, but I do appreciate very much the kind comments that have been made.

I think the point that I want to leave here and follow up on what Representative Post said today is very important. I would like to respond to the gentle, gentlewoman from Augusta, Mrs. Kane, because we cannot have fisheries management by just letting it wide open to anyone who wants to come in.

In the period of 1969 to 1975, the amount of traps that have been fished in Maine waters has effectively doubled. It has gone from 805,000 to 1.9 million. In that period of time, the reportable lobster catch has fluctuated about 3½ million pounds, anywhere from 16.2 to 19.8 million pounds.

The point I am trying to make is that the effort is simply too great. Where we are heading, as Representative Post suggested, is that the lobster fishery, because of its access to people on the coast, is going to become a part-time fishery for everyone. It is not going to become a full-time fishery for some and a part-time fishery for everyone, it is going to become a part-time fishery for everyone. I think that is the issue we are trying to address here today.

I understand fully the arguments that were made about the effect of this bill and its limitation on part-time fishermen. I don't present this bill without acknowledging that argument and to some extent with a heavy heart in that regard. What I am concerned about is the resource, the lobster resource, and I don't think that we have honestly talked about the need to conserve the resource. We certainly haven't acted, in my opinion, responsibly in terms of trying to conserve the resource. This bill does discriminate against the full-time fisherman, because the full-time fisherman in the area affected will have to limit the number of traps he does fish. I want you to keep that in mind.

I appreciate very much the time that you have allowed for this issue to be debated. I think it is an important issue and I would plead with you just one more time to vote against the motion to indefinitely postpone.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from Augusta, Mrs. Kane, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

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

Mr. PERKINS: I would like to pair my vote with the gentleman from Scarborough, Mr. Higgins. If he were here, he would be voting yes and I would be voting no.

#### ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Bunker, Burns,

Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Hickey, Hobbins, Howe, Hughes, Hunter, Immonen, Jalbert, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McHenry, McKean, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Peterson, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wyman.

NAY — Benoit, Brown, K. C.; Connolly, Devoe, Dow, Greenlaw, Henderson, Hutchings, Jackson, Jacques, Jensen, LeBlanc, Locke, Lynch, McMahon, Morton, Peakes, Flourde, Spencer, Strout, Talbot, Torrey, Tyndale, Wood.

ABSENT — Fowlie, Maxwell, Mills, Moody, Sewall, Stover.

PAIRED — Higgins, Perkins.

Yes, 117; No, 24; Absent, 7; Paired, 2.

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

The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

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

The SPEAKER: The gentlewoman from Augusta, Mrs. Kane, having voted on the prevailing side now moves the House reconsider its action whereby this bill was indefinitely postponed. Those in favor will say yes; those opposed will say no.

A viva voce vote being doubted by the Chair, a vote of the House was taken.

22 having voted in the affirmative and 100 in the negative, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the fourth item of Unfinished Business:

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

Tabled — May 31, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Enacted.

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

The Chair laid before the House the fifth item of Unfinished Business:

Senate Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" in New Draft under New Title: Bill, "An Act to Create the Office of Community Antenna Television within the Public Utilities Commission" (S. P. 515) (L. D. 1808) — Committee on Public Utilities on Bill "An Act to Create the Bureau of Community Antenna Television within the Public Utilities Commission" (S. P. 263) (L. D. 910) — In Senate, Majority "Ought Not to Pass" Report read and accepted.

Tabled — May 31, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

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

Mr. KELLEHER: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report.

The SPEAKER: The Chair would ask the

Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum to act as Speaker pro tem:

Thereupon, Mr. Greenlaw assumed the Chair as Speaker pro tem, and Speaker Martin retired from the Hall.

The SPEAKER pro tem: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think we ought to probably be a little bit realistic this morning as we look at this particular divided report.

In the Senate, the "Ought Not to Pass" Report, which is the majority by a wide majority, was accepted. I feel that we should, in this body, accept the "Ought Not to Pass" Report.

Now, what is it that we have to regulate? We debated a couple of days now on regulating the price of drugs for a particular group of people and we never setup any commission to regulate that, but we do have a Public Utilities Commission which is to regulate essential services to regulate the prices on essential services which we cannot get in any other place, I think it would be an extension, an unneeded extension, of the duties of the Public Utilities Commission to assume the responsibility of regulating a service or an industry that is not needed by anybody.

Now I am sure the elderly even though they may get a lot of entertainment from the use of television or cable television, I am sure that they can live just as well without it, as opposed to having to live without electricity or without water. I am sure that our young people even though watching Captain Kangaroo and Romper Room School might help alleviate our educational problem for the pre-schoolers. I am sure that our young people can live without cable television and can use the free television that is available to them. So, I would urge the members of this body to vote against the pending motion, acceptance of the "Ought to Pass" Report so that we can accept the "Ought Not to Pass" Report, clear this bill out as it should be done and not ask the Public Utilities Commission to assume the responsibility of regulating an industry or a service that is not one of those things we need to regulate.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I signed the report along with the chairman of the committee Mr. Kelleher, from Bangor, that it ought to pass for the following reason: in Old Town some time ago, I guess it was six or seven years ago, cable television was going to make its first appearance in that city. When it was first presented to the city council in the City of Old Town, we had two firms that came to make their proposals. One of the firms that came made a very realistic presentation and said, this is what we can give you if you accept our firm as the monopoly in the City of Old Town. They told us that they would string the wires, they would hook up the houses and that was about it, pay the taxes and one thing and another. The other firm that came into the city to make their proposals said, we will do the following things: we will do everything the other guy said he will do, plus we will put a head antennae in the City of Old Town, we will have our studio in Old Town, we will employ people in the City of Old Town, we will register our vehicles in the City of Old Town and on and on and on. Well, of course, the city council thought that that was a better proposal and granted the franchise to that particular concern. They did not do any of those things. The contract notwithstanding. We could have used and I am

sure all the other communities in the state that are going to be in this same situation, I understand the same situation happened in Lincoln, we could have used some advice from somebody who knew the ins and outs of the Cable Television System, but we did not have that to draw upon, and I think that the company thought that we were a bunch of village idiots or country hicks or something or other because we got took and I think that other communities might find similar situations. This is what this legislation is designed to do to prevent that from happening in your town.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I think there are two things that I would like to clear up on this bill. One is, there is talk about regulation, I think it would be wise to read the bill and I think you would realize that it is not regulation, it is to set up a very watered down version of the original bill, one that would call for someone in PUC to have some knowledge of Cable TV so that they could advise communities of when these communities were getting into the cable TV business, and I think that it is interesting to note that when this legislation came before our committee, there was a lot of opposition and yet there was a lot of question that there were problems. But when it came to the final analysis of how we are going to deal with this problem, the cable TV people didn't want anything, they wanted to be left alone completely, and I think we came to a compromise that said: okay, we are not going to regulate you, but there has to be some agency at the state level that will have some knowledge and expertise that can intervene in behalf of these communities to get the best deal.

I think we are going to see the cable TV industry expand, it is expanding nationwide, it is a big industry, it is not the little mom and pop operations that they would like you to think it is. I think at some point in the future, we are going to have to take a serious look at this industry, and I think this is one of the ways of doing it by setting up in state government an agency that can deal with this problem.

I would also like to deal with the question of whether cable TV is a luxury. I would agree to a certain extent that cable TV might be a luxury, but there are some of us who have cable TV who could not get very many stations at all unless we had it. But I would argue that in our town, there is only one cable TV, I can't shop around to get the best buy. Once a franchise has been granted, there are no two franchises in one town, there is only one, so we are dealing with a monopoly, and I think that in most instances, government has decided that monopolies need some kind of regulation, and I would also argue that once the rate-payers decide to choose that cable TV, that is the first step. We decided in Sanford to have cable TV and I would argue that the rates have gone up considerably in Sanford, and every time they go up we don't have much to say on those rates. I would say that this type of legislation would at least put a little teeth in trying to in some way insure that people don't get ripped off by the cable TV industry. I would say that it is a compromise that it is a very watered down version and I would hope that you would accept the Minority "Ought to Pass" Report.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I move that this bill and all its accompanying papers be indefinitely postponed. I understand that some of these people who have spoken have had some very unpleasant experiences or at least not particularly positive

experiences in some municipalities. That has not been the case in the city which I represent. I am aware of no real serious problems relating to the cable television program in the greater Augusta area. Citizens of this city, who choose to have cable television, also may choose to put up an antenna, but if they choose to have cable TV, they are billed at the monthly rate of \$5.50.

In this bill there is a 1 percent gross receipts tax levied on the companies which, of course, will be passed on to the customers. I don't think the people in my district, I don't know about yours, need to be faced with that kind of an increase in their bills.

I would take serious issue with the remarks of the gentleman from Sanford, Mr. Wood, because I have looked at the bill and if you want to take the time, at this point, to thumb through it with me just briefly, it is 1808. Let us take a look at some of the watered-down non-regulatory provisions, on the fourth page — the duties of the office, will be to advise municipalities to the standards and procedures and practices which municipalities "shall" follow in granting franchises. Further, minimum standards for the inclusion of franchises, standards by which municipalities "shall" determine whether an applicant possesses the technical, financial ability, the good character, etc., standards for the construction operation of the system which standards "shall" be designed to promote safe and adequate reliable service to subscribers, etc. Additional powers, the commission may require cable television companies to maintain and file reports, contracts, statements, other data, which the commission may deem necessary or appropriate to administer this law. Commission may examine under oath all offices, agents, employees and stockholders of the cable television company. The commission may require and receive from the agency of the state or any political subdivision such assistance and data as may be necessary to enable the commission to administer this chapter. That is, the commission may require the municipality to appear. And on Page 6 in Section E, an interesting little provision which says that the commission shall have and may exercise all other powers necessary or appropriate to carry out the purposes of this chapter. On Page 7, Section 2, relates to the tax. I thought that was a rather humorous way to put it in the bill. It is either a \$100, or an amount computed by taking one percent of the gross annual receipts of the company, either \$100 or an amount computed by taking one percent of the gross annual receipts, whichever is greater, it would be a pretty small company that would be paying a \$100. And how about this one: whenever the commission finds it to be in the public interest, the commission may either upon application of an interested party or on its own initiative, recommend the interconnection of cable television systems. Does that mean forced mergers of cable companies? The commission may after public notice and hearings recommend rates to the municipalities. The bureaucracy that this sets up talks about two people and the bill carries a \$50,000 biennial price tag, and yet, on Page 5, is a list of seven things that these two people are going to do which I suggest no two people could ever get done no matter what they were paid, if you want to take a look at those.

So I suggest, Mr. Speaker and ladies and gentlemen of the House that this bill ought to be indefinitely postponed. It sets up a bureaucracy which cannot possibly do what it is mandated to do under the law, and in my personal opinion, is not necessary at all.

The SPEAKER pro tem: The Chair recognizes the Gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Men and Women of the House: I am just so shocked to find Mr.

Bustin and myself on the same side of an issue that I am at a loss for words, but I certainly will support the motion for indefinite postponement and for all the reasons that he stated so well.

The SPEAKER pro tem: The Chair recognizes the Gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to thank my good friend from Augusta, Mr. Bustin, explaining 1808, which, in my opinion, is a fine document.

It was the intention of myself signing out the minority report as well as two other members of the committee to regulate a monopoly, and that is exactly what we are doing. The PUC Commission today, they regulate monopolies, the telephone and electrical utilities among other things.

Cable television is a very expensive business to be in, but the rewards are lucrative. In my opinion, the majority of stockholders or the owners of companies that are servicing Maine Cable Television are not Maine owned, but are owned by national interests. State Cable Television which services Mr. Bustin's area, Gardiner, Hallowell, Randolph and Farmingdale as well as Augusta is owned by the Whitney Associates of New York City. It is their largest investor. Cable television is an industry, in my opinion, that is going to have a great effect on the citizens, not only of this state, but across the nation. Cable television is not new, it has been around since 1948, it is big business. The contracts that are negotiated through cities are renegotiable every seven to ten years. Cities and towns in this state are not capable of dealing sometimes with the people who are submitting their request to operate in their communities, and they do it very cleverly, because they are very good business men. They usually get all the haves in the business community to get on their boards to begin with, and when they are going before the municipal government, the very influential people in the community are arguing or soliciting support for this particular interest group.

I think the State of Maine would be smart, I think this House would be moving in the right direction if we put it down under the PUC. There is \$50,000 appropriation, there is an assessment on the subscribers of cable television, there is also a self-destruct clause in there that they can raise up to \$50,000 to operate this office.

I sat down with Mr. Ingres King, who is representing these interests, trying to give them what we considered to be a weaker version of an original bill that was submitted to the committee. He, or his associates, would buy nothing and I can remember two years ago, sitting down with some officials in the Hildreth network industry in Bangor, who were delighted that we could possibly put in a bill to put cable TV under the PUC, but all of a sudden their interests have washed away, because they are in the business now and all of a sudden it is not necessary. When rate increases come before your subscribers and your municipalities, how are they handled? What regress do you or I have, if we object to the increases, to the poor quality of service, where do you go? You have a petition route now, through the PUC, if you are dealing with the telephone, or the other utilities, and this is just as important.

I would urge you not to support the indefinite postponement motion.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think one thing ought to be straightened out right off quick. Cable television is not a monopoly, it never has been.

it never will be. Cable TV, Mr. Kelleher said himself, it is business, it is big business, it certainly is not a monopoly. It is an item that you can take or leave, and if you choose not to take it, put an antenna on your roof, that is what I did.

Therefore, I do not see why a business in the State of Maine that is not a monopoly, should come under the regulation of the PUC. That, after all, is what the PUC is for, to regulate monopolies. Now, if you choose to throw Cable TV into that bag with all of the rest of them, I think, in effect, what you are going to be doing, is occupying the time of the fairly limited staff that is over there now, hopefully will be expanded, and taking them away from the more important matters that affect everybody in the State of Maine. Everybody that has a phone, everybody that uses electricity, water, and so forth. That seems entirely unnecessary to me for two reasons: (1) Cable TV comes into existence in a community through a contract arranged by the company and by the municipal officials. Now I know there have been problems and there probably will be a couple more, but any municipality that wishes to have cable TV can sit down, and if they are careful, and if they make a good contract, they will get a good company, and they will get good service. But if they choose to go the sloppy route that a few towns have gone, they will get the opposite.

I do not see that it is necessary for us to throw this thing to the PUC, when local officials could do the job and have done the job, if they choose to do it.

In addition to this, cable TV is regulated by the Federal Communications Commission. There are some instances where many things are regulated on many levels and it gets to be a little bit confusing at times when you are trying to find out which law you are going to obey today, when there are three sets of laws and quite often, laws that conflict with each other. This bill has been here now, I think this is the third time, and some of the conflicting laws between the FCC and the municipalities and what this document proposes to do, were quite well pointed out a couple of years ago. It does put a tax on present users, it does increase their fee, their monthly fee, or however they are billed, which is not necessary, and it does call for an appropriations from the General Fund. I hope you will support the motion of the gentleman from Augusta and indefinitely postpone the bill.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentleman from Augusta, Mr. Bustin. I come from a community that has a cable TV system. We are very happy with the way it is operating. We have faith in our city council and the other citizen members of both the City of Portland and the City of South Portland that are part of this system. It is working right now. Please don't try to fix it. If you ever had a local control issue, this is it, and perhaps what you should have here is a piece of legislation that allows communities as a single unit to go to the PUC for regulation, but don't slap it on all of us at this point.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am with my good friend from Bangor, Mr. Kelleher, this morning, and I would address myself very briefly to my good friend, Representative Berry from Buxton. I would submit that if you don't want to use the telephone, you can buy a CB, and if you don't want to use the electricity, you can buy gas and use gas lamps, and if you don't want to use

the water supply that is provided that is regulated, you can dig a well, so I find that argument very fallacious as far as the monopoly situation goes.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker and Members of the House: There has been a reference that rates would be arbitrarily established in cable TV. The last time we had a rate increase in Augusta, it was conducted by the city council to each of the cable TV users, and cable TV was recommending that for a dollar more, they could give us Channel 8 which would give us all the ball games and hockey games, and we had the opportunity to vote whether we wanted to adopt it or turn it down.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I come from a community where we have Cable TV. Our town council is the one that sits over it. I have been here, this is my second term, and since I have been here, all I have heard is home rule, home rule, home rule. Well, here is a chance for you to give the communities home rule, and that is just what it is.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I support the position of the chairman of the committee, Mr. Kelleher, and the gentleman from Brewer, Mr. Norris, and support this legislation.

I come from the City of Portland. I am served by the same public cable television firm that the Representative from South Portland, Mr. Curran, is served by, and I just want to give you an idea of the kind of focus that we are dealing with. When the franchise was originally awarded in the greater Portland area that serves Portland and South Portland, it specifically said that there had to be an office, a studio, one located in the City of Portland and one located in the City of South Portland. And what the cable TV company did, those of you who are familiar with Portland and know where the Portland Airport is, there is a dividing line there and half of the land is in the City of Portland and half of it is located in the City of South Portland. The company went and built their studio so that half of the operation was in the City of South Portland and half of the operation was in the City of Portland. These are the kind of folks that we are dealing with when we are talking about public or cable TV.

There was another issue which arose, it came before the city council in Portland. The cable TV people are very anxious to get an increase in their rates. Politically, they were not able to do so; they had to put themselves in a position where they could justify that a rate increase was necessary. So they worked out an arrangement in the City of Portland where the City of Portland loaned the cable television people \$10,000 for the purpose of study being conducted, it was supposed to be by an independent firm hired out of Washington. That money has been awarded. The study, as I understand it, is in the process of being done and the report is going to be handed into the city councils of Portland and South Portland, and there is no doubt in my mind or in the minds of many other people who are familiar with the operations of cable TV in Portland and South Portland that that study is going to recommend that there be a rate increase.

I think the issue, as some have presented, is one of local control, but you have to go a step further, and even in the City of Portland there is no expertise, there are no people who are ex-

perts who work for the city who can deal objectively with the question of cable television. This particular piece of legislation would provide at least a beginning, a step, for that expertise.

I would hope that you would keep the bill alive. I am surprised at the position of the gentleman from Augusta, Mr. Bustin, and I believe that some of the technical points that he raises can be dealt with at a future point with amendments. I hope you keep the bill alive.

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

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: I recently had an experience with the cable TV company in my area. I moved back to the home where I had had cable TV and the lines were already in and everything else. We called; they made an appointment to come up to the house two weeks in advance and my wife stayed there all day waiting for them to come; they never showed up, no call. She contacted them and made another appointment, and she again stayed and they never showed up. About then, I called and the girl in the office advised me that she had tried to call that morning and there was no answer at the house. I asked her what time, and she said she couldn't remember. I told her that I was very upset and that as a result of their actions I had decided to do without their service and I also told her that I was going to let her company know about it on the floor of the House, and I am keeping my word.

I have had some other experiences with this company. There are numerous people who have this service who have not paid for it and they pull their lines out, they haven't taken care of their business in the area. I think that the public has suffered a great disservice. A lot of shut-ins, a lot of people in hospitals and so forth aren't getting the type of service they should be getting for the amount of money they are paying out, and I think it would be a big help, not just in the rate area but in the service area if this were controlled by the PUC.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Just a short comment in reply to the comments made by the good gentleman from Portland, Mr. Connolly, as to a company building half their building in Portland and half their building in South Portland. As far as I am concerned, it only shows a good business mind, and if this was regulated by a government agency, most probably they would have built two million dollar structures and then passed the cost on to the consumers.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, 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.

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor requested a roll call vote.

The SPEAKER pro tem: 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 pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that L. D. 910 and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

Mrs. Nelson of Portland was excused from voting pursuant to Rule 19.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Sewall, Carey, Carrier, Carter, F.; Chonko, Clark, Conners, Connolly, Cote, Cunningham, Curran, Devoe, Dexter, Drinkwater, Durgin, Dutremble, Fenlason, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Higgins, Howe, Huber, Hunter, Hutchings, Jackson, Jacques, Jalbert, Kane, Kany, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McKean, McMahon, McPherson, Mitchell, Nadeau, Norris, Palmer, Peltier, Perkins, Peterson, Plourde, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore.

NAY — Beaulieu, Brenerman, Carter, D.; Connolly, Cox, Davies, Diamond, Dow, Elias, Flanagan, Green, Hughes, Immonen, Jensen, Joyce, Kelleher, Kerry, Lynch, MacEachern, McHenry, Najarian, Norris, Peakes, Pearson, Post, Quinn, Spencer, Strout, Talbot, Tierney, Wilfong, Wood, Wyman.

ABSENT — Carroll, Churchill, Dudley, Fowlie, Gauthier, Hickey, Hobbins, Maxwell, Mills, Moody, Morton, Prescott, Silsby, Tyndale.

Yes, 102; No, 33; Absent, 14; Excused, 1.

The SPEAKER pro tem: One hundred two having voted in the affirmative and thirty-three in the negative, with fourteen being absent, the motion does prevail.

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

Mr. BERRY: Mr. Speaker, having had a few sad occasions doing this, I think maybe the margin is great enough today so I could risk it again. Having voted on the prevailing side, I now move reconsideration and ask that you all vote against my motion.

Whereupon, Mr. Kelleher of Bangor requested a roll call vote.

The SPEAKER pro tem: 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 pending question is on the motion of the gentleman from Buxton, Mr. Berry, that the House reconsider its action whereby this Bill and all its accompanying papers were indefinitely postponed. All those in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Beaulieu, Brenerman, Carroll, Carter, D.; Connolly, Cox, Davies, Diamond, Dow, Elias, Flanagan, Green, Hughes, Jensen, Joyce, Kelleher, Kerry, Laffin, Lynch, MacEachern, McHenry, Najarian, Nelson, N.; Peakes, Pearson, Post, Prescott, Quinn, Spencer, Talbot, Tierney, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Bachrach, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carey, Carter, F.; Chonko, Clark, Conners, Cote, Cunningham, Curran, Devoe, Dexter, Drinkwater, Durgin, Dutremble, Fenlason, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hunter, Hutchings, Immonen,

Jackson, Jacques, Jalbert, Kane, Kilcoyne, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Mackel, Mahany, Marshall, Martin, A.; Martin, J.; Masterman, Masterton, McBreairty, McKean, McMahon, McPherson, Mitchell, Nadeau, Norris, Palmer, Peltier, Perkins, Peterson, Plourde, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore.

ABSENT — Bagley, Carrier, Churchill, Dudley, Fowlie, Gauthier, Hobbins, Kany, Maxwell, Mills, Moody, Morton, Tyndale.

Yes, 35, No, 100; Absent, 14; Excused, 1.

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

The Chair laid before the House the Sixth item of Unfinished Business.

Bill, "An Act Relating to the Definition of Deed under the Real Estate Transfer Laws", (S. P. 510) (L. D. 1797)

Tabled — May 31, 1977 by Mr. Henderson of Bangor.

Pending — Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed in concurrence.

The Chair laid before the House the seventh item of Unfinished Business:

Senate Divided Report — Majority (9) "Ought to Pass" — Minority (4) "Ought Not to Pass" — Committee on Judiciary on Bill "An Act Relating to the Jurisdiction of the Administrative Court" (S. P. 241) (L. D. 733) — In Senate, Majority "Ought to Pass" Report read and accepted and the bill passed to be engrossed.

Tabled — May 31, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of the same gentleman to Accept the Minority "Ought Not to Pass" Report.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the House today not to accept the Minority "Ought Not to Pass" Report. I would urge the House to defeat that and would request a roll call on such a vote.

When this issue came up in caucus a few days ago, the question was raised, what does the Bill do? The bill essentially separates the powers of judging from the powers of investigating and prosecuting violations of law that occur under the consumer act, the consumer laws in our state.

The question was also posed in the caucus, if it makes sense to segregate out the judging power, the judge and jury power, so that you have an independent, impartial arbiter of whether there has been a violation of law and whether or not there should be an injunction granted, it makes sense to do that in the consumer agency area, does it also not make sense to do this in the areas of banking commission, insurance commission and other areas that also wear several hats at the same time, the hat of investigation, bringing complaints, prosecuting complaints and then judging those complaints?

I would like to prepare an amendment and present an amendment that would do precisely that, that would remove the judicial powers from insurance, banking, consumer agencies and any other agencies that have this three-fold, conflicting internally powers, remove them and place the judicial powers under an independent, impartial body, the administrative court. I would urge that we either take a vote on this or table this today.

Whereupon, on motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Tierney of Lisbon Falls to accept the Minority "Ought Not to Pass" Report in non-concurrence and tomorrow assigned.

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

House Report — "Ought to Pass" — Committee on Taxation on Bill "An Act to Amend the Maine Income Tax Law" (H. P. 1514) (L. D. 1749)

Tabled — May 31, 1977 by Mr. Carey of Waterville.

Pending — Acceptance of the Committee Report.

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

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

Bill, "An Act to Define Duties and Set Salaries for Special and Part-time Deputy Sheriffs" (H. P. 992) (L. D. 1191)

Tabled — May 31, 1977 by Mr. Henderson of Bangor.

Pending — Adoption of Committee Amendment "A" (H-388)

On motion of Mr. Henderson of Bangor, retabled pending adoption of Committee Amendment "A" and specially assigned for Monday, June 6.

The Chair laid before the House the third 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 31, 1977 by Mr. Theriault of Rumford.

Pending — Motion of the same gentleman to Accept the Majority "Ought Not to Pass" Report.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as I have tried to explain in the past, was on the retirement for a certain lady who was disabled while in the service of the state. She had put in for this increase in her pension but was not retired as yet and hoped that if she got this through, she could retire with the basic pension that she would be allowed at that time, which would have been \$200 a month. This addition would have been \$180, but we discovered at that time that she could be eligible for a disability pension, and I am happy to report to you this morning that the acceptance of this disability was passed by the two concerns that were involved in this and that Mrs. Pearson will now receive \$572 a month in disability, something she did not expect. So I hope you will accept the "Ought Not to Pass" Report, and this will have a happy ending.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am very happy that Mr. Theriault has taken care of this, and I certainly will vote with him this morning.

Thereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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

Bill, "An Act Authorizing Control Over the Electrical Rates Charged Maine Consumers by

Out-of-State Electrical Utilities" (H. P. 835) (L. D. 1008) (C. "A" H-401)

Tabled — May 31, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I originally had tabled this the first time and then Mr. Tierney tabled it later on. What this bill would do for people who live in the Kittery area of the state, it would provide the electrical company that provides them service, (which is a New Hampshire outfit) would be required by law to charge them electrical rates based on Central Maine Power's rate in the State of Maine if that were lower. The situation, as I understand it down there, is that the area surrounding Kittery is serviced by Central Maine Power, which is cheaper electricity than that electricity that is supplied by New Hampshire Power. The law that they have introduced would require that the bill that New Hampshire Power sends to the Kittery people would be equivalent to those of Central Maine Power, which does not service that area.

I really hope that the people of Kittery have low electrical rates, but I think it is unfair for one company that has a certain overhead to be required to base its rates on some other company's overhead, so I would move the indefinite postponement of this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from York, Mr. Valentine.

Mr. VALENTINE: Mr. Speaker, Men and Women of the House: This morning you heard from folks from southern York County on lobsters, and now you are going to hear something about electricity. I will try to be brief and explain the origin of this bill. I am the sponsor of. For those of you who spend any time traveling in and around southern York County, you will recognize that most of the communities down there, the one I live in, York, the one the gentleman on my left lives in, South Berwick, Elliot, Kittery, and so forth, have become pretty much suburban communities and are very similar in nature, and as you travel through them, it is pretty difficult to tell when you leave one and enter the other sometimes. But there is a difference between, let's say, York and South Berwick and Kittery and Elliot, and the difference is that the people in Kittery and in Elliot and a few residents of York also pay more for their electricity than do the people in York, South Berwick and all of the rest of York County, for that matter, and points north. The reason for that is that there are about 6,000 customers, electric utility customers in southern York County in predominantly the two towns, Elliot and Kittery and a little bit in York, who receive their electricity from the public service company of New Hampshire. Obviously, they are displeased when they realize that because they happen to live on one side of the street, they pay more for their electricity than their neighbor who lives on the other side of the street, simply because the electricity coming to their homes flows through lines coming across the Piscataqua river rather than from lines coming down from CMP generating facilities.

At the hearing on this Bill, the only opponents, incidentally, were people representing the Public Service Company of New Hampshire, those opponents presented some data showing what people in Maine pay for. I believe it was 500 kilowatts of electricity on the average. If you looked at the figures, you would say that there is a pretty broad range in the state of Maine and I will certainly grant that there are places in this state where the people

paid quite a bit more than do the residents of Elliot and Kittery. My point in submitting this was not so much just the fact that those people pay more for their electricity than do their neighbors, but because of the fact that they do not have, in my opinion, the same recourse and the same protection when it comes to dealing with electrical rates.

The rates charged by public service companies are reviewed by the Maine Public Utilities Commission, but it is naive to assume that the Maine Public Utilities Commission, which certainly has a difficult enough time with its staffing limitations to adequately review as much as they probably would sometimes like to, the rate structures of Maine utilities, they certainly do not have the time nor the facility to be able to delve deeply into the rate structures of the New Hampshire Utilities.

People in those communities have attempted to address this. I believe they have a suit going right now, both of the towns hired counsel and filed a suit before the PUC. It was also suggested that they maybe attempt the legislative route.

This is not an easy problem to address because it is an interstate problem of sorts. The original bill I put in has been modified and amended because there were constitutional problems with it because of possible interference with interstate trade. The bill as it has been amended and reads now simply says that when the Public Utilities Commission is considering the rates to be charged by the customers in communities served by a particular utility, that they will take into account in their rate-making criteria the rates charged by adjacent communities.

Now, it may be, for all I know, entirely possible that the aspects of power generation in the State of New Hampshire are sufficiently different, that maybe it does cost more to generate electricity. But what I am concerned about is the recourse the people over there have. Now if I or most of the people in this room are dissatisfied with some aspect either of our service or of our rates, we have several alternatives. We can contact our legislator and say that we are unhappy about something, and that legislator can in turn go to the PUC. We can directly contact the Consumer Complaint Office in the PUC, assuming it still remains there, and present the problem to them, and we all have at least a comfortable feeling of knowing that even though we do not have any choice about who we buy our electricity from, we at least have some mechanisms for addressing the problems because the Utilities Commission is made up of people who are appointed by the Governor, and the Governor is a person elected by the people of Maine. Members of that commission are confirmed by a legislative committee made up of people who are elected by the people of Maine, so at least in some sense, whether or not it does any good, one at least has the satisfaction of knowing that they have some sort of direct input into addressing the problems they have since they do not have any choice from whom they buy their electricity.

But I would ask you what sort of response you think that the citizens of Kittery or Elliot might get from the Public Utilities Commission of New Hampshire? They don't have any direct political input over there and the straw that kind of broke the camel's back on this thing occurred a year or so ago. Everyone down there had been unhappy with the way things were, and then they discovered that they had been billed by Public Service Company in New Hampshire for fuel charges for fuel that was never consumed by the utilities generating the power. That was discovered in an audit. The company said was an oversight. I would like to think that that oversight probably would not occur in the State of Maine, because I have quite a

bit of faith in our PUC. I do not know a lot about the New Hampshire PUC. I would suggest, however, that based on incidents that have occurred in New Hampshire a year or so and as a border resident, the newspapers that I receive down there mostly come out of New Hampshire so I have almost about as much input about New Hampshire politics and activities as I do of Maine's the recent incident where the Governor of New Hampshire has petitions for Seabrook power plant placed in state facilities, a good portion of which is owned by Public Service Company of New Hampshire, might suggest that the relationship between the executive, possibly the commissioner, and certainly Public Service Company of New Hampshire is a little bit on the cozy side and I really wonder what kind of protection do the people of New Hampshire have, to say nothing for the people of Kittery or Elliot, yet the people in Kittery and Elliot and those few in York obviously do not have any political input in the process.

I would compare this, if I can sort of paraphrase a little bit, to something comparable to taxation without representation. This is a problem that is not easy to address. I don't really know what the solution is under circumstances like this; this is a unique sort of situation, but I feel that when we have monopoly utilities or any organization that we have decided that in the best interest of the people it is best to have serve a particular area, that we as citizens in turn ought to at least know that we at least have some kind of a direct input into the process to protect ourselves. I don't feel that the people down there and the people down there don't feel that they have that kind of protection. That is why I put this bill in and that is why I hope that each of you would think about how you would feel if you were in that situation, how you would feel if you knew that you did not have any direct political input or any direct clout in dealing with an out-of-state utility. I hope that you will vote against the motion for indefinite postponement and pass this bill.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I sympathize wholeheartedly with the gentleman from York, Mr. Valentine, and all his constituents and all of the people who live in those border towns that are served by Public Service of New Hampshire. I know that the legislature has broad perimeters and has tremendous power, but the legislature does not have the power to regulate a company that is out of state, and that is the problem we had to wrestle with when we had to consider the bill.

My first thought was, and I think it is a good one still, it might be a little radical, but my first thought was, make CMP buy public service plants on this side of the border, but it seems you cannot do that either. That would be the ultimate solution and probably the best solution. I am not sure whether the legislature can force two companies to buy each other or sell each other, and I guess probably they cannot. I guess that is why we didn't go that route.

But as Representative Valentine has explained, it is a very unique problem, I don't even know if there is a solution, but I do know that the bill before you now is not the solution, that is why I signed the "Ought Not to Pass," one of the reasons. He keeps speaking about no political input, and I agree there would not be along the lines that he has mentioned. I suspect if he called the Governor of New Hampshire, Governor Tompson, probably (the individual that he is) he might laugh about the problem.

I think maybe there might be some way to have some political input, and I don't know how practical this is, I have discussed it with several people. It is possible to buy your share

of stock, just one, it is possible under the ownership of that stock to attend the stockholders' meeting, and it would seem to me that if many people in those border towns purchased one share of stock and attended the stockholders' meeting, I think in lieu of political input you would get some very good input, and maybe that is where the solution to the problem will have to come. I support the indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the Gentleman from York, Mr. Valentine.

Mr. VALENTINE: Mr. Speaker and Members of the House: I would like to point out one thing additionally for you to consider in the process here. You may have noticed a week or so ago in the papers that the amounts of money spent by various outfits lobbying at the Maine Legislature was disclosed and there was a separate item on the back page of the paper and that item said that the New Hampshire Public Service Company — and I read this here — spent — are you ready for this — \$6,384 in Maine. It goes on to say that the Public Service Company of New Hampshire spent that amount of money to lobby the Maine Legislature in the first four months of the current session according to records from files of the Secretary of State. It goes on to say, the lobbyist disclosure form showed that all of the money was spent on opposition to one bill. The measure in question would allow Maine's PUC to use rates of CMP as a yardstick for setting electric rates for public service companies' 6,000 Maine customers. If you worked that out, that already comes out to something better than one dollar per customer that has already been spent lobbying this bill, and I suspect that since the meter on that is still running, by the time this is over, it will probably be two or three dollars per customer down in that area just spent to oppose this thing.

The SPEAKER pro tem: The Chair recognizes the gentleman from Orono, Mrs. Davies.

MR. DAVIES: Mr. Speaker, Members of the House: Before I moved to Orono, I lived in the community of Acton, which is in the most Westerly part of York County, right on the border between Maine and New Hampshire, and I can assure you that the problem is not confined in the Kittery Elliot area, it goes right up along the border, all along the border of Maine and New Hampshire in York County and Oxford County. This problem is serious, and I would suggest that anyone who lives in one of those communities along the border probably has constituents that are affected by this problem. I know, for example, that my parents have been trying to get this matter resolved and are participating in the suit, and they have found that it is a very difficult matter to resolve and perhaps this is the only possible way of dealing with it in the immediate future. The suit is likely to go on for quite a long period of time, and then the chances of a favorable resolution are not all that good.

So if we want to take care of this matter, even if it is only a temporary solution, I think that the one that has been proposed by the gentleman from York is a reasonable proposal. I think with the amendment that has been put on by the members of the committee, it is a good bill and I hope you will vote for it.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: Although I do not represent a community right now that gets their power from public service in New Hampshire, in the 106th Legislature, I did represent Elliot before we redistricted. Several times during that two year period, I got complaints from people, everything from a Public Service Com-

pany trucks running over their flower bed to a sudden surge that blew out their television sets, a lot of things that probably many of you have gotten complaints on in your tenure as a legislator. What I usually do is either go, depending on the type of complaint, to CMP or to the Public Utilities Commission, and I will tell you, it is very difficult, if not impossible, to get any satisfaction of complaints when I was dealing with the Public Service of New Hampshire because I really had no standing in New Hampshire and with the New Hampshire Public Utilities Commission. When you talk of political involvement, I think when you get right down to the level that the people are really interested in, it is things like that, what you can do for them in their particular complaints, things of this nature, and I think although this bill does not really address that, it gives the people a little extra tool or better feeling in order to deal with their electric rates.

I would urge you to go along with this bill so that these people will be able to have a little bit more say in what they are going to be doing and what their rates are going to be.

The SPEAKER pro tem: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: We do have a difficult problem here, and as a previous speaker told you, this bill does not really address the problem. Now, the problem is a multi-faceted problem, and I didn't want to get up and prolong the debate, but I think it is necessary to point out some of the other facets of the problem that have not been mentioned, some of the things that were pointed out in the hearing so that you will be able to cast an intelligent vote and realizing that the multi-facet problem is not going to be solved by enactment of this piece of legislation.

First of all, this bill was put in at the request of the residents of the southern York County area, the people who are served by the Public Service Utility Company of New Hampshire. These residents are ired, or a little bit mad, because in the last few years their bills have become greater than the bills of the Central Maine Power customers who live in adjacent towns. They were not mad three years ago when their bills were less than Central Maine Power's and they did not come to the legislature for help at that time. Perhaps the Central Maine Power Company customers should have been here asking for us to reduce their rates to New Hampshire's level.

In the original draft of the bill, the Attorney General's Department said that this original draft was unconstitutional because of discrimination against out-of-state companies and the possibility that a taking without compensation could occur if rates of another company are imposed. A change was suggested making the bill apply to all companies, but the present amendment does not really do that; therefore, the bill is still discriminating and possibly unconstitutional, despite the Statement of Fact.

The bill completely departs from traditional concepts of state rate regulation. Rate regulation is usually done based on the examination of a utility's cost to do business and its need to attract investors to provide working capital. Instead, this bill allows rates to be based on the rates of the company next door, even though the capital structure may be entirely different.

Maine has 19 electric utilities, 150 water utilities, 20 telephone companies and 2 gas utilities. All have different rates because all different companies have different costs of doing business.

At the hearing on the bill, it was pointed out that the York County area is one of the fastest growing areas in the State of Maine. This requires extra utility service and construction and that, at today's rate and cost of construc-

tion, costs more. The proponents of this bill want the economic benefits for the fast growth area and yet they want to pay the electric rates of a slower growth area.

Again at the hearing, a letter was introduced from the President of Central Maine Power who said that Central Maine Power is not interested in taking over that southern Maine territory because it would be to the benefit of the present Central Maine customers. In fact, Central Maine Power customers would have to pay more if they had to absorb the cost of providing the electric service to this fast growth area of York County.

Another point I would like to point out is that this bill does give tremendous power to the Public Utilities Commission. The commission would not even have to look at the cost of doing business with any electric utility in state or out of state. They can simply impose the rates of a neighboring company onto a particular company.

The committee amendment now becomes the effective part of the bill. I would like to point out that the electric utilities in the state have not had an opportunity to comment on this amendment which directly impacts them. The amendment was never advertised for public hearing, since only the original bill was put out for public hearing. Therefore, I think if we consider the many facets of this problem, we should, for the present, indefinitely postpone this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Springvale, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify something in terms of Committee Amendment "A". I would recommend that you look at it, because what it says, if I am reading it correctly, it says "when the Public Utilities Commission deems that it is in the best interest of the people of Maine, it may utilize the electric utility rates paid in such adjacent communities as a rate-making criteria." It does not mandate that they do this. It is only after they have looked at the case and looked at the cost factors and all of the other factors. If at that point they deem it necessary to do this, they would have the power to do this.

I would like to point out to the members of the House that when the bill was first heard before the committee, I was a signer of the "ought not to pass" report for the very reason that at that point it was pointed out to us that it was possible that the bill was unconstitutional. Although I come from this area and I was aware of the problem, I did not want to be signing out something that had a question of constitutionality. Members of the committee went back and worked it out so that we dealt with that problem and have at least given the Utilities Commission some power, after they viewed all of that if they still feel the adjacent rate should be used, they could use it. It is not increasing their power, it is only offering them another opportunity or another alternative in a rate-making decision. I would argue that it seems to me to be a reasonable approach.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I happen to represent some people that are being charged higher rates than what I am being charged because they happen to live along the New Hampshire line. It was very amusing to me to hear the gentleman from New Gloucester get up with all his wit and wisdom, with all his reasoning, to tell you why you should not do something. I am sure if he lived in southern Maine on the New Hampshire line, he would hope and pray that you would help him. That is what this



legislative body is all about, that is what we are down here for, to try to correct the inequities that prevail on the citizens of the State of Maine. I assure you that this is the first step and this is the beginning. I think it is a giant step because you are recognizing an inequity that does exist. These people who live over there certainly should have the opportunity of coming under the Maine Public Utilities and they should be able to do something about their rates.

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

Mrs. DURGIN: Mr. Speaker and Members of the House: The only thing that we are asking for in Kittery and Eliot is that we have consideration and our rates compare with the surrounding towns.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question. If the people of Maine are not represented, how come we are paying a lower rate than the people in New Hampshire from the same company?

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, 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.

A vote of the House was taken.

32 having voted in the affirmative and 46 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed in concurrence.

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

Bill, "An Act Clarifying the Tax Status of Regional Planning Commissioners and Councils of Government" (H. P. 555) (L. D. 672)

Tabled — June 1, 1977 by Mr. Carey of Waterville.

Pending — Passage to be Engrossed.

Mr. Carey of Waterville offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-482) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair thanks the gentleman from Stonington, Mr. Greenlaw for acting as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Greenlaw to his seat on the Floor, amid the applause of the House, and Speaker Martin resumed the Chair.

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

Bill "An Act to Provide for Budgeting of State Expenditures of Federal Funds" (H. P. 1387) (L. D. 1676) (C. "A" H-433)

Tabled — June 1, 1977 by Mr. Lizotte of Biddeford.

Pending — Passage to be Engrossed.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: Being the only member of the Performance Audit Committee to sign the "Ought Not to Pass" Report, I feel that I must rise to say why I voted this way. First, if we had to appoint commissioners to be in charge of various departments, we certainly should have the faith that they are capable of doing a good job and I certainly do not feel that

we should dictate to them as to how they should spend federal funds. I am sure that they must be more aware as to where these funds are needed than we. If we do not have faith that they are capable of doing a fine job, then we should never have appointed them.

Second, I would also like to add something else, and it is this: Whoever in this House wants to be here on a year-round basis, then vote for this bill, because I am sure it will be a giant step toward year-round legislation. For these reasons, I would move for the indefinite postponement of this Bill and all its accompanying papers.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I would ask that you not vote for indefinite postponement and I would request a roll call on that vote, Mr. Speaker. I would say, however, if I might quote from the first line in the Statement of Fact of this Bill, it says "the purpose of this bill is to give the legislature a role in approving plans and expenditure levels for use of federal funds by state agencies." We, the elected officials of this state, would have a handle on how the money is spent, not necessarily spending it but at least having some knowledge on how it is spent. The departments and agencies of the state would have to identify for our benefit the sources of all future federal grants which they intend to expend. They also would be mandated to state the number of positions that these federal grants and funds would create and necessitate.

I ask that you vote against indefinite postponement.

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

Mrs. KANY: Mr. Speaker, Members of the House: I had a note from Representative Ault that I would like to share with you. He suggested I point out to Representative Lizotte that we did not appoint the agency heads, the Governor did. This whole bill, basically, is all about the fact that a third of the funds that we use for state programs are federal funds. These are federal funds, the use of which we exercise very very little control. These federal funds are growing. More of them are directed to states and more of the funds are discretionary as opposed to being categorical. We are giving basically to the Executive Branch, the Legislative Branch's responsibility as far as both appropriating and setting policy. I hope that you do oppose the motion of Representative Lizotte and go along with the twelve to one "Ought to Pass" Report on this bill.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is not very often that I disagree with my good friend Mr. Lizotte, but on this occasion, I must and I would urge you to vote against the motion.

I would like to remind you of what I feel is the key issue behind this piece of legislation. Mr. Lizotte has made reference to the fact that we have some highly paid executive officials that are very capable of running the government. I submit to you that when this great country of ours was founded, it was founded on a principle of three equal branches of government. We, the legislature, have the power to legislate or determine policy. This is just exactly what this bill calls for.

I would like to point out an interesting thing that I discovered while doing research on this particular type of bill and it concerns the number of state employees that we have. We deliberate and work countless hours on coming up with an appropriations budget which is supposed to determine how the state will be operating for the current year and the following year of any given biennium. Many times, we on

Appropriations deny the requests of department heads, the request for putting on additional people. We have cut the funds out. We come back the following year or the following session, lo and behold, those people are on the payroll, they have been appointed. They have circumvented the will of the legislature by appointing these people with the use of federal funds.

Let me give you some facts on the number of employees that we have. This is as of April 29, 1977. From the General Fund, we have a total amount of 5,724 state employees. From special revenues, we have 4,369 and the highway fund has 3,146, for a total of 13,239 people. I will submit to you that in a good portion of these numbers, we have had no say on having them become state employees.

I think you should all join us and vote against the motion to indefinitely postpone and put the legislature back where it should be, in the position to determine policy.

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 Biddeford, Mr. Lizotte, that L.D. 1676 be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bagley, Boudreau, P.; Bunker, Conners, Dexter, Durgin, Dutremble, Jackson, Lafin, Lewis, Lizotte, Mackel, McHenry, Perkins, Rollins, Smith, Tarr, Truman, Twitchell.

NAY — Aloupis, Ault, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Diamond, Dow, Drinkwater, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbs, Huber, Hughes, Hunter, Hutchings, Immonen, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Littlefield, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBrearty, McKean, McMahon, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Sewall, Shute, Silsby, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Valentine, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Devoe, Dudley, Fowlie, Gauthier, Howe, Maxwell, Mills, Moody, Norris, Rideout, Tyndale.

Yes, 19; No, 120; Absent, 11.

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

Thereupon, Mrs. Kany of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-466) was read by the Clerk.

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

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

"An Act to Revise the Water Quality Program" (S. P. 508) (L. D. 1793)

Tabled — June 1, 1977 by Mr. Blodgett of Waldoboro.

Pending — Passage to be Enacted.

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

The Chair laid before the House the following matter:

Bill "An Act Relating to Refusal to Accept Work as Disqualification for Benefits under the Employment Security Law" (H. P. 360) (L. D. 452) which was tabled earlier in the day and later today assigned pending the motion of Mr. Bustin of Augusta to adhere.

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

Mr. BOUDREAU: Mr. Speaker, I move that we recede and concur.

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

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I know it is getting late. I am only going to make a few points on this bill. I think we all know what it does. You have all been talked to about this bill from one side or the other.

Basically, the reason for putting in this bill and for sponsoring this bill is a few reasons, I believe. The unemployment compensation program, as far as I am concerned, was put in to help people who are unfortunate, who through some unfortunate circumstance were out of a job or could not find a job. It was not initiated to provide cash benefits to people who stay unemployed many months at a time. I think the underlying rationale and reason behind unemployment compensation is that there are no available jobs. That is why you provide people with unemployment compensation, because they cannot find a job; there are no jobs for these people. I do not think we should allow people to stay on unemployment for three, four, five, and six months while at the same time refusing to accept suitable work.

Under this bill, we are still going to allow those people who, through some unfortunate circumstance, might not have a job or are laid off. We are still going to allow those people to collect benefits for three months, after which, if they are offered a suitable job, we would expect them to take the job. I do not think it is an unreasonable bill. I think if you talk to people on the street, people support this bill. I have talked to younger members of this legislature both in my party and the other party, those of us who knocked on doors, and we heard the same story over and over again, it is the story of fraud and abuse in the unemployment program.

I think people out there support this kind of program. I think if you talk to the working people of this state, those people who go to work every morning, would tell you that it is not unreasonable to expect someone to take a job after three months. I would hope that you vote to recede and concur.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to defend the action of this House when it chose to indefinitely postpone L. D. 452 on May 19. This House should adhere to its previous actions. It appears that misinformation about this State's Unemployment Compensation fund has created a sense of insecurity, it has no substance. I would like to explain: In February of 1976, the Department issued a preliminary projection for the years of 1975, 1976 and 1977, on the Maine Unemployment Trust Fund, in part it stated — by

December of 1977, the General Fund would have to borrow from the federal government an estimate of \$60 million. The media had a hay day with this bit of information, and this bit of news, banner headlines reached the people and the public stating, the Unemployment Compensation Fund is bankrupt, state will have to borrow \$60 million. These items were used in debates on the floor of the House here. The poor-mouthing of our Unemployment Compensation Fund has hurt and leads to bad legislation. To prevent such bad legislation, you must be aware of the real condition of our Unemployment Fund and understand that the Unemployment Compensation system was conceived by our federal government and they regulate its operations. It devised a plan to set aside money during periods of employment to subsidize the worker in times of unemployment, this plan not only prevented unemployed workers from entering the welfare rolls, but was an advantage to the employers because it kept our labor market intact so that when necessary competent workers were available and were ready to go back to work when they were called. The Unemployment Security System, under ordinary circumstances, worked exceedingly well for over 25 years. Our State of Maine was able to meet its regular requirements during this period, pay all its claims while amassing a very healthy reserve of \$28.8 million dollars which was recorded on January 1, 1975. The General Fund reserves was positive proof that this system works. However, work layoffs during 1975 created an unemployment situation that more than doubled its former unemployment roles. Many states holding what was believed adequate reserve found them soon depleted and looked to our federal government for aid. Twenty six states had to ask for money, two of them have already borrowed over a billion dollars to stay afloat. What is the situation here in the State of Maine? Present projections indicate that by December 1977, the State of Maine's Unemployment Compensation General Fund will owe the federal government 22.8 million dollars. This appears to be a staggering sum. However, knowing that it was originally projected to be \$60 million deficit would accrue, \$22.8 million is a reasonable deficit at this time. Under present plans, the debt will be repaid as soon as the increases in our formula for stabilizing our unemployment fund become effective.

There are two bills on the floor or coming to the floor of this House. In fact one of them was passed today. The bill passed today increased the rate from 3.7 percent to 4 percent on \$4200 of earnings, soon another bill will come along increasing this \$4200 earnings to \$6,000 the combination of these two increases, according to statistics from the bureau, will bring in approximately \$15 million additional dollars in contribution to the fund so that by the end of 1979, we will be able to have repaid the government, as requested, for the borrowing that we have made.

I want to assure you that these facts were gathered in the Labor Committee hearings and present a picture of stability, not bankruptcy. The bills for formula increases will be passed, if not, the Federal Regulations would take over on January 1, 1978. But I am sure the bills here will be passed. L. D. 452 is a bill that could seriously affect a number of good and conscientious laborers and workers that the Unemployment Security law was devised to protect.

Please defeat this motion to recede and concur and have the House adhere to its former decision.

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

Mr. McMAHON: Mr. Speaker, Members of the House: I really hadn't intended to speak on this but the gentleman's comments leave me

with some questions. As one who has had some difficulty in making up his mind on this particular issue and still does, I wish to pose two questions to the previous speaker. The gentleman made the statement that the unemployment law is a federal one and is federally regulated. Now, it is my understanding that the various state unemployment programs were enacted pursuant to the Social Security Act and if they are state in nature, state law? That is the first question.

The second question is: have we or have we not borrowed from the federal government at this time?

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

Mr. FLANAGAN: I would like to have the gentleman repeat his last question.

The SPEAKER: The second question was whether or not the state had borrowed from the federal government at this time?

Mr. FLANAGAN: First of all, The federal government instituted the Unemployment Compensation Law and invited the states to join. The federal government didn't want to regulate the states and you will find that the fifty states in these United States have regulations that differ from one another throughout the country. However, they fall within the guidelines that the federal government set up, even though they may be attained in different manners in each of the different states.

Now, the answer to your second question, by a recent projection, it is indicated that by the end of 1976, we will owe the federal government \$22.8 million. The original projection had in the vicinity of a 60 million deficit by that time. Now that proves to me that this administration, this department, has done a very very good job when they had been working on a projection of a \$60 million deficit and hold within \$22.8.

Now, by increasing the rate which was 3.7 percent of the payroll on \$4,200 to 4 percent and increasing the \$4200 to \$6000, the contributions that come in yearly will increase approximately \$15 million a year. Now, we are stabilizing and getting along fairly well right now and with \$15 million more in the next two years, it is going to enable us to pay this deficit that we owe the federal government and be riding free. That is what I tried to say, or wanted to say to you.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am too sick and tired of hearing about the unemployment fund. But let us put the blame where the blame belongs. The blame belongs on the welfare fund and this is an entirely different situation. You talk about people not wanting to work, well, that is not true. We have got good workers in this state and what are we doing? We are driving them out of this state, we are driving them to other states and I am talking about carpenters, plumbers and electricians, boiler makers and these type of people, and this is the type of a law that is going to hurt them. You want to do something? Then let us clean up our streets and get rid of these people that are living on welfare. Let's throw some of these lechers in jail where they belong and get them off the street.

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

Mr. CONNOLLY: Mr. Speaker, I do not know what the proper phraseology is, but I object to the language being used by the gentleman from Westbrook.

The SPEAKER: The gentleman from Portland has posed a valid point to the Chair. The Chair will just ask the gentleman from Westbrook to please be a little bit more careful in his remarks. The gentleman may continue.

Mr. LAFFIN: I think that what we have to discuss here today is whether we are going to

hurt the working people of this state, people who are qualified to work at a job when there are no jobs for them and that is what this bill is all about.

The welfare program and the Unemployment Compensation Fund, you ask the people on the streets and they don't even know the difference. I have had people come into my shop and say, why do you support those bums? They are getting food stamps, they are on unemployment, and the state is handing them out money, and unwed mothers are getting money when their guys are drinking beer all day, and yet they are the fathers of those children, they are paying them. I said that is not the unemployment compensation fund, there is a big difference. The Unemployment Compensation Fund is paid for by the employers, due to the hard work that the employees have made money for them, that is what the fund is and that is the only fund.

Every once in a while there will be a bill which will come in here to try to hurt the working people, to try to hold them back a little, and they talk about "well, we are in debt to the federal government. How many people in this room are not in debt anyway? I owe bills, and I am sure many others probably owe bills and we will all owe bills. But it is far better to be in debt to the federal government to the Unemployment Compensation fund so that a person can take home "some" pay to support his family than it would be that he take home nothing. It is no disgrace to be on the Unemployment Compensation Fund, if there is no work, there is no work, and that is what we are talking about. But I do not notice too many people really caring too much whether they go welfare or not they will take all they can out of that, they will get every penny they can.

The SPEAKER: The Chair will caution the gentleman one more time. The gentleman may continue.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this afternoon to talk about a bill which I had the opportunity to talk about the other day, when it was before this body and was defeated. I am happy to see that it has come back from the other body in non-concurrence because I think it has given us the opportunity to look at this question again.

The good gentleman from Portland Mr. Flanagan said a lot of us were misinformed. I think a lot of us are informed as to what is happening in society today with the problems that are facing us in the areas of unemployment compensation and welfare. And I agree with Mr. Laffin. Those are two different areas and I am surprised to see that representatives of unions are here lobbying against this legislation, because, as I see a union, I see a union as one whose prime purpose is to find employment for its people and second, to make sure that those people get paid well, not to keep people on welfare. They are here fighting for the possibility of keeping their people on welfare.

I get a little upset when I hear a construction worker, and some of them get in excess of \$10 an hour, say to me, well, why should I work in the winter, I paid my unemployment compensation in the summer, let the state support me. And that is what they are saying throughout the State of Maine, and throughout the country, and these are the problems that we are having with this, the unions, okay?

I have always supported the individual and that is why I speak in favor of this bill this morning, because it is a bill that deals with the people that each and every one of you represent. The people of America, the people of Maine, the people of my community are sick and tired of the leeches and those people who can work, who are capable of working should be working, and that it is what this bill addresses.

After 12 weeks, that is a long time, ladies and gentlemen, you can play an awful lot of golf in 12 weeks, or whatever they do, after 12 weeks a capable man or a capable woman can get off their duffs and work and so something productive for society and themselves. I agree with those who say that if there are no jobs, there are no jobs. They will continue to get their compensation, they will continue, this bill does not say that they won't. The only thing this bill says is that after 12 weeks, if you are capable of working, and you refuse to work, you will not get any compensation, and that is what the human cry is all about, and that is what people are all upset about in the communities that I represent, because these poor people go out and they make \$80 or \$90 a week and they are proud of it and they do not like to be laughed at by those who refuse to work, and they are being laughed at. That is what this bill is all about. Democrats, Republicans, we are all here to represent our people, and it is the first opportunity we have in this House to do something in that area. For years and years and years, the hue and cry has been, why don't you do something, you have an opportunity to do something, do it.

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

Mr. BOUDREAU: Mr. Speaker Members of the House: I do want to make sure that we do not confuse the issues of welfare and unemployment. What we are talking about is people refusing suitable work. We are not saying we are not going to let someone collect unemployment if there are no jobs. We are saying if the job is suitable, after three months of unemployment, they should accept the job.

I have here an article published in The Greater Portland, and I am told is a Chamber of Commerce Magazine of some kind, a gentleman in here named Mr. Whitney, who is the Manager of the Portland Office of the Maine Job Service, and I quote: "Based on my knowledge of the Portland job market, there is a job available right now for virtually every person collecting unemployment compensation through this office, providing he really wants to work. The job may not be exactly the job he wants, not quite the pay he wants, but the jobs are out there". I would like to quote another paragraph here, he says: "The fraud cases detected during the first nine months of 1976, cost the State \$249,210 of which less than one fourth was recovered. He says we can't do a thing about it. Closing the loophole would require additional manpower, and a change in the law." This is what that bill does, it is a change in the law.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker and Members of the House: I would like to pose a question to anyone who might answer.

In the last week, I have read in the Bangor Daily News that this bill exempts union members, would someone care to answer this?

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: The bill does not exempt union members; however, under the present Unemployment Compensation Laws, Section 1193, it says: No work will be suitable if it requires a person to join a union or to resign from a union. So, if a carpenter, Local 434, takes an oath that says "you will not take any other work, other than carpentry at this pay," that person will not be affected, because under the unemployment compensation law, you can't force someone to take a job if it will mean they will have to resign from their union or you can't force a person to take a job if they have to join a union. In that way, I guess it affects union people but the bill does not say there are plenty of

union workers that don't take any kind of oath. I think no responsible union would say to one of their members, that after three months, we don't want you to take a job.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, it seems to me that the heart of this bill is a bill to protect the integrity of our Unemployment Security Fund, if there is any integrity left in that fund now that it is \$20 million or \$21 million in the hole, is to protect the integrity of that fund for employees across our state who are truly laid off of a job and are truly in need and can't find suitable alternative work. I am not much of a mathematician but if an employee were making \$120 a week and he were laid off his job and he were able to collect the maximum benefits of unemployment at roughly \$80 a week, this bill would require him to find a job at 120 percent of the benefits which means \$100 a week wages. That would be \$20 less a week than what his original job was bringing in, that is all. It would be \$20 more than what his benefits were at \$80.

I would urge support for this bill on the simple ground alone that there is a desperate need for employees in our state who are laid off to protect the integrity of the Unemployment Security Fund to protect and provide for them.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: 120 percent of \$80 is \$96, not \$100. Maybe \$4 is a very small sum but what I am worried about is that those jobs that are currently paying \$105, \$110 or \$115 a week will now suddenly start being offered at \$96 a week because they have a very captive market. They have those people that have to take that job if it is anywhere near reasonable.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: While I have a great deal of respect for the great legal training of my fellow attorney from the City of Bangor, Mr. Tarbell, he obviously does not know the first thing about the unemployment system. To make \$120 a week, you don't get the maximum benefits under unemployment, Mr. Tarbell, you only get 52 percent or you only get \$62 a week. So we are not even talking about a job which would pay \$96 a week. On the contrary, we would be talking about a bill 120 percent times your \$62 a week which would come out slightly under \$80 which would mean you would have to take a part-time minimum wage job or lose all your unemployment.

I suggest the gentleman go back to his law books.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to the House, not for the law but for my errors in mathematics. I did not profess to be a mathematician. I thank the gentleman from Waterville for his corrections in my arithmetic.

The point is still well taken that we need to protect the integrity of this fund. We have always known economically, this has been no secret in American economics that the toughest competition for jobs is always at the bottom of the job market. It is always at the bottom of those making the least amount of money and the least wages. There is no way we are going to eradicate that competition. Those who can't work, those who can't find a job, even at 120 percent of their benefits, what will we do with them when we can't afford to pay unemployment benefits to them? I submit to you the day is rapidly approaching in this state.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from Bangor, Mr. Tarbell.

Exactly how much money in savings does this bill mean to the fund?

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to the gentleman from Bangor, Mr. Tarbell.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I have been told by Emilien Levesque that if this bill passed, there would be a \$2.5 million savings next year.

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

Mr. WILFONG: Mr. Speaker, Members of the House: I would like to pose a question to Mr. Boudreau. If it is \$2.5 million, what is the chiseling rate? How many people does the department of manpower affairs feel are ripping the system off? Where does the \$2.5 million figure come from? Which end is that going to be saving?

The SPEAKER: The gentleman from Stow, Mr. Wilfong, has posed a question through the Chair to the gentleman from Waterville, Mr. Boudreau.

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

Mr. BOUDREAU: Mr. Speaker, Members of the House: The year before last there were 609 fraud cases. Last year there were 758 fraud cases. Another problem is that there are only three people in the state that have the job of checking these fraud cases out. I think maybe we should have 10 people. Therefore, I really cannot tell you which end the \$2.5 million comes from.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose an additional question. How did they arrive at the \$2.5 million? I can't see where 609 cases are going to come up to \$2.5 million. How did they arrive at that figure?

The SPEAKER: The gentleman from Stow, Mr. Wilfong, has posed a question through the Chair to the gentleman from Waterville, Mr. Boudreau.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I can tell you where the \$2.5 million is going to go. It is going to be saved in the fund. That is the purpose of it. The purpose of this bill is to take people who are qualified to do professional jobs and put them on a \$100 a week job. That is what this bill does. This bill says that if you don't do that, then you don't get any unemployment compensation. That is the whole purpose of this bill. The whole purpose of this bill is to deteriorate the working people of the state. That is what this bill does.

You lawyers can argue with all the figures that you want but it doesn't change the bill one bit. This bill is detrimental to the working people. When you vote that way, you vote against the working people.

I have seen bills come through this house that I haven't liked. I have seen bills come through here that I can enjoy supporting one way or the other. But this type of a bill is a bad bill. It is a horrible bill. When the vote is taken, I certainly hope that the members of this house will have some consideration for the working people of this state to keep the good workers in this state and not let them go to New Hampshire and Massachusetts. Keep them here to be working. Many times they can't work because there is no work for them. That doesn't mean that they

have lost their trade, they have only lost their job.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support this bill this morning but not on the basis as described by the gentleman from Westbrook, my good friend, Mr. Laffin.

I think this bill is in here because of the abuse of the unemployment situation, not because of the working man's use of it. That is why it was set up. Because of the abuse of it, the fact that people are fashioning lifestyles around this cash payment.

In response to the gentleman from Stow as to what the magnitude of the problem is, I don't know the figures but I do know that it has been sufficient so that Mr. Levesque, the commissioner of manpower affairs came to us and asked that this bill be passed. This department, which is philosophically and statutorily tuned to helping the man who loses his job, attempt to support him during his period of hardship and attempt to find him another job is beginning to feel a little fed up with what they see taking place. I believe the commissioner used the term "ripoff".

In regard to some of the horror stories that were given to us the other day, I think a 50 or 55 year old accountant who had temporarily lost his accounting job being forced to wash dishes or tend bar. There is a great number of conditions hung on this suitability of work. It must be something that is not injurious to the individual's health, morals. It has to be consistent with his past background. This device merely changes the fact, that after 12 weeks of hopefully looking for work and being unable to find it, there is reason I think based on Mr. Levesque's contention to feel that if this situation continues, that the suitable wages which is the only change that is being proposed here is going to be turned off in determining whether the work is suitable or not. I make reference to the fact that I contend this department is philosophically and statutorily tuned to the best interest of the working man who finds himself in this position. I don't see those horror stories happening. I don't see this becoming a captive market for the exploiters of the citizens of this state.

I would remind you that if the local field worker makes a decision that someone will take this job, there are four appeals. I am just faintly familiar with this appeal procedure because a year or so ago, I had some people in my town who felt aggrieved by the decision at the local level. It was a very simple matter to arrange a meeting with Mr. Levesque and he resolved the problem in their favor very quickly. You have a decision made at the bottom level, you have an appeal to the deputy manager, an appeal to the appeals tribunal, then a hearing before the commissioner, in none of these do you need an attorney. You have the right to have one if you wish.

I think you can erase from your minds the specter that has been raised here of those of us who support this bill as having it in for the working people of the State of Maine. I submit that this is a policy decision. This is a function that we are supposed to be determining in here. I am ready to say that when the department finds people that are abusing the system on behalf of my people, I want it stopped. Any abuses that are shown to happen in fact and not in television here in this house, I will be as quick to correct as any one of you that I think on behalf of the people of the state that this situation has got to be corrected. You may have seen the "60 Minutes" CBS program on Sunday night of the abuses that are taking place in this system today. Now it is up to this body to say as a policy, are we going to condone and continue these abuses or are we ready to take one small

step toward correcting them? And I hope you will.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to a few of the comments that have been made, the first one from Mr. Wilfong who, in my opinion, has tried to discredit this bill by tossing out numbers and asking the sponsor of the bill to verify these different numbers.

As far as I am concerned, as a member of this House, I would care less if it would save a dollar, if it puts people back to work and if it puts credibility back in government; that is what this bill will do. It will put some credibility back into this body, showing that we are ready to address the problems of unemployment and showing that we are ready to make some sort of hard decisions here in the Maine legislature without being influenced by the lobbying group out here who represent the so-called unions who, in my opinion, don't represent anybody.

As far as the comments made by Mr. Laffin of our work force moving out of state, if our work force is going to move out of state to collect unemployment, let them go. As far as I am concerned, we are not going to pay them.

Mr. Boudreau of Waterville was granted permission to speak a third time.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Wilfong's question that I did not have on the tip of my tongue, I have it here now and I will read it to the members of the House for that gentleman.

The savings were based on the calendar of 1976. Regular benefit costs, under present law \$44,886,000. Estimated regular benefit costs under proposed law, half of available job openings were filled \$42,400,000, estimated savings, \$2.5 million. The above estimate was derived by obtaining a sample of individuals who filed claims during the mid week of January 7, 1977, determining how many of these claimants had been unemployed for more than 12 weeks. This relationship was applied to data for 1976 to determine the total number of those long-term claimants. The average amount of benefits and average number of weeks in excess of 12 weeks were then calculated. A review of unfulfilled job openings listed with the Job Service Division during 1976 was conducted. It is believed that only those job openings remained unfulfilled for less than 30 days should be deemed suitable.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to oppose this bill this afternoon with a great deal of reluctance, in a way, because I am very sympathetic and I understand the motives of the gentleman from Waterville, Mr. Boudreau and I would not question those motives. I would not question his integrity in introducing this bill.

I represent a rural area. I represent an area that I like to think is not the heart of liberalism in the State of Maine. I have had many people who have told me while I was campaigning for office and still even now that they are very concerned about the abuses of welfare and the Unemployment Compensation Fund. I can't support this method of dealing with the problem. I think it is a problem that we must deal with. It is a serious one. I believe that legislation will be forthcoming which will be better able to deal with this situation.

As I understand it from reading the bill and from discussions with Mr. Boudreau and from looking over the amendment that we have before us, really this bill is not a real comprehensive bill at all and is not going to deal with the problems that we are facing in un-

employment in this state and welfare abuse, in any comprehensive way. As a matter of fact, if you will notice on page one of the bill down at the bottom of Section A, it says that wages will be at least equal to his weekly benefit amount for total unemployment. If the gentleman from Lisbon Falls is correct in his statement, that could be as low as \$62 a week and it seems to me that we are really saying to the Maine working people that they must get by and support a family on considerably less. Of course, that was in the original bill. I don't know what the real intent of putting this bill in was outside of trying to deal with a problem that everyone is concerned about and I don't know how far the bill could have gone if it hadn't run into some problems with federal regulations, suitability requirements. I believe it was first established at the federal level. So we have the provision which is identical to the current law, that the work eligibility will be determined according to physical fitness and prior training, cost of traveling to available work, wages offered at least equal and now it has been amended to 120 per cent of the person's benefit amount. The only difference, and this is the point I really want to get across to you and I hope you are all listening, is that it is going to force the Maine working people to work for less wages than they are working for already. I can tell you, they are working for wages which are too small and too low already.

I put out a questionnaire in my district and I asked the people how they felt about the minimum wage, if they would support an increase in the minimum wage. It came back about 85 percent in support of a minimum wage of \$3 an hour. I realize full well that we are not debating the minimum wage here this afternoon. But we are debating the issue of why people choose to exist or subsist on unemployment rather than work. I traveled around my district too just like my good friend Mr. Boudreau.

I didn't miss a mill. When I went over to the Hartland Tannery, I went down into the bottom, what I call the bottomless pit down there where they stand in a half a foot of water and clean the hides. We don't have stable employment in this state. I believe Mr. Flanagan has already pointed that out. These men are getting layed off. If the tannery happens to shut down, they are layed off, they are out of work. There is in this state a very large labor pool. It works to the benefit of employers. This bill would also work to the benefit of employers who would like to hire workers for less than minimum wage if they could get by with it. As a matter of fact, some of the same philosophy that spawned this particular bill would be behind an effort to repeal minimum wage laws altogether and not have any minimum wage.

I had a meeting on this particular bill with some gentlemen in my town. They said, how do you feel about this particular bill, L. D. 452? Don't you think it is a good bill? Aren't you going to support it? I said no, I am not because I believe it is a negative approach to a very real problem and I would much rather see a positive approach. Considering the fact that Maine people have one of the lowest incomes and one of the lowest wages in the country and they mentioned to me, they said that minimum wage doesn't make any difference in whether a person wants to work or not. I said, well then if I understand you correctly, what you are saying is that a person is not going to be any more encouraged to work for \$2.30 than they are for \$1.30 and they said that is right. I said, well if you continue that logic to the ultimate conclusion that I presume you can assume, that these people would be willing to work for a dollar, and that would not make any difference in their attitude toward work or their attitude of getting up in the morning and having to go over to the tannery every day, or having to go to the mill,

and they said no, they honestly told me they did not feel that minimum wage made any difference in a person's attitude toward work at all. I said, well gentlemen, I can assume from what you say that you would be perfectly willing to work for a dollar an hour. And one of them said: Oh, you mean us? I said: That's right. Of course they are all high income people, so they are not really that concerned about the minimum wage or wages in general that the working people get. This bill is an anti-work bill. That is what it is; it is an anti-work bill.

I know the statements that have been made, it is aimed at getting at the abuse and it is aimed at getting at the lazy people who do not want to work, and if someone is riding around in a Cadillac on \$79, then I would like to know who it is, and I would welcome the gentleman from Waterville to document that to me. Now, it could very well be that there is abuse with some of the other programs, and combined, the abuses make it possible to get by, and perhaps in some cases live more luxuriously than the working people, but let us get at the real culprit.

Why do we want to penalize the working people when we really want to get at abuse which may be in our welfare system and to that extent I do not know too at how great an extent that exists, but I think that it does exist and I think it is a concern for all of us and we want to get to it. But why attack the unemployment fund? That is what I guess I do not understand. That is what really bothers me. I guess there is something else that bothers me about this, and that is that there is no hourly provision in this bill at all. You know, a person could be working for minimum wage and if they had to work 30 hours a week as often as they could work, they would be forced to take the job, which means that they would be bringing home even less pay.

What it ultimately means if you pass this bill is that there is going to be less purchasing power in the hands of the working people of this state than there is now and there is far too little already. I had a man meet me in the hall the other day, down by the cafeteria, and he told me, when are you people going to vote to increase the minimum wage? I am supporting five children and I am making minimum wage. I had a man in Hartland that he told me that he worked the minimum wage for the past two years, \$2.30 an hour, six days a week, not one day off and he asked the man if he could have a nickel raise and the guy laughed in his face. That is a disgrace, that is immoral, that is inexcusable. You wonder why people are tempted to collect unemployment? You wonder people are tempted to give up? That is the answer. If anyone in this hall wants to go and trade places with someone that is on the bottom of the pit over in Hartland tannery, then they are welcome to do it. I would not want to do it, and I am being honest and I am not being hypocritical. They work hard.

Mr. Laffin is right when he says we have some of the hardest working people in the country. I have lived in another state, and I can tell you that at the manufacturing plants in that other state they were glad to have Maine workers because they worked harder, they were more conscientious.

Now, if we want to get to the abuses, I think we should work on that, and I believe there is going to be legislation which we are going to have a chance to discuss that. It is going to be a positive and constructive approach to this problem rather than a kick in the head, and that is what this bill is, a kick in the head to the working people of this state, forcing them, after they have not been able to find a job to take any kind of work at less wage, even possibly less than minimum wage if you figure it out on a weekly basis.

I would hope that you would defeat the motion

to recede and concur and I appreciate your tolerance. I wanted to get this off my chest. I felt very strongly about this issue. I have an honest faith in the people who work in this state, and I know that I am here and you are here in large part because of the working people, not the high income people, not the white collar worker, but the working people, because there are more ordinary working people than there are fat cats. They are the people who put us here, so when we are talking about trying to deal with this problem, I think we should keep that in mind, we should try, for a change, a compassionate approach, firm but compassionate and not reactionary, not a step that is going to set the state back another 20 years or even further. I would hope that you would defeat the motion to recede and concur and you would vote to adhere.

Mr. Biron, of Lewiston was granted permission to address the House a third time.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Pittsfield, Mr. Wyman, wanted to get something off his chest. Well, I am going to get right back on it. He wants to know what kind of people drive around in a Cadillac that make \$80 a week; well, I will tell you a couple. The guy who works on a union job and makes \$13 or \$14 an hour, and once the job is over his union supervisor says "why don't you go collect unemployment," and they do tell them that, and then we will let you know next summer, next Spring when we have work again. And what do they do all winter? They drive around in their Cadillacs, and they take the \$80 that I am trying to save for the people who are working in this state, and they drink beer. So if you want to know who they are, that is who they are.

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

Mr. WYMAN: Mr. Speaker, I would just pose a question to the gentleman from Lewiston, and I would ask him if he is aware of how many people in District 92 make \$15 an hour?

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, has posed a question through the Chair to the gentleman from Lewiston, Mr. Biron, who may respond if he so desires.

The chair recognizes the gentleman from Lewiston, Mr. Biron:

Mr. BIRON: Mr. Speaker, I have got no idea.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I say to Mr. Wyman — right on, on target, precisely to the point, anti-worker bill, Mr. Biron. Your people will be forced to compete in the low wage market with high skilled labor and to what advantage is that? The employer; that is whose ad is stake, create a huge pool of low wage labor.

Welfare — this bill will help make a welfare system out of the unemployment fund. How will it do that? It will depress the wage levels it will force skilled and semi-skilled workers to compete for the low wage jobs, and any employer when faced with a semi-skilled worker and a non-skilled worker for the one job will pick the semi-skilled worker, that puts the non-skilled worker on unemployment and he is the one who tends to stay there. He has got nowhere to go.

There are not a tremendous amount of jobs. Why is the federal government considering spending million and millions and millions in order to create public service jobs? It is because there are not enough. And what you want to do with this bill is to say reduce the wage levels on the jobs there are.

There are approximately 40,000 Maine people at any given time in the last year or so on unemployment, 40,000. Now, how many of those do you think are abusers? How many don't you see in the Cadillacs, Mr. Biron, going up and down

the streets of Lewiston, how many people sitting in those tenements that you never hear about, that do not even want to tell you whether they are on unemployment or not, and who are looking for work and who want work and cannot find any because there aren't any jobs? — 40,000 people.

The impact on women employed in this state is great in this bill. What is the first group that is going to be affected when forced to go from a good job to a bad job? It is going to be women who have made their way up in order to get better wages, and if they are laid off, then they are going to be forced down in the low wage market.

I would suggest, ladies and gentlemen of the House, the thing we should do today is defeat this motion of Mr. Boudreau's, adhere to the position that we took last time.

Mr. Boudreau of Waterville was granted permission to speak a fourth time.

Mr. BOUDREAU: Mr. Speaker, if there was ever a time when red herrings could be thrown up on a bill, I guess this is it. The people in this corner here talked about the people over here who do not know what the unemployment laws say, and the people over here then say that we are going to force people to work for less than minimum wage, which we cannot do. So, apparently they do not know what the unemployment law says either.

For one, I would never stand on the floor of this House and advocate any bill that would depress the wages of the people of Maine, and I think the people who get up and say that are essentially saying to us — we are going to have to get rid of that big building across the street because all those people in that building, including Emilien Levesque and everybody else over there, with this bill, that is what they are trying to do. They are trying to force people to work for less than the minimum wage — a dollar an hour I heard over here. That is what those people are trying to do. If that is how much confidence we have in the people who run this program, then we ought to scrap it. You cannot force people to work for less than minimum wage, and I have all the empathy in the world for the people who work in the cellars at the Hartland Tannery in the water. If I could find a solution to that today, I would.

As far as all the comments made about "there is going to be legislation coming to this floor that is going to take care of this problem." When I presented this bill, there were 700 people at the hearing all opposed. I met a lot of them out in the hall here after the hearing and they said to me, "You know, there is a problem, but that is not the way to handle it." I said, "fine, you people have a lobby down here I want to see your bills that are going to take care of the problem. You recognize there is a problem, where are your bills?" "Well, we do not have any, you know" and I said okay, well, that seems to be the answer I expect from those kind of people.

I object to people in this House saying this is an anti-workingman's bill. It is not an anti-workingman's bill. I talked to plenty of people, I come from a town where there are plenty of labor unions, the guy on the street who is getting up in the morning and working for a living doesn't see anything at all unreasonable about asking a person, after three months of unemployment, to take a suitable job, a job that does not affect his health, safety or morals, and a job that provides that person with a prevailing wage for that kind of work. That is the federal law; that is in this bill.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I have a great deal I could say about this bill and I guess I am as emotionally involved as most of you, but I am going to try, in-

stead, just to add a few facts. There are many other pieces of legislation pending on this subject matter. The gentleman from Waterville, Mr. Boudreau, asked the question. I will give you one bill that is not before us now, but I understand the Labor Committee has acted on it all but unanimously, it is sponsored by my good friend from Scarborough, Mr. Higgins. What that bill does is to provide an incentive for people to work. At the present time, if a person is on unemployment and he goes to work, he loses his unemployment benefits. Every dollar he earns on the job, he loses off his unemployment benefits. This is an example of the type of positive incentive this bill, look it up, 158, which would allow individuals to get some incentive for going to work. That is the way you get people to work, not by the two by four approach that the gentleman from Waterville espouses. There are bills and there will be more bills coming in before the session is over dealing with those types of questions.

Mr. Biron from Lewiston, was granted permission to speak a third time.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Bustin. Mr. Bustin, I am here representing people who unfortunately make \$80, \$90 and \$100 a week, and those people are being laughed at by the people who collect unemployment time and time again and say, why should I work? That is why I support this bill, if that answers your question.

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

Mr. WILFONG: Mr. Speaker and Members of the House: I think I have sat just about as long as I can and listened to some of this debate. I have sat just about as long as I can for the last two years and listened to some of this debate, listened to the poor people and the working people of this state get dragged through the mud on every other bill dealing with welfare, dealing with AFDC, dealing with unemployment compensation. I want to know when we are going to start talking about the welfare checks that we provide for large corporations and large businesses in this state? I want to know that. The unemployment compensation system provides a two-week paid vacation for a great number of shoeshop workers in this state when they get their pink-slips every summer. When I sponsored the minimum wage bill two years ago and it was defeated in the Senate, it was defeated so that the majority party in the Senate would then vote for an increase in the unemployment benefits, not an increase in the wages, not an increase in the minimum wage, but an increase in the unemployment benefits.

We are doing things about welfare in this state. The Performance Audit Committee has got a bill that we are reporting out this week that says that if you are collecting welfare general assistance, you may be required to work to pay back that general assistance. We are doing something about AFDC chiselers. We put 30 new people on there to hunt them down, last session — 30 new people, and between the first session and the special session of the 107th Legislature we chiseled off \$2.5 million from the AFDC rolls. Now, I am getting tired of people dragging poor people and working people through the mud.

My good friend Mr. Boudreau from Waterville sponsored a bill this year that would give a break to the large oil companies, and there was no hue and cry about that. We have people in this state and in this country who make \$200,000 a year or better and, as a matter of fact, last year there were 250 of them that didn't pay one single, solitary cent of federal income tax. What type of a welfare check is that.

I talked with Mr. Bradford from the Public Utilities Commission this morning, talked to him about a tax loophole that the utilities in this state have got to slip through; they charge it to

the rate payers and they are supposed to be paying federal income tax, and what do they do, they slide out, CMP slides out of better than \$3 million and New England Tel. and Tel. slides out with better than \$8 million. I don't hear any hue and cry today about that.

We attack the people who can least defend themselves, and that is the poor people and the working people in this state, and we have got some of the best workers in the United States. I have heard that said before today, but it is true. The U. S. Department of Labor will tell you that the Maine workers are some of the very best workers in this country. We are 45th in average wage, 43rd in personal income, we have 40,000 workers that are collecting unemployment at any one time in this state, and you mean to tell me that those 40,000 workers are all chiselers, that they are people who do not want to work, that they are people who are not trying to support their families? We have more bills in here and more pieces of legislation and laws on the books that help people who do not work, who are trying to keep their families together, we have laws that try to split families up. This is the one law that we have on the books that will try to hold families together. And what are we trying to do? We are trying to rub people's faces in it.

If there are abuses of this system, then I say, let's get more people, just as we did with the AFDC system, let's get more people and let's route out those people, because I don't like abuses either, let's do it. A year and a half ago when the shoe shop in Fryeburg, Maine closed down and laid off 150 people and there was nothing else for them to do but to collect unemployment checks, because the shoe business has a habit of laying people off and then opening up whenever the tax advantages make it easy for them to do so, there was nothing for my people to do but to collect unemployment, and we worked and they worked hard to try and get another shoe shop in the area. There wasn't any place for them to absorb the losses, because at that time the mill in the area was laying people off, and at that time the mills in Conway, New Hampshire were laying people off.

Let's get people, put them to work like the 30 investigators we put to work in AFDC, let's put them to work down in Manpower and let's find the abusers, but let's not, as a blanket-type proposition, force Maine workers into a situation where they have to take and go with hat in hand. That is not the thing that I think this House should be doing; that is not the attitude that we should be taking towards the working people in this state who are the majority people in this state.

I urge that we vote against the motion to reconsider and I would strongly support the motion to adhere.

Mr. Laffin of Westbrook was granted permission to speak a third time.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to correct a couple of things that have been said here today. I have been to every Labor Committee hearing we have had and I have never known Mr. Levesque to give his opinion one way or the other on the unemployment compensation fund.

The second thing that I would like to bring to the attention of the members of this House, and my good friend, and outside of this room he is my good friend from Cumberland, Mr. Garsoe, he is the same man who voted two years ago to indefinitely postpone the minimum wage law.

They give figures of the fraud, five thousand and some odd, they are throwing them around, we have only got 40,000 unemployed, but nevertheless they come up with these figures. I do not know anything about them. But the other thing that kind of bothers me is when Mr. Biron gets up and says he is glad that the working people are going to Massachusetts or out of state to collect their unemployment. He does not even

know what he is talking about. They cannot go to Massachusetts to collect their unemployment, they have to go to Massachusetts to work. That is the only reason they go to Massachusetts or any other state, because there are no jobs for them here, that is why they have to go there. They do not go there to collect unemployment compensation, it is done by the State of Maine under Manpower. That is where it is done from. Sometimes when I can realize we get up too much, like myself, I am just as guilty as anyone else, we sometimes miss the important issues and let our emotions carry us away, but in closing I would like to have the members of this House kind of remember what Mr. Bustin had to say because he hit it right on the head, he was right.

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

Mr. GARSOE: Mr. Speaker and Members of the House: One of the last things I ever want to do is misinform my colleagues on this floor. I would just point out to the gentleman from Westbrook that if he had attended the Republican caucuses, he would have seen and heard Mr. Levesque telling you just what I related to you.

I would just have to tell Mr. Wilfong from Stow that as a result of the changes that were made in the ADC program, we didn't hurt the poor people of this state, we helped them. There were 4,000 ineligible on the rolls at the time these changes were made and as a result of the actions we took, which he says rubbed their noses in the dirt, the ineligible were removed and those eligibles had their benefits increased, and I would liken this to what we are talking about here today.

These people are not abusing the unemployment system, they are using it. It is not an abuse because of this stipulation that the bill seeks to remove, they are using it and they are collecting checks in Florida. Mr. Levesque cited a fact that because of the language we have in our situation, that it can involve three states and he cited an instance where the hearing would have had to have been held in Florida.

The department, I will repeat again, which I say is tuned to the best interest of the people who find themselves in this situation, is urging us to adopt this very small step towards placing this language in a more workable situation so that we will not encourage and allow people to form their life styles around a situation such as this.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The City of Lewiston has been battered about on more than one occasion in this debate this morning. I would like to state that I have had several calls on this measure. I have not had one that told me they wanted me to be for it. I have had some very important calls and from people that I believe in. As a matter of fact, I had a talk with a neighbor this morning just before I came up here who urged me not to support this bill.

I am not going to go into hysterics in my commentaries, by any means, but I think that some of the arguments that have been used on both sides have been reasonable, but I am inclined to believe that really and truly this bill could very well be a bill that would be, if not detrimental to the entire labor force of the State of Maine or my community, it would absolutely be detrimental and really disastrous to the trade union members of this committee. For that reason and other reasons, I would not go along. I wanted to state that I have not had one single call from anybody, and I am not one that gets a tremendous amount of calls, but on this thing here, for some reason or other, I have received several calls and every one of them told me that they did not want this bill. These are good people from my city, and as far as the chiselers are

concerned this and that and the other, I think there are other ways to get at them, and I think I know that our force in the Manpower Commission can get at them.

Believe me, when you go and you appeal to the commission, believe me, I want to tell you, you better be well heeled with legal talent because they are rough. When they make a decision on the local level, it is usually upheld on a state level.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I would like to add one more comment to the remarks made about the Lewiston-Auburn area, I read recently in a business newspaper, I think you have seen it, it is called "Monday," and it was in the October 25, 1976 issue, the article reported that the executives of at least 20 major companies in the Lewiston-Auburn area employing more than 6,000 were plagued by a high turnover and even vacancies. They had a meeting in an attempt to solve their problem. These firms took a critical look at their own hiring practices, training programs and wage scales, but one common problem seemed to prevail, the so called unemployable floaters. The idea of tax-free income from the unemployment office, even if it just lets people get by, has come to have wide appeal. Among the 20 firms represented at the meeting, there were 150 or more jobs available, jobs they were unable to find people to fill.

There seems to be a growing number of floaters who have learned to play the angles and manage to support themselves to their own satisfaction while working only half the time.

As I sat here and listened to some of the comments made, I made a few notes. In response to Mr. Bustin, I think he has given us another reason why we ought to support the bill. One of the reasons that they want the system to remain as it is, is because it tends to force wages up. I think it is another form of irresponsible inflation. In effect, it causes employers to compete against their own tax dollars because, of course, they are the ones who are paying the bills.

In response to the gentleman from Stow, Mr. Wilfong, who suggested that we hire more people to police the system, of course it is one thing to propose adding additional personnel, and it is quite another to get the positions funded, even if we try to convince them that it is going to be a savings.

In response to Mr. Laffin, he is right, they don't go down to Massachusetts to collect unemployment, they go to Florida, but it seems like that we have become so obsessed with concern for the so-called, as some like to refer to them, not necessarily my words, but "the loser," it seems like some people have deliberately become unproductive. They strive to become unsuccessful. It almost seems as if they adopt failure as a goal, and public money should never be spent to encourage idleness.

I see this as a reasonable approach to bring the worker and the employer together, and I hope the house votes to recede and concur.

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

Mr. KELLEHER: Mr. Speaker, like the gentleman before me, I have got nothing to say.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I could probably say the same thing. The only thing is, when I start out and I make up my mind and say to myself, keep cool, be a nice boy, then somebody gets up and rubs me the wrong way. I would like to suggest to the good gentleman from Rockland, Mr. Gray, that when he talks about shifters or drifters or what have you in my area, I would like to suggest to him that I might well have been one of those as an officer of the Maine Central Railroad living in

Lewiston when we were turned down flat on an excise tax bill two years ago. However, I stopped some drifters in his own area by voting not only for the bill but to override the Governor's veto on Martin Marietta that kept a few off the lines in Rockland.

Mr. Tierney of Lisbon Falls was granted permission to speak a third time.

Mr. TIERNEY: Mr. Speaker and Members of the House: I have been trying, during this debate, to add some substantive pieces of information rather than to fill us all up with rhetoric. You know, I have had a copy of the Monday newspaper article sitting in my file for now almost six or seven months just waiting for someone to actually get up and quote it, and lo and behold, the gentleman from Rockland, Mr. Gray, did me the favor of getting up and quoting the magazine, assuming that I never read business magazines, and I am afraid he is wrong. I hold in my hands the very article to which he refers in the October 25 magazine, and it does talk, some of the employers are very very upset about how they can't hold their employees, there is a very high turnover.

If you read the article, you will find that the individuals involved are the shoe industry and the poultry industry and several other jobs which, of course, which are so attractive to so many people due to their wage levels and excellent working conditions. However, if you read the article, you will find that individuals from General Electric, from Maine Electronics, they are the envy of the entire nation because of their low rate of turnover, less than 3 percent, and the dedication of the individuals who work for these companies in the Lewiston-Auburn area is better than they can find in any of their other corporations or any of their other plants around the country. The difference, I would say to the good gentleman from Lewiston, Mr. Green, and the rest of you, they pay them a decent wage.

I am not about to support any piece of legislation which says depress those wages as I feel this bill does.

Mr. Biron of Lewiston requested permission to address the House a fifth time.

Whereupon, Mr. Davies of Orono objected. The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I move that the rules be suspended to allow the good gentleman from Lewiston, Mr. Biron, the opportunity to speak a fifth time.

The SPEAKER: The Chair will order a vote. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken. 77 having voted in the affirmative and 8 having voted in the negative, the rules were suspended.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: At this point, I am a little upset as to the quotes being made about the Lewiston-Auburn area and the people I represent. They are getting it from both ends, and I am sick and tired of it. First of all, they are being exploited by the employers, which has been pointed out here, and I don't like it. Then those same people are being laughed at for working, and I don't like it, and I think this bill addresses that problem. I hope that you members of the House are going to support this legislation.

I am sorry that Mr. Davies didn't want to hear me again. I am sick and tired of hearing you sometimes, too.

The SPEAKER: The Chair would advise the gentleman from Lewiston, Mr. Biron, that I do not wish and the Chair will not entertain any further discussions in that light.

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

Mr. JACKSON: Mr. Speaker, I move the question.

The SPEAKER: For the Chair to entertain a

motion for the previous question, it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the motion was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable for five minutes by any one member. Is it the pleasure of the House that the main question be put now? All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 13 having voted in the negative, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Boudreau, that the House recede and concur. Mr. Jalbert of Lewiston has requested a roll call vote. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Boudreau, that the House recede and concur on L. D. 452. All those in favor of that motion will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, I wish to pair my vote with the gentleman from West Gardiner, Mr. Dow. If he were here, he would be voting nay and I would be voting yea.

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

Mr. MARSHALL: Mr. Speaker, I would like to pair my vote with Representative Palmer of Nobleboro. If he were here, he would be voting yea and I would be voting nay.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Biron, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Conners, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kane, Lewis, Littlefield, Lougee, Lunt, Mackel, Masterman, Masterton, McBreairty, McMahon, McPherson, Morton, Peltier, Perkins, Peterson, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Tarbell, Tarr, Torrey, Twitchell, Tyndale, Whittemore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dutremble, Elias, Flanagan, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, Lynch, MacEachern, Mahany, Martin, A.; McHenry, McKean, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Plourde, Post, Prescott, Quinn, Raymond, Shute, Spencer, Strout, Stubbs, Talbot, Teague, Theriault, Tierney, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Blodgett, Fowlie, Gauthier, Lizotte, Maxwell, Mills, Norris.

PAIRED — Dow, Marshall, Palmer, Tozier. Yes, 57; No, 83; Absent, 7; Paired, 4.

The SPEAKER: Fifty-seven having voted in the affirmative and eighty-three in the

negative, with seven being absent and four paired, the motion does not prevail.

Thereupon, on motion of Mr. Bustin of Augusta, the House voted to adhere.

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

Mr. BUSTIN: Mr. Speake, having voted on the prevailing side, I now move reconsideration whereby we voted to adhere, and I hope you vote against the motion.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves that the House reconsider its action whereby it voted to adhere. All those in favor of reconsideration will say yes; those opposed will say no.

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

The Chair laid before the House the following matter:

Bill "An Act to Facilitate Out-of-State Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Lynch of Livermore Falls, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act to Authorize Bond Issue in the Amount of \$2,348,000 for Construction of an Educational Wing at Central Maine Vocational-Technical Institute and a Building Construction Facility at Southern Maine Vocational-Technical Institute" (H. P. 1618) (L. D. 1619) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. McBreairty of Perham offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-494) was read by the Clerk and adopted.

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

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

The following Communication: (S. P. 526)

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE  
04333

June 2, 1977

Honorable Joseph Sewall  
President of the Senate  
and

Honorable John Martin  
Speaker of the House  
Dear Joe and John:

This is to formally notify you that Edward W. Rogers, 1616 Westbrook Street, Portland was nominated last night, June 1, to serve as Associate Administrative Court Judge.

We feel very fortunate to have a person of Mr. Roger's ability available to accept this important position.

In accordance with M.R.S.A. Title 5, Section 2401, this nomination is subject to review by the Joint Standing Committee on the Judiciary and to confirmation by the Legislature.

As always, your cooperation in the confirmation process is greatly appreciated.

Very truly yours,

Signed: JAMES B. LONGLEY  
Governor

Came from the Senate read and referred to the Committee on Judiciary.

In the House, the Communication was read and referred to the Committee on Judiciary in concurrence.

By unanimous consent, ordered sent forthwith.

On motion of Mr. Hobbins of Saco, the House reconsidered its action of earlier in the day whereby Bill "An Act to Amend the Laws Relating to Criminal History Record Information," House Paper 1629, L. D. 1832, was passed to be engrossed.

On motion of the same gentleman, tabled pending passage to be engrossed and tomorrow assigned.

On motion of Mr. Hobbins of Saco, the House reconsidered its action of earlier in the day whereby Bill "An Act to Repeal Certain Laws Relating to Domestic Relations," House Paper 1627, L. D. 1830, was passed to be engrossed.

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

House Amendment "A" (H-488) was read by the Clerk and adopted.

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

Reference was made to (H. P. 968) (L. D. 1165) Bill "An Act Relating to the Spending Ceiling for Education Purposes" (Emergency)

In reference to the action of the House on May 26 whereby it insisted and asked for a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Mrs. NAJARIAN of Portland  
Mrs. MITCHELL of Vassalboro  
Mr. HIGGINS of Scarborough

(Off Record Remarks)

On motion of Mr. Churchill of Orland, Adjourned until one o'clock tomorrow afternoon.