

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

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

HOUSE

Thursday, June 9, 1977

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

Prayer by the Reverend William F. Dalke of the Union Congregational Church of South Bristol and Congregational Church of Bristol.

The journal of yesterday was read and approved.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Revise the Measure of Damages Under the Unfair Trade Practices Act" (H. P. 277) (L. D. 341) asks leave to report: that they are unable to agree. (Signed)

- Ms. CLARK of Freeport
- Mr. WYMAN of Pittsfield
- Mrs. GILL of South Portland

— of the House.

- Messrs. CHAPMAN of Sagadahoc
- KATZ of Kennebec
- MANGAN of Androscoggin

— of the Senate.

Committee of Conference Report was read and accepted and sent up for concurrence.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

June 8, 1977

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

Dear Clerk Pert:

The Senate today Adhered to its action whereby it Indefinitely Postponed Bill, "An Act to Create a Clients' Bill of Rights and Responsibilities" (H. P. 1594) (L. D. 1802).

Respectfully,
(Signed) MAY ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order: (S. P. 538)

WHEREAS, mentally retarded children need every advantage to acquire confidence in themselves and to succeed in building a positive image; and

WHEREAS, special olympics have been designed to give the mentally retarded that chance to develop skills and experience success through an organized programming of physical fitness; and

WHEREAS, through this unique program mentally retarded boys and girls of the State can share experiences of athletic competition not otherwise available; and

WHEREAS, the special olympics program for mentally retarded children is scheduled to be held at the Colby College campus, Waterville, on June 10, 11 and 12, 1977; now, therefore, be it

ORDERED, the House concurring, that the members of the One Hundred and Eighth Legislature, now assembled, commend the spread and development of the special olympics program and express our thanks to all those who participate, support and make possible, through this forthcoming olympic event, new hope and a better way of life for the mentally retarded; and be it further

ORDERED, that suitable copies of this Joint Order be forwarded to the olympic officials in token of our commendation and support.

Came from the Senate read and passed.

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

A Joint Resolution in memory of Harry A. Warren of Saco, Member of the 98th and 99th Legislatures and Mayor, City of Saco 1952-1955 (S. P. 537)

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

Reports of Committees

Ought to Pass in New Draft

Committee on State Government on Bill "An Act to Merge the Passenger Tramway Safety Board with the Board of Elevator Rules and Regulations" (S. P. 398) (L. D. 1396) reporting "Ought to Pass" in New Draft (S. P. 532) (L. D. 1860)

Committee on Health and Institutional Services on Bill "An Act to Provide for the Immediate Issuance of Food Stamps for Needy Families" (S. P. 164) (L. D. 440) reporting "Ought to Pass" in New Draft (S. P. 531) (L. D. 1853)

Came from the Senate with the Reports read and accepted and the New Drafts passed to be engrossed.

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

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Permit the Commissioner of Transportation to Designate Certain Highways for the use of Twin-Trailer Trucks" (S. P. 269) (L. D. 827)

Report was signed by the following members:

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

- Messrs. CARROLL of Limerick
- BROWN of Mexico
- JACQUES of Lewiston
- JENSEN of Portland
- McKEAN of Limestone
- ELIAS of Madison
- LITTLEFIELD of Hermon

- Mrs. HUTCHINGS of Lincolnville
 - Mr. LUNT of Presque Isle
- of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-197) on same Bill.

Report was signed by the following members:

- Mr. MINKOWSKY of Androscoggin
 - Mr. STROUT of Corinth
- of the Senate.

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

In the House: Reports were read.
On motion of Mr. Jensen of Portland, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Employee Contributions to Unemployment Fund" (S. P. 296) (L. D. 922)

Report was signed by the following members:

- Mr. PRAY of Penobscot
- of the Senate.

- Mr. ELIAS of Madison
- Mrs. TARR of Bridgton
- Mrs. LEWIS of Auburn
- Messrs. LAFFIN of Westbrook
- BUSTIN of Augusta
- FLANAGAN of Portland
- PELTIER of Houlton
- DUTREMBLE of Biddeford
- Mrs. BEAULIEU of Portland

Mr. McHENRY of Madawaska — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-198) on same Bill.

Report was signed by the following members:

- Messrs. McNALLY of Hancock
 - REDMOND of Somerset
- of the Senate.

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

In the House: Reports were read.
On motion of Mr. Bustin of Augusta, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide Relief from Extremely Burdensome Property Taxes" (S. P. 386) (L. D. 1331)

Report was signed by the following members:

- Mr. WYMAN of Washington
- of the Senate.

- Mr. CARTER of Bangor
 - Mrs. POST of Owls Head
 - Messrs. TEAGUE of Fairfield
 - IMMONEN of West Paris
 - CAREY of Waterville
 - MACKEL of Wells
 - TWITCHELL of Norway
- of the House.

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

Report was signed by the following members:

- Messrs. MARTIN of Aroostook
 - JACKSON of Cumberland
- of the Senate.

- Mr. COX of Brewer
 - Mrs. CHONKO of Topsham
 - Mr. MAXWELL of Jay
- of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.
The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report and would speak for a moment.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the Majority "Ought Not to Pass" Report be accepted in non-concurrence.

The gentleman may proceed.
Mr. CAREY: Mr. Speaker and Members of the House: This bill was presented by Senator Merrill. It is part of the package of L.D. 971, which was sort of a tax reform package, and part of the funding, or all of the funding for this mechanism, if you will look at Page 19 of L.D. 971, you will find that the money for this was going to be raised through the uniform property tax. There was going to be a \$28 million surplus, you will recall way back in the early days of this session, that was going to be used to fund this package.

When Senator Merrill appeared before the Taxation Committee and that no longer was the case, the money was not there, we asked him how to fund this particular \$10 package and he said that was our problem. I would have preferred that the Senator might have made some suggestions on how to fund his own bill.

We don't have the money available, and I would like to direct a question to any member of the Appropriations Committee that might answer it, if, in fact, there is even \$10 million to fund this little package? Otherwise, we are wasting our time.

The SPEAKER: The Chair recognizes the

gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I would like to just ask the good gentleman from Waterville, Mr. Carey, what the thing does?

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to the gentleman from Waterville, Mr. Carey.

The Chair recognizes that gentleman.

Mr. CAREY: Mr. Speaker and Members of the House: This is a tax relief program for those people up to \$16,000 of income. It is based on how much they pay for the property tax. Depending on their income, they will get a certain percentage of return. If over 2½ percent of your income is spent for either rent or taxes, then you would get the excess of that amount, I think it is up to \$200. We would certainly, as municipal officers, love to see this, because then we would be guaranteed, basically, our income as municipal officials. It is something that I certainly could support if the money were there. We go up to 6 percent of the income, Mr. Tierney, for those people earning \$16,000. It is on a graduated scale. The percentage of your income spent for taxes is greater in the lower level, but it phases out finally at 6 percent. A person who sat on that committee who could better answer your question would be Mr. Morton, who, in fact, drafted this type of legislation in his bill, 971.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: Many of us ran for this body based on the promise that the 108th Legislature would be one of tax reform. I guess before we let this bill disappear, I would like to know the status of L. D. 971, if someone from the Taxation Committee could answer that question.

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

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

Mr. CAREY: Mr. Speaker, we are having a work session this afternoon to which the Majority Leader and all members are invited if they so desire, and one of the items that we are going to be discussing today is, in fact, L. D. 971. We have practically stripped everything out of 971 as we have gone along, in that everything but the income tax provision and the inheritance tax provision have been handled in some other bills and have been either passed or defeated up to this point.

I know that L. D. 971 dealt with the exemption on electricity which we are dealing with. It dealt with exemption on water, it dealt with the cigarette tax, it dealt with an amusement tax on theaters, it dealt with the income tax, it dealt with the inheritance tax, it had a uniform property tax rate of 11 mills, and we heard that part of the bill. It closes loopholes in income taxes. It proposed an 8 percent corporate income tax over \$100,000. It had retirement income credits that should be hitting this floor within the next few days. As a matter of fact, that bill is probably in the Senate now. So everything in this bill that Mr. Morton proposed for the study committee of the legislature, the Joint Select Committee on State Tax Policy, the second one, not the Governor's but the legislative one, has been in fact brought before this legislature or will be brought before this legislature, and today we will be working on the income tax section and the inheritance tax section.

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

Mrs. BOUDREAU: Mr. Speaker, I would like to pose a question to the Chairman of the Taxation Committee. I believe he said this would cost \$10 million. Is this \$10 million in addition to what we are now paying for tax relief?

The SPEAKER: The gentleman from Portland, Mrs. Boudreau, has posed a question

through the Chair to the gentleman from Waterville, Mr. Carey, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. CAREY: Mr. Speaker, yes, in fact it would be an expenditure by the state in the reimbursement to the municipalities, so it would be in addition to what is being spent now. It would be a burden that falls on the state rather than on the individual homeowner or the renter. It is in excess of the elderly tax relief program that we have.

On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Carey of Waterville to accept the Majority Report in non-concurrence and later today assigned.

Messages and Documents

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

June 8, 1977

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

I am returning without my signature and approval H. P. 1085, L. D. 1309: An Act Relating to Time Limitation on Providing Written Reasons for Termination of Employment.

I believe that this is unnecessary legislation, to the extent that it can be enforced under existing law and with existing authority, and that it is unreasonable, to the extent that it establishes an inflexible ten day limit.

First, this legislation strikes me as a graphic example of government and bureaucracy "passing the buck". I cannot believe that the Bureau of Labor does not already have the authority to enforce the existing law. Obviously, if the Legislature passed a law requiring that in the event an employee is terminated an explanation must be given, the Legislature did not intend that the law be annulled by allowing an unreasonable period of time to pass between termination and the receipt of the explanation for termination. The Bureau can and should enforce a reasonable period of time, and should do whatever is necessary to establish the reasonableness on a case by case basis, taking into account the unique and individual circumstances applicable to the employer and employee in each given situation.

Second, this bill would establish a totally inflexible system and procedure. It provides for a ten day period and a minimum \$100 fine. Circumstances could arise, due to vacations or illness or accidents, where the letter of this inflexible law could not be met. Technically, businesses and innocent businesspersons would be in violation of the law and could be subject to severe sanctions.

I feel this ten day period is totally unacceptable. I would be agreeable to a more flexible and reasonable period of time. However, ten days may not even allow for drafting and mailing time. The argument that the bureau really will not strictly enforce the ten day limit is the best evidence that it is unfair and unreasonable, and I do not feel that it should be enacted on the basis that it will be selectively applied or ignored.

Third, this law places the small businessperson in a very precarious situation. There are so many laws and rules and regulations which affect the small businessperson today, that it is virtually impossible for him or her to remain abreast of every one. This law would be another good example of such legislation in that the absence of knowledge of the existence of this law would be no defense; yet, the law would equally apply to the employer of one, two or three persons. In addition, the fine may be rather severe for a small businessperson who is just starting out or who has a small business that does not generate the kind of substantial income that would be necessary to absorb the potential fine. Also, the small businessperson does not have a professional lobbyist. Although

we often hear lip service paid to the dilemma which government often places a small businessperson in, it seems that the fate of a small businessperson is often not thoroughly considered.

I appreciate the concern and objectives of the sponsor and supporters of this bill. However, I feel that the objective can be achieved and the concerns alleviated within existing law and authority. To legislate unnecessarily not only creates needless and inflexible laws, but also relieves the bureaucracy of a responsibility which it properly should accept and exercise.

In summary, I believe that this is unnecessary legislation which could have a severe impact, especially on the small business community, because of its inflexibility and potential unfairness. If we demand that the bureaucracy does its job, I believe we can have a fairer application of the law in conjunction with effective enforcement and protection for everyone. If legislation is desirable, it should be reasonable and flexible and not so restrictive as to create potential unnecessary harshness and severity, especially on small businesses.

I respectfully request that you sustain my veto of this bill.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question before the House is, shall Bill "An Act Relating to Time Limitation on Providing Written Reasons for Termination of Employment" (H. P. 1085) (L. D. 1309) become law notwithstanding the objections of the Governor?

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: This is my first veto, and I would like to briefly explain to you what this bill proposes to do.

Under present law now, if I am an employee of a certain employer and I get fired, I can then ask the employer, in writing to him, the reasons why I have been fired and he has to give them to me in writing. There is only one fallacy with the law; there is no time limitation by which the employer can give me the reasons.

There have been a few problems with the Department of Labor. They have asked employers to give written reasons why a certain employee was fired and they have been told, we will give it to them when we are good and ready. That creates a little problem in that the employee has a hard time getting reasons why they were fired and subsequently have a hard time getting another job.

What my bill does is, an employer shall, within 10 working days of receipt of the written request from the employee, notify the employee in writing of the reasons for the termination of his employment. Notification by the employer shall be by certified mail. I would just put the 10-day restriction on it, 10 business days, and that there is a fine from one to five hundred dollars which is in accordance with other subsections of this title of the labor laws.

I would urge you this morning to join me in overriding the Governor's veto and think of the poor working person, the employee, who might have unnecessarily been fired, and when they want written reasons, not get them for quite some time and just create greater problems.

The bureaucracy is not working, as the Governor states, but he doesn't tell me how he is going to solve it. So if they are not going to do it, some of my people have gotten the shaft, I just don't want to see this happen anymore. Please help the working person.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I would hope that you would go along with Mr. Nadeau today in overriding this veto. I think we have here a stark contrast between appearance and reality, between diction and fact. If you take the tone of the veto

message and pick out the key words, you will find such high emotional words as inflexible, unreasonable period of time, precarious situation, potential unfairness, unnecessary harshness, severity. One would not think that the issue at hand is whether or not someone should receive written reasons for his termination ten business days after the receipt by certified mail of the request for those reasons. There is nothing potentially harsh or severe or unfair about that.

There is a nice explication at the bottom of the page, the first page of page four about the problems of the small businessman and how government puts him in a dilemma. Well, I suggest to you that that may be true in many instances, but it has absolutely nothing to do with this bill, and I would suggest that we vote yes, that this bill should become law notwithstanding the objections of the Governor.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the Constitution, a two-thirds vote of the members present and voting is necessary to override the objections of the Governor. The vote will be taken by the yeas and nays. All those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bennett, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Breneman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Gillis, Goodwin, H.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Locke, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McBreairey, McHenry, McKean, McMahon, Mitchell, Nadeau, Najarian, Nelson, N.; Palmer, Pearson, Peltier, Plourde, Post, Prescott, Raymond, Shute, Spencer, Strout, Talbot, Tarbell, Theriault, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Alopis, Ault, Bagley, Berry, Brown, K. L.; Bunker, Carter, D.; Carter, F.; Conners, Cunningham, Devoe, Dexter, Dudley, Durgin, Garsoe, Gauthier, Gill, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, Mackel, Masterman, McPherson, Morton, Nelson, M.; Perkins, Peterson, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Tarr, Tierney, Torrey, Tyndale.

ABSENT — Beaulieu, Carroll, Churchill, Fowlie, Goodwin, K.; Hughes, Jacques, LaPlante, LeBlanc, Marshall, Mills, Moody, Norris, Peakes, Quinn, Stubbs, Teague.

Yes, 84; No, 50; Absent, 17.

The SPEAKER: Eighty-four having voted in the affirmative and fifty having voted in the negative, with seventeen being absent, the Governor's veto is sustained.

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

Mr. TIERNEY: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action.

On motion of Mr. Tierney of Lisbon Falls, tabled pending his motion to reconsider and specially assigned for Monday, June 13.

Orders

An Expression of Legislative Sentiment (H. P. 1682) recognizing that: Gerard L. Rousseau of Auburn has been selected by the Auburn Business Association as Auburn's Man of the Year for 1977.

Presented by Mr. Green of Auburn (Cosponsor: Mr. Hughes of Auburn, Mrs. Trafton of Auburn, Mrs. Lewis of Auburn)

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

An Expression of Legislative Sentiment (H. P. 1683) recognizing that: Donna Lucas,

daughter of Mrs. Joan Lucas of Caribou, has been recognized for her outstanding academic record by being chosen valedictorian of Caribou High School

Presented by Mr. Peterson of Caribou (Cosponsors: Mr. Bennett of Caribou, Mr. McBreairey of Perham, Mr. Plourde of Fort Kent)

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

An Expression of Legislative Sentiment (H. P. 1684) recognizing that: Katherine Martin, daughter of Mr. and Mrs. Fred W. Martin of Caribou, has been recognized for her excellent academic record by being chosen salutatorian of Caribou High School

Presented by Mr. Peterson of Caribou (Cosponsors: Mr. Bennett of Caribou, Mr. McBreairey of Perham, Mr. Plourde of Fort Kent)

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

An Expression of Legislative Sentiment (H. P. 1685) recognizing that: John Pelletier has been recognized for his outstanding academic record by being chosen salutatorian of Fort Kent Community High School

Presented by Mr. Plourde of Fort Kent (Cosponsor: Mr. Peterson of Caribou)

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

An Expression of Legislative Sentiment (H. P. 1686) recognizing that: Daniel Teriault has been recognized for his outstanding academic record by being chosen valedictorian of Fort Kent Community High School

Presented by Mr. Plourde of Fort Kent (Cosponsor: Mr. Peterson of Caribou)

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

An Expression of Legislative Sentiment (H. P. 1687) recognizing that: the following graduates of Wisdom High School at St. Agatha have attained the highest Scholastic Achievements: Mark J. Tardif — of St. Agatha, Mary Lou Fongemie — of Frenchville, Ruth Franck — of Frenchville, Debra A. Plourde — of Madawaska

Presented by Mr. Plourde of Fort Kent (Cosponsor: Mr. Peterson of Caribou)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, the reason this Order was put in in this manner is because they have no valedictorian or salutatorian in that school.

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

An Expression of Legislative Sentiment (H. P. 1693) recognizing that: Roy Wilkins, who has served as the executive director of the NAACP since 1955, will retire on July 31, 1977

Presented by Mr. Talbot of Portland.

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

An Expression of Legislative Sentiment (H. P. 1694) recognizing that: Benjamin Lawson Hooks will assume the executive directorship of the NAACP on August 1, 1977

Presented by Mr. Talbot of Portland.

The Order was read.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: You may wonder what both orders are doing here this morning, and I will explain just briefly what they are. One order deals with the retirement of what we call Mr. Civil Rights. Mr. Roy Wilkins, who will be retiring July 31.

Mr. Benjamin Hooks, who is now a Commissioner with the Federal Communications Commission, will be resuming those duties on

August 1. They will be attending, as I hope I will be attending the 68th National Convention in St. Louis, Missouri, and I would at that time hope to present them with this order in behalf of the branches of government and the NAACP in the State of Maine.

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

An Expression of Legislative Sentiment (H. P. 1695) recognizing that: Carrie E. Munger has been recognized for her excellent academic record by being chosen salutatorian of Scarborough High School

Presented by Ms. Benoit of South Portland (Cosponsor: Mr. Higgins of Scarborough)

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

An Expression of Legislative Sentiment (H. P. 1696) recognizing that: Andrea M. Barnes has been recognized for her outstanding academic record by being chosen valedictorian of Scarborough High School

Presented by Ms. Benoit of South Portland. (Cosponsor: Mr. Higgins of Scarborough)

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

House Reports of Committees Ought Not to Pass

Mr. Greenlaw from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Investigative Personnel for the Maine Human Rights Commission" (H. P. 985) (L. D. 1196) reporting "Ought Not to Pass"

Mr. Davies from the Committee on Energy on Bill "An Act to Prohibit Producers, Refiners and Distributors of Motor Fuels from Engaging in the Retail Sales of Gasoline" (H. P. 680) (L. D. 972) reporting "Ought Not to Pass"

Miss Alopis from the Committee on Business Legislation on Bill "An Act Concerning Consumer Remedies" (H. P. 1302) (L. D. 1540) reporting "Ought Not to Pass"

Mr. Talbot from the Committee on Human Resources on Bill "An Act to Establish a 6-month Residency Requirement for Eligibility to Vote in Tribal Elections on the Indian Township Reservation of the Passamaquoddy Tribe of Indians" (H. P. 871) (L. D. 1064) reporting "Ought Not to Pass"

Mr. Curran from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Limit the Amount of Revenues Which may be Raised by Taxes in any Fiscal Year (H. P. 1501) (L. D. 1728) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Blodgett from the Committee on Natural Resources on Bill "An Act Appropriating Funds for State Park Facilities at Swan Lake" (H. P. 1000) (L. D. 1241) reporting "Leave to Withdraw"

Mr. Hunter from the Committee on Natural Resources on Bill "An Act Concerning Standards Used by the Maine Land Use Regulation Commission to Establish District Boundaries" (H. P. 833) (L. D. 1006) reporting "Leave to Withdraw"

Mr. Davies from the Committee on Energy on Bill "An Act Exempting Solar and Wind Energy Equipment from the Property Tax" (H. P. 728) (L. D. 1043) reporting "Leave to Withdraw"

Mr. Sprowl from the Committee on Business Legislation on Bill "An Act Concerning the Maine Property Insurance Cancellation Control Act" (H. P. 806) (L. D. 982) reporting "Leave to Withdraw"

Mr. Whittemore from the Committee on Business Legislation on Bill "An Act to Reverse Restrictions in Allowing Reciprocity with Licensed Hairdressers in Certain States and

Provide Greater Flexibility for State of Maine Licensees" (H. P. 46) (L. D. 67) reporting "Leave to Withdraw"

Miss Alopous from the Committee on Business Legislation on Bill "An Act to Stop Illegal Beauty Culture Services in Unlicensed Salons" (H. P. 80) (L. D. 100) reporting "Leave to Withdraw"

Mr. Kilcoyne from the Committee on Business Legislation on Bill "An Act to Revise the Maine Barber Laws" (H. P. 120) (L. D. 153) reporting "Leave to Withdraw"

Mr. Drinkwater from the Committee on Local and County Government on Bill "An Act to Provide for the Modernized Government of Counties, Providing Optional Forms of Government and the Structure, Organization, Powers, Duties, Functions and Responsibilities of Such Government" (H. P. 912) (L. D. 1101) reporting "Leave to Withdraw"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Require the Board of Registration in Medicine to Provide for an Educational Program in Developmental Disabilities" (H. P. 116) (L. D. 130) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Marine Resources on Bill "An Act to Repeal the Scallop Drag Law in Blue Hill Bay" (H. P. 994) (L. D. 1195) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Marine Resources on Bill "An Act to Limit the Size of Scallop Drags" (H. P. 998) (L. D. 1239) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mrs. Durgin from the Committee on Election Laws on Bill "An Act to Revise Primary and Nomination Petitions" (H. P. 320) (L. D. 411) reporting "Ought to Pass" in New Draft (H. P. 1692) (L. D. 1872)

Mr. Boudreau from the Committee on Election Laws on Bill "An Act Concerning the Fee for Recounts in Election Contests" (H. P. 980) (L. D. 1186) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning the Certificate of Apparent Election and the Fee for Recounts in Election Contests" (H. P. 1691) (L. D. 1871)

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

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Remove the Commercial License of Smelt Fishermen" (H. P. 1045) (L. D. 1272)

Reports were signed by the following members:

Messrs. LEVINE of Kennebec
CHAPMAN of Sagadahoc
HEWES of Cumberland

— of the Senate.

Messrs. CONNERS of Franklin
NELSON of Roque Bluffs
GREENLAW of Stonington
JACKSON of Yarmouth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-538) on same Bill.

Report was signed by the following members:

Messrs. BUNKER of Gouldsboro
BLODGETT of Waldoboro
FOWLIE of Rockland

Mrs. POST of Owls Head

Mr. TYNDALD of Kennebunkport

— of the House.

Reports were read.

On motion of Mrs. Post of Owls Head, the

Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-538) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Five Members of the Committee on Labor on Bill "An Act to Increase the Minimum Wage to \$3 per hour" (H. P. 1173) (L. D. 1403) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-529)

Report was signed by the following members:

Messrs. BUSTIN of Augusta

FLANAGAN of Portland

Mrs. BEAULIEU of Portland

Messrs. ELIAS of Madison

DUTREMBLE of Biddeford

— of the House.

Four Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-530)

Report was signed by the following members:

Messrs. PRAY of Penobscot

REDMOND of Somerset

— of the Senate.

Mrs. TARR of Bridgton

Mrs. LEWIS of Auburn

— of the House.

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "C" (H-531)

Report was signed by the following members:

Messrs. LAFFIN of Westbrook

McHENRY of Madawaska

— of the House.

Two Members of the same Committee on same Bill reports in Report "D" that the same "Ought Not to Pass"

Report was signed by the following members:

Mr. McNALLY of Hancock

— of the Senate.

Mr. PELTIER of Houlton

— of the House.

Reports were read.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: You have here a four way report from the Committee on Labor. If you want to take out your trusty little pen, I will make this easy for you. Report "A" is the minimum wage of \$2.75 an hour. Report "B" is a minimum wage of \$2.50 an hour, Report "C" is a minimum wage of \$3 an hour. The "ought not to pass" report is self explanatory.

Mr. Speaker, I would defer to the gentleman from Westbrook, Mr. Laffin for the purposes of making a motion.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept Report "C" and would speak briefly on it.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, moves that the House accept Report "C."

The gentleman may proceed.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't have to stand here today and tell you what the minimum wage is today. I don't have to tell you that the people of this state, regardless of who they are cannot live on the minimum wage that we have today. My amendment would bring the lowest paid people in this state up to \$120 a week before taxes. Many times when a man has a family of four or five or six, we know that \$120 before

taxes is almost, probably, \$120. A single person, probably around \$100.

I am not so concerned this morning with the people who are single and living on \$100 a week. In fact, truthfully, I could care less about them. But I care this morning that we bring the minimum wage above the poverty level. The poverty level is around \$2.88 for a family of four. The minimum wage that I am presenting would bring a yearly gross of \$6,240.

Are we serious? Who can live today for 12 months in the State of Maine on \$6,240? In a matter of three years, the oil prices to heat a family's home has almost tripled. Yet, we raised the minimum wage two years ago from \$2.10 to \$2.30 and many in that legislature thought they were doing a great thing. It costs a man that works for a minimum wage just as much for his weekly grocery bill as it does for a man who is making \$20,000 a year.

The minimum wage is the lowest form of work that we have. They are janitors, they are cleaners, they are unskilled people. Through no fault of their own, they probably, in many cases, didn't have the chance and the opportunity to have a good education. They were probably denied the right, through no fault of their own, of being born poor. Through no fault of their own, there could be a million and one reasons why they could not have a good education to have a good paying job.

Many times we feel in our society that the minimum wage people are unskilled and un-knowledgeable. Ladies and gentlemen, that is not true. The majority of them never had a chance. The majority of them never had a chance because the employers would never recognize them because they didn't have a college degree or a college education. Many people who are working for a minimum wage have never had a chance to make big money in their lifetime.

I have people come into my shop and ask me questions that you could put on the horror shows. I think the minimum wage should be considered this morning by the members of this House to at least \$3 for one good reason, to encourage people to get the heck off welfare — that is what the minimum wage will do. If we don't keep people off welfare, it is going to cost us more money. Until we can keep people off welfare and put them to work, then we have a responsibility to put people to work at a decent living wage. Welfare is a decay in our society. This morning, we have a chance to help those people, to encourage people to take minimum wage jobs at a decent living wage.

I find it very hard to support any bill that does not recognize any paying job to be above the minimum wage and living standards. By the way, we didn't set those standards, the United States government sets the standards of what is a living wage, what is a decent wage. If we didn't have minimum wage laws, employers would be making people work for a dollar an hour, or even cheaper if they could get away with it.

We must keep our people working. We must give our people the incentive so that they can at least go out and try to get a job that will pay them more than welfare and social giveaway programs. This is one way that we can do it. We can pass the \$3 minimum wage and we can show the people of this state that we are concerned. We can go back home to our cities and towns and say, let's get you off welfare where you can be making \$80 or \$90 a week, go out and get a job and we will give you \$120 a week.

I think that the incentive of people to work and the programs that we are providing in our nation today is not working. When we have a system that encourages people not to work above the system that we should have to encourage them to work, then there is something wrong with the system. If we can sit here and continuously not raise the lower-class people's

salaries, then we are contributing to a system that is not working.

How many of us here today would like to live on \$6,200 a year? I will tell you, I don't want to live on it and I have been down that road. I don't want to have the people of this state take home not enough money to support their families, to clothe them (we live in a cold climate), to pay for oil and to pay for the things that they need for their children in this state. I don't believe that the majority of the people of this state want to accept welfare, want to have the state to pick up the tab for their fuel. Let's give them a decent living wage to start with.

We are not talking about the people who are in the union shops making big money this morning, that is a whole new ball game. We are talking about people, and the majority of them are not even working for a union, we are talking about store people. We are talking about people who have to get out and support their families. We know, and I have an actual case of people that work for the big department stores in the big City of Portland, they let them go after the rush so they will not have to pay their unemployment compensation. That is the kind of employers we have in this state. Is that fair? I know a woman who worked all through the Christmas season part time in the Jordan Marsh store in Portland. When they didn't need her any more, they let her go and they made sure that she didn't work enough to draw her unemployment compensation, because that big department store could not afford to pay any more unemployment compensation.

The employers of this state have been ripping the underpaid employees off for years. There are many in this state who would just as soon have sweat shops sent back, bring them back just as long as we get the people to do the work. They don't want the minimum wage. I have got letters from companies all over the state. They don't want the minimum wage. A couple of them I wrote back and asked them what their take-home pay was and I never heard from them again. You never will hear from those kind of people. They oppose the minimum wage of \$3 and they cry that it is going to put more people out of work. That is the biggest lie I ever heard. All they are doing is, they want people to work for \$2.30 an hour instead of paying them \$3 an hour, and they use the scare tactics that people will be put out of work — I don't buy that, I never have bought that. If a man is worth \$2.75 an hour, he is certainly worth \$3 an hour.

How would we like to live in a society today where we had no minimum wage? When the minimum wage was first enacted, it was for 25 cents. We had people working in Westbrook for less than 25 cents an hour. Today, we have people working in Westbrook for less than \$3 an hour. They are being paid the very lowest that the employer can get away with under the law. They want them to work for \$2.30 an hour so that they can become rich off the working people. This is history, I am not telling you anything new.

How many of us today would support legislation for less than the minimum wage? There are some; there are few, thank the good Lord for that. The minimum wage of \$3 dollars an hour is a respectable living wage.

It is a respectable minimum wage because of the times that we live in. We are not doing an injustice. You think, when we talk about \$3 an hour for the minimum wage, of some idiot coming from out of space somewhere.

I may not have too much education, but I know the problems of the community which I come from. I know the poverties that exist in the minimum wage workers. It is hard to get a person to work for the minimum wage when he can do so much better in the giveaway field. I don't truthfully and honestly believe that any member of this House wants that.

The working people of this state have to work

two days to pay their taxes, so they are taking home three days' pay and they are working for two. Is that so much to ask? I think that the taxes on the working people that have always supported government, pay the way for those who are unemployed, pay to bring our state to an upkeek that we should be proud of, I cannot accept anything lower than a \$3 minimum wage in true conscience.

If you defeat this bill, I don't know how I am going to vote on the ones that will follow. I have heard said to me, we will settle for \$2.75, a half a loaf of bread is better than none. Maybe that type of thinking has its merits and has some good points to it, but I think that the most important thing that we should consider here this morning is Committee Amendment "C" which is a good amendment. It is not going to affect the mills who are paying people \$4 and \$5 an hour. It is not going to affect the stores or the machine shops or any other type of labor that are paying that price. What this is going to do, ladies and gentlemen, is bring dignity and respect. You have never heard in your life where employers will offer to pay the lowest paid employees themselves. If they did, we wouldn't need this law. If employers were as great as everyone seems to think, we wouldn't need any minimum wage law in the first place. This minimum wage law is on the books because it has to protect the lower paid workers in this state. That is why we are here this morning. That is why we are debating this bill. That is the purpose of it.

We can argue and we can disagree. I know that many of you don't agree with me a lot of the time. I don't expect you to. I am awful glad that I don't have to agree with you either. When we are in this type of a situation, don't agree with me, agree with the situation that exists in our state. Have some consideration for the lower paid workers and his family, not for me.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to thank Mr. Laffin for his brief explanation of the bill this morning.

I would urge the House to heed some of his remarks about the minimum wage, particularly the \$3 motion. He said if, in fact, the House would support the minimum wage of \$3, we would be giving some dignity to the working men and women of this state. I really challenge that remark. Three dollars an hour, multiplied by 40 hours, doesn't give anybody too much dignity if they have to feed a family or run a household.

I would hope you would support the \$3 motion.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: There are many times when the good gentleman from Westbrook and I spar on social issues before this body. Today I am pleased to stand up and support wholeheartedly the motion of Mr. Laffin for a \$3 minimum wage.

My reasoning is this, using the figures that Mr. Laffin gave you earlier of a poverty level income equating to about \$2.88 an hour for a family of four, the current minimum wage being \$2.30 an hour. That is a difference of 58 cents an hour, the difference between the poverty level and what an individual is earning. That computes out to in excess of \$23 a week that they are making less than what is necessary to live a poverty level existence for a family of four.

What happens is that family has two choices. One, they can scrimp and they can save and they can eat macaroni and they can go hungry and they can sacrifice important things like medical care and dental care for their kids or they can take some type of welfare, food stamps, general assistance, A.F.D.C., because

they want to feed their kids. They want to make sure that their family has a decent living. I don't blame them. What happens there is the corporation that is paying \$2.30 an hour instead of \$2.88 an hour or \$3 an hour has shifted a legitimate cost of their operation onto the state so that you and I can pick up a part of the tab that comes out of our tax dollars, out of our pockets, out of our wages. What happens is that corporation that pays only \$2.30 an hour has cut some of their costs, therefore, increasing their profits. The result is they get fat, they get wealthy, we bear the burden and low paid workers, people making \$2.30 an hour have to turn to us for help.

I think it is the responsibility of this legislature to look out for those low paid workers because they are the least able to defend themselves and to get those things that are absolutely necessary for their survival. It remains in our hands to do something about it. We have two choices. We can raise welfare and I don't think any of us want to spend any more on welfare if it is not necessary or we can raise the minimum wage and make these corporations who are getting away with paying less than is necessary to live and make them pay that. We are not asking for the sky. We are asking for a small amount of dignity. Give a person an opportunity to earn enough money so he can pay his own way and not have to rely on somebody else for a handout.

I urge you to give this your strong support. Vote for Report "C."

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Peltier.

Mr. PELTIER: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to tell anybody how to vote on this but I do want to throw in the question of "Are we considering our own responsibility as legislators? Do we know that a \$3 increase would cost human services \$10 million?" Mr. Smith pointed out that each 10 cents amounts to \$1.5 million. We should consider that.

Let me give you just an example of what people think about us in the legislature when we get into telling people how to run their business. There is considerable talk in the air about putting ceilings on hospital costs. We all agree that makes sense. We may sit here as legislators and raise the wages of these hospitals which causes them to exceed the ceiling. Then we go home to our constituents and they say, how come costs are so high in hospitals and we say, by George, I think you are right.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I will try not to be very long at this point because I would like to speak after the representative from Cumberland, Mr. Garsoe, speaks. I am sure he will. He has at every other opportunity when this issue has been raised.

I would, first of all, like to thank my Republican friend from the City of Westbrook for being one of two members of the committee to support Report "C" the \$3 minimum wage. This is the particular bill that I sponsored. Mr. Laffin spoke about the fact that this would raise the weekly salary from \$90 a week to \$120 a week with a yearly salary of from \$4,700 a year to \$6,200 a year roughly. I would just like to point out that that is assuming that an individual being paid the minimum wage were given work for 40 hours a week and were given that employment 52 weeks a year. It so often happens though that a person who works for the minimum wage doesn't have the opportunity every week to work 40 hours and isn't guaranteed employment for each week of the 52 weeks out of the year. That maximum figure that Representative Laffin speaks about only applies to those people who work 40 hours a week, 52 weeks a year.

Representative Kelleher pointed out that in

reference to the remarks that Mr. Laffin made, that it would be much more respectable and much more in keeping with the dignity of a man's labor if we would go to higher than \$3. I would just say that in response to Mr. Kelleher that it becomes a political decision at this point. I would point out that the President in the White House when he was campaigning as a member of the Democratic party for that presidency, campaigned on a \$3 minimum wage. As soon as he got elected, he backed off that position for political reasons. Now he is only supporting the \$2.50 minimum wage.

There are two reasons why you should support the minimum wage. The first deals with humanitarian or humane reasons. Those have been adequately covered by the Representative from Westbrook, Mr. Laffin, the fact that it respects an individual's dignity, respects the dignity of an individual's labor and his time and his sweat. It says that we should pay someone not substandard wages but at least a decent wage. Three dollars, to my way of thinking, isn't quite decent but it is considerably higher than that which we consider to be the minimum now.

The other reasons for supporting the minimum wage and I am not an economist but it seems to me to make a great deal of economic sense. The Department of Labor statistics say that over one quarter of all the children in the United States who grow up in poverty, come from families whose mother or father or both receive the minimum wage, over one quarter of all the children that come up in poor families. The person who makes a minimum wage and has one or two children or more in the family ends up spending every cent that he earns for rent, food, the basic necessities of life. That money is put back into the economy. If you raise the minimum wage to \$3, that money for those people who make it, will still be put back into the economy. It will be spent on essential goods and services. People who make the minimum wage don't tend to have bank accounts. They tend to spend everything that they make because they need it to feed themselves and to clothe themselves and their families. It seems to me that it makes a great deal of economic sense to support the minimum wage and also the humane reasons that Representative Laffin spoke about.

I think that I will end at this point. I am sure that I am going to have an opportunity to speak at a later time. I would urge you as the sponsor, along with the Representative from Portland, Mr. Talbot of this legislation, to support Report "C", the one that raises the minimum wage to \$3. I request the yeas and nays.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: In going through my district, since this has been brought about, I have checked with a good many of the farmers. I have checked with a good many of the people that work in the woods. I am surprised and pleased because I know what I have done. Most of them are paying that wage already. Most of them go on the assumption that a good man you can't pay enough and a poor man you can't get cheap enough.

I can't help but endorsing and commending my good friend, Mr. Laffin on the presentation he made.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say that I do agree with some of the comments made by my friend, Mr. Laffin. However, at this time, I hope that you will vote against his motion so we can accept Report "A" which calls for \$2.75.

I think that if we look at the economic system, we can say that the modern economy I

think and technology that is accompanying this has resulted in some people being left behind. Those people that have been left behind are the uneducated people, the varied semi-skilled people, who tend to have to accept lower paying jobs, doing menial types of work. The person who is educated or has some skill is able to accept jobs that pay much more. That person is also able to exercise some latitude in what he or she will be doing from one day to the next. That person has an opportunity to better himself because of his advantage over those who don't have the same kind of skill that person might have. A person who is making \$5 an hour will always be able to make that much and more either because he has a specific skill or because he has some type of education required for that specific job.

I think when you are talking about raising the minimum wage, we are essentially talking about a proposal to allow those semi-skilled people and those people at the bottom of the ladder to catch up to inflation, to catch up to the cost of living. We are never going to be able to bring those people up to par with people who are working in a mill or factory that are making \$7 or \$8 an hour under the union wages. However, I think it is important to offer those people an increment that will allow them to live like a human being should live. I think that at \$2.30 an hour, a person making \$92 gross is in no way enough to live. However, I think that the ramifications of a dramatic increase from \$2.30 to \$3 would be very severe, both to the employer and to the employee in terms of real purchasing power, in the effect that that \$3 an hour will have on the rate of inflation and the real buying power of that person even after they get the raise from \$2.30 to \$3.

I think that Mr. Laffin's proposal would essentially allow for a \$30 a week or a \$28 a week increase from \$92 to \$120. That is approximately 20 percent or so of what people are getting now.

I, personally, being a realist, do not believe that \$3 an hour is going to fly in the other body. I would be very surprised if it would. I think though, that for people on both sides of the fence, those people who would like to see \$3 an hour and those people who would like to leave it at \$2.30 an hour, I think that \$2.75 is a very good compromise. It would allow those people on the lower end of the scale to do some catching up.

I hope you will defeat Mr. Laffin's report and accept Report "A".

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in opposition to raising the minimum wage to \$3. Obviously, politically, it might be a good thing for all of us here in this House to say, we are going to raise it to \$4 and everybody will love us. Being a realist, being a businessman and realizing that the State of Maine is an industry poor state and I don't think anyone can argue that point with me. If we should pass the \$3 minimum wage law in this state, in my opinion, we would put several industries out of business in the state, therefore causing more unemployment.

Why is it that we have so few major industries in the state? Obviously, the geographical location of the state of Maine has a lot to do with it.

I personally am concerned that if the minimum wage is raised to \$3 dollars, the ramifications that would happen to the businessman. We often look at the businessman in this House as the bad guy. Unfortunately, without the businessman, none of these people that we represent would be working. We would have a socialist state. If we want everybody in the cornfields, that is fine. If we believe in the free enterprise system and I do, we need to have a reasonable minimum wage and giving those

people who are working, who do show their abilities, an opportunity to get more money. If we raise the minimum wage to \$3, obviously what happens is that the person who is now working who is making \$3.10 an hour will demand a higher increase because obviously the guy just starting out is getting \$3 so I should get \$3.80 or \$3.70 and it is a scale that projects all the way up the line. I personally don't feel, and I have seen employers go out of business in this state in the past few years and I think you are going to see many many more if this type of legislation is passed. I am concerned about keeping people working. I am not in favor of and I guess the words have been used before "slave labor" and those other things that are talked about, you know when we talk about a minimum wage, but I am also concerned about the economic stability of the State of Maine. Again, politically, you could all sit here and say we are going to raise it to \$3 and be very very popular with the constituents. But I wonder how popular you would be with your constituents if two years down the road none of them were working. That is the concern that I have. I think we can raise the minimum wage. I would support that but not \$3. I think \$3 would force some businesses out of business. I would urge you not to support the \$3 amendment that you have before you.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I listened with great interest to my good friend from Lewiston and he is my good friend, Mr. Biron, talking about political realities of voting for a \$3 minimum wage or even an increase.

I would like to remind this House and perhaps you have been as near in touch with your local communities as I have, the only people that have contacted me is my Chamber of Commerce. The only people that have contacted me are the individual members in the Chamber of Commerce, urging me to vote against the minimum wage for some of the same arguments that were raised here this morning by Mr. Biron. I can remember my freshman term here in 1969, the same arguments that I am hearing today were applied then. Businesses would go out, we would be stifling the opportunity for industry to come into the state, we would be putting people on the unemployment rolls, those sound like good arguments but I don't believe they are that valid. Taking into political considerations as Mr. Biron indicated, the popular thing is voting for a \$3 minimum wage. I think we should just forget any political considerations whatsoever and produce for the State of Maine a reasonable minimum wage, \$3. Three dollars, forty hours a week, it is not a lot of money, it is not a lot of money when you are trying to run a household. I appreciate his arguments but I have heard them since 1969 and I am sure if I was Representative Albert Cote, I would have heard them since 1952. We want everyone to work, but we want them to work for nothing.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am a cosponsor of this bill, the \$3 an hour and I was just sitting here jotting down a couple of the jobs I have had since I got out of high school and I hope nobody asks me when that was but I guess I have come up underneath the minimum wage. Let me just read off a couple: janitor, mailman, cook, potato processor, printer, laborer, window washer, self employed as a janitor, short order cook, gas station attendant, Department of Public Works in Bangor, mason tender, I used to set pins in a bowling alley, cloth cutter, upholstery cutter, all under the minimum wage, except the job that I hold now, that is as a printer in a union shop. I have also held a job as a printer in a non-union shop at the minimum

wage. Since I have come out of high school and these jobs that I have held, I have never held a job more than two years, except for the job that I am on now. And the reason is, I was always trying to exist a little bit better, because under the minimum wage, about all you do is exist. You are always trying to exist a little bit better and that hinges on people that sit right here in this body insofar as the minimum wage is concerned.

I listened to the debate about a month ago on the death penalty and I listened to the gentleman from Waterville, who got up and expounded about what we should do about the conditions of this country, about women being beaten, and I suggested a couple. Another one is the \$3.00 minimum wage, I think we should do everything we can to make that a reality for the hundreds of people out here that are just barely existing, people that can't think about owning a home, owning a decent car, having a decent vacation, all those kind of luxuries that some of us take for granted now. They don't think about those things. You know, there are some people in the general public that take home about as much money as I spend on groceries for my family, think about that. That means that if you have a family, my family is six but the money that I spend on groceries, people are taking home that amount of money that means that they have to go into debt, they must go into debt in order to exist to the next pay check and that is not easy. That is absolutely not easy because they will never, ever get out of the hole, they will never ever get out of debt, not at that rate. While it is entirely possible, higher labor costs in the form of higher state minimum wage might be inflationary, it is also possible that increased income will be translated into higher spending and thus into expanded production.

The gentleman from Portland, my colleague, Mr. Connolly, my other colleague from Westbrook, Mr. Laffin, have summed it up pretty well and if you have any idea of the people out there on the minimum wage, you will report out Report "C" "Ought to Pass" and I sincerely hope that you will support Report "C."

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 Portland, Mr. Flanagan.

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: The subject is minimum wage. However, the condition of our state has been brought into this debate this morning and I say, let's talk about the condition of our State of Maine. More and more each day, as each day passes, Maine is being driven into the category of a poor state. In 1942, the United States Public Relations Program, as I recall, had posted a circular that warned, be careful, a slip of the tongue may sink a ship. This appropriately cautions all of us that poor mouthing, our conditions will only sink our state. Let's become positive, let's be relieved of our caution of thinking our state is poor.

Let's look at our undedicated fund revenue. It states 1975-76, \$9,667,000 over stated anticipated revenue for corporation income taxes. So far in 1976 and 1977 14.5 million over the total years anticipated revenue for corporate income taxes.

How can industry be poor running at least 30% above the states anticipated revenue for corporate taxes? The records truly show that our state is not a poor state but our problem here today is minimum wage. The minimum

wage is running in the State of Maine, as it is in many places in this country, 30 percent below the poverty level. You must be aware by now it is either a suitable wage or welfare. To me, it is far better to support a minimum wage than it is welfare.

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

Mrs. KANY: Mr. Speaker and Members of the House: I just would like to point out that in 1975, there were only eight states that had a lower per capita income than in the State of Maine and now the preliminary figures for 1976 show that the per capita income is only lower than in six states in the country. It seems to me that the only time some of these people ever get a raise is when we raise the minimum wage and I hope that you support this particular report.

I know when I walk into the grocery store and we have a five member family and I spend \$100 on groceries with three growing children with a lot of hamburger and chicken and that is about it, and I think that if we, our family, were supported on the minimum wage at \$92 a week, I couldn't even afford to pay my grocery bill, let alone anything else, so I hope you support this.

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

Mr. McHENRY: Mr. Speaker and Members of the House: I will be very brief. I voted out this bill \$3 because I believe in doing unto others as I would have them do unto me.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: At the very beginning of the debate, Mr. Bustin gave you some figures on what Report "A" would mean which was \$2.75 an hour; Report "B" \$2.50 and Report "C", \$3.

I would like to translate that into a 40 hour week and what it means in salary on a check and that is not take-home either. Report "A" would mean \$110 a week, Report "B" would mean \$100 a week and Report "C" would mean \$120 a week and it seems to me that you have a choice to pick which level of poverty you want to pay the people at.

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

Mr. TIERNEY: Mr. Speaker, I would like to pair my vote with the gentleman from Standish, Mr. Spencer. If Mr. Spencer was here, he would be voting no and I would be voting yes.

The SPEAKER: The pending question before the House is the acceptance of Report "C". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Benoit, Birt, Boudreau, A.; Brenerman, Brown, K. C.; Carrier, Carroll, Carter, D.; Chonko, Connolly, Cote, Cox, Curran, Davies, Dow, Dudley, Elias, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hickey, Howe, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Locke, Martin, A.; McHenry, Nadeau, Najarian, Pearson, Plourde, Prescott, Rideout, Shute, Stubbs, Talbot, Theriault, Truman, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Bennett, Berry, Berube, Biron, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Burns, Bustin, Carey, Carter, F.; Churchill, Clark, Conners, Cunningham, Devoe, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Fenlason, Fowlie, Garsoe, Gillis, Gould, Gray, Green, Greenlaw, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Kane, Lewis, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBrearty, McKean, McMahon, McPherson, Mitchell, Morton, Nelson, M.; Nelson, N.; Palmer, Peltier, Perkins, Peterson, Post, Raymond, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Strout.

Tarbell, Tarr, Teague, Torrey, Tozier, Trafton, Twitchell, Tyndale, Valentine, Whittmore.

ABSENT — Beaulieu, Gill, Hobbins, LaPlante, LeBlanc, Littlefield, Mills, Moody, Norris, Peakes, Quinn.

PAIRED — Spencer, Tierney.

Yes, 53; No, 85; Absent, 11; Paired, 2.

The SPEAKER: Fifty-three having voted in the affirmative and eighty-five in the negative, with eleven being absent and two paired, the motion does not prevail.

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

Mr. BUSTIN: Mr. Speaker, I move that the House accept Report "A".

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: I would ask for a Division on Report "A" I would urge you to defeat Report "A", so we might accept Report "B", which is for \$2.50 an hour.

Mr. Bustin of Augusta requested a roll call.

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 Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Members of the House: Briefly again, the position that Representative Tarr has presented to you has been ever since I have been in this legislature, the position of the Republican Party when it comes to the minimum wage. The position of the Republican Party has been yes, we support the minimum wage, the lower the minimum, the better.

I would like to read a quote: Hundreds or thousands of small retail and service establishments would be forced to curtail their growth, lay off employees or simply close their doors altogether if the minimum wage is increased. That is not Representative Biron, that is not even Representative Garsoe, that was a statement made by President Richard Nixon in 1973 when he voted to veto pending minimum wage legislation.

In 1938, when the Fair Labor Standards Act was passed that established the minimum wage legislation, it was set at 25 cents an hour. In 1955, there was an amendment put on that legislation that required the Department of Labor to issue a report every time that the minimum wage was increased to provide the Congress with an assessment of the impact of the minimum wage on industry, on wages, on employment, etc. Every time that the minimum wage has been increased, a report has been issued, it has been issued under Republican administrations as well as under Democratic administrations and every report has shown that there has been no adverse effect upon employment, no adverse effect upon wages, the people are not laid off because the minimum wage has increased, the businesses are not forced to curtail their growth because the minimum wage is increased.

This year, our own Senator Hathaway, asked our own Department of Manpower Affairs for an assessment of the effect of an increase of the minimum wage in the state of Maine and our Department of Manpower Affairs came to the exact same conclusion as those federal reports.

The arguments that are presented by Representative Biron and by Representative Boudreau, his really kills me, he says that it would be dramatic not only for the employer, but for the employee can you imagine how dramatic it would be to have your salary raised from \$92 a week to \$120 a week, you would have

\$28 more dollars, you probably wouldn't know what to do with it, you might throw it away. Mr. Speaker, I hope you at least support this one.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Regardless of the merits of "A", "B", "C," and "D," I resent very highly the remarks that have been made by the gentleman from Portland about the Republican Party and I would remind him that the State of Maine has historically followed the federal guidelines on minimum wages and I would remind him that his party has controlled the Congress of the United States for many many years. So, if he wants to look around to find where the problems are on minimum wages, if indeed there are any, then look to his own party because they control it bullet proof.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped to contribute to the expediting of our process by remaining silent here today but I seem to measure an undercurrent of a desire that according to form I participate in ritualistic rain dance, sometimes known as pin the tail on the minimum age, or blind man's bluff, I don't know what logic there is in it but we seem to have this wish to punish ourselves every so often.

I just want to tell the gentleman from Lewiston, Mr. Biron, that when Mr. Kelleher attacked his remarks, I did get a chuckle out of it because Mr. Kelleher and others have made the same presentation of what this operation is going to do for the dignity of man, for poverty, so you are hearing exactly the same arguments as Mr. Kelleher has advanced here today, time and time again, yet we hear the gentledady from Waterville getting up and, quite accurately I believe, stating that we are no better off than we ever were. I think some day I really expect someone is coming in here to repeal the law of gravity, and that will probably pass too.

I want the gentleman from Westbrook to know, this may enrage him slightly, that this would probably increase profits of those terrible businessmen because even in his own shop I am sure that he tends to regard his return as a percentage of his investment, so this could be called the minimum profits bill.

For those who can survive my position, and I am not attempting to portray the position of the Republican Party is, that we are now in step with the federal minimum wage which is enacted by people with much more wisdom than we have, the Democratic controlled Congress and look what that has done for us for 40 years. We should stay there because we have enough disadvantages that our businesses are working under today, not to engage in this non-productive, non-effective, political, political discussion every two years and when the working stiffs of this state begin to realize what we are doing to them inasmuch as this means everything they buy, will have an impact, don't say it doesn't have an impact because it does have an impact. The only point I would indicate is that as long as we stay with the federal minimum wage, we are on an even keel with other industry. I don't think we should put this on the basis of whether employers are good or bad. We probably have some of both, but on the impact that it has on economics and I suggest that what we do in here pretty much has a negative impact on economics and this, in my opinion, would be just another one of them. To see a committee report come out with the device of trying to decide how many angels can dance on the head of a pin whether in our wisdom it should be \$2.50, \$2.75 or \$3 borders on the ridiculous.

I tell Mr. Laffin and Mr. Connolly that if they want to really do something to accomplish the

aims that they are telling us again that this is going to do, what is the matter with \$5? We are all powerful here, we ordain, we order what will happen, what is wrong with \$5, wipe out welfare completely.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I am prepared to support \$2.75 but I have a couple of questions before I vote.

I would like to address the question through the Chair if I may. The first question is: Are state employees exempt from the minimum wage? If they are not exempt, should this bill have a fiscal note?

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

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

Mr. LAFFIN: Mr. Speaker, in answer to the question, state employees are not exempt from the minimum wage. I request permission to address the House.

The SPEAKER: The gentleman may proceed.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just comment on a couple of things that have been said by my good friend from Cumberland, Mr. Garsoe. No, there is nothing wrong with a \$5 minimum wage. I think it is wonderful. Someone here has said this morning and I think it was Mr. Biron, he said, let's be practical. I don't think we could pass \$5 but I would certainly vote for \$5. That would certainly take people off welfare.

The other thing that I would like to say to my good friend concerning the national level of the minimum wage. We live in a northern state. I am sure that the people in South Carolina or Georgia or Florida could survive on a much lower wage than the people of Maine. When you start adding the fuel costs, the clothing cost and I had someone come into my shop and said that it cost as much for her little girls shoes as it did for her own. When you start adding those all up, yes, there is a big difference in the minimum wage in the southern states and in the State of Maine. For anyone to compare the two, there is something wrong.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I must admit that the Representative from Cumberland, Mr. Garsoe was right. My arguments have been the same since 1969 as his has been since whenever he came into this House. The real kicker this morning is that if Mr. Garsoe would change his position, put on a white hat, get on the white horse and ride with the rest of us.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if my good friend, Mr. Garsoe, was listening when I said what I said before. I might remind him and my good friend way down in the corner, Mr. Palmer, that most of the farmers and woodsmen, most of the people are being paid this much already. However, there are some that aren't. When they speak about they can't do it, they can't afford it, I take issue with that. I don't expect that I am the best operator but I think who we are hurting here are the people who are working in restaurants, the people my seatmate, Mr. Talbot, spoke to. The bottom line is dignity. I want to see these people be able to hold their heads up and not have to take welfare any more than possible.

The SPEAKER: A roll call has been ordered. The pending question before the House is accep-

tance of Report "A". Those in favor will vote yes; those opposed will vote no.

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

Mr. MARSHALL: Mr. Speaker, I would like to pair my vote with the gentleman from Standish, Mr. Spencer. If Mr. Spencer was here, he would be voting yes and I would be voting no.

ROLL CALL

YEA — Austin, Bachrach, Bagley, Benoit, Berry, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Connolly, Cote, Cox, Curran, Davies, Devoe, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McMahon, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Plourde, Post, Prescott, Shute, Strout, Stubbs, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Bennett, Blodgett, Brown, K. L.; Bunker, Carter, F.; Clark, Connors, Cunningham, Dexter, Garsoe, Gill, Gillis, Gould, Gray, Huber, Hunter, Hutchings, Immonen, Jackson, Lewis, Lougee, Lunt, Lynch, Masterman, Masterton, McBreairty, Morton, Norris, Palmer, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Tarbell, Tarr, Teague, Torrey, Twitchell, Whittemore.

ABSENT — Ault, Beaulieu, LaPlante, LeBlanc, Littlefield, Mackel, Mills, Moody, Peakes, Quinn.

PAIRED — Marshall, Spencer.

Yes, 92; No, 47; Absent, 10; Paired, 2.

The SPEAKER: Ninety-two having voted in the affirmative and forty-seven in the negative with ten being absent and two paired, Report "A" was accepted and the Bill read once.

Committee Amendment "A" (H-529) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Performance Audit on Bill "An Act Relating to Municipal General Assistance Programs" (H. P. 1359) (L. D. 1696) reporting "Ought to Pass" in New Draft (H. P. 1673) (L. D. 1868)

Report was signed by the following members:

Messrs. MINKOWSKY of Androscoggin

WYMAN of Washington

MORRELL of Cumberland

— of the Senate.

Messrs. LIZOTTE of Biddeford

AUSTIN of Bingham

AULT of Wayne

Mrs. BERUBE of Lewiston

Messrs. DOW of West Gardiner

SHUTE of Stockton Springs

— of the House

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1674) (L. D. 1869) on same Bill.

Report was signed by the following members:

Ms. BENOIT of South Portland

Messrs. BRENERMAN of Portland

WILFONG of Stow

— of the House.

Reports were read.

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

Mrs. BERUBE: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: I would ask that you reject the Majority "Ought to Pass" Report and accept the Minority "Ought to Pass" Report which is L. D. 1869. Let me explain why. As a co-sponsor of the original Maine Municipal Association General Assistance Bill, which the majority supports, I have since found that passage of that bill, as written, would deny the most needy among us, the poorest people in all of our towns due process of law while also attempting to circumvent a 1976 federal district court decision by Judge Gignoux. The result from that seems to be a philosophical difference between the majority members and the minority members of this committee. These two reports differ in only one major respect. The rest of the bills are similar and merely clarification of present law.

L. D. 1869, the Minority Report, is a compromise between present law and the Majority Report, because it allows for continuation of the present pretermination evidentiary hearing before a recipient's assistance can be terminated, suspended, or reduced, if that recipient has been provided general assistance on a continuing basis for at least three out of any four week period or four out of any eight week period. When such assistance is provided during these periods of time and that assistance is terminated, the recipient shall be given, according to our bill, timely and advance notice detailing the reasons for the proposed action. Such notice shall inform the recipient his right to request a pretermination hearing within three days.

The present law is now five days. This hearing shall be held by the fair hearing board in each municipality within 30 working days. During that period that the recipient is waiting for that hearing, he shall be granted further assistance so that that person will not go without heat or without food if needed. That is the present law that MMA attempts to change, although several municipalities do use it at the present time, including Bangor and Presque Isle, for example. Most communities don't use pretermination hearings and don't need to use them. This bill will allow those that need to use them.

Before I go into further explanation of this report, I should explain the general assistance program and its relationship to this bill and to the court's decision. In Maine, as in most states, general assistance is the welfare program of last resort. It is the program where a person turns when he or she has nowhere else to go. When A.F.D.C. and S.S.I. benefits are not enough, a family turns to general assistance to supplement those benefits. When a wage earner can't support his or her family at a minimum wage job, he or she must go to the town to get the family's rent paid, for example. Almost no one gets cash from the town. Recipients get food vouchers or rent slips or 100 gallons of oil is delivered to their home every month.

General assistance provides help on a regular basis and on an emergency basis to many families. Some families receive just regular assistance, usually rent or food or utilities or the payment of a regularly recurring prescription. These are families whose incomes are too low to meet their daily needs. Other families receive just emergency assistance. These are the families whose income is enough to get by but when an unusual circumstance occurs, it puts them in a temporary bind. A particularly cold winter forces them to request oil. And illness causes large medical expenses that they cannot pay. A stolen social security check places them temporarily in a crisis situation. Some families receive both emergency and regular assistance such as help with rent all year long and a voucher to purchase school clothes only in the fall.

At the present time, all municipalities are required to give a recipient notice and opportunity for a hearing before the municipality stops furnishing rent or food vouchers or other regular assistance. This notice and hearing procedure eliminates the risk that any recipient's benefits will be erroneously or arbitrarily terminated or reduced. A requirement of prior notice and opportunity for a hearing is mandated by the United States and Maine Constitutions and by present Title XXII, Section 4506. The municipalities believe that the provision of prior notice and opportunity for a hearing is an administrative hardship. They seek to avoid the requirements of Title XXII, Section 4506 by requesting its repeal. They seek to avoid the constitutional requirements of due process by attempting to define general assistance as only emergency assistance.

If members of this House believe that general assistance is only an emergency program and in most cases it is, I refer you to Judge Gignoux decision in Dupla vs. the City of Portland in which he said and I quote, "The evidence shows that general assistance, in fact, supplies recipients over extended periods of time with payments in cash and in kind designed to maintain their standard of living at a specified minimum level. It is clear, however, that the general assistance program, in fact, operates to provide regularly recurring grants over the long term and serves as an income maintenance or welfare grant program". In other words, define it as you will, towns do provide continuing general assistance to some people.

In L.D. 1869, it says, when that happens and these people are suddenly cut off for any reason, unfair or proper, they will get a hearing and they will also be able to eat or to pay rent or to heat their homes.

Pretermination hearings are important if only as a safeguard against the very few cases of arbitrary cuts of assistance. Considering that one third of the assistance cases of this state occur in Portland, it is important that my low income constituents have this due process right, without the threat of going cold or hungry. Ladies and gentlemen of the House: you can liken in this situation to an elderly person being unjustifiably cut off from social security with no resources while awaiting a hearing. Can we do this to our unfortunate people who have nowhere else to go? I maintain that we can't.

A study was done in Aroostook county last year and that study showed that of the people contacted, 25 percent had gone without heat during the previous two winters at some time because they had no money for oil and because the towns would not give them general assistance. The periods that those people went without heat range from several hours to one week.

I ask that you oppose the Majority Report and support our Minority Report so that we can avoid further major costly court cases at the local level. I assure you, you will have these challenges if the majority report passes.

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

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support this report and this bill today. Last week, when we were discussing the unemployment compensation bills, I told you that the Performance Audit Committee was going to report out a bill that would be a positive step in handling our welfare situation. This is the bill. This bill will allow and mandate to the towns that they set up a work program system if they are going to receive general assistance funds from the state. It will require that people who come to the city or town asking for general assistance may have to work for all or a portion of the assistance that they receive, that they will be paid

the minimum wage and that if you come for \$100, for an example, because you need \$100 to pay an oil bill or whatever and you are in good health, you are not too old, you don't have five children at home that you are trying to take care of, that you may be asked to do some work in that town to pay for a portion of that \$100 or maybe the whole of the \$100. I think this is a positive step toward solving our welfare problem. I think that this is the step that really gives some dignity to the people who are coming and asking for general assistance. I know that in my town, we have had several people who have had at one time or another to come and ask for general assistance, in small amounts and that those people although they were not required to by law one day got back on their feet, came and paid that money back to the town. They did not have to. I think that people who are in this situation who can work will work and help pay for the welfare system that we have so that when they need a helping hand, they know the money will be there.

I urge you to support this bill and I urge you to support the Minority Report.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: Mr. Wilfong has just given you the very reasons why you should vote with the Majority "Ought to Pass" Report because this is the report. It has the work requirement that he mentioned. This, as you know, is the bill originally introduced, I believe by Mr. Brenerman which went much further than what the majority report has submitted to you. It does essentially three things. It defines what general assistance programs are. It updates the language in the statute. No longer would it be pauper, indigent, overseer of the poor, but it would be eligible people, etc.

The major concern seems to be that it implies that continuing aid would be discontinued. This is not so. If someone had absolutely no other income, no A.F.D.C., no S.S.I., no whatever, unemployment, obviously the town would not let anybody go without any help. If it is a hopeless case, it would continue to be long term aid. It defines general assistance in that it is an immediate aid for an immediate need which is what it should be. We have other programs that address the long term issues.

Section 12 of L. D. 1868, the Majority Report, has a work requirement. Some people sincerely want to work for the money that they are requesting. It is temporary assistance, generally that they request. They certainly don't want a handout. Most people don't. This would give them an opportunity to work for the assistance they were receiving, work for a city or a town project. It definitely would not take jobs away, by the way, from regular town or municipal employees. It would be very temporary in nature. Sometimes it has happened that recipients have worked for the assistance they have received and as job openings become available, they have been taken on by the municipality as a full time regular employee.

The third thing this bill addresses is the pretermination hearings. The bill repeals pretermination hearing. We still would have the fair hearings and the appeals. Why repeal the pretermination hearing? First of all, let us just assume that on a Thursday or a Friday morning a recipient goes to the director and says that he has received other income; unemployment, A.F.D.C. or whatever. The director in the community must send by mail a letter notifying him that he can have a pretermination hearing. If it is a particularly long weekend, if the next workday is, say on a Tuesday, in effect, the recipient will continue for another week to receive whatever assistance he or she was getting before it is heard. There is another thing that we have eliminated and we have said that when the director is notified that he would not be

mandated to send a written representation to the directors. If he made a false period, representation would be sufficient. We have deleted the word "written" incidentally.

I ask that you accept the Majority "Ought to Pass" Report.

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

Mr. WILFONG: Mr. Speaker and Members of the House: Just so that the members of the House will not think that the Minority Report does not have the work program, it does: Mrs. Berube, I am sure she did not mean it when she inferred that the Minority Report did not have the work program in it; it has the exact same work program as the Majority Report. The difference seems to hang on the pretermination hearing.

The Minority Report has the provision to keep the pretermination hearing but not to keep them just as they are. It came back to a compromise position which Mr. Brenerman outlined. The Majority Report repeals them entirely and so that is the difference between the two reports.

As far as the town of Stow goes, or any of my district goes, it really doesn't have any real significance. It seems to have its most significance in the cities and so I would just say that if you listen to both of the arguments, pro and con on the pretermination hearing, that you might be able to reflect upon which decision would be the best decision for your particular locality. I don't think that the compromise position is a bad position at all, that the Minority Report addresses itself to.

There are problems either way. I can see some problems based upon some things that happened down in Cumberland County, in the town of Brunswick, where the person who was in charge of the social welfare was taking advantage, or was trying to take some advantage, trying to put a real quid pro quo out for women, who were receiving welfare benefits, general assistance benefits and so if they wanted to continue to receive them, they would have to do certain things. Mr. Tierney knows more about that situation probably than I do but at any rate, they could be shut off and although they had a legitimate need, they could be without general assistance for one week for an arbitrary decision. So, I think that if you listen to both of the arguments here and look at your particular locality, you probably will be able to make a decision but they both have the same work program in it.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I will try to be as brief and concise as possible but I would like to comment on some of the remarks made by Representative Berube.

First of all the definition of general assistance in the compromised report, L.D. 1869, is consistent with Judge Gignoux's decision and then it says that a general assistance program means a service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A general assistance program provides the specific amount or type of aid for needs during both limited periods of time and extended periods of time subject to periodic review. So general assistance is not necessary, only emergency need, according to Judge Gignoux's decision.

As far as the pretermination hearing goes, that is, I guess, my main concern. This has been done in municipalities such as Bangor and Presque Isle. They have followed the procedures set for pretermination hearings and we were told there were very few people that actually ever requested a pretermination hearing. Most peo-

ple know whether they deserve general assistance or not. They know whether their conditions have changed. I don't think most people are going to try to cheat the town. I suppose there is always going to be some that will, that is going to always be the case no matter what the law is. My concern is for the recipient who believes that a decision to terminate their assistance is not fair or just. Mr. Wilfong just gave you one example and we have had many more given to us where a decision was made on hearsay, such as your husband moved back in with you, we heard that, or we heard you got a check, etc. A lot of these facts are often not verified and then the recipient doesn't have any recourse except to reapply for assistance and Representative Berube referred to that. But if you reapply for assistance, you have to wait for seven days. Now what is the person supposed to do for seven days who, this is an extreme example, but who may be a husband and wife with three, four, five children, are they supposed to go hungry for a week? Are they supposed to go without oil for a week? Are they supposed to go without the utilities for a week? I don't think so I think for the number of people that would apply for a pretermination hearing that we aren't going to go into debt, that any town is going to go into debt. I think this is necessary and is fair to those people that have reached the end and need it.

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

Mr. MCBREAIRTY: Mr. Speaker, Members of the House: I asked Pine Tree Legal to furnish me the names of those people in Aroostook County that went a whole week without heat and I never have received those names as yet.

I am co-sponsoring L.D. 1696 in the hope that this legislature will make necessary changes in the general assistance statutes. The general assistance program in Maine has traditionally served as an emergency aid program. This characteristic is threatened by those who believe general assistance should be similar to aid to families with dependent children or supplemental security income. The emergency feature of general assistance would be preserved by L.D. 1696, so the definition providing for a general assistance program through the elimination of the language providing for pretermination hearings. The imprecise nature of the current law has allowed the federal district court to find general assistance to be a continuing grant and aid program. General assistance is rarely continuing and almost always provides temporary aid. L.D. 1696 seeks to enact legislation, which reflects current practices in the administration of general assistance. The federal district court in Maine has found general assistance to be a continuing aid program as defined under the Food Stamp Act. As a result, municipalities must ignore a person's receipt of food stamps in determining eligibility for general assistance. This means a general assistance applicant, with a family of two, who receives food stamps can claim combined benefits up to \$184 a month for food alone.

As a comparison, the AFDC program provides a \$178 a month for mother and child to meet all needs. The implications of general assistance being defined as continuing aid is far reaching, currently the state administration of various public assistance programs allows general assistance to be considered as a temporary source of income. This means that it is not considered in determining income of an AFDC, SSI or food stamp applicant. If it were, the state could force municipalities to bear the cost that these programs currently assume, people often apply for AFDC, SSI or food stamps and receive general assistance while their applications are processed. If general assistance was considered to be continuing aid, then the application for AFDC, SSI or food

stamps could be denied since income from general assistance was adequate to meet the individual's continuing need.

I urge your support of the Majority "Ought to Pass" Report.

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

Mr. BRENERMAN: Mr. Speaker, Members of the House: I rise to disagree with Mr. McBreairty. We have a statement from the Department of Human Services which says that if general assistance is considered a continuing program and as I said before, in this bill the Minority Report it is only continuing in a few cases. The state will not cut AFDC benefits to any one.

The major difference between the two reports again is that in the Majority Report pretermination hearings are abolished. A person's only recourse is to ask for a fair hearing and while waiting for a fair hearing a person can get nothing from the municipality and that means, in many cases, that the person will not be able to get food or oil for heating or won't be able to pay the rent.

Now our Minority Report allows a pretermination hearing, and once again, a pretermination hearing is only held in a very few cases. It would not probably be held in small municipalities. They are generally held in Portland, Presque Isle, Bangor and by the way, the City of Bangor appeared against the portion of the bill which said that we should end pretermination hearings.

The SPEAKER: The Chair recognizes the gentleman from So. Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I think there is one point that should be made about these pretermination hearings that we are talking about.

In the Minority Report it says in any instance, when it is proposed to terminate, suspend or reduce general assistance which has been provided for at least any three and any four week period or for at least any four week and any eight week period, the recipient shall be given timely advance notices etc. Only under those conditions, will there be a pretermination hearing. If a recipient has only been on assistance for a week and it is terminated, then they do not qualify for a pretermination hearing or two weeks. It has to be three weeks, out of four weeks or four weeks out of any eight week period.

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 Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with great interest to this debate this morning. This is the first time I have heard the questions expounded on both sides and I do find that the real choice we are making here is whether or not we are going to have these pretermination hearings before cutting off general assistance.

I would point out to you that this bill if you accept the Majority "Ought to Pass" Report does not require these pretermination hearings, does not mandate anything on the towns whereas the other report does. I think that is the whole crux, that is the focus of this whole argument here this morning and I hope everyone understands that. The other details of the bills are pretty in parallel.

I submit that this puts a tremendous administrative burden on the towns, particularly

the small towns which are not organized for this sort of thing, to have to have these hearings when everybody agrees even including the client in some cases, that the aid is not necessary. Frankly, despite the horror stories that we hear, everyone agrees that they are very very minimal, that they only have occurred in one or two places and sometimes these can't even be verified. My experience is, and I discussed this with the people who handle this sort of thing in my community, that they do take care of these people. They do take care of the emergency situations even if the hearing hasn't been heard for the going in situation and if they are taking care of these people for three weeks, they are certainly going to know the circumstances. So I see no reason to require and mandate on the communities that they have this hearing before they cut off general assistance. It has moved a long way, general assistance has, from the old poor farm days where you put somebody into a situation where he was sort of on general assistance anyway.

It is considered to be an emergency item today and we have a proliferation of programs which take care of the continuing problems that people have.

I kind of dislike the implication that I hear here that people are being made to go without fuel and made to go without food and waiting for a hearing. Now I just can't believe that. I just don't believe that that happens, that callous officials are looking at someone, knowing they are cold, knowing they are going hungry and not providing assistance. I just find that very difficult to believe and I certainly think that if there are cases like that, they should be documented and the officials taken care of.

I think the committee has done a splendid job. I think the majority has come out with a very responsible bill. They are providing for local control and control which can work fast and effectively to take care of people who are in need and I certainly hope you will support the Majority "Ought to Pass" Report.

Ms. Benoit of South Portland was granted permission to speak a third time.

Ms. BENOIT: Mr. Speaker and Members of the House: I beg to differ with the good gentleman from Farmington, Mr. Morton, but the bill does not mandate or require a town to always hold a pretermination hearing. What happens is, the town notifies the recipients that their assistance is going to be terminated, then the recipient may request a pretermination hearing, it is not mandatory. I think Mr. Morton just made a very good argument for us to vote for this Minority Report, he is right, there are very few cases in which a recipient does request a pretermination hearing so how are we going to make headaches for the city administrators? There are very few but this is to take care of those few people that perhaps have unjustly or unfairly been denied continuation of their assistance and who do sincerely need it.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I would only like to echo the comments of Ms. Benoit.

I would take exception with the statement of the gentleman from Farmington, Mr. Morton because what he is in effect saying is, that due process should be a local option and I don't think that our Constitution or equal rights or due process should be local options. I think that we should make laws which, if a citizen is unjustly denied access, they should have due process and this is all this bill does. It doesn't mandate anything on the towns. It just allows the citizens to have the right to due process.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: Obviously this does not mandate these fair hearings but I would like to

point out since it was mentioned Bangor's experience, I am on the City Council as you know, and I am also a member of the three member committee of the council which is a Fair Hearing Committee. Now, what we would not prefer is to have to go through these fair hearings over and over again, when it is really not necessary and I am afraid what would happen is that if the pretermination option is not allowed to the communities and that is what we are doing, we are giving the communities the right for local control, not taking it away, we are giving them the opportunity to choose for the local person to have this choice. If it isn't then they are going to have to go through a lot of rigamarole that is going to take up more time.

In our case, just as an example, there have been relatively few fair hearings and those cases where there have been, the misunderstandings have often been cleared up and it has not gone through the long rigamarole of the fair hearing aspect. In those cases where it has, there has been a major policy decision that has to be made in respect to welfare policy.

So I would hope that you would accept the Minority Report and eliminate a lot of the red tape and long involvement of municipal officers in these fair hearings when in most cases it is just not necessary.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the cruel overseers of the poor in my town and we try to look after people the best we can with the limited amount of money that we have. I don't think we have anybody going hungry or cold and I would hope you will support L. D. 1868.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: Very briefly, I too am a municipal officer from my community and I have been on the City Council in Auburn now almost two years and not once have I ever sat in on one of these. Not once have we ever had a fair hearing of pretermination hearing come before us.

I think Mr. Morton is right in one reason, and that is there aren't very many of these cases that come before municipal bodies or local town officials but he is wrong, very wrong in a sense, that he is saying that pretermination hearings are not needed for those few. I think that they are needed and I wish you would support the Minority Report.

The SPEAKER: A roll call has been ordered. The pending question before the House is on acceptance of the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Berube, Biron, Birt, Blodgett, Boudreau, P.; Bunker, Burns, Carrier, Carter, D.; Carter, F.; Churchill, Clark, Conners, Cunningham, Curran, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Hall, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Kane, Kilcoyne, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McMahon, McPherson, Moody, Morton, Palmer, Pearson, Peltier, Perkins, Peterson, Post, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Trafton, Truman, Twitchell, Tyndale, Whittemore.

NAY — Bachrach, Bennett, Benoit, Berry, Boudreau, A.; Brennerman, Brown, K. L.; Brown, K. C.; Bustin, Carey, Carroll, Chonko, Connolly, Cote, Cox, Davies, Diamond, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hobbins, Howe,

Hughes, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Laffin, McHenry, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Plourde, Prescott, Spencer, Talbot, Tierney, Valentine, Wilfong, Wood, Wyman.

ABSENT — Beaulieu, LaPlante, LeBlanc, Littlefield, McKean, Mills, Quinn, Strout, Tozier.

Yes, 89; No, 52; Absent, 9.

The SPEAKER: Eighty-nine having voted in the affirmative and fifty-two in the negative, with nine being absent, the Majority "Ought to Pass" Report was accepted.

The Bill was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment 'A' (H-536) on Bill "An Act to Clarify and Modify Cause for 7-Day Notice of Termination of Tenancy at Will" (H. P. 988) (L. D. 1199)

Report was signed by the following members:

Messrs. CURTIS of Penobscot
MANGAN of Androscoggin
COLLINS of Knox

— of the Senate.

Messrs. GAUTHIER of Sanford
DEVOE of Orono
TARBELL of Bangor
Mrs. SEWALL of Newcastle

— of the House.

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

Report was signed by the following members:

Messrs. SPENCER of Standish
HUGHES of Auburn
HENDERSON of Bangor
HOBBINS of Saco
BENNETT of Caribou
NORRIS of Brewer

— of the House.

Reports were read.

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

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

Because there is another bill which deals with the same subject matter as this bill, which will be coming out of Judiciary Committee within the next day or two, I would ask that someone table this matter for two legislative days.

On motion of Mr. Carrier of Westbrook, tabled pending the motion of the gentleman from Standish, Mr. Spencer, that the House accept the Minority "Ought Not to Pass" Report and specially assigned for Monday, June 13.

Consent Calendar

First Day

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

(S. P. 251) (L. D. 759) Bill "An Act to Require That a Hospital Pharmacist, a Chain Pharmacist and an Independent Pharmacist be Appointed to the Board of Commissioners of Pharmacy" — Committee on Health and Institutional Services reporting "Ought to Pass" (H. P. 490) (L. D. 609) Bill "An Act to Transfer the Eminent Domain power of the Penobscot Indian Housing Authority to the Tribal Governor and Council and to Require Referendum Approval of any Action Relating to Eminent Domain" — Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-554)

(H. P. 1211) (L. D. 1478) Bill "An Act Concerning the Board of Registration in Medicine" — Committee on Health and In-

stitutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-553)

(H. P. 1016) (L. D. 1231) RESOLVE, Authorizing John Carlo, Inc. to Resolve a Dispute with the State of Maine by Arbitration — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-552)

(H. P. 1151) (L. D. 1369) Bill "An Act to Provide Safeguards Against the Use of Discriminated and Exclusionary Zoning Practices" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-551)

(H. P. 1138) (L. D. 1380) Bill "An Act Concerning Equine Infectious Anemia" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-555)

(H. P. 1140) (L. D. 1375) Bill "An Act Relating to an Equitable Billing Procedure for Open-end Credit under the Consumer Credit Code" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 1243) (L. D. 1468) Bill "An Act to Provide Home Winterization for Older Citizens" — Committee on Energy reporting "Ought to Pass" as amended by Committee Amendment "B" (H-558)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 10, 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. 764) (L. D. 903) Bill "An Act Relating to Suitability of Employment" (C. "A" H-532)

(H. P. 1129) (L. D. 1347) Bill "An Act to Increase the Veterans Exemption for Paraplegics"

(H. P. 1004) (L. D. 1244) Bill "An Act Establishing the Maine Small Business Loan Authority" (C. "A" H-537)

(H. P. 1012) (L. D. 1243) Bill "An Act Creating the Maine Development Foundation" (C. "A" H-535) (Later Reconsidered)

(H. P. 944) (L. D. 1139) Bill "An Act to Allow Escape of Sublegal Lobsters from Lobster or Crab Traps" (C. "A" H-540)

(H. P. 914) (L. D. 1110) Bill "An Act Relating to Tuna Fishing" (Emergency) (C. "A" H-539)

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

Tabled and Assigned

(S. P. 440) (L. D. 1531) Bill "An Act to Lighten the Burden of Property Taxes on the Elderly Widowed or Disabled" (C. "A" S-186)

On the objection of Mr. Mackel of Wells, was removed from the Consent Calendar.

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

Mr. MACKEL: Mr. Speaker and Members of the House: I was hoping that the House Chairman of the Taxation Committee would be here to table this. I know that it was his intention to do so. We have another bill coming in that incorporates the contents of this particular bill so that it would make this bill unnecessary, but we do have one coming out of Taxation that we hope would overtake this bill.

On motion of Mr. Palmer of Nobleboro, tabled pending acceptance of the Committee Report and specially assigned for Monday, June 13.

(S. P. 408) (L. D. 1416) Bill "An Act to Clarify Physician Certification of Patient Deaths in Maine Nursing Homes" (C. "A" S-189)

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

Passed to Be Engrossed

Bill "An Act to Provide Lifeline Electrical Services" (H. P. 1669) (L. D. 1867)

Was reported by the Committee on Bills in the Second Reading and read the second time. Mr. Kelleher of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "B" (H-561) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment deals with an act to provide lifeline electrical service. There was a million dollar estimated appropriation on the bill. After some more research by the committee and its staff, because it is a general fund commitment at this time, we found that we were in error, that \$750,000 would cover this bill at the present time. I hope you adopt the amendment.

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act to Regulate Campaign Activities on Election Day" (H. P. 1663) (L. D. 1863)

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-562) was read by the Clerk.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: On yesterday's calendar, there was a divided report from the Committee on Election Laws that dealt with this bill. I was one of the two people who signed "Ought Not to Pass". I elected not to debate the issue yesterday and instead approach the matter through a House Amendment.

If you want to follow along, the L. D. is 1863.

What I am doing with this amendment is removing from the bill those portions which seem to discriminate against candidates both at the office of the registrar where registrations are being taken and at the polling place. It seems to me, in fact, that in an attempt to curb the over zealous activities of the few candidates around the state, this bill in fact would be an abridgement of the 1st Amendment rights. Not only that, it would also make those of us who are candidates at the next election appear a little ridiculous. We would not be able, for example, to stand in line waiting to vote and talk with anyone else in line. If we did, it could be interpreted as an attempt to influence a vote.

I am not attacking that portion that says there shall be no attempt to influence a vote at these two particular sessions, because the bill itself, even with the amendment, would say that any person would not be able to influence the vote of another at these two places. But to go so far as to say that a candidate could not initiate oral communication with anyone at the voting place seems to me to be very excessive.

Further, the bill would say that a candidate could not remain in the voting place outside the guardrail. I am sure those of us who are going around the different polling places on election day would think that that would be discriminatory. Actually, this would be a deleterious bill to a candidate, because if you were there at the polls, standing in line and people were saying good morning, you don't have to worry about a thing. Sometimes they do that. Don't worry, Dave, we are going to put one

right in there for you. My God, you would be terrified to even answer back. You might even have to wear a sign on your back saying "State law prohibits me from talking to voters on election day."

I hope you will adopt House Amendment "A" to the bill.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: We have incorporated under this bill a couple of bills which members of this House have brought to the Election Laws Committee dealing with activities where people are registering to vote. It was the wish of some people in the House who had separate bills that a candidate not be allowed to stand at the registrar's office and shake hands with people as they are registering to vote and say "Hi, I am so and so, I am running." So what we did in the bill was say that influence was prohibited 250 feet, just as in the polling place, 250 feet from the registrar's office where people are registering to vote. I think that part of the bill probably should remain.

I agree with Mr. Bustin that preventing candidates from being at the polls is probably not very fair. I wasn't in favor of that part of the amendment, but the other amendment, I think Mr. Kelleher had a bill in that specifically said "restrict activity 250 feet from where people are registering to vote." Apparently in Bangor last time, all of the candidates stood at the registrar's office to shake hands with all of the people that were registering. I think if we are going to allow people to register on election day, that is fine, but I don't think we should allow the candidates to jam the registrar's office to meet newly registering voters on the day of the election. That is the only objection I have to David's amendment.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: You can see this is one that Representative Bustin and I are on opposite sides. I firmly believe that candidates, unless they are at the polls or at the registrar's office for a legitimate reason should not be hanging around the polls or the registrar's office on election day campaigning. Their campaigning should be done previous to election day.

In L. D. 1863, we listed all the reasons that we could think of why they should be there. If there is any other legitimate reason, we would be glad to add those, but to go there and stand while people are in line and shake hands and campaign, I don't think it is reasonable. If everyone did that, all the candidates, can you imagine the confusion?

As far as not being able to go and vote and talk to someone in line, that is just being a little bit ridiculous. The present law states that you are not supposed to influence people. I am sure that doesn't prohibit you from saying hi to somebody that is standing next in line, but if you go up and down that line, that is another situation.

I do hope that you will not accept this amendment.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I have read this bill that we are debating now and I hope most of the rest of you have or will. I disagree with Representative Boudreau from Portland. This bill very clearly says, and I will just read a couple of lines: "Any communication or contact by a candidate with a person present for the purpose of voting other than as expressly permitted by this subsection," and the other part of the subsection says that "a candidate can be at the polling place for the purpose of transporting

voters and for the purpose of obtaining and delivering absentee ballots." As I read this, it very clearly says that I, as a candidate, cannot go into the polling place and say, "Good morning, Mrs. Jones or Mrs. Smith or whoever you are."

If you would take the bill out and you would look at Page 2, Section 2, that is the meat of the whole thing. I think if you read it, you will agree with me that you would in fact be violating the law if you just very simply said good morning.

It goes on to say: "If a candidate or any other person influences or attempts to influence a person present for the purpose of voting as to his vote, the warden shall have him removed from the voting place." If you read the little section that describes how they are going to determine whether or not you are influencing this person, that is kind of interesting. "A candidate shall not initiate oral or other communications with persons present for the purpose of voting and shall not attempt to influence their vote during the course of any oral communication. Any communication or contact by a candidate with the person present for the purpose of voting other than expressly permitted by this subsection shall be considered an attempt to influence a person's vote." I think that means saying "Good morning, Mrs. Jones," is an attempt to influence that person's vote. I hope you will adopt the amendment.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: Very briefly and very red facedly, because I remember from our committee discussions, there were a number of us who thought this business of a candidate shall not initiate oral or other communication to persons is absolutely ridiculous because it did apply to saying good morning, and how would you ever prove who said the first word?

There was no intention on our part to support that. The only excuse I have is that I failed to reread it, and I am totally opposed to this bill as now drafted and I support Mr. Bustin's amendment.

The SPEAKER: The pending question is on adoption of House Amendment "A". The Chair will order a vote. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

On motion of Mr. Burns of Anson, tabled pending passage to be engrossed and later today assigned.

"An Act to Authorize County Jail Inmate Participation in Municipal Public Works Projects" (H. P. 1313) (L. D. 1547)

Bill "An Act to Clarify the Definition of Professional Nursing and Practical Nursing" (S. P. 529) (L. D. 1847)

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

Second Reader Tabled and Assigned

Bill "An Act Concerning Registration on Election Day" (H. P. 1664) (L. D. 1864)

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

(On motion of Mrs. Boudreau of Portland, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act to Establish Withdrawal Dates for Candidates and Nominees" (H. P. 1666) (L. D. 1866)

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

Amended Bills

Bill "An Act to Reduce the Size of the Board of Directors of the Criminal Justice Planning and Assistance Agency and to Change the Appointment of the Executive Director" (H. P. 441) (L. D. 548) (C. "A" H-524)

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

On motion of Mr. Greenlaw of Stonington, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-564) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I think the purpose of this amendment is clearly stated in the Statement of Fact. It says "The purpose of this amendment is to have the Criminal Justice and Planning Assistance Agency inform the legislature when they approve grants to departments and agencies." What my intention here is to hope to give us an opportunity to do some long-range planning about some of the potential costs that we may have to pick up as the result of federal funding of certain departments in the state government.

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

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Bill "An Act Relating to Adult Education" (S. P. 102) (L. D. 231) (C. "A" S-168)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed as amended in concurrence.

Passed to Be Enacted Emergency Measure

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

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. 115 voted in favor of same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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. 117 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.

Finally Passed Emergency Measure

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 (H. P. 1246) (L. D. 1487)

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. 118 voted in favor of same and one against and accordingly the resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, Directing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the Northeastern Research Foundation, Inc. (H. P. 1619) (L. D. 1820)

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. 119 voted in favor of same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Provide for Budgeting of State Expenditures of Federal Funds (H. P. 1387) (L. D. 1676) (H "A" H-466; C. "A" H-433)

An Act to Simplify, Improve and Reduce the Cost of State Agencies Auditing Human Service Contracts and Grants (S. P. 522) (L. D. 1826)

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

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

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

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

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

An Act Concerning the Registration of Voters by Justices of the Peace (H. P. 1353) (L. D. 1622) (S "A" S-187 to C "A" H-451)

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

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) (H "A" H-473)

An Act to Repeal Certain Laws Relating to Domestic Relations (H. P. 1627) (L. D. 1830) (H "A" H-488)

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.

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

An Act Relating to the Spending Ceiling for Education Purposes (H. P. 968) (L. D. 1165) (Conf. C. "A" H-520)

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 necessary, a total was taken.

122 voted in favor of same and 2 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.

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

Ms. BACHRACH: Mr. Speaker, I move that the House reconsider whereby it passed Item 4 on the Second Day Consent Calendar on Page 11

to be engrossed. This item carries an appropriation and should not have appeared on the Consent Calendar in the first place.

The SPEAKER: The Chair would advise the gentlewoman that the Consent Calendar rules do not deal with whether or not there is an appropriation, it deals with whether or not there is a gain or loss of revenue and not with whether or not an item has an appropriation.

Thereupon, the House reconsidered its action of earlier in the day whereby Bill "An Act Creating the Maine Development Foundation" (H. P. 1012) (L. D. 1243) was passed to be engrossed as amended pursuant to Consent Calendar rules.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-535) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Orders of the Day

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

Bill, "An Act Relating to the Regulation of the Blueberry Industry" (H. P. 598) (L. D. 739) (C. "A" H-474)

Tabled — June 7, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-522) — Committee on Local and County Government on Bill "An Act Repealing the York Beach Village Corporation" (Emergency) (H. P. 1601) (L. D. 1809)

Tabled — June 8, 1977 by Mr. Valentine of York.

Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill Read once. Committee Amendment "A" (H-522) was read by the Clerk.

Mr. Valentine of York offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-556) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was assigned for second reading tomorrow.

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

Bill "An Act to Allow Free Hunting and Fishing Licenses to Maine Residents over 65 and to Disabled War Veterans" (H. P. 1071) (L. D. 1263) (C. "A" H-507)

Tabled — June 8, 1977 by Mr. Conners of Franklin.

Pending — Passage to be Engrossed.

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

Mr. GILLIS: Mr. Speaker and Members of the House: The initial bill, 1263, was amended by two amendments. The first amendment was totally discriminatory on disabled veterans, and the second amendment is worse. In view of this attempt to delete certain disabled veterans, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: There is only one amendment on this. That came from the Committee and there was no other amendment put on it. I had one drafted up but I did not put that

amendment before this body. Therefore, you cannot even consider that one.

The amendment that is on the bill is 70 percent of the disabled veterans and those in combat zones. I talked to Mr. Conners, he had a problem with the bill, I talked to him this morning and I assured him that that was all it is in the bill and that is all that is in the bill. This is a good bill, it is a bill for disabled veterans, 70 percent up. It is a bill for the combat zone veterans, and those are the two we are talking about in this bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Calais, Mr. Gillis, that this Bill and all 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.

22 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Greenlaw of Stonington, tabled pending passage to be engrossed and later today assigned.

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

"An Act to Allow Limited Operation of an Unregistered Motor Vehicle" (H. P. 1101) (L. D. 1325) (C. "A" H-449)

Tabled — June 8, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

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

Mr. BUSTIN: Mr. Speaker, my proposed amendment to this L. D. has not yet been completed and I would appreciate it being tabled even till later today's session, it would be ready.

Thereupon, on motion of Mr. Stubbs of Hallowell, tabled pending passage to be enacted and later today assigned.

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

RESOLVE: to Appropriate \$20,000 to the Office of Camping Resources at the University of Maine, Portland-Gorham (H. P. 1259) (L. D. 1488)

Tabled — June 8, 1977 by Ms. Clark of Freeport.

Pending — Final Passage

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: L. D. 1488 represents a unanimous committee report from the Committee on Appropriations and Financial Affairs and I think perhaps we ought to review a little background on this bill.

In my hand is a report from the Center of Research and Advance Study at the University of Maine at Portland-Gorham reflecting children's summer camps and their economic value to Maine. The legislature passed a joint study order, House Paper 1705, and that joint study order directed the Committee on Business Legislation to study the impact and the feasibility of financing or assisting in the financing of Maine summer camp industry. That study order was sent to the Committee on Business Legislation. The Committee on Business Legislation reported, not only to the legislature but to the Governor, that they fully endorsed the need to find ways to strengthen this highly beneficial element in Maine's economy but recommended and provided no funding.

It is my understanding that the Maine Camp Directors Association, a private organization, has exhausted its treasury and fund raising capacity to complete phase one of the research, and it needs to accumulate \$20,000 to begin

phase two, which would be an identification of the resources that can be put to far greater use, probably year round utilization of Maine's private camp facilities. It is my understanding, also, that without the matching grants of \$20,000 requested in L. D. 1488, that phase two would be halted in mid stream.

I understand also that there are remaining in Maine approximately 230 children's camps, and while I endorse the concept involved in the continuation of the on-site study of the summer camp facilities in this state, I would share with you that I harbor some concern about the appropriation of \$20,000 to continue the study which, if I am to understand the report correctly and understand the material that was presented to the Committee on Business Legislation correctly, is an on-site evaluation of the facilities which currently exist. If I could pose a question through the Chair, Mr. Speaker, perhaps the sponsor of this measure could tell me what precludes the on-site study of current Maine summer camp facilities without the funding.

The SPEAKER: The gentlewoman from Freeport, Ms. Clark, has posed a question through the Chair to the sponsor.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this measure and I would like to speak to it and perhaps answer some of the fears that the good lady from Freeport has about it. Truly, I feel it is, even though there is a \$20,000 price tag on it, one of the major pieces of legislation before this legislature. When I finish speaking, I think you may agree with me.

I think we have to, first of all, look at the camping industry in Maine to realize its impact and what it means to us as a state economically. In 1974, the camping industry in Maine generated \$46 million worth of economic activity in our state. In case you think that is a small amount of money, compare it to the \$41 million which the commercial fisheries industry in Maine was worth in 1974. It is a big industry, it is a valuable industry and one which could be made much more valuable in the future.

I would remind you that the \$46 million worth of activity created by this group was created for the most part in a period of 8 to 10 weeks. After the 10-week period is over, there are something like 5,500 buildings that are not being used, about 188 dining halls, 800 or more playgrounds, 600 or 700 tennis courts, and many many motor vehicles. The question has come to the camping group and to many involved in the future economic development of Maine, what could this be if, indeed, we could operate these camps on more than a 10-week basis, perhaps for 20 weeks or more?

As a result of the original study, 67 of the 238 camps existing in Maine today do now indeed operate more than 8 or 10 weeks, some up to 20 to 24 weeks. This has resulted in a good economic growth for these areas. It has made some service jobs it has indeed done something, I think, to create a better economic climate in our state.

Now if I could for just a moment talk about this \$20,000, I know that when you see a bill which says \$20,000 for a camping study at the University of Maine, some people might immediately have three flags wave at them, being that it is the University of Maine, and in case they did not want the money to go there, one, \$20,000 which they feel could be better spent some other way, and the third, of course, would be on camping.

But I want to remind you that the camping industry in Maine requires little or no municipal services. It develops approximately 25 percent of all the land that it owns, so it is pretty clean. They demand very little from us and they pay

some fairly good taxes. They also have a tremendous number of scholarships which they use for poorer Maine boys and girls, an opportunity for them to have this experience. As a matter of fact, I had found a few weeks ago in the Maine Times a letter which had been sent because they had had a feature article on foster children, and the letter sent a week or two after spoke about one of the camps in Maine which is now working on a program, a full week after their program closes for foster children alone.

Over half of all of the children in Maine that go to our camps come from Maine and yet more than 85 percent of all the monies raised comes from outside the state.

The \$20,000 which we would be appropriating is being matched by the camping industry itself, and this is about as far as they can go in continuing this study which will eventually not only inventory what they have but also will point out various areas where we can do something to utilize these facilities for a greater period of time. I have had personal experience with many of them and I know it to be a fact that those 67 which are being utilized today for more than a period of 10 weeks do indeed bring in students from high schools throughout the State of Maine for periods of a week or more on such things as environmental studies, photography, all sorts of areas of concern to young people. They also open those doors to others from outside and to local civic organizations for things that they want to do, the point being that if you look at this from purely an economic point of view, it is a good investment, because if we can take a \$46 million economic activity in 1974, which is generated in a period of about 10 weeks, and turn it round so we can utilize those camps for twice that length of time, I think it is going to mean something to us in the future.

I think that this whole business of camping is just one facet of the many ways which I believe Maine has to go in the near future in utilizing its natural resources to encourage and to help industries and businesses which are indigenous to Maine. This is one way we can protect our renewable resources and increase our economic growth and certainly we need to be thinking in those areas today. So casting aside all the other thoughts of the values of boys' and girls' camps, just the one economic reason alone to me would justify some help on the part of the State of Maine to an industry which really needs help which can grow and which can produce for us a significant economic growth in the future. So I would plead with you that we pass this bill and have it take its chance on the Appropriation Table along with all the others.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

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

Tabled — June 8, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, I do have a couple of questions about this bill and apparently the gentleman who can answer them over in Human Services has been out of town. I would appreciate if it someone might table this bill for two legislative days.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

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

Whereupon, Mrs. Berube of Lewiston requested a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from Bethel,

Miss Brown, that this matter be tabled for two legislative days pending passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Kerry of Old Orchard Beach requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Bethel, Miss Brown, that this matter be tabled pending passage to be engrossed and specially assigned for Monday, June 13. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Blodgett, Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carey, Clark, Connors, Connolly, Cunningham, Curran, Dexter, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Flanagan, Garsoe, Gauthier, Gould, Gray, Greenlaw, Higgins, Howe, Huber, Hunter, Immonen, Jackson, Jensen, Kilcoyne, Laffin, Lougee, Lunt, MacEachern, Mackel, Marshall, Masterton, McBreairty, McPherson, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Perkins, Post, Rollins, Shute, Smith, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Torrey, Tozier, Trafton, Twitchell, Tyndale, Whittemore.

NAY — Aloupis, Austin, Benoit, Berry, Berube, Birt, Boudreau, A.; Bustin, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cote, Cox, Dow, Fenlason, Fowle, Gill, Gillis, Goodwin, H.; Goodwin, K.; Green, Hall, Henderson, Hickey, Hobbins, Hughes, Jacques, Jalbert, Kane, Kany, Kelleher, Kerry, Lewis, Lizotte, Locke, Lynch, Mahany, Martin, A.; Masterman, McHenry, McMahon, Mitchell, Nadeau, Peakes, Pearson, Prescott, Raymond, Rideout, Spencer, Tarbell, Theriault, Tierney, Truman, Valentine, Wyman.

ABSENT — Beaulieu, Biron, Davies, Devoe, Elias, Hutchings, Joyce, LaPlante, LeBlanc, Littlefield, Maxwell, McKean, Mills, Norris, Peltier, Peterson, Plourde, Quinn, Silsby, Sprowl, Wilfong, Wood.

Yes, 70; No, 58; Absent, 22.

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

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

Bill, "An Act Establishing the Maine Student Incentive Scholarship Program" (S. P. 423) (L. D. 1481)

Tabled — June 8, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mrs. Lewis of Auburn to Indefinitely Postpone House Amendment "G" (H-490) to Committee Amendment "A" (S-133)

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I hope you will not vote to indefinitely postpone this amendment to the committee amendment. I know that I have been opposed to this program and perhaps many of you are suspicious now that I am trying to offer an amendment, but I want to assure you that my motives are of the purest. I lost and now I am just simply trying to, what I think, offer improvements to the language of what is soon to become part of Title 20.

My amendment takes care of the concerns that Mrs. Lewis expressed the other day. This amendment takes care of the concerns of Mrs.

Nelson and Mrs. Mitchell. We have got a memo on this amendment from the Department of Educational Resources, and the only thing they say about the amendment is that the clause "family ties in Maine" bothers them but it could make administration difficult, the elimination of the two positions would make it difficult but not impossible to operate.

Based on that, I hope you will not indefinitely postpone the amendment.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am not happy with the amendment. I don't think it does exactly what I thought it did.

If you look at the Committee Amendment, which is filing S-133, and the amendment that Representative Najarian has presented, filing H-490, you will see that in the Committee Amendment the language is really very plain. I don't understand why it is necessary to clutter up the laws with language that only a lawyer can understand. I think many times a lawyer might be kind of happy to be able to read something that would be in fairly plain language.

There is the possibility, I will agree, that a child who has graduated from a school outside of the State of Maine, be it a special school for a handicapped child or whether it is a prep school, can participate in this step program. However, that child has to have a review done by the Department of Education, by the Commissioner of Education, and I don't see why that child should have to be treated differently from other children who are bona fide Maine residents. In the Committee Amendment, it says very plainly "or successfully complete a general education development examination or its equivalent outside of Maine have parents who are deemed residents of the State of Maine at the time of the student's graduation or completion of the examination." Very plain language.

This part about the close family ties does bother me. I have sisters who live in Connecticut and they have children, and I wonder if I would be considered a close enough family tie so that conceivably those children might get in on this program, and I don't think that is the intention of anybody. I think the intention is that children have to either have graduated from a Maine high school or its equivalent, or they have to have parents who reside in the State of Maine.

I have one other criticism of the amendment, and that is that according to the Statement of Fact, because you can't see it if you read the bill unless you check the statutes, this amendment also applies to older students who have been lifelong residents. Actually, this program is not for older people, it is really for young people, it is for people who have just graduated from school. There are other programs to take care of adults who want to go back to school, but this program isn't for that.

I think you all know the reason we are changing the step program is because the federal government will withhold \$220,000 if we don't have a program that is aimed at young people to take courses, to go to a school, to any kind of a college that they want to. It is a program for kids. It is not to subsidize either a private or public or a proprietary school or a religious kind of school, it is strictly for young people to be able to choose the kind of education they want.

I would hope that we could defeat House Amendment "C" and that we would accept the bill as amended by the Committee Amendment and let it pass.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly. I

have read the amendment and I am not a lawyer, but I think I understand what it is trying to do. It just very simply is not trying to exclude any person who happens to have graduated from a school outside of the State of Maine from being the recipient of this program. It is the only thing the amendment does; I understand it and I hope that most of you would, if you would care to read it, so I would hope that you would vote against indefinitely postponing this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mrs. Lewis, that House Amendment "C" to Committee Amendment "A" 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.

39 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

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

Committee Amendment "A" as amended by House Amendment "G" thereto was adopted.

Mrs. Najarian offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-491) was read by the Clerk.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: Very briefly in the way of explanation, what the bill does, the bill says that before a student can receive state aid, the basic educational grant from the federal government must be considered, and that is all. Then the unmet need is taken into effect. What this amendment says is that all the available financial resources of the student must be considered, and then if there is still an unmet need, they would qualify for this program. The purpose of that is two-fold. One is to make sure that the family really needs the money, and number two is that we are not indirectly subsidizing out-of-state students by freeing up the other financial aid that a private college might have, or the public institution might have and then they can thereby make that available to out-of-state students.

Again, I have a memo from the department which says that the amendment which requires the student to use first resources other than state money, the department has always felt the same and agrees with this part of the amendment. The second part of the amendment repeals that section which says that the department may contract out with other institutions or agencies to administer the program. The reason I took it out is because the financial aid offices in the schools will be doing most of the work and then if there is an unmet need for the students, they will come to the department and show the evidence of that and they have, as I said earlier, they have three people already in this department administering this program and this does not broaden their responsibilities that much. They admit that. They said it would make it more difficult but it certainly was not impossible. They can do it. Therefore, I would hope that you would also accept this amendment, and I thank you for accepting the other one. Thereupon, House Amendment "C" was adopted.

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

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

Bill, "An Act to Clarify and Reform the Laws Relating to County Law Enforcement" (H. P. 214) (L. D. 224) — In House, Passed to be Engrossed as Amended by Committee Amend-

ment "A" (H-387) as Amended by House Amendment "A" (H-415) thereto and House Amendment "A" (H-416) on May 25. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-387) as Amended by House Amendment "A" (H-415) thereto and House Amendment "A" (H-416) and Senate Amendments "A" (S-183) and "C" (S-200)

Tabled — June 8, 1977 by Mr. Henderson of Bangor.

Pending — Further Consideration.

On motion of Mr. Henderson of Bangor, the House voted to recede.

Senate Amendment "A" (S-183) was read by the Clerk and adopted in concurrence.

Senate Amendment "A" (S-200) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, I have several questions in reference to Senate Amendment "C".

It appears from reading this Senate Amendment "C" that the sheriff himself, who is an elected officer, would be barred from participating in any other campaign except his own. It also bothers me where it says he must do it while off duty, even running for his own reelection. My question is, when is the sheriff off duty?

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

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

Mr. HENDERSON: Mr. Speaker, I would first have to indicate the context of this amendment. While it is not strictly proper to deal with what happened outside of this hall, especially in another body similar to ours, there was strong objection to the language in the bill which another proposal would have restricted political activities even more, and this is somewhat a middle position.

I think while any law enforcement officer, in a sense, is on call virtually 24 hours a day, and sheriffs certainly are, the clear intention is that while the sheriff is in the performance of his duties or in uniform, whether he is at a fair or whether he is directing traffic or conducting an investigation or sitting behind a desk or whatever he is doing, that is not the proper time to be campaigning for sheriff. What this means is that when he dons his civilian digs and goes out in the evening to do the campaigning or even in an afternoon, taking an afternoon off, when he is not conducting his sheriffing business, that is the time when it is legitimate to campaign, and the same thing applies to deputies, by the way, this proposal.

The major thrust of the bill is to get the deputies, primarily, out of active political participation and in effect being political allies of the sheriff. The bill, in a more comprehensive sense, which we may discuss later, offers a personnel board as an option to the counties and also offers the notion that deputies will be appointed on the nomination of the sheriff with the approval of either the commissioners or personnel board. So the whole thrust of this is to get deputies out of the thicket of politics.

It doesn't say, on the other hand, that this infringes on their individual rights if they wish to run for any elective office, and participate in nonpartisan, municipal type of elections, but if a deputy wishes to run for sheriff, he may still do it, but the deputy must do it on his off-duty time and not in uniform. If the deputy wants to run for the House of Representatives or some other high office, he can also do that, as Mr. Burns knows.

This is basically trying to depoliticize the situation. It will make a change in one of the traditional roles of sheriff, and that is they are the people who often take the other candidates

around in their territory and what this does, they cannot do it when they are on duty and when they are in uniform.

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

Mr. BURNS: Mr. Speaker, another question. Should the sheriff be riding astride a palomino in the Labor Day parade prior to the November elections, would he be in violation of this law?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed an additional question through the Chair to anyone who may care to answer.

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

Mr. HENDERSON: Mr. Speaker; Mr. Burns knows that I have co-strided with a sheriff that has done that in the past, and I would say that he would not unless you define riding in a Labor Day parade political activity. I guess that becomes a question, but he certainly could not solicit or receive contributions or political services for the purpose of electing himself. I would point out that a lot of other officials do this kind of thing in whatever get-up they happen to have, even the people we consider civil servants and are immune from politics, or they hopefully are, they engage in this kind of thing. I don't think that would be the kind of thing that is covered.

There is a limit at some point. It is just like talking to your neighbor in line at the election day, you know, what is politicking and what isn't, and I guess this is, frankly, a very subtle means of politicking, but I would suspect that would be permitted under this proposal.

Thereupon, Senate Amendment "C" was adopted in concurrence.

Mr. Henderson of Bangor offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-563) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: There was some concern in that the county commissioners, or possible personnel board, would be approving deputies nominated by the sheriff and that they might do so in an arbitrary manner. This amendment attempts to limit that by saying that if commissioners or personnel boards do not approve the nominated deputies, they must indicate their specific reasons in writing to the sheriff within two weeks of his nomination.

Thereupon, House Amendment "B" was adopted.

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

Mr. BURNS: Mr. Speaker, one more inquiry with reference to Section 1 of the original L. D. This alludes to a change in the liquor control laws in Title 28, and I am not quite sure just what the added statement in that paragraph really means. Could we have an explanation of that, please?

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

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

Mr. HENDERSON: Mr. Speaker, the language that is stricken is antiquated language. In effect, the sheriff may enforce these laws, let nobody get worried about that. It is just that these particular references are no longer relevant to his duties.

The last line is an attempt to protect sheriffs from any liabilities that they might incur under the current law. Right now, the sheriffs are obligated or have responsibility for law enforcement in all parts of the county. Obviously, in urban areas, there are municipal police departments where the sheriff does not patrol and doesn't really interfere. What the change in the law says is that sheriffs shall be required to per-

form the functions throughout the county as provided in Title 30, and what that means is that they may patrol in these areas but they are not absolutely obligated to perform the service. So they still may go in these areas, as they have in the past, but they are not liable if some kind of criminal activity happens in Portland and somebody passes it back to the sheriff and says, look, the law says you are obligated to look out for law enforcement here, why didn't you do it? Obviously, the answer is that the Portland police department ought to deal with this. I think this just eliminates a liability which is really not a practical one under the current circumstances.

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

Mr. JALBERT: Mr. Speaker, I am not going to make a motion. We have got a couple of minutes and I am just going to make a comment. I have been hoping that someday, somehow, I would see everything. Looking this bill over with all its amendments, my wish has been accomplished.

Mr. Nelson of Roque Bluffs requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and House Amendment "A" and House Amendment "B" and Senate Amendment "A" and Senate Amendment "C" in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Bachrach, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Bunker, Burns, Bustin, Carrier, Carter, D.; Chonko, Churchill, Clark, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Diamond, Drinkwater, Dudley, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Howe, Hughes, Hutchings, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, Lewis, Lizotte, Locke, Lunt, Lynch, MacEachern, Mackel, Martin, A.; Masterman, Masterton, McBreairty, McHenry, McKean, McMahon, McPherson, Mitchell, Moody, Morton, Nelson, M.; Palmer, Peakes, Pearson, Peltier, Perkins, Prescott, Raymond, Sewall, Shute, Silsby, Spencer, Stover, Talbot, Tarbell, Tarr, Teague, Tierney, Tozier, Trafton, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Austin, Bagley, Bennett, Birt, Brown, K. L.; Brown, K. C.; Carroll, Carter, F.; Devoe, Dexter, Dow, Durgin, Garsoe, Gillis, Hall, Hobbins, Hunter, Immonen, Jackson, Jalbert, Littlefield, Lougee, Mahany, Nadeau, Nelson, N.; Plourde, Post, Rideout, Rollins, Smith, Strout, Stubbs, Theriault, Torrey, Truman.

ABSENT — Beaulieu, Boudreau, P.; Carey, Gauthier, Huber, Kerry, LaPlante, LeBlanc, Marshall, Maxwell, Mills, Najarian, Norris, Peterson, Quinn, Sproul.

Yes, 99; No, 35; Absent, 16.

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

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

Mr. HENDERSON: Mr. Speaker, having

voted on the prevailing side, I now move that we reconsider our action and hope you vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Henderson, moves that the House reconsider its action whereby the Bill was passed to be engrossed as amended in non-concurrence. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill "An Act Defining the Rights and Responsibilities of Landlords and Tenants in Residential Property" (H. P. 1641) (L. D. 1843) (H. "A" H-533)

Tabled — June 8, 1977 by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Carrier of Westbrook to Indefinitely Postpone House Amendment "C" (H-548) (Roll Call Requested)

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

Mr. SPENCER: Mr. Speaker, I move that this matter lie on the table for two legislative days.

Whereupon, Mr. Carrier of Westbrook requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Spencer, that this matter be tabled pending the motion of Mr. Carrier of Westbrook to indefinitely postpone House Amendment "C" and specially assigned for Monday, June 13. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" Committee on Taxation on Bill "An Act to Provide Relief from Extremely Burdensome Property Taxes" (S. P. 386) (L. D. 1331) which was tabled earlier in the day and later today assigned pending the motion of Mr. Carey of Waterville, that the Majority "Ought Not to Pass" Report be accepted in non-concurrence.

On motion of Mr. Tierney of Lisbon Falls, retained pending the motion of Mr. Carey of Waterville to accept the Majority Report in non-concurrence and specially assigned for Monday, June 13.

The Chair laid before the House the following matter:

Bill "An Act to Regulate Campaign Activities on Election Day" (H. P. 1663) (L. D. 1863) which was tabled earlier in the day and later today assigned pending passage to be engrossed as amended by House Amendment "A."

Mr. MacEachern of Lincoln moved that the Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair will order a vote. All those in favor of this Bill and all its accompanying papers being indefinitely postponed will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Davies of Orono 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 expres-

sed a desire for a roll call, a roll call was ordered.

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

Mr. DAVIES: Mr. Speaker and Members of the House: A frequently used phrase — this is my bill. As it was amended, it included additional provisions from other bills, but I think with the amendment that was placed on it by Mr. Bustin earlier today, I think it is a good bill and it takes care of a very serious problem that was overlooked in our election law statutes previously.

As it stood, in a community that had more than one polling place, it was possible, since the Board of Registration had to meet in a neutral location, for a candidate to be standing right outside of the door of the voter registration room and hand campaign brochures to each person who came out of there having registered to vote. This gives an undue influence. I think we want to go into the polls without having been unduly influenced.

The laws did apply to registration which took place at the polls, but that only occurs in communities with a single voting place and the board meeting at that voting place. What this bill does now, it extends those provisions to cover those locations with two or more polling places where the board is meeting in a neutral location.

I would urge you not to indefinitely postpone this bill. I think it is now a good bill with the amendment that was put on it, so I urge you to vote against its indefinite postponement.

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

ROLL CALL

YEA — Austin, Bachrach, Bagley, Bennett, Berry, Biron, Brown, K. L.; Brown, K. C.; Carey, Carrier, Carroll, Carter, F.; Chonko, Churchill, Clark, Conners, Cote, Cunningham, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Fenlason, Flanagan, Garsoe, Gauthier, Gillis, Gould, Gray, Green, Hall, Hughes, Hunter, Hutchings, Jackson, Jacques, Jalbert, Jensen, Joyce, Kelleher, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Mahany, Martin, A.; Masterman, McBreairty, McKean, McPherson, Moody, Morton, Nelson, M.; Palmer, Peakes, Peltier, Plourde, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Stover, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Tyndale, Whittemore.

NAY — Alopis, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Brenerman, Burns, Bustin, Carter, D.; Connolly, Cox, Curran, Davies, Durgin, Dutremble, Elias, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Immonen, Kane, Kany, Kerry, Kilcoyne, Lynch, Mackel, Masterton, McHenry, McMahon, Mitchell, Nadeau, Najarian, Nelson, N.; Pearson, Perkins, Post, Prescott, Spencer, Talbot, Tierney, Trafton, Truman, Valentine, Wilfong, Wood, Wyman.

ABSENT — Ault, Beaulieu, Boudreau, P.; Bunker, Huber, LaPlante, LeBlanc, Locke, Marshall, Maxwell, Mills, Norris, Peterson, Quinn, Sproul, Strout.

Yes, 80; No, 54; Absent, 16.

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

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

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

Thereupon, Mrs. Mitchell of Vassalboro requested a vote on the reconsideration motion.

The SPEAKER: All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Mitchell of Vassalboro 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 gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: Obviously, this is not my day for election law bills, but I would like to point out to you that this is a very good bill. As a legislative body, we have said that certain activities are inappropriate at the voting place. We have also said that we like registration on election day. We are simply applying the same standards to the place one registers to vote as the place that one votes, and we all know how crowded and how important registration on election day is, and I do not think that candidates or anybody else should be able to campaign at one place and not the other.

I would urge you to reconsider and send this bill on its way.

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 reconsider its action whereby this Bill was indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Breneman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carrier, Carroll, Clark, Connolly, Cox, Curran, Davies, Diamond, Durgin, Elias, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Immonen, Jackson, Jensen, Kane, Kany, Kerry, Kilcoyne, Locke, Lynch, Mackel, Masterton, McHenry, McMahon, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Post, Prescott, Raymond, Spencer, Talbot, Tarr, Tierney, Trafton, Truman, Valentine, Wilfong, Wood, Wyman.

NAY — Austin, Bagley, Bennett, Berry, Biron, Carey, Carter, D.; Carter, F.; Chonko, Churchill, Conners, Cote, Cunningham, Devoe, Dexter, Dow, Drinkwater, Dudley, Dutremble, Fenlason, Flanagan, Gauthier, Gillis, Gray, Hall, Hughes, Hunter, Hutchings, Jacques, Jalbert, Joyce, Kelleher, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Mahany, Martin, A.; Masterman, McBreaarty, McKean, McPherson, Morton, Palmer, Peakes, Peltier, Perkins, Plourde, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Stover, Stubbs, Tarbell, Teague, Theriault, Torrey, Tozier, Twitchell, Tyndale, Whittemore.

ABSENT — Ault, Beaulieu, Boudreau, P.; Bunker, Gould, LaPlante, LeBlanc, Marshall, Maxwell, Mills, Norris, Peterson, Quinn, Sprowl, Strout.

Yes, 68; No, 67; Absent, 15.

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

The pending question now before the House is on the motion of the gentleman from Mr. MacEachern of Lincoln that this Bill and all accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 72 hav-

ing voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A".

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

Mr. DAVIES: Mr. Speaker, with great trepidation, I move that we reconsider our action and I hope you vote against me.

The SPEAKER: The gentleman from Orono, Mr. Davies, moves that we reconsider our action whereby the Bill was passed to be engrossed as amended. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Allow Free Hunting and Fishing Licenses to Maine Residents over 65 and to Disabled War Veterans" (H. P. 1071) (L. D. 1263) (C. "A" H-507) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. Burns of Anson, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "B" to Committee Amendment "A" (H-557) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

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

The Chair laid before the House the following matter:

"An Act to Allow Limited Operation of an Unregistered Motor Vehicle" (H. P. 1101) (L. D. 1325) (C. "A" H-449) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Mr. BUSTIN: Mr. Speaker, things are moving right along here with this amendment and we are now at the point where I have it. Probably nobody else does. It is really a good amendment and I think we could pass this one without anybody having a copy, but if somebody is going to be picky about it, we can table it for one day.

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

Mr. SPENCER: Mr. Speaker, I have seen it and it is good.

On motion of Mr. Palmer of Nobleboro, tabled pending passage to be enacted and tomorrow assigned.

The SPEAKER: There have been a number of comments made, based in part, I guess, on a ruling that I made yesterday on fiscal notes and the Chair would like to clarify that on the record. For those of you who are interested in the Joint Rules, the Joint Rule on fiscal notes can be found on Page 143, Joint Rule 28, dealing with fiscal notes.

The Chair ruled yesterday that a particular item needed to have an amendment in order to proceed any further. This is not to say that the matter is dead, it is simply to mean that a fiscal note is to be added to the bill. There have been some inquiries as to whether or not a fiscal note was in fact needed on this bill, and I would like to clarify that point as well.

This Chair has ruled in the past, as have previous individuals who have held this Chair, that when you talk about fiscal notes, you are talking about impact on the State budget, not

on, necessarily, local and county budgets nor on the courts, but you are talking about the impact on the State Government budget dealing with either the highway or taxation or the appropriation act or whatever the case might be. The Chair ruled, in light of that yesterday, that there was a fiscal note necessary. At this point in time, inquiries have been made and if, of course, the inquiries show that there is not fiscal note needed, then the Chair's ruling would be changed.

I will indicate at this point for your information, however, that one commissioner has indicated that a fiscal note is not necessary and two others, at this point, have. The letters will be forthcoming to me and I will make them available to you based on the ruling that I made yesterday. So the Chair would ask that if you disagree with that, then I would suggest that you change Joint Rule 28.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, you said not the courts? Wouldn't that be part of the State budget?

The SPEAKER: In the past, the courts have always been self-supporting from its own revenues and, in fact, we get revenues from the courts and as a result they have been excluded from that process. So the only thing we can do there, if we want to take it in light of that, then obviously note should be made. The fiscal note has always been made that it would be interpreted in such a way that it dealt with the State budget itself and not with subsidiaries that were either on their own or were not affected by it. So for example, if five cases should end up in court, based on a bill that we passed, that would not necessarily carry a fiscal note.

The Chair would point out that the gentlewoman from Portland, Mrs. Nelson, has an amendment which she was going to propose to the Joint Rules which included the judges, which she then chose not to put in and at this point that is not part of the joint rules.

(Off Record Remarks)

On motion of Mrs. Tarr of Bridgton, Adjourned until one o'clock tomorrow afternoon.