

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

Friday, June 10, 1977

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

Prayer by Father Roland Reiny, Holy Cross Catholic Church of South Portland.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Order, an expression of Legislative Sentiment recognizing that: The Girls' Track Team of Orono High School has won the State Class C Championship (S. P. 543) Came from the Senate read and passed.

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

The following Joint Order, an expression of Legislative Sentiment recognizing that: The Boys' Track Team of Orono High School has won the State Class C Championship (S. P. 542) Came from the Senate read and passed.

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

The following Joint Order: (S. P. 541)

ORDERED, the House concurring, that Resolve, Authorizing Health Insurance Coverage for Fifteen Retired State Troopers, Senate Paper 262, Legislative Document 822, be recalled from the legislative files to the Senate. Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: Pursuant to the Joint Rules, the matter takes a two-thirds vote of those present and voting. All those in favor of this Order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and one having voted in the negative, and 75 being more than two-thirds of those present and voting, the Order received passage in concurrence.

Reports of Committees

Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Authorizing Payroll Deduction for Contribution by State Employees to Maine Health Agencies" (S. P. 395) (L. D. 1354)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning Liquor Related Offenses Committed by Juveniles" (S. P. 68) (L. D. 147)

Came from the Senate with the Reports read and accepted.

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

Divided Report

Tabled and Assigned

Nine Members from the Committee on Legal Affairs on Bill "An Act Prohibiting the Dissemination of Obscene Matter to Minors" (S. P. 281) (L. D. 894) report in Report "A" that the same "Ought to Pass" in New Draft (S. P. 533) (L. D. 1861)

Report was signed by the following members:

Messrs. CARPENTER of Aroostook
HEWES of Cumberland

— of the Senate.

Messrs. COTE of Lewiston
MOODY of Richmond
SHUTE of Stockton Springs
GOULD of Old Town
CARRIER of Westbrook

Mrs. DURGIN of Kittery
Mr. DUDLEY of Enfield

— of the House.

Two members of the same Committee on the same Bill report in Report "B" that the same

"Ought to Pass" in New Draft (S. P. 534) (L. D. 1862)

Report was signed by the following members:

Messrs. JOYCE of Portland
BURNS of Anson

— of the House.

Two Members of the same Committee on the same Bill report in Report "C" that the same "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot

— of the Senate.

Mr. BIRON of Lewiston

— of the House.

Came from the Senate with Report "A" read and accepted and the New Draft (S. P. 553) (L. D. 1861) passed to be engrossed as amended by Senate Amendment "A" (S-216)

In the House: Reports were read.

Mr. Cote of Lewiston moved that Report "A" be accepted in concurrence.

On motion of the same gentleman, tabled pending his motion to accept Report "A" and specially assigned for Tuesday, June 14.

Non-Concurrent Matter

Bill "An Act to Avoid Delays in Payment of Workmen's Compensation Claims because of the Involvement of Two or More Insurance Carriers" (H. P. 1261) (L. D. 1490) which was passed to be engrossed in the House on June 6, 1977

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-211) in non-concurrence.

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

Non-Concurrent Matter

An Act to Require Drivers License Renewal Examinations (H. P. 397) (L. D. 509) which failed of Enactment in the House on June 8, 1977.

Came from the Senate Passed to be Enacted in non-concurrence.

In the House: Mr. Strout of Corinth moved that the House adhere.

Whereupon, Mrs. Boudreau of Portland moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. All those in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: 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 Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If I remember this bill correctly, this is the bill when you reach the plateau in life of 40 that you go in for an eye examination and every six or seven or ten or twelve years after that. I think we all understand what the bill is or was, and this House killed it a few days ago, I would hope that it would not vote for the motion of Mrs. Boudreau to recede and concur and then we could do what we did two days ago, and that is adhere and get rid of the bill.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have kept quiet on this up until now, but it seems appalling to me

that we are not passing this bill and I hope you will recede and concur.

A number of years ago when I worked as a salesman and was putting over a thousand miles a week on my car, I dealt with a number of people and one of them that I particularly think was actually in this city and I would say he was in his late forties and you could hardly see his eyes for the thickness of the lenses he wore, and he drove at that time a big Pontiac GTO and we all of us hoped we would never meet him coming the other way on the road because I doubt if he could see us.

I don't think this is burden to people to have to take an eye test, and I think the benefits to be gained by an eye disease that would be spotted by this and just to remove people from the road or at least make the ones who need it wear glasses.

We have debated in here safety helmets, we have debated lights on motorcycles, we have debated all kinds of things like this trying to protect the public. The cost is very low on this. The problems of getting an eye test every twelve years as it is set up now is not overwhelming. People should have eye tests more often than that and I hope very much that you will recede and concur on this bill.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will today go along with the motion to recede and concur. I quite frankly never felt that we would be in this position where the other body would enact this bill and the House would not see it fit to do so itself. I thought we might have problems at the other end but not at this end.

I think everyone here is aware of the program and what it does. We are asking people after age 40 or at age 40, when they get their driver's license, that they have an eye examination within the last year, and one other time between the age of 40 and the age of 65 we are also asking them to have an eye examination. I don't think that is much, and I don't think it is much because I think the right to hold a driver's license is not so much a right as it is a privilege. I think it deems this body to assure that other people who are out there driving around can at least see to some extent. I am not saying there are those that cannot see badly, but I think it is a chance that we don't really want to take.

The argument the other day that there are no accidents caused by loss of sight or someone who has poor vision, I do not think you are going to find anyone out there who would admit that they had an accident or they struck a deer or they drove off the road because they couldn't see. I think that would be ridiculous. Nobody in his right mind would ever stand up and answer the question of why the accident happened and say they just couldn't see.

So I think the motion to recede and concur is a proper one and I hope you will go along with it.

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

Mr. KELLEHER: Mr. Speaker, Members of the House Contrary to the good gentleman's remarks, we are not asking them to take the examinations, we are telling them. And if we are going to tell them, tell the drivers of this state that they are going to have to take the examination, and if I felt the way that the good gentleman does, perhaps he should have put an appropriation on it to pay for the examination, but no way are we asking anyone to take it, we are going to mandate that they are going to have to take it.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I am generally here to support the things that the people I represent want, and this is one of the things that I haven't seen any out-

cry for, nobody seems to want it, nobody has even asked me to vote for it.

But let me tell you, first of all I represent an awful group of towns way off from anywhere where there is an eye specialist or anywhere of being tested. It is not like the city of Portland or Bangor or something. I have Kingman and Drew and Lee and Springfield and many other towns, Burlington, Lowell, Passadumkeag, Howland, all of these towns, and there isn't an eye man in any one of them. They would have to drive in most cases 100 miles. If we were set up in the state so that we could bring them a reasonable distance to give them this eye test and the state would do it and pay for it, but when we get to see an eye doctor in our area for an examination it generally costs us quite a bit of money and most of these people don't have the price either. I think this is pretty harsh medicine to pass out to the people that I represent. I hope the House does not recede and concur.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I really hate to take exception with my good friend from Enfield, Mr. Dudley. Where I live, I have to travel 36 miles to get a haircut, let alone to get my eyes examined. I still can't believe that it is a hardship for anybody in 12 years to get their eyes examined, and as I said the other day, if this saves the eyesight of a small percentage of our people, it is a worthwhile bill and a worthwhile ruling. I urge you to recede and concur on this motion.

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

ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Beaulieu, Benoit, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carter, F.; Clark, Conners, Cox, Curran, Davies, Devoe, Diamond, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Gray, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Jensen, Kane, Kany, Kilcoyne, Locke, Lynch, Marshall, Martin, A.; Masterton, McBrearty, McKean, McPherson, Morton, Najarian, Nelson, M.; Nelson, N.; Peltier, Perkins, Plourde, Rollins, Sewall, Silsby, Stover, Talbot, Tarbell, Tarr, Theriault, Tierney, Trafton, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Austin, Bennett, Berry, Berube, Brown, K. L.; Bunker, Carey, Carroll, Carter, D.; Chonko, Churchill, Connolly, Cote, Cunningham, Dexter, Dow, Dudley, Elias, Fowlie, Gauthier, Goodwin, K.; Greenlaw, Hunter, Immonen, Jacques, Jalbert, Joyce, Kelleher, Kerry, Laffin, LaPlante, Lougee, MacEachern, Mackel, Mahany, Masterman, Maxwell, McHenry, McMahan, Mitchell, Nadeau, Palmer, Pearson, Peterson, Post, Raymond, Rideout, Shute, Smith, Spencer, Sprowl, Strout, Teague, Torrey, Tozier, Truman.

ABSENT — Ault, Birt, Carrier, Green, LeBlanc, Lewis, Littlefield, Lizotte, Lunt, Mills, Moody, Norris, Peakes, Prescott, Quinn, Stubbs, Twitchell, Tyndale.

Yes, 76; No, 56; Absent, 18.

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

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

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

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, having voted on the prevailing side, now moves that we reconsider our action whereby we voted to recede and concur with the Senate. All those in favor will say yes; those opposed will say no.

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

Messages and Documents

The following Communication: (S. P. 540)
State of Maine
Office of the Governor
Augusta, Maine

June 8, 1977

Honorable Joseph Sewall
President of the Senate

and

Honorable John L. Martin
Speaker of the House

Dear Joe and John:

This is to formally notify you that Roderick E. Farnham of Hampden was nominated to the State Personnel Board today.

In accordance with Title 5, Section 591 this nominatin is heard by the Joint Standing Committee on Labor and to confirmation by the Legislature.

Thank you for your continuing assistance in the crucial area of appointments.

Very truly yours,

(Signed) JIM

JAMES B. LONGLEY

Governor

Came from the Senate read and referred to the Committee on Labor.

In the House, the Communication was read and referred to the Committee on Labor in concurrence.

Petitions, Bills and Resolves

Requiring Reference

The following Resolve was received and referred to the following Committee:

Natural Resources

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with International Paper Company (H. P. 1704) (L. D. 1879) (Presented by Mr. Martin of Eagle Lake) (Cosponsor: Mr. Palmer of Nobleboro) (Approved for introduction by a Majority of the the Legislative Council pursuant to Joint Rule 25) (Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

An Expression of Legislative Sentiment (H. P. 1697) recognizing that: J. David Sjoström has been elected to the high office of Grand Counselor of New England, United Commercial Travelers of America

Presented by Mrs. Trafton of Auburn. (Cosponsor: Senator Snowe of Androscoggin) The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1698) recognizing that: Elena Niehaus has been recognized for her excellent academic record by being chosen salutatorian of Gray-New Gloucester High School.

Presented by Mr. Cunningham of New Gloucester.

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

An Expression of Legislative Sentiment (H. P. 1699) recognizing that: Debora Ordway has been recognized for outstanding academic record by being chosen Valedictorian of Gray-New Gloucester High School.

Presented by Mr. Cunningham of New Gloucester.

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

An Expression of Legislative Sentiment (H. P. 1700) recognizing that: The South Portland High School "Red Riots" Girls Outdoor Track Team has won the State Class A Championship for 1977.

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

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

An Expression of Legislative Sentiment (H. P. 1701) recognizing that: The South Portland High School "Red Riots" Boys Outdoor Track Team has won the State Class A Track Championship for 1977.

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

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

An Expression of Legislative Sentiment (H. P. 1702) recognizing that: The Hon. Rodney Scribner, a former Legislator, who served as Assistant Legislative Finance Officer, State Budget Officer, State Controller, Acting Commissioner of Indian Affairs, State Treasurer and State Auditor, has recently been elevated to the office of the Deputy Director of the Office of Revenue Sharing for the United States.

Presented by Mr. Carter of Bangor.

The Order was read.

The SPEAKER: The Chair is pleased to recognize in the back of the hall a former legislator, a man who is now leaving us to go to Washington. We wish him well; he has served the state well, Rodney Scribner. (Prolonged applause, the Members rising.)

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

Mr. BUSTIN: Mr. Speaker, of equal sadness, we are not only losing the Chairman of the Kennebec County Democratic Committee but one of the best members of the Augusta Democratic City Committee at the same time.

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

An Expression of Legislative Sentiment (H. P. 1703) recognizing that: Debbie Donnelly of Windham is representing the Girl Scouts of Maine at the Wider Opportunity Program, a Girl Scout convention being held at Omaha, Nebraska.

Presented by Mr. Diamond of Windham.

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

An Expression of Legislative Sentiment (H. P. 1706) recognizing that: Mrs. Ida Hammond of West Sumner is Celebrating the Ninety-Sixth Anniversary of her Birth.

Presented by Miss Brown of Bethel.

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

House Reports of Committees Ought Not to Pass

Ms. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to General Assistance Payments for Home Heating Fuel" (H. P. 1417) (L. D. 1617) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Establishing a Loan Fund for Volunteer Ambulance and Rescue Squads" (H. P. 571) (L. D. 695) reporting "Leave to Withdraw"

Mr. Rideout from the Committee on Business Legislation on Bill "An Act to Require Home Health Services Insurance Coverage for Elderly Persons to be Provided in All Health Care Policies and Contracts" (H. P. 1465) (L. D. 1710) reporting "Leave to Withdraw"

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act to Require Compulsory Motor Vehicle Liability Insurance" (H. P. 1431) (L. D. 1665) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" on Bill "An Act to Improve the Administration of the State's Merit System" (Emergency) (H. P. 239) (L. D. 398)

Report was signed by the following members:

- Mr. MARTIN of Aroostook
- Mrs. SNOWE of Androscoggin — of the Senate.
- Mr. CURRAN of South Portland
- Mrs. KANY of Waterville
- Messrs. CHURCHILL of Orland
- VALENTINE of York
- DIAMOND of Windham
- Ms. BACHRACH of Brunswick
- Mr. SILSBY of Ellsworth
- Mrs. LOCKE of Sebec
- Mr. STUBBS of Hallowell — of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1688) (L. D. 1876) on same Bill.

Report was signed by the following members:

- Mr. COLLINS of Arosotook — of the Senate.
- Mrs. MASTERTON of Cape Elizabeth — of the House.

Reports were read.

On motion of Mr. Curran of South Portland, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-550) on Bill "An Act Relating to Discharges, Emissions and Leakages from Nuclear Generating Facilities" (H. P. 1382) (L. D. 1662)

Report was signed by the following members:

- Mrs. HUBER of Falmouth
- Miss BROWN of Bethel
- Ms. BENOIT of So. Portland
- Messrs. WILFONG of Stow
- BLODGETT of Waldoboro
- HUNTER of Benton
- HALL of Sangerville
- DEXTER of Kingfield
- GREEN of Auburn — 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. TROTZKY of Penobscot
- O'LEARY of Oxford
- REDMOND of Somerset — of the Senate.

Reports were read.

On motion of Mr. Blodgett of Waldoboro, the Majority "Ought to Pass" Report was accepted

and the Bill read once. Committee Amendment "A" (H-550) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on State Government on RESOLVE, Authorizing the Director of the Bureau of Public Lands to Transfer Land to Mr. and Mrs. John Donnan (H. P. 1007) (L. D. 1210) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Permitting the Director of Public Lands to Sell Small Parcels of Public Reserved Lands with Legislative Approval" (H. P. 1681) (L. D. 1875)

Report was signed by the following members:

- Messrs. MARTIN of Aroostook
- COLLINS of Aroostook
- Mrs. SNOWE of Androscoggin — of the Senate.
- Mr. DIAMOND of Windham
- Mrs. LOCKE of Sebec
- Mrs. KANY of Waterville
- STUBBS of Hallowell
- Ms. BACHRACH of Brunswick
- Messrs. CURRAN of South Portland
- VALENTINE of York
- Mrs. MASTERMAN of Cape Elizabeth — of the House.

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

Report was signed by the following members:

- Messrs. CHURCHILL of Orland
- SILSBY of Ellsworth — of the House.

Reports were read.

On motion of Mr. Curran of South Portland, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-546) on Bill "An Act to Expedite Court Handling of Fish and Wildlife Violations of a Misdemeanor Nature by a System of Convenient Payment" (H. P. 865) (L. D. 1053)

Report was signed by the following members:

- Messrs. GILLIS of Calais
- MacEACHERN of Lincoln
- TOZIER of Unity
- PETERSON of Caribou
- MASTERMAN of Milo
- ROLLINS of Dixfield
- McKLEAN of Limestone — of the House.

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

Report was signed by the following members:

- Messrs. USHER of Cumberland
- PRAY of Penobscot
- REDMOND of Somerset — of the Senate.
- Messrs. PEARSON of Old Town
- DOW of West Gardiner — of the House.

Reports were read.

On motion of Mr. Dow of West Gardiner, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-547) on Bill "An Act to Remove Weight Restrictions on Black Bass During a Sanctioned Bass Tournament" (H. P. 624) (L. D. 765)

Report was signed by the following members:

- Messrs. USHER of Cumberland
- REDMOND of Somerset — of the Senate.

- Messrs. MacEACHERN of Lincoln
- PEARSON of Old Town
- TOZIER of Unity
- ROLLINS of Dixfield
- DOW of West Gardiner
- PETERSON of Caribou
- MASTERMAN of Milo
- McKLEAN of Limestone — of the House.

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

Report was signed by the following members:

- Mr. PRAY of Penobscot — of the Senate.
- Mr. GILLIS of Calais — of the House.

Reports were read.

Mr. Dow of West Gardiner moved that the Majority "Ought to Pass" Report be accepted.

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

Mr. GILLIS: Mr. Speaker and Members of House: I rise opposed to the acceptance of this report. Primarily, when I signed the "Ought Not to Pass" report, I was convinced, and I still am, that this allows special privileges to a special interest group and it is discriminatory to the rest of the fishermen in the State of Maine. This bill, if passed, will permit the downgrading of the bass fishery on any body of water in which the tournaments are authorized. These bass tournaments include the participation of anywhere from one to two hundred people and maybe more.

Last month before this body, we had a bill, L.D. 1251, that would have permitted ice fishing during the winter for bass. The opponents of that bill argued that it would have had an adverse effect on the bass fishery, and if passed, the bill would not only downgrade the importance of the bass fishing but would also deplete the bass fishery, which is considered the best in northeastern United States and would do so within a five year period. This contention was fully supported by the Sportsmen's Alliance of Maine.

Today we have before us this bill, L.D. 765, which would authorize bass fishing tournaments in the State of Maine. These tournaments, I believe, right now are restricted to residents only. However, this is just a foot-in-the-door to bring about national tournaments which would involve bass fishermen from throughout the country, and you start bringing bass fishermen from throughout the country to our bass fisheries, bass ponds and lakes here in the State of Maine, you are going to have a very definite effect upon the fishery itself.

The very proponents of this bill, the bass fishing tournaments, were the opponents of the ice fishing bill which they tried to get through here about a month ago. In this bill, they are asking for an unlimited weight allowance, the amendment which has been submitted does nothing to alleviate the situation whatsoever. This bill states also that it would have a 6 percent mortality rate on the fish caught. I assume most of you are somewhat familiar with the procedure used in the bass tournaments. They go out with a water tank in the boat and as they catch these fish, these fish are placed in the tank. They remain in the tank throughout the tournament until the hour the tournament ends when they are brought up to the pier to be weighed, and then if any fish are living they are released back into the waters.

The bill states that 94 percent of the fish would be returned; in other words, 6 percent mortality. However, the Fisheries and Wildlife Department do not agree. They claim that the

mortality rate will be between 30 and 40 percent. That is long ways from 6 percent, and you can see the effect this would have on the bass fishing itself.

I ask you to defeat the "Ought to Pass" Report so that we can go on to the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Elias.

Mr. ELIAS: Mr. Speaker, I would like to pose a question to the gentleman from West Gardiner, Mr. Dow. I was looking at the amendment, and I was wondering, if you were going to hold a fishing derby in your home town and you wanted to set a thousand dollar prize, would you have to check it out with the Commissioner of the Fish and Game first?

The SPEAKER: The gentleman from Madison, Mr. Elias, has posed a question through the Chair to the gentleman from West Gardiner, Mr. Dow, who may respond to the question if he so desires.

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

Mr. DOW: Mr. Speaker, the answer to the question is no. All this does is take care of the bass tournaments and only for a particular group with a particular license. It does not have anything to do with the general bass fishing.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Elias.

Mr. ELIAS: Mr. Speaker, but with the bass derby, would you have to, if you set up a tournament and you are going to have a thousand dollars in prize money, would you have to call up Maynard Marsh and ask him if it was okay to have this amount for the prize?

The SPEAKER: The gentleman from Madison, Mr. Elias, has posed an additional question through the Chair.

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

Mr. DOW: Mr. Speaker, yes, in the amendment it says that the commissioner will make all the rules pertaining to the bass tournaments, limiting them to five and that a fee will be charged. The reason we are doing this is so that it will not deplete any lakes so that they can put a restriction on how many people are going to be in that tournament, what the prizes are going to be and try to take care of some of the questions that have already been raised.

The SPEAKER: The pending question is on the motion of the gentleman from West Bath, Mr. Dow, that the Majority "Ought to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Dow of West Gardiner requested a roll call vote.

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 West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker. Ladies and Gentlemen of the House: As I have heard numerous times said in this House, this is one of my bills, not only am I chairman, but it is one of my bills.

I have a bass club in one of the towns that I represent, there are two or three in the state. They came to me with this proposal and then we worked it out with the department and with Sportsmen's Alliance. I firmly believe and I have felt for years that the state has not done enough to promote the warm water fishing in the state. I really believe that this type of tour-

namment will not affect the fishing, it will just give us a little more promotion for the state. It will be regulated by the Commissioner of Inland Fisheries and Wildlife. No way do I believe they will allow this tournament to deplete any waters. If they think there are going to be too many people there, they can put a restriction on the number of people fishing. To my way of thinking and because of the group that I have talked to and these people that are in these tournaments, they have some of the best rules I have ever seen. I really believe that it should be passed.

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

Mr. GILLIS: Mr. Speaker, this bill outlines what they are asking for, and they can come up with proposals on what the Commissioner will do or what the Commissioner won't do, but the Commissioner, right now, in accordance with the information received, at least the Fish and Wildlife Department is opposed to this bill more or less. I read to you an excerpt from a communication to the Fisheries and Wildlife Committee from Dwight Eli, the Legislative Assistant to the Committee on the information he received from the Fish and Wildlife Dept. and I quote: "Probably the most significant result of this bill would be that removal of the weight restriction would allow the development of larger tournaments with out-of-state participation and larger cash prizes. Proponents of the bill argue that such a development would not harm the bass fishing because of the requirement that all fish be retained alive and returned to the water if possible, and because the removal of the weight limitation would last only during the tournament. The opponents contend that the bill gives the Commissioner the option to issuing a permit or not issuing a permit. The Department is concerned that such tournaments take very significant pressure on the body of water for a specific period of time. They also suggest that at least 30 percent of the fish taken will die and thus the provision that all fish be returned will not be very effective in saving fish. Concern was also expressed regarding the anticipated negative response from the residents on the lakes where the tournaments will be held."

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Beaulieu, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Burns, Bustin, Carter, D.; Chonko, Churchill, Connolly, Cote, Dow, Garsoe, Gauthier, Goodwin, H.; Hickey, Howe, Jacques, Kane, Kilcoyne, Laffin, LaPlante, Locke, Lougee, Lynch, MacEachern, Mahany, Masterman, Maxwell, McBrearty, McHenry, Mitchell, Najarian, Pearson, Peterson, Plourde, Post, Rideout, Rollins, Stubbs, Talbot, Teague, Theriault, Tozier, Truman, Wood.

NAY — Ault, Bagley, Bennett, Benoit, Berry, Berube, Brown, K.L.; Brown, K.C.; Bunker, Carter, F.; Clark, Conners, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gill, Gillis, Gould, Gray, Green, Greenlaw, Hall, Henderson, Higgins, Hobbins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kany, Kelleher, Littlefield, Mackel, Marshall, Martin, A.; Masterton, McMahon, McPherson, Nadeau, Nelson, N.; Palmer, Peltier, Perkins, Prescott, Raymond, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Tarbell, Tarr, Tierney, Torrey, Trafton, Whittemore, Willfong.

ABSENT — Aloupis, Carey, Carrier, Carroll, Devoe, Dudley, Goodwin, K.; Jalbert, Kerry, LeBlanc, Lewis, Lizotte, Lunt, McKean, Mills.

Moody, Morton, Nelson, M.; Norris, Peakes, Quinn, Twitchell, Tyndale, Valentine, Wyman. Yes, 51; No, 74; Absent, 25.

The SPEAKER: Fifty-one having voted in the affirmative and seventy-four in the negative, with twenty-five being absent, the motion does not prevail.

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Legal Representation and Indemnification of State Officers and Employees" (Emergency) (H. P. 1312) (L. D. 1559) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Revise the Maine Tort Claims Act" (Emergency) (H. P. 1679) (L. D. 1873)

Report was signed by the following members:

Messrs. COLLINS of Knox
CURTIS of Penobscot
—of the Senate.

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

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Revise the Maine Tort Claims Act" (Emergency) (H. P. 1680) (L. D. 1874) on same Bill.

Report was signed by the following members:

Mr. MANGAN of Androscoggin
—of the Senate.

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

—of the House.

Reports were read.

On motion of Mr. Spencer of Standish, the Minority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-559) on Bill "An Act Relating to Approving and Financing School Construction" (Emergency) (H. P. 477) (L. D. 583)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
KATZ of Kennebec
USHER of Cumberland
—of the Senate.

Mrs. LEWIS of Auburn
Mrs. BEAULIEU of Portland
Messrs. MITCHELL of Vassalboro
Messrs. CONNOLLY of Portland
LYNCH of Livermore Falls

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-560) on same Bill.

Report was signed by the following members:

Messrs. BIRT of East Millinocket
FENLASON of Danforth

—of the House.

Reports were read.

Mr. Lynch of Livermore Falls moved that the Majority "Ought to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and specially assigned for Monday, June 10.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Health and Institutional Services on Bill "An Act to Provide for the Licensing of Denturists" (H. P. 323) (L. D. 414) reporting "Ought to Pass" in New Draft (H. P. 1689) (L. D. 1877)

Report was signed by the following members:

Mrs. SNOWE of Androscoggin
Mr. GREELEY of Waldo — of the Senate.

Mrs. NELSON of Portland
Mrs. GILL of South Portland
Mrs. KANE of Augusta
Mr. GOODWIN of South Berwick
Mrs. TRAFTON of Auburn
Messrs. FOWLIE of Rockland
TYNDALE of Kennebunkport

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1690) (L. D. 1878) on same Bill.

Report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate.

Mrs. PRESCOTT of Hampden
Messrs. BRENERMAN of Portland
KERRY of Old Orchard Beach — of the House.

Reports were read.

Mr. Brenerman of Portland moved that the Minority "Ought to Pass" Report be accepted. On motion of Mr. Goodwin of South Berwick, tabled pending the motion of Mr. Brenerman of Portland to accept the Minority Report and specially assigned for Tuesday, June 14.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power Within the Legislature to Override such Item Vetoes (H. P. 1287) (L. D. 1520)

Report was signed by the following members:

Mr. MARTIN of Aroostook — of the Senate.

Mr. CURRAN of South Portland
Ms. BACHRACH of Brunswick
Mr. SILSBY of Ellsworth
Mrs. LOCKE of Sebec
Mr. VALENTINE of York
Mrs. MASTERTON of Cape Elizabeth
Mr. DIAMOND of Windham

— of the House.

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

Report was signed by the following members:

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

Mrs. KANY of Waterville
Messrs. CHURCHILL of Orland
STUBBS of Hallowell

— of the House.

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

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

On motion of the same gentleman, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, June 14.

Consent Calendar

First Day

(S. P. 92) (L. D. 216) Bill "An Act Relating to Motor Vehicle Fees Collected by the Public Utilities Commission" — Committee on Transportation reporting "Ought to Pass" as

amended by Committee Amendment "A" (S-205)

(S. P. 336) (L. D. 1121) Bill "An Act to Provide that Regular Annual Reports of the Executive Branch be Made Through the Maine State Government Annual Report" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-207)

(S. P. 252) (L. D. 778) RESOLUTION, Proposing an Amendment to the Constitution to Combine the Guarantee Limits for the Insurance of Enterprises within the State — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-206)

(H. P. 1142) (L. D. 1366) Bill "An Act to Approve the Expenditure of Funds from the Mental Health and Mental Retardation Program Improvement Fund for the Fiscal Year ending June 30, 1978" — Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 952) (L. D. 1146) Bill "An Act to Establish Limits for Elderly Householders' Tax and Rent Refunds" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-574)

(H. P. 870) (L. D. 1063) Bill "An Act to Provide for 4-Year Terms of Office for Representatives, Governors and Lieutenant Governors of the Passamaquoddy Tribe of Indians" — Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "B" (H-575)

(H. P. 2) (L. D. 2) RESOLUTION, Proposing an Amendment to the Constitution to Mandate the Appropriation of Funds for State Employee and Teacher Retirement Costs — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-572)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 13, under listing of the Second Day.

**Consent Calendar
Second Day**

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

(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"

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

Thereupon, the Report was accepted in concurrence, the Bill read once and assigned for second reading Monday, June 13.

(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" (C. "A" (H-554)

(H. P. 1211) (L. D. 1478) Bill "An Act Concerning the Board of Registration in Medicine" (C. "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 (C. "A" H-552)

(H. P. 1151) (L. D. 1369) Bill "An Act to Provide Safeguards Against the Use of Discriminate and Exclusionary Zoning Practices" (C. "A" H-551)

(H. P. 1138) (L. D. 1380) Bill "An Act Concerning Equine Infectious Anemia" (C. "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"

(H. P. 1243) (L. D. 1468) Bill "An Act to

Provide Home Winterization for Older Citizens" (C. "B" H-558)

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

Passed to be Engrossed

Bill "An Act to Merge the Passenger Tramway Safety Board with the Board of Elevator Rules and Regulations" (S. P. 532) (L. D. 1860)

Bill "An Act to Provide for the Immediate Issuance of Food Stamps for Needy Families" (S. P. 531) (L. D. 1853)

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

Later Today Assigned

Bill "An Act to Revise Primary and Nomination Petitions" (H. P. 1692) (L. D. 1872)

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

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I have an amendment that I have here but apparently it hasn't been distributed yet, so I would appreciate it if it could be tabled until later in today's session.

On motion of Mrs. Boudreau of Portland, tabled pending passage to be engrossed and later today assigned.

Bill "An Act Concerning the Certificate of Apparent Election and the Fee for Recounts in Election Contests" (H. P. 1691) (L. D. 1871)

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

Tabled and Assigned

Bill "An Act Relating to Municipal General Assistance Programs" (H. P. 1673) (L. D. 1868)

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

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: It has come to our attention that there is a Constitutional question involved with this. A letter is being prepared and delivered to the Attorney General's Office this afternoon on the constitutionality of denying pretermination hearings and on that basis, I would appreciate it if someone would table this for two days so that we could get an answer to that question.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and specially assigned for Tuesday, June 14.

Amended Bills

Bill "An Act to Remove the Commercial License of Smelt Fishermen" (H. P. 1045) (L. D. 1272) (C. "A" H-538)

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

Bill "An Act to Increase the Minimum Wage to \$3 per hour" (H. P. 1173) (L. D. 1403) (C. "A" H-529)

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

On motion of Mr. Burns of Anson, 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-583) was read by the Clerk and adopted.

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

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

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I got a letter from a company that I would like to give a little information in regard to this minimum wage bill. I am not trying to sway your vote. I just want to give you this point of information and any way you vote is fine with me.

It says: "Should we continue to compete with countries where the minimum wage is under 40 cents an hour vs. \$2.30 an hour? What are companies like ours doing to react to the increase of the minimum wage? Automation is a key answer. Three years ago, we paid 320 people on the payroll. Just how are companies to react to this body's 50, 60, or 80 percent of the yearly profits so you automate. In one position, we eliminated 80 people, in another 14. Increased wages make it more and more attractive to automate. It merely shortens the paycheck period. We will now peak at 150 and no more. Our company yesterday spent \$8,000 to eliminate another position. This position might need mechanical maintenance but won't be affected by minimum wage. Automation is the answer for the State of Maine. The state wants to be rated like New York, California and Illinois but we are not. Legislation has increased certain points such as workman's compensation rates, unemployment tax rates, so now we want higher minimum wages to keep up with the state."

I just wanted to put this in front of you. This is the feeling of one company and I know there are many more manufacturers that feel the same way but I leave it up to you what you want to do. You know every time the increase goes up, they lay off people or try to. Use your own judgment.

Whereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

Tabled and Assigned

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

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

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

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: We have before us in this session, two bills relating to economic development in Maine which have been going through the House with no one saying anything about them. I thought I would like to say just a few words so that you would know what these are about. These are L. D. 1250 and L. D. 1243.

The first bill creates the Maine Capital Corporation. This bill has already been passed. It provides that Maine business firms invest up to \$200,000 each with a total capitalization of \$1 million in venture capital to provide funding for new businesses. In return, these investors receive tax credits. This is all right with me. I think that is a fine idea. They take the risk and tax credits are an appropriate incentive to them.

However, I take issue with the other document known as the Maine Development Foundation. This provides that the state spend \$500,000 over the biennium to provide advice and counsel on the investments made by the Capital Corporation. I contend that businessmen investing \$200,000 in high risk ventures will make certain to get the best possible advice without creating a new, semi-private foundation involving \$500,000 in state funds. We have, at present, the Maine State Planning Office and the Maine Development Office. I feel that probably they can do the job with a bit more

staffing, if needed, or contract with sophisticated investment counselors on venture capital.

I have real reservations about setting up yet another form of planning for development in the State of Maine. We have a great deal of reports and papers and analyses and so forth which are repeated and set up over and over and I fear that this may, in fact, become another paper shuffling operation.

I ask for a Division on this bill.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: In all due respect to the good Speaker who did sponsor this bill, I think I would agree with Mrs. Bachrach of Brunswick. I think the other bill which the Speaker did address, I have forgotten the L. D. number at the present time, is a very significant contribution to future development in Maine. This one particularly here seems to me is another layer of bureaucracy which might not, in itself, do a great deal of good.

The other bill, however addresses a very particular need for future economic growth in Maine. I would wholeheartedly support it. I hesitate to rise on this one here because I have not had the opportunity to speak to the good Speaker about it. Only in my research in the last two days have I found I think it perhaps is a little bit fuzzy. However, if there is a problem, perhaps it would be advisable at this point in time if someone would table this bill for a day while we have a chance to talk about it.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and specially assigned for Monday, June 13.

Bill "An Act Repealing the York Beach Village Corporation" (Emergency) (H. P. 1601) (L. D. 1809) (H. "A" H-556 to C. "A" H-522)

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

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) (S. P. 54) (L. D. 118) reporting "Ought to Pass" in New Draft (S. P. 531) (L. D. 1860)

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

In the House, the Report was read.

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

Ms. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: What I would like to do this afternoon is to give you a brief outline of the Appropriations Bill, where we stand, some of the major additions and deletions, and a little bit perhaps about how we approached our task. We hope that today you will accept the Unanimous Committee Report and allow it to go to Second Reading on Monday at which time the Speaker will assign the debate for 11 o'clock.

I would also like to make it clear that all members of the Appropriations Committee are available. If you have any questions, we would be more than willing to talk with you. The Legislative Finance Office wants you to know that its doors are open to all members and you may go in and look at any background material on any change we have made. Also, in the Legislative Finance Office there is a detailed outline of 17 pages of legal size sheets of all additions and deletions made to L.D. 118. If you wish to have a copy totakewith you when you go

home this weekend, just stop in the Legislative Finance Office. I will try now briefly to go through and give you some idea of where we stand.

We have a total Part I budget out of the general fund of \$819,705,000. You get that total by adding the educational subsidy for the first year. The budget which the Appropriations Committee came out with is \$725,000 under that given us by the Governor. If you were to take into consideration the changes we have made in educational subsidies, we are \$1.2 million below the Governor. That is because for the second year of the biennium, we are calling for \$1.9 million less in educational subsidies than the Governor. We have done this by allowing for only a five percent increase in the educational subsidy, whereas the Governor allows for 10 percent. You should understand that this is something which is subject to change and will be before us next year. For every one percent we add to the educational budget next year over the five percent will be an additional \$1.6 million.

As of Monday, June 6, we have a balance for 1977-78 of \$3,082,072, for 1978-79 \$8,069,821 or a total of \$11,151,893.

There also may be additional money because we do not know yet what the surplus will be. The figure for the first year could be considerably larger than \$3 million. In addition to that, there is, of course, the 50 percent left of Title II money of \$2.15 million for each year of the biennium.

We would like to stress that the budget we have come out with is basically oriented toward service delivery. We have tried in all instances to trim the bureaucracy wherever feasible without affecting services. This is a bare-bones budget. It is a current services budget. I think it is very important that you understand that it is current services or as the gentleman from Lewiston would say, this is just to keep the store open. Before we even began, we deleted all items in the budget presented to us by the Governor, which we felt were not appropriate for a Part I current services budget. You should have on your desks now a sheet showing all those items, \$4.3 million in the first year; \$5.5 million in the second year, which the Appropriations Committee felt were not appropriate to be considered in a Part I Current Services Budget because they are new or expanded services. They will be dealt with in the Part II Budget.

You also should realize that some of the cuts we have made both in money and in personnel are not as drastic if you realize that the figures in the original L.D., L.D. 118, include new positions. We have not, at any time, included new positions.

I would like very quickly to go over the major restorations which we made to the budget. I guess the largest one would be the restoration of \$3.9 million over the Governor's request to the University of Maine or \$2 million below that requested by the university. This is a 7 percent increase in the first year, a 5 percent increase in the second year. I might note here that the total budget is up 17.6 percent for the biennium. It would leave available for the university for salary adjustments \$5.2 million and put the university just behind where it was financially for the fiscal year 1974 and 1975.

We have also restored the money for the Bangor Mental Health Institute. We did not do this to make a policy decision; we did it because the law says that we must fund two mental health institutes. It is not the prerogative of the Appropriations Committee to make that decision, that is the prerogative of the Health and Institutional Services Committee and this entire legislature, to make the policy decision as to whether Bangor will close, stay open or be phased down, and any financial adjustments

resulting from any change will have to come in an individual L. D.

Two other major restorations were \$700,000 in developmental day care and \$830,000 in adult education. We have made some smaller adjustments. For instance, we included back in the budget aid to charitable institutions, shade tree program and other smaller items.

I would like to stress that this committee has worked very hard and very long. We have all had to compromise, we are not all happy with every item which is in it. I have worked with a lot of committees, but I think probably this time I can say that this budget is remarkably free of any personal or partisan considerations and it bears the unanimous recommendation, all 13 members of the committee, and I would hope that you would accept the unanimous report today.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I want to commend the gentlelady from Bath for the excellent way she has laid out the description of the Part I Budget. This is exactly correct. There is as much nonpartisanship in this budget as we could possibly generate, she has done an excellent job. The only point I would add is that if you find a concern with positions removed, I would remind you that we in almost no instances removed positions that were presently filled. There were positions in the budget, but there were no people actually on the payroll in most of the instances. There may have been one or two, but these are easily taken care of within the departments.

Thereupon, the Report was accepted, the Bill read once and specially assigned for second reading on Monday, June 13, at 11:00 A.M.

Order Out of Order

An Expression of Legislative Sentiment (H. P. 1705) recognizing that: Michael Vincent Kelley, a student of Central High School in East Corinth, has been offered admission to the United States Military Academy at West Point.

Presented by Mr. Strout of Corinth.

The Order was received out of order by unanimous consent and read.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make note this afternoon that on Wednesday evening Michael Kelley graduated from Central High School as salutatorian of his class, and to the best of our knowledge this is the first student from this school to be accepted to the United States Military Academy.

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

By unanimous Consent, ordered sent forthwith to the Senate.

Constitutional Amendment

Failed of Final Passage

RESOLUTION. Proposing an Amendment to the Constitution to Repeal the Section Concerning Appointment of Standby State and Local Government Officers in Case of Enemy Attack (H. P. 15) (L. D. 24) (C "A" H-483)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 69 voted in favor of same and 55 against, and accordingly the Resolution failed of final passage.

Sent to the Senate.

Passed to Be Enacted

Emergency Measure

An Act to Establish an Assessment of Student Performance in the Basic Skills (S. P. 518) (L. D. 1810) (H. "B" H-509)

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. 114 voted in favor of same and 6 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to Licensing of Theaters and Motion Picture Houses (S. P. 524) (L. D. 1837)

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. 113 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Exempt Energy Conservation Materials from the Sales Tax (H. P. 1642) (L. D. 1841)

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. 112 voted in favor of same and 17 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 the Attorney General to Undertake Proceedings on Behalf of Resident Taxpayers of this State to Recover Certain Taxes Paid to the State of New Hampshire (H. P. 1633) (L. D. 1834)

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. 123 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 Legislative Confirmation of gubernatorial Nominations for Chairmen of the Maine Human Services Council and the Maine Committee on Aging (H. P. 723) (L. D. 856) (C "A" H-475)

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

The SPEAKER: Pursuant to the provisions of Article V, Part I, Section 8 of the Constitution of the State of Maine an affirmative vote of 2/3 of the members of the House present and voting is required. All those in favor of this Bill being passed to be enacted will vote yes those opposed will vote no.

A vote of the House was taken.

120 having voted in the affirmative and 9 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Empowering the State of Maine to Enter into the Interstate Corrections Compact (H. P. 358) (L. D. 451) (C. "A" H-495)

An Act Clarifying the Tax Status of Regional Planning Commissions and Councils of Government (H. P. 555) (L. D. 672) (H "B" H-482)

An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission (H. P. 1128) (L. D. 1345) (C "A" H-496)

An Act Relating to Granting Administration of an Intestate's Goods or Estate under the Law of Decedent's Estates (H. P. 1202) (L. D. 1431) (H "A" H-502)

An Act Appropriating Funds to Provide Road and Bathing Facilities at Birches Point Park at Owls Head (H. P. 1217) (L. D. 1453) (C "A" H-499)

An Act to Amend the Oil Pollution Control and Discharge Prevention Laws (H. P. 1283) (L. D. 1641) (C "A" H-484)

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.

An Act to Require that Certain Conditions be Met Prior to Certification of any Nuclear Power Plant by the Public Utilities Commission (H. P. 1388) (L. D. 1660) (S "A" S-188 to C "A" H-431)

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

Mr. Birt of East Millinocket requested a vote on passage to be enacted.

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

Mr. GARSOE: Mr. Speaker, the sponsor of this Bill is not here, I was requested that if it is in any trouble to try and get it tabled, so I would like to ask that someone might table this until Monday.

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

Mrs. HUBER: Mr. Speaker, I regret that I have misled my assistant leader and I do not know that I can table the motion or not, but I thought I should identify myself as still being present.

The SPEAKER: All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

101 having voted in the affirmative and 7 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Provide for Adult Education for Certain Students under the Provisions of the School Finance Act of 1976 (H. P. 1466) (L. D. 1720) (C "A" H-498)

An Act to Provide for the Study of Transportation and Electric Power Alternatives and to Compile Maine's Energy Statutes (H. P. 1468) (L. D. 1711) (C "A" H-497)

An Act to Revise the Oil Burner Men Law (H. P. 1644) (L. D. 1844)

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

Enactor

Tabled and Assigned

An Act to Clarify Sex Discrimination in the Maine Human Rights Act (S. P. 260) (L. D. 821) (S. "A" S-182)

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

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I do just have a few questions about the fiscal implications of this particular bill and I would like to, if I may, read an informal memo which was provided by the Department of Education through Legislative Finance. It refers to L. D. 821 and states that "based on recorded costs for 1973-1974 and one half of 1974-1975, a projected cost for 1979-80, which will be the distribution year for 1977-78 years, \$667,000."

This applies only to the educational community and was, of course, referred over to, as I mentioned, to Legislative Finance. I would presume that this particular bill also has implications and applies to the rest of the governmental employees, and I would suspect that additional funds over and above this

\$667,000 would be required at sometime in the future for funding this particular bill.

I would like to read also a letter from -- and this again is a copy which I happened to obtain -- it is a copy of a letter from the Superintendent of Schools in Brunswick, and it states: "In response to your inquiry regarding costs of implementing legislation requiring that pregnancy, childbirth and so forth, be considered a disability for which sick leave must be paid, L. D. 821, I submit the following information for your consideration. Since December of 1975 to this date, there have been seven instances where teachers took unpaid maternity leave during a school year. Had these teachers been eligible under our policies for payment of their accumulated sick leave, the cost would have been approximately \$15,000, this amount is in excess of the amount which would have been paid a substitute. There certainly would be a cost related to this legislation since there are systems which have policies such as our own."

The first informal memo that I referred to would indicate that there are costs involved sometime down the road, perhaps not next year or perhaps not in the second year of the biennium, but this letter from the Superintendent of Schools in Brunswick certainly indicates that there are additional costs involved to the local school systems and to the local taxpayer as a result of this bill for the forthcoming school year. Of course, we have already funded education here. I presume that most of the local schools have already prepared or have their budgets well along the way, and I would raise certain questions about the source of these funds in that we are not providing any from the state.

Before I vote for or against this particular bill, I believe that we do require more information, more study, on the fiscal implications. I somehow get the feeling that we are being asked today, this afternoon, to sign and endorse a blank check for the future.

On motion of Mr. Palmer of Nobleboro, tabled pending passage to be enacted and specially assigned for Monday, June 13.

An Act Concerning Proof of Residence Required for Certain Inland Fisheries and Wildlife Licenses (H. P. 261) (L. D. 329)

An Act to Provide for the Department of Transportation to Participate in the Federal Railroad Administration Track and Equipment Safety and Inspection Program and to Administer Railroad Safety Investigation Provisions of the Maine Statutes (H. P. 1632) (L. D. 1835)

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

Finally Passed

RESOLVE, to Provide for an Agreement Between the Department of Educational and Cultural Services and the City of South Portland to Establish a Greenbelt Area on the Southern Maine Vocational-Technical Institute Campus (H. P. 1265) (L. D. 1492) (C "A" H-467)

RESOLVE, Authorizing and Directing the Commissioner of Inland Fisheries and Wildlife to Promulgate Rules and Regulations Pertaining to Ice Fishing (H. P. 1637) (L. D. 1839)

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

Orders of the Day

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

Bill, "An Act to Authorize a Bond Issue in the Amount of \$10,000,000 for Energy Conservation Improvements for State-owned Buildings and Public School Buildings" (H. P. 1660) (L. D. 1856)

Tabled — June 8, 1977 by Mr. Davies of Orono. Pending — Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and specially assigned for Tuesday, June 14.

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

Bill, "An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear" (H. P. 1662) (L. D. 1858)

Tabled — June 8, 1977 by Mr. Pearson of Old Town.

Pending — Passage to be Engrossed.

Mr. CONNERS of Franklin offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-580) was read by the Clerk.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: This bill is attempting to address the problem of poaching in Maine and has singled out the non-resident hunter. Sections 1 and 2 of the bill place a limitation on the hunter who does not purchase the combination deer and bear license. This will regulate the type of a gun that he can carry if he is successful in harvesting a deer.

In an attempt to address the problem of poaching, it has in reality merely raised the non resident big game fees. The deterrent to poaching or shooting more than the law allows is a job for enforcement agencies and the penalties handed down by the courts. This bill, Sections 1 and 2, only address the problem to the non-resident; yet 95 percent of the illegally killed game is done by the Maine resident. Sportsmen throughout the state are concerned with the problem and many are currently working on solutions. The intent of the bill is good but in no way is it a deterrent to the problem and the individual who disobeys the law.

Last year, the reaction to the non-resident license fee increases resulted in a 22 percent resistance, a decrease in the purchase of non-resident licenses even though the revenues did increase slightly. The non-resident Maine landowner made his views very clear that after this increase, as can be seen by this legislature in the number of the bills presented to have reductions in his game licenses. Even though this could not be justified, they were an expression of their feelings. This bill allows a non-resident the same hunting privileges he has today but only upon paying an additional \$11, and this increase, to me, cannot be justified at this time.

Section 3 of this bill should pass and be supported. It addresses two areas concerning bow hunting that are due for revision.

I would like to bring out here that we have many non-resident sons, native sons and daughters who come back into this state who have to purchase a non-resident license, and we are adding another \$11 increase to their fee for the privilege of coming back in here to hunt for one week. Also these people, plus your non-residents that are landowners here, some of them pay a very large tax amount to the state, after they have killed a deer, they are unable to be in the woods with a 22 to shoot at anything, partridges, rabbits or anything like this unless they purchase a bear license. And if they do not buy a combination license when they come in here to hunt deer and they get their deer the first day and they want to stay in the woods with a rifle, 22's or anything except a shotgun, they have to go purchase a bear permit, which is another \$30, which will bring the entire cost of their licenses to \$90.

We had five bills in this legislature to lower the fees for the non-resident landowner and where do you think these came from? From concerned landowners here in the State of Maine that were non-resident. So I urge you to

day to accept the passage of this amendment and then let's pass the bill as revised.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: If this amendment is adopted, it will get almost the entire gist of what we are trying to do in L. D. 1858. What has happened and what has caused the introduction of this bill is the problem that we have with a lot of people who have come in from out of state to hunt deer, and they oftentimes come in as a party of three, four, five or six people, any number, and they go out hunting, and some of them are successful on the first day. When they get their deer, they don't stop hunting for other deer. What they do is, they go out hunting and the warden will meet them and say, "what are you doing in the woods? Could I see your license?" The guy shows him his license but the deer tag is off it and he says, "What are you hunting for?" He will say he is hunting for bear. He is really not hunting for bear, he is hunting for deer, and if he gets another one, somebody else in the party will tag it and the wardens' hands have been tied because there is nothing they can do about it. And what this bill says, if you come in and you want to hunt deer, you will be charged the same amount of money — I guess there is a 50 cent or \$1 increase for the town clerk — you will be charged basically the same amount of money for a deer license that you do now. But if you want to continue to hunt bear you have to buy a combination which will cost you \$11 more, and it does not come up to the \$90 Mr. Connors indicated if you buy the combination when you come in. Now where the \$90 comes in that he was referring to, it is in the case where a guy comes in, shoots his deer on his first day, has not bought a combination deer and bear hunting license but he gets his deer and he wants to continue to hunt. Then, if he has not bought the combination, he has to buy a bear permit which will cost him \$30 more.

I think the bill is reasonable and answers a real problem that the wardens all over the state have articulated, at least to the department and to myself, because there is nothing they can do with law enforcement. I think if they are going to hunt bear, which they say they are, they ought to pay the fee.

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

Mr. CONNERS: Mr. Speaker and Members of the House: Two points very briefly. What the intent of this bill is cannot be carried out with the bill itself, it is the enforcement part of this bill and it is unenforceable. A shotgun will do a job with No. 2, he can still be hunting bear with a shotgun with No. 2's. We are not getting at the poaching problem the way we should, and before you vote, just consider the non resident, how he feels. If we should include an amendment onto this to include the resident, how would you feel and the hunters in this state feel if they were under this same obligation here? Take that into consideration when you get ready to vote. There is no way that we can enforce the laws, even with this bill.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, Men and Women of the House: I think that this bill was all right before the amendment was introduced and I would like to move for indefinite postponement and ask for the yeas and nays.

The SPEAKER: The gentleman from Unity, Mr. Tozier, moves indefinite postponement of House Amendment "A", and requests that the when the vote is taken, it be taken by the yeas and nays.

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

Mr. MASTERMAN: Mr. Speaker, Members of the House: I rise reluctantly because I want to get home too, but I feel that I must rise

because I was one of the last holdouts not letting this come out of Committee with the unanimous "Ought to Pass."

This is a department bill. If you read the Statement of Fact, you will see it brings in more money into the department; I am naturally interested in that. But I think before you vote this afternoon, you should think about conservation. Since I signed that out reluctantly Majority "Ought to Pass." I have turned around on it, I have considered it a whole lot and I thought of one experience I have had myself. Most of you who hunt are familiar with the 7½ shotgun shell. I found myself one summer afternoon sitting on a log catching my breath while I was actually partridge hunting. I heard a rustle in the leaves and a nice young buck appeared and I thought to myself, what am I going to do? All I have is a lowly shotgun 7½ chilled shot, what am I going to do? I broke the gun down took my hunting knife out ringed the shell around about an inch, inch and a quarter back on the shell, put it back into the gun, waited for the buck to feed a little closer to me and finally he saw me about probably 50 yards away, a head on a shot, what we call a stick-hole. I fired that shotgun, and believe me, when I pulled the trigger I knew something had happened because I almost broke my shoulder but that buck had a hole in his neck that you could put your fist into.

So if you vote for this bill you are not voting for conservation, because if anyone knows, and I am sure everyone in the House knows, since I have told them now, you can, you do not have to have No. 2 shot, which this bill mentions, I did it with 7½ chilled shot. If you vote for indefinite postponement this afternoon, you are not voting for conservation, and I would urge you to defeat this and then go to Mr. Conner's motion.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Elias.

Mr. ELIAS: Mr. Speaker, Members of the House: Last year, Madison and the area around it was designated as the most heavily populated area for deer, which means that a lot of out of staters and a lot of people from in state came to hunt in the area. Just let me share some experiences that I saw happen. People are coming up from New York and other places throughout New England, and going in the woods doing their hunting. As you know, everybody wants to shoot their own deer. So the out of stater will go in, he will shoot his deer, he will bring it out, tag it, then go back in the woods hunting again, he can still hunt bear now, so maybe he has a kid home who has a license. He will go back in the woods hunting and maybe shoot another deer and go back home and have his kid tag the deer. Well, if the out of stater or anyone who is in the woods hunting and the game warden came up to him and said, what are you doing in here, you already shot your deer, you haven't got a tag, he can just say, I was hunting bear. The game warden has no case, he cannot do a thing to him.

What this bill will do is make it so the out of stater has to buy a bear and a deer license or one or the other, and this will protect the Maine residents and our herd, and it will protect the state from any criminal acts.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Since this amendment substantially changes the bill in its original form, will someone on the committee please tell me how many members favored the bill in its original form without this amendment?

The SPEAKER: The Chair will advise the gentleman from Sanford that the bill came out of committee unanimous "Ought to Pass."

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Unity, Mr. Tozier, that House Amendment "A" be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Beaulieu, Bennett, Berry, Blodgett, Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Dutremble, Elias, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Hutchings, Jacques, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lougee, MacEachern, Mahany, Martin, A.; McBreairty, McHenry, McKean, McMahon, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Peterson, Prescott, Quinn, Raymond, Rideout, Smith, Spencer, Sprowl, Stover, Stubbs, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Ault, Bagley, Berube, Blodgett, Boudreau, A.; Brown, K. L.; Bunker, Carter, F.; Conners, Cote, Devoe, Durgin, Fenlason, Flanagan, Gillis, Gray, Higgins, Hunter, Immonen, Jackson, Kane, Littlefield, Lizotte, Locke, Mackel, Marshall, Masterman, Masterton, Maxwell, McPherson, Norris, Palmer, Perkins, Plourde, Rollins, Sewall, Shute, Silsby, Tarr, Teague, Torrey.

ABSENT — Bachrach, Benoit, Biron, Boudreau, P.; Carrier, Gauthier, Huber, Jalbert, LeBlanc, Lewis, Lunt, Mills, Najarian, Post, Quinn, Strout, Tarbell, Twitchell, Tyndale.

Yes, 90; No, 41; Absent, 19.

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

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

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

Bill "An Act to Prevent the Display of Adult Magazines to Minors" (H. P. 1661) (L. D. 1857)

Tabled — June 8, 1977 by Mr. Garsoe of Cumberland.

Pending — Motion of Mr. Howe of South Portland to Indefinitely Postpone Bill and all accompanying papers. (Roll Call Requested)

On motion of Mr. Cote of Lewiston, retabled pending the motion of Mr. Howe of South Portland to indefinitely postponed and specially assigned for Tuesday, June 14.

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

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

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

Pending — Passage to be Enacted.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be enacted.

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

Bill "An Act Prohibiting a Utility from Automatically Passing on Fuel Cost Increases to Customers by a Fuel Adjustment Clause" (H. P. 1090) (L. D. 1314)

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

Pending — Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls,

retabled pending passage to be engrossed and specially assigned for Tuesday, June 14.

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

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

Tabled — June 8, 1977 by Mr. Greenlaw of Stonington.

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

On motion of Mr. Henderson of Bangor, retabled pending adoption of Committee Amendment "A" and specially assigned for Tuesday, June 14.

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

Bill, "An Act Relating to Habitual Truants and School Dropouts" (H. P. 1650) (L. D. 1851)

Tabled — June 8, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Engrossed.

Mrs. Trafton of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-582) was read by the Clerk.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment attempts to clarify some of the language in L. D. 1851. I have talked with members of the Education Committee and also members of the department and they feel that this language does improve the bill. If you would refer to the Statement of Fact, I think that you can see the general purpose of this amendment is to give a little fair due process to children and their parents through various means, such as a public hearing with regard to the establishment of rules and regulations by the school board. I think that the bill does guarantee that the school and the school board have certain rights and I think it is only fair that we try to balance those rights and give the families some rights too.

In addition to that, there are some unnecessary references removed in here and some language which is deleted which was deemed to be unnecessary. Additionally, it permits the parents and guardians to see the principal's report to the superintendent if a child is deemed to be a truant.

I think another major provision of this is to clarify the subsidy. In the current bill, you could have a student who might add up to be more than one student by the .2 percent that is given for each course. This clarifies that no pupil will be counted as more than one pupil under the school funding law.

Thereupon, House Amendment "A" was adopted.

On motion of Mr. Lynch of Livermore Falls, tabled pending passage to be engrossed as amended and specially assigned for Monday, June 13.

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

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

Tabled — June 8, 1977 by Mrs. Post of Owl's Head.

Pending — Passage to be Engrossed.

On motion of Mrs. Post of Owl's Head, tabled pending passage to be engrossed and specially assigned for Tuesday, June 14.

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

House Divided Report — Majority (8) "Ought to Pass" in New Draft" (H. P. 1656) (L. D. 1854) — Minority (5) "Ought Not to Pass" — Committee on Judiciary on Bill "An Act to Establish Procedures to Record Judgment in

Registry of Deeds to Create a Lien on Debtor's Real Estate" (H. P. 1203) (L. D. 1429)

Tabled — June 8, 1977 by Mr. Garsoe of Cumberland.

Pending — Acceptance of either Report.

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."

On motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Spencer of Standish to accept the Minority Report and specially assigned for Tuesday, June 14.

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

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

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

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

Tabled — June 9, 1977 by Mrs. Boudreau of Portland.

Pending — Passage to be Engrossed.

On motion of Mrs. Boudreau of Portland, retabled pending passage to be engrossed and specially assigned for Tuesday, June 14.

The Chair laid before the House the eleventh 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 9, 1977 by Mr. Palmer of Nobleboro

Pending — Passage to be Enacted.

On motion of Mr. Bustin of Augusta, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, 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-557) was read by the Clerk.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply says that the officer who picks up a motorist with an expired inspection sticker shall give a permit to the driver allowing three days for the driver to go and get the vehicle inspected. In other words, instead of a ticket, it will be a permit. This would only apply within a 30-day period. If you have been driving for three months with an expired sticker, then you would not fall under this provision. If it is a 30-day period and you get nailed going down the highway with an expired inspection sticker and you get stopped, the bill would say that the officer may give you a permit; my amendment would say he shall give you a permit. I move adoption of the amendment.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to rise to support the provision of this bill which separates operating an unregistered vehicle within 30 days and operating an unregistered vehicle after that. I refer to the date of April 1st when my registration expired. There was a

roadblock on the Maine Turnpike and I was stopped for an unregistered vehicle. To my horror, I discovered that for being eight hours late in getting my registration renewed, I lost six points on my license, which is one point more than I would have gotten had I been involved in a hit and run accident. I spoke to the Secretary of State about it to see why the points were so severe. He pointed out that there was no distinction between an expired registration and just taking a junk car and driving it down the road and menacing public health and safety. The Secretary of State's Office approves the change and feels there should be some distinction in the severity between being one day late or 15 days late or whatever and operating a vehicle that has never been registered.

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

Mr. TIERNEY: Mr. Speaker, I would like to ask a question through the Chair to the gentleman from Standish, Mr. Spencer. I would like to know how he distinguishes his car from any junk car which drives down the road?

The SPEAKER pro tem: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to the gentleman from Standish, Mr. Spencer.

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

Mr. SPENCER: Mr. Speaker, the only distinction is the junk car which I drive meets the inspection requirements of the state.

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 in non-concurrence and sent up for concurrence.

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

Mr. PEARSON: Mr. Speaker, having voted on the prevailing side I move we reconsider our action whereby Bill "An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear," House Paper 1662, L. D. 1858, was passed to be engrossed.

The SPEAKER pro tem: The gentleman from Old Town, Mr. Pearson, moves that we reconsider our action of earlier in the day whereby L. D. 1858 was passed to be engrossed. All those in favor will say yes; those opposed will say no.

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

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

Mr. SPENCER: Mr. Speaker, having voted on the prevailing side whereby Resolution, Proposing an Amendment to the Constitution to Repeal the Section Concerning Appointment of Standby State and Local Government Officers in Case of Enemy Attack, House Paper 15, L. D. 24, failed of final passage and urge you to vote in favor of reconsideration so that we can remove from the Constitution some totally unnecessary and ridiculous language.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, a resolution to the Constitution removing the emergency interim legislative succession act, so-called, an act of the early 1960's. I would certainly hope that you would vote to reconsider and pass this bill to be enacted, this resolution. It is something which I think would be very important to our majority leader. There is a provi-

sion in the law currently that says that anybody who does not appoint, not less than three and not more than seven, emergency interim legislative successors to their seat in the legislature within 30 days of being seated is then in violation of the law. In order to take care of that violation, the law requires the majority leader of the House of Representatives and the Senate appoint those not less than three and not more than seven persons for each and every one of us. That gives them a great deal of patronage and power, and I am assuming that the good gentleman from Lisbon is not planning on running for higher office, otherwise he must have made use of that provision. Also, if he does not make use of that provision very quickly, I would think the Attorney General would be forced to take action and prosecute the good gentleman to the hilt.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you all vote against reconsideration.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I admit this is a heavy piece of legislation. The majority leader called me and asked me if I had indeed appointed my group, my successors, in case of an emergency attack. I told him that I had. He said, where are they? I said they were in my strong box at home with my other set of glasses. He said, you were supposed to have notified the Secretary of State. I said I would not do it because he is a Democrat and I did not want him to know who I would have to take my place. I submit to you, this is a very heavy piece of legislation and I hope you will vote against reconsideration.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: When I was first elected to this body, I felt that one of my first duties should be to start reading the laws that this legislature would be acting on. As I got into, I believe it was Title IV, I discovered that I was obligated to appoint at least three and not more than seven emergency interim successors. I went down to the Secretary of State's Office with a list of all of my neighbors in order and filed the required list of emergency interim successors. The Secretary of State looked at me with horror when he rapidly multiplied seven by 184 and came up with 1,288 emergency interim successors who he would have to notify and would have to be sworn in by the Governor. It appeared to us that the Governor might spend the first six weeks in office simply swearing in all of the emergency interim successors. He agreed to notify my emergency interim successors on the condition that I not tell anybody about this so that they would not have to process 1,288 emergency interim successors.

I am glad to see that the Representative from Portland, Mr. Jensen, has taken action to remove this matter from the statutes of the state and the constitution. I would point out that the potential for abuse is very real. If, in fact, the majority leader were to carry through with his obligation to make the appointments, for the rest of us, we could have 700 labor leaders who are designated as emergency interim successors. Fortunately for the legislature and the state, the majority leader is not running for higher office. But the more serious potential abuse is that the minority leader could appoint 588 emergency interim successors, and with that many people walking around the state who owed their political patronage to the minority leader, I think the future of the state would be in serious jeopardy.

I would urge you to reconsider the action

where this was defeated and vote to let this go to the people and let them decide on this important question.

Thereupon, the House reconsidered its action whereby the Resolution failed of final passage.

The SPEAKER pro tem: The pending question now before the House is shall this Resolution be finally passed. This requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Jensen of Portland requested a roll call vote.

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

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: All this is very amusing so far. I would like somebody to give me a serious reason why they are voting against this provision. I think it is clearly ridiculous. It is kind of neat so far, put the sponsor on the spot and everybody had a lot of words, but I would like to have somebody justify to me why we have this foolish thing in our Constitution and can we not get rid of it?

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I might be able to answer that question. I asked one legislator and he said "I want seven people in my pocket so that when I run for election again, I will have seven votes."

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: Believe it or not, the State Government Committee spent a great deal of time on this Constitutional Amendment because it was tied in with some statutory language which also had to be addressed. As I understood it from the hearing, the reason that this language was written into the Constitution was that during the 50's, I believe, during the Cold War, there was some sort of hysterical reaction on the part of the legislature and they were afraid of nuclear bombings in Augusta, Maine. That is the reason why this language was put into the Constitution. There is no reason for it in this day and age, we felt. I hope you will go along with the State Government Committee and pass this Constitutional Amendment and kick it out to the people: let them make the big decision.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I have a little problem understanding why we cannot get rid of this section of the Constitution. The Constitution is a very important document. It guarantees our system of government and our basic liberties and freedoms that we enjoy. To have a piece of legislation still associated with the Constitution that does absolutely nothing, I think is a rather foolish thing for us to be keeping. I think that we ought to get rid of this section or else we ought to obey it. I don't see anybody that is really excited about obeying this law. If it is part of the law, how come we are not obeying it? I think Mr. Jensen has a good point. Maybe the Attorney General ought to make us all obey this. The Constitution is far too important to have a piece of language in it that guarantees this emergency interim successor Representatives

and Senators. I would think that we would want to clean the Constitution up, get rid of this useless section and be done with it.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out just a couple of things in relationship to this. We presently have, and it may be enacted, I really don't know at this point, repealing the statute that provides the process for this whole thing. It might have been done last week but I am not really sure. The second thing is, it goes beyond the legislature. It includes that every selectman, every councilman, every planning board member in the state must have seven successors. They must file these with the Secretary of State who then has to send out letters to all of these people and must be updated. Here is the clincher — if you have not done it yet, Mr. Tierney is supposed to appoint all of your successors. I think if you are going to keep it, you ought to give the Secretary of State's Office at least a few more filing cabinets and a few more secretaries to write all these letters and do all the processing. I really think it is unnecessary and I would urge you to take it out.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question to anyone in this House to guarantee me that there will not be any more wars.

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

Mr. JENSEN: Mr. Speaker, to anybody who is seriously concerned that this portion of the Constitution might actually need to be invoked at some future time because of war or some thing of that sort, I would simply suggest that we have such a thing as martial law. Martial law would come into effect. The governor, the chief executive of the military, would run the entire show, martial law would come into effect, the Governor or chief executive and the military would run the entire show and I don't imagine the legislature would ever be meeting under those kinds of conditions.

The SPEAKER pro tem: A roll call has been ordered. The pending question before the House is on final passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Brown, K.C.; Bunker, Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cox, Cunningham, Curran, Davies, Diamond, Dow, Drinkwater, Dudley, Dutremble, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Hutchings, Jackson, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, Lougee, Lynch, MacEachern, Marshall, Masterton, Maxwell, McBairty, McHenry, McKean, McMahan, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Perkins, Peterson, Plourde, Post, Prescott, Raymond, Rollins, Spencer, Stover, Stubbs, Talbot, Tarbell, Tarr, Theriault, Tierney, Tozier, Trafton, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Ault, Austin, Birt, Boudreau, P.; Brown, K. L.; Carter, D.; Carter, F.; Churchill, Cote, Devoe, Dexter, Garsoe, Gray, Hunter, Immonen, Jacques, Kelleher, Mackel, Mahany, Masterman, McPherson, Palmer, Pearson, Peltier, Shute, Smith, Sprowl, Teague, Torrey.

ABSENT — Bennett, Carrier, Conners, Durgin, Elias, Gauthier, Huber, Jaibert,

LeBlanc, Lewis, Littlefield, Lunt, Martin, A.; Mills, Quinn, Rideout, Silsby, Strout, Truman, Twitchell, Tyndale.

Yes, 100; No, 29; Absent, 21.

The SPEAKER pro tem: One hundred having voted in the affirmative and twenty nine in the negative, with twenty one being absent, the Resolution is finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Revise Primary and Nomination Petitions" (H. P. 1692) (L. D. 1872) which was tabled earlier and later today assigned, pending passage to be engrossed.

Mr. Connolly of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-587) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: Just briefly, what this bill is directed at; the bill that is before us would provide that when a candidate passes nomination papers and gets signatures for a race for Governor, Senator or in the case of a presidential primary where petitions are required, that of the 2,000 to 3,000 signatures that are required, at least 1,000 of them to be collected in each of the Congressional Districts. The amendment would remove that and say that the candidate can get those signatures wherever it is he wishes to get them. He could get all 3,000 in one part of the state or get half in one part of the state and half in another part.

I didn't really intend to offer the amendment until I talked with members of the Election Laws Committee because I thought perhaps that it was going to be controversial, but I have talked with members of the Election Laws Committee on both sides of the aisle and in both branches, and all of the members that I have spoken with to this point have assured me that they see no problem with it.

I would hope that you would adopt it.

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

Mr. BOUDREAU: Mr. Speaker, I would like to pose a question through the Chair to Mr. Connolly. I think the bill is fine the way it is; I really don't see what the purpose of the amendment is.

On motion of Mr. Palmer of Nobleboro, tabled pending the adoption of House Amendment "A" and specially assigned for Monday, June 13.

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

Mr. GOODWIN: Mr. Speaker, is the House in possession of L.D. 1416, S. P. 408, Bill "An Act to Clarify Physicians Certification of Patients Deaths in Maine Nursing Homes?"

The SPEAKER pro tem: The Chair would answer in the affirmative.

On motion of Mr. Goodwin of South Berwick, the House reconsidered its action whereby the Bill was passed to be engrossed in concurrence.

On further motion of the same gentleman, tabled pending passage to be engrossed and specially assigned for Tuesday, June 14.

On motion of Mrs. Prescott of Hampden. Adjourned until Monday, June 13, at nine o'clock in the morning.