

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 24, 1977

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

Prayer by the Reverend Frederick L. Niles, Retired Methodist Minister of Poland.

The journal of yesterday was read and approved.

Messages and Documents

The following Communication:

State of Maine
Office of The Governor
Augusta, Maine

June 22, 1977

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

I am returning without my signature and approval H.P. 1647, L.D. 1848, An Act Providing for Establishment of a State Tax Mix.

Originally, volunteer citizen task forces recommended that the Legislative Program include a proposal which would have the Governor make a recommendation to the Legislature with respect to establishing a tax mix at the beginning of each session and which would require the Legislature to act on the recommendation or to provide an alternative. This bill was designed to establish and publish for the people of Maine a conscious decision by the Governor and Legislature as to the appropriate tax mix which should be utilized to fund government expenditures.

Unfortunately, this bill was redrafted to completely eliminate legislative participation in establishing the tax mix, and the bill simply requires that the Executive provide a recommendation to the Legislature. I feel that this bill is "window dressing" at best, and is meaningless and unnecessary without the participation of the Legislature. What remains in this bill can be accomplished presently, without the need for legislation. It adds one more law, without any real meaning or value to the people of Maine.

As we consider proposals to improve the process of government and to bring accountability, effectiveness, and efficiency to government, we must recognize that the process is a two way street. I feel the true test of the commitment to reform government and make it more responsive is the willingness to accept additional responsibility, not just power or authority, and to make changes which serve the people and the process.

The original bill which was submitted with respect to establishing a tax mix involved the expertise and time and effort of many people within government and the private sector. It would not be fair to them, the people who supported this legislation, or the people of Maine to allow to become law a bill that has been emasculated to the extent that it lacks substance and would merely legislate something that can already be done.

For these reasons, I respectfully request that you sustain my veto of this measure.

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

The Communication was read and ordered placed on file.

The SPEAKER: The pending question now before the House is, shall Bill "An Act Providing for Establishment of a State Tax Mix," House Paper 1647, L.D. 1848, become law notwithstanding the objections of the Governor?

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

Mr. CAREY: Mr. Speaker and Members of the House: It is my pleasure to bring you a little message from the Committee on Taxation. This was at one time the Governor's bill, but it was so amended by the committee, it was a un-

animous report, as I recall, that it no longer looked like the Governor's bill. What the Governor's bill intended to do originally was to open up the uniform property tax so he could use it for any and all types of uses, and the committee felt that it should only be used, if it were to remain after November, only to fund education. So I would certainly hope that the Governor's veto is sustained and not overridden.

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

ROLL CALL

YEA — Brenerman, Davies, Post, Talbot.

NAY — Aloupis, Ault, Bachrach, Beaulieu, Berry, Berube, Birt, Blodgett, Boudreau, A.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Connors, Cote, Cox, Cunningham, Devoe, Diamond, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Hunter, Hutchings, Immonen, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Littlefield, Lizotte, Locke, Lougee, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Smith, Spencer, Sprowl, Strout, Tarbell, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Austin, Bagley, Bennett, Benoit, Biron, Boudreau, P.; Carrier, Churchill, Connolly, Curran, Dexter, Dumbre, Fowlie, Gauthier, Goodwin, H.; Higgins, Howe, Huber, Hughes, Jackson, Jacques, Jalbert, Kerry, LeBlanc, Lewis, Lunt, Martin, A.; Moody, Peakes, Sewall, Silsby, Stover, Stubbs, Teague, Twichell, Tyndale.

Yes, 4; No, 111; Absent, 36.

The SPEAKER: Four having voted in the affirmative and one hundred eleven in the negative, with thirty-six being absent, the Governor's veto is sustained.

The following Communication:

State of Maine
Office of the Governor
Augusta, Maine

June 23, 1977

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

I am returning without my signature and approval H. P. 440, L.D. 547, An Act to Prohibit State Officials from Appearing on Media Advertising Funded by the State.

I am advised that the purpose behind this legislation is because of one actual, real life situation in which an individual either intentionally or unintentionally used paid advertising for political advantage. Whether or not this is true I feel that this legislation is an ineffective, extreme, and injudicious way to address a rare situation of this sort.

First, I believe the possibility for abuse is a very rare exception, and this bill presents an awkward and severe method of addressing that rare exception.

Secondly, I find the language of the bill ambiguous and am concerned that the application of this law could be confusing and could prohibit certain necessary government functions. For example, the term "advertisement" is defined as "any public announcement" in a television broadcast, on radio, in the newspaper, etc.

Since the law prohibits any "head of any agency . . . to be heard or quoted in any advertisement paid for with any State fund", it is possible to interpret this language as prohibiting a commissioner from issuing a press release if the paper on which the release is written and the preparation of the release involve State expense. Also, the law could be interpreted as prohibiting commissioners from taking part in matters concerning the health, safety, and welfare of Maine citizens simply because time and space had to be purchased in the media. Another problem and anomaly is that the law applies only to agency heads and not to other individuals within a department. I question the logical basis for such a distinction.

Thirdly, I find the law troublesome as it relates to the spirit of the first amendment to the United States Constitution guaranteeing freedom of speech and press. This concern is compounded by and partially the result of the unclear definition of "advertisement", which is open-ended and far reaching. I am very hesitant to enact legislation which is targeted at a rate exception when that legislation would at least have a chilling effect and could actually prohibit the exercise of free speech.

The last, but certainly not the least, basis for my objections is that I believe that the public is sophisticated enough and will sense abuse and react accordingly. Even in the rare instance where the possibility of abuse exists, and where it cannot be dealt with otherwise, I believe the public is sensitive and realizes the nature of what is taking place.

In summary, I believe the legislation is severe, especially as the bill is ambiguous with regard to the exact types of speech that are being prohibited. Also, the possibility of abuse is a rare exception and I feel it would be most injudicious to pass this law to govern the rare situation. Even the possibility that messages or press releases or appearances by Department heads with respect to matters regarding human life, safety, or health could be prohibited I feel would justify returning this bill without my signature. Finally, I have faith in the Legislature's and Executive's abilities to monitor as well as in the public and their ability to sense and respond appropriately to the rare possibility of abuse.

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

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

The Communication was read and ordered placed on file.

The SPEAKER: The pending question now before the House is, shall An Act to Prohibit State Officials from Appearing on Media Advertising Funded by the State, H. P. 440, L. D. 547, become law notwithstanding the objections of the Governor?

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: It really is a terrible thing when you walk in in the morning and find one of your major pieces of legislation with a veto message and you haven't even been notified in advance that it is going to happen to you.

Well, I will tell you what. I have read the veto message. I think some of the arguments are ridiculous in it, particularly the one that talks about the abridgement of freedom of speech and the press and all of you who serve in here with me know that I would never sponsor a bill that did anything like that. That argument is absurd. On the other hand, there are some good arguments in here. In the second paragraph from the top of the page, the Governor indicates that in the rare instance where the possibility of abuse exists and where it cannot be dealt with otherwise, he believes the public is sensitive and realizes the nature of what is taking place.

And further down at the bottom, he has faith in the Legislature's and Executive's ability to monitor as well as in the public and their ability to sense and respond appropriately to the rare possibility of abuse.

That is not a bad argument, and I will tell you what I am going to do. Since I did put the bill in, I am going to vote to override, but I don't mind if the rest of you sustain.

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

Mrs. KANY: Mr. Speaker and Members of the House: After that, I really find it hard to get up, and kind of with glee, after having once called this a silly little bill to see this veto before us. I never thought that the day would come when I would be agreeing with Governor Longley over David Bustin, especially on a bill which Representative Bustin has thought up all by himself.

My major problems with this particular bill have to do with in fact this bill was directed at the Lottery Director, who might be thinking of running for public office, I just could not imagine that. I would think that everybody who had political ambitions would try and stay as far away from the lottery as they could.

Secondly, I am wondering if the sponsor of the bill would recommend that we hire models instead of allowing our commissioners or agency heads to appear on the media?

Thirdly, I have this kind of scenario of this huge New York Times ad or Wall Street Journal ad that the State Development Office might put out and say something to the effect — Please come to Maine with your non-polluting industry, we want you. signed, Secretary or Staff Member of the State Development Office.

I do hope that you do vote to sustain the Governor's veto.

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

ROLL CALL

YEA — Benoit, Bustin, Chonko, Connolly, Davies, Diamond, Goodwin, H.; Greenlaw, Hickey, Hobbins, Kane, Kelleher, Kerry, Kilcoyne, Laffin, Maxwell, McKean, Nadeau, Najarian, Nelson, M.; Norris, Spencer, Talbot, Truman, Valentine, Wood.

NAY — Aloupis, Ault, Bachrach, Beaulieu, Berry, Berube, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carroll, Carter, D.; Carter, F.; Churchill, Clark, Connors, Cote, Cox, Cunningham, Devoe, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Huber, Hunter, Hutchings, Immonen, Jensen, Joyce, Kany, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Morton, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Whittemore, Wilfong, Wyman, The Speaker.

ABSENT — Austin, Bagley, Bennett, Biron, Boudreau, P.; Carrier, Curran, Dexter, Dutremble, Fowlie, Gauthier, Higgins, Howe, Hughes, Jackson, Jacques, Jalbert, LeBlanc, Lunt, Martin, A.; Moody, Peakes, Silsby, Stubbs, Teague, Twitchell, Tyndale.

Yes, 26; No, 98; Absent, 27.

The SPEAKER: Twenty-six having voted in the affirmative and ninety-eight in the negative, with twenty-seven being absent, the Governor's veto is sustained.

At this point, the rules were suspended to permit the members to remove their jackets.

Orders

An Expression of Legislative Sentiment (H. P. 1766) recognizing that: Mrs. Isabel (Belle) Mitchell of South China celebrated the 100th anniversary of her birth on June 22, 1977

Presented by Mr. Hunter of Benton.

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

A Joint Resolution (H. P. 1767) in memory: of Mark Lincoln Clifford of Hermon

Presented by Mr. Littlefield of Hermon (Cosponsor: Senator Cummings of Penobscot)

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

A Joint Resolution (H. P. 1768) in memory: of David Wayne Gray of Old Town, who served the State faithfully for 26 years as an employee of the Department of Transportation.

Presented by Mr. Pearson of Old Town (Cosponsor: Senator Sewall of Penobscot, Mr. Gould of Old Town)

The Resolution was read.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: David Gray of Old Town was a state employee for the State Highway Department who was, unfortunately, untimely killed in an automobile accident while working for the State Highway Department in the Howland area of Interstate 95.

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

(Off Record Remarks)

House Reports of Committees

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-812) on Bill "An Act Providing for the Registration and Regulation of Off-road Vehicles" (H. P. 1162) (L. D. 1420)

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock

— of the Senate.

Mr. JENSEN of Portland
Mrs. HUTCHINGS of Lincolnville

Messrs. LITTLEFIELD of Hermon
CARROLL of Limerick
BROWN of Mexico
McKEAN 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. MINKOWSKY of Androscoggin

— of the Senate.

Messrs. ELIAS of Madison
STROUT of Corinth
JACQUES of Lewiston

— of the House.

Reports were read.

On motion of Mr. McKean of Limestone, the Majority "Ought to Pass" Report was accepted.

The Bill was read once. Committee Amendment "A" (H-812) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-822) on Bill "An Act Concerning the Administration of Property Tax Laws Administered by the

Bureau of Taxation" (H. P. 244) (L. D. 318)

Report was signed by the following members:

Messrs. MAXWELL of Jay
CARTER of Bangor
COX of Brewer
Mrs. POST of Owls Head
CHONKO of Topsham
Messrs. TEAGUE of Fairfield
CAREY of Waterville
TWITCHELL of Norway
IMMONEN of West Paris

— 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. WYMAN of Washington
JACKSON of Cumberland
MARTIN of Aroostook

— of the Senate.

Mr. MACKEL of Wells

— of the House.

Reports were read.

On motion of Mr. Carey of Waterville, the Majority "Ought to Pass" Report was accepted.

The Bill was read once. Committee Amendment "A" (H-822) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Divided Report

Later Today Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-821) on Bill "An Act to Amend the Employment Security Law to Include Federal Requirements and other Options Available to the State (H. P. 762) (L. D. 1012)

Report was signed by the following members:

Messrs. McNALLY of Hancock
PRAY of Penobscot
REDMOND of Somerset

— of the Senate.

Mrs. BEAULIEU of Portland
Mr. PELTIER of Houlton

Mrs. LEWIS of Auburn
TARR of Bridgton

Messrs. BUSTIN of Augusta
ELIAS of Madison
DUTREMBLE of Biddeford

— 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. LAFFIN of Westbrook
FLANAGAN of Portland

— of the House.

Reports were read.

On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and later today assigned.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until 10:15 in the morning.

After Recess

10:15 A.M.

The House was called to order by the Speaker.

Consent Calendar

First Day

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

(H. P. 1509) (L. D. 1734) Bill "An Act to Improve the Administration of the Maine Tree Growth Tax Law" — Committee on Taxation

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-828)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 27, under listing of the Second Day.

Consent Calendar Second Day

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

(H. P. 1358) (L. D. 1602) Bill "An Act to Appropriate Funds for Foster Care of Abused and Neglected Children" (C. "A" H-805)

(S. P. 167) (L. D. 572) Bill "An Act Concerning Professional Conduct of Chiropractors, Optometrists, Podiatrists and Dentists" (C. "A" (S-303))

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

Passed to Be Engrossed

Bill "An Act Concerning Arbitration for Municipal Fire Departments" (H. P. 522) (L. D. 640)

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

Mr. Silsby of Ellsworth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-814) was read by the Clerk.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I have already been informed that this is a bad, bad amendment, but I would like to speak to it and see if I can convince you otherwise.

You have L.D. 640, which imposes binding arbitration on all municipal fire departments. I am really not in favor of binding arbitration. I respect the judgment of those who feel differently, but I don't like to see it go so far as to be imposed on volunteer fire departments, and by volunteer fire departments, I mean departments that have volunteers as well as paid help, and I am addressing this amendment to the paid help.

I feel that in some of these companies, and I will use my own as an example, it has six paid employees, employees of the city, it has 40 volunteers. The six paid people receive salaries anywhere from \$7,500 up a year; the volunteers receive — one group receives \$110 apiece a year, which is a clothing allowance, and the others receive \$50 a year. So they are working hand in hand with the paid employees. When the fire call comes, it is the duty of the employee to drive the truck to the fire; it is the duty of the volunteers to get there to lay the hose and get set up and actually fight the fire. It is a close relationship and I think it is also a delicate relationship.

I am afraid that if we get into this area and get into binding arbitration, you are going to find the employees having things that the volunteers are going to resent, and I am afraid that it will actually disrupt the whole volunteer firefighting system.

I am sure that you are all aware that there are many volunteer fire departments in the State of Maine; in fact, the great majority are volunteer fire departments. They all have their own characteristics and they differ in different degrees but basically involves non-paid or very minimally paid help, and in some cases, none. Just to make it clear, my amendment does affect the full-time paid employee in a volunteer department.

I felt that the original bill was addressed to the large departments like Lewiston and Bangor, and so forth, and I have also discussed this with Representative Jalbert, I didn't want

to offend him about the situation. I don't see him in his seat today, but I don't believe he would have any objection. But as far as binding arbitration is concerned, I don't actually go along with it, and I would call your attention to the great distinction that I find, and I am sure Mr. Bustin will address himself to this, in the school law, which is the only area that I know of in the State of Maine where they have binding arbitration, binding arbitration only goes so far as to address itself to non-monetary matters, but in the case of monetary matters, binding arbitration is advisory only. If you will notice in this L.D., it covers everything. So I think this bill goes far beyond anything we already have, and in summary, I would say I feel it is going to be disruptive to these volunteer departments and I don't think it is going to help.

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

Mr. MacEACHERN: Mr. Speaker, I move the indefinite postponement of this amendment.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: That is a good motion by Mr. MacEachern, and this amendment by Mr. Silsby is, indeed, mischievous. What it does, in effect, is separate out a different class of full-time firefighters which would not be entitled to the benefits of the other fulltime paid firefighters.

Let you be a little confused, this bill has absolutely nothing to do with volunteer firemen. And to correct the gentleman, there is no binding arbitration in the school law. In fact, there is no school law, it is a municipal employees labor relations act and it does include binding arbitration on non-monetary items, but so does the university law have the same provision and so does the state employee law.

I hope you go along with Mr. MacEachern's motion to indefinitely postpone the mischievous amendment.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that has been presented for your consideration this morning is definitely an attempt to ruin the entire bill, L. D. 640.

First of all, the volunteer fire department affects every community in the state, even including the largest fire department in this state, the City of Portland. They have, for their volunteer fire department, Box 61. I am sure that many of you do not know what that is, but Box 61, I am sure the people of Portland know, was the first alarm that was sounded on the great fire. After Box 61 was pulled in, many, many other alarms were pulled in and answered by volunteers. When that fire was out, two thirds of the City of Portland was leveled.

These are volunteer firefighters who go to a fire when an alarm is sounded, either a general alarm, a second alarm or a third alarm, where there are not enough regular firefighters. The volunteer firefighters, Box 61, then respond to help the regulars in their duties.

In the other cities and towns, and the gentleman was absolutely correct, the drivers are the only full-time paid employees. The full-time paid employees are paid on an hourly or weekly basis. The volunteer department then is called in at all alarms and they do the actual fighting of the fire.

There is an opinion pending in the Attorney General's Office as to whether the volunteer fire departments can be unionized. Under our present statutes, they cannot be organized. However, there is a ruling coming, and with the consent of your towns, your municipalities, your city governments, it can be waived, a hearing can be had and it can be achieved.

This amendment that he is attempting to throw in here, don't be fooled. This amendment here simply is a fact that volunteer fire departments would not be under binding arbitration. Consequently, when you connect the two together, all of the cities in Maine are under this amendment, because we have 12,000 volunteer firefighters in this state; we have less than 800 of the regular employees of the state to fight fires for municipalities and towns. So what is actually taking place here is to do away completely with the binding arbitration part of the bill. I think this is a very important part that the members of this House should not look at lightly. The fact that it is mentioned in the bill only for volunteer fire departments is very deceiving, and during the last few days, this is sometimes how many things get by us. We go home and we say to ourselves, oh, how did that get passed? Well, this is one of those things that can be passed without the members fully knowing and understanding what is taking place, and there are going to be others. I am not an expert on others because I can't pinpoint all the things that go through this House, it goes through very fast, but in this one here, do not let this amendment pass this House for the simple reason that it is going to be detrimental, it is going to be detrimental to the full-time firefighters.

If this amendment is passed, that would mean that no volunteer fire department in the state would ever be able to organize, and I am sure that was not the intent when we passed binding arbitration, that the members of this House want it. This is a terrible amendment to the bill, and the big thing is that I want to inform you all that you know what you are voting on, and remember, municipalities now are prohibited from striking, so don't forget that when you vote on this.

I certainly hope the members of this House support the indefinite postponement of the amendment.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I have to rise again because I can't agree that this is a mischievous amendment, as the gentleman from Augusta suggests. This amendment was put in in good faith.

I represent a district that has volunteer fire departments in every municipality I represent. The only municipality that has full-time employees is the City of Ellsworth. It isn't addressed to try and get around collective bargaining or the rights of anyone to organize. This is a new bill, this is an attempt to put binding arbitration into our law. And as I said before, it is a step beyond anything we have and I don't think the gentleman from Augusta can disagree with that. It is complete binding arbitration on monetary and non-monetary affairs, and I urge you to reject the motion to indefinitely postpone and I would ask for the yeas and nays.

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

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

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

ROLL CALL

YEA — Beaulieu, Benoit, Berry, Berube, Biron, Boudraeu, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carroll, Chonko, Clark, Connolly, Cote, Cox, Diamond, Dow, Flanagan, Goodwin, H.; Hickey, Hobbins, Jacques, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin.

LaPlante, MacEachern, Mahany, Maxwell, McHenry, McKean, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Pearson, Plourde, Prescott, Quinn, Raymond, Shute, Spencer, Stubbs, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Valentine, Wilfong, The Speaker.

NAY — Aloupis, Ault, Austin, Bachrach, Birt, Blodgett, Brown, K. L.; Bunker, Carey, Carter, F.; Churchill, Conners, Cunningham, Curran, Devoe, Dexter, Drinkwater, Durgin, Fenlason, Fowlie, Garsoe, Gill, Gillis, Gould, Gray, Green, Greenlaw, Hall, Henderson, Huber, Hunter, Hutchings, Immonen, Jackson, Lewis, Littlefield, Lizotte, Lougee, Lynch, Mackel, Marshall, Masterman, Masterton, McBreairty, McMahon, McPherson, Moody, Morton, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Post, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Whittemore, Wood, Wyman.

ABSENT — Bagley, Bennett, Boudreau, P.; Carrier, Carter, D.; Davies, Dudley, Dutremble, Elias, Gauthier, Goodwin, K.; Higgins, Howe, Hughes, Jalbert, Jensen, LeBlanc, Locke, Lunt, Martin, A.; Peakes, Twitchell, Tyndale.

Yes, 58; No, 70; Absent, 23.

The **SPEAKER**: Fifty-eight having voted in the affirmative and seventy in the negative, with twenty-three being absent, the motion does not prevail.

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

Mr. **BUSTIN**: Mr. Speaker and Members of the House: I would urge the members of the House to vote no on the adoption. In effect what you are doing, as Mr. Laffin has indicated, is that you are, by adopting this amendment, adopting an amendment that wipes out the essence of the bill. So if you want to do that, you might just as well vote against the bill, which, of course, is a very legitimate position for anyone to take. But I do think that if the other votes on this measure are any indication, Mr. Silsby has successfully fuzed up the issue for us.

If you voted against the indefinite postponement because you do not want the volunteer firefighters to have binding arbitration, then you didn't understand the issue. Your volunteer firefighters are not even covered under the municipal labor relations act; they are excluded. The only people who would be covered in the situation that the gentleman from Ellsworth has delineated for us are the six full-time firefighters, that is all. The rest of it has got absolutely nothing to do with this bill. So I would hope that you would vote against passage, and I would ask for the yeas and nays on that question, Mr. Speaker.

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

Mr. **TIERNEY**: Mr. Speaker, Men and Women of the House: I would like to state at the outset that in my private profession I do represent several locals of various firefighting units, and I did bring to the Ethics Commission the question of whether I should be allowed to vote on this issue and they said that there would be no conflict provided I disclose that fact, and I think most of you know it anyway.

I would hope everyone, whether you are for this bill or against this bill, would vote against this amendment. The amendment doesn't make any sense. If this amendment is on the bill, all the community would have to do would be to hire one call firefighter and there would be no binding arbitration. That is all you would have to do, hire one call firefighter and there is no binding arbitration. What you ought to do is defeat this amendment and then if you have got the guts, stand up and kill the whole bill, if you are against the bill, and that is what you want to do. We don't play around with the amendment process, it doesn't make any sense. One call

firefighter and then there is no binding arbitration. The amendment is just a game. You put the amendment on and then pass the bill and you have got no law. It is just kind of doing it all with shadows.

So have the guts. If you are against the bill, move to indefinitely postpone the whole bill and vote for or against it on policy issue, that is the way to handle it, not this way.

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

Mr. **SILSBY**: Mr. Speaker, Ladies and Gentlemen of the House: I am certainly not trying to fuzzy up the issue and I thought I made it perfectly clear when I started out that I am talking in my particular case about six paid firemen who are mixed up with 40 volunteer firemen. And in response to Mr. Tierney's remarks, if you don't hire one call fireman, you are not even under the law. So I urge you to pass this measure. This amendment does just exactly what it says it does, and you people who have these small communities with one or more paid personnel, I think you need it.

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

Mr. **MACKEL**: Mr. Speaker, Ladies and Gentlemen of the House: I voted against the indefinite postponement of this amendment and I believe I clearly understood the issue and the issue is, as set forth by Mr. Silsby, basically to preserve the volunteer system that we have. I think where you have six members in a volunteer company, they are part of the volunteer organization. I think that the volunteer concept has served us well for many many years, and I do believe that we should vote to preserve it.

Now, the bill with this amendment, I think, is designed to provide for the need where that need exists, to provide for binding arbitration in the case of cities and larger municipalities, but this particular amendment would permit those of us who come from the smaller communities to retain this traditional concept of volunteers in providing fire protection for us. I think this is really a responsible amendment, I think it is a good amendment. I believe it would really enhance the bill with the addition of this amendment.

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

Mr. **HALL**: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry I wasn't in the room: I was out busy working on another bill.

I would like to pose a question, if I might, to somebody who might clarify this because I might have voted wrong before, I don't know. But, all of the fire departments in my area are volunteer, and when I first looked at this amendment here, I didn't see a thing wrong with it; if there is, I wish somebody would explain it to me.

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

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

Mr. **BUSTIN**: Mr. Speaker, In response to the question posed by my friend from Sangerville, Mr. Hall, neither this bill nor the amendment have anything to do with your situation or with any rural area which has fire departments composed of volunteer firemen, and the bill has absolutely nothing to do with the preservation of our volunteer fire departments in the whole wide world. It doesn't affect them at all.

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

Mr. **PERKINS**: Mr. Speaker, a question through the Chair if I may. If any of these volunteer fire departments do hire permanent or full-time employees, then it does affect them?

The **SPEAKER**: The gentleman from Blue

Hill, Mr. Perkins, has posed a question through the Chair to anyone who may care to respond.

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

Mr. **BUSTIN**: Mr. Speaker, if the fire department hires full-time employees, the bill would cover just the full-time employees and not the volunteers.

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

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

The **SPEAKER**: The pending question is on adoption of House Amendment "A" (H-814). All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Birt, Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Green, Huber, Hunter, Hutchings, Immonen, Jackson, Lewis, Littlefield, Lougee, Lynch, Mackel, Marshall, Masterman, Masterton, McBreairty, McMahon, McPherson, Moody, Morton, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Tarbell, Teague, Torrey, Whittemore.

NAY — Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Diamond, Dow, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbs, Howe, Hughes, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Maxwell, McHenry, McKean, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Pearson, Plourde, Post, Prescott, Quinn, Raymond, Shute, Spencer, Stubbs, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bagley, Bennett, Boudreau, P.; Carrier, Davies, Dudley, Dutremble, Gauthier, Higgins, Jalbert, LeBlanc, Lunt, Martin, A.; Peakes, Strout, Tarr, Twitchell, Tyndale, Valentine.

Yes, 56; No, 76; Absent, 19.

The **SPEAKER**: Fifty-six having voted in the affirmative and seventy-six in the negative, with nineteen being absent, the motion does not prevail.

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

Amended Bills

Bill "An Act to Add Dental Hygienists to the Board of Dental Examiners" (H. P. 1168) (L. D. 1398) (C. "B" H-786)

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 "B" was adopted.

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

Mr. **BURNS**: Mr. Speaker, the Committee on Bills in the Second Reading would like to thank the gentlelady from Auburn, Mrs. Lewis, for uncovering this error.

I now offer House Amendment "A" to Committee Amendment "B" and move its adoption.

House Amendment "A" to Committee Amendment "B" (H-831) was read by the Clerk and adopted.

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

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

Second Reader Indefinitely Postponed

Bill "An Act to Define Duties and Set Salaries for Special and Part-time Deputy Sheriffs" (H. P. 992) (L. D. 1191) (C. "A" H-388)

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

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: As you may recall, this bill was tabled for a number of days. The reason we had this bill tabled was we were waiting on the fate of L. D. 224, the County Law Enforcement Bill. The provisions in 1191 are contained in L. D. 224, and L. D. 224 has been enacted, so in essence this bill is no longer necessary. So as the sponsor of this bill, I would like to move at this time that this bill and all its accompanying papers be indefinitely postponed.

Thereupon, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

Tabled and Assigned

Bill "An Act Concerning Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs" (H. P. 1362) (L. D. 1687) (H. "A" H-731 and H. "B" H-796 to C. "A" H-717)

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

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

Bill "An Act to Require that Persons or Agencies Placing Unrelated Children for Adoption be Licensed" (H. P. 416) (L. D. 523) (H. "B" H-783 to C. "A" H-703)

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

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

Mr. DEVOE: Mr. Speaker and Members of the House: I would like to call your attention to House Amendment 703 on L. D. 523. If you will look on the third page of this amendment to Section 3, Paragraph 2, you will notice that exempted from licensing requirements is any individual who helps place or find homes for children for the purpose of adoption but who does not advertise that he does so. I have discussed this with the House Chairman of the Committee, and I have made an attempt to get a justification for this change in the law. I would like to suggest to members of the House that this really is putting the cart before the horse. If you let somebody engage in finding homes for children who are to be adopted, yet you exempt him from being licensed simply because he does not advertise that he does this. I think the key thing is what the person is doing, that is something that is certainly subject and desirable of state regulation. The mere fact that he does not advertise that he does so, in my opinion, is not sufficient reason for his being exempted from the licensing requirement.

With reference to House Amendment "B" to Committee Amendment "A", which is filing No. H-783, I see a potential problem in this amendment because it permits some person other than the judge of probate to be designated for the purpose of taking the consent of a person who is going to be adopted. It permits the designee of the judge of probate to fully explain the legal consequences to the person who is giving a child up for adoption. In my opinion, that is a weakening of the present law and it could potentially introduce a cost factor into the present system of adoption that is presently there,

and that is, is the person to whom the power is given by the judge of probate to take the consent of the child's parent who is being given up for adoption, that person may need to be paid. I would like to have somebody on the committee, if they could, Mr. Speaker, give the committee rationale for these two amendments, particularly Paragraph 2 of Section 3 of Committee Amendment "A".

The SPEAKER: The gentleman from Orono, Mr. Devoe, has posed a question through the Chair to any member of the committee who may respond.

The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I think before I get into the specifics, I will try and explain a little about the bill. The purpose of the bill was put in the committee amendment that came out.

There were two bills introduced and came before our committee which dealt with licensing of adoption agencies. Basically, what they would have required would have been that anyone handling an adoption in the State of Maine be a licensed agency. Presently we have a situation whereby you have several agencies that are licensed by the Department of Human Services, they are basically orphanages or agencies that do handle adoptions only. Also, an adoption proceeding can be carried out by a lawyer acting on his own with a client, perhaps a natural parent who wants to give that child up for adoption, go through the probate court system and that child can be adopted. So you have basically two systems, one by a licensed agency and one by an individual who would be representing a person or persons who want to either adopt a child or give up a child.

The licensed agencies, I think, suggested the bill to the sponsors, or supported the bill anyway, because they felt only they should handle adoption proceedings. At the hearing, there were people who opposed this concept because there are many people in the state that have adopted children through a private, let's say an individual, a lawyer who would handle an adoption, and things have worked out very well. The department seemed to support the bill because they felt that there was a lot of room for abuse if you didn't go through a licensed agency and go through all the particular requirements licensed agencies have to go through.

I think the feeling of the committee was that, yes, there is a potential for abuse but, no, we didn't feel that everybody had to be licensed, go through the licensing procedure in the Department of Human Services just to handle, as a lawyer does, an adoption proceeding if you have a parent that wants to give up a child, and you have a parent that wants to adopt a child. So what we did was, we tried to establish some standards that would have to be met for an adoption proceeding, and the two things that we found that were in a sense optional with the judge of probate now, we basically changed and made them mandatory, and that is what the idea of the Committee Amendment is all about. We say that the judge of probate must have a consent hearing with the natural parent when he gives up the rights of that child. In an attempt to get around the possible abuse that someone might — you know, if you have a young girl that has a baby and is scared and not sure what she wants to do, you might get somebody that because of monetary gains might say "we will give you a thousand dollars if you give up your child, just let me handle everything and go through with it." This is what we are trying to get away from, so we require that the judge of probate handle a consent hearing.

Secondly, we require that a home study and a workup be done on the prospective adoptive parents. This, in several cases, has not been done, and this is done whenever you go through a licensed agency. So we are requiring these

two things, and we felt that this would solve any of the potential abuses that were outlined by either agency representatives or the department people.

The only problem we had then was the existing law. We had to make it clear who was to be licensed and who wasn't. And the existing law right now requires that an individual or an agency that advertises himself or themselves and hold themselves out to placing or finding homes for children be licensed. In other words, those are the existing standards, and rather than have to draw up all new standards for what agency or person has to be licensed or what agency or person doesn't have to be licensed, we thought we would just put in a situation where you keep the law as it is and say that if you don't hold yourself out regularly in a sense or advertise that you are going to give up adoption, such as a lawyer who handles many types of cases and everything and just happens to have a client come in and say I want you to handle my adoption, in other words he hasn't put himself out regularly to be an adopting agency and would not have to be licensed.

The second point that was brought up on the House Amendment that I offered yesterday was the suggestion made by — and we had our staff check with various judges of probate around the state to make sure that this would work and everything, and the judge of probate in Penobscot County suggested this particular amendment because there are some cases that he felt he just would not be able to meet with that particular parent that was giving up the child because of the time factors that he has, maybe he only holds court a couple of times a week, the parent may be in the hospital quite a ways away and this type of thing, so that he could designate a person — and I think this is where we have to trust our judges of probate. I suppose if you don't trust your judges of probate, maybe you should not have this in here, but I am assuming that we can trust the judges of probate to designate a person that he feels will be able to handle this, maybe a lawyer or a physician or somebody that can adequately explain to the natural parents the rights that they are giving up. That is why we put these amendments in.

I feel it is a good bill. As I understand it, once we came up with this idea and concept, the people supporting the original bill thought it was a good idea and we should go along with it. There may be one technical problem that the department has been trying to work out in terms of requiring home visits. There may be an amendment put on in the Senate right now. I know the cochairman down there is working on this, so I would like to let this go down and when they get to second reading down there, if we find it is necessary, it will be put on. But other than that. I feel it is a good bill and I feel it is something that will help tighten up the laws and prevent possible abuses. One thing that we really don't have in this state at the present time, and there are a lot of abuses in adoption, there was hardly anything brought out in the state that there are a lot of abuses going on, and I think that this will cover any of the potential abuses for the State of Maine.

I would also like to remind the House that in talking with some judges of probate, I understand that there is a total study of the whole probate system going on and that is supposed to come back to us, so we didn't want to make any drastic changes or anything too drastic until that comes in, because I am sure that they will be addressing this whole problem of adoption as well.

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

Mr. DEVOE: Mr. Speaker, I would make a point of parliamentary inquiry. What is the present posture of this bill in this House?

The SPEAKER: The posture is passage to be engrossed, as amended by Committee Amend-

ment "A" as amended by House Amendment "B" thereto.

Mr. DEVOE: Mr. Speaker and Members of the House: I wish to thank Mr. Goodwin for the comments he has made. It is not a question of whether you trust or do not trust a judge of probate. As far as I am concerned, I have the greatest confidence in the judge of probate in Penobscot County, I think the principle which is in this bill, however, of introducing someone who is not a judge and placing in that person the power to explain to a parent, to a girl or a woman who has just given birth to a child and then wishes to give it up for adoption, to introduce a non-judge and give him that function is an improper delegation of judicial power, and I think that is the principle that we are talking about here. It is not whether we do or do not trust a local probate court judge.

I agree that consent should be given. Consent presently is required before the judge of probate and it should continue to be required, but before him only, and I think the overriding principle is so important that even at the inconvenience of a judge, the judge should still be the person who takes the consent and explains to the parent, explains to the mother the legal consequences of what she is doing.

Mr. Speaker, I think an argument has been raised against this bill, and that is that the judges of probate apparently are presently studying this matter, and if they are studying it and are likely to come up with a recommendation within the next year or two, for those reasons, I would move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: First of all, I would like to ask for a division. There is one thing, and I may be wrong, but as I understand the law, it is only if you are going through a licensed agency that you must have a consent hearing, and this is why we put this in. We are adding that you must have a consent hearing if you are going through a private system, let's say an individual lawyer, and this is what we are trying to get at. But as I understand the law right now, and, again, I am not a lawyer or a judge of probate, that if you are not going through a licensed agency, you don't have to have a requirement for a consent hearing.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped that we would not vote to indefinitely postpone this bill because the situation at present is that if an attorney or a doctor or any other person arranges an adoption other than a licensed agency, there does not even have to be a home check and there does not have to be a consent hearing, as Mr. Goodwin pointed out. So if anyone has the concerns that Mr. Devoe has, that there could be some sort of abuse in this, to keep things as they are presently is far worse than to enact a bill which Mr. Devoe has some objections to, and I personally don't agree with him. But to indefinitely postpone would not even protect the child to the extent that the bill does.

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

Mr. PEAKES: Mr. Speaker and Members of the House: I don't feel a case has been made that there is any real abuse in the State of Maine. I have handled many adoptions, and I recently handled a private adoption, it is the first, probably, in five years, I, myself, have an adopted child and I know that it is a wonderful experience. I know that we have tried on two other occasions to adopt a child and because we already have other children, we would not be able to do this, so we have tried a couple times

the private route and for one thing or another it has not panned out.

I know of no real abuse in this area. Right now, as far as consent goes, I cannot witness a consent in my office, it has to be somebody outside of the office. The attorney can't have any part in that. Concerning the adoption that recently occurred, it was out of state parents and they had already been checked out by their own state and the report was sent in to the judge. In this case, even though they had been checked out by the other state and the full report was in, the judge still asked for a study in Maine. In this case it was a woman about 30 who had good reasons for putting the child up for adoption. I think in a great many cases, knowing one's own circumstances, she showed a greater deal of love for the child by placing the child in a home where it could have the love of both parents. I just don't think that these people going through this need any additional impediments so that they have to go for a hearing. It is a difficult decision for them to make anyway, and I think they have the advantages of counseling with their family, their friends, the clergy and so forth. I just don't know what magic a social worker is going to render in this case.

Also, the courts are very adamant now about, I'll call him the illegitimate father, although I don't consider any children illegitimate, and I think it is very difficult to get these signatures because of people wanting to keep confidentiality and we now have to get the illegitimate father's signature and he probably doesn't really care one way or the other but it is still a difficult thing. There are a lot of safeguards, and I think we are increasing the problems for a lot of good families that want to bring an adopted child into their home. They may have already one child or two children and because of the lack of babies, it is just impossible for them to get another child.

I don't see any real abuse. I think that too often we read something in the paper out on the West Coast and all of a sudden we are running around here and things are running very well. If the judges are studying this and if they are right on top of it, I think we should wait until they come up with some additional recommendations before we run around and try to force people through a lot of bureaucratic nonsense. I strongly support the motion to indefinitely postpone.

Mr. Goodwin of South Berwick was granted permission to speak a third time.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House. I would like to address Representative Peakes' statement right off. It is exactly his arguments that he used why we reported the bill out as such. The agencies, the adoption agencies, wanted everybody in the state that handles an adoption to be licensed to go through a licensed agency, which would have severely limited the people that want to adopt children or want to give up their children because of a lot of rigamarole, red tape and everything else. All we are really doing with this bill, as we understand the present law, the judge of probate may order a home study. Basically, we are just saying he 'shall' order one.

What we are trying to do is put a couple of standards in here that this shall be done but you can still go through an individual lawyer or physician. We didn't want to have to put the people through a situation where they have to go through a licensed agency, especially after we talked to some of these licensed agencies and some of the criteria they use about who they allow to be adoptive parents and who they don't allow and the time factor and everything else. So what we are trying to do is to be able to keep the situation as it is, but just put in a couple of safeguards that there shall be a home

study and that there shall be a consent hearing. That is all.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Goodwin has quite well explained the committee stand, except I do have a couple of points I would like to add. I think the overriding concern of the committee was to properly protect the child in the adoption proceedings as well as not imposing an unnecessary hardship on the adoptive parents or the parent who is giving up the child. I think we have accomplished this with our Committee Amendment. But in answer to Mr. Peakes, I think if you feel that having the Department of Human Services investigate the home of the prospective adoptive parents to see if it is a proper home and a safe place for the child to be brought up is unreasonable, unnecessary and an imposition on them, and if you feel that having a judge of probate check with the person who is giving up the child to make sure that she has not received undue pressure is some sort of hindrance to adoption and is unnecessary and an impediment on her, then of course I think you would be against the bill. But if you feel that these are only just and proper safeguards, when we are talking about a little tiny newborn, an infant, and his or her life is going to be entirely in the hands of the adoptive parents, I don't think that this is unnecessary and I don't think it is an imposition and I don't think it is unreasonable.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I was a cosponsor on this bill and I do agree with the consent hearing, I agree with the home investigation, but I have one thing that has been in the back of my mind and bothering me but I wasn't going to make an issue of it until we got into this discussion this morning. What happens if after the investigation they find these people unfit to adopt, what happens to the child then? Does it go back to the mother, does it stay living in that home but can't be adopted? I see nothing in here that says what happens to it.

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

Mrs. KANY: Mr. Speaker and Members of the House: I can assure you that there will be plenty of other parents waiting to adopt that child. As you probably are all aware, there is a shortage of children, especially newborn infants, to be adopted.

I was an original sponsor of these two bills and I have commended each member of the Health and Institutional Services Committee for coming out with the bill which they did. They did a superb job. It is a very very difficult subject, and I think I learned a lot after submitting the bills for an agency and came to the same conclusions which this committee did. I think they really got a true hold on the whole situation. It does need tightening up.

We are talking about children, and it is the children that are important, and the heart of the problem is that the different probate judges throughout the state do handle these cases so differently. One probate judge at least in the state, I know in Kennebec County, and I have talked to almost every probate judge in the state on this issue, one does require that people appear at a hearing or before the judge. Some of the others will waive not only an investigation but will just even allow an attorney saying that they know the adoptive parents and think that they are all right, but that will be all that he will require.

I think there is a real need to improve our present law on this subject, and I think the Health and Institutional Services Committee, with their unanimous report, has just done a superb

job, and I urge you not to vote for indefinite postponement. We did have something like almost 1200 adoptions in this state, and who knows how many of our infants are going out of state. Right now, unless this bill goes into effect, it is not even a criminal violation to sell children in the State of Maine under our criminal code, and there are many very fine points and they certainly cover the whole subject in an excellent manner.

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

Mrs. GILL: Mr. Speaker, just to answer Representative Boudreau's question, in Committee Amendment "A", it does state that the court may require that the child has lived for one year in the home of the petitioner before the petition is granted.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I understand that, but before you get to the process and if they are turned down, this was the big problem, one of the big reasons for this bill, because the state had no authority over these private people, and if the courts turned their adoption request down, what happened to the child? The state couldn't step in, and I don't see that that part has been answered. If part of that amendment said that child would be returned to the mother or something, but I just see that the child is left in limbo if the adoption proceedings are turned down.

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

Mr. PEAKES: Mr. Speaker and Members of the House: From a practical standpoint, you have a situation, which I think is bad. I support the adoptive parents being investigated and so forth, and in the case I mentioned, they had been investigated and they had been approved. In respect to the natural mother, I just don't know how much good it is going to do after the fact to go back and ask her if she was pressured and to try to find the father, if he will come out of hiding, and you have a situation where you might force a small child — we adopted through an agency — and I think that in this case the agency holds onto the child for a month or two until it places it with the adoptive parents. I think an infant like that goes through feelings, they get used to somebody and all of a sudden they are changed. I remember our little girl would not let anyone hold her except us, and this was not true of the other children.

You can't start an adoption proceeding until there is a birth and you can't get the consent from the mother until after the birth, and so the mother has a certain period of time to think about this. I think that keeping the child in some agency for a month or so is difficult. I think that probably if the adoptive parents are studied and they are approved, fine. There are probably thousands of persons in Maine right now, couples who have already been approved for adoption, and yet there are no babies available. They have already been studied, they are all ready to go, and all of a sudden we are assuming that judges are not going to handle their responsibilities in a fairer manner, we are going to say they 'must' do this. I think that we should stay with the law. It says it 'may' be done.

In this individual case, there is a complete study being done, yet the child is with the adoptive mother now and they are growing each day to feel each other's love, whereas if we send them to an agency, they would be handled with a bunch of other children, they grow used to something then there is a change all of a sudden.

I just think that there are a lot of issues here that we are not really considering, and I really don't think the situation is being run that badly

right now. If anybody can tell me of any real abuses, I would like to hear about them.

Mr. DEVOE of Orono was granted permission to speak a third time.

Mr. DEVOE: Mr. Speaker and Members of the House: I would like to recite to the entire House an experience I had in my first years of practice as a lawyer. In either 1960 or 1961, a lady came to my office who just weeks before had a child which was an illegitimate child. She had gone to a lawyer's office in Bangor and gotten some explanation and signed a form which she was told at that time was a conditional consent to adoption. She surrendered the child, walked out of the lawyer's office, went back to her home. Within a few days, she went back to the lawyer's office and said, "You said this was a conditional consent that I signed, can you give me a copy of it?" "No, I am sorry, I don't have a copy of it; but your child is no longer here in Bangor." She then came to my office. I enlisted the help of Miss Ruth Crowley, who, at the time, was Deputy Attorney General in the Health and Welfare Department, and we traced that child to the Virgin Islands. We learned that the plane on which this child had been taken to Boston and then to the Virgin Islands left Bangor some three or four hours after the child had been surrendered in this lawyer's office. We learned by a conference call with the Attorney General in the Virgin Islands that the couple had been in Bangor, had been in the other room of the lawyer's office and had taken the child directly to the airport. We learned that an article appeared in the San Juan, Puerto Rico Times about a day before this couple arrived back in the Virgin Islands and announced that Mrs. so and so had recently had a birth in San Juan and that Mr. and Mrs. so and so were now the proud parents of this child which had been born in Bangor, Maine. Now, it is because of instances like this that I believe you should consider voting favorably on my motion to indefinitely postpone this bill.

If you look at Paragraph 2, Section 3, of Committee Amendment "A", which is House Filing No. 703, you will see that an individual who does not advertise himself or hold himself out as placing or finding homes for children for the purposes of adoption but who does in fact do that shall not be deemed to operate a child placing agency and shall not be subject to the licensing requirements of the department. By leaving a section like this in, you leave it wide open for an individual, an attorney, a doctor or a nurse to participate in, with money being received, children for adoption. It is the so called "grey market."

I didn't want to have to explain this situation on the floor of the House, because, in my opinion, it is a deplorable example of what people will do for money. We had to bring a petition for a habeas corpus in the circuit court for the Virgin Islands. This woman flew down to the Virgin Islands with Miss Crowley. She was met at the airplane by the adoptive parents, taken to a palatial home, he was an engineer with a large international company, and if Miss Crowley had not been with her, this woman probably would have been overwhelmed by the affluence of their life. But the morning that the habeas corpus was scheduled for hearing, this couple walked into court and handed the child back to the true mother and she flew back that afternoon with Miss Crowley with her child. It is a situation like this that I would hope this legislature would not permit to happen again, and it is with that experience in mind — I grant you it may be a rather extreme experience, but it is an example of what could happen, in my opinion, if this Paragraph 2 of Section 3 of Committee Amendment "A" is enacted.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: There have been more red herrings dragged across this bill than any other bill I have seen in this session. The situation that the gentleman from Orono, Mr. Devoe, described, is a terrible situation, it is deplorable, we would all hope these things would not happen, but it is exactly the kind of thing that can happen if this bill is not enacted, because this situation happened under the current law which provides no mandate that the probate judge investigate the home or that the probate judge make sure that this type of pressure is not brought on the young girl that was brought on in this situation.

I cannot understand why Mr. Devoe is moving for indefinite postponement and at the same time bringing up a deplorable, terrible, disgusting situation that is happening under the current law. The current law is what we will be operating under if we indefinitely postpone this bill. So if you think this is a terrible situation, I hope that you vote for the bill and vote against the indefinite postponement and try to improve the situation.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think on the other side, Mr. Peakes was arguing that there is nothing wrong with the current law, and I think the whole thing is that before the committee we realized, having various other parents who had tried to adopt children and were not able to do so, realized the inadequacy of the present law. The big difference came with the agencies themselves. They addressed this particular subject. They said they did not want to see, at first, unlicensed people providing adoptions, and then when we went in and provided all of these safeguards, the consent and the home review, etc., and making sure the probate court was involved very directly with the adoptions, we would eliminate many of these abuses that Mr. Devoe had explained.

Now, one of the current things that Mrs. Boudreau has brought up, I think unfortunately, but under the current law, a person can go into a home, a child can be placed in a home by the natural parents prior to the judge even making the decision for adoption. And once the child is in the home — we have got this from the Department of Human Services as well as from attorneys and adoption agencies — very seldom are these children taken out of the home. It becomes a very traumatic experience for the child to get in there. This is because home studies are not done, and yet it may be proven that maybe isn't working out properly.

Under our amendments, everyone seemed to be satisfied, the Department of Human Services was, the lawyers seemed to be satisfied, the medical community was satisfied, the adoption agencies, they participated in this bill tooth and tongue, right up to the very end. Now, if anybody doesn't want to have unlicensed people providing adoptions, its adoption agencies, St. Andres Home said it was okay, the Home for Little Wanderers, the people from Bangor, various private doctors and lawyers working for adoption agencies, people on the board of directors of adoption agencies, they addressed all of these things, the grey market, the black market, etc., the white market, if you will, and they all said, fine, this is going beyond what we want. This is doing what is not being done today under the present system. They at first disagreed with this. They said, no, you have gone beyond what we wanted.

This is a protection for the child, because under the current Maine law all of these, as Mrs. Kane said, all of these situations are not covered. So when we sit here, our whole committee came out unanimously on this. We would not have come out unanimously on this if we

had not provided these safeguards. This, I think, is one of the things you must take into consideration. This includes a lot of people who have thought about all of these particular problems. We have tried to explain them on the floor of the House. It seems to me that, unfortunately, just in a few minutes, weeks of work of many many people can be put asunder by a few, as Mrs. Kane said, red herring arguments which we have gone over many many times.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I would ask you not to indefinitely postpone this bill, it does many good things. I still have some reservations, but it is only in the second reading and it will be back, and if we find that we can tighten it up a little more just in that one area that I am concerned about, we can always back it up and do that. But I do not want you to indefinitely postpone this bill.

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

A vote of the House was taken.

19 having voted in the affirmative and 61 having voted in the negative, the motion did not prevail.

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

Bill "An Act to Establish the 1977 State Valuation Omnibus Reform Act" (S. P. 465) (L. D. 1608) (C. "A" S-300)

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

Later Today Assigned

Bill "An Act to Implement the Recommendations of the Pomeroy Commission on Medical and Hospital Malpractice Insurance" (S. P. 205) (L. D. 727) (H. "B" H-810 to C. "A" S-270)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed as amended and later today assigned.)

Tabled and Assigned

RESOLUTION, Proposing an Amendment to the Constitution Allowing the Legislature to Impose a Different Rate of Taxation Upon Properties Outside of Incorporated Municipalities and Plantations (H. P. 1009) (L. D. 1212) (H. "B" H-823 to C. "A" H-659)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and specially assigned for Monday, June 27.)

Bill "An Act to Amend Certain Provisions of the Employment Security Law" (S. P. 504) (L. D. 1789) (C. "A" S-304)

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

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Emergency Measure

"An Act Concerning the Fees for Filing Municipal Tax Liens" (H. P. 1724) (L. D. 1884) (S. "A" S-298)

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.

Passed to Be Enacted

"An Act to Provide for the Prevention of Alcohol Abuse" (S. P. 306) (L. D. 976) (C. "A" S-282)

"An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index" (S. P. 317) (L. D. 1075) (C. "A" S-236)

"An Act to Improve Public Access to State Agency Rules by Providing for their Publication and for a Rule Review Program" (S. P. 415) (L. D. 1411) (C. "A" S-286)

"An Act to Create the Maine Administrative Procedure Act" (S. P. 493) (L. D. 1768) (C. "A" S-287)

"An Act Realing to the Term of Membership on the Board of Visitors for Mental Health and Corrections' Institutions and the Baxter School for the Deaf" (H. P. 148) (L. D. 178) (C. "A" H-721)

"An Act Concerning Transient Sales of Consumer Merchandise" (H. P. 218) (L. D. 282) (C. "A" H-710)

"An Act to Provide for Tourism Promotion and Information Services" (H. P. 740) (L. D. 945) (C. "A" H-671)

"An Act to Clarify and Modify Causes for 7-Day Notice of Termination of Tenancy at Will" (H. P. 988) (L. D. 1199) (H. "A" H-684 to C. "A" H-536)

"An Act to Establish a Licensing Fee for Bow and Arrow Hunting in Combination with a Fishing License" (H. P. 1031) (L. D. 1278) (C. "A" H-704)

"An Act to Clarify Certain Statutory Provisions for the Licensing of Camps, Eating and Lodging Places" (H. P. 1260) (L. D. 1489) (H. "A" H-695)

"An Act to Clarify the Authority of the Board of Registration in Medicine to Conduct Programs of Medical Education" (H. P. 1349) (L. D. 1621) (C. "A" H-618)

"An Act Concerning Debtor's Property Exemptions from Attachment and Bankruptcy Proceedings. (H. P. 1361) (L. D. 1677) (H. "A" H-739 to C. "A" H-657)

"An Act Relating to Mental Illness as an Impediment to Divorce" (H. P. 1367) (L. D. 1596) (C. "A" H-658)

"An Act to Establish a Bill of Rights for Mentally Retarded Persons" (H. P. 1473) (L. D. 1735) (H. "A" H-792 and S. "A" S-275 to C. "A" H-631)

"An Act to Repeal Certain Laws Relating to Domestic Relations" (H. P. 1627) (L. D. 1830) (S. "A" S-295 to H. "A" H-488)

"An Act to Prevent the Display of Adult Magazines to Minors" (H. P. 1661) (L. D. 1857) (S. "B" S-272)

Finally Passed

RESOLVE, to Permit Limited Testing of Automobiles under the Supervision of the Department of Marine Resources (H. P. 527) (L. D. 657) (C. "A" H-681)

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

By unanimous consent, ordered sent forthwith.

On motion of Mr. Tierney of Lisbon Falls, Recessed until one o'clock in the afternoon.

After Recess

1:00 P.M.

The House was called to order by the Speaker.

Orders of the Day

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

Senate Report — "Ought to Pass" — Committee on Transportation on Bill "An Act Appropriating Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville" (Emergency) (S. P. 410) (L. D. 1418)

Tabled — June 22, 1977 by Mr. Berry of Buxton.

Pending — Motion of Mr. Biron of Lewiston to Indefinitely Postpone Bill and all Accompanying Papers.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you wouldn't indefinitely postpone this bill. I think the need is here and I would ask that when the vote is taken, it be taken by the yeas and nays.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The bill that you have before you is a bill that I objected to several days ago and has been tabled since. I guess the problem with the bill is that they were waiting to play the infinite game of let's make a deal and the deal has been made.

I would urge this House to indefinitely postpone this bill. The bill calls for the expenditure of several thousand dollars which to me, in my opinion, is to solve a problem that does exist but it is a local problem.

The money apparently is to be used for a parking lot. I am not saying that the parking lot is not needed in Lincolnville because of the ferry; however, I am saying that other communities who have found themselves in similar situations have floated a bond and have paid that bond by charging for the use of the parking lot until such time that expenditure was paid. I don't think that we here in the state legislature should be funding this kind of expenditure, because if we do, every community, and I am not going to stand up here, and I am sorry that the gentleman asked for a roll call, because I think it is a waste of money the way this House votes on these issues. We might as well spend it down the road and put it on the Appropriations Table and let the leadership make the decision, because after all, we are not responsible enough.

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

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a couple of comments on this. I was born and brought up in Lincolnville. I do live in Belfast now and I come by way of Portland, Cape Elizabeth and many other places but I was born and brought up in Lincolnville and I am acquainted with the problem there. I did work for the county for many years and Lincolnville was one of the towns that I had.

I can remember back when the ferry terminal was built. This road was there at that time. There were houses on it at that time. There was off-loading from this road at the same time for boats, etc., to be put into the bay. This is back, and I don't remember the year, but it was back a good many years ago, and the road did exist, the houses did exist, the off-loading space or the ramp for boats or a place that you could back down on and bring out your cradles with your boats on it, etc., at that time. What has happened over the years is that the traffic has increased on the ferry to Islesboro to the extent that I think anybody in this House who has been there on a very busy day, it doesn't have to be that busy, any day in the summertime, especially on the weekend, the cars are backed out onto Route 1. To me, it does create, and I haven't checked it with the state police, but to me, being an ex-police officer, it does create a tremendous hazard, a traffic hazard. I sincerely believe this. I don't know whose responsibility it is, whether it is the state or the town, but it was caused by the state building a ferry terminal

there. Who should do something about getting rid of these cars and parking them to make it safe for the people driving through there. I really don't know, but I do know the situation is there.

The thing that I did want to bring out, that there wasn't a development made there or houses built, maybe there has been some built, but certainly there were houses there, there was a road there and all these things before, so I am not going to ask you to vote for it or against it, I am just going to urge you to think about it.

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

Mr. STROUT: Mr. Speaker, I withdraw my motion on the roll call.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of Mr. Biron of Lewiston to indefinitely postpone the Bill and accompanying papers. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 57 in the negative, the motion did not prevail.

Thereupon, the "Ought to Pass" Report was accepted and the Bill read once.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed and sent to the Senate.

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

Bill, "An Act to Appropriate Money for Improvements to Airports and to Authorize General Fund Bond Issues in the Amount of \$1,200,000" (H. P. 1409) (L. D. 1684)

Tabled — June 22, 1977 by Mr. MacEachern of Lincoln.

Pending — Adoption of Committee Amendment "A" (H-591)

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading Monday, June 27.

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

Bill, "An Act Relating to the Administration of Medication" (H. P. 1236) (L. D. 1389) (C. 'A' H-640)

Tabled — June 22, 1977 by Mr. Burns of Anson.

Pending — Passage to be Engrossed.

On motion of Mr. Burns of Anson, retabled pending passage to be engrossed and specially assigned for Tuesday, June 28.

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

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

Tabled — June 23, 1977 by Mrs. Post of Owls Head.

Pending — Reconsideration (Returned by the Governor without his approval)

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: This is, indeed, a very extremely important Resolve and I would ask you to bear with me so that I can, hopefully, very briefly, describe the issue behind Bigelow Laboratories and what we are talking about basically.

Four years ago, the National Marine Fisheries Service decided as an economy move to discontinue their efforts at Boothbay Harbor. They had a cold water laboratory there. At that time, I remember the gentleman from Gouldsboro, Mr. Bunker, who was, at that time, House Chairman of the Marine Resources Committee and I traveled to Washington to try and encourage National Marine Fisheries Service to

change their mind. That effort, unfortunately, was fruitless. Subsequent to that, the gentleman from East Millinocket, Mr. Birt introduced a bill, which provided some additional funds to the Department of Marine Resources to continue some of the research programs that the feds were, in fact, dropping and each program has an important impact upon me. That bill was enacted back here and I think we continued to receive the benefits from the action which the gentleman from East Millinocket, Mr. Birt, took at that time.

In 1974, we had an opportunity to attract what I considered to be one of the premier group of marine scientists in the world, not in this country, in the world, come to Maine. They had been operating in Massachusetts and the Commissioner of Marine Resources at that time came to the Legislature and the gentleman from Augusta, Mr. Brooks Brown, introduced an appropriations bill that provided some basic seed money for personal services that they would go out and match to obtain research contracts in conjunction with the Gulf of Maine. I think that appropriation was \$200,000 and there was \$170,000 that was set for the personal services and \$30,000 that was set for the expenses. Subsequent to that, of course, Governor Longley became the governor of the state and I think he then began asking some legitimate questions about the state's role in relation to Bigelow Laboratory. I think that the then Commissioner and members of the Marine Resources Committee had an exchange of ideas and opinions with the Governor and members of his staff about the state's role in this regard. I am not really sure that I can express the Governor's thinking on it because I am not really sure exactly what it is, so I certainly won't try to share with you what I think his thinking might be.

A year ago, in 1976, I became increasingly concerned about the future of the Bigelow Lab, particularly after the department reduced substantially the Bigelow appropriation as a result of the Governor's request for a 4 percent budget cut and, frankly, that was the only substantial cut that was made in that department, the appropriation to Bigelow. The Governor was gracious enough to give me an opportunity to speak with him at that time about Bigelow and some other marine resource related items, and I suggested to him that we form a Joint Executive Legislative group to examine on a long range basis just exactly the relationship the state ought to have with Bigelow and if we ought to continue to provide some funds, whether it ought to be through the Marine Resources or through the university. On May 24, 1976, at the Governor's request and subsequent to this meeting I had with him, I wrote him a letter suggesting to him a scenario for this study group for this task force to address. I regret to say that I received no reply to that letter whatsoever and I am not sure that I have had any direct discussions with the Governor since then.

The appropriation which the budget office and the Governor and the department supplied to this legislature included no funds for salary support for Bigelow Laboratory and through the appropriations process and work that the Maine Resource Committee did, the money was restored to the budget and it was put under the umbrella of the University portion of the budget.

You may recall that the Marine Resources Committee had a study addressing a number of items this past year, and one of them was the whole research effort that has taken place in the state from the point of view of the department, the University, Bigelow Lab and Trigon, and the result of that effort, I think, one of the recommendations of the subcommittee was that we thought it was essential to have Bigelow Laboratory continue while we attempted to

work out a long-range strategy for the marine research that this state wishes to support.

So, because of the problems and the misunderstandings that has, in fact, resulted, this Resolve was drafted, went to public hearing and the afternoon of the public hearing, the committee had a very frank and blunt discussion about it. I think there was give and take within the committee, certainly there was give and take on my part, and we came out with the Resolve that this legislature as far as I can recall, unanimously enacted. The report of the Maine Resources Committee was that unanimous report.

I might also indicate that late in February, Mr. Wyman in the Governor's office approached myself, Representative Post and Senator Chapman, who is the Senate Chairman of the Marine Resources Committee, and asked if we would be willing to meet with the Governor's Office and the department and the University and the Bigelow people to see if we couldn't resolve this matter, and I think he asked me specifically if I was locked into any particular funding pattern and I said, no, I would try to keep an open mind but that I honestly did support the concept of continuing to fund Bigelow and I think he understood that. We had a meeting one night, I think it was the first Monday in March, and there was a very frank and blunt exchange of opinions. I don't think there was necessarily any agreement, and I got the feeling that Mr. Wyman was perfectly happy to have the legislature resolve the issue.

All during the process of drafting this Resolve, Senator Chapman was in contact with the Governor's office, and I think it is fair to say that he was given every indication that the Governor's office was supportive of the Resolve and perhaps happy to have the situation clarified. I think that the Governor's office requested that the money be funded through the University appropriation and I had a small part, if you will, in making sure, through the appropriations act, that that was proper. So, I think that we have gone a long way towards cooperating and working with the Governor on this particular matter.

I would like to make one quick comment about the veto message. The Governor seems to infer I think, by his veto message, that we are usurping some of his management responsibilities. I would like to suggest, if I could, that this really is a policy decision. I think it is a very important policy decision that this legislature is forced to make, and as I indicated, we have asked the Governor to share in that decision making and I am not convinced in my own mind that he has, or that his office has, to the extent that we would have liked to. But I think it is a policy matter that this legislature should be making and I don't think we are usurping any of his management abilities, because the Resolve does direct the Commissioner to execute a lease with Bigelow for the next year with an option to continue.

I really have spoken longer than I intended to and I apologize for that. I feel very strongly about this matter and I think for the interim period of at least until the Committee on Marine Resources can come up with a long-range plan pertaining to marine resources, it is necessary to enact this Resolve notwithstanding the objections of the Governor, and I would respectfully ask you to vote yes on the pending motion.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Greenlaw has covered the background of this very well. There are two points that I will make. One, when Bigelow originally came into the state, the state put up \$200,000 in seed money. I wish the state could be as successful with their seed money as this project has been.

We brought in some of the top marine scientists in the whole country, if not the world, it is the only cold water facility on the Atlantic coast and therefore, is particularly valuable with the implementation of the 200 mile limit. They have taken the money and has been plowed in and brought up well over a million dollars a year now in contract projects that they are bringing into the state. There are major economic factors in the Boothbay Harbor region where these people are living and a lot of the money is being spent and in Lincoln County, I might add.

Other states have done projects very much like this. If you look at New York, you will see the Montoff facility at the end of Long Island, that is funded by the legislature directly and has cost far, far more than this. I think this certainly compared is every bit as good as the Montoff facility if not better.

I also would point out that the committee, in drafting this and in working on it, each step, the Governor was contacted. He knew about it, and as far as we could tell, he okayed it. Much of this was done by a gentleman who is our Committee Chairman from down the hall, and he made every effort he could to see that this was fairly carried out and that the Governor was aware of everything we did and there was no objection along the way until, surprisingly, one appeared at this stage.

I hope you will override the veto.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to go into any details. I think Representative Greenlaw and Representative Jackson covered it very thoroughly and very clearly. But I do think that it would be a disaster to the State of Maine if we were to lose this laboratory. It is going to have a great potential within the next few years and I might qualify that by about five in regards to the 200 mile limit at sea. It is going to be a great asset to the State of Maine to maintain this laboratory.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I would have to readily admit to you here today that part of this session I had some reservations as to the advisability of continuing this operation because of the dissention between the factors involved. I feel, today, that there has been a sincere effort on both parties to resolve these differences and work towards a better end which I think will be a help to the fishing industry and I think you and I and everybody concerned could agree that any gain that the fishing industry would get from Bigelow Lab would be to the betterment of the state of Maine.

I urge you to support the bill.

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

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Dow, Drinkwater, Dudley, Elias, Fenlason, Flanagan, Fowle, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Locke, Lougee, Lynch,

MacEachern, Mahany, Marshall, Masterton, Maxwell, McBreairty, McHenry, McKean, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Shute, Smith, Spencer, Sprowl, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Valentine, Whittemore, Wilfong, Wyman, The Speaker.

NAY — Carter, F.; Conners, Durgin, Garsoe, Joyce, Littlefield, Mackel, McPherson, Moody, Raymond, Silsby, Stover.

ABSENT — Bagley, Bennett, Boudreau, P.; Brown, K. L.; Carrier, Cote, Dexter, Dutremble, Gauthier, Gillis, Higgins, Howe, Huber, Jalbert, LaPlante, LeBlanc, Lizotte, Lunt, Martin, A.; Masterman, McMahan, Norris, Peakes, Stubbs, Truman, Twitchell, Tyndale, Wood.

Yes, 111; No, 12; Absent, 28.

The SPEAKER: One hundred eleven having voted in the affirmative and twelve in the negative, with twenty-eight being absent, the veto is not sustained.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act Concerning the Blue Sky Law" (S. P. 200) (L. D. 598) (C. "A" S-260)

Tabled — June 23, 1977 by Ms. Clark of Freeport.

Pending — Passage to be Engrossed.

On motion of Ms. Clark of Freeport, retabled pending passage to be engrossed and assigned for Monday, June 27.

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

Bill, "An Act to Permit the Advertising of Prescription Eyeglasses and Other Optical Devices" (H. P. 415) (L. D. 518) (C. "A" H-784)

Tabled — June 23, 1977 by Mr. Brennerman of Portland.

Pending — Passage to be Engrossed.

On motion of Mr. Goodwin of South Berwick, retabled pending passage to be engrossed and assigned for Monday, June 27.

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

Bill, "An Act to Provide Home Health Care Coverage in all Health Care Policies and Contracts" (S. P. 341) (L. D. 1125) (C. "B" S-292)

Tabled — June 23, 1977 by Mr. Talbot of Portland.

Pending — Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

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

Bill, "An Act Creating Job Security for Deputy Sheriffs" (H. P. 1277) (L. D. 1508) (C. "A" H-713)

Tabled — June 23, 1977 by Mr. Henderson of Bangor.

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 28.

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

"An Act to Extend Collective Bargaining Rights to County Employees" (H. P. 1278) (L. D. 1509) (C. "A" H-602)

Tabled — June 23, 1977 by Mr. Henderson of Bangor.

Pending — Passage to be Enacted. (Roll Call Requested)

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of more

than one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Blodgett, Boudreau, A.; Brennerman, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Elias, Flanagan, Fowle, Gill, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hickey, Hobbins, Hughes, Jackson, Kane, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Locke, MacEachern, Masterton, Maxwell, McHenry, McKean, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Pearson, Peltier, Plourde, Post, Prescott, Talbot, Tarr, Theriault, Tierney, Valentine, Wilfong, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Berry, Berube, Biron, Birt, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, F.; Churchill, Conners, Cunningham, Devoe, Drinkwater, Durgin, Fenlason, Garsoe, Gould, Gray, Green, Greenlaw, Huber, Hunter, Hutchings, Immonen, Jacques, Jensen, Joyce, Kany, Lewis, Littlefield, Lougee, Lynch, Mackel, Mahany, Marshall, McPherson, Morton, Nelson, N.; Palmer, Perkins, Peterson, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Tarbell, Teague, Torrey, Tozier, Trafton, Whittemore.

ABSENT — Bagley, Bennett, Boudreau, P.; Brown, K. L.; Carrier, Cote, Dexter, Dudley, Dutremble, Gauthier, Gillis, Higgins, Howe, Huber, Jalbert, LeBlanc, Lizotte, Lunt, Martin, A.; Masterman, McBreairty, McMahan, Norris, Peakes, Stubbs, Truman, Twitchell, Tyndale, Wood.

Yes, 58; No, 65; Absent, 28.

The SPEAKER: Fifty-eight having voted in the affirmative and sixty-five in the negative, with twenty-eight being absent, the Bill fails of enactment.

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

Mrs. BERUBE: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I totally agree with the lady's motion but I hope you don't vote against her. In fact, I would hope that someone would table this bill for one legislative day.

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

Mr. KELLEHER: Mr. Speaker, I move that this be tabled for one legislative day.

Whereupon, Mrs. Berube of Lewiston requested a division.

The SPEAKER: The Chair will order a vote. The pending question is tabling for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

49 having voted in the affirmative and 69 in the negative, the motion did not prevail.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that is a result of a unanimous report from the Committee on Labor and I have watched with interest as certain individuals, all of whom seem to be on the aisle over on the other side there, has been tabling this day after day after day. I wondered what was happening and I assumed that the reason that this was being tabled is that

that piece of legislation, L. D. 224, had not yet been taken care of and wanted to make sure that bill passed and we could deal with, not only Item 9, which is this bill, but also No. 8. Well, today No. 8 was tabled again from the other side and went right after No. 9.

What the bill does very simply is that it says that the employees of county government may have collective bargaining rights. Right now, the municipal employees have collective bargaining rights, state employees have collective bargaining rights, the university employees have collective bargaining rights and I just cannot seem to understand why the employees of counties should not have collective bargaining rights and I expect someone will tell us right now why they shouldn't.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I think we will now tell Mr. Bustin why they should not have collective bargaining rights. To backtrack a little bit, the tabling motions have not come from the far end, they come from the other end of the hall.

First of all, I don't think this is a bill that should have gone to Mr. Bustin's committee. There is the Local and County Government Committee, which I think was originally assigned to and I think, due to the fact that we were dealing with the other bills in that area, we could have taken care of this one very nicely.

I certainly don't object to county employees having the same privileges as state and municipal employees as far as bargaining or whatever. However, if we are going to do that, let's go all the way. For example, there are no laws on the statutes which govern the hiring procedures of state and municipal employees, such as those that govern the employment of county employees, deputy sheriffs, etc. At the state level, job openings are usually posted. They follow a set standard of job descriptions and hiring practices. Counties are certainly different from this. The job openings, first of all, are seldom advertised, they go as a result of political patroness without regard many, many times to qualifications. Now, what would you do with the CETA employees that are there for 15 months as some of the programs have been extended. These CETA employees of the county level aren't contributing at the present time to the state retirement fund. Would you also give them collective bargaining rights? We have for example, in one county, five who have just been hired to study county government for 15 months and I think they have hired four to study county roads.

Under L. D. 224, the deputies presently serve at the pleasure of the sheriff. Now, how can you bargain that? Under L. D. 224, they would not serve at the pleasure of the sheriff but the sheriff would still appoint them or hire them with the consent of the county commissioners. They would be hired or reappointed for three years. That is in the statutes if L. D. 224 passes and if it doesn't pass, they are there at the pleasure of the sheriff. L. D. 224, since we have brought it out, mandates that a deputy sheriff must work 40 hours — how could they turn around and get involved in collective bargaining when that is in the statutes? The chief deputy under L. D. 224, we have taken away in this L. D. the right of the sheriff to discharge at his will, a deputy, but the chief deputy still serves at the pleasure of the sheriff. The assistant district attorneys in some counties have several still serves at the pleasure of the district attorney and last but not least, what happens if we suddenly decide to abolish county government? Or some functions are taken away as will eventually happen no doubt so these are some of the reasons why I feel we can't very well pass this bill. There would be too many other statutes to remove from the books.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: Undoubtedly down the road away, this probably will come about but right now we had in this House a few days ago, it is now in the other body, a bill that I called, the Charter Bill. We have some counties in this state that are in trouble apparently with their administration and apparently there has been before my time bills on this floor to reorganize county government. There have been bills here this year to reorganize county government that was defeated. This charter bill right now looks like it was going to go and this charter bill will allow them, through referendum, to vote on request by 20 percent of the voters in that county, by the county commissioners, if they feel it is necessary and they can put it in as a referendum, at which time they will elect a charter commission and the charter commission will report back at the next general election with what they found, in one instance, maybe, they did away with county government and another instance, to improve it. Of course, I hope they improve it because everybody knows I support county government.

I feel right now to pass this bill would possibly where they have so much to do in some counties to reorganize and to get antiquated charters up to date, I don't really feel that this is the right time to do this.

So, therefore, I feel that we should not adopt this.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: We are not talking about L. D. 224 and we are not talking about the county, that committee we have here in the legislature that handles county affairs, this bill is a labor bill and so rightly it went to the right committee.

I realize that there are many here in this House that don't want to see any rights granted to those who have to work and I can understand their reasoning. Because when we give employees rights, such as the Turnpike Authority and the other departments now have, the university, etc. we are protecting their rights and that is just what this is. You can bring up all the facts you want to about the sheriff's department and by the way, there is a bill coming in on that one too, but regardless, do we want to have employees working in counties who can come into work tomorrow morning and because the county commissioners don't like them, get rid of them? I don't think so. That is what you are saying when you turn this bill down.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote in favor of the reconsideration motion. The points that have been brought out regarding the statutes of governing the counties does not, in any way, work counter to the notion of collective bargaining for county employees. It is a well established principle that if a working condition or requirement is written into the statutes, that statute cannot be changed by bargaining so that the bargaining would have to occur within the context of existing statutory requirements whatever they are.

The definition right now of public employer in 26 MRSA-962 includes every other public employing agency of this state. It includes the quasi municipal agency such as the Maine Turnpike Authority, it includes towns, municipalities, school districts, the university is covered and wherever we have public employees in this state, they have bargaining rights except in the counties. When I first took a look at that statute and when I was first approached by the deputy sheriffs in Cumberland

County concerning the right of collective bargaining, my first impression was that the failure to include counties in the bargaining law, must have been an oversight. Apparently, that is not correct. Rather than an oversight, it is an injustice. There is no reason that I can see why we should guarantee these rights to every public employee in this state except that one particular class of employee.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I want to make two points before we vote and when we do vote, I hope you vote yes for reconsideration.

The first point that Mrs. Berube made, I think, is a very good one, and that is relative to the patronage aspect of our county government system. This probably is the area of public employees that is most affected by patronage except, I think, that reasoning goes a little astray. In my opinion, the passage of collective bargaining will do more to eliminate the evil effects of patronage than anything else. For example, and this is just one example of all the things that you could bargain and, incidentally, what they could bargain for is wages, hours and working conditions, one of the things that they could bargain would be the standards by which they could be dismissed, which would take them out of the province of the department head. The department head would not be able to say, you didn't collect enough absentee ballots in the last election; therefore, you are gone. They could have a different standard which would say, you may be dismissed for cause and causes if you don't come to work on time, you are doing your work poorly; in other words, the employees are themselves are far more likely to bargain in fairness. In terms of dismissal than are the people who are appointing them on a political basis.

I think from that aspect alone, collective bargaining would nullify the bad effects of patronage and I hope you will go along and reconsider and pass this bill.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: The only problem I have with this is that somewhere in the back of my mind, there is a question as to the number of signers on the report and realizing, of course, that there are 13 people on that committee, a question to the Chair, may I have the number of signers on the report?

Report was read by the Clerk.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Just to allay anyone's fears that this is a conspiracy of the Local and County Government Committee vs. the Committee on Labor or Mr. Laffin, it isn't. My seatmate and I differ very often and this is another one of those cases.

The reason that it had been tabled in the past was there were a bunch of deputy sheriff bills hanging around and we all wanted to get an idea of what they did. But it seems that it has come time to make a decision one way or the other and I have finally been convinced that it does make sense to grant the bargaining rights for many of the reasons that have been mentioned especially in the trend to modernize county governments and to depoliticize them and to provide stability in their administration. I think that is one of the best arguments that can be made for it and so I hope you will vote to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: Unfortunately, I don't agree with the Chairman of my Local and County Government Committee because unlike municipalities,

county government does not enjoy home rule and has been already mentioned certain salaries of county employees are set by statutes and of course, the county budget is also set by statute. The figures that we usually accept are figures that are approved by the county delegation so unless, you, as your county delegation, want to get into the act of negotiating contracts for your counties, I would suggest that you not reconsider this bill, that we defeat it until such time as you are willing to grant home rule to county government.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I do want to make one point of clarification and it just didn't occur to me and the fellow in back of me, Mr. Shute, asked me the question and it just occurred to me that a lot of people might have the same question. Does this bill give collective bargaining rights to the sheriff, to the registrar of deeds, to the registrar of probate and the elected officials and the answer is no, it affects only those who work for county government.

Mr. Burns of Anson requested a roll call.

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

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

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

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

The SPEAKER: The pending question before the House is the motion to reconsider. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Blodgett, Boudreau, A.; Brennerman, Brown, K.C.; Bustin, Carroll, Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hickey, Hobbins, Hughes, Jackson, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Locke, MacEachern, Mahany, McBrearty, McHenry, McKean, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Pearson, Speltier, Flourde, Post, Prescott, Quinn, Spencer, Stubbs, Talbot, Tarr, Theriault, Tierney, Valentine, Wilfong, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Berry, Berube, Biron, Birt, Bunker, Burns, Carey, Carter, D.; Carter, F.; Connors, Cunningham, Devoe, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gould, Gray, Green, Huber, Hunter, Hutchings, Immonen, Jacques, Jensen, Joyce, LaPlante, Lewis, Littlefield, Lougee, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McPherson, Morton, Nelson, N.; Palmer, Perkins, Peterson, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Teague, Torrey, Tozier, Trafton, Whittemore.

ABSENT — Bagley, Bennett, Boudreau, P.; Brown, K. L.; Carrier, Churchill, Cote, Dexter, Dutremble, Elias, Gauthier, Gillis, Howe, Jalbert, LeBlanc, Lizotte, Lunt, Martin, A.; McMahon, Norris, Peakes, Truman, Twitchell, Tyndale, Wood.

PAIRED — Henderson, Higgins.

Yes, 61; No, 63; Absent, 25; Paired, 2.

The SPEAKER: Sixty-one having voted in the affirmative and sixty-three in the negative, with twenty-five being absent and two paired, the motion does not prevail.

Sent to the Senate.

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

An Act to Establish the Maine Nonprofit Corporation Act (S. P. 547) (L. D. 1885)

Tabled — June 23, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Raymond of Lewiston to Indefinitely Postpone Bill and All Accompanying Papers. (Roll Call requested)

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: Concerning L.D. 1885, I consulted or I should say, the Chairman of Judiciary consulted with me this morning on this bill. I have been assured by the gentleman that the problems I had with the bill will be taken care of before the end of this session. I told him that I would take his word for this so consequently, Mr. Speaker, I ask to withdraw my motion to indefinitely postpone the bill.

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

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

SENATE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Taxation on Bill "An Act to Repeal the Personal Property Tax on Commercial Fishing Vessels and Equipment" (S. P. 233) (L. D. 730) — In Senate, Minority "Ought to Pass" Report Read and Accepted and the Bill Passed to be engrossed.

Tabled — June 23, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Carey of Waterville to Accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Carey of Waterville, retabled pending the motion of the same gentleman that the House accept the Majority "Ought Not to Pass" Report and assigned for Monday, June 27.

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

An Act to Provide Lifeline Electrical Services (H. P. 1669) (L. D. 1867) (H "A" H-561; H "B" H-656; S "A" S-235)

Tabled — June 23, 1977 by Mr. Connolly of Portland.

Pending — Passage to be Enacted. On motion of Mr. Connolly of Portland, retabled pending passage to be enacted and assigned for Monday, June 27.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to Pass" — Minority (6) "Ought Not to Pass" — Committee on State Government on Bill, "An Act to Amend the Maine Human Rights Act" (H. P. 162) (L. D. 200)

Tabled — June 23, 1977 by Ms. Goodwin of Bath.

Pending — Acceptance of Either Report. On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and assigned for Monday, June 27.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (H-734) — Minority (1) "Ought to Pass" as Amended by Committee Amendment "B" (H-735) — Committee on Transportation on Bill "An Act Relating to the Maine Turnpike Authority" (H. P. 343) (L. D. 388)

Tabled — June 23, 1977 by Mr. Strout of Corinth.

Pending — Motion of the same gentleman to Accept the Majority "Ought to Pass" Report. On motion of Mr. Greenlaw of Stonington,

retabled pending motion of the gentleman from Corinth, Mr. Strout, that the House accept the Majority "Ought to Pass" Report and assigned for Monday, June 27.

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

Bill, "An Act Concerning Required Voting on Certain Boards and Commissions with Quasi-judicial Authority" (H. P. 1200) (L. D. 1441) (C. "A" H-758)

Tabled — June 23, 1977 by Mr. Garsoe of Cumberland.

Pending — Passage to be Engrossed. On motion of Mr. Palmer of Nobleboro, retabled pending passage to be engrossed and assigned for Monday, June 27.

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

Bill, "An Act to Repeal Certain Laws Relating to Conservation" (S. P. 363) (L. D. 1224) — In Senate, Report Read and Accepted and Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-276) as Amended by Senate Amendments "A" (S-294) "B" (S-302) and "C" (S-310) thereto.

Tabled — June 23, 1977 by Mrs. Post of Owl's Head.

Pending — Adoption of Committee Amendment "A" (S-276) as Amended by Senate Amendment "A" (S-294), Senate Amendment "B" (S-302) and House Amendment "A" (H-813) thereto.

On motion of Mr. Dow of West Gardiner, retabled pending adoption of Committee Amendment "A" as amended by Senate Amendments "A" and "B" and House Amendment "A" thereto and assigned for Monday, June 27.

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

Bill, "An Act Relating to Campaign Reports and Finances" (H. P. 1739) (L. D. 1888) — In House Passed to be Engrossed on June 20. — In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-305).

Tabled — June 23, 1977 by Mrs. Boudreau of Portland.

Pending — Further Consideration. The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I move that the House adhere.

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

Mr. PALMER: Mr. Speaker, I move that the House recede and concur.

Mr. Tierney of Lisbon Falls requested a roll call.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I guess before we have the roll call, I should mention a little bit about this bill. I will try to do it as gently as I possibly can.

I think probably many of you are well aware of what the Senate Amendment does and I can't for the life of me understand why the party of Jefferson and the party of the common man and the party which is consistently stating that it fights special interests, would have any disagreement with this amendment. For the benefit of those that do not understand the amendment, let me say that the Senate Amendment simply does one thing. As the law is written, it would allow an individual to give a \$1,000 and the spouse to give a \$1,000 in a statewide campaign. Come to organizations and associations and corporations, they, currently, can give \$5,000. This amendment would peel them back to \$1,000, which is the same as an individual can give. It seems to me that it is a sensible amendment. It seems to me that it is

the type of amendment that people are talking about today that we don't want, special interests of any kind to be able to give more and, therefore, have undue influence on a candidate. So, this amendment simply brings back and says simply, that no association, no organization can give more than \$1,000 and that is the same as an individual can give.

I find it very difficult to believe that the Democratic party in this state would want the Central Maine Power Company and Great Northern Paper and St. Regis and some of the others here to be able to give a Republican candidate or a Democratic candidate \$5,000 in a campaign and get undue influence on his actions after he is elected. So, I would think that the logical thing to do would be to say, lets bring this back to where it should be and say, \$1,000 is the top that anybody can give, be it an organization, an association or a corporation. That is what the Senate Amendment does and I hope we will recede and concur.

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

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

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

Mr. QUINN: Mr. Speaker, Members of the House: I listened with interest, both professionally and emotional, to the very well thought out and logical remarks of the gentleman from Nobleboro and it is with some pain that I have to find myself a distance from him. I believe he said something about that the Democratic party would probably object or not want the Central Maine Power Company or some of these larger corporations to be able to give larger amounts of money to their opponent or that general drift — no, I wouldn't necessarily be that way. In fact, I think that Central Maine Power and these large corporations consist almost exclusively of the people who work for them and the people who create them. I think it is evident in our form of government today and our society today, that groups must be able to express themselves and one of the best effective and in the long run, most Democratic and most responsive ways for groups to express themselves is through participation in the political process; this, in turn, means through money since money is the root of the political process. I don't think the amount requested in the original bill of \$5,000 is at all out of line. It is the amount that was chosen at the national level and has found rather wide acceptance. We have managed to live with it for two or three years now and I don't believe that Mr. Carter was the total slave of Mr. Meany. It seems to me he was at some distance from Mr. Meany after the election. I think if you want to transpose this kind of political influence, if the other party wishes to call it that to the main picture, that it means any damage whatsoever, I think it gives the working man and people in large groups, trade unions specifically, an excellent opportunity to express themselves to make themselves effective. I think for a 10,000 member group to be able to give \$5,000, which is only 50 cents a member, it is not at all out of line and rather than damaging the Democratic process is, in fact, a great strength and hope for it.

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

ROLL CALL

YEA — Aloupis, Ault, Austin, Birt, Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cunningham, Devoe, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gould, Gray, Huber, Hunter, Hutchings, Immonen, Laffin, Lewis, Mackel, Marshall, Masterman, Masterton, McBreairty, McPherson, Moody, Morton, Norris, Palmer, Peltier, Perkins, Peterson, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Whittemore.

NAY — Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Locke, MacEachern, Mahany, Maxwell, McHenry, McKean, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Pearson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Talbot, Theriault, Tierney, Tozier, Trafton, Valentine, Wilfong, Wyman, The Speaker.

ABSENT — Bagley, Bennett, Boudreau, P.; Carey, Carrier, Cote, Dexter, Dutremble, Gauthier, Gillis, Higgins, Jackson, Jalbert, Kane, LeBlanc, Littlefield, Lizotte, Lougee, Lunt, Lynch, Martin, A.; McMahon, Nelson, N.; Peakes, Silsby, Truman, Twitchell, Tyndale, Wood.

Yes, 51; No, 71; Absent, 29.

The SPEAKER: Fifty-one having voted in the affirmative and 71 in the negative, with twenty-nine being absent, the motion does not prevail.

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

Mr. PALMER: Mr. Speaker, I move that this be tabled for one legislative day.

Mr. Tierney of Lisbon Falls requested a division.

Thereupon, Mr. Palmer of Nobleboro requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that this matter be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Berube, Biron, Birt, Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cunningham, Devoe, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gould, Gray, Huber, Hunter, Hutchings, Immonen, Jackson, Laffin, Lewis, Lougee, Mackel, Marshall, Masterman, Masterton, McBreairty, McPherson, Moody, Morton, Najarian, Norris, Palmer, Peltier, Perkins, Peterson, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Whittemore.

NAY — Beaulieu, Benoit, Berry, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Locke, MacEachern, Mahany, Maxwell, McHenry, McKean, Mills, Mitchell, Nadeau, Nelson, M.; Pearson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Talbot, Theriault, Tierney,

Tozier, Trafton, Valentine, Wilfong, Wyman, The Speaker.

ABSENT — Ault, Bagley, Bennett, Boudreau, P.; Carrier, Cote, Dexter, Dutremble, Elias, Gauthier, Gillis, Higgins, Jalbert, Kane, LeBlanc, Littlefield, Lizotte, Lunt, Lynch, Martin, A.; McMahon, Nelson, N.; Peakes, Truman, Twitchell, Tyndale, Wood.
Yes, 57; No, 67; Absent, 27.

The SPEAKER: Fifty-seven having voted in the affirmative and sixty-seven in the negative, with twenty-seven being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

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

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

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, having voted on the prevailing side, now moves that we reconsider. Those in favor will vote yes; those opposed will vote no.

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

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

Bill, "An Act Concerning the Administration of Laws by the Bureau of Taxation" (H. P. 394) (L. D. 498)

Tabled — June 23, 1977 by Mr. Kelleher of Bangor.

Pending — Adoption of Committee Amendment "B" (H-800)

Thereupon, Committee Amendment "B" was adopted.

Under suspension of the rules, the Bill was read a second time.

Mr. Mackel of Wells offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-826) was read by the Clerk.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain briefly what this does. All this does is to provide for the addition of a fiscal note and the amendment, if you don't have it, merely states that if Sections 16, 17, 18 of this bill are not enacted, the result would be an approximate \$3.5 million yearly decrease in state income tax revenues. Basically, that is the amendment. It is the addition of a fiscal note.

Thereupon, House Amendment "A" was adopted.

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

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

Bill, "An Act to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives" (H. P. 1741) (L. D. 1889)

Tabled — June 23, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen: We are awaiting a letter. There is some question about what will be covered by bonding and what the term bonding will cover in terms of this bill and also an amendment which will be presented on Monday and I would appreciate it if someone would table this for one legislative day pending receipt of that letter.

On motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and assigned for Monday, June 27.

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

SENATE DIVIDED REPORT — Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (S-278) — Minority (6)

"Ought Not to Pass" — Committee on Transportation on Bill, "An Act to Clarify and Correct Laws Relating to Aeronautics" (S. P. 340) (L. D. 1154) — In Senate, Majority "Ought to Pass" Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-278)

Tabled — June 23, 1977 by Mr. Jensen of Portland.

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

On motion of Mr. Jensen of Portland, the Bill and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution, to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee to be Exercised when the Legislature is not in Session (H. P. 1397) (L. D. 1658) (C "A" H-676)

Tabled — June 23, 1977 by Mr. Kelleher of Bangor.

Pending — Final Passage. (Roll Call Ordered)

On motion of Mr. Tierney of Lisbon Falls, retabled pending final passage and assigned for Monday, June 27.

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

An Act Concerning Solicitation by Law Enforcement Officers (H. P. 547) (L. D. 664) (C. "A" H-678)

Tabled — June 23, 1977 by Mr. Quinn of Gorham.

Pending — Passage to be Enacted.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank Mr. Quinn for tabling this for me yesterday; I was unable to be here when it came up.

I would like to have you take a look at L.D. 664. It deals with the law enforcement officers and the solicitation thereof, Section 3702, Solicitation Unlawful: No person shall solicit property from the general public when the property and any part of it, in any way, benefits or is intended to benefit or is represented to be the benefit of any law enforcement officer, law enforcement agency, or law enforcement association. This, in effect, will cut off some of the charitable work that is being done by law enforcement agencies throughout the state. I would like to cite the Somerset County Sheriff's Department to explain how this affects.

For many years we have had a sheriff's ball within the county. Through the buildup, historically, tickets are sold to merchants, to people within the Somerset County area. The prime purpose of the ball, to start with, was for the sheriff's department or the sheriff's deputies to get together and have some social activity. After awhile it had mushroomed some, they started to give money, first to the Pine Tree Camp at Rome in Kennebec County, later the Mary Holland School in Skowhegan was added to it and just recently the Sebasticook Mentally Retarded citizens receive it. The last one that I was associated with, there was a sum of \$600 given to each one of these charitable organizations.

Now, under the law L.D. 664 as it is written, it would preclude this activity because the sheriff's deputies do receive some benefits from this because they have a social evening out, but that is all.

All the money that is raised, first of all, the band is paid for, then the rent for the hall and all the money left over is donated to these three different charitable organizations.

I thoroughly understand the sponsors problem and difficulty and the reason why this bill has been placed before us. There is a definite problem and we experienced it in Somerset County on three different occasions whereby some outside influences came in to solicit funds in the name of various law enforcement organizations, one of which was the Somerset County Sheriff's Office at one time. There were some methods used in getting this money that were not condoned by the Deputy Sheriff's Association or the other police departments involved in this. But I believe they have been very well addressed by the Charitable Solicitations Act that we currently have going through here. So, if that act is passed and becomes law, I think all of the problems that were faced both in Somerset County and in Mr. Carroll's area down country will be taken care of by the Charitable Solicitations Act and I don't believe that we then would be setting aside some historical events that have been established through the years in the fund raising efforts of the law enforcement officers.

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

Mr. HOWE: Mr. Speaker, Members of the House: I would like to respond to the gentleman from Anson, Mr. Burns with respect to what I think is the committee's collective view of the legislation as amended.

The bill was introduced by Mr. Carroll because of his concern and I am sure the concern of a lot of other people about some heavy handed solicitation techniques that is indisputable have been used in the state on behalf of the law enforcement officers, if not by them personally, agents they employed. I personally was not willing to support the original bill, because it simply cut out any opportunity for a law enforcement benevolent association or whatever, to raise money for their own purposes.

Section 3702 of the bill according to the Attorney General who testified in support of the bill at the hearing, means that the solicitation is not prohibited so long as all of the money is passed on to some other cause but if any part of it is retained by the law enforcement association, then the law becomes effective. The original bill simply would have prohibited that sort of solicitation entirely.

The amended bill permits these associations to solicit in sort of an indirect manner. In other words, they could have a country and western singer at the Civic Center with a certain proportion of the proceeds going to their association for whatever purposes, so long as they did not directly solicit themselves and so long as the tickets were sold through all the normal outlets. They could not, for example, take tickets either door to door or from merchant to merchant in their locale, to sell or ask the merchants to sell the tickets. The tickets would have to be sold at all the normal outlets for such an event at the Civic Center, at the Civic Center door, and perhaps some local music shops and that sort of thing. If the Civic Center for example, would have to make these arrangements, the law enforcement association could not make those arrangements. This amendment was suggested by the lobbyist for the State Troopers Association and is apparently quite acceptable to them although they recognize it is a limitation to what they have been able to do in the past.

I contacted the member of the South Portland Police Department who contracts with the solicitation agent for them and he felt they could still raise funds for whatever purposes under this bill and seemed to feel that it was a suitable compromise. It is quite clearly that with the committee amendment possibly some members of the committee would have gone with the original bill, we had a divided report and this is the result of it. It permits law enforcement associations to solicit in a manner,

which we hope, will remove the coercive aspects of the solicitation by sort of keeping them one step removed from the ticket buyer, if that is of any help.

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

Mrs. KANY: Mr. Speaker, Members of the House, I remember reading this yesterday, I don't have it handy. But I was wondering if agents would be spouses of the law enforcement officers." I know in Winslow we have a very active association and it serves a lot of public relations and everyone feels very positively and the spouses are very much involved in this sort of thing. Would that include a spouse?

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

Mr. HOWE: Mr. Speaker, Members of the House: It is my impression, and perhaps another member of the committee would correct me if I am wrong, it is my impression that under the amendment that would not be permitted so long as any of the proceeds were going to the association. Again, if the proceeds were all to be passed through to some other charity, like little league, this bill would not affect anything they do. But the wife of a law enforcement officer, in my belief, would not be able to solicit for that association. They could go to, again, the Civic Center. The Civic Center's management, through the same procedures and the same ticket outlets they would use for any other concerts on behalf of any other organization, would be able to promote the concert and sell tickets but the law enforcement officers could not, nor any other agents that they might employ.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I brought this to light yesterday for several reasons. I was contacted by some people in my community that work for the Auburn Police Department and I don't know if they have followed this bill very closely or not, but I haven't, I have to confess.

I noticed it yesterday and the only question I would like to ask and I will address this through the Chair, perhaps the good gentleman from South Portland, Mr. Howe, can answer, and that is: In Auburn, we have a Police Benefit Association and every year they have a fund raising drive and the proceeds from that go into their association which they use for negotiations with the city and things of that nature to buy things for the officers and so on. And the only question I have is, traditionally, the way its been done in the past, we have never had any problems with this and I understand from talking with the sponsor on this bill, that it wasn't local police departments that initiated this bill but it was something to do with the State Police some problem that they ran into and I can certainly empathize with that. But the way its been done in the past is our local officers would sell these tickets to merchants off duty, not on duty, they would do it while they were off duty in their civilian clothes and generate proceeds from the sales of those tickets for the policemen's ball that they had every year. And the only question I want to know is, how is this going to affect them? Will they still be able to have this, and if so, under what circumstances will they have to operate?

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

Mr. HOWE: Mr. Speaker: The members of the Benevolent Association of the Auburn Police Department would not be able to go out and sell tickets directly. They would have to contract through whatever organization or business entity was putting on the concert, thereby, removing themselves one step from the process of the selling of the tickets.

I would defer to the gentleman from Limerick, Mr. Carroll, as to examples of the

kinds of abuses that have been perpetuated in the past. I think, however, they have not been entirely at the state police level. There have been some abuses in the city of South Portland and even some of the police officers there were willing to admit this but they are pretty businesslike and they clamped down on their agent. They have a pretty good business relationship and they are not permitting any foolishness at this point. Had other departments been as businesslike in the whole process, perhaps this bill would never have been called for in the first place. I trust that answers the gentleman's question.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The bill that you have before you, I think Mr. Burns pointed out that we have another bill that is presently in the Senate and it is being addressed by that body now, which has been tabled.

The problems that Mr. Carroll has brought forward are problems of not necessarily those of individual policemen, but that of professional solicitors who are representing these different law enforcement activities throughout the state, these are the things that have been brought forth through the press and through the media to us and have caused concern on my part and I am sure on the part of everyone here. But to have two bills before us dealing with the same thing doesn't make much sense to me. The Charitable Solicitation Act, as is written, would handle professional solicitors which represent police departments. The charitable solicitation act, as amended, as I hope it will be amended, would handle professional solicitors and people who represent police departments. To have two bills, in my opinion, doesn't make much legislative sense and I would move for indefinite postponement of this bill.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: The comments of the good gentleman from Lewiston I don't think quite define the problem. The Charitable Solicitation Act, which has been sponsored by the Representative from Lewiston, Representative Trafton and Representative Palmer, deals with charitable solicitations by the agents and it is geared up that problem regarding professional solicitors.

This bill here would remove the police one step further from direct contact and direct solicitation, I see all the difference in the world in this and I consider myself a strong proponent of law enforcement and it doesn't mean that I would promote legislation that would allow what I might consider dangerous potential for coercion, not to say that it would happen but it is a good possibility. I think that this legislation proposed by Mr. Carroll is just what we need in hand with the Charitable Solicitations Act. The two complement one another rather than being similar and dealing with the same bill.

I urge your strong support and urge you to vote against the motion to indefinitely postpone.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I fear I must be a trusting soul, possibly I am an easy mark, and possibly I am a patsy. But, if my memory serves me correctly, we have had things like the Police Athletic Leagues, we have had firemen repairing toys for children, we have had so-called policemen's balls, we have these in most towns and cities, and if my memory isn't wrong, most all of the money went for some good, deserving, charity. I was never insulted by a policeman putting the bite on me for a ticket. If I didn't have the money, I said "Sorry

officer, I just don't have it" and I never felt that I was being persecuted.

I think that this is going a little too far. I think that it is an attempt to upset one of our great old traditions and an effort by organizations to help people, particularly to help children, and I urge you support the indefinite postponement of this bill.

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

Mr. LaPLANTE: Mr. Speaker, I, too, support the motion to indefinitely postpone. Coming from a small town, and about five years ago having virtually no police force, we had constables, and our town couldn't afford uniforms for the department that they wished to institute so we did form a police association. There were, I believe, nine members of the reserve and one full-time policeman. And in order to get something reasonable off the ground, we had to solicit. We started campaigns, we had white elephant sales and we did all kinds of things to help raise money without putting pressure on people and the people were behind us on this.

This bill here, Item 4 for instance, if you wish to have a white elephant sale on someone's property, you could not solicit any type of property or anything and there again goes a little lawn sale, for instance, to raise money for the department or to raise money for the bicycle rodeo, Little League or whatever we have in our towns. The direct solicitation would mean that our small town would have to hire professionals and let's face it, we don't have 2,500 people in the town, we would have to hire professionals, at whatever cost to come in and solicit to make probably \$300.00 or \$500.00 whatever we wish to raise money for at that particular time. You don't hire professionals for \$25.00 to come and raise money for you. So, I really think that this would hurt many small communities. Maybe Portland, Bangor, Lewiston or Auburn, maybe they could afford to hire some professionals to come in but I doubt very much that a small town like mine or many small towns who probably have less than 2500 people but have a constable and that would be considered a police department. I doubt that they could afford to hire professional solicitors to raise money, therefore, they couldn't solicit or sell tickets. That is really a shame, that you can't help the small towns, that you are going to have a state law telling you that you have to be a big city. If you are going to be able to help your own people and town. I think that is terrible.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: In the hearings for this, we were shown the guide books that the police associations use and the policemen use, and the soliciting is frowned on in there. They say to try and keep away from it if you can.

Policemen are held to a standard that is slightly different from the local Boy Scout troop or other groups like that. I wish I could remember the term that is used by the people who do this when they are soliciting for a police organization, but it is very hard to refuse a man in uniform or a policeman when he comes selling tickets or raising money. There is, in many citizens' minds, a feeling of coercion that they have to give, the fear that maybe they will get a parking ticket if they don't, this type of thing. It may not be there, I don't think it is there, but the feeling does exist. It is a very area and there have been abuses.

I would make the distinction here, and I think it should be made. If you look at 3702 of the bill, we are not talking about soliciting money that is passed in total on to other organizations, Little League, the Boy Scouts, the Athletic League. What we are chiefly concerned with is where they are raising money for their own use, the police force is raising this money and they are

going to be using the money themselves, and that, I think, is the key thing here.

Now, we had a long debate in the committee. I jokingly said, why can't I take a can and go out and collect money to send myself to Europe this summer? Well, I could, and I am sure many people would laugh at it. But it is a little bit different situation if I were in uniform with a gun on my hip or you knew that I was in uniform most of the time and I was coming to you asking for money. I think that the situation would be different, and I think the standards applied here are slightly different.

I would stress again, we are not talking about the money that is raised for the athletic leagues or the Boy Scouts, we are talking about the money that is being raised for the police organizations to use themselves, and I would ask for a roll call on the motion.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I think I can speak with some authority on this proposal. I am a former member of the State Police and I definitely oppose the methods that were used by the State Police in soliciting advertising for their show that they had the last time. I feel that a police officer in uniform or anybody representing that police officer in uniform should not call a businessman in my district and coerce them into soliciting advertising in a publication of any sort. I think it is a black jack being held over the heads of the people of the State of Maine. I don't think that our State Police, our local police or anyone else should be doing this, and this is exactly what happened.

The insinuation was made to people in my district that if they didn't support this publication or if they didn't buy an advertisement in this publication, that the police would be watching them, and I don't think this is a very good practice. I think it is a disgrace to the State Police and I think that this bill should be passed. I hope you will all vote to pass it.

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

Mr. LaPLANTE: Mr. Speaker and Members of the House: I wholeheartedly concur with Mr. MacEachern on this one because I have been coerced by the state police themselves. But I think that this particular bill here is going to affect your small police departments, and maybe I didn't make myself clear and Mr. Jackson didn't understand me, we raised money to help our department being formed, we helped to buy uniforms because the town could not afford to raise taxes for that, we purchased radios for the cars, we purchased uniforms that were uniforms and not dungarees and a police shirt and a pair of boots. We tried to make this a good looking police department, and over the past five or six years, the town has seen fit to assist that police department and offered a little more tax money. But had it been for a bill like this, we never could have gotten our small police department off the ground. I think maybe you need to attest to the fact that maybe the state police need to be spanked, but don't punish your small police department and small towns that may need this money in order to uniform themselves, equip themselves, otherwise they are going to have to do without.

I know about the calls that I have had from state police, being in business. They called me probably 10 times and they have come up three times, not that they suggested I should buy it, but I didn't because I don't feel that I am going to be pressured by any group. But this bill will not affect the state police, it will affect your small departments in small towns that do not have the ability to raise taxes to equip their departments.

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

Ms. CLARK: Mr. Speaker, Members of the House: I ask that you do not support the pending motion of indefinite postponement. I think that is taking too big a bite.

If there are those among you who didn't appear at the hearing who have some concerns about the bill, I respectfully suggest that rather than indefinitely postpone a bill which is supported by the Chambers of Commerce in the State of Maine, which is supported by the Captain of the State Police, speaking on behalf of the Commissioner of Public Safety, which is supported by the Honorable Joseph Brennan, Attorney General, as well as our very own Representative George Carroll, and which was opposed only by Steven O'Brien from Cape Elizabeth, speaking as a private citizen who, after considerable prodding from members of the Committee, admitted finally that he was a professional fundraiser and basically a salesman, but declined to tell us for whom, and was opposed by Lyndon Abbott, who appeared in plain clothes and who is a detective corporal of the Maine State Police, and President of the Maine State Troopers Association, and at the time of his testimony suggested that the dues of that association, which was recently named as a bargaining agent for the troopers in this state, were not adequate to meet the demands for their funds and that this would be cramping their style and that they were developing a magazine which they wanted only to distribute among law enforcement officials in the state and who, at the same time, wished only to solicit advertising from those merchants and/or suppliers of police equipment, then I suggest that indefinitely postponing this bill would be the wrong step. I would submit to you that the Committee on Business Legislation would be receptive to some amendment which might curb the application of this to those small town police departments who, indeed, as well as the other police and enforcement officials of the state, have served the citizens of the state outstandingly and competently. But the fact remains, and the cases and statistics will verify this, that solicitation from people in the law enforcement field is inherently coercive.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I would agree with the gentlelady from Freeport, Ms. Clark, that perhaps we shouldn't indefinitely postpone this bill and I, for one, will offer an amendment as soon as possible. But I would just suggest that running for public office is inherently coercive and that is the name of the game, influence, and I don't think there is one of us here that would deny that.

Mr. Speaker, I would ask what the current status of this bill is?

The SPEAKER: Pending question is passage to be enacted.

Mr. GREEN: Mr. Speaker, I would respectfully ask that someone table this for one legislative day so that I may have an amendment ready.

Thereupon, on motion of Mr. Howe of South Portland, tabled pending the motion of Mr. Biron of Lewiston to indefinitely postpone and specially assigned for Monday, June 27.

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

Bill "An Act to Assist Municipalities in the Acquisition of Land or Interests in Land" (H. P. 1407) (L. D. 1565)

Tabled — June 23, 1977 by Mr. Lizotte of Biddeford.

Pending — Adoption of House Amendment "A" (H-790) to Committee Amendment "A" (H-675)

Thereupon, House Amendment "A" to Committee Amendment "A" was 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 and Members of the House: I am very much opposed to this bill. I don't know if anyone has looked at it or not, I know a few have, but what this does, this increases the transfer tax from 55 cents for \$500 to \$1 for \$500. Now, you keep talking about trying to help the consumer. You may not realize this, but in 1966, a home that sold for \$13,000 at 55 cents for \$500, the transfer tax was \$14.30. The first of this year, the same house sold for \$27,000, making the transfer tax \$29. This has more than doubled in 10 years for the counties, and I think this is adequate. Now, what happens in this bill, it says the seller will pay that tax, that is fine, but the seller is not paying that tax, the purchaser is.

If you list your home with a broker and he informs you that it is going to cost you one dollar for every \$500 in transfer tax, the seller will say, "I don't care, add a hundred dollars on the price, or five hundred dollars," and most brokers will take it. I wouldn't, but most will. I think you are just passing this on to the consumer. You are increasing the value of property very readily. If they sell the same house again in the next two or three years, they will do the same thing, another one hundred or five hundred, and if you are trying to keep inflation down, you certainly don't want this bill. I think you should give this every consideration you can, at this time, I would like to move that this bill and all of its accompanying papers be indefinitely postponed.

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

Mr. CAREY: Mr. Speaker and Members of the House: This bill came before Taxation, was heard by Taxation, and we had several bills that pertained to raising the transfer tax from 55 cents to \$1. It was recommended in a couple of study reports that it be raised from 55 cents to \$1, and this entire bill is geared on the raising from 55 cents to \$1. That is where the money is coming from to assist these municipalities in these urban parks. Much was said about the shortage of gasoline, the problems coming up with the cost of gasoline, etc., and that we had to gear our recreation more to centralized areas, in town or just out of the heart of the city type of thing, and this is the money that is going to be used to fund this thing.

Now, Mr. Whittemore showed up before our committee on several occasions and fought L. D. 500, L. D. 810, or whatever the number was, and yet another L. D., and he is absolutely right, if you don't go from 55 cents to \$1, then you are going to have to kill this bill because that is what is going to be funding this particular package.

If you read the bill, you will find that the bill itself originally called for it, and in writing up the Committee Amendment and, Mr. Speaker, I think I have talked to you privately about the legislative aides and the writing of committee amendments, and hopefully we can do more on that a little later on, but inadvertently the 55 cents to a dollar was left out of the Committee Amendment; therefore, that was the reason for the amendment that was offered last night. I think we could have probably let the whole thing go underneath the hammer. It would have disappeared and the gentleman from Skowhegan may never have seen it. But I did say, in all fairness to everyone, that they have a chance to speak on this, that it was tabled until today. So Mr. Whittemore has had a chance to speak, but if you believe in the philosophy of developing the urban parks for that area where the person who has a hard time to transport himself way out to St. George's Beach or Reed State Park or what have you, if you believe in the philosophy of the urban park and the suburban park, you will not indefinitely postpone this bill.

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

Mr. WHITTEMORE: Mr. Speaker and Members of the House: I agree with Mr. Carey wholeheartedly in regard to the parks. I am for it one hundred percent, but certainly not to take it away from the poor workingman that is trying to buy a home that everybody here agrees is getting out of reach for him. This is one way of pricing a house up at least one hundred dollars if not five hundred dollars. If the same house is sold in another year or two, it will go up another hundred or five hundred. If this is what you want, go ahead and ruin the poor little fellow who is trying to buy a home for the first time. Get your money for your parks another way.

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

Mr. CAREY: Mr. Speaker, I think the gentleman from Skowhegan may be trying to use scare tactics. We are talking about 90 cents per thousand dollars of valuation. And when he talked about someone paying the astronomical sum of \$29 for stamps when it is more than double what they paid before, he seemed to forget to tell you that that person made \$14,000 on the resale of that home.

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

Mrs. TRAFTON: Mr. Speaker, I too, would like to comment on the increase. This, in fact, will only represent an increase slightly below the national average, and if we were looking at it in terms of percent, it would represent one tenth of one percent of the dollar value of the transfer, and this would approximate an additional cost of \$18 for a \$20,000 house. I don't feel this is exorbitant.

Mr. Whittemore of Skowhegan was granted permission to speak a third time.

Mr. WHITTEMORE: Mr. Speaker, what the good lady just said is true if the seller doesn't decide to up his price because he has to pay this additional tax. This is what happens. I know, I have been doing this for years, selling property and having people bring this to my attention when I tell them they are going to pay for the transfer tax. I don't care, they say, put it up another \$100; some will try for \$500. This is what I am trying to tell you. You are hurting the little fellow, and I hope you will give this very serious consideration.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am going to introduce another aspect to this debate. This was, indeed, this method of raising more money, was indeed an aspect of L. D. 971, which was the result of a special committee making taxation studies between sessions. But I want to emphasize the fact that it was a device considered by that committee purely as a fundraising mechanism.

I am sure you are aware that at the present time the dollars raised from this particular tax go partially to the counties and partially to the state's General Fund. The thought that we had in our committee was nothing more or less than an additional spot in which to raise some revenue; I have no quarrel with the method of doing it that way, therefore, it has nothing to do with the arguments of the gentleman from Skowhegan.

By the same token, this particular bill calls for using this money in a dedicated fashion for a certain specific dedicated purpose; namely, parks and recreation. So you are creating a dedicated fund and you are raising taxes, and that is the issue here, ladies and gentlemen, today. If you wish to raise a tax at this session of the legislature, this is just another one of the taxes you can raise, and that was the reason why we included it in some of the special bills or reports that were before the committee. But if you are not interested in raising a tax, or if

you do raise a tax and you are opposed to dedicating it to a specific purpose and not allowing it to flow into the location where the same tax is presently flowing, then I think you should be opposed to the bill in its present form.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: This bill will in no way affect the money that has been going to county government or to the general fund. This bill deals only with the increase, and I would like to comment additionally that this is a five year program, and does not set up an on-going, dedicated revenue.

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

Mr. CAREY: Mr. Speaker, if the gentleman from Farmington, Mr. Morton, would look up Page 5 of the House Amendment, he would see under the Statement of Fact, under Sections 3 and 4, Section C provides that monies allotted to the recreation fund for the acquisition of parkland or recreation facilities which are not used within two years are referred back to the General Fund. Section 4 says that this establishes a five year trial period in order to evaluate the efficiency and equity of this plan to develop land use for recreation. So it is not a lifetime, fully dedicated fund, it is one of those that the Taxation Committee itself has put a sunset on.

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

Mr. MORTON: Mr. Speaker, I read the bill. The gentleman makes an excellent point — do you want to dedicate it for two years or five years? It is up to you.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: There is one point that I would like to make with reference to this bill, which is that the mechanism of the transfer tax directly relates the fund for the acquisition of open space to the matter of the volume of real estate transactions in a particular area, so that in the areas that are subject to very intense development pressure because of the accessibility or the location, there should be more funds available to assist those municipalities.

Since 1972, there are 119 towns that have been assisted in the acquisition of open space property, and because of the absence of funding that will occur without this bill, this program will virtually come to a complete stop. I would urge you to support it. There are matching funds available to help towns in their efforts to acquire open space land in the areas that are subject to these development pressures, and this bill will enable the state to take advantage of that opportunity and provide the open space necessary in the areas that are subject to the greatest development pressures.

Mr. Morton of Farmington 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 Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I just want to reiterate this is a tax increase and it does dedicate money for even a limited period of time to a new and specific program. If you want a new program and you have a tax increase to fund it, then vote to keep this bill alive. If you don't want a new tax and if you don't want a

new program, then this is the time to get rid of it.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make four more points why I feel we need this bill. Maine ranks 34th in the country in public recreational land per thousand people, and 46th in terms of acres per total land area in the state. Second, more and more trespassing signs are being put up all over the state and more and more people are being forced into inadequate recreational areas. Third, Maine is growing at the rate of 5.3 percent, up from 2.5 percent during 1960 and 1970. We urgently need some land for recreational development. This bill would provide the money for acquisition. And fourth, Maine will be turning back \$4.4 million in federal funds unused by 1980 if there is no increase in matching monies at the state level.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair if I could, and that is, if Mr. Morton is so opposed to the real estate transfer tax increase as is presented in this bill, why was he not so opposed to that same tax increase when it was in his own bill, the omnibus bill, L. D. 971?

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, has posed a question through the Chair.

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

Mr. MORTON: Mr. Speaker, sitting in the front of the hall, it is not possible for me to know when the gentledady from Owls Head is in her seat, so I am not sure if she was here when I spoke earlier. I pointed out that this was in the omnibus tax bill as a fundraising device for the State of Maine to go into the General Fund. For that purpose, I do not oppose it, and if it were to raise money that was needed for such program as anything that was supported by the General Fund, I would not object to it, I would vote for it. I would vote for it this afternoon. But I do not think that we should pass a special tax increase to fund a new program, and this particular program is not high enough on my list of priorities. I hope that answers the lady's question.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I really can't resist this one. I think this probably is a good bill, and I am sure that \$15 or \$20 one way or another on a twenty or thirty thousand dollar house transaction can't amount to much. I am sure that we need more parks and more recreational facilities for our young people, and if this source of income doesn't bring it, I suggest that we run a few more firemen and police dances, and they will be glad to contribute the money.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make one further point on this bill. It is not a new program, it is a program which 113 towns have benefitted from in the past which will be phased out unless this bill is passed.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: What some of these towns didn't realize and some of you here might not realize is that building these parks is one thing, getting this bill through is one thing, but they have got to be maintained forever and a day, and we find that is getting more expensive every day. It increases each summer. People are more sloppy and it requires people to pick

up trash and more people to see about this, that and the other thing. This is a minor thing, this little bill today, this little jewel. The big thing comes when you come to maintain all these places, that is when the big tax comes. This is a foot in the door for a big expenditure.

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

Mr. CAREY: Mr. Speaker, the towns do not get this money automatically. The towns have to request it. The towns are made up of the very same townspeople who will have to take into account the fact that they will have to maintain these.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Skowhegan, Mr. Whittemore, that this Bill, L. D. 1565, and all accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

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

ROLL CALL

YEA — Aloupis, Ault, Austin, Berry, Biron, Birt, Boudreau, A.; Bunker, Carter, D.; Conners, Cunningham, Devoe, Drinkwater, Durgin, Garsoe, Gill, Gould, Henderson, Hunter, Hutchings, Jackson, Kane, Kerry, LaPlante, Lewis, Lougee, Marshall, Masterman, McHenry, McPherson, Mills, Morton, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Rideout, Rollins, Sewall, Shute, Silsby, Sprowl, Strout, Stubbs, Tarbell, Torrey, Tozier, Whittemore.

NAY — Bachrach, Beaulieu, Benoit, Berube, Blodgett, Brennerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, F.; Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Dudley, Dutremble, Fenlason, Flanagan, Fowlie, Goodwin, H.; Gray, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Immonen, Jacques, Jensen, Joyce, Kany, Kilcoyne, Laffin, Littlefield, Locke, Lynch, MacEachern, Mackel, Mahany, Maxwell, McBrearty, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Pearson, Plourde, Post, Prescott, Quinn, Raymond, Spencer, Teague, Theriault, Tierney, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Bagley, Bennett, Boudreau, P.; Carrier, Churchill, Cote, Dexter, Elias, Gauthier, Gillis, Goodwin, K.; Green, Greenlaw, Jalbert, Kelleher, LeBlanc, Lizotte, Lunt, Martin, A.; McMahan, Moody, Peakes, Smith, Stover, Talbot, Tarr, Truman, Twitchell, Tyndale.

PAIRED — Higgins, Masterton, Yes, 50; No, 69; Absent, 29; Paired, 2.

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

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

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

House Report — "Leave to Withdraw" — Committee on Judiciary on Bill "An Act to Clarify Actual Notice Under the Recording Laws in Regard to Exceptions and Reservations" (H. P. 1119) (L. D. 1337) (Recalled from Legislative Files by Joint Order — House Reconsidered)

Tabled — June 23, 1977 by Mr. Spencer of Standish.

Pending — Acceptance of the "Leave to Withdraw" Report.

On motion of Mr. Spencer of Standish, the Bill was substituted for the Report in non-concurrence.

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

(Off Record Remarks)

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

The following Communication:
THE SENATE OF MAINE
AUGUSTA

June 23, 1977

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

The Senate today Adhered to its action whereby it accepted the Majority 'Ought Not to Pass' Report on Bill, "An Act to Remove the Town of Carrabasset Valley from the Maine Forestry District" (H. P. 664) (L. D. 805).

The Senate today also Adhered to its action whereby it Indefinitely Postponed Bill, "An Act Concerning the Sale of Prescription Drugs" (H. P. 1033) (L. D. 1265).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act Providing Automatic Cost-of-Living Wage Supplements for State, Maine Maritime Academy and University of Maine Employees" (H. P. 950) (L. D. 1144) on which the Majority "Ought to Pass" Report of the Committee on State Government was read and accepted and the Bill passed to be engrossed in the House on June 22, 1977.

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

In the House: On motion of Mr. Curran of South Portland, the House voted to insist.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Provide for the Periodic Review of Sales and Property Tax Exemptions" (H. P. 1250) (L. D. 1479) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-652) Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-652) in the House on June 21, 1977.

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

In the House: On motion of Mr. Carey of Waterville, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act Relating to the Powers of Plantations and their Organization" (H. P. 1396) (L. D. 1635) which was passed to be engrossed as amended by House Amendment "A" (H-761) in the House on June 21, 1977.

Came from the Senate passed to be engrossed in non-concurrence.

In the House: On motion of Mrs. Post of Owls Head, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Relating to Electric Companies' Fuel Charges" (H. P. 1179) (L. D. 1407) which was passed to be engrossed in the House on June 21, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendments "S" (S-315) and "B" (S-323) in non-concurrence.

In the House:

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

Mrs. KANY: Mr. Speaker and Members of the House: I move that we insist and ask for a Committee of Conference, and just one word, if I may.

I would hope that the other body would listen to their constituents this weekend on this matter. I really believe that the citizens of Maine really want the electric companies to keep those fuel charges low, and they would like to see an incentive built into this law to do that and an evaluation take place so that the citizens can have faith that those fuel adjustment charges are reasonable.

I put out a questionnaire in our area, in our newspaper, and only had one person who said that they did not want the PUC to have to evaluate those fuel charges. So I mentioned to my two constituent CMP lobbyists out in the hall that one of them has not sent in a questionnaire.

Thereupon, on motion of Mrs. Kany of Waterville, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Revise the Maine Tort Claims Act" (Emergency) (H. P. 1680) (L. D. 1874) which was passed to be engrossed in the House on June 13, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-319) in non-concurrence.

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

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Leave to Withdraw

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Appropriating Funds for Pass Along of Social Security Benefit Increases to Families Receiving Aid to Dependent Children" (H. P. 1309) (L. D. 1546) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Consent Calendar

First Day

(H. P. 1268) (L. D. 1496) Bill "An Act Authorizing Expenditures for Health Care Alternatives" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-834)

(S. P. 479) (L. D. 1742) Bill "An Act Providing for Changes in the Laws Relating to Property Taxation" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-316)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of June 27, under listing of Second Day.

(S. P. 192) (L. D. 589) Bill "An Act Relating to Residency Requirements of Municipal Employees" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-314)

On the objection of Mr. Morton of Farmington, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-314) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading the next legislative day.

Consent Calendar

Second Day

(H. P. 1509) (L. D. 1734) Bill "An Act to Improve the Administration of the Maine Tree Growth Tax Law" (C. "A" H-828)

No objection having been noted, the above item was passed to be engrossed as amended and sent up for concurrence.

Passed to Be Engrossed

Amended Bill

Bill "An Act Concerning the Administration of Property Tax Laws Administered by the Bureau of Taxation" (H. P. 244) (L. D. 318) (C. "A" H-822)

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.

Tabled and Assigned

Bill "An Act Providing for the Registration and Regulation of Off-road Vehicles" (H. P. 1162) (L. D. 1420) (C. "A" H-812)

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

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: We have an amendment coming out to correct some verbiage in the bill, so may we have this tabled for one day?

Thereupon, on motion of Mr. Jacques of Lewiston, tabled pending passage to be engrossed as amended and specially assigned for Monday, June 27.

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

The following Communication:

THE SENATE OF MAINE
AUGUSTA

June 24, 1977

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

The Senate today Adhered to its action whereby it accepted the Minority 'Ought Not to Pass' Report on Bill, "An Act Permitting Binding Arbitration for Public Employees in Critical Public Services" (H. P. 1317) (L. D. 1553).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act Requiring Immunization of Children Prior to Entering Grade School" (H. P. 1072) (L. D. 1264) which was passed to be engrossed as amended by Committee Amendment "A" (H-754) in the House on June 22, 1977.

Comes from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-754) as amended by Senate Amendment "A" (S-322) thereto in non-concurrence.

In the House: On motion of Mrs. Nelson of Portland, the House voted to recede from passage to be engrossed as amended by Committee Amendment "A".

On further motion of the same gentlewoman, the House voted to recede from its action whereby Committee Amendment "A" was adopted.

Senate Amendment "A" to Committee Amendment "A" (S-322) was read by the Clerk and adopted in concurrence.

Mrs. Nelson of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee

Amendment "A" (H-836) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" and House Amendment "A" was adopted in non-concurrence.

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

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the first tabled and unassigned matter:

Bill, "An Act Clarifying the One-year Period Between Public Utilities Rate Cases" (H. P. 131) (L. D. 165)

Tabled — March 16, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the second tabled and unassigned matter:

Bill, "An Act Relating to Corporate Expenses in Public Utilities Commission Hearings" (H. P. 132) (L. D. 166)

Tabled — April 19, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

Mr. TIERNEY: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. CONNOLLY: Mr. Speaker, I was a little slow on the first one, but I wonder if the gentleman could explain to us what this bill does, and I wonder if there are members on the committee who could further enlighten us as to why they would allow Item 1 and now perhaps this item to be killed?

In the absence of the House Chairman of the Public Utilities Committee, if I don't get an answer to the question, I would appreciate somebody tabling this for one day.

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

Mr. MACEACHERN: Mr. Speaker, I move this be tabled for one legislative day.

Thereupon, Mr. Berry of Buxton requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that this matter be tabled for one legislative day. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

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

Mr. MACEACHERN: Mr. Speaker, I, along with my seatmate, would like an explanation of what is going on here.

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

Mr. SPENCER: Mr. Speaker and Members of the House: In response to the gentleman's question, I would ask another question, am I correct in thinking that an unmentionable body passed judicial review and one other utility bill?

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

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

Mr. TIERNEY: Mr. Speaker, I think it is improper to discuss matters which have gone on in

the other body in reference to this bill, to answer his question, so I won't answer it and will answer the question asked by the good gentleman from Portland, Mr. Connolly, as to what Item 2 does, I haven't the slightest idea.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the Bill and all accompanying papers be indefinitely postponed and sent up for concurrence.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the third tabled and unassigned matter:

Bill, "An Act to Prohibit the Telephone Companies from Charging More Than \$17.50 for the Installation of a New Telephone in a Residence" (H. P. 881) (L. D. 1072)

Tabled — April 21, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

Mr. TIERNEY: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to be like Mr. Connolly, I don't care what is happening. This is my bill and this is a good bill. We passed this bill in this House and I am not going to let this bill die. I don't care what they do down at the other end of the hall, I could care less. I could care less whether Mr. Tierney moves that this bill be indefinitely postponed; I don't care about that, but I care about this bill. I worked hard on this bill and it is a good bill. This bill is for the people of this state and it is against the New England Telephone Company. I am going to explain to you what this bill does and then I am going to ask the members of this House to keep this bill alive.

The Public Utilities Commission granted the New England Telephone Company permission to raise their rates on installation of telephones to \$32.50 in July of 1977; however, this decision was overturned by the Supreme Court. Then, on July 10, the hearing was pending and then they, themselves, admitted that it was a mistake by the Public Utilities Commission to grant this increase; nevertheless, it was done and the people of Maine paid for this even though they admitted that it was a mistake. In February of 1976, it was disallowed, and that was overturned by the Supreme Court.

It was never intended by the Public Utilities Commission to allow the New England Telephone Company to charge \$32.50 for installation of telephones, but they did it and they got away with it. Now, all of a sudden, after all this long hassle, the New England Telephone Company has come out and said, well, we are now going to give the people of Maine a break. We are only going to charge — I don't know, the last report I heard was \$11. Some said it was \$14. I don't know what it was, but the New England Telephone Company does not want my law on the books. They want a free hand, and that is what they have been having for over a hundred years. They want a free hand to charge whatever they want to charge on installation of telephones — \$32.50 for almost two years and they almost got away with it, and the people of Maine paid for it and no questions were asked. This legislature put a stop to it. The Public Utilities Commission themselves came out and said they were wrong and that they did not want this increase to go to \$32.50.

You know as well as I do that the Public Utilities Commission tries to be fair, and I was probably one of the most critical attackers that they had. They asked for a \$27 million rate increase; the commission told them to take a cut of about \$2 million. I certainly do agree with them. I don't know the exact figure now

because up here in these last days I am not always prepared on bills that I should be prepared on, but the New England Telephone Company should not be allowed to not have this law on the books. They are going to get every penny they can out of the people of this state, and the New England Telephone Company is one of the biggest, they are nothing more than a bunch of Jesse James anyway, taking every penny they can from the people of this state.

I certainly do oppose my good friend. In fact, once we come through that door, I am not friends with anybody in this House. Once we go outside, I am friends with everybody, but on the floor of this House, Mr. Tierney is not my friend and I am not going to stand up here like some of you did yesterday and apologize to everybody for being on the opposite side of the fence. I am not apologizing to anyone.

This bill should not be killed today. We had a good hearing on this bill. The Public Utilities Committee of this legislature gave a favorable report and the members of this House supported this bill. I certainly do not want the members of this House to back down now because we are getting in the final days. This is what they call the legislative process; this is how it works. This is when you start fighting for what you really want, and if you are not here, if you are absent, your bills are going down the drain. Well, I am here. I didn't know this bill was coming up until a short while ago. I wish I was prepared to speak on this bill today, but it seems as though when these kind of bills come up and I would like to speak against the telephone company, I am never prepared.

I don't want to take too much of your time, but this is one bill that we must keep alive. There are two bills on the table that are against the telephone companies, and we must not see them go as I can see what is going to happen here. We must stick to our guns. Never mind what the other body does down there, we don't care about them. You have got to answer to the people back home when you get out of here, and if you pass bad legislation, you, yourselves, will be answerable, no one else. Don't go back home and say, well, this bill got by me because we are so busy, that is no excuse. It is your job to be here, it is your job to defend these bills, and if these are good bills, it is your job to be for the people, and this is a good bill. I ask the members of this House to ignore Mr. Tierney in the corner, to vote against Mr. Tierney today because of the people.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I have received a rash of notes here in the last few minutes, and if I might, I would like to lower the emotional profile of the House for a moment.

This particular bill, very much like the two preceding bills, and Item 4, were all passed in this House once before with a positive vote. I would urge all of you, if you still feel the way you did then, to continue to vote for it. If you have changed your mind, as I have, then vote against it. It is really that simple.

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

Mr. WOOD: Mr. Speaker, I request a division.

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

Mr. LAFFIN: Mr. Speaker and Members of the House: I can't give any reasons as to why Mr. Tierney has changed his position, but I feel on my bill that I want to know why the mood of this House has changed, and I want an answer. If Mr. Tierney can stand up and say why the bill that this House thought was so good a few months ago all of a sudden is no good? Do we change our moods that quick? Well, I haven't changed my position any. I am against the telephone company today and I was two months

ago, and I will continue to be as long as they try to get every penny they can out of the people of this state.

I am not going to give up on this bill, and I certainly hope there are enough members in this House to stick with me. This is not a party bill, this is not a party issue, it has nothing to do with the party, this is the people's bill. I don't care what the leadership of this House does, I want the people of this House to keep their word that they gave the people when we passed this bill. That is all I am asking. Stick with me on this bill and we will stick with it to the end. Once it is officially done by the legal process that we go through, then I will accept that defeat, but I am not going to sit here and accept defeat and have the telephone companies say that they have beaten us in this House when they have not beaten us. This bill is very much alive, there is nothing dead about this bill, and it can be very much alive and we can work on it and we can give the people of this state something that they sent us up here for. Don't give in to these political maneuvers, they are nothing but political moves.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I am very much upset with what is going on here right now, and I don't know what is going on. Two bills just died that were probably good bills and there is another one on the way. I would like to have an explanation of what is going on.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the last gentleman's question, maybe I can shed a little bit of light on the area that he is concerned about, especially on this particular bill.

If you will remember, this bill did receive a public hearing prior to the decree issued by the Public Utilities Commission and the Commission, while reviewing the rate increase asked for by New England Telephone, went into every aspect of the rate-making process. I think if you remember, a utility is allowed by law to make a certain amount of money, so many dollars, period, and they can make those dollars from providing telephone service. Theoretically, I guess they could make all of that money via the way of toll calls, or they could make a portion of that money through toll calls, installation charges and all of the other ways that they do make their money. But regardless of all of that, they are empowered by law to make a certain amount of money.

The PUC, in reviewing the last rate increase, decided that the installation charges that they used to make were too high and, in fact, they lowered those installation charges along with a lot of other charges. For example, I am only aware of a couple of the things that they did reduce but it is related to this very bill, and these things are called an Element 2 and an Element 3 charge, which doesn't mean an awful lot to me either, by an Element 2 charge is the charge that they used to make for going to the central office and rewiring the frames with respect to providing a line to your house or my house. That charge, for example, used to be \$15 and the PUC has now lowered that to \$10, which they think is a legitimate amount of money to charge for that service. On an Element 3 charge, that is the charge where the serviceman used to come to your house for some reason or other, and that charge also has been lowered. All of these charges have to be considered, and they were, by the PUC, and all of these charges were lowered. I guess you just have to have faith that the PUC knows what they are doing, and I believe they do. I believe that under the last inspection of the rate increase asked for by New England Telephone, the Commission did a very good job, and that is

why I don't think this bill is necessary and I hope you will support the indefinite postponement motion.

Mr. Laffin of Westbrook was granted permission to speak a third time.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: If this bill is not necessary today, I wonder why my good friend from Buxton, Mr. Berry, is in favor of doing away with it? It seems to me that if it was a good bill a few months ago, I can't understand why now, all of a sudden, he has all the faith in the world in the Public Utilities Commission. Yet, when this bill came out, they didn't have that faith in them. Is it because you have more faith in the Public Utilities Commission than you do this legislature? I don't. I trust this legislature, because what we put down in law is the gospel truth. You can't trust commissions, you can't trust the Public Utilities Commission, it fluctuates. One day they had a man in here who will resign and someone will take his place. It is not a gospel law, it is not down in the books in black and white, but you can trust this legislature because this legislature makes the law and that is the way it is.

Why does the telephone company oppose having a limit of \$17.50? That is what it says. It doesn't mean that they are going to charge \$17.50, they can charge \$4 if their little hearts desire, but they won't. But why do they oppose the fact that they don't want this law on the books? I will tell you why they don't want it on there, because they want to tell the people of Maine and they want to tell the Public Utilities Commission how much and when they are going to charge it, and they will go through the process and still get money away from the people, maybe two years tied up in court and they will have gotten all that money, that is why they don't want it on the books.

I don't trust the Public Utilities Commission, but I trust this legislature, and those are the ones I am banking on not to let me down today. Stick with me on this bill and we will ride it right out to the end.

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

A vote of the House was taken.

Thereupon, Mr. Laffin of Westbrook requested a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Austin, Berry, Berube, Birt, Blodgett, Brown, K. L.; Bunker, Burns, Carter, F.; Clark, Cox, Cunningham, Drinkwater, Fenlason, Garsoe, Gill, Gould, Gray, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Kany, LaPlante, Lewis, Littlefield, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreairty, McPherson, Mitchell, Morton, Nelson, M.; Norris, Palmer, Peakes, Perkins, Peterson, Quinn, Raymond, Rideout, Sewall, Silsby, Smith, Spencer, Sprowl, Tarbell, Teague, Tierney, Whitemore.

NAY — Ault, Bachrach, Beaulieu, Benoit, Biron, Boudreau, A.; Brennerman, Brown, K. C.; Bustin, Carey, Carroll, Carter, D.; Chonko,

Conners, Connolly, Curran, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Fowlie, Goodwin, H.; Green, Hall, Henderson, Hickey, Hobbins, Hughes, Jacques, Jensen, Joyce, Kerry, Kilcoyne, Laffin, Lougee, MacEachern, Mahany, McHenry, McKean, Mills, Nadeau, Najarian, Nelson, N.; Pearson, Plourde, Post, Prescott, Rollins, Shute, Strout, Stubbs, Theriault, Torrey, Tozier, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Bagley, Bennett, Boudreau, P.; Carrier, Churchill, Cote, Devoe, Dexter, Dudley, Durgin, Gauthier, Gillis, Goodwin, K.; Greenlaw, Higgins, Jialbert, Kane, Kelleher, LeBlanc, Lizotte, Locke, Lunt, Martin, A.; McMahon, Moody, Peltier, Stover, Talbot, Tarr, Truman, Twitchell, Tyndale.

Yes, 57; No, 61; Absent, 32.

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

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

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the fourth tabled and unassigned matter:

Bill, "An Act Relating to Utility Rate Making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies" (H. P. 778) (L. D. 965) (C. "A" H-170)

Tabled — April 21, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

Mr. TIERNEY: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed and urge all members to vote their conscience.

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

Mr. WOOD: Mr. Speaker, having taken that to light, I will vote my conscience and not vote to indefinitely postpone this bill. It is a good bill, and what it says is that those companies that insist on advertising of nonessentials to consumers, and we all know what type of advertising that is, can pass that advertising on to us as ratepayers. This bill allows them to advertise for such things as safety, but if they want to advertise in order to increase their profits by encouraging us to use more electricity, if you agree with that, then you would be voting to kill this bill, but if you think that they as a monopoly should be controlled in terms of their advertising, then you will vote not to kill this good bill.

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

Mr. MacEACHERN: Mr. Speaker, I would request a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Ault, Berry, Berube, Birt, Boudreau, A.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carroll, Carter, F.; Conners, Cunningham, Dow, Fenlason, Garsoe, Gill, Gould, Hall, Hunter, Hutchings, Immonen, Jackson, Kane, LaPlante, Lewis, Littlefield, Lynch, Mackel, Marshall, Masterton, Maxwell, McBreairty, McPherson, Mitchell, Morton,

Norris, Palmer, Peakes, Perkins, Peterson, Quinn, Raymond, Rideout, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Whittemore.

NAY — Austin, Bachrach, Beaulieu, Benoit, Biron, Blodgett, Brenerman, Bustin, Carey, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Diamond, Drinkwater, Dutremble, Elias, Flanagan, Fowlie, Goodwin, H.; Gray, Green, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, Jensen, Joyce, Kany, Kerry, Kilcoyne, Laffin, Locke, Lougee, MacEachern, Mahany, Masterman, McHenry, McKean, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Plourde, Post, Prescott, Rollins, Spencer, Stubbs, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Bagley, Bennett, Boudreau, P.; Carrier, Cote, Devoe, Dexter, Dudley, Durgin, Gauthier, Gillis, Goodwin, K.; Greenlaw, Higgins, Jalbert, Kelleher, LeBlanc, Lizotte, Lunt, Martin, A.; McMahon, Mills, Moody, Peltier, Stover, Talbot, Tarr, Truman, Twitchell, Tyndale.

Yes, 58; No, 62; Absent, 30.

The SPEAKER: Fifty-eight having voted in the affirmative and sixty-two in the negative, with thirty being absent, the motion does not prevail.

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

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the sixth tabled and unassigned matter:

Bill, "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls" (H. P. 1047) (L. D. 1258)

Tabled — April 25, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

On motion of Mr. Quinn of Gorham, the House voted to take from the table the fifth tabled and unassigned matter:

"An Act Relating to the Plans and Specifications Governing School Construction" (H. P. 143) (L. D. 173)

Tabled — April 21, 1977 by Mr. Quinn of Gorham.

Pending — Passage to be Enacted.

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

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

Mr. MacEACHERN: Mr. Speaker, I move that we reconsider our action on Item 1, Page 10.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that the House reconsider its action whereby Bill "An Act Clarifying the One-year Period Between Public Utilities Rate Cases," House Paper 131, L. D. 165, was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. MacEachern of Lincoln requested a roll call vote.

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

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

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

Mr. CONNOLLY: Mr. Speaker, the sponsor of this legislation is not here, he had to leave ear-

ly, and I wonder if some member would table this until Monday.

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

Mrs. NAJARIAN: Mr. Speaker, I move this be tabled one day.

Thereupon, Mr. Berry of Buxton requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mrs. Najarian, that this matter be tabled for one legislative day. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House reconsider its action whereby L. D. 165 was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Beaulieu, Benoit, Biron, Blodgett, Brenerman, Carey, Connolly, Davies, Diamond, Dow, Dutremble, Flanagan, Fowlie, Green, Henderson, Hickey, Hobbins, Joyce, Kerry, Laffin, Locke, MacEachern, McHenry, McKean, Najarian, Nelson, M.; Pearson, Post, Prescott, Spencer, Trafton, Wilfong.

NAY — Aloupis, Ault, Austin, Bachrach, Berry, Berube, Birt, Boudreau, A.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cox, Cunningham, Curran, Drinkwater, Elias, Fenlason, Garsoe, Gill, Goodwin, H.; Gould, Gray, Hall, Howe, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Kane, Kany, Kilcoyne, LaPlante, Lewis, Littlefield, Lougee, Lynch, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBairty, McPherson, Mitchell, Morton, Nadeau, Nelson, N.; Norris, Palmer, Peakes, Perkins, Peterson, Plourde, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Valentine, Whittemore, Wood, Wyman.

ABSENT — Bagley, Bennett, Boudreau, P.; Carrier, Carroll, Cote, Devoe, Dexter, Dudley, Durgin, Gauthier, Gillis, Goodwin, K.; Greenlaw, Higgins, Huber, Hughes, Jalbert, Kelleher, LeBlanc, Lizotte, Lunt, Martin, A.; McMahon, Mills, Moody, Peltier, Stover, Talbot, Tarr, Truman, Twitchell, Tyndale.

Yes, 32; No, 85; Absent, 33.

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

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

Mr. WOOD: Mr. Speaker, is the House in possession of House Paper 1759, L. D. 1891, Resolve to appropriate \$8,956 to the Town of Milbridge to Reimburse it for Burglary Loss?

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, having voted on the prevailing side, I now move we reconsider where we indefinitely postponed this bill.

The SPEAKER: The gentleman from Sanford, Mr. Wood, moves we reconsider our action whereby this Resolve was indefinitely postponed.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: At this time, I wish to speak against the motion to reconsider. Some of you have been sitting here, especially the freshmen, and maybe saying to yourselves, what is going on? I will tell you what is going

on. The deals have been struck, the deals have been made at the other end and at this end and it doesn't make any difference at all how we feel on any of the bills at this point because the leadership has decided what we are going to do — okay? And who is the loser? It is not the Republicans, it is not the Democrats, but it is the taxpayers of Maine, and I am sick and tired of it. I am not here to do what Palmer wants or what Tierney wants, I am here to do what the people of Maine want.

The SPEAKER: The gentleman from Lewiston, Mr. Biron, will please take his seat.

The pending question is on the motion of the gentleman from Sanford, Mr. Wood, that we reconsider our action whereby L. D. 1891 was indefinitely postponed. All those in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did prevail.

The SPEAKER: The pending question is on indefinite postponement. All those in favor will vote yes; those opposed will vote no.

Thereupon, Mr. McHenry of Madawaska requested a roll call vote.

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

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

The SPEAKER: The pending question is the motion to indefinitely postpone. All those in favor will vote yes; those opposed will vote no.

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

Mr. DAVIES: Mr. Speaker, I would like to pair my vote with the good gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Austin, Benoit, Berube, Blodgett, Carter, D.; Chonko, Dow, Fowlie, Green, Henderson, Howe, Huber, Jackson, Jacques, Joyce, Lougee, Marshall, McHenry, McPherson, Mitchell, Morton, Norris, Prescott, Raymond, Smith, Teague.

NAY — Aloupis, Ault, Bachrach, Beaulieu, Berry, Birt, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, F.; Churchill, Clark, Connors, Connolly, Cox, Cunningham, Curran, Devoe, Diamond, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gill, Goodwin, H.; Gould, Gray, Hall, Hickey, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jensen, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Locke, Lynch, MacEachern, Mackel, Masterman, Masterton, Maxwell, McBairty, McKean, Mills, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Quinn, Rideout, Rollins, Sewall, Shute, Silsby, Spencer, Sprowl, Strout, Stubbs, Tarbell, Theriault, Tierney, Torrey, Tozier, Trafton, Valentine, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Bagley, Bennett, Biron, Boudreau, P.; Carrier, Cote, Dexter, Dudley, Durgin, Gauthier, Gillis, Goodwin, K.; Greenlaw, Higgins, Kelleher, LeBlanc, Lizotte, Lunt, Mahany, Martin, A.; McMahon, Moody, Nadeau, Peltier, Post, Stover, Talbot, Tarr, Truman, Twitchell, Tyndale.

PAIRED — Davies, Jalbert.

Yes, 26; No, 91; Absent, 31; Paired, 2.

The SPEAKER: Twenty-six having voted in the affirmative and ninety-one in the negative, with thirty-one being absent and two paired, the motion does not prevail.

Thereupon, the Bill was assigned for second reading the next legislative day.

Reference was made to (H. P. 715) (L. D. 851) Bill "An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish"

In reference to the action of the House on Wednesday, June 22, whereby it Insisted and asked for a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Mrs. POST of Owls Head
Messrs. JACKSON of Yarmouth
GREENLAW of Stonington

(Off Record Remarks)

The SPEAKER: The Chair would like to respond for his part, based on the earlier remarks of the gentleman from Lewiston, Mr. Biron. The Chair would like to inform the members of this House that it is the Chair's knowledge, since leadership has not even had an opportunity to meet in the last few days together, it is rather difficult to agree to anything much less make a deal on anything. There has been nothing that ever was struck in that fashion, and the Chair would want to show that the record illustrates that point.

(Off Record Remarks)

On motion of Mr. Hall of Sangerville,
Adjourned until Monday, June 27, at 9:30 in
the morning.