

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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HOUSE

Tuesday, June 28, 1977

The House met according to adjournment and was called to order by the Speaker. Prayer by Father Thomas Joyce of St. Mary's Catholic Church, Augusta. The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

June 27, 1977

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

The Senate today voted to Adhere to its action whereby it accepted the Minority 'Ought Not to Pass' Report on 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).

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

The Communication was read.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The bill that the other body has disposed of, this morning we have no chance to revive this L.D. 1144. I feel that they have done a great injustice to the people of this state. That was a bill for the CPI to put in for a cost of living raise. It came out of the State Government Committee with a good report. I feel that the other body has completely ignored this body. I feel that the other body, as they have done in the past on so many good bills that we have passed, and getting down to the final hour, they have completely ignored our wishes. I think it is about time that the members of this House started playing the same game that they are playing. We will refuse to give them Committee of Conferences, because if we don't, we are going to go out of here and the good bills that have been presented and passed in this body will be killed in the other body.

I think now is the time. In the final hours it is going to be hot and we are going to have a lot on our minds and tempers are going to be short, but it is time now to pay attention to what is going on.

L.D. 1144 was a people's bill for state employees, for Maine Maritime Academy and for the University employees. I am very disappointed, I am very upset with the other body for the consideration that they have shown this body. I know there is nothing we can do about it this morning, or ever, but this bill will come back, and maybe with a different sponsor it will have better luck.

Thereupon, the Communication was ordered placed on file.

Report of Committee
Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-336) on Bill "An Act Pertaining to Hospitals for the Mentally Ill" (S. P. 385) (L. D. 1330)

Report was signed by the following members:

- Mrs. TRAFTON of Auburn
- NELSON of Portland
- Messrs. GOODWIN of South Berwick
- KERRY of Old Orchard Beach
- BRENERMAN of Portland
- Mrs. KANE of Augusta

- Mr. FOWLIE of Rockland — 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. GREELEY of Waldo
- PRAY of Penobscot
- Mrs. SNOWE of Androscoggin — of the Senate.
- Mrs. PRESCOTT of Hampden
- Mrs. GILL of South Portland
- Mr. TYNDALE of Kennebunkport — of the House.

Came from the Senate with the Bill and all its accompanying papers Indefinitely Postponed.

In the House: Reports were read. The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report and would like to speak to my motion.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, moves that the House accept the Majority "Ought to Pass" Report in non-concurrence.

The gentleman may proceed.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I think one of the biggest issues that will be facing us this session is finally before us. One of the hardest things I have had to do preparing for this debate is try to figure how to start off, since there has been so much press coverage of this issue and so much lobbying and debate going on in the halls of the House on both sides.

The problem that we have in mental health is very complex. It is not an easy yes or no or an easy type of issue that we could just deal with and say that it is it. It is an on-going problem, one that is going to be with us for many years, one that has been with us for many years.

The department came to us with a bill that would, in a sense, have phased down one of the two institutions the state has to serve the mentally ill, with the idea of trying to redirect some of that money into the community programs.

This is not a new idea. This is an idea that has been around for quite a while. I remember in the 106th when I served on the Health and Institutional Services Committee and also on the Advisory Committee for Mental Health and we dealt with this issue, we dealt with it when that advisory committee that I sat on interviewed Joe Saxle, who was then coming to the Bangor Mental Health Institute as superintendent, and discussed with him the possibility that in the future Bangor would be phased down. This was done when Governor Curtis was governor and Commissioner Kearns was Commissioner of Mental Health and Corrections. Since then we have had a chance, several commissioners and a different governor, but the idea has still been around. As I stated, it is not a new idea.

What I would like to do is briefly explain a little bit of my philosophy and how I see what is happening in the mental health delivery system. What I would like to see in this system is one that would provide a complete continuum of care for all of Maine citizens. That means that in any area of the state, one would have full access to a boarding home care, short-term, in-patient services, day care, diagnostic services and so on, that you would have these services whether you lived in South Berwick, Biddeford, Portland, Augusta, Bangor or Presque Isle. One should also have access to institutional care if you should require it, but because such care is specialized and only about one tenth of one percent of Maine's population needs institutionalization each year, I don't feel that we have to try to have an institution to cover each region or area of the state. If a person in this state needs special cancer treatment or specialized treatment for a medical problem, most people don't complain if they have to go to Portland or Boston. If your safety or the safety of others required it, I think that we do need an

institution; we don't need two major institutions. I feel the ideal system would provide this range of care regardless of whether you are young or old, rich or poor, male or female. It would also assure that your needs would be identified and met as early as possible so that you would not penetrate the system any deeper or for any longer than it was necessary.

The administration of the department should guarantee that those organizations and individuals who deliver these services would be accountable for actually delivering them. The programs and services would also be evaluated and the needs would be assessed on an on-going basis. We are a long way from that system right now. It is going to cost a lot of money to build that system, it is going to take a great deal of time and effort. I don't feel our dilemma is whether this is an appropriate decision, rather it is how and when we move.

At the present time, there is a definite lack of the community resources that I feel are needed. Maine is not a large state but it is a diversified state, we have different needs in different areas.

For example, Aroostook County, I think, is in need of residential beds and after-care services. Bangor definitely needs a halfway house. This can and does cause some of our Maine citizens to be placed or retained in an institution when they could be better served in a community placement which would be more appropriate for their treatment and make it easier for their families to visit them. We don't have some of these programs in the communities because we don't have the money.

At the present time, most of our money is tied up in two institutions. This continues to be true even though the average daily census at the two institutions has fallen dramatically over the last 10 years. In fact, either hospital at this time could house all the patients that we now institutionalize. In addition, the continued maintenance of the two institutions will be costly and require a substantial and disproportionate commitment to high overhead, maintenance and capital improvements.

The department projects, for instance, in 1982 it will cost an estimated \$18 million to operate the two institutions at the same level of care they now provide for around \$14 million. So the department, in reviewing this situation, finally made the decision to come to the legislature to try and phase down one of the institutions. We went through a series of hearings and work sessions. The majority of the committee came out with a committee amendment to the bill to establish a first step in what we feel would be a movement towards a complete delivery system for mental health. There has been a lot of criticism of the committee amendment and the bill itself, but I think basically because we got the bill so late and we are in such a hurry to get out of here and this is such a complex issue that we believed in the concept of moving to one institute but we wanted to spend some more time to work out a more detailed plan and put that into legislation. So we came out with Committee Amendment "A" and I would like to just explain that for a minute so there is no misunderstanding.

Committee Amendment "A" creates the Maine Mental Health Institute with two campuses. It combines the administration but leaves the two campuses intact. There is a section in there that would insure that the employees of the existing mental health institutes retain all their rights as if there were two mental health institutes. This we did in case there was any future layoffs or problems such as the Governor created when he instituted his 4 percent cutbacks last time or decided to have any across-the-board employee cuts, we didn't want to have the two groups of employees competing with each other at that point in time.

We prohibited any transfer of mental health programs between the two campuses. This, in fact, locks in the two campuses until we look at the situation further. At this time I think it is a good time to bring it up. At this point in time, the department has the authority and it has had the authority to nearly completely close down Bangor if they wanted to. The law only states that there shall be a Bangor Mental Health Institute. It doesn't state that there should even be patients there. At least with this committee amendment, until the legislature makes the decision and passes out a more detailed plan, the programs offered at both Bangor and AMHI will stay pretty much intact.

We declare a general policy in here, and I think I would like to read this just briefly so you understand what we are trying to get at. "It is the intent of the legislature that this act, by consolidating the administrative framework of the two former mental health institutes shall be the first step in the deliberate development of a comprehensive and fully integrated mental health service system. In the development of this system, funds shall be allocated to assure that any Maine citizen shall still have access to a full range of mental health services. These services shall be provided according to the principle of the least restricted alternative. The second step in the development of this plan shall be the completion and submission to the Legislature of the plan required under Section 17 of the original bill." If you want to check that out, there is a very detailed section here which states what we want in the plans submitted to us.

"The third step of the development of this system shall be the legislative review and action to approve the plan and the subsequent implementation of the recommendations contained in this plan as passed out by the Legislature." And this plan should be submitted by next January and things should be implemented and on-going by October of 1978.

I think what I would like to do is just cover a little bit of the concept of why I feel we should have one mental health institute. I think we will get into this with other speakers in more detail. But I would like to point out that the State of Maine, although we feel it is a large state, in relationship to many other states in the country, it is not. The State of Maine has only one VA hospital. We have only one hospital for the mentally retarded with a resources center, the Levenson Center up in Bangor. People from all over the state concerned with mental health had a series of meetings in the last several years, several took place in Bucksport, and people from all over the state, from the Bangor area as well as the York County area, as well as the Aroostook County area, met and discussed the future of mental health delivery in the State of Maine. There is, and I have a copy and I would be glad to share it with other people, a mental health consortium plan and outline some of the results of those meetings.

Out of those meetings came the concept that we really need one full service mental health institution. I feel that in the future this one full service mental health institution should be located at Augusta. As a whole, the Augusta campus is in better physical condition. A recent Bureau of Public Improvements survey of the Bangor Mental Health Institute, which was recently completed, estimated that the total cost of renovating BMHI as a full service facility would be in the neighborhood of \$4 million. I feel Augusta is closer to the population center, it now serves about 70 percent of the state's citizens. I feel that the northern tier of the state is more rural in character and that more decentralized residential programs in Aroostook and perhaps Washington County would better serve the population of those areas rather than having them look to Bangor as the only residential facility for them.

Also, the buildings at AMHI that would be used for the patients that would eventually be moved down from Bangor are currently accredited and certified by the ICF and the JCAH, so I feel on the whole that the concept that this committee amendment and bill proposes is the right move for the State of Maine. I realize it is going to be tough sledding, but I think that in the future, as we take a look at the mental health delivery system in the next two to four or five years, we will see that this is the right way to go.

I ask you when you do vote on this to think of your own constituency, for everybody across the state, not just one particular area. Everybody across the state, every town and every county has people that are going to need mental health services, and unless this state is in a position where we can deliver these services through the community and through one centralized institution, it is going to be in the future a lack of these services and it is going to be the people who are going to be hurt.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose the phase down of Bangor Mental Health Institute. Bangor Mental Health has served well the people of Penobscot County and northern Maine. I believe the most seriously mentally ill of northern Maine should not be relegated to a second-class status for the sake of so-called governmental efficiency. Members of the House, what we are asking for in northern Maine and what we are pleading for is compassion for the mentally ill of northern Maine.

I want to emphasize one point as this debate begins, and that is a point that is of particular importance to me, and that is, the University of Maine in Orono is the only branch of the university which offers a training leading to the Doctorate Degree in Psychology. It offers the only doctoral programs in clinical psychology. No other branch of the university offers these two essential elements in the licensing of clinical psychologists for the practice here in the State of Maine. Thus, Bangor Mental Health Institute becomes vitally important because it is within a close physical proximity to the university, only about 15 minutes away. When students are in residence in completing their course work, they can simply find it impractical and inefficient to travel any substantial distance in order to satisfy course requirements. The only way a student with limited time and limited resources can gain practical experience is to make use of the readily accessible field training facility. Bangor Mental Health facility is that facility, and we are fortunate that it offers more than convenience. It offers a very high quality course supervision and practical experience. Furthermore, it is almost directly across from Eastern Maine Medical Center, which makes it possible for our students who are attending the university to benefit from the counseling services of the medical staff. If Bangor Mental Health Institute is closed or phased down, we will lose our vitally important source for field experience for our students at the University of Maine at Orono and we will effectively reduce the flow of qualified mental health professionals to all the areas of this state.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and ask for the yeas and nays.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that this Bill and all its accompanying papers be indefinitely postponed in concurrence.

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

Mrs. GILL: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Goodwin was right when he talked about the Health and Institutional Services Committee having much in-

formation coming before us. We had volumes of written information and testimony from the hearings and the workshops on the pros and cons of this L.D. The summary of the department in regard to the phase down of Bangor was presented on the day of the hearing, the first day of our public hearing. I would like to quote from the summary.

The Department recognizes that more in-depth information and planning will need to be pursued if L.D. 1330 is approved and that they clearly recognize that the community services need to be restructured and that the penalties of failure are as potentially grim as the images of institutional isolation and custodial care. I would like to discuss the community services.

The nursing and the boarding homes — there will have to be developed community education for staff as well as local physicians in dealing with the special needs of the mentally disabled patient. Day activity programs in housing are resources that must be earmarked and should precede patient placement. Work training, education, transportation, possible employment must be planned for, but the most important is the counselor or the mental health worker who will be the link, the support of that patient. Just how much time will the patient have with this only professional supportive person assigned to him or her? One hour a week? Who will get the patient to their prearranged appointment on time? What followup, if any, if they miss an appointment or two? Will the professional worker have the time to seek and search if necessary?

In speaking to a mental health worker, I was told about the communities of existing release patients, that it wasn't good for them to cluster together. What these patients are trying to do is create some semblance of community or friends and peers where they feel they belong and are comfortable. We are trying to move them from a structured living to one that is far less structured, and some of them just aren't ready for it. In some instances, they have moved to individual rooms or apartments where they live isolated lives only because they are different or not as normal as what some people consider normal to be.

Before we close down or phase down Bangor, we must have community mental health centers evaluated, we must know the number of beds and which catchment areas they will serve, which boarding homes and nursing homes are properly staffed to handle the special needs of the soon to be released patients. We must also set up some method of accountability between these privately operated mental health centers and the Department of Mental Health. We must realize that responsibility for care and support of these deinstitutionalized patients will be diffused among our separate agencies, depending on their income, age and disability. Are the roles and responsibilities of these agencies clearly defined, understood and accepted, or will some patients be left wanting because of the buck-passing game, not wanting the bucks for the services to come out of their funds?

The northern section of the state deserves the same quality of care for its population even though it is more rural and spread out. Since Bangor is the closest facility, it is logical that with the idea of keeping the patients as close to home as possible, these patients from northern Maine be treated in the Bangor facility where it requires less travel time for families to visit than Augusta would and that the bridge back home for these — and they are the bridge — institutionalized patients.

What will the consolidation as recommended do? It will remove from the statutes that law that states that there should be two separate institutions, one in Bangor and one in Augusta. It will place the two campuses under one superintendent, the superintendent at AMHI, and it will provide an administrative officer for both campuses. It will allow until January of

1978 for a plan to be submitted by the Department of Mental Health and Corrections to the Legislature. The plan, after approval, will be implemented by October of 1978. Since we are considering plans for 1978, it would seem a common sense approach not to consider any changes until a completed plan and goals of long range objectives of the department have been formulated and presented. Because there is no long-range plan and since there are still many unanswered questions, in good conscience I cannot vote to close down Bangor.

Mary Worthley, who is a very compassionate, loving, respected woman who is in her golden age as far as numbers go but who doesn't live in memory lane and dream about the nebulous future but lives in today's real world has, in last Sunday's Telegram, written a very moving letter that is right to the point, and I would like to quote from just a portion of that letter. "Maine needs to get over the idea that anything north of Waterville is out in the puckerbrush and that we should put our money where civilization translates power is, in southern Maine. The inconveniences and disciplines of democratic government has always seemed burdensome to some, especially to those concerned with the seeking and keeping of power and are therefore viewed as dispensable upon the slightest excuse. The excuse is always called a crisis. A basic premise of democracy is concern and care for the last, the least and the lost.

"Our Governor, Mr. James Longley, may bring pressure, or should I say more pressure to bring about the closing of Bangor and gain two or three million dollars for the cost of two or three miles of road to spend as he likes. He will lose forever in the minds of the compassionate those who care about people, among whose number he has not counted." She goes on to say, "Inasmuch as Ye have done unto one of these, the least of these."

I would ask that you vote against the majority report and I would ask for a roll call.

The SPEAKER: The Chair will allow the men and women who have jackets to remove them under suspension of the rules.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The only reason that this bill managed to stay afloat in committee is that each time questions were asked or raised as to how patient care would be improved or how much it was going to cost, the department promised more details and more plans to answer our questions and concerns but no final plan has ever emerged and the department failed to lay a solid foundation for this bill. Now they are asking us to wait until January 1978 for a plan. The Governor and the department kept saying they had no intentions of closing Bangor, rather, they just wanted to reduce it and call it a resource center. Yet, the Governor and the Commissioner last year tried to begin phase down of the Bangor Mental Health Institute and transfer patients, despite the 75-year-old law that was on the books that said there would be two institutes, one in Bangor and one in Augusta. This matter had to be finally resolved by the Attorney General and he ruled that patients could not be legally uprooted and transferred except under the most unusual circumstances. This is the very reason that the department wants to consolidate the plan to get around the law and get the foot in the door.

Earlier this year, the Appropriations Committee was told that the state could save money by consolidating the two institutions, and then they told the Health and Institutional Services Committee that this was not the case, that indeed it would cost more. The fact is that the Bangor Mental Health Institute returns to the state \$2 million in federal funds because it is accredited. This means that taxpayers need to appropriate an equivalent of two years of funding,

while the entire third year is free. Nowhere has the possible loss of this \$2 million in federal funds been factored into the department's plan and I think that spending \$700,000 or \$800,000 for accreditation purposes is the best investment the State of Maine can make this year.

There is one humorous sideline that I would point out, and that is that the counseling centers throughout the state have been told that this bill would benefit them enormously. They were told that they would be the recipients of Bangor's reallocated money. No wonder at the public hearings the proponents turned out to be exclusively counseling center directors AMHI people, department officials, the very people the Governor calls his mental health experts; yet, this bill does not guarantee one additional dollar for any one of these community mental health centers.

I would like you to bear in mind also that the Penobscot County Counseling Center is being investigated by the GAO and the FBI for possible misuse of funds and some of its further allocations may be temporarily suspended. Yet, this counseling center would take over the major function if the Bangor Mental Health Institute were reduced. With so many of the community mental health centers panting for their share of the BAMHI reallocated fund, no wonder the committee didn't understand the issue.

I am very concerned about the passage of this bill, not because I live near Bangor, many of you may not know it, but the Bangor Mental Health Institute is not in my district and I have only a few employees who are constituents. I don't want this bill to pass for many reasons but I think mainly because I lived in Washington County most of my life and I know firsthand their dependency upon the Bangor institution and that facility is a home base that is not located an impossible great distance away.

For the past year, I have been doing a great deal of research and homework on the mental health care in and for the Northeastern part of the state and I have learned some things that I would like to share with you. At the Bangor Mental Health Institute there are programs that do not exist at the Augusta Mental Health Institute. One is a bilingual program, which is a psychiatric program for French speaking people; another is the autistic program, and that is for young adults, who have just begun to learn to discover some languages and toilet training. These programs provide direct family therapy. There is also a D-1 joint venture which is cooperatively run by the counseling center and the institution and that needs institutional back up.

There is a program on aging that generates \$2 million in federal money and if that program is isolated from the institution, it could lose its federal funds and the state will lose. This bill will leave these programs suspended until October 1978 and there is no guarantee that they will continue. These programs now work and they work well and it seems awkward to me to be passing legislation without plans or guarantees that this will continue to provide quality care. If we consolidate and transfer patients, patients will be two hours or more further from their homes and their family. Institutions are full-care facilities and they treat a wide variety of the seriously disturbed age groups. The institutions accept patients from the community mental health centers from courts, from family physicians, and local hospitals, and inside those institutions, there is a lot of space. There is regular care, rooms for crafts, rooms for games and institutional family continuing diagnosis, supervision and people coming to visit.

The quality of care has been measured in the institutions and in Bangor it meets the highest national standards. Community mental health centers have not been evaluated. The Bangor Mental Health Institute has no problems keep-

ing professional staff of superior quality. There are twice as many psychiatrists at the Bangor Institute than there are at the Augusta Institute and Augusta has fewer psychiatrists than does Bangor. An Augusta superintendent will have to serve as chief administrator, clinical director as well as one of its staff psychiatrists.

The Eastern Maine Medical Center is across the street from the Bangor Institution and it provides all of the necessary recruitment and backup services. If we consolidate the administration, we will have one large institution in Augusta. This institution now has staffing problems and if patient ranks are swelled by 50 percent, enormous renovations and reorganization will be necessary and that will be expensive. At Bangor there are students from St. Joseph's Hospital, Eastern Maine Medical Center, the University of Maine and the Eastern Maine Vocational Technical Institute, who are trained at the Bangor institution and Yale Medical College is interested in affiliating with the institution to train its residents in psychiatry.

I think there is a very important point that we must not forget and that is that the Eastern Maine Medical Center has announced that their hospital psychiatric beds will be closed this year. It is possible, with the loss of these services and the passage of this bill, that the northeastern part of the state will have no major inpatient psychiatric service. Certainly, the northeastern part of the state deserves an equal share of the appropriation to care for its less fortunate. This consolidation will not improve quality care and my point then is that new financing for community mental health centers must not deprive the seriously disturbed of the care that they need and deserve. If this consolidation would improve the quality of care, I would support it but instead I see it as an enormous sacrifice of the care that we now provide. Maine's ability to provide quality mental health care without swamping our taxpayers is dependent to a considerable degree on federal policy and federal funding.

We are today considering a major policy change and we will be deciding whether to close, reduce or change the Bangor Mental Health Institute and the idea of closing the Bangor Mental Health Institute can be traced in Maine to the year 1973, when a handful of mental health experts uncritically accepted the theory of deinstitutionalization. In other words, they believe that mental institutions should be closed and patients turned loose to be cared for in the community, which means in boarding and nursing homes, rooming houses, and halfway houses. Patients would then have only loose contact with counseling centers for an hour or two a week with an after care worker.

Since 1973, Maine commissioners have come and gone but nearly all of them have been selected for their commitment to this now discredited theory of deinstitutionalization. This theory is based on the idea that there is no such thing as a serious illness that cannot be treated early and successfully in almost every case. Those who support this theory believe patient care could be improved if patients were allowed to fend for themselves in the private sector. There was also a claim that it would reduce the cost to taxpayers. This is not true, it will cost more.

In 1963, the Congress provided funds to the state to establish counseling centers to take over many of the functions of the traditional state hospitals but it wasn't long before the states who released their patients to the community and the counseling centers were admitting they had made a dreadful mistake. Boarding and nursing home operators whose other patients could not tolerate individuals with odd and disturbing habits appealed to the state authority and finally patients were returned in increasing numbers to the in-

stitutions from which they came. Despite the millions of dollars that had been spent on counseling centers and community based facilities, 90,000 more patients were admitted to state mental hospitals in the United States in 1975 than were admitted in 1963. That was the year the federal government initiated its counseling center program.

The State of Massachusetts offers us a near-by example of one state that made a mistake of closing its mental hospitals. Their commissioner, a few short years ago, persuaded the legislature to close its institution. Later, that same commissioner admitted that he had misled the people and that he had made a mistake. He admitted that the patient care had suffered and that the cost of the new system was bankrupting the state. In the past two years, Massachusetts has reopened its institutions, as has California, New York and other states that prematurely closed theirs.

Last year, the Congress requested the Government Accounting Office to undertake an investigation of the effects of deinstitutionalization in the several states that had closed its institutions. The GAO report, which was issued in January 7th this same year, reveals that the community base care approach had created the very thing it was designed to remedy, that patients were being warehoused and neglected in the private facilities and no public officials any longer seemed to have direct and on going responsibility for the patients. Patients became lost in the bureaucratic maze.

Patient care is the issue here and I don't want our mentally ill stuffed away and forgotten and their drugs handed out by social workers and no medical staff or attending physician close at hand 24 hours a day. The question before us is whether the dreadful mistakes recently made in the other states are to be repeated here in Maine or whether we shall profit from their mistakes by avoiding them. I believe it would be a mistake for us to phase out one of our institutions at the very time the national policy is being reevaluated.

Many states are now building new small mental institutions but distributing them geographically throughout the state. We already have two small institutions geographically located in Maine, and may I remind you that the State of Maine is not ignoring its community mental health centers. We have provided \$3 million in next year's budget for them. The seriously disturbed individual needs a home base, an institution which he or she may readily return to and a home base that is not located an impossibly great distance from their community. What bothers me the most is that instead of the department here in Maine moving in the direction of preserving its two fully accredited regionalized small institutions, it wishes to centralize all institutional care and deprive the citizens of northern and eastern Maine of their only nearby institution. And the majority report is urging you to dismantle the Bangor Mental Health Institute and to implement a full policy, a full community base care at the very time the federal government has admitted it doesn't work and at the very time that the other states that have tried it, have admitted it doesn't work. This is the worst possible time to be drastically altering our system and to be centralizing or consolidating administrations.

I ask the members from the southern part of the state to please join with me and vote against this bill. Please be unwilling to sacrifice the mentally ill for a bill that does not guarantee us better patient care.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I won't take more than two minutes of your time to explain my

reasons to ask you not to vote to close the Bangor Mental Health Institute.

The philosophy of mental health in this state can come from all the experts in this body and over in the department, I am just a lay individual that comes from a community that happens to have a mental health institute, that serves not only the general area in Penobscot County but all of Eastern and Northern Maine. I can remember when that institution had 1,100 or 1,200 people in it and apparently that was the philosophy back in the 50's and the 60's and the early 70's and there were a number of people that were released from the Bangor Mental Health Institute and placed in group homes or individual homes across this state.

But I just want to give you a first hand personal experience that I see every day in the City of Bangor. We have a facility in Bangor called Jefferson Manor and in Jefferson Manor, there are forty or fifty patients from the Bangor Mental Health Institute. Perhaps this is the way we should be going in dealing with our mental health patients but you can go by that building every day and see eight or ten of them sitting out on the steps or on the lawn or you can go down through the mall or on the streets of Bangor and see them walking around. Are they getting any care? This is a question I have raised with my good seatmate here and I have raised with many members of the committee. I don't think they are getting any care. I know the state has a limited amount of dollars but you know, I had a magazine here, I wanted to read a quote from this morning and I couldn't find it and it dealt with the state of Alabama where they had a prison system down there that was absolutely deplorable and a federal judge ruled that the State of Alabama could not have the luxury of running prisons to suit what their budget was, that they had an obligation to the very people that were in there, to provide them with some kind of living accommodations, some kind of training programs. Maine has a limited amount of money. It is a large state. There are mental health problems in this state as there are all over this nation, and perhaps we are not putting the resources up front in terms of dollars to provide the care that we need. If we aren't, it is our fault. There definitely has to be a realine of thinking in terms of mental health programs.

Mr. Goodwin, who I have the greatest respect for, he has some problems with the report. John Kerry, who I have a lot of respect for, he has problems with it. I am not exactly sure that I am standing in the right position this morning but I think that if we accept the motion that Mr. Goodwin made, that we will be going rather recklessly in terms of what we have for knowledge.

Basic questions were asked through the committee to Mr. Zitnay in terms, and I would assume also the Governor's office, is there any dollar savings? Dollar savings is a fine thing to talk about but what we are dealing with is human needs. If we needed another million dollars or 2 million dollars or one dollar to operate those facilities in a manner that would benefit people then I think it behooves us in the government to provide it. The mental health centers, I don't know whether they are doing what is right, or is wrong, I have mixed emotions about it, members of the committee had mixed emotions about it. Should we, in fact, take a good long hard look at their programs? Yes, we should. Should we revamp or try to consider what the mental health programs are in the hospitals? Are they producing well in terms of what we want? I am not sure of that. But I don't think that this House, I know even myself have mixed emotions on how we should be voting this morning.

This plan that was conceived from the Governor's office over a year and a half, it was brought out by the press that there was a pos-

sibility that they would close Bangor Mental Health Institute, that was denied. The Governor's office said "no way am I or my staff or my department, talking about the Bangor Mental Health Institute and the closing of it." A few months later the Commissioner begins to talk about the idea of closing it. The Governor's Office had denied it at one point, the Commissioner began to deny it at one point, and here we are today with the philosophy that I think will speed it up. When Mr. Kerns ran the Mental Health Department, there were hundreds of people that were released from them and sent back to communities, did they all get back to your communities? No, they didn't. A lot of them remained in my community because there were bed facilities there in terms of nursing homes and there was also the Bangor Mental Health Institute that they could relocate and send them back if it was necessary. We have a severe shortage in this state of nursing homes to provide for our elderly and where are a number of these people going to go? We just have a lot of problems and I think we will be creating even bigger ones if we close Bangor Mental Health at this time, or if we phased it down, I think that is the word that people like to use, its like hiding behind a door and saying: "no, we're not closing it, we are going to phase it down, we are going to readjust the programs. Fine. If we are going to readjust the programs, then I suggest, Mr. Goodwin, the Health Institutions Committee, take a complete look at the mental health programs that we have at the state level in terms of the institutions and also the community mental health centers. I am not sure they are functioning well. I don't think any member of that committee can positively stand up here and tell you that they are functioning well. Now, if they have reservations, then it behooves me to wonder how anyone of us can vote to phase down Bangor Mental Health at this time. Now some of them may be able to assure you that the community mental health centers are doing an A-one job. If they do, I want to hear them testify on the floor of this House this morning, because I didn't hear brother Zitnay ever testify to the fact that they are reaching and servicing all the people they could but maybe some of the members of the committee feel comfortable in making those statements.

I would hope that this House would support the good gentleman's motion from Old Town and to indefinitely postpone this bill.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Getting up on this measure this morning is a very difficult thing for me. One, I have about the closest friends in the legislature who are on the opposite side and take a different view than I do and they are from the Bangor area or surroundings. I have struck up friendships with men like Edward Kelleher and Representative Norris of Brewer and several others from that area that I not only cherish but I want and I need, and you know as you get older, one should practice the business of making friends, and I try to do that.

I recall back in the very late forties and early fifties, when we had two tuberculosis homes in Maine and the thought was brought out to close Hebron, which is only a few miles from my area. I happened then to be on the research committee and I took the side of closing it, whether it's a phase out or a closing, in any event, closing it. The tortures that I went through in that period were almost unbearable. It was costing us then about \$17,000 a year per patient and that was about 20 to 25 years ago, you can imagine what the price tag would be now. To make a long story short, Hebron was closed; the facility in Aroostook was closed and finally Fairfield was closed.

Now, some of you may recall that in one of

the Governor's address to us in joint session, he made the statement that a legislator sitting in this room had once told him that we had to someday come to the fact that we had to have one institution concerning this problem, be it Bangor or Augusta or Augusta or Bangor. I was that individual. Times change things, sometimes for the better, sometimes for the best or sometimes not very good. Those were the days when the Governor of Maine was first thinking of becoming Chairman of the Maine Management Cost Survey Committee. Those were the days when we spoke to one another twice a day anyway or visited one another. Those were the days when if I had a toothache, Governor Longley would be the first one to be at my bedside. Unfortunately, when he became a candidate for governor as an Independent, I informed him of my position and I informed him that anyone who is an office holder, a member of a committee, of a party, owed loyalty. To me, for a person to jump his party when he is holding office or serving on a committee is almost treason. I feel that way about my party. It has been good to me, it has returned me here 32 years, this is part of my life. The friendship, unfortunately at least for me, ended but the fact remains that the thoughts that I had then, I am not going to turn around and say, this is a chance for me to let anyone know where I stand. Since the beginning of this program, it hasn't been properly organized because of the fact that we had three commissioners working in this area, Commissioner Kerns, Commissioner Rosser and Mr. George Zitnay, whom I thought was about the best that could ever be found to conduct the affairs of Pineland and I so stated, when he became head of that institution because I have lived with it since I have been a legislator. I have lived with it long enough to call for a full-fledged investigation which made the superintendent resign and I won my point. I didn't like it because it worried a lot of people who had children there but it was the last resort and it had to be done.

Speaking to the proponents and the opponents of a situation, somewhere along the line, and I don't like studies, I think probably studies, and reports could be brought into this room that would fill it, that nothing has been done about. I think the major problem here lies into the fact of the report, a report that obviously is partisan although several on the other side belong to the party of the members who have signed the report that is divided and I have been around here long enough to know this, you have unanimity in a committee and, believe me, it is tough to beat a program then. There was comment made and there were very very fine statements read that I know were prepared and read very sincerely and read with fervor and belief as I would hope that I would convey the same thoughts to you people. I have seen the times that either at Bangor or Augusta, we didn't have one psychologist. I will say, however, that to dispense drugs, the law says you have to even look at the bracelet and see that the name is Prescott and not Jalbert before you give it because if you didn't, as one of those who served on the malpractice commission, and one of those who has visited once in a while the area hospitals, believe me, there is little trouble to start, you just don't go around and have a housecleaning person dispense drugs. They just can't do it. It must be done at the request of a physician, and given by a qualified nurse who has to look at the bracelet first.

I can't very well turn on this day even though I made the statement three years ago, to then Chairman of the Cost Management Survey, Longley. I can't turn around today on June 28th and say that this is not so. I can tell you this, that the gentleman on the second floor may call me Maine's foremost professional politician, but if I am, believe me, he learned pretty well because he drove the first car that was ever

driven for me when I ran for the legislature in 1944. His father learned through an uncle of mine, and I taught him, and believe me, you will have to look around a long long time to find a more masterful individual in the art of in-fighting in politics than the gentleman on the second floor and I don't fault him for that. As I read the word politician in the dictionary, it sounds pretty good. As far as I am concerned, I am a corporation man. I have to be, that is my livelihood. But I have never turned my nose up at being called a politician and I can't call myself an altar boy, I have been here 32 years so I am in no cribbage game. But I pride myself in one thing, I defy anybody in this House, I defy any one of the thousands of members that I have served with, to ever say that I have lied to them or that I have broken my word.

Standing up here with the thought that possibly some state employees who I love might be displaced, might have to move, might not want to come, it truly and really hurts me, and I am not saying that should be done. What I am saying is that it is going to have to be done eventually.

It is unfortunate, also, that the program was debated as much as it has been in the media before we ever knew anything about it. Certainly one cannot fault the Bangor Daily News or anybody else that takes up for their area, the legislators or the individuals who do.

Several answers have not been given to us. The work has not been done properly. The plan is not a good plan. In order to win, you have got to have a plan and a good one. Proof of the pudding, Part I, a plan — no debate in this body, no debate in the other body and signed into law, a plan. I guarantee you that before Part II hits the floor, speaking as a humble individual of the Appropriations Committee, a plan will be given to you, and backup reasons for it will be given. I could not help but get up and make a few comments, because I know fully well, I have already been asked publicly by his excellency how I was going to vote on this bill even before some seven or eight weeks ago in my local paper, and the comments were not all that complimentary, but I have been around long enough when to answer and when not to answer. The program is eventually for one institution, whether it be Augusta, and it could be Augusta and not Bangor, I never said it should be Bangor or Augusta, but there is going to be one institution. Somewhere along the line, it is up to the leaders of this legislature, made up of both parties, to come up with a program or individuals that will set up a plan to make certain we know where we are.

I have heard more people in this House make the comment that I cannot vote for it but the Governor is right. I know this will probably rock a few of you and probably even take the phone out of the Speaker's hands, but as far as I am concerned this morning, Governor James Bernard Longley is right.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I wonder how many of you are acquainted with the district that I represent. I find myself in quite a dilemma this morning. What we are speaking about is that a part of my district is from 45 to 65 miles from Bangor. The rest of my district is from 50 miles to roughly 100 miles from Augusta. The southern tip of my district voted very strongly for our Governor last time and they have never let me forget this. In my correspondence each morning with the people, I have never been not let aware of that fact, I cannot help thinking what the former speaker, Mr. Jalbert, said. I think coming down the road, we have got to recognize that we will come to one unit. I could not help but thinking also (this is why I wanted it to be on record) of the long speech written and given by my dear seatmate Sandra

Prescott. The reason I mention that is because the people back home don't remember that five minutes more than I would. There are three things that they remember: the cost, the governor and the services. These are the things that are most in the people in my district's minds.

I just got some figures from my own county, Piscataquis County, this morning in regard to that if it is shifted, the ambulatory service will cost us probably an extra three to four thousand dollars if the phasing out of Bangor was done. It would cost that much to come into Augusta. I can no longer be a resident of Sangerville. I am a Representative of a district and it is 64 miles across it and a great deal of it is in Somerset County not too far from Augusta.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: After more than 26 hours of hearings, over 12 hours of working sessions and at least 36 hours of my own personal research, I, at long last, am able to express to you some of my thoughts on the Bangor Mental Health Institute situation in general and the whole theory of deinstitutionalization to be specific. I have studied the issue closely and carefully from the beginning. I have had some professional employment experience in the regional mental health agency.

First of all, let me say that I have refused from the beginning to see this as a partisan battle. I have not decided this on the basis of one town against another and one group of medical doctors against another, I have decided this purely and simply in terms of patient care and how that care relates to the cost of maintaining an institution. Basically, it is a pie. You have got to cut the pie up. There is only a certain amount of money. If the money goes into institutions, then there is not money enough to go out into the community.

I am a member of the Health and Institutional Services Committee. I was elected by the citizens of Portland to come to Augusta to study the issues of that committee and exercise my best judgment, even though in doing so I find it necessary to disagree with able people whose opinion I respect.

There has been some pressure put upon me and members of the committee, both open and subtle, to stall the decision or alternatively to see it in an economic perspective, such as jobs for people in Penobscot county. I am sympathetic to that concern, but if I allow it to become a dominant criteria on which to base my decision, I would be untrue to the Health and Institutional Services Committee, which is not concerned with jobs but with making sick people well. Given that background, I would like to explain for a few minutes. Please allow me and other members of the committee and people this time. It is a very important issue; we are dealing with lives of people now and the lives of people to come.

Reference has been made to this report which I hold in my hand. It is a report to Congress by the Controller General of the United States. It says: "In 1963, the government embarked on a bold, new approach to improve the care and treatment of the mentally retarded and mentally ill. This new approach involves starting a series of programs to stimulate and support an array of community services as alternatives to institutional care which enabled mentally disturbed persons to remain in or return to their community and to be as independent and self-supporting as possible. This approach recently has been referred to deinstitutionalization, which can be defined as the process of preventing both unnecessary admissions to and retention in institutions, finding and developing appropriate alternative in the community for housing, treatment, training, education and rehabilitation of the mentally disturbed who do not need to be in institutions."

Every state in the nation has gone into deinstitutionalization, some better than others. In California, Governor Reagan simply said, we are going to close them. We are going to close them all down and, indeed, they sent those people out, unprepared, and the communities were unprepared. Let me tell you. You need fear not, because the Department of Mental Health and Corrections has prepared a plan thoughtfully and carefully. I have this plan. I don't know how many of you here have read this plan but I have. I am not afraid of this plan and you should not be either.

I am not a mental health expert but I do trust those who are. The cost for services provided to deinstitutionalized patients generally comes from a broader tax base, namely, federal reimbursement by a Medicaid Handicap Services, community mental health legislation and other similar mechanisms. There is a great deal of federal money and soon that federal money will dry up, as most federal plans and policies do, so the state must make a commitment that in time they are going to have to fill the gap, it is going to have to be state money. There is just so much money, where is it going to go? Where are the priorities, into institutions or into the communities?

What generally happens today for the first-time, ill individual is either an outpatient treatment or an inpatient treatment in a general hospital or a short stay in a state institution or maybe a combining of both.

There seems to be three distinct pressures for deinstitutionalization, one is judicial ruling, that that is the right to treatment. The courts have said you cannot just put people in institutions unless you have treatment for them. Number two: Humane concern about reintegration. It is very important that these people not become institutionalized personalities where they need the institution, where they cannot function in the real world. After all, the main concern of this whole thing is to get these people well so they can function in society. Of course, the cost of maintaining large, low-patient centers such as institutions.

I have on my desk, as you can see, piles and piles of papers, of reports, of things that I have read, information I have culled. There is no end to what is here on my desk so that I could go on to try to explain to you. Yes, there are states that did not work out the problem, that did not think it out carefully; this plan thinks it out carefully. Please read the Committee Amendment. Try to understand what we as a committee tried to do with this proposal. If you are concerned about the employees, the State of California, in reading one of its reports said, "67 percent of those employees who lost jobs in one institution, most of them lost money through moving and commuting expenses but most fared well in finding new jobs; 67 percent did not miss a day of work between jobs."

Let me quote something here. The hour is late and you are tired. Perhaps many of you have already decided how you are going to vote. My feeling is that many of you have decided before today. Just this morning someone said to me "don't lobby me, Merle. I have made up my mind. I made it up a year ago." In other words, don't confuse me with the facts, my mind is made up. Please remember when you do decide and do vote, no one is calling it closing. The Pooler Pavilion for the Aged will remain open, D-1, intensive care will be open. We are just talking about, if you will notice, I believe it is 100 patients who would be moving down. These are people who have to be institutionalized. We do know that there are two kinds of people that will always have to stay in institutions, those who are criminally insane and those who are chronically ill and cannot function. This bill does not ask that there be no institutions, it only asks for one administration on two campuses.

Let me quote for my final remarks. This is in

California and I took this from an article which I read on the residents themselves. (We are not talking about deinstitutionalization now). "According to a recent survey in California, 75 percent of them feel that they have benefited from community living. Only five percent wanted to go back to a large institution. Most of those," the survey says, "think people out here are too weird. Yes, there have been problems but one woman says that she supports herself on social security, state disability payments and earnings from part-time jobs and she serves as a big sister to a younger woman who has had emotional problems. I have had some problems with people in the building, Donna says quietly, they find out where I have been and snub me, but basically I like it here. I think I am making a life for myself."

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to be very brief on this issue. It has been a two-pronged argument, essentially, for the closing or phasing down of mental health care from Bangor Mental Health. The predominant argument has been the quality of mental health care would be improved by the closure. However, if you bear in mind the fact that Bangor, Maine, is one of the most comprehensive if not the most comprehensive medical communities in the state with Eastern Maine Medical Center, with the clinical psychology graduate programs at the University of Maine in Orono, the counseling center with the specialists and teams and technicians and technology and modern equipment, the neurosurgeon teams, the neuroradiologist teams that have, within recent years, come into that community. The Bangor community in terms of a medical comprehensive community provides superior quality care for mental health patients. There are only two such centers in the state at this time, Eastern Maine Medical Center in Bangor and Maine Medical Center in Portland. If we were to be dealing with this question in the abstract and in the most ideal fashion, the two most logical places for such institutions would be in Portland and in Bangor because of their comprehensive medical service facilities. I submit to you, if Bangor Mental Health were closed down and Augusta Mental Health were maintained, it would be necessary to transfer patients from Augusta mental health either up to Eastern Maine Medical Center or down to Maine Medical Center in Portland on a routine basis for the type of care that they would need or, otherwise, a massive influx into this area to make up for the disparities in the comprehensive and quality of care that can be provided.

The other justification is the dollar justification, the most efficient use of resources in the mental health area. I think that some work has been done on this that can show that the plan itself would involve substantially more millions of dollars to implement. We from the Bangor region have been repeatedly attacked as approaching this issue on a parochial basis, on a non objective, unimpartial basis because, after all, we come from that part of the state. After all, we have five Representatives here in the House who come from Bangor specifically. With respect to the Bangor citizens in the Bangor-Brewer community, I can tell you that they probably would be pleased to see Bangor Mental Health closed. One of the reasons for that is the number of patients that get out and terrorize our community have upset our community so, they probably would be very pleased to see that type of operation go elsewhere in the state. The community and the citizens have not paid as close attention, other than employees who have a vested personal interest in it in this particular issue, but in terms of quality mental health care, I really urge you to consider what it would mean to close down this institute for all

practical purposes from this particularly suitable medical community.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: Before we vote, I would like to answer some of the misstatements that have been made by a few of the opponents to this bill. First of all, Mr. Tarbell brought up the medical care which patients would receive if they were transferred from BMHI to AMHI.

First of all, in the Augusta area medical care is covered by the Maine Medical Center, the Mid-Maine Medical Center, Augusta General Hospital, Central Maine Medical Center and St. Mary's Hospital, all of which provide excellent medical care. Also, at many of those hospitals there are students from Tufts Medical School and other medical schools in New England who come and study psychiatric care and medical care.

For your information, mentally ill patients require no more medical care than the general population does, exclusive of psychiatric care of course. In other words, medical care can be provided at any of the many excellent community hospitals in the area. The Augusta Mental Health Institute does provide more medical care, 283 hours per week, than does the Bangor Mental Health Institute. Also AMHI provides more neurological examinations than does BMHI. In addition, AMHI has more full time state employed physicians on the staff who work 40 hours per week than does BMHI and also more who provide emergency coverage. This is in contrast to the more expensive contract mechanism which is used at BMHI.

The future plan calls for improving quality of care for all patients by enlarging the clinical and treatment staff at the consolidated program of the Maine Mental Health Institute. This means more care for patients at Augusta and at the Resource Center in Bangor for the geriatric program as well as the program for autistic people. The plan, in the future, would allow for quality care on an equal basis at Bangor and at Augusta.

Secondly, I would like to answer my good friend Mrs. Prescott who said that BMHI brings in \$2 million because it is accredited. That is incorrect. BMHI brings in \$2 million because it is certified by Medicare as an intermediate care facility. Money is also brought into BMHI because of its aging programs which would remain during the phasedown.

Also brought up was the fact that patients would be taken far away from visiting families and friends. From a study that we have seen on the number of patients that receive any visitors at all, more than half do not receive visitors and the remaining number receive visitors from other places in northern Maine, such as Augusta and other states in New England.

Many of you know that there is only Pineland Center for the mentally retarded and people come from all over the state to go there. The new dental clinic which recently opened at Pineland reports families coming from Aroostook, Washington and other counties, from all parts of the state to utilize that service which only supports the notion that for quality care people will travel.

Finally, the plan, which is not included in Committee Amendment "A", calls for maintenance of the geriatric, autistic and acute care units at the Bangor campus. More importantly, it recognizes the unique needs of this area by moving services closer to the people. Transitional in-patient services will be developed in the county and the halfway house in Bangor. Future development through reallocated funds is planned for in Piscataquis, Aroostook and Washington counties. These would include in-patient and day services.

I would urge the members of the House to support the majority report.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I do not want to leave the impression in people's minds that this is just a Bangor versus the rest of the state issue. Mary Worthley's name was mentioned in the debate and Mary Worthley is a constituent of mine and I consider her to be the leading expert in the mental health field in this state, or one of the leading experts. She chaired the first Governor's Commission on Mental Retardation in the state. It is her firm conviction that closing Bangor Mental Health is not the answer to our mental health problems and that it is, in fact, a detriment to good mental health.

I would also add that in terms of my own constituency in doing a survey of roughly 100 of my constituents, I found only two of them in favor of closing Bangor Mental Health.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: We can debate this for a month or six weeks but it all boils down to the fact that it is an insane idea to close the Bangor Mental Health Institution.

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 Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I waited because I wanted the members of the committee to have a chance to talk. I will try to be brief, try to answer some of the things that have been said. As some of you know and probably a lot of you don't know, I was battling the battle of Bangor Mental Health Institute with the Dean over the years and we have had a good friendship and a good clean fight. He has supported me more often than he has gone against me and I am sorry to see that he cannot be with us this morning.

To answer my very dear friend from Lewiston, the T. B. situation is a little different than the mental situation inasmuch as you can treat those people in general hospitals. Of course, the problem with this whole situation is voluntary and involuntary patients. You cannot get involuntary patients into general hospitals.

There has been some discussion made about treating these people. The young lady from Portland, Mrs. Nelson, treating these people in their community mental health centers, but I noticed when we talked about funding and when the bills came through this legislature that went to the Business Legislation Committee to fund this type of illness in the community mental health centers, it was turned down. It was turned down by this branch and it was turned down by the other branch.

Let's get our priorities in order if we are going to throw them out there. We have got thousands of people out there now that need help and that I have been hollering about and crying about and pleading about. We have gone through three commissioners, and in answer to my good friend Mr. Jalbert, there never will be a plan that will be capable of closing or phasing out Bangor Mental Health Institute. The good people in Penobscot and Hancock and Washington are not going to open in-patient units in Aroostook or provide better services in Portland through the community mental health

centers at a sacrifice to our people in those counties, and it is just as simple as that.

Now I will address myself to the bill, or whatever you want to call it, this report or bill or whatever it is, the employee status, the little weavings and things that are done are a beautiful little deal. On the effective date of this act, all personnel employed at the organizational units formerly known as Augusta Mental Health Institute and the Bangor Mental Health Institute shall be considered employees of the Maine Mental Health Institute. But for the purposes of layoff, the two campuses of the Maine Mental Health Institute shall be considered as separate organizational units. What does that do to your people up in that area? This is great. They have got one of the finest men up there in the country with more qualifications than any other mental health worker in the State of Maine, that is the superintendent of that institute. What does this committee want to do that apparently the department can't do, they want this legislature to fire him, they have written it into this piece of legislation, a man with seniority and with a top flight record. No one can challenge it, and they want to write into the legislation, they want to use legislation to fire him. I submit that that is wrong. That is wrong from any labor standard, that is wrong from any management standard, that is wrong from any standard I ever heard of.

I just hope, and I have got figures here that I could inundate you with. I am really on the history of the battle. I am on the board of directors of a community mental health center and the community mental health centers are necessary, there is no question about it but they can't handle involuntary in-patients, there is no way.

So I hope you go along. I won't prolong it any longer, I will sit down and try to answer any questions that come up or anything I think that may be misquoted and I thank you very much for your time but vote with the good gentleman from Old Town this morning and indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker and Members of the House: Improved patient care, better use of monies expended for mental health, but the question is, what is the plan? Philosophizing is a start to a plan but actual planning is the necessary element in policy making decisions and the question of phasing down BMHI is a major policy decision. A decision of such magnitude demands that all the steps are carefully analyzed and developed. Are the community mental health units capable of handling the added responsibilities? Are there and will there be nursing and boarding home facilities available to properly care for the mentally ill patients?

During the testimony at the Civic Center, it was brought out that there would not be a cost saving. In fact, it will cost more. Can Augusta attract the expanded medical corp that is necessary? The Eastern Maine Medical Center is a great asset and back up for Bangor Mental Health. Even though I am from the northern part of the state, when the question was raised, phase down BMHI and consolidate with AMHI, I was neutral for I felt perhaps it was for the betterment of patient care. I listened and I listened. I attended many meetings in the Bangor area and attended the two day hearing at the Civic Center. I felt for sure, at the public hearing, a detailed plan for the future policy of mental care would be presented. However, no step by step plan was presented. Again the questions remained unanswered as they are today. The answer is that BMHI, together with the Eastern Maine Medical Center and the Counseling Center, working in a close relationship as they have been doing, thereby,

providing patient care at all necessary levels, is the best plan for the treatment of our mentally ill.

Mr. Davies of Orono moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and obviously more than one third of the members present having voted for the previous question, the motion is entertained. The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now?

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

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: I request that I may have an opportunity to speak on this issue because I was on the committee and I think I may be able to add something to the issue.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen. The main question has been put the last two or three days, several times, and I felt it was necessary. This morning, with this issue as important as it is, I believe that everyone in this House should have a chance to put forth their views, whether they are with me or against me, because I would hope that we could lay this matter to rest, once and for all. So I would hope that you would vote against the previous question, and give everyone concerned a chance to have their say.

The SPEAKER: The Chair will order a vote. The pending question before the House is, shall the main question be put now? Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 34 having voted in the affirmative and 46 in the negative, the main question was not ordered.

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

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: To the good representative from Brewer, Mr. Norris, thank you very much for that courtesy.

I have agonized over this particular issue as everyone else in our committee has. I think basically the question has probably been answered as far as our vote is considered today and I think the overwhelming majority of the people have probably made up their minds. I know for myself that I didn't approve of the plans submitted by the department. I didn't approve of the way the particular plan was presented and I didn't think it was adequate, therefore, I couldn't vote for it and I didn't recommend it in committee.

Secondly, I also felt that the state should take a step in the right direction. First of all, take a step, because the people of Bangor and the patients of Bangor deserve that courtesy. They have been languishing on this issue for over ten years, probably more. But the thing that hit me more than anything was that for about five to ten years I have been working in and out of the Mental Health field and the mental retardation field, nursing homes, I have been tied into a lot of people who have been involved with the mental health field and that is the real world, as the good representative from South Portland spoke about. The real world is not in our institutions in many cases, the real world is out there, in the families, in your homes, in your communities and your neighbors, and mental health care is

unreal because the real world for many people is in their minds. For these people, they don't even understand what their minds are. So what we have done is we have placed them in institutions for years and we have never been really able to get at their minds to help them cope in an unstructured living environment because they can't cope with themselves. Today we've heard many reasons. We have heard reasons about employees, we have heard reasons for why it is good for the University of Maine Clinical Psychologists, why it is good for the Bangor Eastern Maine Medical Center, why it is good for the medical community, yes, we have what is good for the patients, but in reality, at the Yale Medical School, or the Hartford Mental Health Center, or in Boston or Bridgewater or AMHI or BMHI, or any place else, there is really no absolute quality care for these patients. As Mr. Kelleher said, well, during the fifties and the sixties, what did we do with the people? We pushed them out into the community. Was he talking about 1560, 1660, 1760, 1860, 1960? That is the difference, it hasn't changed an awful lot since then. If you have gone through BMHI, if you have gone through AMHI, if you have been to any other mental health facility in the country such as Bridgewater in Massachusetts, there is no difference. It is not going to change until you, in this body, or the federal government in their body, allocate resources to the community where these people belong. Yes, there are certain individuals that belong at AMHI, they do belong at BMHI, some of them believe it or not belong at Thomaston and I think this is an important point. We are not able to treat all of the people that need help the most. But the reality of it is, what we have done, and I think most of the people that are arguing for keeping BMHI open, have proven it. Mr. Kelleher, once again stated "go down to Jefferson Manor, see what is going on down there." Granted there is nothing going on down there at Jefferson Manor because all the money that we are spending on mental health is going to Bangor and going to AMHI, and yet, we are putting the people out in the community. It is not because we have such great community psychologists and community programs because we don't. The whole thrust of our principles and the whole thrust of our philosophy and the whole thrust of our program goes to Bangor and everything revolves around that. Today we are probably going to vote to keep Bangor open but I submit to you that I would not vote to keep Bangor open and I wouldn't vote to close it either because that is not what this plan is. This is not a plan, this is a philosophy, this is a concept, but it has done one thing, it provided a time table for initiation of a forward looking program to treat the people in the future. The people that have gone in the past are not going to be able to be treated properly because they have gone by the board. The people that are now at Bangor and Augusta will not be moved out of that facility until an adequate comprehensive plan that Mrs. Gill has so valiantly fought for in our committee is presented to this body. You will not have to take people out and throw them in the streets. You will not have to throw them into Jefferson Manor or the Lafayette Hotel or in Dexter or some other small hotel units, mainly because we realize it is a failure. But what you are failing to see is, what are we going to do with our resources, money, personnel and every other conceivable possible resource? We are going to stop it right now, because what you are doing, you are now entrenching into Bangor Mental Health a philosophy that has failed to prove to treat the people properly for over 200 or 300 years. In fact, for thousands of years and I think that is the true question. Unfortunately, we are not going to address that today because we are going to get into the superficialities, although that is what it seems that we are not doing.

I would submit to you in this case, that we have failed to address the real issue because the real issue is not a close down. The things that are good there, the Geriatric Unit, the Autistic unit, the Pooler Pavilion D1, which is a psychiatric unit, which I myself went back to and visited the other night, anguishing over the fact that I knew I was going to be making a decision that people are going to proceed to close it down. I talked to the patients. I did not talk to the staff as much as I talked to patients. Every time I went through a facility, if it was Bangor or AMHI, the state prisons, the correctional facilities, the hospitals, I talked to the patient. Where do you want to be treated Maam? I want to be treated at St. Agatha, I want to be treated in Fort Kent, I want to be treated in Presque Isle, I want to be treated down in Washington County, there is no facility to treat me there and they said it in French, I speak very little French, not well, but I could communicate with these people in their language. The physicians, the doctors, the people that could speak to her, they needed an interpreter, I could speak to her better than they could. Now, there is your answer. The answer is, believe it or not, ladies and gentlemen of the House, people could be best treated, they would feel better about it if they were back in St. John Valley, if they were down in Washington County, or up in Piscataquis County, not in an unreal world of an institution. They are not mentally retarded, they are emotionally the same as you and I, they have the mental capacity, one man was the valetorian of his class, I never forgot this, it was a frightening experience for me. I have been through many many serious events in my life, but just last week, when I went back in the evening and I was granted permission to sit in the group therapy session by the gentleman himself, I saw a man who had a very high IQ, who had a very serious emotional problem, who could understand where he was, he could see the walls falling down, he could see the one light, one bureau, just a cot in his room, he could see the bars on the door unlock and locked, he could see people walking around in their bare feet without any clothes on, he could see all of this, he understood this, but he had personal problems he could not resolve. He didn't think he should be there. He said, "I should be someplace else." But he is there because that is the only facility that can care for him. His hands would punch mats, he would beat into his pillows, he would do everything to try to get what was inside of him out to these people but believe it or not, he said after it was all through, "I would rather be back in my own home in the community and try to live as normally as possible but this is the only place where they can treat me."

I submit to you we spend over 20 million dollars on mental health care in the State of Maine each year and I think we have seen through the history, that we have failed throughout the country in treating these people. What is happening now is we are trying to take a new step in a new direction that is really going to impact the cause of mental health, and today, I think we are taking a step backwards, if you vote to maintain this facility. I would say that you should vote for this proposal, this is not a plan, the plan will be submitted in October of 1978. I refused to sign a committee report that would have instituted a plan by July of next year because it was unreasonable, it was impractical, it would not have worked. It would have been an injustice to the people of Maine and the people of Bangor as well as Augusta Mental Health Institute. This is going to initiate a plan that you are going to be able to look at again, derive new knowledge from, take a proper direction, not move one patient from one facility until the plan is approved, and I think that is a responsible step for all of the people.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Mr. Norris has said "put this matter to rest." I tell you that if you vote to indefinitely postpone this bill, this amendment, you will not be utting this matter to rest. If you don't ask to phase down Bangor now, when will you do it? Take courage.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: Doubt has been expressed this morning as to the effectiveness of the community mental health centers in meeting the needs of the statewide mental health system. Indeed it was at the public hearing, the gentleman from Bangor, Mr. Kelleher, had his words immortalized concerning the awaiting community centers for the anticipated dollars. Although Committee Amendment "A" does not call for the immediate use of the services of these centers for formerly institutionalized patients implicit in the policy statement as the gentleman from Old Orchard Beach has mentioned, is a move in this direction after more careful evaluation of the community mental health services.

Therefore, I would like to briefly address the issue of our expectations of these community mental health centers. It is interesting to note at the onset that in the past year, although the community mental health centers served roughly twenty thousand clients, as opposed to two thousand in the combined two institutions, dollars allocated to these components from the Department of Mental Health amounted to 75 percent of the funds of the two institutions and only 25 percent of the funds for the community mental health centers.

I believe we must ask ourselves this morning if we are allocating sufficient dollars to these community centers in light of our expectations of their continued and in fact increased services for the people of Maine. The decision which we legislators make on the proposed merger of the Augusta and Bangor Mental Health Institutes should be consistent and built upon our overall expectations of the state mental health system. Our decision should reflect the anticipated need for mental health services in the future and assure that the mental health system is able to effectively and efficiently meet these needs. What are our expectations of the mental health system? I believe we should expect that services would be available to reduce mental disabilities. We should expect a coordinated and adequately funded administration. We should expect participation by a broad range of citizens and we should expect an increase in the quality of services. The eight Maine community mental health centers are a logical and consistent development in attaining these expectations of the mental health system.

Extensive mental health research over the last few years has shown that the best way to reduce or eliminate mental disabilities is to provide services in the most natural, normal environment possible. It does little good to teach someone how to cope with life in a mental institute and then release them into the community, when, in fact, they may not be able to deal with the community. It does more good to directly help the client cope with his normal environment, that is, the most effective services are provided in the most natural and least restrictive setting for the client. Twenty years ago, public mental health services were only available, for the most part, far from the client's home in the institutions. Today, services are much more accessible and more appropriately offered through the eight community mental health centers. The Department of Mental Health and Corrections plans to consolidate the state's two mental health institutes is a step towards using existing funding levels

to increase the accessibility and the quality of mental health care.

There have been problems with the community mental health centers. I would expect there will continue to be problems, for I see no guarantees in the system of mental health. However, I believe that the department has shown a concern for the quality of services through some very direct steps they are taking at the present time. For example, requirements for individual treatment plans, professional peer review activities, a nationally noted statistical information and management system, on-going provision of training and education, allocation of funds under a need assessment formula, licensing of mental health facilities effective July 1st, formal site visit evaluations and several other provisions, which would assure increasing quality of services.

In conclusion, the department wants to improve the mental health services located in institutions as well as those provided in the community. The approach represented by Committee Amendment "A" would develop a balanced service system which meets the needs of people and which makes appropriate use of resources.

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

Mr. DAVIES: Mr. Speaker, Men and Women of the House: The proposal you have before you is an empty cart. It has no bags, it has no baggage and the horse that will pull it will come along two years hence. The good gentleman from Old Orchard Beach, a proponent, Mr. Kerry, has indicated, even though he is a proponent, that this is not a plan, this is a philosophical proposal. The plan will come along some time in the near future.

The good gentlewoman from Portland, Mrs. Nelson, also a proponent, asks if you don't vote for this proposal now, when will you vote for it? My answer to both of them is, I will vote for it when the plan arrives, when the cart has bag and baggage aboard and has a horse pulling it so we can look and see what is taking us down the road. But until such time, the wisdom of this move is seriously questioned.

Mental health services in this country are going under a great deal of change. With President Carter in office, there will be additional changes taking place. We have no idea of which direction they are going to go in. We have not even examined our whole mental health delivery system in its entirety. We have chosen to focus our attention on one small aspect of it, an aspect that certainly has problems but we certainly can't make an evaluation on the whole system based on our scrutiny of that one part.

I suggest to you that the way to deal with this matter is to kiss this bill dead, to pass a study order to look comprehensively at the mental health delivery system in this state, how it connects with the federal system, what route the federal system is going to be taking in the next few years, and when we have that information, when the department has had its opportunity to finally put together a plan, instead of a proposal, or an idea or a few suggestions, has put together something comprehensive that we can look at well in advance of the public hearing on this bill, to examine it, to see what it suggests and to see how those suggestions fit with our own communities and our constituents and the interest of the people of the state of Maine, then, and only then, when we have this information and we can make a wise decision, we should make a wise decision. But at this time, any decision that we might make short of killing this bill is an unwise decision.

I urge you to indefinitely postpone this bill.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I can't help but think listening to the debate, that the proponents are offering a simple hypothesis. It is evident to me

that knowledgeable individuals, even proponents of this bill, could sit down if they were asked to and write a same hypothesis keeping the Bangor Mental Hospital in the position that it is in now. It seems to me that the committee majority ideas are centered around the dollar sign. It is my feeling that the dollar sign is not in competition with the necessity of care for mental health. The mental health program needs development, not phase outs. This bill plans to make a plan.

I am in favor of indefinite postponement of this bill, L. D. 1330.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: To be brief, I would just like to wrap up a few things and kind of restate my philosophy, a little bit.

I would like to make it clear to the people here that deinstitutionalization in the State of Maine has already taken place. The proposed phase down, and it is not a close down, it's a phase down, of Bangor, is not necessarily a step to deinstitutionalization. That has already taken place. The State of Maine is looked to all across the country as one of the few states that have gone ahead through deinstitutionalization and done a fairly good job. You have to remember that the community mental health centers have been around only about ten years. The institutions have been around for hundreds of years. The answer has been problems. Yes, there are some people in the community not getting service but there are a lot more that are.

Last year, as the good gentlelady from Auburn has stated, twenty thousand plus people were served by community mental health centers, people that were able to stay in their homes and get service.

I will give you one example because it just happened to me recently. I went home on a Friday night and I had an old friend of the family sitting there waiting for me, a member of that family was having a lot of problems. We were able to call the community mental health center's 24-hour service and get some emergency service and some backup for that family. The person then went to the in-patient unit of that community mental health center, was able to receive some services for a couple of weeks and will now go into a boarding home, near that person's home, and an after care program has been established for that person and, hopefully, within six months or so, that person may be back at home. This is just one example. But because of the constituent work that I have done in the last few years since I have been here, I can give you other examples. Yes, the community mental health system is working out there and, yes, there are problems, there is no doubt there are problems at the counseling center and there are problems at some of the other centers, but the point is, and I urge you to remember the words of the gentleman from Old Orchard, Mr. Kerry, that we have started to deal with the philosophy in trying to move our system to a system whereby 95 percent of the people who need mental health services will get them near or in their community. Services so they can continue on the most part to be members of the community and contribute to society as a whole and not be put away in an institution. The thing that I am fearful the most if this bill doesn't pass, is that if we maintain two institutions and we put a lot of money into both of them, is that we will have to continue to find people to put in them. I am not worried about right now. I am worried about five years down the line, when if we have two full institutions, that to justify them, we are going to have to find people to put into them, rather than to serve those people in the community, and this is what I am scared of, the people that are going to be put in these institutions in the future that don't need to. Since the advent

of the community mental health center system throughout the country, since the development of chemotherapy, the people entering the mental health system have been entering and staying for much shorter durations. The people that are in the mental health institutes now are people that, for the most part, have been there for most of their lives or been there for a long period of time and are probably going to have to live out their lives there or in an institutional setting. But for the future, the people, the 90 percent of the people who will be entering this system in the future, we have to think of them and we have to start reallocating our resources so that those people can be served. I think this is why I supported this. There are a lot of other points on this but I don't think I need to drag it out any longer. What I would do is to ask you look deep into the future and to the services that the people in your area, whether it be Bangor or South Berwick, are going to need five years and ten years down the road.

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Old Town, Mr. Pearson, that the bill and all accompanying papers be indefinitely postponed in concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Bachrach, Bagley, Beaulieu, Benoit, Berube, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Elias, Fenlason, Flanagan, Gill, Gillis, Gould, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Immonen, Jackson, Joyce, Kelleher, Kilcoyne, Laffin, LaPlante, Littlefield, Locke, Lougee, Lunt, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McPherson, Moody, Nadeau, Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Strout, Tarbell, Tarr, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Berry, Blodgett, Brennerman, Carroll, Carter, D.; Cote, Cox, Durgin, Fowle, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Higgins, Huber, Hughes, Hunter, Hutchings, Jacques, Jalbert, Jensen, Kane, Kany, Kerry, LeBlanc, Lewis, Lynch, McBrearty, McMahon, Mitchell, Morton, Najarian, Nelson, M.; Plourde, Post, Spencer, Sprowl, Stover, Teague, Torrey, Trafton.

ABSENT — Austin, Bennett, Carrier, Dutremble, Lizotte, Mills, Stubbs, Talbot.

PAIRED — Biron, Peakes.

Yes, 99; No, 42; Absent, 8; Paired, 2.

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

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

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

The SPEAKER: The gentleman from Brewer, Mr. Norris, having voted on the prevailing side now moves reconsideration. Those in favor will say yes; those opposed will say no.

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

Mr. Blodgett of Waldoboro was granted unanimous consent to address the House.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take a minute to recognize William R. Adams, Jr., of Lewiston, who has served as Director of the Environmental Improvement Commission from 1969 to 1972 and as Commissioner of Environmental Protection from 1972 to 1977. Bill Adams leaves the state's service to be elevated to the position of Regional Administrator of the United States Environmental Protection Agency, Region One.

The outstanding accomplishments of Commissioner Adams include the organization of the Department of Environmental Protection, the establishment of Air Quality and Land Quality Improvement Programs and substantial progress in improving the water quality of the many lakes, rivers, streams and coastal waters of Maine. Under his guidance, Maine has established a nationally acclaimed municipal construction grant program and was the first state to meet the federal deadline for the treatment of the industrial waste waters. The environmental programs administered by the Department of Environmental Protection with Bill's leadership have been characterized by the quality of openness, reasonableness, fairness and awareness of the rights of the people of Maine. These attributes reflect the personal qualities that Bill Adams brought through his years of dedicated service to the people of the State of Maine.

I would like to extend to Bill Adams my personal congratulations and best wishes in his new position, and I know this reflects the feelings of the members of this House. I would like the Speaker to point out Bill, who is with us here today in the back of the the hall.

The SPEAKER: The Chair is pleased to recognize Mr. Adams in the back of the hall. Would he please stand and be recognized by members of the House. (Applause, the Members rising).

The Chair wishes him well and the Chair would point out that you have just been reading the 1976 federal funds in Maine and the record illustrates that the Maine Department of Environmental Protection is 19th in the country, which illustrates the number of federal funds that Commissioner Adams has been able to bring to the State of Maine.

Non-Concurrent Matter Later Today Assigned

Bill "An Act Relating to Electric Companies' Fuel Charges" (H. P. 1179) (L. D. 1407) on which the House insisted on its former action whereby the Bill was passed to be engrossed and asked for a Committee of Conference on June 24, 1977.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was passed to be engrossed as amended by Senate Amendments "A" (S-315) and "B" (S-323) in non-concurrence.

In the House: On motion of Mr. Kelleher of Bangor, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

RESOLVE, to Authorize the Conveyance of the National Guard Armory in Auburn to the City of Auburn (Emergency) (H. P. 1249) (L. D. 1471) which was passed to be engrossed as amended Committee Amendment "A" (H-598) and House Amendment "A" (H-664) in the House on June 16, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-330) in non-concurrence.

In the House:

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

Mr. GREEN: Mr. Speaker, I move that we

recede and concur. I would just quickly draw your attention to the Senate Amendment 330.

For those of you who have been wondering what has been happening with the armory bill at the other end of the hall, I will just briefly explain.

The Senate Amendment essentially is a compromise bill that was worked out by the National Guard, the Adjutant General's Office and the City of Auburn with regards to disposition and eventual future of that armory in Auburn and we had worked out a tentative rental agreement as of Friday. I believe, the contract was signed with the City of Auburn and the Adjutant General's Office to rent their facility for extended period of time for the price of \$10 a day, which is a little different than our original proposal which called for a leasing arrangement as opposed to a rental arrangement. It was my feeling that because tax dollars do go to support the maintenance and care of the facility for the guard to turn around and charge us to use it when they are not using it, goes against my grain somewhat. However, although I am not totally satisfied with what has taken place, I do recognize that compromise is the art of politics and so it is said many times in both bodies.

I would like to say, once again, that this is an agreement that was worked out by both parties and essentially what the amendment says, the conveyance of the National Guard Armory be it resolved that subject to the provisions of federal & state agreement notwithstanding any contrary provisions of the state law, in the event that the Maine Department of Defense and Veterans Services Military Bureau recognizes the Hasty Memorial Armory in Auburn is no longer necessary to their operations that the City of Auburn would automatically assume full responsibility of that building. The National Guard still maintains under this amendment title to the building but we have access to it which is what we wanted all along.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I can hear the intake of breath behind me from the Auburn delegation with what I am going to say.

As the leading opponent of the original bill, I simply want to commend the Auburn delegation for the compromise which they have made. It seems a very fair one to me and I support it.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think the young man from Auburn realizes that the idea here is compromise. That is the name of the game and I am delighted with the situation and I am going along with it.

Thereupon, the House voted to recede and concur.

(Off Record Remarks)

Non-Concurrent Matter

Bill "An Act to Clarify and Correct Laws Relating to Aeronautics" (S. P. 340) (L. D. 1154) on which the Bill and its accompanying papers were indefinitely postponed in the House on June 24, 1977.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-278) and asked for a Committee of Conference in non-concurrence.

In the House:

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

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

The SPEAKER: The Chair recognizes the

gentleman from Waterville, Mr. Boudreau.

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

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 would not recede and concur. Last week, the House members of the committee met with some of the pilots in the State of Maine and we had agreed that this bill should be put off so that we could have a study that would allow us to look at this bill over the next six months and maybe report out favorably.

I don't see any reason here today to insist and ask for a Committee of Conference. I don't think we are going to gain anything and it was our feeling last week that if we did not go the route we were going, that this bill would be killed and it would be two years before we could do anything concerning laws relating to aeronautics.

I, therefore, ask you today to follow the good gentleman from Portland his motion to adhere.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Waterville, Mr. Boudreau, that the House recede and concur. 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 71 in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Revising the Disqualification Periods for Persons who Voluntarily Quit Work or are Discharged for Misconduct" (H. P. 113) (L. D. 143) which was passed to be engrossed as amended by House Amendment "A" (H-782) in the House on June 22, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-329) in non-concurrence.

In the House:

The SPEAKER: 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 Waterville, Mr. Carey.

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

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

A vote of the House was taken.

Thereupon, Mr. Tierney of Lisbon Falls requested a roll call vote.

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

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

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

Mr. WYMAN: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Waterville and ask his support of the other bodies position.

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, has posed a question through the Chair to the gentleman from Waterville who may answer if he so desires.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would answer that I

voted against the forcing of people to go back until we get a decent, minimum wage.

However, I don't want to leave here without having been recorded of making some effort to put people back to work or have some control over unemployment and to hopefully put an end to those people who voluntarily quit so that they can live off the rest of us.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope we do not recede and concur. I certainly do not agree with my very good friend from Waterville. I don't think the abuses are on the voluntary quit that is being circulated around. I think that many people are being made to quit their jobs because of the employers who are forcing them to quit their jobs. I certainly do not agree with my good friend from Waterville on this issue and I certainly want to go on record here this morning as having the members of this House adhere to our former action, to stick with it.

We have been giving in to the other body and they are going to continue to do this all through the session, from now until we go home. We have to put a stop to it and I hope we will follow the advice of the gentleman from Lisbon Falls, Mr. Tierney.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This morning didn't appear to be a morning for long speeches and I am going to try to be very brief but I feel compelled to speak on this.

The other body has attached an amendment with a filing No. S-329 to the voluntary quit bill and was sponsored by the gentleman from Cumberland, Mr. Jackson. What this does very simply is it removes the 12 week waiting period which this body had placed in the bill through an amendment, it removes that completely, it lowers the amount that a person must earn in order to qualify for unemployment from eight times their weekly unemployment benefit down to four times, which in my humble judgment is a small concession. It also includes the exemption for being disqualified for the person who has to relocate, which is also in the House amendment. The real issue, I think, is whether or not we want to have a 12 week waiting period as an alternative to having to go out and earn eight times or four times or three times or even two times the amount that a person would collect on unemployment. I think if you would recall the debate that we had in this House on the amendment which has a filing No. H-782, you will remember that the basic argument for having the alternative is that if people who quit for whatever reasons good, bad or indifferent, are forced to go out and have to find a job in order to qualify for unemployment and some of them are not going to find that job, they are not going to be collecting unemployment ever and they are going to be forced to call on the town for general assistance. That is going to be the ultimate alternative.

I also would refresh your memory that other body made a decision on the minimum wage, made the decision not to even discuss it, not even a nickel increase and yet, they want to be unreasonable when it comes to this particular bill and I really feel that this issue, voluntary quit, the issue of unemployment generally has a lot to do with the minimum wage in this state. I don't think you can dissolve those two issues, separate them from one another.

I appreciate the gentleman from Waterville's concern that we do something about this problem and I believe that if the House does adhere, it will be in a position to do something about this. We will be in a position to enter into a Committee of Conference with the other body if they so choose and I would hope that they would where they refused to talk about the

minimum wage and that we will be able to clear up some of the minor differences but I hope that you would adhere so that we will keep in the 12 week waiting period and remember, during that 12 week waiting period, they are going to have to report every week. So, it is a tightening up of the present law and I support the motion to adhere and would ask you to also.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I realize that the gentleman from Pittsfield, Mr. Wyman, would like to be able to talk this over with the other body but I would remind him that you don't talk to the other body under my motion to recede and concur but you certainly don't talk to the other body under the motion to adhere. If the gentleman from Lisbon Falls, Mr. Tierney, would like to get into the motion to insist and ask for a Committee of Conference, I could very well take my motion and ask for a Leave to Withdraw on my motion.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope that the House will recede and concur today, as Mr. Carey has mentioned, the motion to adhere would essentially kill the bill.

What the other body has done in their amendment has conclude some provisions for some of the objections that were brought up here dealing with illness in someone's family and disqualification if that person has to leave his job. The other body has also included in their amendment present language dealing with what the employee will have to do if he decides to leave his job because of an illness and that would include having to identify what his illness was, having to tell his employer that when that person was healthy again, that he would return to his job.

The other body also has included provisions that would allow a spouse to follow their husband or wife or whatever the case might be, if that person was leaving, it would allow for that person to follow their husband or wife and still not be disqualified from collecting unemployment.

I think in the past we have talked about compromises and I think in terms of the objections that were brought out here to the original bill in its pure form, that this compromise sent to us by the other body is indeed a compromise and I hope we would recede and concur.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: I won't repeat all that has been said about the amendment that came over from the other body. You all know that it started out to be my bill. You know that we must do something to tighten up the voluntary quit provisions. We are in debt now 21.4 million dollars. This bill, in its original form, would have saved 2.9 million dollars to the fund and as the compromise that came over from the other body, that, too, will show a savings to the fund.

I urge you to recede and concur. I don't think that we should kill this bill. I think the people of Maine want something done about the unemployment situation, tighten up the voluntary quits. I do urge you to support the recede and concur motion and save what we can.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Again, I would like to address the House on the parliamentary position that this bill is in. I have absolutely no problem with having a meaningful dialogue with the other body, which would occur through a Committee of Conference. The difficulty with that position is that were we to insist and ask for a Committee of Conference, as the good

gentleman from Waterville knows full well, then the other body would be in a position to adhere to their position, the same way they did on the minimum wage and the same way they have on virtually every bill that deals with working people and we would either have to recede or concur or kill the bill.

What I would like to emphasize is that the motion to adhere to our prior action does not kill the bill. We are not adhering to a negative motion if we move to adhere. We are adhering to our prior position, which is engross the bill. So, the motion to adhere does not kill the bill. The gentlelady from Bridgton is absolutely wrong when she states that.

The way out of this dilemma I would suggest to the good gentleman from Waterville, rather than asking for a Committee of Conference would be this: either we do adhere, which engrosses the bill, which I would prefer unless the gentleman really feels that the members of the other body, the Senators, perhaps, on the Labor Committee, Senator McNally and Senator Redmond are anxious to discuss this situation in greater detail. Then, in that case, I would suggest the gentleman table this bill for later in today or for one day and that we have an informal Committee of Conference in order to find out whether there truly is good faith on the part of the other body.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: A couple of things have been said that I would like to bring your attention to. I don't believe that the other body is interested in what this House does, truthfully and honestly. They didn't care a darn thing about the minimum wage. You didn't see them at that time asking for a Committee of Conference. No, they didn't care. They didn't care if the working people were taking home less than the minimum wage. They didn't care if working people were taking home the poverty level even.

The good lady from Bridgton knows that they could care less about that but yet all of a sudden, the other body is very interested in doing something for the people of Maine. I don't buy that. I don't buy the Committee of Conference either. The only way that the other body will ever agree on anything that this House does is if we agree with them, that is all. There is no such thing as a compromise. I have been up here a long time and so have you. Someone got up the other day and said, we have given in and given in and given in, well, that is what you are supposed to do when you compromise to the other body, that is what they want you to do. I say, do not recede and concur. Stick to our motion. Stick to adhere, that this body is not going to be told by the other body what we are going to do all the time.

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

Mr. PALMER: Mr. Speaker, a question of parliamentary inquiry? It has been my understanding, in fact, it has been hazy to many of us in relation to what we can say about the other body. Some people feel that we can't even mention the other body by name, which I believe is incorrect. It has always been my understanding that we couldn't use what the other body did for debate to influence what we do in this House. It seems to me that we are doing that now and I would like to ask your opinion if, in fact, we are not baiting the question before us by using that other floor.

The SPEAKER: The Chair would respond to the gentleman from Nobleboro, Mr. Palmer, that it is absolutely correct under the rules, that members may not use the other body or the Governor to influence the action within this body. It is possible, however, to discuss basically what the position of an individual in the other body might be but it should not be used in other

fashion to attempt to influence what that body might do.

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

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

Mrs. Tarr of Bridgton requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Mr. Hobbins of Saco that this be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Hobbins of Saco requested a roll call vote.

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

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

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

ROLL CALL

YEA — Beaulieu, Berry, Biron, Blodgett, Brenerman, Brown, K. L.; Burns, Carey, Carter, D.; Clark, Connolly, Cote, Cox, Curran, Davies, Dow, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hobbins, Howe, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Laffin, LeBlanc, Locke, MacEachern, Martin, A.; Maxwell, McHenry, McKean, Mitchell, Nadeau, Nelson, N.; Pearson, Plourde, Post, Prescott, Quinn, Spencer, Stubbs, Theriault, Tierney, Tozier, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Bachrach, Bagley, Benoit, Berube, Birt, Boudreau, A.; Boudreau, P.; Brown, K. C.; Bunker, Bustin, Carter, F.; Chonko, Churchill, Conners, Cunningham, Devoe, Dexter, Diamond, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Gray, Green, Henderson, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kilcoyne, LaPlante, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Masterman, Masterton, McBreairty, McMahan, Moody, Morton, Najarian, Nelson, M.; Norris, Palmer, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Twitchell, Whittemore.

ABSENT — Austin, Bennett, Carrier, Carroll, Dutremble, Gauthier, Gould, Hughes, Lizotte, McPherson, Mills, Peakes, Talbot.

Yes, 62; No, 76; Absent, 13.

The SPEAKER: Sixty-two having voted in the affirmative and seventy-six in the negative, with thirteen being absent, the motion does not prevail.

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

Mr. BUSTIN: Mr. Speaker, on the motion to recede and concur, has a roll call been requested.

The SPEAKER: The Chair would answer in the affirmative.

Mr. BUSTIN: Mr. Speaker and Members of the House: To speak just procedurally, I think we got into this issue real heavy the other day and I don't think we really need to get into it again.

In my opinion, the other body's version on this particular measure is a bad deal. I see no reason why the House has to change its position. I would think that we should vote no on the recede and concur motion, then vote to adhere as the Majority Leader has suggested and that

puts the ball back in their court and they have a lot of different alternatives available to them. Let's see if they want to use some of them.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: When members of the House get up and say that we should stick to our original position, our original position when this bill came out of committee was that we defeated Committee Amendment "A" and accepted the bill in its pure form. That was our original position.

Last week we debated whether or not to accept House Amendment "A", which I argued at the time, that it essentially gutted the bill by removing the language dealing with the employees responsibility to the employer if that employee left because of illness in the family or whatever.

Our bad move was to accept House Amendment "A" so now, we have a choice today of either going along or adhering. I really can't go along with the philosophy that the House has to back down all the time or that we should adhere to our former position. Our first position was to kill Committee Amendment "A" and if you look at Committee Amendment "A" and House Amendment "A", they are essentially the same. They are a few deletions in House Amendment "A" that you would not find in Committee Amendment "A".

Senate Amendment "A" incorporates provisions of House Amendment "A" dealing with leaving because of illness in the family, which is one objection brought here when we were debating the motion and the other provision dealing with a spouse following their spouse, etc. So, I think the motion to recede and concur is, in fact, the compromise in that we should not adhere to our former position which was adoption of House Amendment "A", which I think was not a good move in that House Amendment "A" essentially gutted the bill and returned us to some of the provisions we defeated in Committee Amendment "A", the week before.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am concerned about the problem of unemployment but I think the problem of unemployment, basically, is that we have unemployment. What we should do is to provide employment, not to try to find ways to criticize those people that are unfortunate enough to be out of work. I further state that there are many of my constituents that feel strongly about the people who are supposedly misusing the unemployment system and I, too, would like to go home and say to those people that I had done something to tighten up the system. But, I also have many people who work for minimum wage, who oftentimes are forced out of work and that is a nice name for voluntary quit and I don't want to have to look at those people in the face and say, I tightened up the program at your expense.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: First, I would like to reply to Mr. Bustin, who never likes to compromise. He says that it is a bad compromise and I wouldn't as a body accept that opinion.

Mr. Wood, when you speak of people who are out of work, this bill is dealing with voluntary quit. This bill deals with people who had a job and quit their job. They were 14,000 people in the State of Maine last year that had a job and they quit their job without any reason attributable to that employment.

I urge you this morning to recede and concur. Let's get this bill on the way. It is a good compromise. I have had to compromise: I have been bruised, battered and beaten on that Labor Committee all winter, all spring and all sum-

mer so don't talk to me about compromise. Please accept the recede and concur motion.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: To my bruised and battered colleague from Bridgton, let me say that she knows that I compromise so much and so often that I have practically no virtue left.

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

ROLL CALL

YEA — Aloupis, Ault, Bagley, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Carey, Carter, D.; Carter, F.; Churchill, Clark, Conners, Cunningham, Devoe, Dexter, Diamond, Drinkwater, Dudley, Durgin, Fenlason, Fowlie, Garsoe, Gill, Gillis, Gould, Gray, Green, Hall, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jensen, Kany, Kilcoyne, LeBlanc, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreairty, McKean, McMahon, Morton, Nelson, M.; Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Post, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Tozier, Trafton, Twitchell, Whittemore, Wyman.

NAY — Bachrach, Beaulieu, Benoit, Berry, Blodgett, Brenerman, Bustin, Chonko, Connolly, Cote, Cox, Curran, Davies, Dow, Elias, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Joyce, Kane, Kelleher, Kerry, Laffin, LaPlante, Locke, MacEachern, Mahany, Martin, A.; McHenry, Mitchell, Moody, Nadeau, Najarian, Pearson, Plourde, Prescott, Quinn, Spencer, Stubbs, Theriault, Tierney, Truman, Tyndale, Valentine, Wilfong, Wood.

ABSENT — Austin, Bennett, Carrier, Carroll, Dutremble, Gauthier, Lizotte, McPherson, Mills, Peakes, Talbot.

Yes, 85; No, 54; Absent, 11.

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

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

Mr. WYMAN: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me. I further move that this be tabled one legislative day.

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, moves that the House reconsider its action whereby it voted to recede and concur and further moves that it be tabled for one legislative day.

Mr. Higgins of Scarborough requested a roll call on the tabling motion.

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 a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that this bill be tabled for one legislative day pending his motion to reconsider.

Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Biron, Blodgett, Brenerman, Bustin, Chonko, Clark, Connolly,

Cote, Cox, Curran, Dow, Elias, Flanagan, Fowlie, Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, MacEachern, Mahany, Martin, A.; McHenry, Mitchell, Moody, Nadeau, Nelson, M.; Plourde, Prescott, Quinn, Spencer, Stubbs, Theriault, Tierney, Trafton, Truman, Tyndale, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Bagley, Benoit, Berry, Berube, Birt, Boudreau, A.; Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Carey, Carter, D.; Carter, F.; Churchill, Connors, Cunningham, Devoe, Dexter, Diamond, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McBrearty, McKean, McMahon, Morton, Najarian, Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Post, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Tozier, Twitchell, Whittemore.

ABSENT — Austin, Bennett, Carrier, Carroll, Davies, Dutremble, Gauthier, Goodwin, H.; Lizotte, McPherson, Mills, Peakes, Talbot, Valentine.

Yes, 57; No, 79; Absent, 14.

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

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

Mr. KELLEHER: Mr. Speaker, all I want to do is ask a parliamentary inquiry? Didn't I hear the Speaker ask us members that if we had anything to debate, that we set it aside and debate it later on today? I am not trying to fuse the issue because there is a fuel adjustment bill that I would have liked to debate and I think it might have taken an hour or an hour and a half to debate. I was willing, as well as other people in this House, dealing with this issue, to extend that courtesy that we get a little further into the calendar.

I don't think that your bill, Mrs. Tarr, is any different than the bill that I want to get into because I know we all want to get to lunch sometime before 5:30 this afternoon so if you want to extend that same courtesy, I would assume that this is going to be debated at some length again, then lets get into the calendar and come back and get at this afternoon.

I would like to go to lunch somewhere around noontime, just for a change.

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

Mr. STUBBS: Mr. Speaker, I move that this item be tabled until later in today's session.

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 the 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 Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, a previous motion was made to table for one day and it failed. Under parliamentary law, the laws of this body, you cannot table until later in today's session?

The SPEAKER: The Chair would advise the gentleman that intervening debate took place, therefore, the motion to table is perfectly in order.

A SPEAKER: A roll call has been ordered. The pending question is on the motion of the

gentleman from Hallowell, Mr. Stubbs, that this be tabled until later in today's session. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Berry, Blodgett, Brenerman, Bustin, Carey, Chonko, Clark, Connolly, Cote, Cox, Curran, Dow, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LeBlanc, Locke, MacEachern, Mahany, Martin, A.; McHenry, Mitchell, Moody, Nadeau, Plourde, Post, Quinn, Spencer, Stubbs, Theriault, Tierney, Trafton, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Bagley, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Carter, D.; Carter, F.; Churchill, Connors, Cunningham, Devoe, Dexter, Diamond, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, LaPlante, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McBrearty, McKean, McMahon, Morton, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Tozier, Whittemore.

ABSENT — Austin, Bennett, Carrier, Carroll, Davies, Dutremble, Gauthier, Lizotte, McPherson, Mills, Peakes, Prescott, Talbot.

Yes, 61; No, 76; Absent, 13.

The SPEAKER: Sixty-one having voted in the affirmative and seventy-six in the negative with thirteen being absent, the motion does not prevail.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly want to first of all apologize to Mr. Kelleher for taking so much time on this particular item. We did have a discussion this morning for I believe two and a half hours on the Bangor Mental Health Institute which I thoroughly enjoyed and I appreciated it even though the vote was a fore-ordained conclusion. It seems our options are all used up now. We are going to have to debate this so I am going to take a few minutes to do it because I don't want it on my conscience that there were people here that didn't understand this issue and understand what they were voting on. They did vote under some misconceptions.

The House Amendment, which we adopted, was a reasonable compromise. It was fair, it was reasonable, it was a tightening up of the existing law. The amendment, which the other body adopted, and we are being asked to consider, is not reasonable, it is not fair, it is not a reasonable compromise any more than their position on the minimum wage was a reasonable compromise or a reasonable action to take. We have to discuss what they have done because that is really the heart of the issue is this Senate Amendment and how it differs with the House Amendment. This House Amendment is going to require anyone who has voluntarily quit their job to go out every single week during that 12 week waiting period and apply for work. That is not a liberalization of the existing law. That is a tightening up. It is a restriction of the existing law and it is fair. It is reasonable. It is firm, and, at the same time, it is compassionate.

I am sorry that some have seen fit to change their position on this particular issue without having access to all of the facts in this matter with all of the discussion.

My good friend from Waterville, Mr. Boudreau, and he is my good friend, told me

that the 12-week waiting period with a weekly reporting requirement would be totally acceptable to him. On second thought, he told me that he would have to speak to his advisors before he took the stand on this to find out what they thought. I don't know who his advisors were but I know who my advisors are. My advisors are the people that sent me down here to represent them. They are the people who work in the mills, the tanneries and the factories in my district. They are the people who may have a job today but because of some reason may quit their job. It may be harassment from other employees. It may be harassment from the employer. It could be any number of reasons. Those reasons may be good or they may be bad. But remember, the worker of today could very well be the voluntary quit of tomorrow.

You want to keep that in mind when you vote on this particular measure. How are we going to deal with that problem? How are we going to deal with that individual? If you say to them and if you recede and concur, it is exactly what you are saying. You are saying that anyone who quits their job except for the exemptions that we have put into the law or put into both of these amendments, and they are very few, I think there are one or two of them, illness in the family and then if a spouse has to relocate, but if they quit for any other reason regardless of what it is, transportation, problems on the job, problems with fellow employees or whatever, you are saying to them when you take this vote that you are "never" going to collect unemployment. If they have to go out and work at another job, if they have to first of all find another job, that is the first problem finding another job. I have heard people say "Well there are plenty of jobs available. One can always pick apples" I have talked with some of my good friends in here who have picked apples and they have told me that it is not as simple as it may appear. Once they found that second job, then they have to go out and earn eight times and I guess we have made a concession we are going to say they only have to go out and earn four times their weekly unemployment benefit before they can qualify for their unemployment. But then you see what happens, and this is the catch 22 of the whole business, what happens is when they quit that job, they have to go out and get another job in order to make that up. It is a vicious cycle. What it means, in effect, is that people will "never" collect unemployment. That is just what the associated industries of Maine want. That is just what many employers in this state want.

I would submit to you ladies and gentlemen that if we recede and concur, and if we defeat the motion to reconsider which is the motion before us at the moment and then vote to recede and concur, what it is, in fact, is a step backward. What we are saying is that people are going to be forced to call on the town. They are going to be forced to support their family some way and it is going to be increased budget for general assistance. That is exactly what it is going to be. I would hope that you would reconsider. I hope in thinking about this and I know emotions run high on both ends, I realize that I am sticking my neck out with a lot of people back home who have told me time and again "Jack, we want you to go down there and do something about these lazy ripoff artists who are abusing unemployment and are on welfare and food stamps and are lazy, no-good bums and as I have said before and I will say it again and again and again, I do not want to protect those people any more than you do. All I want to do is simply have a law that is reasonable, that is fair both to the worker and the employer. I suppose many employers would simply say nothing is going to be fair to them unless you did away with unemployment altogether. That would be a fair deal for the employer. They wouldn't have to pay it and that would make them very happy. We have got to look at it from both sides.

We worked a great deal of time, people on both sides of this issue worked a great deal of time. There was a considerable amount of discussion on this House Amendment. The other body has seen fit to gut the amendment, to do away with it completely. Really, if you look at the amendment from the other body, what, in fact, it is Representative Tarr's bill, practically in its original form. It is a disguise; it is misleading. It is a deception to say that what the other body has before us now is a reasonable compromise. It is, in fact, reverting to the bill in its original form which a bill, though well intentioned, and I have the greatest degree of respect for Representative Tarr, she is a very close friend of mine, she is very charming, she is gracious, and I respect her. I really mean that but the effect of the bill is going to be negative and we will find that out if we pass it.

So, I hope that you would vote to reconsider. I would plead with you to vote to reconsider. If we adhere to our position, I want to remind all of you as our majority leader has stated, we will not be killing this bill. For those of you who have said "Well, this is my last chance now to be recorded as a toughie" but to clearly express your feelings for something firm in the law, this is not your last chance because you can believe me when I say that the other body wants this bill as bad as we do. They want to do something. They won't simply allow this bill to be killed. I don't believe, and I am sorry Mr. Speaker if I have overstepped my bounds in discussing the action of the other body but I believe it is an integral part of our discussion here. I think many people have the feeling that if they don't act this way and vote to recede and concur, that the whole thing is lost and it is really not. I know I have taken too much time. I want to apologize to you. I feel very strongly about this issue. Please vote to reconsider.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: If you will recall, I spoke on this bill a few days ago. I used some terms which I felt were in a descriptive sense for which I was chastised mildly. I looked up, Mr. Webster, on the word scraggly in reference to beards. It said "unkept". Now I ask you if the gentleman from Augusta who did chastise me, have you ever seen his beard when it was unkept? I bet he spends an hour before the mirror each morning, not a whisker out of place.

Now, this bill, as far as I am concerned, is a compromise. I felt kind of bad about the housewife that might have to quit to go home and look after a sick child. Now, she is taken care of. As far as helping people, you will help them one way or another if they don't want to work. I don't have any advisors, not a one. I don't go to anyone. If you don't believe me, you go to my leaders. They don't tell me what to do. So, I hope you support the motion to recede and concur so that we can get at the professionals at the art of avoiding manual or other types of labor.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I can only say to the comments of the gentleman from Pittsfield, when you run as a Republican from Waterville, you need a lot of advisors. I had to ask those people before I took a vote on this issue.

Just to clarify a few points very briefly, he says that the amendment before us now that we would adopt if we recede and concur would gut the House Amendment. If you look at the Senate Amendment and the House Amendment, the Senate Amendment clearly includes the provisions of the House Amendment dealing with spouse and dealing with sickness in the family. The Senate Amendment also does not include the weekly reporting requirement that Mr. Wyman called such a stringent measure. It

doesn't include that requirement. In essence, the Senate has essentially backed off from that so-called stringent requirement that we include in the House Bill. The Senate Amendment doesn't say that a person will have to report. The Senate Amendment does take the first two provisions of the House Amendment dealing with the person who leaves work for illness and a person who leaves work to follow their spouse and puts them in their own amendment and reduces the eight weeks to four weeks. The Senate Amendment does everything the House Amendment does but it deletes the 12 week period where a person is forced to report every week. I don't know how that guts the House Amendment.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I have some advisors up in my area too as mentioned by the gentleman from Pittsfield, Mr. Wyman. Most of them had advised me that anybody that voluntarily quits should find another job.

Myself, I have had a little experience in this. I worked in a shoe shop one time for three weeks for \$56. I voluntarily quit. When the manager asked me why, "I said that I wasn't making enough money." This was back in the 40's. As soon as I had quit, I went and found a better job, a much better job in the Oxford Paper Company.

I feel that the Representative from Pittsfield has been very emotional on this subject and I realize why. It is an emotional subject, I will agree. The people that voluntarily quit, in my mind, should think this over a long time before they do if they don't have something better to go to. As far as picking apples is concerned, I have picked apples. When I was running for this job the last time, I ran across a young fellow about the stature of the gentleman from Pittsfield. He was sitting in his house at ten o'clock in the morning watching television. I asked him why he wasn't working and he said "I don't have a job. I am on unemployment." I said, "this afternoon I will get you a job". He said "No, I don't want it". Therefore, I hope you will recede and concur.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: This voluntary quit bill that we have been fooling around with for some time I think has got the members of this House a little confused. I want to tell you what they call voluntary quit. When an old man 51 years old has worked on a coal pile all his life and he looks 70 and he can't use the sledge hammer anymore and they tell him he is all done because he can't pick up the sledge hammer anymore, that is voluntary quit. That is what employers use. That is what employers use when a woman can't get a bus because the bus doesn't run until six o'clock in the morning and she has to be there at six. That is voluntary quit when they tell you you are all done because you can't get there on time. These are the issues that we are talking about. These are the abuses we are talking about. This voluntary quit has been put into a mold where everybody is crying thief and robber and everything else on a bill that doesn't even apply to that. That is what voluntary quit is all about.

Mrs. Tarr says she has been abused on the Labor Committee and I know she meant me. Well I have been very good to her. I could be a lot worse.

The gentleman from Nobleboro, Mr. Palmer said that I shouldn't talk about the Senate. Well that is too bad. Any time I have got anything to say about it, I am going to say it. If I am stopped, then I will be stopped then but I am going to say what I think of them and I do use good language. I don't say half what I would like to

say about them. I was upset this morning but I used good language against them.

The thing that we are talking about today is voluntary quit. What is voluntary quit? Half of the members of this House don't even know what it is. You have never seen the abuses in the labor field. You don't know the first thing about it. Well I have seen the abuses. I have seen the working people shoved and kicked and pushed because of terms that are being used on the floor of this House. I have seen it with my own eyes, not something that someone has told me about. I have seen voluntary quits, the abuses that they have used is deplorable. That is what voluntary quit is. If an employer doesn't like you, they come up with these high muck a muck words, he doesn't belong here, so you either do it or we will get rid of you. That is what voluntary quit is. Half of you don't even know what it is. You never worked in a mill. You have never seen the abuses. Well I have seen the abuses. The association that is supporting this bill and pushing for this bill is doing it to put money in their own pockets so they will get out of paying unemployment compensation that they so rightly deserve to pay that the employers are making for them. The employees have been abused in this state ever since I was a child and even before that.

Members sit in here and tell about the unemployment compensation funds, the ripoffs. Well, I will tell you about the ripoffs, the ripoffs that the employers have caused in this state. The employers are making money because of the employees and they use this term of voluntary quit. I have never spoken out very strongly against employers. I have never spoken out very strongly against anything, but we are getting down the end of the road. We are getting now to where bills have got to be passed that are going to help the people. We are not doing it. We are losing our pride. We are letting that other body tell us what we are going to do. Well they are not telling me what to do. They are not telling me what to do today or tomorrow or next week. If they want to tell you people what to do, you can listen to them, but I am not going to.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: I will try to be brief. I forgive Mr. Laffin for what he has had to say for various reasons.

I think probably you know exactly what you are doing and what you did when you voted to recede and concur. I am sure that when Mr. Wyman said perhaps you weren't familiar with what you were doing, I don't think that for one minute. I think you understand exactly what a voluntary quit is when it is attributable to your employment. I know you understand when they have appeals and I know you understand when Mr. Laffin is so upset with the other body. But I am debating our own voluntary quit bill here and he can go over there if he wants to do something else about that.

While I am on my feet, I would like to tell Mr. Kelleher that I am sorry that I have delayed his lunch. The motion was to recede and concur and I figured that that is what we would do. So I didn't have it set aside.

I urge you, this motion that is coming before you is a reconsideration motion. I urge you to vote no on reconsideration. We had a good strong vote on recede and concur. I am convinced this body knows exactly what we are doing and I urge you to vote no on the reconsideration motion.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I seldom get up on a labor bill but after hearing all this debate this morning and looking at the lights on the board, this has turned into a political issue. The

Republicans are voting on one side along with some of the Democrats; the Democrats are voting on the other side. Some of the Republicans, with very few exceptions, have voted along with the position of the bill. I am calling upon every Democrat in this House and I have never done that before in the 25 years I have been here, please vote to reconsider this. I think the people at home want this reconsidered. I think this is an employer's bill and I think it is a bad bill. I hope that I have been using the vernacular that I have heard on the floor of this House so many times, but I call on every Democrat to reconsider.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think the remarks of Mr. Cote are very well taken. I think what you can do when you go back today or this weekend after you vote to recede and concur; you can go to your friendly cotton mills and your chicken factories and the tanneries and the fishing factory and the shoe companies and you can go to the management and you can say "Well we sure did a job on the low-skilled, low-paid people 'this' week".

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: A short time ago, I do believe that the gentleman from Waterville gave all of us an opportunity to see what we are at here. It would cause all of us to reconsider this problem. When this amendment was put on calling for the 12 week period and to report each week, that was what was putting the stability into this program here.

First of all, all of you people should understand right from the start that this unemployment compensation is an insurance. It is an insurance that the employers in the State of Maine here pay for their workers to be cared for in time of unemployment. Just a fringe benefit. Don't worry about it being considered into the overall payroll. It is a fringe benefit for these employees. Now, when these employees voluntarily quit — over 2,000 of them were found, even though they voluntarily quit, they had good reason to quit, and when these people are through with their work, the claimants have to report to the unemployment compensation supervisors. They have to declare themselves as a voluntary quit. They have to have a hearing. Then, according to the amendment that Representative Stubbs and Representative Wyman had placed on it, those people were to report every week for 12 weeks. On reporting, they must designate where they were looking for work. If they designate that they were looking for work and the Unemployment Security Commission can't offer them an opportunity for work who is to blame? I think this bill should be reconsidered and another good thought given to it.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I kind of resent the remarks of the man who said this was a political issue. I am a Republican but I can honestly say that I have never considered politics in anything I have ever voted in this House. I look at every bill on its merits. I vote on its merits and no one has ever tried to tell me how to vote.

Another thing that kind of bothers me is that I seem to feel that every man who is in an employment position has got a barrel of gold somewhere and all he has to do is count it. That is not true. I run a small business. We have a housing project there. Our rents are regulated by the federal government because we borrowed money from them and they want to protect their investment and therefore they don't want to put themselves out of the picture. Any time that we want a raise in rent we have

to go to them and substantiate that raise. Everything enters in with our cost. Taxes have just gone up in the City of Bath. Our insurance has gone up. If unemployment insurance goes up along with it, it is all part of the package. The result of the taxes going up in Bath, insurance going up and other factors, we have just had to notify our tenants that they are going to have to go up \$7.75 a month on each rent. In other words, the employer doesn't eat this, it is the employee that eats it. It costs so much to run a business and everything is entered into the picture. I think that is sort of a red herring on this type of thing. The whole thing is, you have got people who have a chance to work. They don't want to work and so they voluntarily quit. It seems to me that there should be something to attack that problem. To my mind, this is a good way of doing it.

Mr. Greenlaw of Stonington requested a roll call.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: It is very obvious that this body wishes to reach a decision one way or the other today. I note the votes on the tabling motions. If you don't vote to reconsider, you will not have reached a true, true compromise. What we need is a good compromise. If you don't vote to reconsider, what you will be voting is for the grand tabling motion of all time and that is to table it for two more years and then come back here and go through the whole process again.

I urge you to vote to reconsider, then, hopefully, we will be able to put things into a position where we will be able to decide this issue once and for all.

Mr. Boudreau of Waterville moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one third of the members present having voted for the previous question, the motion was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now?

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have the opportunity to say one or two words on this bill so I would hope that we would not put the question now.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with the gentleman in the corner, but this borders on the ridiculous. I don't think you will change one mind by going five minutes longer.

The SPEAKER: The question before the House is shall the main question be put now? Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Tierney of Lisbon Falls requested a roll call.

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 obviously more than one-fifth of the members present and

voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is shall the main question be put now. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Aloupis, Ault, Bagley, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Carey, Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Dow, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Lewis, Littlefield, Lougee, Lunt, Lynch, MacEachern, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreairty, McMahan, Najarian, Palmer, Pearson, Peltier, Perkins, Peterson, Raymond, Rollins, Sewall, Silsby, Smith, Stover, Strout, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Whittemore.

NAYS — Bachrach, Beaulieu, Benoit, Berry, Blodgett, Brennerman, Burns, Bustin, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Diamond, Elias, Flanagan, Fowlie, Goodwin, H.; Greenlaw, Hall, Hendersson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, Mahany, Martin, A.; McHenry, McKean, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Plourde, Post, Prescott, Quinn, Rideout, Shute, Spencer, Sprowl, Stubbs, Tierney, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Austin, Bennett, Carrier, Davies, Dudley, Dutremble, Gauthier, Lizotte, McPherson, Mills, Peakes, Talbot.

Yes, 69; No, 70; Absent, 12.

The SPEAKER: Sixty-nine having voted in the affirmative and seventy in the negative, with twelve being absent, the main question is not ordered.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank you all for that resounding indication that you would like to hear a very few words on this particular bill. I certainly am not going to exhort in the good style of the gentleman from Westbrook, Mr. Laffin, on this particular bill. I stand to be quite quiet because I think in a sense that we are voicing a swan song to this particular issue for awhile.

I guess I would just like to make three very brief points. The first is to agree entirely with my good friend from Lewiston, Mr. Cote, and my good friend from Augusta, Mr. Bustin, that what this bill does if we recede and concur is to play into the hands of those individuals who are most apt to abuse the system from both sides.

I read a Supreme Court case recently which had nothing to do with my office but it was rather interesting because it dealt with this subject. It dealt with a textile mill in Lewiston which decided to take the machine which had always had three people working on it and only have two people working on it, in other words, a classic speed up. Everybody had to work that much harder. The case went to the Supreme Court. The women refused to do it, they said it was too much, they couldn't handle this work, it was a speed up. It went all the way to the Supreme Court and the women were caught in a complete box, because if it wasn't a voluntary quit on one side, they disobeyed an order on the other hand and it was a misconduct discharge. That is the type of situation you are leading into. The employer under this type of situation, the unscrupulous kind of employer, is in the perfect position — worsen the conditions, lessen the pay, speed up the machinery and you have

got your employees right where you want them. If they voluntarily quit because of those reasons and beat you on attributable employment, then you reclassify the job, give them an order, they refuse the order and then you have got them on a misconduct charge. It is beautiful. The result is a deterioration of the working conditions for our Maine people. That is my first point.

The second point is, usually we bring bills in when problems are getting worse. Last year on the floor of the House, the gentlelady from Bridgton, Mrs. Tarr, stated that there had been 16,000 voluntary quits in the previous year — 16,000. This year, on the information that she passed out herself, we are down to 12,500. The problem is getting less, ladies and gentlemen, not worse, even though we didn't do anything last session. It should be clear that we are all trying to do something this session. If we reconsider and go back to our original House position, we will have engrossed a bill which is a tightening up of the present process.

Then the third thing, because obviously I don't think my position is going to fly here this afternoon. When the session gets out, usually around October when we start to have to take responsibility for all the various things we have done in this House, most of our phones start to light up from constituents and usually our first reaction is to call up that legislator who sponsored that bill which changed the situation. I think we have all gone through that if we are not freshmen. The one I usually get in the month of October or November, approximately 10 or 12 calls from some of you in this House and you recall it, and they will say, Jim, Somebody called me up and he has got another employment problem and then you start to tell me about it.

Ladies and gentlemen, I understand that I obviously am not going to win here today, although I hope you do reconsider, but don't bother to call me in October. Bite the bullet yourself, tell those people, I did it to you and I am glad. I understand how unpopular this issue is politically, it is unpopular for me, it is unpopular for all of us. It is the type of issue that makes strong legislator's knees start to quiver. You should see the notes I have received and the hurried conferences I have received in the back from some of the members of my party. Oh, it is a very unpopular issue for the people who are working. Take a poll in the Kennebec Pulp and Paper Mill in Madison a month before they were shut down on unemployment issues and I bet you they all would have told you — unemployment, they are all lazy, they don't do any work. Take a poll in your district now of the people who are working, they will tell you the same thing, because they will never voluntarily quit a job, they will never do anything which would merit a misconduct discharge, they have always been good employees. It is kind of like welfare, it is kind of like ADC, it is one of those issues.

I understand very clearly the political pressure that is on each and every one of you, so you certainly don't have to look to me on this issue in any way except hopefully follow my light. But you do have to look to yourselves, and don't call me in October. Thank you again for allowing me the opportunity to speak.

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

Mr. CAREY: Mr. Speaker and Members of the House: One thing about the length of debate, it does prove to be extremely enlightening. Sitting in this corner, it gives you the opportunity to have some mobility, and I have had several conferences with several people who have been able to show me where there is some true and real abuse in the system. It is the type of abuse that I would obviously like to put an end to. I speak particularly to the gentlelady from Portland, Mrs. Beaulieu, who enlightened me to no end on some of the abuses down in her area.

It is for that reason that if this House does reconsider, I would withdraw my motion to recede and concur in hopes, knowing full well that there are some members of this House, particularly of my party, who want absolutely no restrictions whatsoever on people but who don't run in my district; I have to run in that particular district and I have to answer to the people within my district. Therefore, I would hope that those people do not prevail, that we are able to get some meaningful legislation out of this thing and not simply window dressing, and I know for a fact that somebody else, if I withdraw my motion to recede and concur, will make that same motion. But in an effort to get something out of this legislation, if you do reconsider, I would then ask to withdraw my motion.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting through many debates on this floor on this kind of issue, the one I brought up a month ago or so, and I have gotten to the point where I have just about had enough about people standing up here and talking about unscrupulous employers and how they kick people and push them and do this and do that, and I will be the first to admit that there are some good employers and there are some bad employers.

I have worked on a railroad pounding spikes with a crew of 10 guys and you couldn't get more than three of them to work. I did it for four summers and I know. I have seen employers who are just as bad. It is bad on both sides. It is not all employers who are taking advantage of people, it is not all employees who are working hard, it goes both ways. There are good employees and there are good employers; there are bad employees and there are bad employers. I have got plenty of employers in my town. People who employ people in my town, those people are the best paid people around, the people who work at Keyes Fibre, Scott Paper, those places. They have got campers, cars, camps. Those employers aren't kicking those people. They are working on Sundays for \$150 a day, double time. I will take that job anytime.

I am sick and tired of hearing people in here talk about employers. I will agree there are some bad employers, and I am sure someone in here could take me and show me some, and I can show you some bad employees. I am the oldest of 11 children and nobody gave me anything and I worked. So don't tell me about employers and employees, I have seen both.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: I will wind this up. I know we have all had enough of it, but before I do, I would like to thank Mr. Tierney for not calling me brutal and crass like he did the last time and Mr. Bustin calling me something I had to look up in the dictionary because of this same bill. And for Mr. Wyman, who was saying such nice things about me, I would just like to tell him that flattery will get him nowhere.

Still, I am going to stick to my guns. I would urge you to please to vote no on reconsideration.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the House reconsider its action

whereby it voted to recede and concur. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Berry, Blodgett, Brennerman, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Dow, Elias, Flanagan, Goodwin, H.; Goodwin, K. Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Laffin, LaPlante, LeBlanc, Locke, MacEachern, Mahany, Martin, A.; McHenry, Mitchell, Moody, Nadeau, Najarian, Pearson, Plourde, Prescott, Quinn, Spencer, Stubbs, Theriault, Tierney, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Bagley, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Diamond, Drinkwater, Dudley, Durgin, Fenlason, Fowlie, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kilcoyne, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreaarty, McKean, McMahon, Morton, Nelson, M.; Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Post, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Tozier, Trafton, Whittemore.

ABSENT — Austin, Bennett, Carrier, Dutremble, Lizotte, McPherson, Mills, Peakes, Talbot.

Yes, 65; No, 77; Absent, 9.

The SPEAKER: Sixty five having voted in the affirmative and seventy seven in the negative, with nine being absent, the motion does not prevail.

Non-concurrent Matter

Bill "An Act to Add Dental Hygienists to the Board of Dental Examiners" (H. P. 1168) (L. D. 1398) on which the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-786) Report of the Committee on Health and Institutional Services was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-786) as amended by House Amendment "A" (H-831) thereto in the House on June 24, 1977.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-785) Report of the Committee on Health and Institutional Services read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-785) in non-concurrence.

In the House: On motion of Mr. Goodwin of South Berwick, the House voted to recede and concur.

Non-Concurrent Matter

An Act to Extend Collective Bargaining Rights to County Employees (H. P. 1278) (L. D. 1509) which failed of Enactment in the House on June 24, 1977.

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

In the House:

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

Mrs. BERUBE: Mr. Speaker, I move that we adhere.

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

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

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

Mr. Mc MAHON: Mr. Speaker, in order to save time, because I think this is an issue that in the

future will come back to cause us a great deal of expense and concern, I ask for 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. 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 Standish, Mr. Spencer, that the House recede and concur.

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

Mr. HUGHES: Mr. Speaker and Members of the House: To me, this is a simple issue. Is there any reason that we ought to carve out one group of public employees in this entire state out of the 12,000 state employees, the 5,000 aggrieved university employees, the employees of the Maine Maritime Academy, the thousands of employees of municipal governments and say to one rather small class of state employees, you don't have the right to collectively bargain.

I am not a fan of county government and I am not a fan of a number of county employees, but they are human beings in our state who depend upon this legislature for such collective bargaining legislation, and I think that right to collectively bargain should not be denied because we have had our own problems in our own counties with some of our own employees.

I would urge you to vote for this bill, to recede and concur with the Senate.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I think you should vote no on the recede and concur motion and I will tell you why. Mr. Hughes is right, we should not discriminate against a particular class of employees, but they don't operate under the same rules and regulations as state employees or municipal employees. There are no job descriptions for those positions. Most of the time, they are positions which are filled by political patronage, irrespective of qualifications for the particular position. Very seldom will you find that jobs are posted; job openings are never posted whereas for state employees they are, for municipal employees they are.

I understand that this bill was introduced at the request of a particular group of deputy sheriffs. Well, I don't see what they can bargain for when in L.D. 224, that has been enacted, they will have to work 40 hours a week. They will still be appointed by the sheriff, with the approval of the county commissioners, only for three years. They can't bargain the length of time. The assistant district attorneys will continue to serve at the pleasure of the district attorneys. The chief deputies will continue to serve at the pleasure of the sheriffs. I can't see how we can pass this bill when we have all the other statutes on the books. I think the reverse should have been done. We should have attempted to alleviate the problem that might exist, if they do indeed need collective bargaining, by simply trying to change the statutes on the other issues, but I don't think we are depriving them of any rights. If we are going to equate the county employees with the state employees, it is not the same. So I would ask that you vote no on the recede and concur motion and that perhaps we could adhere.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to the gentelady from Lewiston, Mrs. Berube. Just what are the positions that everyone is discussing? I have heard you mention the sheriff's department, but what other positions would be involved in terms of collective bargaining for these people?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentelady from Lewiston, Mrs. Berube, who may answer if she so desires.

The Chair recognizes that gentelady.

Mrs. BERUBE: Mr. Speaker, the bill says to extend collective bargaining rights to county employees. The statutory position would not be part of that, but the chief deputy is not a statutory position. You read the present statutes and you read L.D. 224, all the assistants of the assistants are not statutory positions.

I am also concerned about the many CETA positions that have been created and extended beyond the 12-month periods. How would they fit into this? Would they also come under collective bargaining? This has nothing to do with the statutory positions.

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

Mr. KELLEHER: Mr. Speaker, I would like to further ask a question. How about the clerical staff that works in the registry of deeds or the treasurer's office or in the mapping office? Do you consider these people public employees and are you offended by the possibility that they may have an opportunity to collectively bargain for pay increases or work allowances?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a further question through the Chair.

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

Mr. BUSTIN: Mr. Speaker, to answer the question of the gentleman from Bangor, in order to determine who is covered and who is not covered, you do not look to the bill, you look to the law which the bill amends and there you will find an exclusion for elected officials, for example, the sheriff, registrar of deeds, judge of probate, registrar of probate, those kind of people, county commissioners. Those people are excluded, not covered, and also excluded would be part-time employees, also excluded would be the supervisors, the chief deputy probably would be excluded, there might be a unit determination on that.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I would pose the same question that the gentleman from Auburn, Mr. Hughes, posed. Why has this body refused time and time again to grant home rule to county government? I would remind this body again that there are salaries, such as deputy sheriffs, that are also set by statute, and I believe those of you who take an interest in your county budget realize this. It also should be brought out in regard to clerical staff that many of those positions are also appointed with political favors in mind. So I would just reiterate again that until such time as we are willing to grant home rule to county government, they should not be represented by a union.

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

ROLL CALL

YEAS — Bachrach, Bagley, Beaulieu, Benoit, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bustin, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Diamond, Dow, Elias, Fenlason, Flanagan, Fowlie, Gillis, Goodwin, K.; Gould, Greenlaw, Henderson, Hickey, Hobbins, Howe, Hughes, Jackson, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Littlefield, MacEachern, Mahany, Masterman, Masterton, Maxwell, McHenry, McKean, McMahon, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson,

Peltier, Post, Prescott, Shute, Spencer, Stubbs, Tarbell, Tarr, Theriault, Tierney, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman.

NAYS — Aloupis, Ault, Berry, Biron, Birt, Brown, K. L.; Bunker, Burns, Carey, Carter, D.; Conners, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Garsoe, Gauthier, Gill, Goodwin, H.; Gray, Green, Hall, Higgins, Huber, Hunter, Hutchings, Immonen, Jensen, LaPlante, LeBlanc, Lewis, Locke, Lougee, Lunt, Lynch, Mackel, Marshall, Martin, A.; McBreairty, Morton, Palmer, Perkins, Peterson, Plourde, Quinn, Raymond, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Strout, Teague, Torrey, Tozier, Trafton, Whittemore.

ABSENT — Austin, Bennett, Carrier, Carter, P.; Davies, Dutremble, Lizotte, McPherson, Mills, Peakes, Talbot.

Yes, 78; No, 61; Absent, 11.

The SPEAKER: Seventy eight having voted in the affirmative and sixty one in the negative, with eleven being absent, the motion does prevail.

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

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

Mr. BUSTIN: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and urge the House to vote in the negative.

Whereupon, Mrs. Berube of Lewiston requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that the House reconsider its action whereby the House voted to recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Bustin of Augusta 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 Augusta, Mr. Bustin, that the House reconsider its action whereby it voted to recede and concur with the Senate. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Aloupis, Ault, Berry, Berube, Biron, Birt, Brown, K. L.; Bunker, Burns, Carey, Carroll, Carter, D.; Conners, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Garsoe, Gill, Gillis, Goodwin, H.; Gray, Green, Hall, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jensen, LaPlante, Lewis, Littlefield, Locke, Lougee, Lunt, Lynch, Mackel, Marshall, Martin, A.; Masterman, McKean, McMahon, Morton, Palmer, Perkins, Peterson, Quinn, Raymond, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Strout, Teague, Torrey, Tozier, Trafton, Valentine, Whittemore.

NAYS — Bachrach, Bagley, Beaulieu, Benoit, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bustin, Churchill, Clark, Connolly, Cote, Cox, Curran, Diamond, Dow, Elias, Fenlason, Flanagan, Fowlie, Gauthier, Goodwin, K.; Gould, Greenlaw, Henderson, Hobbins, Howe, Hughes, Jackson, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LeBlanc, MacEachern, Mahany, Masterton, Maxwell, McBreairty, McHenry, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Peltier, Plourde, Post,

Prescott, Shute, Spencer, Stubbs, Tarbell, Tarr, Theriault, Tierney, Truman, Twitchell, Tyn-dale, Wilfong, Wood, Wyman.

ABSENT — Austin, Bennett, Carrier, Carter, P.; Chonko, Davies, Dutremble, Lizotte, McPherson, Mills, Peakes, Talbot.
Yes, 66; No, 72; Absent, 12.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-two in the negative, with twelve being absent, the motion does not prevail.

Sent to the Senate.

Messages and Documents

The following Communication:

Committee On Transportation

June 27, 1977

Honorable John Martin
Speaker of the House
House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Transportation has completed all business placed before it by the 108th Legislature.

Respectfully,

(Signed) George A. Maxwell
House Chairman

The Communication was read and ordered placed on file.

The following Communication:

Committee On Business Legislation

June 27, 1977

Honorable John L. Martin
Speaker of the House
House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Business Legislation has completed all business placed before it by the 108th Legislature.

Total Number of Bills	146
Unanimous Reports	137
Leave to Withdraw	43
Ought Not to Pass	21
Ought to Pass	25
Ought to Pass as Amended	40
Ought to Pass in New Draft	8
Divided Reports	9
Total Number of Amendments	45
Total Number of New Drafts	8

Respectfully,

(Signed) Nancy Randall Clark
House Chairwoman

The Communication was read and ordered placed on file.

The following Communication:

Committee On Labor

June 17, 1977

The Honorable John L. Martin
Speaker of the House of
Representatives
State House
Augusta, Maine 04330

Dear Speaker Martin:

The Committee on Labor is pleased to report that it has completed all business placed before it by the first regular session of the 108th Maine Legislature.

Total Bills Received	72
Unanimous Reports	55
Leave to Withdraw	25
Ought not to Pass	7
Ought to Pass	11
Ought to Pass As Amended	11
Refer to Other Committee	1
Divided Reports	17

Respectfully,

(Signed) David W. Bustin
House Chairman

The Communication was read and ordered placed on file.

The following Communication: (S. P. 571)

Office Of The Governor

June 25, 1977

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

This is to inform you that I am allowing to become law without my signature S.P. 530, L.D. 1859, AN ACT Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979.

When we began preparing our budget for this session of the 108th Legislature, our top priority was to avoid the placing of an additional tax burden on the backs of the working men and women of Maine. While I strongly object to one provision of the current services budget, the Part I Budget before me and a fiscally responsible Part II Budget will accomplish that goal for the people of Maine.

Another top priority in the preparation of our budget and legislative program was to demonstrate that a fiscally responsible government can meet human needs without constantly calling on the people for additional taxes. The people in this administration worked long and hard to save dollars and cut costs so past deficits could be erased and so there could be extra dollars for these direct human need programs. We feel we kept the store of government opened and have been able to improve services to its customers . . . the taxpayers and citizens of Maine . . . even with cost cutting and with fewer State employees.

We were pleased to report to this Legislature when it convened that the State was in sound financial condition and we were happy to report again last week that there definitely would be extra dollars to fund some programs requested by this administration and sought by individual members of the Legislature.

We still do not know at this point what will be included in the Part II Budget but we would respectfully urge the Legislature to give fair and thoughtful consideration to the programs we have presented to meet human needs and to assist in the economic development so our tax base can be broadened for the future.

However, our top priority will remain the sum total of a Part I and Part II Budget without a tax increase and a reasonable unappropriated balance to help avoid a future tax increase, plus the funding of direct human service programs.

I've taken the full time under the law to reach a decision on L.D. 1859 because I was hopeful and had been led to believe that some definite decisions would be made on the Part II Budget by this time. We tried in every way to cooperate with the Appropriations Committee by providing it with updated revenue reports and alternative approaches for our own unfunded programs. However, we recognize the very difficult task faced by the Appropriations Committee as it attempts to assess priorities in the final days of what has been a hectic and busy session. While we are in disagreement with the Appropriations Committee in regard to University funding, we recognize the fact that the Committee, with all its other duties, did not have the time to take the in-depth look that we did into this area. If the Committee had been able to make such a comprehensive examination, I believe it would have agreed with us that Maine taxpayers are being asked to subsidize out-of-state students and that a reasonable and realistic out-of-state tuition could have picked up the additional \$4 million in question, and more.

I am allowing this bill to become law without my signature in an effort to be fair to the individual members of the Legislature who have

expressed themselves on Part I and who, like this Governor, want to make a clear, objective examination of Part II. I chose not to veto L.D. 1859 because I did not want to cause unnecessary hours of debate when the time could be spent considering Part II items and other important issues in the final days of this session.

I still feel it is unfair to the elderly, the retarded and the taxpayers to allocate \$4 million in additional spending for the University when the taxpayers of Maine are having to subsidize out-of-state students so the University can fill up its seven campuses in an attempt to justify the multi-campus concept for a State with only one million population.

I have never said that the \$4 million should not go for higher education in Maine. I would not have objected if that \$4 million had been earmarked for direct scholarship aid to needy students. I would not have objected if that \$4 million had been earmarked for State employees and other adults in Maine whose education was interrupted by marriage or the need to make a living and who wanted to continue that education.

I hope future legislatures and governors will not be placed in this position and that the Legislature at some point will have the courage of its convictions and give the people the right to vote and decide if Maine will join most other states in this nation and give the governor an item veto. The issue of University cries for public debate and an item veto would have provided for this. As it is now, the taxpaying public has very little, if any knowledge, of how the hundreds of millions of dollars were spent in the current services budget which passed the Legislature without debate.

Without an item veto and without legislative debate, the people of Maine are, in effect, asked to come forth with hundreds of millions of hard-earned tax dollars without sufficient knowledge of where or how the money is to be spent and without an opportunity through their elected representatives and the Governor to challenge and alter spending priorities.

Very truly yours,

(Signed) James B. Longley

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1776) recognizing that:

TERRI GILPATRICK of Lincoln has been crowned Miss Maine for 1977

Presented by Mr. MacEachern of Lincoln.

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

An Expression of Legislative Sentiment (H. P. 1777) recognizing that:

KENNETH T. NORTHRUP is retiring after 30 years of service at the Maine Youth Center

Presented by Mr. Curran of South Portland.

(Cosponsors: Senator Hichens of York, Senator Snowe of Androscoggin, Mr. Goodwin of South Berwick)

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

An Expression of Legislative Sentiment (H. P. 1778) recognizing that:

GLADYS CLARK is retiring after 27 years of service at the Maine Youth Center

Presented by Mr. Curran of South Portland.

(Cosponsors: Senator Hichens of York, Senator Snowe of Androscoggin, Mr. Goodwin of South Berwick)

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

Later Today Assigned

On motion of Mr. Carey of Waterville, the following Joint Order: (H. P. 1775)

Whereas, the personal property tax on watercraft is not uniformly applied; and

Whereas, there is in excess of 120,000 boats registered in Maine and it is very costly and virtually impossible for local assessors to check on the value of each boat; and

Whereas, there is an absence of uniform guidelines to value watercraft; and

Whereas, inequities in the assessment of watercraft have in some cases caused boat owners to register their boats in neighboring states; and

Whereas, unequal taxation of watercraft is detrimental to the boat building industry and the boat yard business; now, therefore, be it

Ordered, the Senate concurring, that the Joint Standing Committee on Taxation be authorized to study a more equitable system of watercraft taxation; and be it further

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

Ordered, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

The Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: Since we have a bill under divided reports on this same issue coming up later, I think it might be more appropriate if we table this until later in today's session.

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

On motion of Mr. Mahany of Easton, the following Joint Order: (H. P. 1779) (Cosponsors: Senator Hichens of York, Mr. Carroll of Limerick, Mr. Torrey of Poland)

Whereas, the potato industry is one of Maine's most important agricultural industries; and

Whereas, a stable and orderly market is in the best interests of all sectors of the potato industry; and

Whereas, the 106th Session of the Legislature passed the Maine Agricultural Marketing and Bargaining Act in 1973 in an attempt to provide stability and order to the potato industry; and

Whereas, significant questions have been raised pertaining to the issues to be negotiated through the bargaining process provided for under the Maine Agricultural Marketing and Bargaining Act; and

Whereas, significant questions persist regarding the honoring of contracts, including the delivery of potatoes on the date and in the quantity agreed upon, and subsequent payment of such potatoes; now, therefore, be it

Ordered, the Senate concurring, that the Joint Standing Committee on Agriculture study and assess the bargaining process which takes place among potato producers, shippers and processors, giving special attention to those variables included and excluded from the bargaining process, including, but not limited to, the quantity of potatoes to be delivered, time of delivery, price and payment; and be it further

Ordered, that the committee review those provisions of Legislative Document No. 473 which pertain to the potato industry, presented before the 108th Session of the Legislature; and be it further

Ordered, that the committee shall complete this study no later than December 1, 1977, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended

legislation in final draft form; and be it further Ordered, upon passage in concurrence, that a suitable copy of this order shall be forwarded to members of the committee.

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

(Off Record Remarks)

Mr. Cox of Brewer was granted unanimous consent to address the House.

Mr. COX: Mr. Speaker, is it in order for me to ask to have my vote changed on L.D. 1330?

The SPEAKER: The Chair would advise the gentleman that at this point in time it is impossible to change his vote but he may so indicate for the record.

Mr. COX: Mr. Speaker, I would like the record to show that I voted yes to indefinitely postpone the Bangor Mental Health Bill.

Mr. Tyndale of Kennebunkport was granted unanimous consent to address the House.

Mr. TYNDALE: Mr. Speaker and Members of the House: I just wanted to take a moment to commend the members of my committee, those who worked very actively on the Bangor Mental Health Bill. They were a dedicated, persevering group and I am very proud of them.

(Off Record Remarks)

On motion of Mr. Greenlaw of Stonington, Recessed until 2:30 in the afternoon.

**After Recess
2:30 P.M.**

The House was called to order by the Speaker.

**House Reports of Committees
Divided Report
Later Today Assigned**

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-843) on Bill "An Act to Provide for a Local Excise Tax on Watercraft" (H. P. 1290) (L. D. 1537)

Report was signed by the following members:

- Messrs. WYMAN of Washington
 - JACKSON of Cumberland
- of the Senate.

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

Reports were read.
(On motion of Mr. Palmer of Nobleboro, tabled pending acceptance of either Report and later today assigned.)

**Consent Calendar
First Day**

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

- (S. P. 407) (L. D. 1415) Bill "An Act to Regulate the Dispensing of Prescription Drugs" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-324)
- (S. P. 444) (L. D. 1536) Bill "An Act Authoriz-

ing an Increase in Payments to Foster Homes and Boarding Homes" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-325)

(S. P. 66) (L. D. 137) Bill "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-338)

No objections being noted, the above items were ordered to appear on the Consent Calendar under listing of Second Day later in today's session.

Passed to Be Enacted

"An Act Relating to Secured Transactions under the Uniform Commercial Code" (S. P. 353) (L. D. 1361) (C. "A" S-291)

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

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

**Finally Passed
Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses and Credit Losses Enacted after April 1, 1978 (S. P. 366) (L. D. 1227) (H. "B" H-817)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two thirds vote of the House being necessary, a total was taken. 104 voted in favor of same and 4 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

**Emergency Measure
Tabled and Assigned**

"An Act Appropriating Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville" (S. P. 410) (L. D. 1418)

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

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

**Passed to Be Enacted
Emergency Measure**

"An Act Relating to Approving and Financing School Construction" (H. P. 477) (L. D. 583) (H. "C" H-824 to C. "A" H-559)

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. 111 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Establish Regional Marine Resources Centers" (H. P. 1564) (L. D. 1778) (C. "A" H-725)

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. 105 voted in favor of same and 14 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Revise the Maine Tort Claims

Act" (H. P. 1680) (L. D. 1874) S. "B" S-319)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of same and 2 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 Concerning Professional Conduct of Chiropractors, Optometrists, Podiatrists and Dentists" (S. P. 167) (L. D. 572) (C. "A" S-303)

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

"An Act Relating to the Licensure of Plumbers" (S. P. 256) (L. D. 813) (S. "A" S-273; H. "B" H-816 to C. "A" S-258)

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

Mrs. Durgin of Kittery requested a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Beaulieu, Benoit, Berry, Boudreau, P.; Brown, K. C.; Bunker, Burns, Bustin, Carroll, Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Davies, Diamond, Drinkwater, Elias, Fenlason, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hughes, Jackson, Jacques, Joyce, Kane, Kany, Kerry, Kilcoyne, LeBlanc, Locke, Lougee, Lynch, MacEachern, Masterton, Maxwell, McBreairty, McKean, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Pearson, Peterson, Quinn, Rideout, Shute, Spencer, Sprowl, Theriault, Tierney, Tozier, Trafton, Valentine, Wood, Wyman, The Speaker.

NAY — Ault, Bachrach, Bagley, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Carey, Carrier, Carter, F.; Carter, F.; Conners, Cote, Devoe, Dexter, Dow, Durgin, Fowlie, Garsoe, Gill, Gillis, Gray, Green, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jalbert, Laffin, LaPlante, Lewis, Littlefield, Lunt, Mackel, Mahany, Marshall, Martin, A.; Masterman, McHenry, Moody, Palmer, Peltier, Perkins, Plourde, Post, Prescott, Raymond, Rollins, Sewall, Silsby, Smith, Stover, Tarbell, Tarr, Teague, Torrey, Twitchell, Tyndale, Whittemore.

ABSENT — Austin, Bennett, Curran, Dudley, Dutremble, Gauthier, Hobbins, Howe, Jensen, Kelleher, Lizotte, McMahon, McPherson, Morton, Nelson, N.; Norris, Peakes, Strout, Stubbs, Talbot, Truman, Wilfong.

Yes, 65; No, 64; Absent, 22.

The SPEAKER: Sixty-five having voted in the affirmative and sixty-four in the negative, with twenty-two being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

"An Act Concerning the Expiration of Motor Vehicle Inspection Stickers" (S. P. 329) (L. D. 1088)

"An Act to Amend the Child Abuse and Neglect Laws" (S. P. 337) (L. D. 1122) (H. "A" H-825; S. "A" S-297; H. "A" H-798 to C. "A" S-283)

"An Act to Authorize the Establishment of County Charters" (S. P. 437) (L. D. 1648) (H. "A" H-789 to C. "A" S-250)

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

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

Tabled and Assigned

"An Act to Establish the Fair Credit Reporting Act" (H. P. 1262) (L. D. 1526) (H. "A" H-797 to C. "A" H-749)

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

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

Mrs. HUBER: Mr. Speaker and Members of the House: I have had questions from constituents regarding this bill and I do not recall having a full explanation. I wonder if someone would be good enough to table it for one day.

Thereupon, on motion of Miss Brown of Bethel, tabled pending passage to be enacted and tomorrow assigned.

Passed to Be Enacted

"An Act to Provide for the Licensing of Mobile Homes and Modular Housing Dealers and Mechanics" (H. P. 1376) (L. D. 1702) (H. "A" H-795 to C. "A" H-750)

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

"An Act to Permit Municipalities to Levy and Collect Service Charges for Certain Municipal Services from Tax Exempt Residential Property Used to Provide Rental Income" (H. P. 1403) (L. D. 1657) (C. "A" H-674)

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

Mr. Mackel of Wells requested a roll call vote.

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

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

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

ROLL CALL

YEA — Ault, Bachrach, Bagley, Beaulieu, Benoit, Berry, Biron, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Carey, Carroll, Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Immonen, Jackson, Jensen, Joyce, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Locke, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McBreairty, McHenry, McKean, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Palmer, Pearson, Peltier, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Smith, Spencer, Sprowl, Stover, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Tyndale, Valentine, Whittemore, Wood, Wyman.

NAY — Aloupis, Berube, Blodgett, Bunker, Carrier, Carter, D.; Carter, F.; Conners, Cote, Devoe, Dexter, Garsoe, Gauthier, Hunter, Hutchings, Jacques, Kane, Kany, Kerry, Littlefield, Lougee, Mackel, Masterman,

Peterson, Rollins, Sewall, Shute, Silsby, Tarbell, Twitchell.

ABSENT — Austin, Bennett, Bustin, Dudley, Dutremble, Green, Hobbins, Jalbert, Kelleher, Lizotte, McMahon, McPherson, Nelson, N.; Norris, Peakes, Perkins, Strout, Stubbs, Talbot, Truman, Wilfong.

Yes, 99; No, 30; Absent, 21.

The SPEAKER: Ninety-nine having voted in the affirmative and thirty in the negative, with twenty-one being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

"An Act Relating to Judicial Review of Public Utilities Commission Decisions" (H. P. 226) (L. D. 290) (S. "A" S-267)

"An Act Concerning Licenses for Camping Areas and Eating Establishments" (H. P. 869) (L. D. 1062) (H. "A" H-760 to C. "A" H-722)

"An Act to Provide for the Valuation, Counseling and Referral to Treatment of Alcoholics and Alcohol Abusers Arrested for Class C, D and E Offenses" (H. P. 1122) (L. D. 1340) (C. "A" H-719)

Finally Passed

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with International Paper Company (H. P. 1704) (L. D. 1879) (C. "A" H-706)

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, all matters were ordered sent forthwith to the Senate.

Orders of the Day

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

Joint Order — Relative to Committee on Veterans and Retirement Reporting out Bill regarding funds to cover state's share of retirement costs (S. P. 570) Read in House on June 27.

Tabled — June 27, 1977 (Till Later Today) by Mr. Tierney of Lisbon Falls.

Pending — Passage.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage and tomorrow assigned.

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

Bill, "An Act to Revise the Election Laws Concerning Political Activity at Elections and Requirements for Absentee Ballots" (H. P. 1117) (L. D. 1335) — In House, Indefinitely Postponed on June 21. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-688)

Tabled — June 27, 1977 (Till Later Today) by Mrs. Boudreau of Portland.

Pending — Further Consideration.

On motion of Mrs. Boudreau of Portland, the House voted to recede from its action whereby the Bill was indefinitely postponed.

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

House Amendment "A" to Committee Amendment "A" (H-850) was read by the Clerk.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I talked to the people who opposed this originally and I have changed the number from 10 to 40 and they all seem to be in agreement with that and think this is a reasonable number.

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

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

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

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until 3:30 in the afternoon.

After Recess
3:30 P.M.

The House was called to order by the Speaker.

The gentlewoman from Brunswick, Mrs. Martin, was granted unanimous consent to address the House.

Mrs. MARTIN: Mr. Speaker, dear friends of the House and members of the office staff: Here I stand, never dreaming that six months later, I would be repeating my very dear friend Georgette's words to you all. No words I can say to you today can ever express my deepest gratitude and appreciation. I thank you for your support during Tom's illness and your beautiful tribute in the House. My pastor was very much impressed with you being there in my hour of need. He said to me that you are an honor to the State of Maine. He also said that if any of you need help in your next campaign, he is your man. He was pleased to see so many of you receive the Body of Christ, it was a tribute to Tom and his family. I, in my sorrow, could not help but smile when I saw you coming down to the altar.

With your support and the support of my friends and family, I will have the strength to go on the way Tom wished me to. My children and I wish to extend our love to you and may God bless you all.

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

"An Act to Require the Maine Human Services Council to Hold Public Hearings on Maine's Title XX Plan of Social Services" (H. P. 1447) (L. D. 1673)

Tabled — June 27, 1977 (Till Later Today) by Mr. Tierney of Lisbon Falls.

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

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: I would ask that you override the Governor's veto today and allow an opportunity for participation in the Title 20 Human Services planning process by the people of this state who pay the bills and who are better aware of social service needs at the local level.

It is incredible to me, ladies and gentlemen of the House, that the same Governor, who holds himself out to be a champion of the taxpayers of this state, writes off as unnecessary a piece of legislation that would allow those taxpayers a voice in the expenditure of 16 million dollars. He instead has chosen to listen to the advice of Commissioner David Smith, who has long been less than enthusiastic about the role of the Human Services Council in setting priorities for his distribution of Title 20 funds and Smith would certainly not warrant additional voices in this process.

In Paragraph 3 of the veto message, Governor Longley states, "I am not aware of any specific cases of abuses or instances where hearings have not been held that would necessitate this legislation". The facts are, however, that the past years process included only a poor-

ly publicized meeting in Augusta, which gained input from only providers, who are mostly those who have received funds in the past. Low income people, recipients of homemaker services, etc., have found it difficult to come to Augusta for any hearings, if they are ever held. That, I submit, is insufficient to gather the feelings of people around the state on the expenditure of 16 million dollars. There has been much criticism of this process from local governmental officials who are not consulted on how human service needs should be met. I should add that the Human Services Council did speak in support of this bill at the hearing.

The purpose of this bill is to ensure that more people in different parts of the state have an opportunity to participate in and be aware of the Title 20 allocation process. Numerous services, such as day care, alcoholism services, homemaker care, transportation for handicapped, for example, are being provided, yet the people who pay for these and those who benefit from them have had little say in how one penny is spent.

In his last two paragraphs, the Governor speaks about unnecessary laws being placed on the books. As one who has submitted and has had passed bills which have repealed about 12 unnecessary laws, I take exception to his statements by saying that when the bureaucracy and advisory groups to the bureaucracy ignore the legislature's intent, under Jim Longley or any governor, then I feel that it is the responsibility of the legislature to mandate that certain requirements be met. 16 million dollars is not money to leave to the bureaucracy to spend without public participation before these decisions are made. The Human Services Council has ignored its authority to hold public hearings. This bill corrects that problem and I urge the House to override the veto.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I take no issue with the good gentleman's bill, however, I do take issue with his comments.

I served as a member of the Human Services Council, representing this body as well as Senator Greeley representing the other, and the Human Services Council does have a great input dealing with the Maine Human Services Department for Title 20 money. We held a public hearing in Augusta the last session on Title 20 money and we held an additional day and a half hearings because of the fact of the presentation that was given to us from the department itself in dealing with various accounts. I might remind the good gentleman that there were three particular accounts from the Human Services Department, on recommendations of the department, that were failed to be funded. One was housing, which we put the money back, another was dealing with campusships. The Human Services Council is made up of a variety of people from all walks of life, from all over the State of Maine. As I said before, I don't object to the bill but I think the gentleman was in error in his comments here this morning.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to take too much time on this bill because it is such a small bill, I almost can't even believe it was vetoed. I can't believe the Governor would take his valuable time and our valuable time, to discuss an issue like this that seems so self-evident.

Basically, I am just in support of everything that Representative Brenerman said and I won't repeat it all but we are dealing with 16 million dollars here and it seems obvious to me, and I would think it would be obvious to everyone here, that there should be some public

participation, some public input into how these funds are spent. This is not to denigrate the Human Services Council, as Mr. Kelleher seemed to think, I don't think this is the point at all. Joyce Harmon, who is the Chairman of Human Services Council, supported this bill. She was the only one to support it, no one opposed it and I would hope we would override the veto of the Governor.

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

Mr. WOOD: Mr. Speaker and Members of the House: Just briefly, I think that this is a key issue, it might be unimportant to some but I think it is a key issue in a democracy that government is open to the people and democracy is too important to be left to the bureaucrats in Augusta. I think that we all know we are a nation of laws and not of men and I think when we are dealing with a crucial issue, such as welfare or social services, which a lot of people are concerned about, then in order to maintain the integrity of these programs, that citizen input should be brought into the picture. I think any way that, we in government, can open up the process, should be commended. Now, I hope that we would override the Governor's veto.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question, because, quite frankly, I am not clear in my own mind as to how this council does operate, so I would like to ask, and I am reading from the Governor's message. He says: "although I appreciate the motivation behind this bill, the Human Services Council has existing authority and responsibility for holding public hearings." Is this a true fact?

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: The Human Services Council does have the authority to hold public hearings. However, when the public hearings are held, this past year they were held in Augusta, and many of the people who received the services that are provided can't get to Augusta to go to the hearings. The Human Services Council agreed with me that they would be better off if they could have regional public hearings, which this bill provides for. All I want to say is that if they don't abide by the authority that is given them, then I feel that we must mandate what we want them to do and that is why I put this bill in.

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

Mr. KELLEHER: Mr. Speaker, to further answer the good gentleman's question, the council itself did hold public hearings. In fact, the council has a variety of committees that meet continually through the months of the year dealing with any number of subjects for the Human Services Department with Mental Health and Corrections. I can understand the good gentleman's frustrations, but again, I don't believe he is entirely accurate when he was saying how the council handled the procedures in dealing with Title 20 money. We were dealing with 16 million dollars. The good gentleman claimed that a number of agencies weren't represented and I would have to ask him, who were they? Because I attended the hearings and I know that they were there. They were there both days because of the fact that we shuffled around 4 or 5 million dollars to take care of family planning which was not involved at that time, off campusships, off alcoholic programs. There was input from everybody, as I saw it. But the gentleman may have read more than I saw at the hearings for two days.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: As I saw it, the agen-

cies were represented at the hearings but the people who receive the benefits were not. I have heard from several organizations that support the bill and many local government officials, who said that they were not involved and wish they had been. And all I am saying is, lets provide some regional hearing for this Title 20 money.

The SPEAKER: The pending question before the House is, shall this bill become a law notwithstanding the objections of the Governor? Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Jacques, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McHenry, McKean, Mills, Mitchell, Moody, Nadeau, Najarjan, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Plourde, Post, Prescott, Quinn, Rideout, Sewall, Spencer, Tarbell, Theriault, Tierney, Tozier, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman. The Speaker.

NAY — Aloupis, Berry, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carrier, Carter, F.; Connors, Cote, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Garsoe, Gauthier, Gray, Huber, Hunter, Hutchings, Immonen, Jackson, Kelleher, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, Masterman, McBreaarty, Morton, Palmer, Peltier, Perkins, Peterson, Raymond, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Torrey, Tyndale, Whittemore.

ABSENT — Austin, Biron, Jalbert, Lizotte, McMahon, McPherson, Talbot, Truman.

Yes, 91; No, 52; Absent, 8.

The SPEAKER: Ninety-one having voted in the affirmative and fifty-two in the negative, with eight being absent, the Governor's veto is sustained.

On motion of Mr. Kelleher of Bangor, the House reconsidered its action whereby the Governor's veto was sustained.

On further motion of the same gentleman, tabled pending further consideration and tomorrow assigned.

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

Bill, "An Act to Clarify Actual Notice Under the Recording Laws in Regard to Exceptions and Reservations" (H. P. 1119) (L. D. 1337)

Tabled — June 27, 1977 (Till Later Today) by Mr. Spencer of Standish.

Pending — Passage to be Engrossed.

Mr. Spencer of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-847) was read by the Clerk and adopted.

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

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

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 27, 1977 (Till Later Today) by Mr. Jensen of Portland.

Pending — Adoption of House Amendment "A" (H-646) to Committee Amendment "A" (H-591)

Mr. MacEachern of Lincoln withdrew House

Amendment "A" to Committee Amendment "A".

Whereupon, Committee Amendment "A" was adopted.

Mr. MacEachern of Lincoln offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-854) was read by the Clerk and adopted.

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

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

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)

Tabled — June 27, 1977 (Till Later Today) by Mr. Garsoe of Cumberland.

Pending — Passage to be Engrossed.

On motion of Mr. Hobbins of Saco, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" as amended by House Amendment "B" was adopted.

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

House Amendment "D" to Committee Amendment "A" (H-830) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Members of the House: Very briefly, I would like to explain to you House Amendment "D". I bring your attention to L. D. 727, which is an Act to Implement the Recommendations of the Pomeroy Commission on Medical Hospital Malpractice Insurance and specifically to sub-chapter 3 of the bill, dealing with medical malpractice arbitration.

Last week this body adopted the principle that there should be an alternative dispute mechanism resolution system which can be used to handle medical malpractice cases. This particular system is known as medical malpractice arbitration.

Under the present bill, if a person signs an arbitration agreement with a physician, that individual has 60 days from the time of signing to revoke that arbitration agreement.

What my amendment will do, let me explain further, that under a hospital situation, when a person enters a hospital, he may revoke the arbitration agreement upon signing it, 30 days after discharge. What House Amendment "D" does is it extends this period of revocation to 180 days. Let me give you an example of one of the reasons why I feel that House Amendment "D" is necessary. You go to see a physician and the physician suggests that you probably require surgery, you then have the option to sign an arbitration agreement or not. So lets say you sign an arbitration agreement, you sign it today, so we are talking about the 28th day of June. The doctor tells you that on September 1st, you have to go to the hospital and ought to have an operation. As you can see, that is more than 60 days after the time that you went to see the doctor and signed the arbitration agreement. So, if you go to the hospital on September 1st, and an operation is performed and it is done negligently by the physician, you would have no recourse whatsoever to a trial by a jury because you cannot revoke that particular arbitration agreement because the 60 day period has expired. Now, I will give you another example, why I feel House Amendment "D" is necessary. Take the example of an individual going into a hospital, that individual signs the arbitration agreement, has surgery performed or whatever, lets say for example that part of the operation required that a cast be put on. Now

they put the cast on, and lets say they put it on in a negligent manner or whatever and the cast is supposed to be on for 45 days. At the end of 45 days, the cast comes off and you find when the cast comes off, that your arm is bent and you can't straighten your arm. The 45 day period would be past the 30 day revocation period and, therefore, you would not have the right to revoke and, therefore, you would not hve a right to a trial by jury by your peers to decide whether or not, in fact, that physician or the doctor in question was negligent in performing his services of any type in the hospital. This amendment would extend that period to 280 days. I think an individual, before 180 days, in certain circumstances, might not be rational enough or might be under too much sedation to make the decision whether or not in fact he wants to revoke that arbitration agreement which he signed. I think this amendment is fair. It still keeps the basic concept of arbitration intact but it extends that period that an individual can revoke that arbitration agreement and I move for its adoption.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: This is the first of a number of amendments that we will be facing to change the recommendations of the Pomeroy Commission as they have come out of the Judiciary Committee and been amended.

What this amendment would do would be to extend the revocation period to 6 months, on an agreement which would only be in effect for one year, so that you would receive the notice or the request to sign the agreement which told you you didn't have to sign it. Then, under the current bill, you have 60 days after that to revoke it if you signed it, even though you were on notice that you didn't have to. This amendment would extend that revocation period to 6 months. The agreements expire at the end of one year anyway so that what would happen is that you would have 6 months with the agreement being revocable and then 6 months where it wasn't and then you could sign another one for another 6 months. Essentially, it seems to me that this is an effort to badly weaken the recommendations of the Pomeroy Commission and I think that the Judiciary Committee, with the amendments that have already been adopted, has taken a pretty balanced approach. You don't have to sign the agreement; if you do sign it, you have 60 days to revoke it. I think that if we extend that revocation period to 6 months, we have almost made a mockery of this whole bill.

So, I would move for the indefinite postponement of this amendment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as far as I am concerned, is bad to begin with. But the amendment makes it a little better. Mr. Hobbins served on the Judiciary Committee, and I am sure, with reservations, passed the bill out as it came out. It makes it a little more palatable to him as well as it does for me because it gives the people of the state, the people that you, Mr. Spencer, and I want to represent, a little more protection. If we went with the status quo we would be better off if we just kill the whole bill right here today. We have tried to do that but the vote is just not here at the present time. So you are seeing one member of the committee that is not entirely satisfied with it and he is trying to offer an amendment to clear his conscience. What we really should do is to kill the whole thing but I think we better put the amendment on to give the people of this state a break. The status quo is fine with me but obviously the powers here don't want to go with the status quo, it would make Mr. Craig of Blue Cross and Blue Shield and the rest of those peo-

ple feel a little uneasy. I will take my chances with fellows like you, Mr. Spencer, in court anytime, because I know you would be looking after my rights but not with this kind of a bill. I urge the House to support the good gentleman's amendment. It will help him clear his conscience a little bit.

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

Mr. DEVOE: A point on inquiry, Mr. Speaker? Is House Amendment "D" what we are now discussing?

The SPEAKER: The Chair would advise the gentleman that that is in the affirmative, under filing number H-830.

Mr. DEVOE: It is not filing number H-780?

The SPEAKER: The Chair advises the gentleman in the negative. The amendment that we are discussing is House Amendment "D" to Committee Amendment "A", which has a filing number of H-830.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this amendment, from my own personal experience. I was transferred from the Ellsworth Hospital to Bangor and I signed papers that I didn't have the slightest idea what I was signing because I was under strong sedation. When I came out of the Bangor hospital, that sedation lasted to the day before yesterday, now, if you think anybody is going to know in their right mind what they are signing, you are wrong. I am in favor of this amendment to have time to think it over.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In response to that specific point, the bill prohibits the offering of any of these agreements to anybody who is going into the hospital under emergency conditions.

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

Mr. HENDERSON: Mr. Speaker I would like to pose a question to the gentleman from Standish, Mr. Spencer.

He indicated that, if I am correct, that the agreement would be in effect for only one year, and if he did, I wonder if he could point out to me in the bill where that is the case? I couldn't quite locate that. I understood that it wouldn't be so limited.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would like to ask the good gentleman from Standish, Mr. Spencer, a question.

It would seem to me, if a person goes into the hospital with a broken wrist or a broken arm and comes out with a cast on, which has to be on for more than 30 days or whatever it is in that particular case, and then 60 days later has that cast removed and when they find out that there are some problems, and it is too late then and there was a particular example of this, the Committee Clerk for Health and Institutional Services had this very problem and still has problems because of the way the cast was put on or something of this nature. Because there are a lot of people to whom this type of thing happens to. I would like to find out how would you address that?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, has posed a question through the Chair.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The agreements have to provide that no one can be required to sign the agreement and they have a period of revocation if they don't wish to go through an

arbitration procedure, they simply don't sign the agreement. If they do sign the agreement and decide that in the event that there is a problem, then they revoke. The arbitration procedure is a legitimate and widely used method for resolving disputes and, in many areas, it is thought to be preferable than the procedure of going through the court. In all labor agreements, there is an arbitration procedure that is established to resolve disputes. If you read your own Homeowners Insurance policy, disputes are resolved through arbitration. So I think the person has the choice when he signs the agreement or 60 days later, whether or not he wants to go this arbitration route and if he doesn't, he simply just doesn't sign the agreement or he revokes it after he signed it. If he does sign it after reading the warning that he doesn't have to and he doesn't revoke within the period, and then a problem develops, the only difference would be that the dispute would be resolved through an arbitration process rather than by going through the regular tort process.

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

Mr. GOODWIN: Mr. Speaker, the essence to my question is, why is the good gentleman opposing, rather than 30 days as I guess the bill says, why is he opposing going to 180 days? I mean, if you really are interested in developing a bill that is going to be good for all people concerned and that does include the patients, the people that we are trying to protect here, what is the problem with going to 180 days?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I think that the thrust of the bill is to try to develop a substitute procedure for handling these disputes and to have both parties sign an agreement, which then they can revoke for a period of six months, in effect make the agreement almost non-existent. That is the reason that I would oppose that particular amendment. I think what we are seeing is that there was an effort to kill this bill completely, that was unsuccessful and as the good gentleman from Bangor pointed out, now there is an effort to seriously weaken the provisions of the bill, I think that the House that voted to support this bill originally ought to vote to indefinitely postpone this amendment.

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

Mr. TIERNEY: Mr. Speaker, I would like to answer the question posed by the good gentleman from Bangor, Mr. Henderson, since the gentleman from Standish seems to be unable to.

On Page 10 of the bill, of the bill, Paragraph B, under Section 2702, it says an arbitration agreement under the subsection shall expire one year after its execution. So, the gentleman from Standish is correct. But where the gentleman from Standish has misled the House is that the next sentence says an expired agreement shall apply to claims relative to care or treatment provided while the agreement was in force. So, the exploration of the agreement doesn't make any sense because it still controls the malpractice, if the malpractice occurred while the arbitration agreement was in effect.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would hasten to point out to the good gentleman in seat number one that I have not misled the House, that the arbitration agreement would apply while it was in effect but if it were revoked, it would not apply. As a result, you could very easily run into the six months applicable and six months not situation.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the

gentleman from Standish, Mr. Spencer, that House Amendment "D" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Hobbins of Saco requested a roll call.

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 is on the motion of the gentleman from Standish, Mr. Spencer, that House Amendment "D" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Bennett, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K. C.; Bunker, Burns, Carey, Carrier, Carter, F.; Churchill, Clark, Conners, Cote, Cox, Cunningham, Devoe, Dexter, Dow, Drinkwater, Dutremble, Planagan, Fowlie, Gauthier, Gill, Goodwin, K.; Gray, Green, Hall, Hickey, Higgins, Hughes, Hunter, Hutchings, Jackson, Jacques, Jalbert, Kany, Kilcoyne, LaPlante, Lewis, Littlefield, Locke, Lougee, Lunt, Mackel, Marshall, Masterman, Masterton, McBreairty, Mitchell, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Prescott, Quinn, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Whittemore, Wood, Wyman.

NAY — Bagley, Beaulieu, Benoit, Berry, Blodgett, Breneman, Brown, K. L.; Bustin, Carroll, Carter, D.; Chonko, Connolly, Curran, Davies, Diamond, Dudley, Elias, Fenlason, Gillis, Goodwin, H.; Gould, Greenlaw, Henderson, Hobbins, Howe, Immonen, Jensen, Joyce, Kelleher, Kerry, Laffin, LeBlanc, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, Mills, Moody, Morton, Nadeau, Peakes, Plourde, Raymond, Rideout, Tierney, Torrey, Tozier, Trafton, Twitchell, Valentine, Wilfong, The Speaker.

ABSENT — Austin, Durgin, Garsoe, Huber, Kane, Lizotte, McMahon, McPherson, Post, Talbot, Truman, Tyndale.

Yes, 84; No, 55; Absent, 12.

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

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

Mr. Henderson of Bangor offered House Amendment "A" to L. D. 727 and moved its adoption.

House Amendment "A" (H-770) 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: If I could have your attention, I know there are a lot of amendments and it is easy not to concentrate but the bill that is before you provides some general mechanisms for reducing costs for malpractice but one of the other things that it does which I don't think will have a great effect on malpractice insurance but will have a major effect on some of the poorer people in the state is that this bill will not allow people who have to go to a free clinic to get medical care to be able to sue the physician or the people involved for malpractice. I point out to you that right now they may. So the people who are going to free clinics and volunteer clinics and so forth

throughout the state do have that right and physicians and other health professionals do offer those services. I think we ought to continue that protection to them. I just think that it is unfortunate that among those who are the people least able to pay for medical care, what we are saying is, if you are well-to-do enough to pay for your medical care, you will be able to be protected. If you are not, you will not be able to be protected.

I would hope that you would adopt this amendment which I don't think is as controversial as some of the others that you will see.

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

Mr. JALBERT: Mr. Speaker, I move the indefinite postponement of the amendment and I ask for a roll call.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The other side of that coin is, of course, how many doctors are going to offer their services to run free clinics if they can be sued?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The provision that is in the bill provides that if a doctor volunteers his services to a clinic and is not being compensated, then he will be immune from suit for any torts or any malpractice that occurs while he is volunteering his time. The problem with that is that it does leave the person who is being treated with no remedy in the event that there is a malpractice situation.

The legislature addressed a similar issue about half an hour ago when it passed the amended version of the tort claims act and rather than give blanket immunity to state employees, what we did was we made them liable and then required insurance to cover any wrongdoing or any negligence on their part.

My own feeling on this amendment is that it can be adopted without doing any damage to the fundamental purpose of the bill which is the reduction of malpractice costs and that perhaps at a later time, we could develop a system that combined immunity with insurance so that the doctor volunteering his time would be protected from suit but the person who might be injured would also have a remedy. I think that you can vote for this amendment without doing major damage to the bill in the effort to reduce malpractice rates.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind this body that it wasn't too many weeks ago that we had a bill that we passed through here which granted immunity to anybody who volunteers their time and services for free to immunization clinics. If I am correct, I think the gentleman, who is sponsoring this bill, supported that bill as well at that time.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, I am not too sure I understand the remarks of the gentleman from Standish, Mr. Spencer, but I believe I did and I would say there is a vast distinction between the state employees immunity in doing a job for which he is getting paid and a physician working in a clinic for which he is not getting paid.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: There is a difference in that the physician is not getting paid and that the state employee is. But at the same time, the person who is injured with the state employee situation has a remedy which is that they can

come to the legislature and get permission to sue, whereas the person injured by the physician in this case would have no remedy at all for ordinary malpractice, so that to me, we would do better if we could develop an insurance immunity system that protected the doctor and the patient. We haven't done that at this point.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I think one point should be made very clear here. We are talking about "total" immunity for the physician. That means that the low-income person not only can't go through a jury but the poor person cannot use the arbitration process either. Under the current bill, there is absolutely no remedy for low-income persons if malpractice is brought against that person by a physician. That point should be clear. We are not talking about jury vs. arbitration. We are talking about no remedy under the bill to some kind of remedy with this amendment.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would briefly respond to the gentleman from Lisbon Falls, Mr. Tierney, by saying that the poor person probably won't be able to go to a clinic too if we don't address the situation that this amendment is addressing. I think the danger of discouraging physicians from going to free clinics is far greater than anything which might result from their being there as a result of medical malpractice.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the remarks of the gentleman from Nobleboro, it seems to me that there are clinics now that poor people use and that doctors volunteer their time to serve. The question I guess that I would pose that under the situation now, would there be a remedy if a poor person using a clinic, there was damage done, would that person have a remedy? If the answer to that is yes, then I don't see why we are going to change that.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Connolly, you don't understand. What the gentleman from Nobleboro is saying is that if there is a chance the doctors are going to be sued for malpractice, they are not going to provide any more free clinics so that service won't be available.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: When I was first approached about this amendment, I think I had the same reservations that the good gentleman from Nobleboro had. However, on checking it out and asking around, I was told by people, I think in the Attorney General's Office and some other people that if a doctor is covered under his own medical malpractice insurance, he would be covered if he was at a clinic. If he worked solely under the malpractice insurance of a hospital, he would not. I can't imagine too many doctors that work solely under a hospital's malpractice insurance. There shouldn't be any problem with this type of amendment.

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

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

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

ROLL CALL

YEA — Ault, Bennett, Berube, Biron, Birt, Boudreau, P.; Brown, K. C.; Bunker, Burns, Carroll, Carter, F.; Churchill, Conners, Cote, Cunningham, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Fowlie, Garsoe, Gould, Gray, Green, Greenlaw, Hall, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kane, Kany, Kilcoyne, Lewis, Lougee, Lunt, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McBearity, McHenry, McKean, Mills, Moody, Morton, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Rollins, Sewall, Shute, Silsby, Smith, Stover, Strout, Stubbs, Tarbell, Teague, Theriault, Torrey, Twitchell, Whittemore.

NAY — Aloupis, Bachrach, Bagley, Beaulieu, Benoit, Berry, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Bustin, Carey, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Elias, Flanagan, Gill, Gillis, Goodwin, H.; Goodwin, K.; Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Jensen, Joyce, Kelleher, Kerry, Laffin, LaPlante, LeBlanc, Littlefield, Locke, MacEachern, Mahany, Martin, A.; Mitchell, Nadeau, Najarian, Peakes, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Tierney, Tozier, Trafton, Tyndale, Valentine, Wilfong, Wood, Wyman.

ABSENT — Austin, Carrier, Gauthier, Lizotte, McMahon, McPherson, Sprowl, Talbot, Tarr, Truman.

Yes, 77; No, 63; Absent, 11.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-three in the negative, with eleven being absent, the motion does prevail.

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

House Amendment "E" (H-988) 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: The other day when I argued in favor of this bill, I argued that I favored it because of many of its provisions which would reduce the cost of malpractice insurance or at least stabilize it I feel, thereby, be a benefit to consumers as well as physicians. There is a major element in this bill which, if it stays as it is, I won't be able to continue to support the bill although it may not make much difference. That has to do with the statute of limitations aspect or how long after you have been malpracticed upon may you take an action against the physician?

The current situation is and current law that you have up to two years after the act with respect to a physician and up to six years after the act with respect to a hospital to bring suit. That is after the act has occurred.

The bill would bring those six years down to two years for everybody so you only have two years in which to sue. What I can't live with is my telling somebody who finds out that they have been malpracticed against two years and one day afterward, I have to say to them, sorry, you have no remedy whatsoever. That is the way the law is. It seems the fairer way to proceed is to say that a person has two years from the day that they did discover the incident of malpractice. This proposal would give a person the right to sue two years after the date they discover the situation but not more than six years. It doesn't extend the outside as far as hospitals is concerned.

The lobbyist for this bill said that 80 percent of the cost of malpractice insurance is in the

processing of the claims. With the arbitration proposal before us, much of that cost is going to be reduced. The actual payout is a much smaller proportion. Extending this limitation further will not have much effect on the actual cost. It will allow those few individuals, who find out that they have had a problem later than others, to recover. It will not increase the total payout.

I hope you can support this amendment.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would move indefinite postponement of this amendment. This amendment really, in my opinion, really does gut the bill. Physicians, under the present law, have two years from the date of occurrence. In the present law now before the Pomeroy Commission Report ever came to this legislature, physicians had a statute of limitations of two years.

I think that it would ill provide us to increase this with the very vehicle that we are making a sincere attempt and it is obvious by the action of this legislature to turn around the proliferating costs of health care.

I would hope that you would vote for this amendment that does really, I mean you now have an amendment before you that if it passes, you might as well forget the whole bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that House Amendment "E" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 17 in the negative, the motion did prevail.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question of someone who can answer it.

The way the bill is now, if a person is admitted to the hospital or is going to the hospital and has to have service, is he or is he not required to sign the agreement of arbitration before he is admitted or given service?

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

The Chair recognizes the gentlewoman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, Mr. Theriault, no, you do not have to sign up for this.

Mr. Goodwin of South Berwick 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 gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Cote. If he was here, he would be voting no and I would be voting yes.

The SPEAKER: The pending question is on passage to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

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

Carrier, Carroll, Carter, F.; Chonko, Churchill, Clark, Conners, Cox, Cunningham, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Goodwin, K.; Gould, Gray, Green, Hall, Hickey, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kilcoyne, Laffin, LeBlanc, Lewis, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBrearty, McHenry, McKean, Mills, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Pearson, Peltier, Perkins, Peterson, Plourde, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Trafton, Twitchell, Tyndale, Whittemore, Wilfong, Wood, Wyman.

NAY — Benoit, Brenerman, Carter, D.; Connolly, Curran, Dudley, Gillis, Goodwin, H.; Greenlaw, Henderson, Howe, Kelleher, Kerry, Peakes, Post, Prescott, Tierney, Valentine.

ABSENT — Austin, Biron, Bustin, Davies, Jalbert, LaPlante, Littlefield, Lizotte, Maxwell, McMahon, McPherson, Najarian, Palmer, Talbot, Torrey, Tozier, Truman.

Yes, 113; No, 18; Absent, 17; Paired, 2.

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

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

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

The SPEAKER: The gentleman from Standish, Mr. Spencer, having voted on the prevailing side now moves reconsideration. Those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill, "An Act Reinstating Public Intoxication as a Crime" (H. P. 1201) (L. D. 1430) (C. "A" H-718)

Tabled — June 27, 1977 (Till Later Today) by Mr. Kelleher of Bangor.

Pending — Motion of the same gentleman to Indefinitely Postpone Bill and All Accompanying Papers.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: We have been waiting on the floor of the House for a message from the Attorney General's office. I understand a request either sent by Mr. Drinkwater or Mr. Tarbell and has the message arrived? If it has, what is the message?

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: As you know, the Committee Amendment that came out of Judiciary and the subsequent amendments on the floor of the House with respect to the public intoxication bill was an attempt to write a non-criminal, non-arrest, civil protective custody bill in as humane a manner as possible, one that would balance the interests between the person who needed treatment and help who had an alcohol problem and also the interest of the public.

The response from the Attorney General's opinion based upon our past legal precedent and advisory opinions and law court cases, of our

law court in Maine and other federal cases of other courts throughout the country but essentially based on our Maine State Constitution is that it would be practically impossible to draft a civil protective custody bill that would meet constitutional standards under our Maine Constitution. It is possible to do it but it would be so narrow in application that the purposes that were being attempted to be achieved under this particular bill just wouldn't have any utility whatsoever.

I thank all of the members of the House as well as those in Judiciary on both sides of this issue who were very sympathetic to our attempts to work on this and continue to iron it out and to table this matter until such time that we could get this advisory ruling.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the motion that is before us today because I have an amendment and I am sure you all have it on your desks that will put some teeth into this bill. We realize there is quite a problem as far as law enforcement and protection of people and all the other arguments that have been put forth before on this bill. In the light of the fact that the attorney general has ruled that all of the proposals that have been offered before us so far are unconstitutional. I think this amendment will take care of the situation very well. In order to get the amendment on, we have to defeat the motion that is before us at this time.

I urge you to vote against it. Then we will discuss the amendment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support the indefinite postponement motion. Perhaps in the interim that the legislature is not in session that Mr. Tarbell and members of the Judiciary Committee could, in fact, write a bill along with the sponsor of this original bill, Mr. Drinkwater, to correct a problem that we all know exists.

I would be hesitant to support the amendment that Mr. MacEachern has at this time. I would urge you to support the motion to indefinitely postpone, based not only on the opinion from the Attorney General's office, but the past actions of the Maine Supreme Law Court.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the amendment that is presented would essentially reinstate or bring back the former bill, which would recriminalize public intoxication. It is extremely ironic that we can make public intoxication a crime with arrest powers to put people in jail but we can't use civil protective custody procedures which is non-crime for people who are not publicly intoxicated but publicly incapacitated. We really don't have any other alternatives. This civil protective custody route we worked on for months. All of us on Judiciary put forth the good faith effort on it, just about. There is just no other civil protective custody route that we can take.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, to indefinitely postpone the bill and all its accompanying papers. 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: 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 Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't take this bill lightly. This is a real problem. It is a problem for our enforcement agencies. It is a problem for business people. It is a problem for citizens. There isn't a darn thing anybody can do about a drunk that is laying out on the street or laying on somebody's front door step or anything else under the present law. These people want some protection. They call the police. The police can't do anything about it, particularly in rural areas. It is all right in the city areas where they can take them to a rehabilitation center but we don't have one anywhere near my town. We have one man on duty at all times. He can't drive 50 miles one way to a rehabilitation center. This is a real serious problem. I hope you think before you vote on this issue.

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

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you also support this amendment because I have a fact sheet before me here. I think most of you have seen this fact sheet so I am not going to read it to you, just a couple of items off from it. From the fact sheet on alcohol abuse, it gives us two or three different dates in time: one in 1972, the President's Commission on Marijuana and Drug Abuse and it says that researchers have reported that alcohol is recorded in 66 percent of all disorderly conduct arrests, 64 percent in all murders, 41 percent in all assaults, 43 percent of all forcible rape and 29 percent of all other sex crimes.

I would like to move down on the sheet now just a little mite. They have some figures on here for Maine. Their figures are compared first with the national average. We will take murder to start with. That is alcohol involved based on national estimates is 64 percent. In 1975, reported offenses in Maine: 32, projected number with alcohol involvement: 20. Assault: 41 percent nationally, 4,404 in 1975 in Maine, 1,806 alcohol involved. Forcible rape: 34 percent nationally, 113 in Maine, 38 alcohol involved. Disorderly conduct: 66 percent nationally, 3,766 offenses in Maine in 1975, projected alcohol involvement, 2,523, and it goes on from there.

I have one more item.

Maine highways are the scene of the majority of the accidental injuries and deaths that occur each year in Maine. In 1975, there were 50,000 motor vehicle accidents. The National Highway Traffic Safety Administration estimates that over half of the 226 fatal accidents in Maine in 1975 were caused by persons who were legally intoxicated. Most people killed in traffic accidents after drinking and most people who are convicted of driving, but I would like to say that what we tried to do and what the Judiciary Committee tried to do is to come up with something. We found out it was illegal and, of course, we don't want to pursue that, was that the officer could pick this person up and one of the many things they could have done with him so that they wouldn't have been in the car, they wouldn't have been driving, we wouldn't have the fatal accidents. To me it only leaves one thing now is to do what the gentleman from Lincoln is trying to do.

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

Mrs. KANY: Mr. Speaker and Members of the House: We actually have no approved public treatment centers for emergency commitment

now. We have 12 regular alcohol treatment centers, but all of our hospitals receiving Hill Burton funds, and that is 95 percent of them and 95 percent of the beds, most accept patients with alcohol related problems and we still have a problem. Representative Tarbell and others worked diligently to try and work out something for protective custody. I tried and was unable to do it, and I hope instead of trying to recriminalize alcoholism, that you vote to raise some taxes to pay for some treatment facilities. So I urge you to go along with Representative Kelleher to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Members of the House: I think many of us this afternoon are overlooking probably the most important issue that this bill addresses, and that is whether or not this legislature and we as legislators can sit here and vote for a bill which is unconstitutional, which is repugnant not only of the State Constitution but the Federal Constitution. Article 4, Part 3, Section 1 of our Constitution says in part: "The legislature shall have the power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this state, not repugnant of this Constitution or that of the United States."

Without debating the issues and the merits of the bill in question, the main thing we should concern ourselves with is, in fact, can we as legislators truthfully sit here and vote for a law which we know does not pass the constitutional muscle that it must for us to vote on.

Mr. MacEachern of Lincoln was granted permission to speak a third time.

Mr. MacEACHERN: Mr. Speaker and Members of the House: I just have a couple of brief points to make. Number one, the Maine State Chamber of Commerce favors this type of legislation. The Maine Chief of Police Association favors this type of legislation. In fact, I just had a conversation this morning with the Chief of Police from Bangor and he very strongly favors this legislation. It is a tool that the police departments in the state need and it is a means of eliminating some nuisances caused by drunks. I just hope you will vote to keep this bill alive.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: When the Maine Revised Criminal Code was passed approximately two years ago by this body, included within that, before you can prove a criminal offense nowadays, you have to prove the man's rare, which basically means that you have to prove that the individual committing a crime whether it is burglary, murder, or what have you, was in a competent state of mind. So basically what you currently have on the law books is saying that if a person is intoxicated or incapacitated, that is a legal excuse for the commission of a crime.

Now, what the past speaker said about the current law, the current bill before us, the way it is written, it is my understanding, true, that is unconstitutional. But on the other hand, if we defeat the pending motion that is before us and accept the amendment as offered by the gentleman from Lincoln, it will then be constitutional.

Now, I realize, perhaps, maybe we should not go to the point of making it a crime. But at this point, I don't really think we have any alternative until we do appropriate some funds to go further with rehabilitation centers and so forth, so as it stands today, I don't think we have any choice, and Mr. Speaker, if a roll call has not been ordered I so request it.

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

Mr. JOYCE: Mr. Speaker, Ladies and

Gentlemen of the House: A week ago, I mentioned that Justice Byron White of the United States Supreme Court said, "You just can't hang a hospital sign on a jail and thus satisfy the law."

I urge you today to vote for the indefinite postponement. The Chamber of Commerce, the Maine Chiefs of Police — look, let's not try to play games and today try to overrule the U.S. Supreme Court. Chief Justice Burger might be a little upset.

While I am up on my feet I would like to address a question to one of the members of the Judiciary Committee and probably the young, about-to-be attorney in the back row would be the one. If we fail to indefinitely postpone this and we changed the structure of the law, could you tell us the fiscal impact on our move today as far as Maine receiving federal funds? Would you do that, please?

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: Many of you right now are probably think that that was a planted question. Well, in fact it was. It is my understanding that the State of Maine could lose in terms of money to the Department of Human Services about the total of \$200,000. That money was given to us after the 1972 Hughes Amendment which stated that any state which decriminalized alcoholism as a crime would be entitled to money. The State of Maine has been benefitting now because, in fact, we have decriminalized alcoholism as a crime and if we recriminalize it, then we would be in jeopardy of losing the funds which now are going to the State of Maine.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that L. D. 1430 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, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Boudreau, P.; Brown, K. L.; Burns, Carter, D.; Chonko, Clark, Connolly, Cox, Cunningham, Curran, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Goodwin, K.; Greenlaw, Hall, Henderson, Hobbins, Howe, Huber, Hughes, Jacques, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Locke, Lynch, Mahany, Marshall, Martin, A.; Masterton, McHenry, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Peakes, Plourde, Post, Raymond, Sewall, Smith, Spencer, Tarbell, Teague, Tierney, Torrey, Trafton, Valentine, Whittemore, Wilfong, Wood, The Speaker.

NAY — Bagley, Bennett, Blodgett, Boudreau, A.; Brown, K. C.; Bunker, Carey, Carrier, Carter, F.; Churchill, Conners, Devoe, Dexter, Drinkwater, Dudley, Durgin, Fenlason, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Kane, Laffin, Littlefield, Lougee, Lunt, MacEachern, Masterman, McBreairey, McKean, Mills, Moody, Morton, Nelson, N.; Pearson, Peltier, Perkins, Peterson, Prescott, Quinn, Rideout, Rollins, Shute, Silsby, Sprowl, Stover, Strout, Stubbs, Tarr, Theriault, Tozier, Twitchell, Tynedale, Wyman.

ABSENT — Austin, Birt, Brenerman, Bustin, Carroll, Cote, Jalbert, Lizotte, Mackel, Maxwell, McMahon, McPherson, Palmer, Talbot, Truman.

Yes, 71; No, 65; Absent, 15.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-five in the negative, with fifteen being absent, the motion does prevail.

Sent up for concurrence.

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

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)

Tabled — June 27, 1977 (Till Later Today) by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

On motion of Mr. Greenlaw of Stonington, retabled pending passage to be engrossed and tomorrow assigned.

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

"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 27, 1977 (Till Later Today) by Mr. Connolly of Portland.

Pending — Passage to be Enacted.

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

On motion of the same gentleman, the House reconsidered its action whereby House Amendment "A" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

On motion of the same gentleman, the House reconsidered its action whereby House Amendment "B" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

On motion of the same gentleman, the House reconsidered its action whereby Senate Amendment "A" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

The same gentleman offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-860) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: The action that we just did would remove the appropriation from the life-line bill. When the bill came out of committee with the unanimous "Ought to Pass" Report, the committee felt that the most appropriate way to fund the life-line program was through an appropriation from the general fund. I was skeptical at that point because I thought that perhaps it might reach as far as the Appropriation Table and then be killed. But I received assurances from members of the committee whose judgment I respect that the bill in fact might have a chance on the table so let's try that route first. But last week I was informed by members of the Appropriation Committee that in fact if the bill did go that route and were to lie on the Appropriations Table, the bill would be indefinitely postponed at some point in the Senate and it perhaps then might be difficult to revive it.

This amendment removes the appropriation, and would allow a year and a half from the effective date of this bill for the Public Utilities Commission and the power companies involved to establish a life-line electrical rate for each power company. I have discussed this with the members of the PUC Committee and other members of the legislature and up to this point I have not heard any objections. The people at the PUC are strongly in favor of this approach. The report that is soon to be issued to this legislature, a draft copy of which I have and members of the Public Utilities Committee have, recommends in endorsing the experimental life-line program that took place last year, said that this particular approach was the most appropriate way to fund the program.

I would just like to point out one other thing. Those of you who lived in the cities where the experimental program operated may recall that there was a surcharge, the bill in the experimental basis was paid for with the surcharge on everybody's bill. On this amendment, there would be no surcharge.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the Representative from Portland, Mr. Connolly. I guess perhaps I didn't quite follow you. I guess I am not sure how this would be funded if it would not be funded through the surcharge on other people's electric bills and it would not be funded from the Appropriations Table, where would the money come from?

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

Mr. CONNOLLY: Mr. Speaker, in answer to the gentlelady's question, the bill would allow for the establishment of a life-line electrical rate in the same way that there are 14 or 15 other electrical rates now that the power companies use. They have four or five residential rates, they have four or five commercial rates, there is a street light rate, there is a rate that is given to the employees of power companies. In total, there are some 14 or 15 different rates that each power company has. This would, in effect, establish another rate called a life-line rate. If the company lost revenue because of the implementation of that life-line rate, then that would be made up through the entire rate structure of that company, through a combination of the other 14 or 15 rates, and the way that that would be devised would be developed between the individual company and the Public Utilities Commission.

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

Mrs. KANE: Mr. Speaker, If I understand Mr. Connolly correctly, he is saying that although there would not be something on people's electric bills marked "surcharge for the life-line program," in fact other people would be paying through their electrical bills for this program and they would be paying on the basis of how much electricity they use, whether they might in fact be low-income people with large families or any other thing. I would ask for a division on this.

The SPEAKER: The pending question is on the adoption of House Amendment "C". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 33 having voted in the negative, the motion does prevail.

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

On motion of Mr. MacEachern of Lincoln, the House reconsidered its action of earlier in the day whereby Bill "An Act to Appropriate Money for Improvements to Airports and to Authorize General Fund Bond Issues in the amount of \$1,200,000," House Paper 1409, L. D. 1684, was passed to be engrossed.

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

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

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

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

On motion of the same gentleman, the House

reconsidered its action whereby House Amendment "A" was adopted.

Thereupon, Mr. MacEachern of Lincoln withdrew House Amendment "A".

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.

By unanimous consent, all matters were ordered sent forthwith to the Senate.

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Make Possible Property Tax Valuation Assistance to Local Officials" (S. P. 464) (L. D. 1607) asks for report: that they are unable to agree.

Signed:

Messrs. JACKSON of Cumberland
WYMAN of Washington
FARLEY of York

— of the Senate.

Mr. CAREY of Waterville
Mrs. POST of Owls Head
Mr. TEAGUE of Fairfield

— of the House.

Came from the Senate with the Committee of Conference report read and accepted.

In the House, the Committee of Conference Report was read and accepted in concurrence.

The following Joint Order: (S. P. 573)

ORDERED, the House concurring, that Bill, "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility," House Paper 1230, Legislative Document 1475, be recalled from the Engrossing Department to the Senate.

Came from the Senate read and passed.

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

The following Joint Resolution: (S. P. 572) Joint Resolution in Commemoration of the Visit of the British Submarine H.M.S. Finwhale WHEREAS, Her Majesty's Ship "Finwhale" will visit the Port of Portland in July of 1977; and

WHEREAS, the visit of the British submarine "Finwhale" is an occasion of great significance to Maine and its citizens; now, therefore, be it

RESOLVED: That we the members of the 108th Legislature while duly assembled in First Regular Session at the Capitol at Augusta do extend our welcome to the officers and crew of H.M.S. Finwhale upon the occasion of their visit to the State of Maine; and be it further

RESOLVED: That a duly authenticated copy of this resolution of welcome be sent forthwith on behalf of the Legislature and the people of Maine to the City of Portland for appropriate transmittal to Captain A. M. Gregory, Commanding Officer of H.M.S. Finwhale, upon the occasion of that vessel's arrival at Portland Harbor.

Came from the Senate read and adopted.

In the House, the Resolution was read.

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

Mr. GREENLAW: Mr. Speaker, could I pose a question through the Chair to the Clerk, as to who the sponsor of this resolution is?

The SPEAKER: The joint resolution in commemoration of the visit of the British submarine HMS Finwhale is sponsored by the Senator from Cumberland, Senator Conley, cosponsored by the Senator from Cumberland, Senator Merrill, and the Senator from Cumberland, Senator Usher.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Could someone inform

me whether or not the HMS Finwhale is in fact visiting Portland? The reason I raise this question is, I remember two sessions ago the good Senator from Kennebec, Senator Katz, sent an order flying through the House about some mythical person in England who didn't exist, and I just like to make sure that the HMS Finwhale is in fact visiting Portland.

Thereupon, on motion of Mr. Greenlaw of Stonington, tabled pending adoption and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls" (H. P. 1047) (L. D. 1258) on which Report "A" "Ought to Pass" of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed in the House on June 24, 1977.

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

In the House:

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: These are the twilight days of the session, as we all know, and I think we can understand what reactions are taking place in some of these bills. So just to expedite matters so we can get out of here tonight, I hate to do it, but I know what the facts of life are and I know what other motions can be made. I am sympathetic with the good gentleman, I have supported every one of these bills that have come back from the other body indefinitely postponed. I think it is time now that we begin to realize what is happening in the other body dealing with shuffling papers back and forth, and if we keep shuffling these papers back and forth, the Speaker, every night, is going to get up and say, "We will have 80 bills between both branches, both houses of the Legislature."

I move that the House recede and concur.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't care how long we are here, and I don't care if these are the last days, they are not going to kill my bills the way they have done. I have lost seven bills today in this House, and we are not going to just sit here and lose them just because they want them killed. I ask the members not to support Mr. Kelleher, so we can insist and ask for a committee of conference.

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

A vote of the House was taken.

Thereupon, Mr. Laffin of Westbrook 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 Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I know it is late, I know summer is here, and I can sympathize with a lot of you that would like to be home with your families, at the beaches and so forth, but we are elected by the people to do the very best that we can, and we cannot let them kill our bills for nothing, and that is just what we are doing. I am not going to get upset over these

telephone bills, but we have an obligation to perform, we have a job to do, and we must vote our conscience. Regardless of what has happened today, regardless of what they do down there, we have to show that we still must stick to the convictions that we believed in when we passed this bill.

Now, there are several bills that we are going to be talking about, and if we are going to let them run this legislature, then I say to you ladies and gentlemen, let's go home right now, let's go home right now and stay home and let them run the Legislature, because that is just what you are doing. You are letting the other body tell you what you are going to do, and if that is what they are going to do, I have better things that I could be doing at home. Let's go home, stay home and forget about it.

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

Mr. KELLEHER: Mr. Speaker, I think when it comes to parliamentary maneuvering, I know where I stand on maneuvering either in this body or the other body. There are just no motions left other than waste a few more dollars, and I sympathize with you, Mr. Laffin, because of how they are going to be shuffling back and forth. People on the Appropriations Committee are going to be doing this and some of us are not going to be happy; however, we all have responsibilities being members of committees and chairing committees. I reluctantly do it, but all we would be doing is adding another day in terms of debate and not accomplishing a thing. I would hope that you accept the motion to recede and concur.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I am a cosponsor of this bill with Representative Laffin, and I say what I am going to say with fear and trembling, because I don't like to incur his wrath too. But I was somewhat hesitant that of all the bills we took off the table that were indefinitely postponed the other day, on Friday, that this one came out with the motion passed to be engrossed. The reason I had some hesitations about this bill being passed to be enacted is because in the recent rate decision regarding New England Telephone, the PUC did say that they could charge those people who use more than 11 calls a month for directory assistance, and a study has shown that over 50 percent of those who do use directory assistance do make more than 11 calls per month. So for that reason, I thought that most people then would escape paying the 20 cent charge because they would only use it when they really had to and not because they were lax and did not want to look up the number. I thought that that was a reasonable way to go, over 11 calls a month before they would start to be levied a charge, and for that reason, I am not upset about the Senate's action.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The area I represent in Hancock County is one of those small rural areas and until just very recently we had to dial the operator to get directory assistance. Effective June 1st., we now (I think perhaps this may be true of all or most areas of the state) can dial 1-555-1212 in order to get the number you are looking for. The Deer Isle and Stonington customers back about a month ago received a card from the telephone company indicating that fact. It also says at the bottom of the card, and I think it is rather interesting, "there is no charge for calls to Directory Assistance." Now, I know, very well, that that in fact is true at this point in time, there is no charge for calls to directory assistance, but I find it very inappropriate, when the telephone company is, in ef-

fect, requesting, or in the process of requesting a change in their tariff to allow for a charge for directory assistance after a certain number of calls, that they would in fact still make this type of a statement on the card. I called this to the attention of the telephone company's representative. I just thought that it was something that we ought to be aware of and it seemed to me this was a good time to do it. I think maybe it would be in order if we did enact this bill and send it back down to the other body.

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

ROLL CALL

YEA — Alopous, Ault, Bagley, Berry, Berube, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carter, F.; Clark, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Fenlason, Garsoe, Gillis, Gould, Gray, Hughes, Hunter, Hutchings, Immonen, Jackson, Kane, Kany., Kelleher, Kilcoyne, LeBlanc, Lewis, Littlefield, Lougee, Lunt, Mackel, Marshall, Masterman, Masterton, McBreairty, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Norris, Palmer, Peltier, Perkins, Plourde, Quinn, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Tarbell, Tarr, Theriault, Torrey, Twitchell, Whittermore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Biron, Blodgett, Brenerman, Carrier, Carroll, Carter, D.; Chonko, Churchill, Conners, Connolly, Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbs, Huber, Jensen, Joyce, Kerry, Laffin, LaPlante, Locke, MacEachern, Mahany, Martin, A.; McHenry, McKean, Nadeau, Nelson, N.; Peakes, Pearson, Peterson, Post, Prescott, Raymond, Rideout, Strout, Stubbs, Tierney, Tozier, Trafton, Tyndale, Valentine, Wilfong, Wood, Wyman.

ABSENT — Austin, Bustin, Cote, Dudley, Gauthier, Howe, Jacques, Jalbert, Lizotte, Lynch, Maxwell, McMahon, McPherson, Talbot, Teague, Truman.

Yes, 70; No, 64; Absent, 16.

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

Non-Concurrent 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) on which Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-170) of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-170) in the House on June 24, 1977.

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

In the House:

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

Mrs. POST: Mr. Speaker, I move that we adhere.

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

Mr. KELLEHER: Mr. Speaker, this bill is no different than Mr. Laffin's bill. I know what its fate is going to be and I would be remiss if I didn't make the same motion. I move that we recede and concur.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This bill is not new to either Mr.

Kelleher or myself. It had one of the unusual deaths last year, and that was that it died in non-concurrence with both the Senate and the House supposedly agreeing it was a good bill. I agree there is no point insisting and a committee conference because I know even if they were to join with us, the other body probably would not come and kill it that way again. I don't necessarily want to let them do it that way. But it is a good bill, and I don't think we in the House should kill it. We are not wasting that much time. All we are saying is that we believe what we said before, that the Maine utility customers should not have to pay for advertising that goes to benefit the company. When that happens, the stockholders should pay. That is why I would hope you would vote against the motion to recede and concur, that we adhere, we are standing firm on what we believe in, and if that other body wants to kill it and if they want to make the Maine utility customers pay for promotional advertising, then let it be on their shoulders, not ours.

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

Mrs. HUBER: Mr. Speaker, I ask for the yeas and nays.

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

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

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

ROLL CALL

YEA — Aloupis, Ault, Bagley, Berry, Birt, Brown, K. L.; Bunker, Burns, Carter, F.; Conners, Cunningham, Devoe, Dow, Fenlason, Gill, Gillis, Gray, Hall, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane, Kelleher, Littlefield, Lougee, Lunt, McBreairty, Morton, Nelson, M.; Norris, Palmer, Peterson, Quinn, Shute, Silsby, Smith, Spencer, Sprawl, Stover, Strout, Stubbs, Tarr, Tierney, Torrey, Tyndale, Whittemore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Carrier, Carroll, Carter, D.; Churchill, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Durgin, Dutremble, Elias, Flanagan, Fowlie, Garsoe, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jensen, Kany, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Locke, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, McHenry, McKean, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, N.; Peakes, Pearson, Peltier, Plourde, Post, Prescott, Raymond, Rideout, Rollins, Sewall, Tarbell, Theriault, Tozier, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Austin, Bustin, Carey, Chonko, Cote, Drinkwater, Dudley, Gauthier, Gould, Jacques, Jalbert, Lizotte, Lynch, Masterton, Maxwell, McMahon, McPherson, Perkins, Talbot, Teague, Truman.

Yes, 48; No, 82; Absent, 21.

The SPEAKER: Forty-eight having voted in the affirmative and eighty-two in the negative, with twenty-one being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

Non-Concurrent 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) on which the Minority "Ought to Pass" Report of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed in the House on June 24, 1977.

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

In the House: On motion of Mr. Kelleher of Bangor, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Relating to Corporate Expenses in Public Utilities Commission Hearings" (H. P. 132) (L. D. 166) on which the Minority "Ought to Pass" Report of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed in the House on June 27, 1977.

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

In the House: On motion of Mr. Kelleher of Bangor, the House voted to adhere.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives" (H. P. 1741) (L. D. 1889) on which the Bill was passed to be engrossed as amended by House Amendments "A" (H-806) and "B" (H-807) in the House on June 27, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-342) and House Amendment "A" (H-806) in non-concurrence.

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

Non-Concurrent Matter

"An Act to Prohibit the Exclusion of Manufactured Homes from any Municipality" (H. P. 1151) (L. D. 1369) which was Passed to be Enacted in the House on June 22, 1977.

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

In the House:

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

Mrs. BOUDREAU: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

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

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

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentleman from Lewiston, Mr. Biron, that the House recede and concur. 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 53 in the negative, the motion did not prevail.

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

Consent Calendar

First Day

(H. P. 972) (L. D. 1169) Bill "An Act to Amend the Special Education Tuition Reimbursement Law" (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-861)

No objections being noted, the above item was ordered to appear on the Consent Calendar of June 29th, under listing of Second Day.

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

The Chair laid before the House the first 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 24, 1977 by Mr. Burns of Anson.

Pending — Passage to be Engrossed.

Mr. Burns of Anson offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-865) was read by the Clerk and adopted.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I want you to pay particular attention to this bill. I realize that a study was made by the committee and I also realize and know that this bill has been in this House, in front of different legislatures before, and they have always been killed. Oddly enough, I happen to be interested in the bill, because all these bills used to go to Judiciary and didn't pass and now they go to Health and Institutional Services and the reports all come out in favor of them. However, for reasons of concern, I am objecting to this bill.

The bill, in effect, will give people who I think are not qualified the right to give medication to many patients, it might be your family or people that you know. They say they will be qualified because they will take courses. It doesn't say what kind of courses or the length of time, it doesn't say what they will cover. It also says in the bill that this will apply to facilities with 15 or more patients. What if one of your loved ones happened to be in a facility of 14 and these unqualified, unlicensed people will be giving medication to them? I think it might be extremely dangerous. It has been proven in the past from testimony at hearings that it was extremely dangerous, and I am convinced if this had gone to hearing, it wouldn't have passed again because there is an awful lot of objection to this, and I am sure that the nurses and the other professionals involved in this bill haven't changed their minds in the last two years.

There are some specific things in this bill that bother me a lot. One is the fact that this would apply to any public or private schools. I happen to be a promoter of private schools. I think they are great, but I don't think that the State of Maine should put this kind of coverage onto private schools. I think private is private. They don't want to fund it, they don't want to give them anything, so let's keep it private and separate.

Another thing — I have read and reread this bill. Either I am not as sharp as I should be, but I don't see in the bill any mention of immunity. It does say in Committee Amendment "A" that it gives immunity to people giving medication. I don't believe, and I could be wrong, but I don't believe that you can give immunity to these people, even the licensed ones, from liability if something goes wrong. The liability might be able to be transferred to the hospital or whoever they work for. This particular bill doesn't mention immunity but the amendment does. It says "if the immunity provision is not temporarily extended" — well, I don't think there is any immunity provision in the thing in the first place.

Another thing, they put an emergency clause on this. I don't think this can pass as an emergency. I don't think it should be passed at all because I think this is an extremely dangerous bill. I believe that the patients, no matter who they are, where they are, should have the best of care and with people who are qualified to do this. When you start giving medications, you are into an area which is very

dangerous and could have some very ill effects on some people.

It also covers nursery schools. It goes to extremes, from one extreme to another.

I submit to you, if I went along with this, I think I would be making a gutter diagnosis of how good it is, but I don't think the bill is any good at all. It was killed before many times. I know that the people who made the study on this did the best they could and maybe they truly believe in this.

I think it is very important that the people be licensed either as LPN's or RN's to give this medication. This has been proven before. I think this is an attempt by some people to give lower services to certain patients. I don't think we should fool around with people's health. I think that everyone, regardless of their position, deserves the best. I don't think this bill will give people what they deserve.

I have studied this bill and I want to believe the good faith of the people who promoted this bill, but I truly don't think this is a good bill and I move for the indefinite postponement of the bill and all its accompanying papers.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: This bill is a direct result of a study that the Health and Institutional Services Committee did in the 107th Legislature. The problem was developed several legislatures ago when we passed the Nurse Practice Act and within that act, it stated that medications could be administered only by a licensed professional nurse or licensed practical nurse, who does so under the supervision of a licensed professional nurse, physician or dentist.

In 1973, the Attorney General's opinion determined that medication was construed to include both over the counter drugs and prescription drugs. A problem developed that many state institutions and boarding homes had nurses aides or unlicensed people that would give a pill when it came due to the person — if they were supposed to take a green pill every four hours, they would take the green pill and give it to the person. Basically, the law also allowed the Board of Registration of Nursing to establish programs to certify unlicensed people to dispense medications. The board established the rules and regulations for this and these training programs were carried out so that most of the people at the institutions that were not nurses were given these courses and allowed them to dispense the medication.

The problems developed mainly in the boarding homes where due to the fact that most of the people were on minimum wage and there is a high turnover, they just couldn't maintain the number of people that were certified or had these courses plus the fact that the courses were not offered in enough places throughout the state. The state institutions were able to give the courses and therefore, had no problems. They ran courses every so many months and had no problem with that.

I don't know what Mr. Carrier is saying about the bill being killed in the past. To my knowledge, this is the first time this bill has come in. We did have a public hearing and the Maine Nurses Association and the Board of Registration in Nursing both agreed to the draft with the two amendments that we put in on the Committee Amendment and the bill was passed out.

In the 106th when we were dealing with this, in the regular session, of the Attorney General's opinion, a moratorium was placed on the Nurse Practice Act in regard to the administration of medication. In the 107th, when the Health and Institutional Services Committee couldn't seem to come to a decision on this problem, we extended the moratorium and came up with a study. The study was presented to this

legislature and the study recommended the bill which is before you, L. D. 1389.

As we worked on this particular study, we met with nurses, boarding home people, nursing home people, people from the institutions, the departments and we tried to come up with a bill that was acceptable and yet, did not provide any undue burden on the people and did not lessen the quality of health care to the people. What we came up with was a bill that established sort of rules and regulations for each level of services that the state licenses for. Basically, we said for hospitals and nursing homes that the rules and regulations in the law as the State Board of Nursing had promulgated will stand, only licensed people and those that are certified and have taken the program established by the State Board of Nursing can dispense medication. As far as boarding homes go, we have allowed the Commissioner of Human Services to determine exactly how they should establish the rules and regulations for dispensing medications, which they have already done in their licensing procedure, establishing a process whereby everything should be set up.

I think the thing you have to take into consideration is the fact that what we are talking about is only in boarding homes of 15 or less people. We are trying to establish the smaller boarding homes to be more on a home type situation. Last session we developed this for the mentally retarded and I think we will be moving toward other people so that these smaller boarding homes will be like a home situation. In a home situation, you don't have a licensed nurse or a certified person that comes around and gives you that medication that the doctor recommended you take. In the larger homes, you have to have a license or a certified person. As far as the state institutions go, they will come under the rules and regulations promulgated by the State Board of Nursing.

Unless I get into the whole report and spend about a half hour explaining this, all I can say is that this was a unanimous committee study by the 107th, agreed upon by the State Board of Nursing, the Maine Nursing Association, the physicians and everybody concerned and came out with a unanimous report.

We have been tabling this because of a problem, a technical problem, which I think the gentleman Mr. Burns, has taken care of. We do need an emergency on this because the moratorium placed on it in the 107th is expiring July 1st. We want to put the emergency on to extend the moratorium for six more months so that all the rules and regulations can come into place so that we don't have a period of time where the law just doesn't apply.

I would urge you to go along with this bill, to not indefinitely postpone it.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentleman from Westbrook, Mr. Carrier, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
20 having voted in the affirmative and 85 in the negative, the motion did not prevail.

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

The twelfth tabled and today assigned matter was taken up out of order by unanimous consent:

Bill, "An Act to Provide for the Periodic Review of Sales and Property Tax Exemptions" (H. P. 1250) (L. D. 1479) — In House, Minority "Ought to Pass" as Amended by Committee Amendment "A" (H-652) Read and Accepted and Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-

652) on June 21. — In Senate, Majority (Ought Not to Pass" Report Read and Accepted.

Tabled — June 27, 1977 by Mr. Brenerman of Portland.

Pending — Further Consideration.

On motion of Mr. Brenerman of Portland, the House voted to recede from its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, the House voted to recede from its action whereby Committee Amendment "A" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed.

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

House Amendment "A" (H-852) was read by the Clerk.

Mr. BRENERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment strips the automatic repeal sections off this bill and provides only for period review of all sales and property tax exemptions treating them like any public expenditures made by the state.

The difference between this amendment and the original bill as amended is that this amendment requires only review with the positive action of the legislature to repeal any unnecessary exemptions, whereas the original bill as amended, had required a positive action of the legislature to retain an exemption.

I present this amendment as a compromise in order to get systematic legislative oversight over the process of granting exemptions and I hope this amendment will satisfy those members of the other body, who were afraid that their favorite exemptions would be repealed automatically.

Thereupon, House Amendment "A" was adopted.

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

The thirteenth tabled and today assigned matter was taken up out of order by unanimous consent:

Bill, "An Act Relating to the Powers of Plantations and their Organization" (H. P. 1396) (L. D. 1635) — In House, Passed to be Engrossed as Amended by House Amendment "A" (H-761) on June 21. — In Senate, Passed to be Engrossed.

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

Pending — Further Consideration.

On motion of Mrs. Post of Owls Head, the House voted to recede from its action whereby the Bill was passed to be engrossed.

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

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

House Amendment "A" to House Amendment "A" (H-859) was read by the Clerk.

Mrs. POST: Mr. Speaker, Men and Women of the House: This is really not a joke amendment although if any of you can find it in your amendments, it might look like one because of the events of the last days.

We have a sort of an emergency situation developing on the Island of Matinicus. They are having difficulty with their ferry service and since plantations do not have home rule and only have the powers, which are given to them by the legislature, I amended a bill which we had in last year which allowed the island to provide their own electrical generating facility to say if necessary, they can also either provide or subsidize ferry service to the island. Without this particular bill, should they desire to take this kind of action during the fall when we are not in session, they would not be able to.

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

House Amendment "A" as amended by

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

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

Consent Calendar Second Day

(S. P. 407) (L. D. 1415) Bill "An Act to Regulate the Dispensing of Prescription Drugs" (C. "A" S-324).

(S. P. 444) (L. D. 1536) Bill "An Act Authorizing an Increase in Payments to Foster Homes and Boarding Homes" (C. "A" S-325).

No objections being noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence.

Tabled and Assigned

(S. P. 66) (L. D. 137) Bill "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) (C. "A" S-338).

On the objection of Mr. Tierney of Lisbon Falls, was removed from the Consent Calendar. Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (S-338) was read by the Clerk.

On motion of Mr. Strout of Corinth, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

Reports of Committees Ought Not to Pass

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Full Implementation of the State Employees' New Compensation Plan" (Emergency) (H. P. 1441) (L. D. 1668) reporting "Ought Not to Pass".

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act Adjusting the Salary Plan for State Employees to Provide for a Salary Increase" (H. P. 676) (L. D. 861) reporting "Ought Not to Pass".

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase Salaries of Maine Maritime Academy Employees" (Emergency) (H. P. 1342) (L. D. 1589) reporting "Ought Not to Pass".

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing the Mileage Allowance for State Employees on State Business" (Emergency) (H. P. 606) (L. D. 743) reporting "Ought Not to Pass".

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing State Employees' Pay" (Emergency) (H. P. 566) (L. D. 691) reporting "Ought Not to Pass".

Pursuant to Joint Rule 20, were placed in the Legislative Files and sent up for concurrence.

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

Mr. TIERNEY: Mr. Speaker, is the House in possession of L. D. 1667?

The SPEAKER: The Chair would answer that the House is in possession of Bill "An Act Concerning Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs" (H. P. 1362) (L. D. 1667) held at the gentleman's request.

On motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action whereby this Bill was passed to be engrossed.

On motion of Mrs. Locke of Sebec, under suspension of the rules, the House reconsidered its action whereby it adopted Committee

Amendment "A" as amended by House Amendment "A" and "B".

On motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" to Committee Amendment "A" was adopted, and on further motion of the same gentlewoman, the Amendment was indefinitely postponed.

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

House Amendment "A" to Committee Amendment "A" (H-857) was read by the Clerk.

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

Mr. NADEAU: Mr. Speaker, could the good gentlelady give us an explanation of what just transpired?

The SPEAKER: The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, Members of the House: I would be happy to explain. Late last week, we adopted Committee Amendment "A" which would have required that the clerk of courts submit evidence of prior conviction when a person was convicted of a second offense of driving under the influence. There were some questions raised. Even though we adopted it, and I went ahead and investigated and found that perhaps this was not the best way to insure that people who were arrested and convicted for a second offense were actually being convicted of a second offense and not one, two or three first offenses. I worked with Assistant Attorney General Steve Diamond at length and he did a lot of research and we came up with the following amendment which would require — and I shall read part of it — it would require that the arresting officers shall make the necessary inquiries of the Secretary of State.

Some of the questions were, as I understand it, that the mistakes were made in the beginning when the person is arrested. This would put the burden on the arresting officers to do the inquiring right away so that it would be on the complaint when it was submitted to the courts.

The rest of the bill merely includes some legal language that had been inadvertently left out. Plus, it provides that a certified copy of the prior conviction from the Office of the Secretary of State shall be admitted in evidence as proof of the prior conviction. I hope this answers your questions.

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

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

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

On motion of Mrs. Post of Owl's Head, the House reconsidered its action whereby Bill "An Act to Repeal Certain Laws Relating to Conservation," Senate Paper 363, L.D. 1224, was passed to be engrossed.

On motion of the same gentlewoman, tabled pending the motion to recede and concur and tomorrow assigned.

Under suspension of the rules, the Chair laid before the House the fourteenth tabled and today assigned matter:

An Act to Amend or Repeal Certain Laws Relating to Local and County Government (Emergency) (H. P. 1279) (L. D. 1510) (H. "B" H-728; H "A" H-709, and S "A" S-309 to C "A" H-645)

Tabled — June 27, 1977 by Mr. Henderson of Bangor.

Pending — Passage to be Enacted.

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

Mr. BAGLEY: Mr. Speaker, there apparently

is some misunderstanding on the part of some of us about one particular section.

Thereupon, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" as amended by Senate Amendment "A" was adopted.

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

House Amendment "C" to Committee Amendment "A" (H-866) was read by the Clerk and adopted.

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

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

(Off Record Remarks)

On motion of Ms. Goodwin of Bath. Adjourned until nine o'clock tomorrow morning.