

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

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**Senate Confirmation Session**

June 14, 1978

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September 6, 1978 — September 15, 1978

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December 6, 1978

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APPENDIX

## HOUSE

Tuesday, February 28, 1978

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

Prayer by Rabbi David A. Fairman of the Beth Israel Synagogue, Waterville.

Rabbi FAIRMAN: Almighty God, You have chosen us to watch over the life and welfare of Your creatures. We are now about to apply ourselves to the duties of our profession. Support us, Almighty God, in these great labors that they may benefit mankind, for without Your help, not even the least thing will succeed.

Inspire us with love for our art and for Your creatures. Do not allow thirst for profit, ambition for renown and admiration to interfere with our profession, for these are the enemies of truth and love for mankind and they can lead us astray in the great task of attending to the welfare of Your creatures. Preserve the strength of our bodies and our souls, that they ever be ready to cheerfully help and support rich and poor, good and bad, enemy as well as friends. In the sufferer, let me see only the human being, illumine our minds that we recognize what presents itself and that it may comprehend the absent or the hidden. Let us not fail to see what is visible, but do not permit us to see what ought not be seen. Should those who are wiser wish to improve and instruct us, let us gratefully follow their guidance, for vast is the extent of our art. Let us be contented in everything except in the great science of our profession. Never allow the thought to arise in us that we have attained sufficient knowledge. Give us the strength, the leisure and the ambition ever to extend our knowledge.

Almighty God, You have chosen us to watch over the life and welfare of Your creatures. As we now apply ourselves to our profession, support us in this great task so that it may be of benefit to mankind, for without Your help, not even the least thing will succeed.

The journal of yesterday was read and approved.

## Messages and Documents

The following Communication:

STATE OF MAINE

ONE HUNDRED AND EIGHTH LEGISLATURE

COMMITTEE ON PUBLIC UTILITIES

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Public Utilities has completed all action necessary on the business placed before it by the Second Regular Session of the 108th Legislature.

Total Number of Bills Presented	10
Unanimous Reports	10
Ought to Pass	4
Ought to Pass as Amended	2
Ought to Pass in New Draft	3
Leave to Withdraw	1

Divided Reports	0
Total Number of New Drafts	3

Sincerely yours,

Signed:

EDWARD C. KELLEHER

House Chairman

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE

ONE HUNDRED AND EIGHTH LEGISLATURE

COMMITTEE ON FISHERIES AND WILDLIFE

February 27, 1978

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Fisheries and Wildlife is pleased to report that it has completed all business placed before it by the Second Regular Session of the 108th Maine Legislature.

Total Bills Received	2
Ought to Pass	1
Divided Report	1

Respectfully,

Signed:

CHARLES G. DOW

House Chairman

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE

ONE HUNDRED AND EIGHTH LEGISLATURE

COMMITTEE ON PERFORMANCE AUDIT

February 27, 1978

The Honorable John L. Martin

Speaker of the House of Representatives

State House

Augusta, Maine 04333

Dear Speaker Martin:

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

Total Bills Received	1
Unanimous Reports	1
Leave to Withdraw	0
Ought Not to Pass	0
Ought to Pass	0
Ought to Pass in New Draft	1
Ought to Pass as Amended	0
Divided Reports	0
Total Number of Amendments	0
Total Number of Redrafts	0

Respectfully,

Signed:

GEORGETTE B. BERUBE

House Chairman

The Communication was read and ordered placed on file.

## Orders

An Expression of Legislative Sentiment (H. P. 2147) recognizing that:

Douglas Allaire of Boy Scout Troop 317 in Sanford has achieved the rank and distinction of Eagle Scout

Presented by Mr. Wood of Sanford. (Cosponsors: Mr. Nadeau of Sanford, Mr. Paul of Sanford, Senator Lovell of York)

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

An Expression of Legislative Sentiment (H. P. 2148) recognizing that:

Jeffrey S. Weir of Pownal has received the highest award in scouting, Eagle Scout, as a member of Troop 107

Presented by Ms. Clark of Freeport  
The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 2150) recognizing that:

William R. Winter is retiring from the Kingfield Board of Selectmen after 23 years of loyal and efficient service

Presented by Dexter of Kingfield. (Cosponsor: Senator Redmond of Somerset)

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

An Expression of Legislative Sentiment (H. P. 2152) recognizing that:

Marguerite R. Lary of Scarborough has been selected the 1978 Maine Mother of the Year

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

The Order was read.

The SPEAKER: The Chair recognizes the

gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Marguerite Lary was an institution in and of herself at Scarborough High School, having taught there from 1930 until 1972. Ma Lary, as she was affectionately called, was admired and respected by both the faculty and students not only for her innovative and motivative style of teaching but because of her overwhelming concern for the welfare of the students and the entire school itself.

Having been fortunate enough to have had her as a teacher for several classes, I can speak of this first hand. She was a tireless worker, spending many hours in preparation and also in special help for any student who desired it. In addition, if there was some extra-curricular activity that needed supervision, Marguerite Lary always stepped forward. But perhaps her greatest attribute was the ability to make every student feel at home in her classroom, to instill the spirit of true learning and understanding in her classes, for if anyone walked into her classroom, there would be no question in that person's mind that this lady was in complete control not only of the classroom but the subject matter as well.

After retiring from Scarborough High School in 1972, Mrs. Lary worked substitute teaching and formed a senior citizens groups in Scarborough, serving as its first president. In 1973, she became president of the College Club of Portland. In addition, she has remained active in other educational, civic and church groups.

It is a great pleasure and honor for me today to introduce this order for all people of Scarborough whose lives were and are touched by this marvelous woman. I am sure the thousands of her students, who are now from all over the country, would agree that she is totally deserving of this award of "Maine Mother of the Year."

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

An Expression of Legislative Sentiment (H. P. 2155) recognizing that: for 1978, Debra Perkins of East Corinth has been selected the Farm Bureau Queen; Libby Smith of Presque Isle, the Maine Potato Queen; Alison Davis of Cutler, the Maine Blueberry Queen; Jane Wilson of Fairfield, Miss Rodeo Queen; Laurie King of Palmyra, Maine Egg Princess; Pamela Gray of Addison, Maine Broiler Queen; Diane Barnes of Hiram, the Maine Apple Queen; and Cindy Michaud of Houlton, the State of Maine Dairy Princess

Presented by Mr. Mahany of Easton (Cosponsor: Senator Hichens of York)

The Order was read and passed and sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

A Joint Resolution (H. P. 2149) in memory of G. Colby Wardwell of Bangor, a former commander of the Bangor Division of the Maine State Police

Presented by Mr. Perkins of Blue Hill (Cosponsors: Mr. Gould of Old Town, Mr. Kelleher of Bangor)

The Resolution was read.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: It was my good fortune to work with Lt. Wardwell and for him until he retired in 1941. He was a very warm, kind, gentle gem of a human being, a very fair man to work for, and all of us who worked for him and with him, it made our lives richer and finer by having done so.

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

A Joint Resolution (H. P. 2151) in memory of Euclide J. Ouellette, a community leader in the Town of Van Buren

Presented by Mr. Violette of Van Buren. (Co-

sponsors: Mr. Martin of Eagle Lake; Senator Martin of Aroostook)

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: It is with a great deal of sorrow but also with a great deal of pride today that I introduce this resolution honoring Euclide J. Ouelette.

This state was built by men and women who started with nothing and built a successful business and then lent their time to their community by serving as community leaders. These are the people who have made Maine a unique place to live in. Euclide Ouelette was one of these men. He started with very little and worked his way up to the ownership of P and E Distributors, a very successful contracting and painting distributor business.

Civically, he was a fourth degree member of the Van Buren Knights of Columbus, a 15 year member of the Lions Club and King Lion for two consecutive terms. He was a charter member and a director of the Van Buren Federal Credit Union. He was a two-term councilman and was currently serving as council secretary. He was a prominent and well respected citizen of Van Buren, the Valley and the County. His wife, Lorette, mother, Marie, and his family know that they can be very proud of Euclide and his accomplishments in his lifetime. It is for these reasons that I have introduced this Joint Resolution today honoring such a man.

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Richard J. Carey of Waterville be excused February 28th and March 1, 1978 for personal business.

An Expression of Legislative Sentiment (H. P. 2154) recognizing that:

The Golden Bucks of Bucksport High School, coached by Gerry Kane, have won the Eastern Maine Class B boys basketball championship for academic year 1978

Presented by Mr. Churchill of Orland

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: Coach Gerry Kane's Golden Bucks took control of the game in the first period and continued into the second, holding the Red Riots to mostly outside shots with good defense. The Golden Bucks built up an 11 point lead. However, the Orono Red Riots kept fighting back but continued good playing, defense and sharp shooting in the second half allowed the Bucks to stay ahead and go on to win the Eastern Maine Class B finals.

I want to congratulate Coach Gerry Kane and the players, Keith Ogden, Mike Macomber, Gerry Kane, Dennis Hopkins, Dave DeLaitte, Danny Wentworth, Jim Beale, Bobby England, Greg Bowden, Wayne Michaud and Don McAllian; also, the managers, Clarence Bridges and Lee Stevens are to be commended.

I certainly wish the Golden Bucks the best of luck and good wishes this coming Friday night in the State's finals at the Bangor Auditorium for the State title.

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

The SPEAKER: The Chair would advise the members and people in the gallery that today is Maine Agriculture Day in the Maine Legislature. At this time, as part of our official ceremonies, we are going to have a number of queens from the various agricultural sections of the state be escorted to the rostrum by the legislators from their own legislative district. This is a tradition in the Maine Legislature and it has been done as long as I have been here and

I am sure it was done a long time before that. It is always an opportunity for legislators to get, among other things, a free bag of potatoes from Aroostook County, apples from western or central Maine and a number of other products that they are giving out in the hall during the course of Agricultural Day. It is something that the legislators look forward to.

The Chair would like the Sergeant-at-Arms to please escort the various queens and the legislators who are escorting them to the rostrum, accompanied by the Commissioner of Agriculture, Mr. Williams.

Thereupon, the following Queens and their escorts were escorted by Representative Wilfong of Stow; Debra Perkins of East Corinth, Farm Bureau Queen, escorted by Representative Strout; Libby Smith of Presque Isle, Maine Potato Queen, escorted by Representative Lunt; Alison Davis of Cutler, Maine Blueberry Queen, escorted by Representative Fenalson; Cindy Michaud of Houlton, Maine Dairy Princess, escorted by Representative Lougee, Jane Wilson of Fairfield, Miss Rodeo Queen, escorted by Representative Teague, Laurie King of Palmyra, Maine Egg Princess, escorted by Representative Hall; Pamela Gray of Addison, Maine Broiler Queen, escorted by Representative Connors.

The Queen then addressed the House as follows:

DIANE BARNES: I spent a restless night trying to develop in my mind the proper introduction to you all. I finally thought, I am the Queen, so please accept this for love (holding up an apple).

Thank you for the honor of being presented before you today. You are the learned individuals that represent us, the people of Maine. For the ensuing year, I will represent the Pomological Society of Maine in its fair activities. Along with this involvement, I will also be the first stages of my education in striving to become an osteopathic physician. I will take my first four years of pre-med at the University of Maine with high hopes of attending the Osteopathic Medical College of Maine. My ultimate aspiration is to serve humanity in the rural communities with the devotion that my father has shown for these past 25 years practicing osteopathic medicine and surgery in the tiny hamlet of Hiram.

This year of reigning as Apple Queen, along with my studies, it will keep me more than busy, but for a year I will be queen, queen of that mouth watering, crisp, succulent spear of delicacy that begins in spring as pungent blossom, visited by busy bee and nurtured by warm summer's rain and radiant sun, nature's toothbrush that massages one's gums, polishes one's teeth, will not totally assure a perfect smile, but that apple helps.

As you strive to do your vest for us in your representation, I hope that I am capable of being equally strong in representing the apple industry of Maine.

I am proud to live in this forested land of Maine with its mountains, rivers and lakes. Thank you for your consideration in giving me the privilege of being here these few minutes. (Applause)

The SPEAKER: It is now my privilege to introduce Debra Perkins from East Corinth. Debra is the Farm Bureau Queen for this year.

DEBRA PERKINS: Hi. I am Debbie Perkins, and although I really do not live in East Corinth, I live in Exeter, that is my mailing address, I am very happy to be here today. I am the Farm Bureau Queen. I was chosen in November at the state convention, and that was a very very unique experience for me. I had never been to anything like that before.

I recently was in Houston, Texas, representing the state at the national convention, and this again was something that was quite an experience. I learned a lot about how the farmers are involved in the things going on, not just in farming but in the whole country altogether.

Part of my duties as the Farm Bureau Queen and representing the State of Maine, as Farm Bureau Queen, I am going to be all over the state until November. I will be able to see a lot more of you in my travels over the state. I would also like to say thank you for letting me be here today and seeing you all. (Applause)

The SPEAKER: The Chair now would like to introduce Libby Smith from Presque Isle. She is the Maine Potato Queen for this year.

LIBBY SMITH: Thank you. As he said, I am Libby Smith and I am from Presque Isle. I am Maine Potato Queen representing the Maine potato industry.

It is a pleasure to be here and I am sure it is a great experience. I have never had the opportunity to visit here in Augusta as I am today.

I have been quite a few places since my reign in July, which will end this next July. My most recent visit was to the Boston Celtics, where I met John Havlichek and had the pleasure of being there his last game. It is a pleasure for me to be here today meeting all of you, and I am sure I am going to enjoy to rest of my day with you. (Applause)

The SPEAKER: Next is Alison Davis from Cutler. She is the Maine Blueberry Queen.

ALISON DAVIS: I am Alison Davis and I am the Blueberry Queen. I am a senior at Washington Academy and I live in Cutler. I work part time at the Union Trust Bank in Machias. I am the second oldest in a family of five, and I have two little princesses that are really precious to me. I haven't experienced anything like this and I am just thrilled and overcome with emotion, really.

I really don't know what to say, I am just very glad that I have had the opportunity to meet all of you and I hope that this day will prove to be an experience for me, and I am sure it will. (Applause)

The SPEAKER: The Chair is now pleased to introduce Cindy Michaud from Houlton. She is the Maine Dairy Princess for the year.

CINDY MICHAUD: Good morning, ladies and gentlemen. My name is Cindy Michaud and I am a 20-year-old junior at the University of Maine in Farmington, majoring in elementary education. I would like to thank you all very much for inviting me here this morning. (Applause)

The SPEAKER: Next is Jane Wilson from Fairfield. She is Miss Rodeo Queen.

JANE WILSON: Good morning. As you know, I am Miss Rodeo Maine, Jane Wilson of Fairfield. I represent the sport of rodeo in the State of Maine, but I also represent the light horse industry. I am very pleased to see that light horse council has been formed in the state. Now you lawmakers can work hand-in-hand with the horse people who understand fully how these laws would affect the light horse industry.

Rodeo would be very advantageous to the State of Maine. Just think of the revenue and all the professional people that would be here attracting outside people. It is a good, clean sport for the whole family. People would travel as much as 300 miles, probably, to watch it.

Within the next two years, the Rodeo for Maine Committee will probably be in the final stages of planning a professional rodeo with a purse of around \$200,000 for the cowboys.

The light horse industry is already a multi-million dollar industry, not only with race horses but show horses. We are hoping to make rodeo one more way of raising revenue for the State of Maine. When we do have this big rodeo soon, come and see for yourself, with your entire family, just what a good, clean sport a rodeo can be. Thank you for having all of us Queens here. (Applause)

The SPEAKER: Now it is my pleasure to introduce Laurie King from Palmyra. She is the Maine Egg Princess.

LAURIE KING: As he said, my name is Laurie King. I am a senior at Nokomis Regional High in Newport, and last July I was chosen

the Maine Egg Princess at the Central Maine Egg Festival in Litchfield. I will reign until next July. I would have to say this has been the highlight of my year thus far. I still have about a half a year to go.

Again, I would like to thank everyone for inviting me. (Applause)

The SPEAKER: Next is Pamela Gray from Addison. She is the Maine Broiler Queen.

PAMELA GRAY: I would like, first of all, to thank you all for inviting me here today. My name is Pamela Gray, as he just said, and I am 18 years old and I am attending UMM at Machias, Maine. I represent Belfast, the chicken factory of the world, and it has been known, or it still is, it can process 3,000 chickens a day.

I really enjoy all this and, again, I would like to thank you all for inviting me. (Applause)

The SPEAKER: It is not often that a Commissioner has this opportunity to address the Maine Legislature during the legislative session, but I would like to have the Commissioner of Agriculture, Commissioner Williams, address us for a few minutes.

COMMISSIONER WILLIAMS: I don't why, John, you didn't indicate who my escort was. I told Luman, if he tried to kiss me on the way down, we had problems.

Another thing I think I should mention before I talk about just a few things, we have vanity number plates in this state and I have "Taters" on mine. You know, after some of my excursions with the potato industry in the last six months, and the bottle bill, somebody suggest that "Taters" should be changed to "Bottles" but we will take that under consideration.

I would like to thank the Legislature for their support of agriculture. There have been a number of situations in the past couple of years when we have needed your support and we have had it. Particularly I want to mention the support on this recent bottle situation. I think that was quite critical to our getting the program under way. People had worked at it, really, for a number of years, and I think your support there was certainly appreciated.

The second thing that I want to spend just a few minutes on was your passing last year the Maine Food-Farmland Study Commission. Obviously, if you are opposed to the food situation in this country today, you have to be concerned about a number of things. And in this Food-Farmland Study Commission, we had our first meeting last Friday, and I would like to comment that I am convinced that we have an excellent group of people who will get in depth into this particular problem. It is my hope that when we are finished, that we do have specific recommendations out of that for the Legislature. Too many things happen that we study and we spend time and really nothing ever happens. But out of this piece of legislation, and as it relates to food and the farm community, I am certainly going to be extremely disappointed if we don't come up with specific recommendations and a program to develop that piece of legislation.

There really are three critical areas involved. Number one is just how do we preserve productive farmland? It is critical. It gets on emotional and sensitive areas. In fact that today in this country there is only five acres of farmland available for every man, woman and child compared to 10 acres just about 40 years ago — 5 acres today, and this trend is continuing downward. We have to address this not only in Maine but everywhere else in this country.

The second thing is, there is a great deal of farmland in this country that is not as productive today, for many reasons, as it was 5, 10, 15, 20, 30, 40, 50 years ago. We have to address that problem. Underneath the whole factor, the thing we have to address is profitability of farm operation. It is a fact that in the policy of food production, the farmer has, by far, the largest impact and the greatest responsibility to make sure that you and I continue to be fed better than anybody else in this world, and it is

a fact that we are. It is because of the American Farmer that it has happened. However, if that is going to continue, farm operations have to be organized and constructed to operate profitably. This is becoming a very major problem in this country, and it has come about primarily in the last 25 or 30 years with agriculture going from a labor-intensive industry to a capital and energy-intensive industry.

I think as time goes on, we have got them through a real situation with the Milk Commission, we don't have to debate that here today, certainly but I think somewhere along the line you are going to have more of those type of programs which one way or another will keep people farming. If we don't eventually we will reach the point where we are not going to have the food that you and I are in the habit of getting at a price that we want. It is unfortunate in our food production process that in order to have enough, to make sure we have enough at a price that the American consumer is willing to pay, they will have to over produce. We have to address that problem. If we have to over produce to assure that, certainly there has got to be something at the bottom to make sure that the good, capable operators can keep on farming.

Those three areas I have mentioned, the preservation of the land, the maintenance of land from a productivity point of view and profitability, we will address these with the Farmland-Food Study Commission, and we certainly appreciate the opportunity to do just that.

The other thing that I want to mention, because as your deliberations go on now and five and ten years down the road, energy is a very critical factor as it relates to agriculture. Today in this country, from the start of producing good until it is consumed, 16½ percent of all the energy in this country is involved in the food process, either in the production of it, the processing of it, the distribution of it and the consuming of it — 16½ percent. Now, with food as vital as it is to everybody, especially, to me, if you take a close look, you have to realize that right now we are depending on 50 percent of our energy in this country to keep things going from countries where 2 percent of the population control 95 percent of the wealth. I don't think you have to do very much thinking to know that we are in an extremely critical situation. And as this whole energy deal evolves, and I am sure you folks of the legislature are going to get into this in depth somewhere down the road here, keep in mind that critical and basic to everything is food, and food is a tremendous consumer of energy, and hopefully we can do things to improve that percent, but we are going to have to continue to use our energy to produce food today.

I do appreciate the opportunity to talk to you. I know you have got more important business than listening to an old Commissioner of Agriculture, but I am glad to have the opportunity, and thank you. (Applause)

The SPEAKER: On behalf of the members of the House, I thank the various Queens who have spoken for the various segments of the industry today and might just make one suggestion when all of you get to be old enough, that you become candidates for the legislature, hopefully as members of my party, but you can pick whichever party you choose. We will do some lobbying, but we are hopeful that all of you will become involved in the governmental process and perhaps replace some of the people that are out there and maybe even some of the escorts that brought you to the restrum today.

Thank you very much, and we hope you have an enjoyable day for the rest of the day and the rest of your reign.

Thereupon, the Queens were escorted from the Hall by the Sergeant-at-Arms amid prolonged applause, the members rising.

#### House Reports of Committees Ought to Pass in New Draft

#### New Draft Printed

Ms. Clark from the Committee on Business Legislation on Bill "An Act to Permit Law Enforcement Officers to Make Limited Solicitations for Advertising in Publications or Periodicals to be Published by Law Enforcement Officers, Agencies or Associations" (H. P. 1861) (L. D. 1919) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Permit Law Enforcement Officers, Agencies and Associations to Make Limited Solicitations for Advertising in or Purchase of Certain Publications Published by Them" (H. P. 2153) (L. D. 2167)

Report was read and accepted, the New Draft read once and assigned for second reading, tomorrow.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1082) on Bill "An Act Clarifying the Definition of State Employee under the State Employees Labor Relations Act so as to Exclude Certain Attorneys Employed by the Attorney General's Office" (Emergency) (H. P. 1940) (L. D. 2020)

Report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate.

Messrs. BUSTIN of Augusta  
PELTIER of Houlton  
FLANAGAN of Portland  
ELIAS of Madison  
McHENRY of Madawaska  
DUTREMBLE of Biddeford

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

Report was signed by the following members:

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

Mr. LAFFIN of Westbrook  
Mrs. TARR of Bridgton  
Mrs. LEWIS of Auburn  
Mrs. BEAULIEU of Portland — of the House.

Reports were read.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I move the House accept the Majority "Ought to Pass Report."

I had a number of inquiries out in the hallway this morning when this report appeared on the calendar to describe briefly what is at stake in this particular measure. You will probably notice that there are a couple of real peculiarities involved in the way this report is signed, and the chief one is that we have Mr. Laffin, Mrs. Tarr, and Mrs. Lewis all on the same side of a report, which I am sure Mr. Palmer would agree is probably the first time in the history of this session that such has happened on a labor matter. It is, however, not a party issue. You will notice that the wise gentleman from Houlton, Mr. Peltier, has signed with the Majority Report and the gentlelady from Portland, Mrs. Beaulieu, has signed with the minority. So, it is not a party issue.

Let me explain what the issue is and then advocate the Majority Report position. This bill deals with the Attorney General's staff, and what is an appropriate bargaining unit for the Attorney General's staff. Right now, the Attorney General's staff is included in a very large supervisory unit, which is already bargaining. The Attorney General's staff did, they took a straw vote or some kind of a vote, and the testimony revealed that there were 56 of those people voting and 36 of them said, "We want out of collective bargaining entirely." Twenty of them said, "We would like to have our own separate bargaining unit." So the bill was filed by

Mr. Garsoe to exclude the Attorney General's staff appeared at the hearing and expressed their viewpoint.

As you look at the report on the calendar and if you want to make a note so that you can follow this as the debate develops, the Majority Report allows the Attorney General's Staff to form their own bargaining unit and the Minority Report excludes the Attorney General's Staff from collective bargaining entirely.

Let me proceed then, to advocate for the Majority Report. I think the thinking of the Majority went this way. We had this straw vote, 36 to 20, which is hardly a controlled vote. In fact, some people indicated that supervisors even participated in this voting. That is not the way you do things relative to labor relations, as you all know.

We thought if we reported out a separate unit bargaining bill, the first thing that happens when you have a separate unit designated is that there must be an election to determine who will be the bargaining agent. The difference now between unit and agent—agent is usually the organization which does the bargaining. Whenever you have a bargaining agent election, one of the options on the ballot is no representation. And if a majority of the people voting vote for no representation, then there is no bargaining. In other words, the 36 people under the Majority Report, if they truly are the majority in a controlled election conducted by the MLRB, will win the election and will not have bargaining rights.

Our opinion, in signing the Majority Report, was if there are 20 people who want a separate unit, who want such a controlled environment election, then it doesn't hurt anybody to set up the separate unit to have that kind of bargaining election and we will see who wins.

I would hope that the House today would go along with the Majority Report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It is not too often, to be sure, that the good gentleman from Augusta, Mr. Bustin, who is the Chairman of the Labor Committee, and myself disagree. But today, he has deserted me. He has gone on the side of the high mucky-muck lawyers that has persuaded him in their corner. He has explained the situation fairly accurately. He has explained his side of the situation.

The thing that he failed to mention was that they are in a unit now, a collective bargaining in a group.

The second thing that I want to say is that there is litigation in the Kennebec County Court pertaining to Attorney General's as a legality whether they have a right for the simple reason that they would be in a conflict of interest in giving certain decisions, rendered down.

Now, we all know that lawyers are not working people. Lawyers are people, who give advice for services rendered and in return, accept money. But, we can't stand here today and support lawyers as working people on the grounds that the lawyers are not interested in working for the State of Maine as a career. They could care less about the State of Maine. They are only here for two reasons. They are here, right out of college, and I am sure that they realize the people of Maine would not hire a lawyer right out of college, so they need more work, they need more experience, and plus, let's not forget the fact that these Attorney Generals are not hired for the minimum wage of this state. Don't forget that. Lawyers are hired in this state starting at \$12,500 to \$13,000 and go up as high as \$17,000. So, you see they are not in the working people's class who make a living, who need work, who make a career of working for the State of Maine—\$17,000 is pretty good pay.

Do you think that these lawyers care about the minimum wage? Do you think that they care about whether or not they are going to get

benefits? They have every state holiday of as it is. Do you think that these lawyers care about what the working conditions are going to be? Would you see or have you ever seen a lawyer office with a sign on his door saying, I am on strike because I didn't get \$100 an hour? No, this is not the labor force, these are professional people. Would you expect doctors to be classified as working people? Of course they are not, they are professional people. They have their own field.

I have been fighting for working people my entire life, adult life, and I certainly can not stand up here today and say that lawyers are working people, they need the consideration of working people. They don't meet those standards. It has nothing to do whatsoever. This group of lawyers, and my good friend is absolutely right, the 20 who did want this, according to the testimony, are people who couldn't be lawyers on their own because they are not qualified because they have a law degree, it doesn't make them lawyers. We are talking about a situation where a handful of people are trying to cash in on the labor market, on the labor management point of view, I tell you, they are only here for about two and a half years and when they are gone, they could care less about the working people.

I don't believe that the members of this House can support this kind of an organization. In fact, during the committee work session, I thought they only had three members but when I looked at who signed that thing they doubled over a short period of time. I don't know where they got all those votes but they got them anyway. I have talked to some of the members and they do sympathize with the Minority Report.

The second thing that is very amusing to me is when they wrote this amendment up and there was some discussion on it among everybody, while this thing is pending in litigation in the courts, it is felt that the legislature should have an input to take the burden off the court. Now you think about that one for a minute. In other words, they want us to make the decisions, whether they have a conflict in interest so the court won't have to make that decision. Well, I am ready to stand here this morning and tell you that they definitely have a conflict in interest because you see the service that they rendered has a hearing on a lot of positions that take place in this state. They are lawyers, they are not working people. So, the lawyers that give advice has a big effect on the Attorneys General's ruling. I am sure they have supervisors over them.

The other part of the amendment that they have come up with, of course, that I disapprove of very much, is that they want an emergency clause put on this preamble. You know, it is really important, they have been fighting for a 100 years without it, but now all of a sudden, right now, it is important that these lawyers have full representation under their own group now, that is the big issue that we are arguing about here this morning. Under the group that they themselves want to control, that they themselves want to vote on, not this year, but maybe in three years, if they want it. I am not going on that subject because I think that probably somebody else who is on our side, and the right side, will speak on that. The thing that we are really concerned about is the direction that this legislature wants to take.

I say to you ladies and gentlemen, if you desert the working people this morning, then I think we should take and include doctors and all other type of professional people and set a standard and guideline for them to follow as well. I can assure you, the medical profession would not want that. In fact, the lawyer profession and the Bar Association of this state does not want to be told what to do. If this legislature is going to start telling them what to do, then we might as well include everybody.

We have a situation here where a small mi-

nority group of people are trying to tell this legislature that we want to have our own unit. I say to you, ladies and gentlemen, that that is not the intent of the bargaining process of this legislature. Four years ago, when it gave employees the right to bargain, who were working below the minimum wage, who wasn't taking a weeks pay home that they could support their family on. These are the reasons that we have bargaining units. We have bargaining units so that people when they do retire can live in dignity and respect without handout welfare programs, that is what we have bargaining units for. These lawyers are all high mucky-mucks that come out of law school. Here to day they want to turn the procedure around so that we, as legislators, will have pity on them. Well, I don't have any pity on them. They don't know what it is to do a days work to begin with. They probably didn't have to sweat, to get out and earn a living, and support their families. Well, that is what the bargaining process is and that is to improve the working conditions and the benefits of the working people of this state.

Don't give in to my very good friend, Mr. Bustin, whom by the way, I have the greatest respect for and I certainly do respect his viewpoint. But, I firmly believe that you, as individuals, are intelligent enough, this morning, to stick to the issue that is before us and don't let these small groups tell the bargaining units that they are going to be in the process and maybe they—they don't even say they want it now, they say, maybe, two or three years.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Augusta this morning gave you a very accurate, as far as he went, background on what you have before you this morning. And, the gentleman from Westbrook, I hope, has completely demolished the basis that he is standing on.

I have very little to offer except what I think is the crux of this whole thing is that you are being called on this morning to make a policy decision.

The Attorney General's Office is assigned, through the Assistant Attorneys General, to practically every department of this state government. It is part of the on going function. They are called on to advise management on the settlement of grievances, dealing with organized units and bargaining agents.

I just find it inconceivable that this legislature would say, despite this obligation, despite this responsibility, that these people must fulfill that we are going to leave them in a position where, one day, they might become organized. To me, it is inconceivable that the Executive Director of the Maine Labor Relations Board put them into a unit in such a manner, and I guess there is no doubt in anyone's part that they shouldn't stay there.

They have expressed their professional inclination not to be organized. They will argue that even the fact that they would be in a separate bargaining unit, would, by implication, diminish their ability to advise the departments of state government with clean hands on matters involving other bargaining units, so, I am hoping you will reject the motion here this morning and pass the legislation in the form that the assistant attorneys general wanted it brought to you in the first place.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: As the representative of the high mucky-muck lawyers here today, I think it only fair that I also point out that I finally have figured out what is going on here. Mr. Laffin evidently has come under heavy pressure from his corner and they have—

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin, and ask for what purpose he rises?

Mr. LAFFIN: Mr. Speaker and Members of



the House: Well, I certainly did not get any pressure from the two gentlemen from that corner, I can assure this body.

The SPEAKER: The Chair thanks the gentleman from Westbrook, Mr. Laffin. The Chair would advise the gentleman from Augusta, that the Chair believes that the gentleman from Westbrook is telling the truth.

The gentleman from Augusta, Mr. Bustin, may continue and please refrain his remarks to the pending question before this body.

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: The gentleman from Westbrook knows I was only "funning."

I would like to make a couple of serious points relative to my very good friend for whom I have the highest respect, the gentleman from Westbrook, Mr. Laffin. There are a couple of points that probably should not go unanswered on the Record. One is that the issue of career employees in the Attorney General's Office. If you know the Attorney General's Office, you know that Mr. Laffin is right. There are a number of them who begin their careers there and then make an exit and go into law firms after getting some experience. The fact of the matter is, there is a good number of career employees in the Attorney General's Office, and as the legal profession develops in the state and in the nation, there seems to be a much higher number of people who are willing to make government service in this respect a career employment. So, I hope you will not be misled by that particular argument.

I think I heard him say that probably some of the people in the Attorney General's Office were not qualified attorneys. That should not go unanswered. I think most of them are, probably all of them are, and I hope that you would not take seriously for too many minutes the fact that they do not work for a living.

Two other points — one is, if you buy into the argument that an attorney as a professional does not need collective bargaining rights, let me advance this, that every person, whether a professional or not, who works for an employer and the employer controls the wages, the hours and the conditions of work, should have the opportunity for bargaining about the wages, hours and conditions of work with his employer, whether the job is classified as professional, para-professional or non-professional.

Finally, Mr. Laffin made the point that the business should not be taken out of the court where it is now. I hesitate to point out the fact that Mr. Laffin's signature and Mr. Garsoe's bill does precisely that. In fact, I would not want to classify this very bill as an end run, but I would suggest that if the MLRB had said no, they should stay in this unit and the issue is now before the courts, then we must at least entertain the possibility that this could be call an end run.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to not support the motion before you this morning. I think Representative Bustin has made the case rather clear as to what happened at the hearing, but I stand in support of the original bill and what its intent was, Mr. Garsoe's bill, and with the 36 assistant attorneys general who said they felt they should not be in any kind of bargaining unit.

If you look at the amendment that is being proposed to you, on the second page, the first paragraph tells the story. It says, "Inclusion in this bargaining unit creates the potential for serious conflicts of interest for the attorneys involved and for interference with their professional relationships with their client agencies. I don't care whether they are in this unit or any other unit, I still feel the statements made in that paragraph are very real."

I guess I was a little distressed to have this bill come before our committee at this time. First of all, I am sure that this group knew a

long time ago what unit they were going to be placed in, and I don't understand why they didn't use the process in appealing the inclusion in any unit at that time.

I think it is important to understand that 36 of this group say they want no representation; 20 say they do. The 20 who claim that they do also made it very clear to the committee that they wish to solicit or ask for representation when they feel the time is right for it. That, to me, means putting collective bargaining into a political posture, and that is not what collective bargaining is all about. You do not choose when, where and how you are going to do it. I got the distinct feeling that while things are going okay, they are very happy with their situation now, but should at a future time should they get another boss who is not as sensitive to their needs or their work situation, then they would go ahead and vote to have representation. I don't think that is right.

I would have preferred to have left them right where they are, because I don't believe in people walking out of a bargaining unit, no matter who they are, after the collective bargaining process has begun, but they seemed insistent and adamant that they want out. A majority said they wanted out. I feel they are getting an option to get out, and I would ask for the vote to be taken by the yeas and nays.

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

Mr. PELTIER: Mr. Speaker, Ladies and Gentlemen of the House: To me, this problem is this; these people are now in a unit, they want to get out of the unit. If we give them the authority to separate from the unit, they now have the option via election to be organized or not organized. To my simple mind, I don't see anything wrong with that. I would suggest you support the bill.

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

Mr. HOBBS: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to any member of the Labor Committee that would care to answer.

Did the committee, in their deliberations and discussions of this issue discuss this matter with the Attorney General to find out what his views were?

The SPEAKER: The gentleman from Saco, Mr. Hobbins, has posted a question through the Chair to any member of the Labor Committee who may care to answer.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: The answer is no.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I did not talk to the Attorney General on that. He is taking no position one way or the other. And that is just what he told me.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: I would ask you to defeat the report that Mr. Bustin is supporting and ask you to then support the Minority "Ought to Pass" report. I think my reasons for signing the Minority Report were based strictly on the conflict of interest and this is a very genuine concern. These attorneys general do represent state agencies and they also would be involved with personnel matters.

Now, according to the Maine Labor Relations Board, these attorneys would be excluded if they rendered advice on a regularly assigned basis to management personnel regarding either collective bargaining or employee relation matters. This would, in effect, exclude most of them from any unit anyway.

So I urge you to defeat the report that Mr. Bustin would like to have you pass this morning. Also, in doing a little research on this, I be-

lieve there is only one other state, and that is Wisconsin, that has any bargaining for Attorneys General.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I will add just one thing to this because I think you have heard just about everything there is to be heard on this particular bill, and that is that one of the reasons that I am interested and would hope that you would support the Minority Report is that if these people, assistant attorneys general, are allowed to get out of the unit that they are presently in but into another bargaining unit, what is to say that we won't have a whole run on the people who are on this similar technical unit? What about the assessors and the doctors who are in the Department of Health and Welfare and foresters and people like that? Each one of them might like to get out into a separate unit too. I think it would be a pretty chaotic thing if we had that many separate units bargaining in this state.

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 Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I am receiving a number of notes here asking me to try to explain what the status to this particular bill is, and I will certainly try to do the best I can, in as even-handed manner as I possibly can.

If we do nothing, if this bill fails, the assistant attorneys general will continue to be right under collective bargaining. They are under collective bargaining right now, they are part of the professional unit, just the same way as the doctors are who work for the state. They are part of the professional unit, that is if we do nothing.

Now, we have two reports before us. One report, supported by Mr. Bustin, says that because we can't leave them where they are because they are in conflict of interest on many matters, which they are, because they are asked to give essentially, advice, legal advice to management at the same time they are in the unit, which makes a very difficult job for any attorney, I can assure you, so Mr. Bustin feels they should be excluded from the current unit and put in their own unit. Now, that doesn't mean they will have collective bargaining; it gives them the right to vote on whether or not they want to be represented. It is the same right we have given to every other state employee.

Now, you do know that members of the Attorney General's Office have no job security. They serve there, all of them, just serve there at the pleasure of the Attorney General. They have no control over their wages, they have no control over their hours, their conditions of employment, what cases they work on, they serve at the pleasure of the Attorney General, whom ever they Attorney General may be. So, Mr. Bustin would give them the right to choose their own unit if they wanted to by a majority vote.

The position supported by Mrs. Tarr and Mr. Garsoe simply says that they shall never be allowed to collectively bargain at all. They will no longer be considered employees under the State Collective Bargaining Law, because for some reason, although doctors are included and various other professionals are included, lawyers, by statute, would no longer be included in the collective bargaining process, not just now but forever. That, I hope, has clarified the

issue somewhat.

Now, my position is that I feel that all state employees should have the right to choose whether they should be in a collective bargaining unit or not or if they should be in a union or not. They may vote, no and that is fine with me, I just believe they ought to have the right to choose, and that is all that Mrs. Bustin's report does. He removes them from the current unit where they are dwarfed by the thousands of other professionals, gives them their own unit and lets them decide whether they want to be organized or not. If you believe that attorneys general have the right to collective bargaining, you vote with Mr. Bustin; if you believe that they should not have the right to collective bargaining, then you vote with Mr. Garsoe. It is really that simple.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: I would just like to thank Mr. Tierney for that wonderful, unbiased opinion.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Tarr took the words right out of my mouth. I thought I understood this pretty well until he got up and started speaking on it.

I guess I had previously understood that the majority of the attorneys general did not want to be represented in any bargaining unit, so I thought that we were voting not on whether we were going to be represented in collective bargaining or not give them that right but whether we were going to force it down their throats whether they wanted in or not.

Perhaps I am mistaken on this and perhaps someone could correct me, but I had understood several speakers to say that 36 of the attorneys general did not want to be represented in any bargaining unit, 20 did and so we were not talking about giving them the right or not giving them the right, but rather forcing something on the majority that the majority did not want, and perhaps this is mistaken.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I have had two questions referred to me since I spoke and this will be, I hope, the last time I speak. The answer to the good gentelady from Augusta's question is that a minority can never, in a collective bargain situation, force on the majority something. If 36 of the assistant attorneys general don't want to be represented and 20 do, and Mr. Bustin prevails, then you have an election and the vote is 36 to 20, no representation, there is no union and Mrs. Kane doesn't have a problem. So, that particular problem is solved.

The second question is, how does Mr. Bustin's approach avoid the conflict of interest problem? What it does, by creating their own unit that means that the attorneys general would not be involved in any way as to giving labor management advice to people within the same unit. The conflict that arises is, if some management personnel within the state needs a legal opinion, they don't want to have to ask a member of the union that they need the advice on to get the legal opinion. That doesn't make any sense. That is why we need some type of bill to avoid that problem. A separate unit takes care of the conflict.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: May I pose a question to Mr. Tierney, please, for information? Would the election be by secret ballot or would the determination be made by secret ballot on the part of the attorneys general?

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, poses a question through the Chair to the gentleman from Lisbon Falls, Mr. Tierney, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Election procedures are established by the Maine Labor Regulations Board, and their procedure is that all ballots are definitely by secret ballot.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I think what is being forgotten here is that they key to this whole thing is when will they wish to decide whether they want to belong to a unit or not. As a member of the committee I tried to put an amendment on. I tried to ask if at least the vote on whether they should be represented or not could take place within a certain time frame. I was told "Oh no, leave that alone. It will be up to them. They will choose to decide if they want representation when they wish it." That could be three years down the road. That is what I object to. I think that point was not made very clear and I am reaffirming it. If they can get their act together, let them come back. We will either get them out or let them have a unit of their own. Right now there is no agreement amongst themselves. I think they tried to come in the back door a little too late.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I have been following this bill and learning through the debate what it does myself, but I think I know the answer to the point raised by the gentlewoman from Portland, Mrs. Beaulieu. Certainly, any unit in our state employees' bargaining system can decide to organize this year or if they are relatively happy and don't want to have a union, they can wait two years if conditions change, have a union then. It is whenever 30 percent of the member of that given unit determine that they want to have an election that an election will be called. Certainly, one of the best reasons I can think of is a change of management which makes working conditions more or less intolerable. So, I just don't see the merits of that argument. Certainly there are some other considerations to be made here, but whether they want to organize now or want to wait two years or want to wait six years or want to wait eight years is a determination that working people everywhere make. There is no special situation for the attorneys general.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: For six years I have sat here in this body and listened to the spokesman for the workman, the gentleman from Augusta, and the gentleman from Lisbon Falls; yet, today I am hearing them in the face of a very clear expression of what these laboring men as assistant attorneys general want is to be denied them — and women — and I am finding that difficult to accept. But let's accept that. I am asking this body to make a policy decision here today that I think overrides even what these employees want, and that is that these people should not be in a bargaining unit in light of the type of work they do. You don't have to be in the same union to recognize and respect a picket line, and don't think that is too far down the road in the future as a possibility.

There is a crossing of lines, a burden that you carry when you organize and become a union that I insist and that these people are telling us poses a conflict of interest down the road somewhere. So if we are to believe the arguments advanced by these two gentleman that have led us into this collective bargaining situation in the past, that it is for the employees, by the employees and of the employees, then let us defeat the gentleman's motion today and pass this bill which will say, as a policy statement, that the Attorney General's Office is not to be organized. Let's not leave the time bomb with an unlabeled fuse hanging down the road to further

complicate what is a complicated piece of business in the first place. We have got a clear expression. I was chagrined to hear the gentleman from Augusta raise just a doubt of question as to the propriety of the vote that was taken in this office. I think it is regrettable that he chose this method of attack. But there has been a very clear expression from these professional people that they want no part of collective bargaining. I hope we can accommodate them in this piece of legislation here today.

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

Mr. WYMAN: Mr. Speaker, I would like to pose a question. There have been a lot of references to the vote, of the clear sentiment of the attorneys general, and I was wondering if this was some kind of a formal vote by secret ballot or was it a straw poll; exactly how was it conducted, how formal was that?

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

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

Mr. GARSOE: Mr. Speaker and Members of the House: Let me give you a little background on this. We were told that there were two bills they wanted to come in, one to set up a separate unit — this is what you are considering here today — one to exclude assistant attorneys general from the bargaining process. A tally — I don't know — I am sure that it wasn't in a voting booth, I am sure these people are confident and secure enough that perhaps it was a poll, a verbal poll, but it has been represented to me and we made it public at the hearing and it wasn't challenged, and there were people there from both sides. So I think this agony of how accurate or how secret or how valid this poll was taken is a smoke screen and a red herring. It has been unchallenged in the hearing before the Labor Committee that this was the result of inquiring among these people as to how this should go and after this determination had been made, a bill was drawn up and, through the grace of my good friend in the other corner, it was handed to me to introduce. I don't know why they thought I would have any interest in introducing a bill of this nature but I was glad to do it.

I hope I have answered your question. I don't think you have to worry about how this determination was made. It was a clearly and openly expressed wish of the people of this office that they want out. They don't want any part of collective bargaining as professionals, as people who are involved daily with handling grievances and working with every department of state government in personnel matters, that they couldn't avoid a conflict of interest. That is why I am describing this as a policy decision that I hope this body will make.

Mr. Bustin of Augusta was granted permission to speak a third time.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I was not aware, until I heard the gentleman from Cumberland speak, that this particular issue had been elevated into a time bomb with an unlabeled fuse somewhere down the road. I mean, let's face it, all we are talking about is bargaining rights for the attorney general's staff.

We have a state collective bargaining law for state employees. You don't alter bargaining rights under formal laws by taking straw votes somewhere down in some office. I am not saying that there was anything illegal or dishonest, I would be shocked and chagrined myself to find that, but you just don't do business by taking straw votes somewhere.

The issue, again, is this, let's have a controlled-vote according to the law, which Mr. Garsoe sort of implied that Mr. Tierney and I had led us into to. I know that I am not ashamed of that; I am sure that Mr. Tierney is not ashamed of that. One of the provisions of



the law is a controlled vote for representation. If no representation wins, Mr. Garsoe has his point, but if you take the Minority Report, collective bargaining rights are lost to this class of employee forever, until someone comes in and passes a brand new law to grant those rights under some other future administration.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Since there has been some interest and question as to the process in which the vote was taken among the assisting attorneys general and the staff, I made some inquiries and would like to report to you as to the manner in which I understood it was done. There were no supervisors, no deputy attorneys general present, not attorney general was present. The topic came up in a staff meeting among the assistant attorneys general alone. At one point, they met with some MSEA people and another occasion, they met with some NLRB people. They decided that legislation that was proposed would be in their best interests. When the legislation was drafted, a copy was passed individually around to the members of the staff and they either indicated whether they approved of that legislation by signing it or disapproved of it. Apparently, the consensus was that there was approval for.

It seems fairly ironic to me to day that we have a group of attorneys that are always being lambasted and criticized for engaging and involving themselves in conflict of interest. Apparently the rationale of this proposed legislation is to preclude the appearance or actuality of any conflict of interest that may ever arise that they may be called upon in the course of their duties to pass upon as assistant attorneys general. I think it is laudible that they have taken the initiative in this case to try to avoid conflicts of interest for which the entire Attorney General's Department in the State of Maine could come under severe criticism at some point in time.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: When I came in this morning, I hadn't decided how I was going to stand on this bill, but I guess I have pretty much made up my mind now.

I guess I just have a couple of observations on Mr. Bustin's argument. One is that if anything that we did in this House was going to be forever, I don't think we would ever be able to do anything. I don't think we would be able to have that on our conscience, that it was never going to be turned around. I guess even in the short time I have been here, I have seen us do one thing one year and turn around and do another the next.

I guess what finally decided me was this business about the 56 people and impropriety of their vote and how it should be done under the labor relations board standards and control and all this other, and it just seemed astounding to me that 56 people who have gone to college and gone to law school, that we are trusting their opinion on all kinds of important matters that we deal with every day, cannot sit down and take a vote among themselves and count up one side and count up the other and have it mean anything without dragging the state into it and having the state set up a whole formal procedure. I just can imagine all the secret voting among 56 people who all know each other and probably know how each other stands on the issue anyway and you are going to have outside people doing the counting of 36 people and 20 people. It just seems absurd.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: With 16 legislative days remaining, I move 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 a 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 and voting having expressed a desire for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? That question is debatable for five minutes according to the rules. Those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken. 75 having voted in the affirmative and 31 in the negative, the main question was ordered.

The SPEAKER: The question now before the House is on the motion of the gentleman from Augusta, Mr. Bustin, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no, a roll call having been ordered.

#### ROLL CALL

YEA — Bennett, Benoit, Berry, Biron, Blodgett, Brennerman, Brown, K. C.; Burns, Bustin, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Curran, Dow, Dutremble, Elias, Flanagan, Goodwin, H.; Goodwin, K.; Hickey, Hobbins, Hughes, Jacques, Kany, Kilcoyne, Mahany, Maxwell, McHenry, Mitchell, Nadeau, Norris, Paul, Peltier, Prescott, Shute, Stubbs, Tierney, Valentine, Violette, Wood, Wyman.

NAY — Aloupiss, Ault, Austin, Bachrach, Bagley, Beaulieu, Berube, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bunker, Carrier, Carter, F.; Conners, Cote, Cunningham, Dexter, Diamond, Drinkwater, Dudley, Durgin, Fenlason, Fowlie, Garsoe, Gill, Gillis, Gould, Gray, Green, Greenlaw, Hall, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kelleher, Kerry, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McKean, McMahon, McPherson, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Quinn, Raymond, Rideout, Rollins, Sewall, Smith, Sprown, Stover, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Trafton, Twitchell, Whittemore, Wilfong.

ABSENT — Carey, Davies, Devoe, Henderson, Locke, Mills, Moody, Post, Silsby, Spencer, Truman, Tyndale.

Yes, 45; No, 93; Absent, 12.

The SPEAKER: Forty-five having voted in the affirmative and ninety-three in the negative, with twelve being absent, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for Second Reading later in today's session.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1083) on Bill "An Act to Amend the University of Maine Labor Relations Act" (H.P. 1919) (L.D. 1980) Report was signed by the following members:

Messrs. PRAY of Penobscot  
McNALLY of Hancock  
REDMOND of Somerset  
— of the Senate.

Messrs. BUSTIN of Augusta  
PELTIER of Houlton  
FLANAGAN of Portland  
ELIAS of Madison  
TARR of Bridgton  
DUTREMBLE of Biddeford  
Mrs. BEAULIEU of Portland

Mrs. LEWIS of Auburn

— of the House.

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

Report was signed by the following members:

Messrs. LAFFIN of Westbrook  
McHENRY of Madawaska  
— of the House.

Reports were read.

On motion of Mr. Bustin of Augusta, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-1083) was read by the Clerk and adopted and the bill assigned for Second Reading later in today's session.

#### Consent Calendar

##### Second Day

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

(H.P. 2016) (L.D. 2091) Bill "An Act to Clarify Admission Procedures at Pineland Center" (C. "A" H-1091)

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

#### Passed to Be Engrossed

Bill "An Act Providing for Notice to Parents Under the Child Abuse and Neglect Statutes" (H.P. 2143) (L.D. 2160)

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

#### Second Reader Tabled and Assigned

Bill "An Act to Amend the Maine Juvenile Code" (Emergency) (H.P. 2142) (L.D. 2163)

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

On motion of Mr. Hughes of Auburn, tabled pending passage to be engrossed and tomorrow assigned.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1978 (Emergency) (H.P. 2140) (L.D. 2161)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1978 (Emergency) (H.P. 2141) (L.D. 2162)

Bill "An Act to Provide a \$250,000 Grant to the New England College of Osteopathic Medicine" (S.P. 667) (L.D. 2055)

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

#### Amended Bills

Bill "An Act to Facilitate the Making of Decrees by the Industrial Accident Commission" (S.P. 643) (L.D. 2010) (C. "A" S-455; S. "A" S-476)

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

On motion of Mr. Burns of Anson, the House reconsidered its action whereby Senate Amendment "A" (S-476) was adopted.

The same gentleman offered House Amendment "A" to Senate Amendment "A" (H-1097) and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-1097) was read by the Clerk and adopted in non-concurrence.

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

The Bill was passed to be engrossed as

amended by Committee Amendment "A" and Senate Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

Bill "An Act to Correct the Inequitable Taxation of Mobile and Modular Homes" (H.P. 1976) (L.D. 2059) (C. "A" H-1092)

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

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: This is an area that certainly could stand some correction, but I don't understand how this bill does it. It appears that we are now going to spend \$18,000 in order to decrease the revenue to the state by \$537,000, and what is intended in this bill, as I understand it, is that we will only charge a sales tax for 50 percent of a mobile home or modular home. These homes, when they are completed, are in a different way from regular real estate property. Therefore, I fail to understand why the large decrease in the amount of sales tax collected. I wish that someone on the committee would explain what is intended by this particular approach to reforming the taxation of mobile and modular homes. I request a division on passage to be engrossed.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I am not on the Taxation Committee, but this is my bill. All this does is try to do away with some of the inequities for people who can only afford mobile and modular homes now purchase.

If you build a home, a stick-built home, you pay sales tax only on the material that goes into that home. You do not pay sales tax on labor or transportation, permits and all the other things. Whereas, if you buy a mobile home, you pay sales tax on the whole price, including labor, transportation and all extras. All this does is try to treat these homes and these people the same as anyone else.

The SPEAKER: The Chair will order a vote. The pending question is on passage to be engrossed as amended by Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 8 having voted in the negative the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

#### Passed to Be Enacted Emergency Measure

An Act to Revise the Brownville Junction Water District Charter (H. P. 2115) (L. D. 2147)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure Later Today Assigned

An Act to Establish Standards to Protect Maine Consumers Against Unsafe and Improperly Manufactured Cellulose Fiber Insulation (H. P. 1998) (L. D. 2079) (C. "A" H-1045)

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

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I have a question which I have tried to find an answer to and I can't seem to. The question I have to anybody on the Energy Committee is, is there a transition

period for those manufacturers to mark their bagging for all the regulations that are stipulated here. Is there a transition period, where it is emergency legislation, for them to do this? If they are manufacturing cellulose insulation and they are bagging it, their bags have to be marked. It would take time for those bags to be printed and changed over, and I would like to know if there is a transition period built in.

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

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

Mrs. HUBER: Mr. Speaker and Members of the House: My seatmate advised me to say to the gentleman from Windham that I am not trying to bag him with this bill; that is, in fact the case.

The section under which the standards would be set by the State Fire Marshal does not indicate any transition period; however, I believe this would be appropriate in the setting of the regulation. As you can see there, it would be done under the administrative procedures code, so my assumption would be, Mr. Diamond, that, yes, there would be a transition period.

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

Mr. DIAMOND: Mr. Speaker, I really don't like to vote on this with that assumption, because two manufacturers I have in my town are quite concerned about this. I could not vote for this unless I knew that for sure. I hope somebody will table it until we find out.

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

#### Passed to Be Enacted

An Act to Provide for Limited Guardianship (H. P. 1991) (L. D. 2064) (C. "A" H-1049)

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.

#### (Off Record Remarks)

On motion of Mr. Carroll of Limerick, Recessed until four o'clock in the afternoon.

#### After Recess 4:00 P.M.

The House was called to order by the Speaker.

#### Orders of the Day

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

Bill, "An Act to Support Improvement of Air Passenger Services" (H. P. 2048) (L. D. 2110)

— In House, Passed to be Engrossed on February 16, 1978.

— In Senate, Failed of Engrossment in non-concurrence.

Tabled — February 24, 1978 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

On motion of Mr. Quinn of Gorham, tabled unassigned pending further consideration.

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

HOUSE REPORT — "Ought to Pass" in New Draft (H. P. 2139) (L. D. 2159) — Committee on Taxation on Bill, "An Act Relating to the Taxation of the Unorganized Territory" (H. P. 2059) (L. D. 2117)

Tabled — February 27, 1978 by Mr. Quinn of Gorham.

Pending — Acceptance of the Committee Report.

On motion of Mr. Quinn of Gorham, tabled unassigned pending acceptance of the Committee Report.

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

HOUSE REPORT — "Ought to Pass" — Committee on Education on Bill, "An Act to Clarify the Education Laws" (H. P. 2018) (L. D. 2093)

Tabled — February 27, 1978 by Mr. Quinn of Gorham.

Pending — Motion of the same gentleman to Accept the Committee Report.

On motion of Mr. Quinn of Gorham, tabled unassigned pending motion of the same gentleman to accept the Committee Report.

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

SENATE DIVIDED REPORT — Report "A" (6) "Ought to Pass" as Amended by Committee Amendment "A" (S-487) Report "B" (4) "Ought Not to Pass" — Report "C" (1) "Ought to Pass" as Amended by Committee Amendment "B" (S-488) Committee on Natural Resources on Bill, "An Act to Facilitate the Operation of the Spruce Budworm Suppression Act" (Emergency) (S. P. 678) (L. D. 2095)

— In Senate, Bill and papers Indefinitely Postponed.

Tabled — February 27, 1978 by Mr. Blodgett of Waldoboro.

Pending — Acceptance of Any Report.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

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

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

Mr. MCBREARITY: Mr. Speaker, is it in order that we recede and concur?

The SPEAKER: The Chair would answer in the negative. However, if the gentleman wishes to kill the bill, he could move to indefinitely postpone in concurrence.

Mr. MCBREARITY: Mr. Speaker, I so move. Back in 1976, at the Department of Conservation's request, a 42-page amendment was added to my four-page bill. This amendment was called the "Spruce Budworm Suppression Act" or a six-year plan which will end in 1981. According to the Department of Conservation, this plan was worked out by many interested people, including landowners, University of Maine people, Canadian forestry people, the U.S. forestry people, bankers, lawyers and many others. At that time, the boundaries were set for the budworm protection district and agreed on by all concerned, including the Department of Conservation.

Now the Department of Conservation, with this bill, is trying to break their own suppression act or agreement. Any changes in boundaries before 1981 will not only be unfair to the landowners left within the district who will have to pay more excise tax, but also unfair to those who have been paying tax who may need some protection before 1981 who will be taken out of the protection district. I strongly feel that the present agreement should be honored until 1981.

Back in 1975, when we decided to put this excise tax on, we got a ruling from the Attorney General's Office. That ruling indicated that if we put this on a total class of people or landowners, this, at the time, was landowners who owned 500 acres or more, that it was constitutional. I strongly feel that if we arbitrarily take out part of these people, that it will no longer be constitutional. Therefore, I hope you will indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. McBrearity's statement of what has happened here, I think there may be another side of the issue also.

Instead of speaking strictly as a class of people, we might look at it as the boundary of

Maine or within the State of Maine being redrawn.

When the original spruce budworm district was drawn up, they included a much larger area than what is being sprayed today. As the past couple of years have gone by, the Forestry Department has started to reduce the spraying of certain areas. I think we should understand that all people owning large tracts of land, there have been a few exemptions made, but, I think generally we can say that most of the landowners with large interest are having to pay a tax. Now these people who are not being sprayed, who can never be sprayed or will never be sprayed, have been withdrawn with this bill. I think it is only fair that we do this in that they will have no opportunity to receive any benefits from the spraying and that they should not be obliged to pay a tax on the land where they are not going to receive any of these benefits at all.

I would urge you to accept Report A.

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

**MR. HALL:** Mr. Speaker, Ladies and Gentlemen of the House: I think there are a few things that you ought to know, right here and now. There are certain areas in the state that aren't going to be sprayed, have never been sprayed, and I happen to be the representative of one area that will never be sprayed. In the area that I represent, if you have your map before you that was put on your desks this morning, you will see what I mean. Along the Piscataquis River, around Sebec Lake, these areas were not supposed to ever be sprayed and yet, they constantly have taxed us for \$19,052.25, of which pretty near \$9,000 comes from the small landowners with 500 acres up to a 1000.

A couple of weeks ago, they had a guy from Scott Paper Company before our committee — umm, I have heard a lot of tales in my life but this one topped them all. He was talking about insurance, and one thing about insurance, ladies and gentlemen, you pay on a policy and if you have a fire or an accident, you are going to collect but this one, they tell us we will never be able to collect. So this is what it is all about. The area that we are talking about, they have already told us that they are never going to spray; yet, they are very willing to take the 70 cents an acre for the softwood and 35 cents an acre assessment for the hardwood. To me, that is wrong. If they are not going to spray it, why should be forced to pay for it?

**THE SPEAKER:** The Chair recognizes the gentleman from Bethel, Miss Brown.

**MISS BROWN:** Mr. Speaker, Ladies and Gentlemen of the House: I also represent a district which is involved in the property that will be removed from this. Many of my constituents feel that even though they won't be receiving the spray from this, when in fact they are paying into it, they will be receiving something. They are all part of the wood industry, as many of the businesses in the state are maintained by the wood industry, and they look at it as being supportive of that. They realize that they are not going to be sprayed, partly because of geographical location, partly because they are not infested, but they still want to stay in this program and they are still willing to pay these tax dollars to keep the industry safe.

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

**MR. DEXTER:** Mr. Speaker, Men and Women of the House: I, too, represent an area involved, the western mountains. They tried spraying it once and it wasn't cost effective, so now what they are trying to do is make my people pay right through until 1981, a so-called insurance policy, as Mr. Hall has pointed out. I would like to sell that kind of insurance. I would go into the insurance business in a hurry if I could sell a policy like that, that my customers couldn't collect from. I think everyone here would.

Right north of the western mountains is the Quebec area, heavily infested, and the prevailing wind is from the northwest. If you can tell me some way you can keep those pesky budworms back in Canada and out of my area, that is fine. In my particular area, we practice silver culture. In other words, we remove the food that this worm feeds on and the present system just perpetuates the infestation.

That is all I have to say and I hope you vote for the indefinite postponement.

**THE SPEAKER:** The Chair recognizes the gentleman from Perham, Mr. McBrearity.

**MR. MCBREARITY:** Mr. Speaker, Members of the House: A good portion of this proposed withdrawal is in Aroostook County.

Two or three years ago, or whatever time it was, I had an amendment put into this suppression act that included the small landowners in Aroostook County who needed some protection. There hasn't been one person in Aroostook County that I know of that has requested that they be withdrawn — not one person. The only benefit that they will get, if they are left in, is that if they do need protection and do spray, they will be able to take advantage of the federal dollars that are being put into the program. They will still have to pay the total amount of the non-federal share.

While I am up, I would like to announce that at one o'clock tomorrow, down in Room 228, we are going to show a film that was made in Canada in areas where they haven't sprayed, and I hope as many of you that have time will come down and see that film.

**THE SPEAKER:** The pending question before the House is on the motion of the gentleman from Perham, Mr. McBrearity, that this Bill and all its accompanying papers be indefinitely postponed in concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Hall of Sangerville requested a roll call.

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

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

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

**MS. BENOIT:** Mr. Speaker, Men and Women of the House: I think we should talk about this a little bit more. Representative McBrearity has referred to the district which was set up when the area was originally designated. This was arbitrarily drawn at that time. Since then, the bureau has had new information, and at this point they have determined that they are not going to spray certain areas of the state.

You have this map on your desks, or I hope you do, along with a letter signed by John Walker of the Maine Forest Service. In this letter he states, "In the absence of legislative guidance to the contrary, the Bureau of Forestry does not plan to spray in the 110 towns in 1978 or in the future." If you leave this district the way it is, these people or landowners are still going to have to pay the tax, and as Representative Hall has said, they will get absolutely nothing for it. I personally don't think it is right to have to pay this tax for something they know they are not going to get.

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

**MR. PEARSON:** Mr. Speaker, Ladies and Gentlemen of the House: I think it is in error to say that people don't get anything from it if you don't spray in their area. I think you have benefits that accrue to the whole state if you spray for spruce budworm. I think it is awfully important to keep in mind, everyone of us in here, that the wood industry in this state produces a third of the income of this state and I hope I say this right, Mr. Speaker, that fir is a very impor-

tant ingredient of fine paper.

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

**MR. GREEN:** Mr. Speaker, Men and Women of the House: I rise today in opposition to the pending motion of indefinite postponement and would hope that this House would see fit to adopt Report A. The Committee on Natural Resources spent a lot of time and a lot of work sessions on this bill and I think some of the arguments that you have heard thus far are very valid. But I guess as far as I am concerned, and it was my feeling at the time I signed the report that I did, that allowing certain districts, certain towns and municipalities or areas of the so-called suppression district to withdraw, to get out from under the program, knowing full well they would never be sprayed, thus not being taxed for it, goes a little bit broader, I guess. It would be my hope that by 1981, the state is supposed to be out of the budworm program altogether and it would be my hope that perhaps we could end the spraying by then as well. However, I am not sure that that will happen at that time.

Again, let me just say that there are alternative methods to spraying that haven't even been discussed here yet today, such as biological controls as well as cutting. For those of you who want to know specifically who is opposed to this bill and who is in favor of it, let me just say, the Brown Company, Seven Islands and the Timberlands, Inc., have all asked that their lands be withdrawn from the sprayed area or the district. Camp owners at Sebec Lake have also asked that they be withdrawn, as well as people in Representative Hall's area and so on.

The companies who want to keep the program or the district intact, exactly the way it is, are the International Paper Company, Scott Paper Company and the J. M. Huber and Boise Cascade. I would just say, once again, that the lobbyists for the paper companies who spoke in opposition to the bill, did so primarily upon the basis that when the suppression act was created, they all entered this project or program together, and those companies who are spraying those companies who are still in the district, feel that everyone should either sink or swim. That is essentially what it boils down to. We all go together or no one goes. It is my feeling that those areas that want to get out from under this district should have the right to do so, at any time they desire.

The Brown Company, for example has discovered alternatives already, and even though they are not going to be sprayed, they have already cut some of their land. There is a good argument that can be waged, I believe, from the material that was submitted at our hearing, that spraying does absolutely nothing to diminish the infestation of the budworm itself but merely sustains their life cycle by preserving their food source. I think it would behoove this legislature to examine that a little bit closer.

I would urge this legislature to vote against the pending motion and accept Report A.

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

**MR. DUDLEY:** Mr. Speaker, Ladies and Gentlemen of the House: I perhaps have a little different view of this matter. I view it like the main street was on fire and if you don't put it out, it is liable to be on second street or some other street. As I view the spraying in my area, I see it in this manner. Just because it has not hit certain lands and certain lands have not been sprayed, it may have prevented it from getting on these lands where they did spray. If they hadn't sprayed, it would have been on these lands. It looks like a fire anywhere it has been. If it is stopped in one given area, it won't get in the other areas.

Let me say further that I am sure that they would reconsider. If an area broke out and was badly infested, they would change their plans because it is like fighting a forest fire or a fire

on a certain street, you have to go where the fire is the worst to put it out.

I feel quite certain that we ought to stay with the program for another year or so and then there will be some other biological change or some other method that will work better. Presently, they haven't come up with anything that convinces me at the present time that it is better. I wish there was and I think everybody in the wood business wishes there was, but we haven't seen anything yet that looks better and I hope they keep this program at least another year or two, until they find something better.

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

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: Somewhere, somebody has missed the point. If that little fire starts in my area in the western mountains, they are not going to put it out. They have said so publicly. They are just not going to put it out, so that argument doesn't hold water — no way. Would you want to pay for the next three years for protection which you are not going to get in any way, shape or manner?

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

Mr. HICKEY: Mr. Speaker, I would like to pose a question through the Chair to one of the sponsors. In the event that these areas are withdrawn, what effect will it have on the continuation of the spraying program?

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker and Members of the House: Not one iota, not one bit of difference. The only difference that this will mean possibly to some of the people left, they might have to pay about two cents an acre more, and that is what the whole issue is about — two or three cents an acre more, and this is why there is this strong objection.

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

Mr. MCBREARTY: Mr. Speaker and Members of the House: I guess our area is a little different. All the towns on this map that are going to be pulled out in Aroostook, many of them are organized areas. It is small woodlot owners, and the difference to those people will be probably half the 36 percent, the 50 percent of the total cost of spraying, because if they are pulled out and they have to do it this spring, as they do it, they will have to do it all on their own.

I just can't see why you people would want to pull these people if they are not asking to be pulled out. They want to stay in the program and many of them in the other area want to stay in the program. This is just a start to kill the whole program; that is what I think it is.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: To clarify a little more on what Representative stated, it would make some difference. If we took the area out, in my own particular area it would make a difference of a third or a half a cent an acre in an expense that would cost the paper companies that already want to spray their land. If they took the part out of our area, it would cost them a third to a half a cent an acre more.

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

Ms. BENOIT: Mr. Speaker and Members of the House: I would like to make some more points. This bill does not determine spray area. If you don't pass this bill, this area is not going to be sprayed. The department has said that, it is not going to be sprayed.

Mr. McBrearty's landowners are going to have to pay for their own spraying anyway because the department is not going to do it with

or without this bill.

I think another point that should be made, that this bill came from the department. They did not feel that it was fair for these landowners to be taxed if they were not going to be sprayed. So by trying to do a good thing, I kind of opened a big can of worms.

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

The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, I ask permission to abstain from voting on L. D. 2095 because of an apparent potential conflict of interest.

The SPEAKER: The Chair will grant permission to the gentleman from Falmouth, Mrs. Huber, to refrain from voting on this item pursuant to House Rule 19.

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

Mr. QUINN: Mr. Speaker, I would like to pair my vote with Mr. Jalbert of Lewiston. If he were voting, he would be voting yes; if I were voting, I would be voting no.

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

Mr. KELLEHER: Mr. Speaker, I would like to pair my vote with the gentleman from Waterville, Mr. Boudreau. If he were here, he would be voting yes, and if I were voting, I would be voting no.

#### ROLL CALL

YEA — ALoupis, Ault, Austin, Bagley, Bennett, Birt, Brown, K.L.; Brown, K. C.; Bunker, Carter, F.; Churchill, Connors, Cunningham, Dudley, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Higgins, Hunter, Immonen, Joyce, Kane, Kany, Laffin, Littlefield, Lougee, Lunt, Masterman, McBrearty, Nelson, N.; Pearson, Peltier, Perkins, Plourde, Rideout, Sewall, Silsby, Smith, Teague, Theriault, Torrey and Whittemore.

NAY — Bachrach, Beaulieu, Benoit, Berry, Berube, Blodgett, Boudreau, A.; Breneman, Burns, Bustin, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Dexter, Diamond, Dow, Drinkwater, Durgin, Fowle, Goodwin, K.; Gray, Green, Greenlaw, Hall, Hickey, Hobbins, Howe, Hughes, Hutchings, Jackson, Kerry, Kilcoyne, LaPlante, Lewis, MacEachern, Mahany, Martin, A.; Masterton, McHenry, McKean, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Norris, Paul, Prescott, Raymond, Rollins, Sprowl, Stover, Strout, Stubbs, Talbot, Tarr, Tierney, Tozier, Trafton, Truman, Valentine, Violette, Wood, and Wyman.

ABSENT — Biron, Carey, Carrier, Cote, Davies, Devoe, Dutremble, Elias, Goodwin, H.; Henderson, Jensen, Lizotte, Locke, Lynch, Mackel, Marshall, Maxwell, McMahon, Mills, Palmer, Peakes, Peterson, Post, Shute, Spencer, Tarbell, Twitchell, Tyndale and Wilfong.

PAIRED: Boudreau, P.; Jalbert, Kelleher and Quinn.

ABSTAINED: Huber.

Yes, 45; No, 70; Absent, 30; Paired, 4; Abstained, 1.

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

Thereupon, Report A was accepted in non-concurrence and the Bill read once. Committee Amendment "A" (S-487) was read by the Clerk and adopted in non-concurrence.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" in non-concurrence and sent up for concurrence.

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

A Joint Resolution in memory of ALLEN NUGENT of East Millinocket and Chamberlain Lake, who for more than half a century was a legend among Maine sportsmen (S. P. 712)

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

#### Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Clarify Statutes Relating to the Confidentiality of the Records of the Department of Mental Health and Corrections" (S. P. 662) (L. D. 2042)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

#### Non-Concurrent Matter

Bill "An Act to Establish and Apply a Policy on the Classification of Major Policy-Influencing Positions Below the Head of State Department and Agencies" (H. P. 2051) (L. D. 2111) on which the House insisted on its former action whereby the Bill was Passed to be Enacted on February 16, 1978 (H. "A" H-995; H. "B" H-1002; H. "D" H-1006; and H. "E" H-1016)

Came from the Senate with that Body having insisted on its former action whereby the Bill was Passed to be Engrossed as amended by Senate Amendment "B" (S-477) and House Amendments "A" H-995; H. "B" H-1002; H. "D"; H-1006; and H. "E" H-1016 and asked for a Committee of Conference.

In the House: On motion of Mr. Curran of South Portland, the House voted to insist and join in the Committee of Conference.

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

#### Consent Calendar

##### First Day

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

(H. P. 1975) (L. D. 2061) Bill "An Act to Improve the Short-term Investment Capabilities and Debt Management of the State" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1098)

No objections having been noted, was ordered to appear on the Consent Calendar of March 1 under listing of Second Day.

##### Second Reader

##### Later Today Assigned

Bill "An Act to Permit Law Enforcement Officers, Agencies and Associations to Make Limited Solicitations for Advertising in or Purchase of Certain Publications Published by Them" (H. P. 2153) (L. D. 2167)

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

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

Mr. MACEachERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill, I think, is a bad bill. Two or three years ago, we had an instance when the state police were running some sort of an entertainment program in the state and they hired an out-of-state agency to solicit advertising in their program. These people called businessmen, several of them in my own area, and represented themselves as being representatives of the state police, giving the impression that they were state police officers. They told the people, one person in particular who runs a wrecker service, they said, "We understand that the state police use your wrecker service and we feel that you should buy a \$50 ad. This was a man who runs a small garage and he has one wrecker. He was given



the impression that the state police were telling him that unless he bought a \$50 ad in this publication, that somebody else probably would get his business.

This bill opens the door for reoccurrence of the same type of thing. I don't think that any law enforcement agency should be in the position of twisting somebody's arm in order to get some money out of them on a publication. This bill would do just exactly that.

As you all know, I am a retired police officer and I have got the greatest respect for all police agencies, and I think this is one area here where they could lose a lot of their prestige if they are allowed to do these things. I don't think they need money that badly.

For these reasons, I move the indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves the indefinite postponement of this Bill and all its accompanying papers.

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

Mr. GARSOE: Mr. Speaker, a point of inquiry. We don't seem to have that bill in our possession in this corner.

On motion of Mr. Higgins of Scarborough, tabled pending the motion of Mr. MacEachern of Lincoln to indefinitely postpone and later today assigned.

#### Passed to Be Engrossed

Bill "An Act Clarifying the Definition of State Employee under the State Employees Labor Relations Act so as to Exclude Certain Attorneys Employed by the Attorney General's Office (Emergency) (H. P. 1941) (L. D. 2020)

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

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

Mr. McHENRY: Mr. Speaker, I would like to have this tabled for one legislative day.

Whereupon, Mr. Garsoe of Cumberland requested a division.

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

A vote of the House was taken.

Whereupon, Mr. McHenry of Madawaska requested a roll call vote.

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

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

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

#### ROLL CALL

YEA — Bennett, Blodgett, Brenerman, Brown, K. C.; Connolly, Curran, Dow, Flanagan, Fowle, Greenlaw, Hobbins, Howe, Kany, LaPlante, Littlefield, Mahany, Martin, A.; Masterman, McHenry, Mitchell, Nelson, N.; Norris, Pearson, Peltier, Rideout, Stubbs, Talbot, Theriault, Torrey, Tozier, Truman, Violette

NAY — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Benoit, Berry, Berube, Birt, Boudreau, A.; Brown, K. L.; Bunker, Burns, Bustin, Carroll, Carter, D.; Carter, F.; Clark, Connors, Cox, Cunningham, Dexter, Diamond, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Hall, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane,

Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Lougee, Lunt, MacEachern, Mackel, Masterton, McBreairey, McKean, McPherson, Moody, Morton, Nadeau, Najarian, Nelson, M.; Paul, Perkins, Plourde, Prescott, Quinn, Raymond, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Strout, Tarr, Teague, Tierney, Trafton, Valentine, Whittemore, Wood, Wyman

ABSENT — Biron, Boudreau, P.; Carey, Carrier, Chonko, Churchill, Cote, Davies, Devoe, Dutremble, Elias, Goodwin, H.; Henderson, Hughes, Jacques, Jalbert, Jensen, Lizotte, Locke, Lynch, Marshall, Maxwell, McMahon, Mills, Palmer, Peakes, Peterson, Post, Shute, Spencer, Tarbell, Twitchell, Tyndale, Wilfong.

Yes, 32; No, 84; Absent, 34.

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

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

Mr. McHENRY: Mr. Speaker, I just wanted to know if these people in the Attorney General's Office, if you don't want them to be in a union, I don't think they should be in the Bar Association either, which is a union. I just wanted to know the answer to this question and I was thinking of presenting an amendment. That is my reason.

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

Bill "An Act to Amend the University of Maine Labor Relations Act" (H. P. 1919) (L. D. 1980) (C. "A" H-1083)

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

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

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

February 28, 1978

The Honorable Edwin H. Pert

Clerk of the House

108th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Insist and Join in a Committee of conference on, RESOLVE, Authorizing Certain Employees of the State of Maine to Request an Extension of Employment After Their Mandatory Retirement Age, Years of Service Requirement or Age and years of Service Requirement. (H. P. 2101) (L. D. 2140)

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

#### Ought to Pass in New Draft Tabled and Assigned

Committee on Performance Audit on Bill "An Act to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission" (S. P. 664) (L. D. 2044) reporting "Ought to Pass" in New Draft (S. P. 703) (L. D. 2150)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-478)

In the House, the Report was read.

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

Mr. TALBOT: Mr. Speaker, where this bill has been amended in the Senate this morning and I haven't had a chance to really digest that and the ramifications of the bill, I wonder if somebody would table this for one legislative

day?

Thereupon, on motion of Mrs. Berube of Lewiston, tabled pending acceptance of the Committee Report in concurrence and tomorrow assigned.

#### Non-Concurrent Matter

Bill "An Act to Clarify Certain Definitions under the Subdivision Law and to Set Out the Intent of the Legislature in Enacting that Law" (H. P. 1935) (L. D. 2006) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-1032) as amended by House Amendment "A" (H-1053) thereto in the House on February 17, 1978.

Came from the Senate with the Bill and papers Indefinitely Postponed in Non-Concurrence.

In the House:

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

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

Whereupon, Mr. Blodgett of Waldoboro requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Ellsworth, Mr. Silsby, 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.

Whereupon, Mr. Strout of Corinth 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 Ellsworth, Mr. Silsby, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Berry, Brown, K. L.; Brown, K. C.; Bunker, Carroll, Carter, F.; Connors, Cunningham, Diamond, Drinkwater, Durgin, Fenlason, Flanagan, Garsoe, Gould, Gray, Higgins, Hunter, Hutchings, Immonen, Jackson, Kane, Kelleher, Kerry, Lewis, Littlefield, Lougee, Lunt, Mackel, Masterman, McBreairey, McPherson, Nelson, N.; Norris, Paul, Peltier, Perkins, Sewall, Silsby, Smith, Stover, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Whittemore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berube, Blodgett, Boudreau, A.; Brenerman, Burns, Bustin, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Dexter, Dow, Dudley, Fowle, Gill, Goodwin, K.; Green, Greenlaw, Hall, Hickey, Hobbins, Howe, Huber, Joyce, Kany, Kilcoyne, Laffin, LaPlante, MacEachern, Mahany, Martin, A.; Masterton, McHenry, McKean, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, N.; Pearson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Sprowl, Stubbs, Talbot, Tierney, Trafton, Truman, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Biron, Birt, Boudreau, P.; Carey, Carrier, Churchill, Cote, Davies, Devoe, Dutremble, Elias, Gillis, Goodwin, H.; Henderson, Hughes, Jacques, Jalbert, Jensen, Lizotte, Locke, Lynch, Marshall, Maxwell, McMahon, Mills, Palmer, Peakes, Peterson, Post, Shute, Spencer, Tarbell, Twitchell, Tyndale.

Yes, 52; No, 65; Absent, 34.

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

Thereupon, on motion of Mr. Blodgett of Waldoboro, the House voted to adhere.



By unanimous consent, ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association" (Emergency) (H. P. 2138) (L. D. 2165) which was referred to the Committee on Appropriations and Financial Affairs in the House on February 24, 1978.

Came from the Senate Passed to be Engrossed without reference to the Committee in non-concurrence.

In the House:

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

Ms. GOODWIN: Mr. Speaker, I move we insist and would speak briefly.

The SPEAKER: The gentlewoman from Bath, Ms. Goodwin, moves that the House insist.

The gentlewoman may proceed.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: The bill before you is the first collective bargaining bill to come before this legislature that involves over \$500,000 in both General Fund money and Highway Fund money. I doubt if some of you have even had a chance to read the bill yet. As far as I know, the only discussion which has been held on this L. D. was between Representative Morton and myself and Lanny Mosher representing the state and Bill Trobe representing the State Troopers Association.

I feel very strongly that it is a bad precedent to pass this bill this quickly without even referring it to a committee. I am not sure that it is necessary to hold a public hearing, since it has been agreed upon, but I do believe that there should be an open discussion of this bill, that there should be a working session at which anyone may come in and discuss the bill, at which they may have both sides present. Mr. Mosher and Mr. Trobe have expressed their willingness to come up to the Appropriations Committee if we would like them to discuss the terms of this agreement. I don't believe that we should set the precedent that all collective bargaining bills are going to be automatically be passed without being referred to committee. I therefore have moved that we insist.

Thereupon, on motion of Ms. Goodwin of Bath, the House voted to insist.

By unanimous consent, ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

Bill "An Act to Restructure the Fuel Adjustment Clause" (H. P. 2092) (L. D. 2137) which was Passed to be Enacted in the House on February 17, 1978 (Having previously been passed to be engrossed)

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-484) in non-concurrence.

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

#### Non-Concurrent Matter

Bill "An Act to Permit Persons Other Than Arborists to Take Down Trees by Topping or Sections" (H. P. 1858) (L. D. 1925) which was Passed to be Enacted in the House on February 27, 1978 (Having previously been passed to be engrossed as amended by Senate Amendment "A" (S-460))

Came from the Senate Bill and Papers Indefinitely Postponed in non-concurrence.

In the House:

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

Mr. STROUT: Mr. Speaker, I move we insist and ask for a Committee of Conference.

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

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

Whereupon, Mr. Strout of Corinth requested

a division.

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.

29 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Strout of Corinth, the House voted to insist and ask for a committee of conference.

#### Consent Calendar

##### First Day

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

(S. P. 675) (L. D. 2083) Bill "An Act to Encourage the Formation of Small Business Investment Companies" Committee on Business Legislation reporting "Ought to Pass"

No objection having been noted, was ordered to appear on the consent calendar of March 1 under listing of the Second Day.

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

#### Ought to Pass with Committee Amendment

Mr. Whittemore from the Committee on Business Legislation on Bill "An Act to Amend the Charitable Solicitations Act to Change the Responsibility of Religious and Small Organizations" (Emergency) (H. P. 2015) (L. D. 2090) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1100)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-1100) was read by the Clerk and adopted.

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I have one question that I am sure someone from the Business Legislation Committee can answer, or at least I hope they can. I haven't had a chance to review this bill and I know there has been legitimate concerns voiced by religious organizations about whether or not they had to report some receipts from Saturday evening suppers that may have incurred maybe four or six times a year. Is it safe to assume that this particular bill exempts those types of religious organizations from that reporting requirement?

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

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

Ms. CLARK: Mr. Speaker, I would be very happy to respond to that inquiry. It is indeed safe to assume that those kinds of activities would not be covered by the Charitable Solicitations Act.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Permit Law Enforcement Officers, Agencies and Associations to Make Limited Solicitations for Advertising in or Purchase of Certain Publications Published by Them" (H. P. 2153) (L. D. 2167) which was tabled earlier in the day and later today assigned.

Pending — Motion of Mr. MacEachern of Lincoln to indefinitely postpone.

The SPEAKER: The Chair recognizes the

gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker and Members of the House: I put this bill in at the request of the representative of the Maine State Troopers Association, also because I had some misgivings about the extent to which we went last year in trying to prohibit, trying to stop the kinds of abuses that the gentleman from Lincoln referred to, abuses which were certainly real and which all the members on the Business Legislation Committee were concerned with.

I don't think it was the position of the committee that law enforcement officers or associations should be absolutely prohibited from making solicitations or at least somehow trying to raise funds from other than their own members for certain purposes. I think it was the position of the committee that we should prohibit that and any kind of a circumstance where there was a possibility that arm twisting, coercive or abusive solicitation tactics could be used, so in trying to do that a year ago, we came out with a bill which prohibited law enforcement officers, agencies or associations, or there agents, from soliciting, except under two circumstances, and those two circumstances are in the present law and they are on the front page of your bill, sections one and two.

The front page of your bill, L. D. 2167, Subsections 1 and 2 are present law, and I will go through them. The first one is that essentially someone who is campaigning for an elected law enforcement office, and I think the only one in this state is county sheriff, may raise campaign funds from members of the public. The second exception is that these agencies or associations may put on some kind of an event, and the kind of thing we envision would be a concert, a country and western show, something of that sort, to which tickets could be sold through the normal kinds of outlets that tickets would be sold for such an event, ticket outlets and mass media advertising, but specifically prohibited under this law is direct contact with the public. Law enforcement officers or their agents or their associations cannot call on the phone or go visit members of the public to try to peddle tickets, and it was through those means of contacting the public in the past that coercive tactics and abuses existed.

The Maine State Troopers Association, and I think a few municipal organizations as well, are interested in putting out internal newsletters or magazines, in-house publications, and in order to do this, they would like to be able to provide advertising space for those persons who would like to buy an ad. So they came to us to ask us if there was some way that they could be permitted to do this and yet stay within the framework of prohibiting coercive tactics. So what we have done is to say that they can, in fact, publish such a journal and they can send it out, but they cannot call on the telephone, they cannot go visit and, in fact, they can't even send a cover letter on top of this newsletter to the person they want to solicit. All they can do is send out a copy of it, and if somebody takes the time to look through it, they can see that, yes, there are advertising rates and advertising space available, but only if the person who receives that newsletter decides to take it upon himself to call the agency making the publication will any direct contact of any sort be made between the police agency or police association and the general public. The Committee feels that we are opening up the possibility that they may produce an in-house publication without opening up coercive solicitations tactics.

I think it is a reasonable measure and I think that there is no reason they should be prohibited from making this kind of a publication, so long as the public feels safe that their arms aren't going to be twisted. So I would hope that you would oppose the present motion to indefinitely postpone the bill.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: The reason that the bill that we passed in the first session was right to this point whereby personnel other than the law enforcement personnel were making calls and were selling this advertising. With this broad brush that we hit that in order to do away with it because there were some problems with it, we also included and precluded law enforcement personnel from putting on balls, dances, for themselves and the entertainment of other people. We also precluded them from putting on fairs, because we said that any monies raised by such activity could not go to the benefit of the law enforcement personnel themselves or their families. Consequently, we, with our broad brush, eliminated exactly what is trying to be reinstituted now and it should be the other way. We should try to get it back so we could have sheriffs' balls and other type things again.

Up in our county alone, we raised over \$2,000 a year that went to the mentally retarded from the sheriffs' dances. We are now precluded from doing that, and this bill would not authorize it.

Mr. Speaker, I ask for the yeas and nays.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I have a question that I would like to direct toward Mr. Howe or some other member of the committee. After looking over this section, it doesn't read to me the same way it was described by Mr. Howe. He seemed to be saying that these magazines would be sent out to people and then if people got the idea that they would have to somehow figure out how to do it and so forth, but the language doesn't seem to say anything about that and maybe there is more to it, there is some other part of the law that is not being changed that makes it more easily understood, but as I read it, it doesn't say really to what limits the police could go in order to get the subscriptions or the advertising, and I don't see any mention there of — I see that they can't initiate any contact themselves, but where is the wording that says that their representatives can't contact people and offer to sell them or make explanations about the sale of the advertising.

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

Mr. HOWE: Mr. Speaker and Members of the House: I think in order to find that, we would have to go to the rest of the present law which prohibits law enforcement officers, associations, or their agents from soliciting, except under the following three exceptions, and that exception, as you do point out, says that they can offer this advertising but they cannot make any personal contact with the public.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: As a result of that, then, I would have to conclude that some advertising agency or some other representative of the police would be able to make the solicitation, because if the other part of the law which we don't see says that no solicitations can be made except under the following exceptions, then we are saying under these circumstances solicitations can be made. It seems to me, and I realize I am talking in ignorance because I don't have the whole law, but I am just trying to understand on the basis of what other people are saying.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I think I understand the problem of trying to look at it without having the whole law in front of us as opposed to just the bill. The whole law prohibits law enforcement associations or their members or their agents — that would include an advertising

agency that was hired by a law enforcement agency from making any solicitations except under these categories, but even then no person shall initiate the contact with the public. They can send the material out but only if a member of the public goes back to them and says, "I am interested in buying an advertisement" can there be any direct contact between the agency and the public.

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

Mr. MACEachern: Mr. Speaker and Members of the House: This is the crux of my objection to this bill. If you have any other section of the law saying that no law enforcement association or agency or no representative or so forth can make these solicitations, and then you come down to Section 2 and make an exception and the exception says that no law enforcement officer or member of a law enforcement association or agency can do this. But it doesn't say in this particular section that they can't hire an advertising agency and have them make the solicitation, which is exactly what the problem was two or three years ago.

Mr. Howe of South Portland was granted permission to speak a third time.

Mr. HOWE: Mr. Speaker and Members of the House: An advertising agency hired by a law enforcement agency would be an agent of those police officers, and under the present law they can't do it. An agent is anyone who is acting on behalf of someone else, and under the present law, they simply couldn't do it.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to keep after this and I really feel bad, but I can't understand it. As I read it and as it has been explained by Mr. Howe, this soliciting is prohibited except under these three circumstances. At present, there is only two. Now we are extending it to three and the third one is going to be the advertising in the magazines and the sale of the magazine, so that means that soliciting is allowed under these circumstances. That is one of the circumstances that soliciting is allowed. Then, at the bottom of this section, it says, "No person shall initiate personal contact with the general public in person, by telephone or otherwise, except as provided in Subsections 2 and 3," which to me means that they can under subsection 3 make solicitations in person, by telephone or letter for the purpose of soliciting people to buy advertising. If someone can tell me why that doesn't mean that, I would be happy and I promise I won't ask any more questions, but that to me is what is says, that these things are not allowed except under this particular part of the law that we are now being asked to enact.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mrs. Kane, has posed a question through the Chair to anyone who may care to answer if they so desire.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I think I understand what the gentleman is getting at in looking at the way this thing is drafted. I would ask somebody to table this for one day and what we will do is consult with the committee assistant and if it is necessary to redraft the thing so that "personal contact" is prohibited in all cases, which is my understanding of what this present language does, I will be perfectly happy to accept that kind of an amendment.

On motion of Mr. Garsoe of Cumberland, tabled pending the motion of the gentleman from Lincoln, Mr. MacEachern, that the Bill and all its accompanying papers be indefinitely postponed and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Establish Standards to Pro-

tect Maine Consumers Against Unsafe and Improperly Manufactured Cellulose Fiber Insulation" (H. P. 1998) (L. D. 2079) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-1101) was read by the Clerk and adopted.

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

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

The following papers appearing on Supplement House: No. 5 were taken up out of order by unanimous consent:

Bill "An Act Concerning the Charter of the Guilford-Sangerville Water District" (Emergency) (H. P. 2161) (Presented by Mrs. Locke of Sebec) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Committee on Reference of Bills suggested the Committee on Public Utilities.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

Bill "An Act Relating to the Transportation of Primary Wood Products" (H. P. 2162) (Presented by Mr. Wyman of Pittsfield) (Cosponsors: Mr. Hall of Sangerville, Mrs. Locke of Sebec, Mr. Austin of Bingham) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Was referred to the Committee on Transportation ordered printed and sent up for concurrence.

Reference was made to (S. P. 661) (L. D. 2032) Bill "An Act to Amend the Crime of Assault on a Law Enforcement Officer"

In reference to the action of the House Thursday, February 23, 1978 whereby it Insisted and asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Messrs. COTE of Lewiston  
CARRIER of Westbrook  
SHUTE of Stockton Springs

Reference was made to (H. P. 2101) (L. D. 2140) RESOLVE, Authorizing Certain Employees of the State of Maine to Request an Extension of Employment After Their Mandatory Retirement Age, Years of Service Requirement or Age and Years of Service Requirement"

In reference to the action of the house Monday, February 27, 1978 whereby it Insisted and asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Messrs. KELLEHER of Bangor  
DAVIES of Orono  
SPROWL of Hope

Reference was made to (H. P. 2051) (L. D. 2111) Bill "An Act to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Department and Agencies"

In reference to the action of the House, Tuesday, February 28, 1978 whereby it Insisted and

Adjoined in a Committee of Conference, the  
Chair appointed the following members on the  
part of the House as Conferees:

Messrs. CURRAN of South Portland  
DIAMOND of Windham  
MASTERTON of Cape Elizabeth

(Off Record Remarks)

On motion of Miss Aloupis of Bangor,  
Adjourned until nine-thirty tomorrow the  
morning.