

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Wednesday, January 10, 1979

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

Prayer by Father Robert Newland of Saint Mark's Church, Augusta.

Father NEWLAND: Let us pray. Oh God, You made us in your own image and redeemed us through Jesus, Your Son. Look with compassion on the whole human family. Take away the arrogance and hatred which infect our hearts. Break down the walls that separate us. Unite us in bonds of love and work through our struggle and confusion to accomplish Your purposes on earth, that in Your good time, all nations and races may serve you in harmony around your Heavenly Throne.

Oh God, the fountain of wisdom, whose will is good and gracious and whose law is truth, we beseech you so to guide and bless our representatives in the legislature of this state that they may enact such laws as shall please Thee, to the glory of Thy name and the welfare of this people, through Jesus Christ, Our Lord. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication: (S. P. 37)

STATE OF MAINE

Department of the Attorney General
Augusta, Maine

January 3, 1979

To the Honorable Senate and
House of Representatives
of the 109th Legislature

Enclosed please find two bonds for Jerrold B. Speers as required by Article V, Part 4, Section 2 of the Maine Constitution, in anticipation of his election as Treasurer of the State of Maine. These bonds have been examined by us and are in the requisite amount of \$500,000.

Very truly yours,
(Signed) JOSEPH E. BRENNAN
Attorney General

Came from the Senate read and ordered placed on file and the accompanying papers placed on file with the State Auditor and ordered sent forthwith.

In the House, the Communication was read and ordered placed on file and the accompanying papers placed on file with the State Auditor in concurrence.

The following Joint Order, An Expression of Legislative Sentiment recognizing that:

Elvira Engstrom, New Sweden's town clerk, treasurer and tax collector, has served the town of New Sweden with great dedication for over 30 years. (S. P. 30)

Came from the Senate read and passed.

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

The following Joint Order: (S. P. 38) Relative to Joint Rules of the 109th Legislature.

Came from the Senate read and passed.

In the House, the Order was read.

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-8) was read by the Clerk.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" is exactly the same as the House amendment that I offered yesterday to the joint rules as originally offered in the House. These rules are coming over from the Senate, which are similar to the original rules, and this would remove the section requiring two votes before a bill could be discussed.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gen-

tlemen of the House: I am rising only for information. I am sure it is my lack of experience here and understanding of what is going on, but I can't make this hook up with what I understand we are attempting to do. It seems to me that a cleaner way would have been to have killed the proposed new Rule 20, and I can't make the connection with the language that I am seeing in the amendment, and the fact that we don't have the Joint Rules printed in the calendar today, I just wish Mr. Birt would set my mind at ease that what he is doing is exactly what was intended to be done yesterday.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, has posed a question through the Chair to the gentleman from East Millinocket, Mr. Birt, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: There might be several answers to that question. I think the simplest answer to it, because the rules are not before you, if you have yesterday's Senate calendar and you look on Page 4, you would find exactly what the Joint Rules are. This takes out Section 20, which is exactly the same as what was done yesterday.

I guess the other thought that I had is that this was done at the request of the gentleman who is sitting side of you, Mr. Garsoe.

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

Mr. GARSOE: Mr. Speaker, I thank the gentleman for his answer. All I wanted to be sure of was that Rule 20 was the one that was being affected.

Thereupon, House Amendment "A" was adopted.

The Joint Order, as amended by House Amendment "A", was passed in non-concurrence and sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)**Orders Out of Order**

A Joint Resolution (H. P. 67) in memory of Police Officer Timothy Willard of Paris

Presented by Mr. Immonen of West Paris (Cosponsor: Senator Sutton of Oxford)

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

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to make a few remarks about Tim Willard, age 22, a recent recruit police officer for the Town of Paris, murdered by a dangerous person. I believe this is the first time there has been a police officer murdered in the State of Maine in 14 years.

He was a recent graduate of the Criminal Justice Academy. Last month, a call came from a manufacturing plant in South Paris where this dangerous person was noticed entering the car of his former wife. There had been a history of many harassments against his ex-wife in both Norway and South Paris. Tim Willard was sent to investigate and was fired on and murdered. The shots alerted the plant manager, who went out and was fired upon. The plant manager picked up his gun from his office, returned fire and killed the murderer.

There have been many incidents where Norway and Paris police have received complaints on this individual harassing his ex-wife and others since last summer. Previously, the court had sent him to a psychiatric hospital where he was later released. The people of both Paris and Norway and, should I say, the whole State of Maine are alarmed how the courts and institutions handle such cases and release and return the dangerous persons to society.

I believe the response of 300 police officers from all over the State of Maine and from St. John, New Brunswick, and Massachusetts to

attend the funeral of Tim Willard attests to their concern.

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

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 68) recognizing that:

The Honorable John L. Martin, Speaker of the Maine House of Representatives, has been elected President of the State Legislative Leaders Foundation.

Presented by Mr. Jalbert of Lewiston.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: The President of the State Legislative Leaders Foundation presides over a nine-man board of elected state leaders with headquarters in Milwaukee, Wisconsin. The foundation was established in 1972 to provide technical and advisory assistance to state legislative leaders in their efforts to modernize and strengthen state legislatures.

I think this is a very distinct honor that has been brought to our state through the election of our Speaker. I think he should be commended very highly and we should be very proud of him.

I move passage of the Order, Mr. Speaker.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Cox of Brewer, it was ORDERED, that Harlan Baker of Portland be excused January 9 and 10 for personal reasons.

On motion of Mr. Cox of Brewer, it was ORDERED, that Sharon B. Benoit of South Portland be excused January 11 for legislative business.

House at Ease

Called to order by the Speaker.

(Off Record Remarks)

By unanimous consent, Item 43 of the Unfinished Business was taken up out of order:

JOINT ORDER—Relative to Amending the Joint Rules (H. P. 30) (Presented by Mr. Carrier of Westbrook) (Cosponsor: Mr. McMahon of Kennebunk)

The Order was read.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I want to start out very briefly in case there are some questions. I don't want to take too much time here for you to consider this, I think, exceptional order that I have put in. It is exceptional in the fact that I think if we want to control ourselves as to our behavior, not inside here but our behavior during election time, which I think is essential, this particular order would help us, especially to think before you do something, the fact that this might stop you from being on certain committees, assigned to certain committees, if the Speaker chooses to assign you to it.

I think one of the many reasons why it was presented is because I believe that we are all human and I think if somebody would give me a few bucks which I need very badly. I would feel very kindly towards them and it might influence my vote on some particular pieces of legislation that might come up later.

On the other hand, that is all that it does. It depends on the amount of the contribution. The \$50 was chosen because I personally felt that if the Legislative Ethics Committee believes—not only they do, but I guess we passed a law—

the \$50, there might be some chance of influence if we take more than that, and they believe that you have to declare it, itemize it on your reports. I also believe that it probably is proper under conditions to do so.

I am not worried about my report, because I have never found myself in such a situation. I have licked the problem by going to work to pay my own expenses, and I suggest this to some people. I know all of you can't do it, but I think there is a certain amount of contentment to it, to work for something that you get.

This particular amendment, like I say, would only stop you, might stop you, from being on a certain committee—\$50 or more—and it surely will not stop you from going to public hearings or speaking on the floor of the House or voting or lobbying for anything that you believe in. Also, the purpose is to limit the amount of contributions which one will receive from certain groups and if he intends to serve on the committee which would serve that group.

One question that has been mentioned to me is the fact about personal donations. Well, this does not cover personal donations up to a certain point. In other words, if I give you a hundred dollars and I have no business, I am just a regular worker in the mill and I give you a hundred dollars, or I think you are a nice person and I give you a hundred or more, this does not cover that—you can serve on any committee if you want to.

If you don't understand it, you can go down to the Legislative Research Office; they are the ones who drew it. I had a hard time myself and I questioned certain words in there. I think the part that might confuse some people, it says, "business or purpose of any person." In other words, if I own, let's say, a small grocery store and there is a beer bill coming up, or liquor bill, which would be a great help to me, I think I will get the franchise or something, and I give you a hundred dollars as a legislator, well, you receive the money from a person but that person has a business and that is what the purpose of it is. This is what the word 'person' in there means. It does not mean personal gifts from your brother, your sister, or anybody else, your friends that have no interest in a business.

I think that if we want to patrol our own house, this is a much needed piece of legislation. I think this will help the 'undue influence'. I have never made the statement anywhere that there might be, and the reporters have tried to corner me on this one—I don't claim that there is. But I can tell you, ladies and gentlemen, that I have gone down to the Secretary of State's Office at different times and I have checked on certain things, and what is down there, I don't like. That is the part of the donation, contributions, that some people, in the past, in this legislature have taken. I think they probably have taken it in good faith, but I also feel that if you want to deter any amount of influence used, we should limit the amount of the contribution if you want to be on that particular committee.

I sincerely hope that you consider this very seriously, because I think it is a change in the rules, I think it would be a great change, I think it would work to all of our advantages, especially to those who might be tempted to maybe go overboard a little bit.

I want to warn you, for those of you who don't know, especially maybe the newer ones, and maybe the older ones too, that you can go down to the Secretary of State's Office and get the record that I have filed at election time, or back two years, and they are available to the public. I can't stop it; nobody else can stop it. If you want to see the contributions that I have taken in the last 12 years, you can go down there and come back to me and tell me—I think it is a waste of time in my case.

I have done this because I think it is very important. I want to know why certain people go overboard on certain legislation so much. I think there is a degree of good judgment, but I

think we should all be beyond reproach. We want the legislature to have a good name. I think it is a little clouded at different times, but I think this is one good step and a necessary step in order for people to trust us aside from the time they elected us.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker explained very well, I think, the intent of this proposed rule change.

I wish to compliment the gentleman from Westbrook, whose idea this is. When I heard of it, I went to him and I asked him if I could co-sponsor this with him. He graciously allowed me to do so, and I feel very comfortable doing so.

The purpose of this proposed rule change is to guarantee that no legislator will be placed in the position of serving on a committee which deals with subject matter the proponents or opponents of which have contributed \$50 or more to that legislator's campaign.

This proposed rule change is designed to make it easier for legislators to resist pressures from special interest groups and from the lobbyists of those groups. Legislators will still be free to accept any contributions that are offered that they might wish to accept. However, if this rule change is adopted, legislators will have to give some thought to those contributions when they ask for and are assigned to committees, and I think that this is the way that it should be.

I believe it is in the public's interest and in the interest of this body, this legislature, that this rule change be adopted.

I want to emphasize that this proposal is not intended to impugn the integrity of any legislator, past or present. It is intended to guarantee that members of this legislature will be able to retain the objectivity that our constituents expect us to have.

One final comment. Some of you may feel that this is an inopportune time to propose this, the beginning of a session, that you are new and did not anticipate this. I think that argument is unfortunate if it is advanced, because we are now discussing rules that we will operate by. Whether they are discussed this year or two years from now, with the convening of the 110th Legislature, the point to remember is that we have to adopt rules under which we operate, so I hope you will support this proposed change in the spirit in which it is offered.

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

Mr. MARSHALL: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Westbrook, Mr. Carrier, or the gentleman from Kennebunk, Mr. McMahon.

If an individual wanted to contribute to a particular campaign and happened to be involved in a profession, would that preclude me from serving on a committee that might hear any legislation regarding that profession?

The SPEAKER: The gentleman from Millinocket, Mr. Marshall, has posed a question through the Chair to Mr. McMahon of Kennebunk or Mr. Carrier of Westbrook.

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

Mr. McMAHON: Mr. Speaker, to answer the gentleman's question, in the broad sense, the answer is yes. I would submit to the gentleman that he has to be the judge of who he accepts campaign contributions from. If the person offering the contribution is recognized as advancing a particular interest, then I would submit that it would be in the gentleman's best interest not to accept the contribution, or certainly not to accept it with the understanding that he would serve on a committee that would be involved in that particular contributor's area of involvement.

In the final analysis, the enforcement of this rule, if it is adopted, will rest with each of us. It

is true that the Election's Commission in the Secretary of State's Office does maintain records which we must submit during and after elections. Those records are public knowledge. This proposed rule has been keyed to the present election law in the choice of the \$50 contribution, because it is that amount and above which we must list the occupation, the principal occupation, of the contributor.

But to reanswer the gentleman's question, I think, yes, but I think the individual legislator must decide what category the contributor falls into. It will ultimately be our responsibility, and it should be.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: In regard to this bill, I would like to outline a specific example of how it can affect the members of this House. I am going to use my own case as an example.

During the past two elections, I have been unopposed, but in each election, I have had, in the first year about 15 people and in the second term about, I would say, 25 or 30 come forward wanting to donate to my campaign. Being unopposed, I had no campaign, no expenses, but if these people had donated, and they were all going to donate \$50 or more, this I know, and if I had accepted these campaign donations, according to the way the gentlemen has explained the bill, there are 14 committees that I would not be able to serve on—14. Now, I am sent up here to sit and twiddle my thumbs; I am sent up here to represent the people in District 102. If I have to be automatically eliminated from 14 committees, I may as well stay home and play marbles. I would be accomplishing a great deal more. There are 14 committees that I wouldn't be able to serve on and there are two that I could possibly serve on, but I am a little in doubt about those, so if this bill is going to accomplish anything, I would like to know what it is.

Are we going to sit here day after day and do nothing? How many of you have looked this over to see how many committees you could serve on and you could not serve on?

When this thing comes to a head, Mr. Speaker, I would like to ask for a division.

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

Mr. McMAHON: Mr. Speaker and Members of the House: I would like to thank the previous speaker, because he made the case for this rule. I have also been unopposed the last two of my four elections. In each of those last two elections, I have been offered substantial contributions from special interest groups, recognized as such, in the \$100 range, and it is not because they like Representative McMahon, it is because they know I am going to be back here. I have refused those contributions, as the good gentleman did. If we are unopposed, have no expenses, we should not accept contributions, so the gentleman's argument is not germane, or if it is, it represents the point of view that we are here advancing right today.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: These contributions that I am speaking of are not or were not from special interests. These are from the people that I grew up with, the doctors, the lawyers, insurance men, the union members, the union officials etc., right down the line. They are not special interest groups, and as far as their donations to me are concerned, it was friendship and support of my candidacy. They did not come and request any special favors or any actions or anything. These are the people that I grew up with, played athletics with, played baseball, football, basketball, hockey, or what have you. We dated together in years past and the whole business. It was special interests by no means.

The SPEAKER: The Chair recognizes the

gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: Let me suggest a situation that perhaps some of us here might find ourselves in, those of us particularly who come from a community whose constituency is easily identifiable, that being a mill town and labor community. If that were the case, that this suggestion should pass, any individual from a mill town who accepted a contribution from a vast majority of his constituency would be exempt from serving on the Labor Committee or a committee of that nature. Therefore, the makeup of the Labor Committee itself would preclude all of those people whose interests it should, in fact, represent.

I appreciate the intention and direction of this legislation, but I find it rather difficult to interpret this in an acceptable means as far as my situation is concerned, and I urge you to reject this proposal.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say a few words on what has been said, especially by the last two speakers.

The situation is very clear. I think it is one of personal integrity. It is up to you to decide if you want to do this, and if you do want to do it, these are the conditions under which you do receive the contributions.

I will state, but I think Mr. Gillis knows this, in talking about \$50 contributions—you can do exactly as some people in this House have done, they take \$49. There is nothing wrong with that. This is legal according to the laws that we have. We do have people who have taken contributions from the same group, which this law doesn't cover, they take \$49 from one and \$25 from the other—different presidents of different organizations or different executive members of the organizations. The law is there and it is available. I wouldn't say that it is proper but you can do it and won't have a problem, so this is one solution to the problem. I think it is mostly one of personal integrity whether you want to do this or not.

To Mr. Marshall, I also happen to work at a paper mill. I don't know what they do up his way, but the paper mills have their lobbyists over here like everyone else. Who they give donations to, I don't know. I have never been offered any cash donations at any time in my 12 years over here from people that I make my living from. So, I feel very strongly on that.

As far as serving on the Labor Committee, I think that I could represent the S. D. Warren Company if I wanted to, as long as I don't take \$50 or more. This is very clear. I think that I have the ability to represent them on the Labor Committee.

I haven't looked at the makeup of the last Labor Committee, but I think with or without this rule, we did not have many people that represented the paper mill as such on the Labor Committee. Yet, the people, I am sure, devoted their time. Maybe they didn't come up with the best solutions, we personally think, but they do need to get credit for everything they did. I am sure that they had the interest of labor with it.

This bill, in no way, is to hurt anyone. This is a bill to help us here in the legislature keep ourselves clean, and if we think we need it, great.

I realize that there are people in this legislature right now that have accepted \$50 in this past election. I know these people and you know them too, but maybe at this time you don't happen to know about it, they have accepted \$50. The next time, all they have to do is take \$49 if this is what they want. Again, I say this is not what I would suggest because I don't promote this stuff. I also understand that because of that particular situation, and I respect their good judgment, they will not support this, but I do want to believe the next time, if this thing ever comes up again, I feel very sure that we need this real bad and you people will see

the need for it and this will pass, and I am sure that no one will suffer from it. The only ones that will suffer from it and I can tell you exactly who they are because I have some names right here in my pocket of people who have received contributions. I said this is in the Democratic caucus, that if we want to play games, I will play games. This is not a game, this is a very serious situation, and I am sure that most of you will accept this as such and all of us want to do well in representing our constituents. They deserve that.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think this particular proposal has some far-reaching implications, and as I have been sitting here thinking about it, I have two questions I would like to pose through the Chair to the sponsors. One is, would this particular amendment preclude anyone who had received a contribution from a political party, either state or national, for the serving on Election Laws? Would it preclude any individual who had received a contribution of more than \$50 from a political party or organization from serving on any committee which might include subject matter which were in those party platforms?

The SPEAKER: The gentleman from Owl's Head, Mrs. Post, has posed two questions through the Chair to the sponsors of the Joint Order, who may answer if they so desire.

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

Mr. MCMAHON: Mr. Speaker, Men and Women of the House: The answer to both questions, I think, is the same and the answer is, obviously, no. I think if we sit here long enough and think of more and more questions like that, the ridiculousness of this kind of discussion might become obvious.

Perhaps the answer is yes if you submit that the Election Laws Committee exists to serve two parties. I happen to feel that it exists to serve the purpose of this legislature and the people of the state.

We come down now in the final analysis to your own relationship with the people who contribute to you. Each legislator will have to make his or her decision on this when it comes time to accepting contributions and/or making committee requests. In the final analysis, you have to make the decision and you should. This not complicated rule. It is very simple on the face of it and I think it will be simple to live up to the spirit of it if we want to.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I am sorry, but to me it doesn't seem as though the answer to that question is obviously no, because the purpose of political parties are twofold: one is, they want to elect candidates from their own party; the other is, they seek to put forward into legislation or into general acceptance their political platform which we adopt in our state and national conventions. What the legislation or the Joint Rule says is that if an organization which is obviously a political organization, which includes the subject matter jurisdiction including the purpose of that organization so it seems to me that the answer to that question is not obviously no. It would, indeed, include anyone who would receive any contribution from any political organization that had anything to do with any of the platforms of those political organizations.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have a question which I would like to pose through the Chair and the question is, as I read this, it seems to me that the sentence including the contribution of \$50 or more either to that legislator or to his campaign for a nomination or election could be interpreted to mean that it was not necessarily

a campaign contribution but perhaps a salary, some financial gift that had nothing to do with legislation for all I know, and I wonder if one of the sponsors would speak to the way that sentence is phrased, because I think it could be interpreted in the manner that I have just suggested.

I would like to assure the gentleman who is sponsoring the order that I have never received any campaign contributions.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Before the question is answered, I would like to follow it up and elaborate on it a little more. There are people in this House who received a salary from companies that they work for and have for years received salaries from the company that they worked for to make up the difference of what they lose here by serving as a legislator. I think the natural extension of the gentleman's question from Falmouth, Mrs. Huber, is, is that part of this? Are the people who serve in this House, who are given a salary by their company while they serve here, affected by this rule?

The SPEAKER: The gentleman from Falmouth, Mrs. Huber and the gentleman from Old Town, Mr. Pearson, have posed a series of questions to anyone who may respond if they so desire.

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

Mr. MCMAHON: Mr. Speaker, Members of the House: I would simply respond to both questions.

First of all, the election laws are quite complete as far as reporting requirements. I submit that the arguments advanced by the gentleman and the previous speaker do not come under the election laws in terms of reporting. We are not talking here about a person's occupation away from this body. We are not even talking about an individual legislator, only the contributions that are made under the terms of the election laws to that legislator. I think it is a clear-cut issue and not one that lends itself to the obscurity that we have seen here.

Secondly, the question advanced by Mrs. Post—if you share the concern about the political committees of the two parties—I submit that this rule should be amended to exempt those two-party committees.

The SPEAKER: The pending question before the House is passage of Joint Order Relative to Amending the Joint Rules (H. P. 30).

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

A vote of the House was taken.

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

Mr. MCMAHON: Mr. Speaker, I predicted this would have bi-partisan support. I didn't realize in what direction. I would request a roll call.

The SPEAKER: The gentleman has debated his request for a roll call, which is out of order.

Mr. Carrier of Westbrook requested a roll call.

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

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

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

Mr. CARTER: Mr. Speaker, I would request permission to pair my vote with gentleman from Scarborough, Mr. Higgins. If Mr. Higgins were here, he would be voting yes and I would be voting no.

The SPEAKER: The pending question before the House is on passage of Joint Order Relative

to Amending the Joint Rules (H. P. 30). Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Austin, Barry, Berry, Berube, Brown, A.; Carrier, Carroll, Carter, D.; Connolly, Cunningham, Curtis, Dow, Dudley, Dutremble, D.; Dutremble, L.; Fillmore, Fowlie, Gould, Gray, Hall, Hanson, Jacques, E.; Jalbert, Joyce, Kelleher, Laffin, Lancaster, Martin, A.; McHenry, McKean, McMahon, McSweeney, Prescott, Reeves, P.; Smith, Strout, Studley, Tarbell, Torrey, Tozier, Tuttle, Vincent, Wentworth, Wood, Wyman

NAY—Aloupis, Bachrach, Beaulieu, Benoit, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Chonko, Churchill, Cloutier, Conary, Cox, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Elias, Fenlason, Garsoe, Gavett, Gillis, Gowen, Gwadosky, Hickey, Hobbins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Kane, Kany, Kiesman, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Matthews, Maxwell, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Post, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Soulas, Sprawl, Stetson, Stover, Theriault, Tierney, Twitchell, Violette, Vose

ABSENT—Baker, Whittemore, Howe

PAIRED—Carter, F. Higgins

Yes, 45; No, 100; Absent, 3; Paired, 2.

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

(Off Record Remarks)

On motion of Mr. Morton of Farmington, Recessed until two o'clock in the afternoon.

After Recess

2:00 P. M.

The House was called to order by the Speaker.

Petitions, Bills and Resolves

Requiring Reference

The following Bills requiring reference were taken up out of order by unanimous consent:

Bill "An Act to Increase the Total Authorized Indebtedness of the Kennebunk Light and Power District from \$300,00 to \$2,000,000" (H. P. 52) (Presented by Mr. McMahon of Kennebunk)

Was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

Bill "An Act Relating to the Procurement of Engineer and Architectural Services by State Government Agencies" (H. P. 53) (Presented by Mr. Vincent of Portland)

Was referred to the Committee on State Government, ordered printed and sent up for concurrence.

Bill "An Act Increasing Borrowing Capacity of Mars Hill Utility District and Extending the Time Which That District has to Take Over Mars Hill and Blaine Water Company" (Emergency) (H. P. 54) (Presented by Mr. Smith of Mars Hill)

Was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

Bill "An Act to Provide that the County Commissioners shall have the Power to Authorize the Use of Superior Court Facilities when the Court is not in Session" (H. P. 55) (Presented

by Mr. Stover of West Bath)

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

Bill "An Act to Increase the Limitation on Contracts which the County Commissioners may Enter into for Purchases and Constructions without Competitive Bidding" (H. P. 56) (Presented by Mr. Stover of West Bath)

Was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

Bill "An Act to Change the Date on Which the Annual Sessions of the County Commissioners are held in Sagadahoc County" (H. P. 57) (Presented by Mr. Stover of West Bath)

Was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

Bill "An Act to Increase the Salary of the Judge of Probate for the County of Oxford" (H. P. 58) (Presented by Mr. Immonen of West Paris) (Cosponsor: Mr. Kiesman of Fryeburg)

Was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

Bill "An Act to Permit a Trade-in Credit Under the Sales Tax Statutes for Utility Tractors" (H. P. 60) (Presented by Mr. McPherson of Eliot)

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

Bill "An Act to Repeal Certain Requirements for Filing, Recording, Registers, Rosters and Binding and Provisions Concerning Administrative Assistant to the Chief Justice" (H. P. 61) (Presented by Mr. Stetson of Wiscasset)

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

Bill "An Act to Repeal the Tax on Marine Worms" (H. P. 62) (Presented by Mr. Stetson of Wiscasset)

Was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

Bill "An Act to Increase the Limit that the State Minimum Wage can Rise from \$3 and \$4" (H. P. 63) (Presented by Mr. Connolly of Portland) (Cosponsor: Mr. Wyman of Pittsfield)

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

Bill "An Act Reinstating Public Intoxication as a Crime" (H. P. 64) (Presented by Mr. Joyce of Portland)

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

Bill "An Act Concerning the Crime of Prostitution" (H. P. 65) (Presented by Mr. Joyce of Portland)

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

Bill "An Act to Permit Store Owners to Limit the Hours During which they will Accept Returnable Beverage Containers and to Permit them to Limit the Number of Containers they will Accept from a Single Person or Group at One Time" (H. P. 66) (Presented by Mr. Cox of Brewer)

Was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Bill "An Act to Allow Dealers to Restrict the Hours during which they will Accept Returnable Beverage Containers" (H. P. 69) (Presented by Mr. Conary of Oakland)

Was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

Bill, "An Act to Change the Date of the Primary Election to the First Thursday after Labor Day" (H. P. 2) (L. D. 8) (Presented by Mr. Jalbert of Lewiston) (Cosponsors: Mr. Kelleher of Bangor, Mrs. Kany of Waterville, and Mr. Peterson of Caribou)

Pending—Reference

Was referred to the Committee on Election Laws, ordered printed and sent up for concurrence.

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

Bill, "An Act to Increase the Compensation for Substitute Teachers" (H. P. 3) (L. D. 9) (Presented by Mrs. Martin of Brunswick)

Pending—Reference

Committee on Education was suggested.

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

Mr. TIERNEY: Mr. Speaker, after hurried conference with Representative Garsoe and the sponsor of this bill, I would like to move that the bill be sent to the Joint Standing Committee on Labor.

Thereupon, the Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

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

Bill, "An Act Relating to the Liability of Parents for Damage by Children" (H. P. 4) (L. D. 10) (Presented by Mr. McKean of Limestone)

Pending—Reference

On motion of Mr. Garsoe of Cumberland, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

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

Bill, "An Act to Prohibit Smoking at Public Meetings" (H. P. 5) (L. D. 11) (Presented by Mr. Dexter of Kingfield) (Cosponsors: Mr. Rollins of Dixfield)

Pending—Reference

Committee on Legal Affairs was suggested. On motion of Mr. Dexter of Kingfield, was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

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

Bill "An Act Relating to Payment for Sales in Retail Stores under the Liquor Laws" (H. P. 6) (L. D. 12) (Presented by Mr. Call of Lewiston)

Pending—Reference

Was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

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

Bill, "An Act to Clarify the Requirements Relating to Identification of School Buses" (H. P. 7) (L. D. 13) (Presented by Mr. Howe of South Portland)

Pending—Reference

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

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

Bill, "An Act Concerning Nomination of Candidates for Municipal Offices" (H. P. 8) (L. D.

17) (Presented by Mr. Wood of Sanford)

Pending-Reference

Was referred to the Committee on Election Laws, ordered printed and sent up for concurrence.

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

Bill, "An Act Relating to Eating, Lodging and Recreational Places Licensing Law" (H. P. 9) (L. D. 18) (Presented by Mr. Birt of East Millinocket)

Pending-Reference

Committee on Legal Affairs was suggested.

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

Mr. HOWE: Mr. Speaker and Members of the House: Legislation dealing with business and professional licensing law has traditionally gone to the Committee on Business Legislation, I believe. Having spoken to the sponsor of the bill and since he has no objection, I would move that this bill be referred to the Committee on Business Legislation.

On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Howe of South Portland to refer to the Committee on Business Legislation and tomorrow assigned.

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

RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Convening of the Legislature in January instead of in December (H. P. 1) (L. D. 7) (Presented by Mr. Jalbert of Lewiston) (Cosponsors: Mr. Higgins of Scarborough, Mr. Morton of Farmington and Mrs. Mitchell of Vassalboro)

Pending-Reference

Was referred to the Committee on State Government, ordered printed and sent up for concurrence.

By unanimous consent, the foregoing matters requiring Senate concurrence were ordered sent forthwith to the Senate.

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

Bill "An Act to Require that Reading be Taught in all Schools in Grades 1 through 12" (H. P. 13) (Presented by Mrs. Lewis of Auburn)

Pending-Reference

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

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

Bill "An Act to Permit High School Sophomores to Attend Vocational Education Institutes" (H. P. 14) (Presented by Mrs. Lewis of Auburn)

Pending-Reference

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

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

Bill "An Act to Require that Persons Committing Traffic Infractions within 6 months after the Effective Date of the Law Creating the Infraction shall be Issued a Warning Rather than a Court Summons" (H. P. 16) (Presented by Mr. Cunningham of New Gloucester) (Cosponsors: Mr. Fillmore of Freeport and Mrs. MacBride of Presque Isle)

Pending-Reference

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

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

Bill "An Act to Remove the Town of Medford from the Maine Forestry District" (H. P. 17) (Presented by Mr. Masterman of Milo)

Pending-Reference

Committee on Taxation was suggested.

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

Mr. MASTERMAN: Mr. Speaker, when I first saw this, I thought it should go to Local and County Government because of implications which you can see, but I have been informed that generally these all went to Taxation, so I accept that.

Thereupon, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

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

Bill, "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances" (H. P. 18) (Presented by Mr. Call of Lewiston)

Pending-Reference

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

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

Bill, "An Act to Increase to \$150 the Retirement Allowance for Qualified Teachers who Began to Teach in the Public Schools before July 1, 1947" (H. P. 20) (Presented by Mr. Tozier of Unity)

Pending-Reference

Was referred to the Committee on Aging, Veterans and Retirement, ordered printed and sent up for concurrence.

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

Bill, "An Act to Require Nursing Homes to have Emergency Power Generators" (H. P. 21) (Presented by Mr. Tozier of Unity)

Pending-Reference

Was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

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

Bill, "An Act to Remove the Fire Protection Tax Assessment Limit Township 17, R. 4 and Township 17, R. 5 in Aroostook County" (H. P. 22) (Presented by Mr. Violette of Van Buren)

Pending-Reference

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

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

Bill, "An Act to Provide for a Refund of the Sales Tax on Logging Equipment" (H. P. 23) (Presented by Mr. Dexter of Kingfield)

Pending-Reference

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

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

Bill, "An Act to Remove Restrictions on Eligibility under the Elderly Householders Tax and Rent Refund Act based on Marital Status" (H. P. 24) (Presented by Mr. Boudreau of Waterville)

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

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

Bill "An Act to Exempt Small Businessmen from the Workers' Compensation Law" (H. P. 25) (Presented by Mr. Dexter of Kingfield)

Pending-Reference

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

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

Bill "An Act to Increase the Minimum Wage to \$4 Per Hour" (H. P. 26) (Presented by Mr.

Laffin of Westbrook)

Pending-Reference

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

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

Bill "An Act to Establish a Mandatory \$200 Fine for any Minor Convicted of Illegally Purchasing Alcoholic Beverages" (H. P. 27) (Presented by Mr. Laffin of Westbrook)

Pending-Reference

Committee on Legal Affairs suggested.

On motion of Mr. Kelleher of Bangor, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

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

Bill "An Act to Reinstate the Death Penalty" (H. P. 28) (Presented by Mr. Laffin of Westbrook)

Pending-Reference

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

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

Bill "An Act to Appropriate \$25,000 to Lay Advocates at Work, Inc." (H. P. 29) (Presented by Mr. Laffin of Westbrook)

Pending-Reference

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

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

RESOLVE, to Reimburse Codman-Portland Associates of Boston, Massachusetts for Overpayment of Sales Tax in the Amount of \$3,397.26 (H. P. 15) (Presented by Mr. Joyce of Portland)

Pending-Reference

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

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

RESOLVE, to Direct the County of Cumberland to pay \$1,069.72 to Stanley E. Payson of Scarborough and Shirley M. Jodrie of Portland (H. P. 19) (Presented by Mr. Higgins of Scarborough)

Pending-Reference

Was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

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

Bill "An Act Concerning Material Required for Courses in Maine Classrooms" (H. P. 36) (Presented by Mr. LaPlante of Sabattus)

Pending-Reference

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

The Chair laid before the House the twenty-eighth item of Unfinished Business:

Bill "An Act Relating to Reimbursements to Nonpublic Schools for Transportation" (H. P. 37) (Presented by Mr. LaPlante of Sabattus)

Pending-Reference

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

The Chair laid before the House the twenty-ninth item of Unfinished Business:

Bill "An Act to Require the Secretary of State to Give Notification when the Renewal of Motor Vehicle Registrations are Due" (H. P. 39) (Presented by Mr. Dow of West Gardiner)

Pending-Reference

Was referred to the Committee on Transporta-

tation, ordered printed and sent up for concurrence.

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

Bill "An Act to Provide a Trade-in Credit for the Sales Tax on Campers" (H. P. 40) (Presented by Mr. Dow of West Gardiner)

Pending—Reference

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

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

Bill "An Act to Transfer Certain Inactive Accounts of the Maine State Retirement System to the Retirement Allowance Fund" (H. P. 41) (Presented by Mr. Leonard of Woolwich)

Pending—Reference

Was referred to the Committee on Aging, Retirement and Veterans, ordered printed and sent up for concurrence.

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

Bill "An Act to Limit Disability Retirement Payments to Persons Restored to Service under the State Retirement System" (H. P. 42) (Presented by Mr. Leonard of Woolwich)

Pending—Reference

Was referred to the Committee on Aging, Retirement and Veterans, ordered printed and sent up for concurrence.

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

Bill "An Act to Provide Mandatory Penalties for Drunken Driving" (H. P. 43) (Presented by Mr. Laffin of Westbrook)

Pending—Reference

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

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

Bill "An Act to Establish a Pilot Van Pool Transportation Project under the Office of Energy Resources" (H. P. 44) (Presented by Mrs. Huber of Falmouth)

Pending—Reference

Was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

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

Bill, "An Act to Establish a Presidential Primary in the State of Maine" (H. P. 45) (Presented by Mrs. Kany of Waterville)

Pending—Reference

Was referred to the Committee on Election Laws, ordered printed and sent up for concurrence.

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

Bill, "An Act Relating to Land Surveyor Applications and Fees" (H. P. 47) (Presented by Mr. Hickey of Augusta)

Pending—Reference

Committee on Business Legislation was suggested.

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

Mr. HICKEY: Mr. Speaker, I move that this bill be referred to the Committee on State Government.

On motion of Mr. Howe of South Portland, tabled pending the motion of Mr. Hickey of Augusta to refer to the Committee on State Government and tomorrow assigned.

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

Bill, "An Act to Establish Registration of Electrologists" (H. P. 48) (Presented by Mrs. Berube of Lewiston) (Cosponsor: Mr. Cunningham of New Gloucester)

Pending—Reference

Was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

The Chair laid before the House the thirty-eighth item of Unfinished Business:

Bill, "An Act to Clarify the Filing Deadline for Candidates' Reports to the Commission on Governmental Ethics and Election Practices" (H. P. 49) (Presented by Ms. Benoit of South Portland)

Pending—Reference

Was referred to the Committee on Election Laws, ordered printed and sent up for concurrence.

The Chair laid before the House the thirty-ninth item of unfinished business:

Bill, "An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program" (H. P. 50) (Presented by Mr. Morton of Farmington)

Pending—Reference

Was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

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

Bill, "An Act Converting Long Island Plantation into the Town of Frenchboro" (Emergency) (H. P. 51) (Presented by Mr. Bowden of Brooklin)

Pending—Reference

Was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

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

RESOLVE, Authorizing Arthur G. Powers to sue the State of Maine (H. P. 46) (Presented by Mr. Garsoe of Cumberland)

Pending—Reference

Committee on Judiciary was suggested. On motion of Mr. Tarbell of Bangor, tabled pending reference and tomorrow assigned.

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

RESOLVE, Directing the State to Assume the Cost of Clean-up Operation for a Gas Spill in Brooks, Maine, Caused by Vandals (H. P. 38) (Presented by Mr. Tozier of Unity) (Cosponsors: Mr. Lowe of Winterport and Mr. Drinkwater of Belfast)

Pending—Reference

Was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

(Off Record Remarks)

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

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

Mrs. Zadie Sturtevant of Waterville on December 30, 1978 attained the 100th anniversary of her birth (S. P. 44)

Came from the Senate read and passed.

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

Non-Concurrent Matter

Joint Order regarding Joint Rules 109th Legislature (H. P. 12) which was read and passed as amended by House Amendments "A" (H-1) and "D" (H-4) thereto in the House on January 9, 1979.

Came from the Senate read and with accompanying papers indefinitely postponed in non-concurrence.

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

The following papers appearing on Supple-

ment No. 4 were taken up out of order by unanimous consent:

The following Joint Order: (S. P. 51)

ORDERED, the House concurring, that a Joint Select Committee on Correctional Institutions consisting of 2 members of the Senate appointed by the President of the Senate and 8 members of the House appointed by the Speaker of the House of Representatives be appointed to deal with anticipated major legislation involving Maine's correctional institutions.

Came from the Senate read and passed.

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

The following Communication: (S. P. 46)

STATE OF MAINE
Senate Chamber
President's Office
Augusta, Maine

January 10, 1979

Chairmen, State Government Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan on January 8, 1979 nominated Arthur A. Stilphen of Portland to serve as Commissioner of the Department of Public Safety.

Pursuant to MRSA, Title 25, Section 2901, this nomination is subject to review by the Committee on State Government.

Sincerely,

(Signed) JOSEPH SEWALL

President of the Senate

(Signed) JOHN MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on State Government.

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

The following Communication: (S. P. 47)

STATE OF MAINE
Senate Chamber
President's Office
Augusta, Maine 04333

January 10, 1979

Chairmen, Appropriations & Financial Affairs
Committee 109th Maine Legislature

Please be advised that Governor Joseph E. Brennan on January 8, 1979 nominated Rodney L. Scribner of Augusta to serve as Commissioner of the Department of Finance & Administration.

Pursuant to MRSA, Title 5, Section 281, this nomination is subject to review by the Committee on Appropriations and Financial Affairs.

Sincerely,

(Signed) JOSEPH SEWALL

President of the Senate

(Signed) JOHN MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Appropriations and Financial Affairs.

In the House, the Communication was read and referred to the Committee on Appropriations and Financial Affairs in concurrence.

The following Communication: (S. P. 48)

STATE OF MAINE
Senate Chamber
President's Office
Augusta, Maine

January 10, 1979

Chairmen, Natural Resources Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan on January 8, 1979 nominated Henry E. Warren of Manchester to serve as Commissioner of the Department of Environmental Protection.

Pursuant to MRSA, Title 38, Section 341, this nomination is subject to review by the Committee on Natural Resources.

Sincerely,

(Signed) JOSEPH SEWALL

President of the Senate

(Signed) JOHN MARTIN
Speaker of the House

Came from the Senate read and referred to the Committee on Energy and Natural Resources.

In the House, the Communication was read and referred to the Committee on Energy and Natural Resources in concurrence.

The following Communication: (S. P. 49)

STATE OF MAINE
Senate Chamber
President's office
Augusta, Maine

January 10, 1979

Chairmen, Transportation Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan on January 8, 1979 nominated Roger L. Mallar of Farmingdale to serve as Commissioner of the Department of Transportation.

Pursuant to MRSA, Title 23, Section 4205, this nomination is subject to review by the Committee on Transportation.

Sincerely,
(Signed) JOSEPH SEWALL
President of the Senate
(Signed) JOHN MARTIN
Speaker of the House

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

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

The following Communication: (S. P. 50)

STATE OF MAINE
Senate Chamber
President's Office
Augusta, Maine

January 10, 1979

Chairmen, Labor Committee
109th Maine Legislature

Please be advised that Governor Joseph E. Brennan on January 8, 1979 nominated David W. Bustin of Augusta to serve as Commissioner of the Department of Manpower Affairs.

Pursuant to MRSA, Title 26, Section 1401, this nomination is subject to review by the Committee on Labor.

Sincerely,
(Signed) JOSEPH SEWALL
President of the Senate
(Signed) JOHN MARTIN
Speaker of the House

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

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

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

On motion of Mr. Cox of Brewer, it was Ordered, that Sherry F. Huber of Falmouth be excused January 9 for legislative business.

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

On Motion of Mrs. Prescott of Hampden, the following Joint Order: (H. P. 75) (Coposors: Mrs. Kany of Waterville and Mrs. Nelson of Portland)

WHEREAS, the pressures for change in the correctional system have increased to a point where they can no longer be ignored; and

WHEREAS, these pressures come from inmates, the news media, the courts, correctional personnel and members of the public; and

WHEREAS, during recent years the conditions in some jails have deteriorated to such a level that the courts have found these conditions to constitute cruel and unusual punishment in violation of the United States Constitution; and

WHEREAS, the State of Maine is not

immune to this spreading debility in the correctional system; and

WHEREAS, certain county jails in Maine have been ordered closed and the threat of more closures is an increasing possibility; and

WHEREAS, increased closures of jails have led to overcrowded conditions in many jails and this overcrowding has created other numerous complications such as lack of personnel needed to provide services to inmates, increased tension among inmates and between inmates and correctional personnel, and violations of the civil rights of inmates; and

WHEREAS, these problems make it clear that a realignment of the correctional system is needed; now, therefore, be it

ORDERED, the Senate concurring, and subject to the Legislative Council's recommendations, that the Joint Select Committee on Correctional Institutions shall study, review and coordinate the numerous studies and reports on correctional systems which have been concluded within 5 years prior to the passage of this order, including the detention study and the Master plan; and be it further

ORDERED, that the committee shall also study the present correctional facilities within the State, both State and county; and be it further

ORDERED, that the committee shall examine the alternatives to incarceration of criminals, the alternatives to closing county jails and the feasibility of establishing community correctional programs; and be it further

ORDERED, that the committee shall seek advice, comments and assistance from the following agencies, groups and organizations and shall actively involve them in the conduct of this study: The Maine County Commissioners Association; the Bureau of Corrections; the Maine Criminal Justice Planning and Assistance Agency; the Sheriffs' Association; the Judiciary; the Attorney General's Office; the State District Attorney's Office; municipal officials; Common Cause; and citizens of the State; and be it further

ORDERED, that the committee report its findings and recommendations together with all necessary implementing legislation in accordance with the Joint Rules to the Legislative Council for submission in final form at the second regular session of the 109th Legislature; and be it further

ORDERED, that the Legislative Council, before determining an appropriate level of funding and support for this study, shall first ensure that this study can be accomplished within the limits of available resources, and that this study is in the best interests of the State; and be it further

ORDERED, that the Legislative Council may combine this study with another study in order to ensure a more efficient inquiry and to avoid duplication.

The Order was read.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: We have just appointed a Select Committee on Corrections, and the purpose of that committee was to deal with major legislation which might come in this session. I am very concerned about the function of this committee and this study order is so that we will give the committee a very special purpose.

I was appointed to a subcommittee of Health and Institutional Services as the result of a study order during the last session. We got involved in studying the feasibility of regionalizing county jails. As a result of looking into that and studying from summer right up through the day before the session began, we found that the question of jails involved a great deal more than just jails itself, it involved the whole correction picture.

What I would like to see from this joint select committee that was just formed and just

passed in this House is a study order passed such as the one you have right before you which will give us a direction which will cause the committee to look into the whole correction picture, which is what we really must address. We cannot say that we must look at the county jails because those are important, but just as pressing as that is the fact that our correctional institutions are overcrowded as well. Everything fits in with one another, so I would hope that you would pass this order and that we would give the committee a purpose so that they can move forward and can report to the second regular session of the 109th the recommended legislation for us to follow.

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

(Off Record Remarks)

On motion of Mrs. MacBride of Presque Isle, Adjourned until ten o'clock tomorrow morning.