

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, February 28, 1979

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

Prayer by the Right Reverend Frederick B. Wolf of the Episcopal Diocese of Maine, Portland.

Right Reverend WOLF: Let us Pray. Since it is of Thy mercy, O gracious Father, that another day has added to our lives, we here dedicate both our souls and our bodies to Thee and Thy service in a sober, righteous and Godly life; in which resolution do Thou, O merciful God, confirm and strengthen us that as we grow in age we may grow in grace and in the knowledge of Thee. In particular, we implore Thy grace and protection for the ensuing day. Keep us temperate in all things and diligent in our several callings. Grant us patience under our afflictions. Give us grace to be just and upright in all our doings, quiet and peaceable, full of compassion, and ready to do good to all men according to our abilities and opportunities. Direct us in all our ways, defend us from all dangers and adversities and be graciously pleased to take us and all who are dear to us under Thy fatherly care and protection. These things and whatever else Thou shall see to be necessary and convenient to us, we humbly beg. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

Bill, "An Act to Prohibit the Practice of a Mandatory Retirement Age" (S. P. 260) (L. D. 790)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans and ordered printed.

In the House, was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill, "An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine" (S. P. 259) (L. D. 789)

Came from the Senate referred to the Committee on Education and ordered printed.

In the House, was referred to the Committee on Education in concurrence.

Messages and Documents

The following Communication:

State of Maine

ONE HUNDRED AND NINTH LEGISLATURE

Committee on State Government

February 26, 1979

Speaker of the House of Representatives
President of the Senate of the 109th
Maine Legislature

Pursuant to 26 M.R.S.A. 1609 the Joint Standing Committee on State Government unanimously recommends retention of the Displaced Homemakers Act, 26 M.R.S.A. - c.21.

During its brief existence the Displaced Homemakers Council has begun to be effective. Questions regarding effectiveness, future needs, costs of retention and methods of attaining the purposes of the Displaced Homemakers Act are addressed in the accompanying Six Month Report of the Displaced Homemakers Center.

S/ Sen. DAVID AULT
Chairman

S/ Rep. JUDY KANY
House Chairman

The Communication was read and with accompanying report ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

The following Bills were received and referred to the following Committees:

Aging, Retirement and Veterans

Bill, "An Act to Provide Minimum Retirement Benefits for Mrs. Beatrice H. Colbath of Bangor." (H. P. 652) (Presented by Mr. Birt of East Millinocket) (Cosponsor: Mrs. Prescott of Hampden)

(Ordered Printed)

Sent up for concurrence.

Agriculture

Bill, "An Act to Provide Funds for Sterilization of Female Dogs" (H. P. 653) (Presented by Mr. Wood of Sanford)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill, "An Act to Protect Insurance Claim Adjusters and Appraisers from Conflict of Interest" (H. P. 654) (Presented by Mr. Hanson of Kennebunkport)

Bill, "An Act to Amend the Definitional Provisions of the Used Car Information Act" (H. P. 655) (Presented by Mr. Sprowl of Hope)

Bill, "An Act Providing Motor Vehicle Dealers Additional Time in which to Perform Warranty Requirements Under the Used Car Information Act if Necessary Parts Have Not Been Received from the Manufacturer" (H. P. 656) (Presented by Mr. Sprowl of Hope)

Bill, "An Act to Allow the Temporary Placement of Real Estate Signs under the Maine Traveler Information Services Statutes" (H. P. 657) (Presented by Mr. Blodgett of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Increase Parental Responsibility for Habitual Truants" (H. P. 658) (Presented by Mr. Hanson of Kennebunkport)

Bill "An Act to Provide Cardiopulmonary Resuscitation and Basic Life Support as Voluntary Elective Courses in High Schools in Maine" (H. P. 659) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mrs. Prescott of Hampden, Miss Brown of Bethel, and Mr. Connolly of Portland)

Bill "An Act to Extend the National School Breakfast Program Availability to Maine School Children" (H. P. 660) (Presented by Mr. Brodeur of Auburn) (Cosponsor: Mrs. Gowen of Standish)

(Ordered Printed)

Sent up for concurrence

Election Laws

Bill "An Act to Provide Notification to Candidates of the Requirement to File a Campaign Report and to Provide the Necessary Forms" (H. P. 661) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill, "An Act Relating to Definition of 'Subdivision' under the Subdivision and Land Use Regulation Laws" (H. P. 662) (Presented by Mr. Hall of Sangerville) (Cosponsor: Mr. Dexter of Kingfield)

Bill "An Act to Amend the Statutes Relating to Airmobiles" (H. P. 663) (Presented by Mr. Blodgett of Waldoboro)

(Ordered Printed)

Sent up for concurrence

Fisheries and Wildlife

Bill "An Act Concerning Bear Hunting with Dogs" (H. P. 664) (Presented by Mrs. Locke of Sebec)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Concerning Family Violence" (H. P. 665) (Presented by Mrs. Lewis of

Auburn)

Bill "An Act Relating to Personnel Records of Employees of Political Subdivisions of the State" (H. P. 666) (Presented by Mr. McMahon of Kennebunk) (Cosponsor: Mr. Hughes of Auburn)

Bill "An Act Concerning Governmental Documents and Records of the Juvenile and Criminal Justice System" (H. P. 667) (Presented by Mr. Joyce of Portland)

Bill "An Act to Facilitate the Enforcement of Child Support Obligations and Make Statutory Changes Consistent with the Administrative Procedure Act" (H. P. 668) (Presented by Mrs. Bachrach of Brunswick)

Bill "An Act Concerning Writ of Possession" (H. P. 669) (Presented by Mrs. Berube of Lewiston) (Cosponsor: Mr. Nadeau of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Concerning the Issuance of Work Permits and Charging of Fees" (H. P. 670) (Presented by Mr. Morton of Farmington)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Permit the Sale of Dessert Wine at Retail Stores" (H. P. 671) (Presented by Mr. Rolde of York) (Cosponsors: Mr. Violette of Van Buren and Mrs. Sewall of New-castle)

Bill, "An Act to Amend the Laws Relating to Games of Chance" (H. P. 672) (Presented by Mr. Joyce of Portland)

Bill "An Act to Include the Term 'Sexual or Affectional Orientation' in the Maine Human Rights Act" (H. P. 673) (Presented by Mr. Baker of Portland) (Cosponsors: Mr. Davies of Orono and Mr. Connolly of Portland)

Bill "An Act Equalizing the Retail Price of Alcoholic Beverages throughout the State" (H. P. 674) (Presented by Mr. Leighton of Harrison) (Cosponsors: Mrs. Kany of Waterville, Miss Aloupis of Bangor, and Mr. Blodgett of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Permit the Lucerne-in-Maine Village Corporation to Revise its Charter" (H. P. 675) (Presented by Mr. Churchill of Orland)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Revise the Charter of the York Sewer District" (H. P. 676) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Establish Maine Cultural Heritage Week" (H. P. 677) (Presented by Mr. Wood of Sanford)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Concerning Vehicles Following a Fire Truck Returning from a Fire" (H. P. 678) (Presented by Mr. Tierney of Lisbon)

(Ordered Printed)

Sent up for concurrence.

Orders

Mrs. Masterton of Cape Elizabeth presented the following Joint Resolution: (H. P. 679)

JOINT RESOLUTION TO RATIFY AN AMENDMENT TO THE FEDERAL CONSTITUTION TO PROVIDE FOR REPRESENTATION OF THE DISTRICT OF COLUMBIA IN THE CONGRESS

The Resolution was read.
The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.
Mr. JACKSON: Mr. Speaker, I move that this be tabled for one day pending assignment to committee.

(At Ease)

Called to order by the Speaker.
Thereupon, on motion of Mrs. Masterton of Cape Elizabeth, the Joint Resolution was withdrawn.

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Judy Kany of Waterville be excused February 27, 1979 and February 28, 1979 for legislative business; and be it further

ORDERED, that Representative Polly Reeves of Pittston be excused February 26, 1979 and February 27, 1979 for personal reasons.

**House Reports of Committees
Ought Not to Pass**

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide the Bureau of Consumer Protection with a Toll-free Telephone Number" (H. P. 257) (L. D. 302) reporting "Ought Not to Pass"

Mrs. Kany from the Committee on State Government on Bill "An Act to Require that Alternates on the Maine Labor Relations Board Fill Unexpired Terms when Vacancies Occur" (H. P. 224) (L. D. 272) reporting "Ought Not to Pass"

Mrs. Kany from the Committee on State Government on Bill "An Act to Reorganize the Department of Defense and Veterans Services within the Office of the Governor" (H. P. 355) (L. D. 471) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Mrs. Masterton from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that the Membership of the House of Representatives Shall be Three Times that of the Senate and that Each Senate District Shall be Composed of Three Contiguous House Districts (H. P. 110) (L. D. 119) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

**Ought to Pass
Pursuant to Joint Order H. P. 135
Tabled and Assigned**

Mr. LaPlante from the Committee on Local and County Government on Bill "An Act to Increase Salaries of County Officers" (H. P. 201) (L. D. 227) reporting "Ought to Pass" as amended by Committee Amendment "A" (H. 44) — pursuant to Joint Order (H. P. 135)

Report was read.

On motion of Mr. LaPlante of Sabattus, tabled pending acceptance of the Committee Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Require that Reading be Taught in all Schools Grade 1 through 12" (H. P. 13) (L. D. 30)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot
MINKOWSKY of Androscoggin
Mrs. GILL of Cumberland — of the Senate.
Mr. CONNOLLY of Portland
Mrs. BEAULIEU of Portland
Messrs. LEIGHTON of Harrison
DAVIS of Monmouth
FENLASON of Danforth
Mrs. LOCKE of Sebec

Messrs. ROLDE of York
BIRT of East Millinocket
Mrs. GOWEN of Standish

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-42) on same bill.

Report was signed by the following member:
Mrs. LEWIS of Auburn

— of the House.

Reports were Read.

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

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

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the Majority "Ought Not to Pass" Report be accepted.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to ask for a division on this piece of legislation today, but it is a serious problem in our state that we are educating our children through our public school system and the children are not able to read.

The majority of the members of the committee are just as concerned as I am about this problem. However, they did feel that it is more of a question of local control and that it should be done in the local schools. So, I hope the people who are running our schools in this state will realize that since such a piece of legislation was even presented to this legislature, and since there is some support for such a piece of legislation, that they will take heed and that they will make sure that reading is taught in all of our schools.

Thereupon, on motion of Mr. Connolly of Portland, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

**Consent Calendar
First Day**

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

(S. P. 33) (L. D. 21) Bill "An Act to Permit Hotel or Motel Managers to Eject Disruptive or Destructive Persons from their Premises and to Require these Persons to Assume Responsibility for any Damages Caused" Committee on Legal Affairs reported "Ought to Pass" as amended by Committee Amendment "A" (S-18).

(H. P. 352) (L. D. 449) Bill "An Act to Place Responsibility for Preparation and Implementation of Emergency Evacuation Plans in the Bureau of Civil Emergency Preparedness" Committee on State Government reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 1, under listing of the Second Day.

Passed to Be Engrossed

Bill, "An Act Converting Mount Chase Plantation into the Town of Mount Chase" (Emergency) (H. P. 638) (L. D. 746)

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

Bill, "An Act to Increase the Limit on Bonded Indebtedness of the Eastport Port Authority From \$500,000 to \$6,000,000" (Emergency) (H. P. 108) (L. D. 137)

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

Mr. McHenry of Madawaska offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-43) was read by the Clerk and adopted.

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

up for concurrence.

Amended Bill

Bill, "An Act to Require Personnel Files to Include Medical Records and Nurses' Station Notes" (H. P. 139) (L. D. 158) (C. "A" H-41)

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

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

Mr. MORTON: Mr. Speaker, I would request at this time a slight explanation of this bill, and I would like to ask one specific question, what it requires any business to do with respect to records that it is nor presently doing?

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

The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker. Men and Women of the House: The answer is quite simple. The bill requires businesses to do nothing that they are not presently doing in terms of record keeping. It simply says that an employee has a right to look at medical records in the event they are kept already by that employer.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: There is another problem with this bill that I find objections on, and that is the part that involves the fine. As far as I can see, it is unprecedented. Maybe somebody can clarify this, but I cannot find in the statutes where we have ever had a fine that has been awarded to the person who is the employee in this case.

This is a fine directed to the employer that goes to the employee. In every other case that I could find a fine, it goes to the state or to the organization that is responsible for keeping the law.

I think this is a very serious thing when we get into the business of fining businesses. I don't know what it is in this legislature that we really don't like about businesses. There must be something that they are doing that I am not seeing, because it seems to me we keep business out of the State of Maine by imposing all kinds of unnecessary restrictions. Nowhere have I heard any cry in this state that people are not complying with the law as far as allowing people to see their personnel files. This bill not only requires that the personnel files be open, which, as far as I know, the employers are allowing people to use anyway. It is now including medical records.

I can't imagine that if a person has a medical record that he wouldn't let him have them anyway. But this says that if within 10 days this file, including the medical record, 10 days after the employer receives a written request, he can be fined \$25 a day. To me, that is unprecedented, I think it is outrageous that we would even consider such a thing in this body, and I would move that this bill be indefinitely postponed.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill was given a hearing before the Labor Committee and it was a very non-controversial piece of legislation. All that it does is permit employees who desire to see their medical records in their personnel file be permitted to do so. It is a very simple, straight-forward bill.

There is nothing in this bill, especially as it is amended, and I will explain some of the amendments in just a moment, but there is nothing in this bill whatsoever that is going to

injure, harm or jeopardize any businessman in this state, or businesswoman in this state.

The amendments which the committee added to the bill, I think make it more acceptable than it already was, and the bill, in its original form, was very acceptable to me and I think the majority of the committee. But in the spirit of compromise, we did add two or three amendments which I think you will find extremely acceptable. One of those amendments puts a limitation on the fine. It cannot be over \$500. The other amendment, part of the amendment, requires that only non-privileged information be allowed for the employee to see; privileged information will remain privileged and will not be included in the personnel file. I think some of the members of the committee had a legitimate concern about that, so we changed the wording on it.

The third amendment requires that the employee file a complaint against the employer only after the employer has not, with good cause, made the medical records available to the employee. We added the "good cause" protection in there for the employer who may not have the file, who may have lost the file, or it may have been misplaced somewhere in the system. So there is no danger whatsoever to the employer.

After we adopted the majority report yesterday, I am amazed and a bit surprised to see Representative Lewis is trying to kill this bill. I must confess that she has caught me off guard, but that will teach me to be better prepared in the future.

Assuming that this is as non-controversial a bill as it is, I hope you will allow it to go on its way.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker and Members of the House: I have just one problem with this bill in that we are setting a precedent in that we are allowing now that employee to levy a fine against an employer. It seems to me that the fine has little to do with the damage incurred. I would suggest to this House that the employee has the right of suit in the event there is damage to him, financial loss because of the records not being turned over. He has at least that right of suit against the employer, and this case has little correlation. It simply doesn't make sense.

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

Mr. MORTON: Mr. Speaker, I would like to address a question to the gentleman from Pittsfield, Mr. Wyman. I would like to ask the gentleman, what is the need for this bill? Why was it introduced?

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

The Chair recognizes that gentleman.

Mr. WYMAN: Mr. Speaker, in answer to that question, the answer is very simple. The need for this bill is to protect the employees' rights to review medical files. Right now, the employee has no right to see the medical file. It is completely up to the employer. There is no protection for the employee within the law. This is simply saying that if an employee wants to look at his medical file, he ought to have that right.

If you believe, Mr. Morton, that the employee should have the right to look at his medical file, or her medical file, that that is part of their unalienable rights as an employee, then you will support the bill. If you feel that the employee has no right to look at their medical records, then you will oppose the bill.

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

Mr. MORTON: Mr. Speaker and Members of the House: I am confused as to what the medical records are with respect to a company. We have records for such things as workmen's

compensation. These reports are required by law in our files. I don't know that I would call them a personnel record. They are all part of the requirement for doing business today, but I am not aware that any employee doesn't know about those. He is the one who gets hurt, he has to have the medical attention, he does get the medical attention, I am just really confused as to what you are talking about. I guess I don't understand.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I am, indeed, amazed at the controversy over such a simple, straightforward bill. If Mr. Morton keeps no medical records in his place of employ, obviously the employees have no right to see medical records that do not exist.

This simply says, if you have a nursing station in your plant, you cut your finger, you go down to see the nurse and she makes certain notations, you have a right to look at your record. There is not a person in this room who feels that he should be denied access to anything written about you. Employees already have in the law the right to look at your evaluation of their character, or if you are going to fire them, a reason for this; they already have these rights. I think it must have been an oversight that medical records were left out in the first place.

I really can't understand why we are acting so serious about such an obvious kind of right. The business of the sanction, if there is no sanction, how can you enforce the law? Representative Leonard said they can go to court. Certainly we don't want to get into that position. There must be some pressure on the employer to make them comply with the law. It is a very simple bill, it is a right-to-know bill, and I think we all have a right to know what is written about us medically or about evaluations on our work habits.

I want to stress again, if you are a small employer and keep no medical records in your possession, then this bill does not even apply to you. It applies only to those employers who have nurses' stations in the plant or who would normally keep medical records. There are no new records required.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't quite understand the gentlewoman from Vassalboro when she says that there is no sanction now and that it is necessary. If an employer does not give a man his personnel files, he is in contempt of court, and I would suggest that that is a sanction.

The only way the employee can possibly collect this fine is through the courts. It has got to be awarded through the courts, so in either case it has to go to the courts.

The part that bothers me the very most is the part about the fine. I think we are setting a dangerous precedent. As many of you know, some state employees have had sickouts, I don't know what they call them. Are we going to start now fining people who are in violation of the law? Is it the thing we are starting now? Are we going to be fining the state employees? I would like to have that answered for me, please, and have somebody tell me we are not setting a precedent with this bill.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I have had no previous involvement with the bill, and I hope the gentleman from Pittsfield will excuse my jumping into this thing. I can't help but feel that I should respond to the question of the gentlewoman from Auburn with respect to setting a precedent. It seems to me there are thousands upon thousands of precedents in the law for using economic incentives, fines if you will, to insure that people obey the law. So I see

hardly any precedent that we are setting here.

Insofar as Mr. Leonard's concern about levying a fine as opposed to simply letting someone sue for economic damages, I submit that particularly in the area of individual privacy, which is one of my particular concerns, damages cannot always be measured in economic terms.

As far as Mr. Morton's questions about why such a bill would be necessary, I suspect there are probably any number of businesses, particularly factories and so forth, industrial situations, where employers employ medical personnel in their facilities who may even frequently screen employees even if they haven't received a specific injury, and this whole debate brings to mind the problems of asbestos and nuclear and benzene workers who, through long periods of subjection to various types of chemicals and so forth, may begin to suffer various maladies and who, themselves, may not know it. It is possible that they may discover some dreadful medical situation. We hope they don't, but they may discover it through access to medical records kept by an employer who, in some cases, I suspect, may know about the possibility of this situation and not be informing employees.

It seems to me like a fairly basic right. My view on records, whether they are kept by an employer or state agency or anybody else, the credit bureau, is that while the physical record may be the possession of that agency, the information in it is mine because it is about me. I think it is simply a basic concept that we enable people to see the information in the file about them, no matter who is holding that file.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that this bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 65 in the negative, the motion did not prevail.

Thereupon, 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 Converting Long Island Plantation into the Town of Frenchboro (H. P. 51) (L. D. 60) (S. "A" S-13)

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

Emergency Measure

An Act to Conform the Acknowledgment Provision of the Recording Statutes to the Uniform Recognition of Acknowledgments Act (H. P. 158) (L. D. 186) (C. "A" H-32)

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. 137 voted in favor of same and none against, and accordingly the bills were passed to be engrossed.

Passed to Be Enacted

An Act to Prohibit Smoking at Public Meetings (H. P. 5) (L. D. 11) (S. "A" S-12 to C "A" H-26)

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

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

Mr. MACEachern: Mr. Speaker, I now move that this bill and all its accompanying

papers be indefinitely postponed.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I can't believe my ears. For a moment I thought I wasn't reelected to this body. This body was known for being close to the people, the rights of the people, in this case, the right to breathe, the right to breathe unpolluted air. It is just as simple as that.

I call this bill a "Face the Truth Bill." I face the truth every morning when I shave. My mirror keeps telling me over and over, a Clark Gable or Robert Redford I will never be. I am asking you to face the truth. You will survive. I stand here as living proof.

I am not going to leave the fairer sex out of this. I think each and every one of them in this body is more beautiful than Liz Taylor in her prime, but every time I see one of them light up one of those weeds, all I can think of is a beautiful painting on the wall that someone has taken a paintbrush dipped in tar to and made a swipe right down across it.

You talk about rights, your rights end at my nose, just as simple as that.

I guess these attempts to kill this bill remind me of a drowning man in the middle of Moosehead Lake with not a street car in sight. On his third time down, he grasps at the air bubbles for support.

Mr. Speaker, I hope that you will explain this carefully. I lost one of my friends on this the last time on a roll call. Instead of 107, I should have had 108. I am sure that you will explain this carefully on how to vote.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I am going to ask for a roll call on this because it is quite important to me and to my seatmate. I think we should have a roll call.

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

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

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

The Chair recognizes the gentleman from Lewiston, Mr. Simon.

Mr. SIMON: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting yes; I would be voting no.

ROLL CALL

YEA — Aloupis, Austin, Bordeaux, Brown, K. L., Brown, K. C., Chonko, Dow, Dudley, Fenlason, Garsoe, Gillis, Gould, Huber, Kane, Kelleher, Laffin, MacEachern, Masterton, McHenry, Peltier, Peterson, Reeves, J., Roope, Silsby, Smith, Soulas, Tozier.

NAY — Bachrach, Baker, Barry, Benoit, Berube, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A., Brown, D., Bunker, Call, Carrier, Carroll, Carter, D., Carter, F., Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Di-amond, Doukas, Drinkwater, Dutremble, D., Dutremble, L., Elias, Fillmore, Fowlie, Gavett, Gowen, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Howe, Hunter, Hutchings, Immonen, Jackson, Jacques, E., Jacques, P., Joyce, Kiesman, Lancaster, LaPlante, Leigh-

ton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A., Masterman, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A., Nelson, M., Nelson, N., Norris, Paradis, Paul, Payne, Pearson, Post, Prescott, Reeves, P., Rolde, Rollins, Sewall, Sherburne, Small, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theri-ault, Tierney, Torrey, Tuttle, Twitchell, Vin-cent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman.

ABSENT — Beaulieu, Berry, Hall, Hughes, Kany, Lizotte, Mr. Speaker.

PAIRED — Jalbert-Simon.

Yes, 27; No, 115; Absent, 6; Paired, 2.

The SPEAKER: Twenty-seven having voted in the affirmative and one hundred fifteen in the negative, with six being absent and two paired, the motion does not prevail.

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

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side of the enactment of this bill, I now move reconsideration and hope all 115 vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, having voted on the pre-ailing side, now moves that we reconsider our action whereby this bill was passed to be enacted. All those in favor of reconsideration will say yes; those opposed will say no.

A Viva Voce Vote being taken, the motion did not prevail.

An Act to Increase the Mileage Reimbursement of Jurors (H. P. 124) (L. D. 131) (C. "A" H-31)

An Act to Increase Mileage Reimbursements of Witnesses (H. P. 125) (L. D. 135) (C. "A" H-30)

An Act to Amend the Laws Relating to the Maine Historic Preservation Commission (H. P. 194) (L. D. 243)

An Act Concerning Prisoner Participation in Public Works Projects (H. P. 213) (L. D. 261)

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

Finally Passed

RESOLVE, to Authorize the County of Cumberland to pay \$1,069.72 to Stanley E. Payson of Scarborough and Shirley M. Jodrie of Portland (H. P. 19) (L. D. 36) (C. "A" H-33)

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

Orders of the Day

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

HOUSE REPORT — "Ought to Pass" As Amended by Committee Amendment "A" (H-38) — Committee on Education on Bill, "An Act to Dissolve Membership of the Towns of Hope and Appleton from the Community School District" (Emergency) (H. P. 97) (L. D. 124) Tabled—February 26, 1979 by Mr. Sprowl of Hope.

Pending—Acceptance of Committee Report. Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-38) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

HOUSE REPORT — "Ought to Pass" — Committee on Agriculture on Bill, "An Act to Increase from 3¢ to 5¢ Per Inhabitant the Amount Appropriated Annually for the State

Stipend Fund for Agricultural Societies" (H. P. 118) (L. D. 128)

Tabled—February 27, 1979 by Mrs. Berube of Lewiston.

Pending—Acceptance of Committee Report.

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

Ms. BENOIT: Mr. Speaker, I would like to pose a question to the Chair. I believe there should be a fiscal note attached to this and I haven't seen it yet.

The SPEAKER: In reference to the question posed by the gentleman from South Portland, Ms. Benoit, the Chair would advise the gentleman and members of the House that there is, in fact, a fiscal note that is required for this bill. It is a loss of revenue to the state of some \$22,000 for each year of the biennium.

The Chair understands that the gentleman from Winslow, Mr. Carter, has an amendment which will solve the problem dealing with the fiscal note.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: At the risk of irritating a lot of people who support county fairs, I would move the indefinite postponement of this bill and all its accompanying papers.

For the benefit of those of you who may not know too much about this, I would like to explain a little about it. I wouldn't know anything about it either if I did not serve on the Audit and Review Committee. We just did a sunset review of this stipend fund for agricultural societies.

I believe that an increase of \$22,000 may appear to only be a drop in the bucket out of the total budget, but if you add all these little drops up, eventually, we have a bucket full. I believe that we are in a time of tight budgeting, inflation, we are trying to spread around the resources that we have to those needs that truly need to be fulfilled. I do not believe that this is one of those needs.

We already divide three cents per inhabitant in the State of Maine. We take in three cents per inhabitant and then it is distributed to the county fairs. That already is a sizable sum of money and I believe, and I may be corrected, that it is \$318,000. That is the total that is distributed to county fairs. I don't believe that we need to distribute another \$22,000.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would vote against the motion to indefinitely postpone, and I will try to explain to you briefly why I sponsored this bill.

As many of you know, there are two types of fairs in the state. Some are parimutuel and some are non-parimutuel. The amount currently raised by this bill, which is used strictly for stipend fund, is not \$318,000. The \$318,000 consists of both facility stipends and premium stipends.

The three cents per inhabitant of the State of Maine has not been changed, I believe, since the late fifties, and in view of the fact that inflation, the cost of food is rising so rapidly, many of the people of the state are returning back to the basics of the old days, gardening, trying to provide for themselves, and the fairs are very important in promoting this type of activity by running contests and rewarding the exhibitors in the form of a premium, which is a token amount.

I believe that not granting this increase probably will not stop the fairs from going. However, if we pass this bill this morning, we are not saying that we are granting the fairs an additional \$22,000 which, incidentally, comes out of the racing purse or racing revenues for the state. What we are saying is that we will let this bill follow its course and take its chances with the other bills on the Appropriation Table and if, at that time, it merits passage, then it

will pass; if it does not, then it will die, just like many other pieces of legislation will die.

I hope that you will vote against the motion to indefinitely postpone.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify some of the figures with your permission. Presently, the stipend account from the Department of Agriculture receives from the General Fund \$29,810. They are projecting, if we leave things as they are now, based on the 1980 census, that they will be receiving \$33,513, so that if we give them an additional two cents per inhabitant, they would then be having available for them to spend \$55,513. Now, this comes totally from the General Fund. They also, over and above this, this year, are receiving \$296,167, which is received from 5 percent commission from the parimutuel betting, which comes from the private sector, obviously.

I think I tend to agree with my colleague on the committee that they can continue to give stipends as rewards to the people who show some of their produce or other, and they would have, next year, \$33,513 without changing the law, giving them an additional \$3,700.

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

Mr. WOOD: Mr. Speaker, I would request that the Clerk read the Committee Report.

Whereupon, the Report was read by the Clerk.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Agriculture had this bill and worked on it and it came out with a unanimous report, and some of the reasons for that was that we are experiencing in the state a rapid increase in the number of fairs. I think if you look in your own communities, you will notice that there are many more fairs being established.

There is a revitalization of the agriculture community based around the fairs. We are getting a lot more people taking in produce to be shown. In the early 70's and late 60's, we experienced a slump where people were not taking their produce in and now we are experiencing an increase. I think this is one way, if we are serious about changing our economy around and becoming more self-sufficient and becoming more energy conscious, that we are going to have to encourage this type of activity. The benefits far outweigh the meager increase in the stipend fund.

I think all of us realize that when there is a fair in our community, it brings in all sorts of other income to that community. It also encourages a way of life that is energy conscious, environmentally conscious, and in this day and age it is something that we should be encouraging.

I would urge you not to kill this bill, to send it on its way and let it go to the Appropriations Table and be considered along with all the other bills.

I would say that for the amount of money we are spending, it is a solid investment in the future of agriculture in this state.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I listened very intently at our hearing on this bill being explained by Representative Carter. I have had an interest in the agricultural fairs all my lifetime. I think this is a good bill. Our fairs need additional help in the form of a stipend that they may keep their premiums up or improve them somewhat.

I hope you will not vote to kill this bill.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: First of all, I want to make it

clear that I am not opposed to county fairs, but I do believe that county fairs are moneymaking events.

Representative Berube quoted figures. Let me quote that the fairs in 1978 to 1979 received in total \$325,000. Do you know how many fairs there are? There are 27. I truly believe that is a fair amount of money, and I believe that \$22,000 could be spent in a better place.

These are moneymaking events, and to borrow a line from Representative Jalbert, who I am sorry to say is not in his seat, from the past two sessions, Mr. Carter has suggested that we let this go and lie on the Appropriations Table—well, I don't think we should do that. I think we should think about these bills now, give it some thought. Is this something that we really want to put \$22,000 additional dollars into? Perhaps we can find a better place to spend this money.

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

Mrs. HUBER: Mr. Speaker, Members of the House: I have a question I would like to pose through the Chair to anyone on the Agricultural Committee.

For several years, I gained a reputation in Cumberland County at the Cumberland County Fair for producing some rather extraordinary Zucchini and I was, in fact, awarded a prize of \$3 for 1st place and one very unfortunate year \$1.50 for second place.

I would like to ask if the prize money awarded to the competitors such as myself would be raised as a result of this increase in the stipend fund?

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good lady, Representative Huber, I would say that it could very well be a possibility.

If I might add another point, when the stipend fund originally was created, it is my understanding that the fairs received a hundred percent on the premium that they gave out, but as fairs have grown and everything else has grown, the percentage of return now to the fairs for the premiums that they paid out last year was less than 34 percent on the dollar. I maintain that they need some help and that they should also take their chances on the Appropriations Table like everybody else.

I would hope that everybody would vote against the motion and I would request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: As one of the previous speakers mentioned, we have had quite an addition with a lot of new fairs trying to start out, and I would hope that the people in this House would vote against the motion to indefinitely postpone. They certainly need this extra revenue.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: In regard to this bill, I think we should keep it alive today and not vote to indefinitely postpone it. We have to get the fiscal note anyway, and as has been stated, it will have to go to the Appropriations Table if it is finally passed.

I am not a fair official, but from the testimony, from what I understand, if the stipend money is increased and there is more available for the Fair Associations, they will be able and they will try to increase their premiums, to increase more activities in the fair and to give us a little better financial return to their exhibitors.

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

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

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

Mr. KELLEHER: Mr. Speaker, under House Rule 19, I ask leave of the House from voting.

The SPEAKER: The Chair will grant permission to the gentleman from Bangor, Mr. Kelleher, to refrain from voting on this item because of House Rule 19.

The SPEAKER: The pending question is on the motion of the gentlewoman from South Portland, Ms. Benoit, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Benoit, Berube, Bordeaux, Cloutier, Fowle, Howe, Huber, Jackson, Kane, Lougee, Lund, Masterston, Nadeau, Nelson, M., Post, Whittemore.

NAY — Austin, Barry, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brenerman, Brodeur, Brown, A., Brown, D., Brown, K. L., Brown, K. C., Bunker, Call, Carrier, Carroll, Carter, D., Carter, F., Chonko, Churchill, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D., Dutremble, L., Elias, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jacques, E., Jacques, P., Joyce, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Locke, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A., Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nelson, A., Nelson, N., Norris, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J., Reeves, P., Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Vose, Wentworth, Wood, Wyman.

ABSENT — Beaulieu, Berry, Gray, Hall, Hughes, Jalbert, Kany, Kelleher, Lizotte, Masterman, Violette

Yes, 19; No, 120; Absent, 11.

The SPEAKER: Nineteen having voted in the affirmative and one hundred and twenty in the negative, with eleven being absent, the motion does not prevail.

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

(Off Record Remarks)

On motion of Mrs. Masterton of Cape Elizabeth, the following Joint Resolution: (H. P. 679) (Cosponsor: Mrs. Kany of Waterville)

JOINT RESOLUTION TO RATIFY AN AMENDMENT TO THE FEDERAL CONSTITUTION TO PROVIDE FOR REPRESENTATION OF THE DISTRICT OF COLUMBIA IN THE CONGRESS

WHEREAS, the 95th Congress of the United States of America at its second Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION TO PROVIDE FOR REPRESENTATION OF THE DISTRICT OF COLUMBIA IN THE CON-

GRESS

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"SECTION 1. For purposes of representation in the Congress, election of the President and Vice President, and Article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

"SEC. 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"SEC. 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."; now, therefore, be it

RESOLVED: By the Members of the House of Representatives and the Senate of the 109th Maine Legislature, now assembled, that such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified; and be it further

RESOLVED: That certified copies of this Resolution be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

The Joint Resolution was received out of order by unanimous consent, read, referred to the Committee on State Government and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Mr. Laffin of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I speak to you today with great dissatisfaction of the Governor of this state. I speak to you today with doubts and fears. I speak to you today because I do not believe that the Governor of this state is capable of solving the problems that are facing the people of this state, such as the working conditions of the people, of energy and welfare.

State employees have been staying home, and if they don't show up today in the Lewiston area, there will be over 700 people who will not get their unemployment checks who need them very much, especially in these winter months. We are faced with a very serious situation and the Governor of this state is not capable of dealing with it. The last raise the state employees got was \$10 across the board back in 1977, and since 1973, that is all they ever got.

Do you people realize that there are 271 state workers that do not even make the minimum wage? We have many workers working for only the minimum wage. We have 2,851 that are not even making \$4 an hour. The lower-class working people have suffered down the years from the industrial revolution to the present time, and Governor Brennan has not lifted a hand to help them. The working people take home less in our state today than they could get if they were on welfare, and when that happens, the Governor refuses to help them and then he has failed the people.

I say to you today that state employees have been double-crossed and lied to by the white dove with black wings.

This morning they put out a release that there has been no break through in negotiations at this point. It is honest disagreement of the issues.

The Governor of this state was a cosponsor of the fact-finding bill in 1974. He supported fact finding back then, but now he has abandoned it. State employees have spent over \$30,000 and I am sure the state has spent an equal amount for the last six months on fact finding. Now he has turned his back on what he, himself, supported back in 1974.

What is fact finding? Fact finding is used to resolve labor disputes. Now, all of a sudden, since he has become Governor, he doesn't believe in it anymore.

The President's wage guidelines, which contains his anti-inflation program, was not a serious obstacle because the guideline was voluntary. You don't have to go by it but the Governor didn't consider the President's wage guidelines for his own appointments and the staff salaries of his own supporters.

I am not going to quote from the Bangor paper, but I am going to quote an article from his own paper that supported him in Cumberland County, the Portland Press Herald. In that Portland Press Herald, which is a strong supporter of the Governor of this state, they go on to say that as much as an 85 percent increase on his personal appointments has taken place and many of them 39 percent; another one, 65 percent, and yet the working people of this state do not receive those kind of wages. In his own office, the secretarial staff, a 3 percent increase was granted. Justice of a Governor—I say to you, no!

To keep state workers down with lower wages than the private sector and even lower than our counterparts in New Hampshire and Vermont, is a form of slavery to the working men and women of Maine. It is unjustifiable and a complete loss to the Maine working people when they lose their respect and their dignity.

Energy—last week he told the people of Maine that next week we may run out of fuel. It was about ten below in Westbrook when that one came over the air. I cannot imagine any Governor making such a statement like that when he didn't even know what the fuel situation was. A first year law student wouldn't even make that kind of a statement, because we have many people in this state that are concerned about the fuel industry, about the fuel prices. After he made that statement, prices in our state at the pumps went up two to four cents that same week. Heating oil went up.

You know, this reminds me of a guy that we had around this country a few years ago—they nicknamed him "Tricky Dick." Well, Tricky Dick went on the TV one night and he told the people of this country that there was no oil, that there was talk of gas rationing, there would be no more Sunday driving, that we had to have a 55 mile speed limit, and then all of a sudden, when the gas prices doubled, there was plenty of gas. Now we have old "Tricky Joe" down on the second floor and Joe is telling the people of Maine that we do not have enough fuel. Well, I called the Energy Office and they were supposed to have a report ready for me this morning but they don't have that report because it is not ready, so if it is not ready for me, how could it have been ready last week for the Governor?

I am going into a little section that is very dear to my heart because I am a compassionate person even though I support the death penalty for murderers and rapists. The Governor of this state campaigned on being a true friend to the poor. I am telling you, ladies and gentlemen, that is the biggest joke I have ever heard. The Governor campaigned with the promise of jobs but the Governor's budget reduced by one third money for the Win Program and that program finds jobs for welfare recipients, so he keeps the welfare grants at a star-

vation level and makes it impossible for them to find jobs. He doesn't have in his budget funding for the victims of domestic welfare shelters—violent shelters. He lacks the continued support for the displaced homemaker's program under the Manpower Affairs.

No increase in aid to families with dependent children. Based on the cost of living in 1969, a family of two received \$195 a month, 95 percent of what they are entitled to as low income families. Work incentive programs have been decreased by \$75,000 to \$85,000. programs that train AFDC recipients to be self-reliant and self-sufficient. Child welfare programs cut approximately \$50,000—provides substitute care for children who cannot take care of themselves and who are not in their own homes.

There are a lot of people in this House that agree with me this morning. I have talked to many of you in the halls and I have talked to many of you in the back of the hall and I can say to you this morning, no man in this House owes me loyalty and I don't owe Governor Brennan my soul. The Governor has turned his back on welfare, the people who need assistance the most, double-crossed the working people and left a black cloud hanging over the energy problems.

Senator Conley, who is a very good friend of mine from the other body, calls my supporters "retards." Well, I would rather have all my "retards" than half of the misfits that he has.

It is clear to me that he believes only the rich, well-educated and social circles hold the truth and all others are enslaved and ignorant people.

Mr. Tierney of Lisbon was granted unanimous consent to address the House.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I think we have all listened with great interest to the gentleman from Westbrook. Mr. Laffin, as he repeated his analysis of the Brennan administration in his own style. But, to let his remarks and his characterizations of our State Chief Executive go unanswered—I would like to address first the issues which he has raised; secondly the man who holds the office.

Mr. Laffin speaks of the doubts and the fears that he has in regards to our current state bargaining process. He is not alone. Those are fears shared by our Governor, shared by all of us in this legislature, and I would certainly hope shared by the vast majority of the people of this state.

No one could be more disheartened than I to hear of sickouts and walkouts, of state work and state services that we are committed to not being performed. Yet, when this legislature and this Governor committed itself to the collective bargaining process some four or five years ago, no one ever said it would be easy. No one ever said it would be inexpensive. No one said it would be without the frustrations so articulately developed by the good gentleman from Westbrook. Of course it is difficult. Of course we are at loggerheads. Our Governor, only eight weeks in office, has inherited from prior administration, a state employee work force whose morale has been hit and hit and hit again. It is a difficult job.

The parties will be returning today to a meditation session in an attempt to come back together and resume talks. We have read in the paper how far they are apart, and we all hope that they will be able to draw themselves together in bringing to an end a speedy resolution to current impasse which exists between the parties.

Very little is served, ladies and gentlemen, from members of this house remonstrating on this floor or to the press or to anyone else about the situation. It is very important for us as individuals and collectively to keep from being manipulated by either party in the process, because the statutes are very clear that we are committed to a situation where the Executive

Department of Maine Government, not the legislative, will negotiate with its employees. In a statute that was framed and designed by the employee organizations, the legislature has been left a very limited role, and I would hope that that role would remain extremely limited.

I was sent as a legislative leadership. We have met with Mr. Delano and representatives and have discussed the situation and are trying to keep abreast of it for information purposes only, and I would hope that each of you, while sharing the frustrations, sharing the concerns, would remember that our role by definition is a limited one.

Mr. Laffin says that he is not sure that the Governor of this state can solve the state's energy problem. Well, I guess I have to agree with him there. I don't think the Governor can, I don't think this legislature can, and I think our entire country is being torn apart with the very fact that we are unable to come go grips with our energy problem. I do know that this week Governor Brennan interceded on behalf of the State of Maine in order to get fuel supplies to a desperately needed section of the state and along with Senator Muskie was able to get that oil delivered yesterday and today so the people are warm in their homes even as we speak. But as to the ultimate solution, the gentleman, of course, has to be correct.

Social services—can anyone in this state doubt the commitment of our Chief Executive to the poor and handicapped and the dispossessed of our state? I certainly cannot. A man who not only by public position but by life experience has dedicated himself to the working people of this state and their interests, now faced with a tight budget, in part by your own creation, is trying to maximize the efficiency of services, trying to get his administration on its feet and trying to do the job that has to be done. I think it is inappropriate for any member of this legislature, just eight weeks into the Brennan administration, to make the kind of remarks that Mr. Laffin made.

We will all wait, we will all have occasion to disagree with each other and with our Governor before this legislature adjourns, and when we do so, I trust we shall do so in the spirit that motivated us to come here in the first place, that being one of concern for our mutual constituents. Very little is served by speaking in terms of betrayal, double-crossing, rhetoric of that like—there is no place for it.

Let's continue to work together admitting our frustrations, let's continue to work on cooperatively with our Chief Executive, regardless of partisan differences, in order to effectuate the concerns that we are all here to carry out.

Mr. Garsoe of Cumberland was granted unanimous consent to address the House.

MR. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be very brief. I just felt that I had to rise on a couple of counts. Number one, I am getting a few notes indicating that some of you liked the speech I wrote for the distinguished gentleman from Westbrook, and I don't think I need to dwell on the fact that no one writes the speeches for the gentleman from Westbrook. He is his own man and a fine man, but I do want to discuss briefly the fact that we should bend over backwards to keep collective bargaining off the floor of this House until such time as it is properly before us.

The gentleman from Lisbon has correctly pointed out that we have but a minor role, that there will be plenty of time to expound our philosophies and our concerns when that role is before us.

I have been acting on behalf of the council for the last four years in trying to keep the council informed for informational purposes only, and we made, I think, a good start keeping this non-partisan, because this is the last place in the world that we need any partisan action.

As a matter of fact, were I to indulge myself

the way the gentleman from Westbrook has, I would be commending the Governor for his stand, but I am not going to do that because I am not going to follow the lead of the gentleman from Westbrook.

(Off Record Remarks)

At this point, the Speaker appointed Representative Diamond of Windham to act as Speaker pro tem on Thursday, March 1.

On motion of Mr. Jackson of Yarmouth, Adjourned until ten thirty o'clock tomorrow morning.