

# 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

Monday, March 5, 1979

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

Prayer by the Reverend Peter L. Misner of the Winthrop Methodist Church, Manchester.

Rev. MISNER: Let us pray. Almighty God, our Heavenly Father, we give thanks for the privilege and responsibility which is laid this day upon this body of Representatives of the people of the State of Maine. Grant, we pray, that those who serve in this place may exercise clear vision and good judgment as they consider the needs of all the people. We recognize before you that the task of decision is a treasure held in earthen vessels; in ourselves we have neither great wisdom nor great power. Therefore, we ask your guidance to lighten the places where shadows cloud our understanding. Let the deliberations of this House so move this day that a climate of justice and of peace may prevail and receive at day's end the satisfaction of work well done. Amen.

(Off Record Remarks)

The journal of the previous session was read and approved.

#### Papers from the Senate

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

Alphonse Symonevich of Waterville has been named Law Enforcement "Officer of the Year" by the Greater Waterville Exchange Club (S. P. 295)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

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

Jerry Haynes of Oakland has been named Law Enforcement "Officer of the Year" by the Greater Waterville Exchange Club (S. P. 296)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

The following Joint Order: (S. P. 312)

WHEREAS, We, the Members of the 109th Legislature, have special feelings of honor and respect for those individuals who have walked these halls in the past; and

WHEREAS, a great debt of gratitude is owed to those notable figures who by their outstanding ability and foresight have fashioned the laws of this State; and

WHEREAS, it is our fond wish that these friends and former colleagues be appropriately received with special honor and distinction in the setting of their past accomplishments; now, therefore, be it

ORDERED, the House concurring, that Wednesday, April 18, 1979, be set apart and designated as "Welcome Back Day" at the Maine Legislature and that a special committee composed of the Legislative Administrative Director, the Secretary of the Senate and the Clerk of the House of Representatives, chaired by the Legislative Administrative Director, is authorized to make all plans and arrangements to provide an appropriate homecoming for these returning individuals; and be it further

ORDERED, that all former presiding officers and members of the Senate and House are hereby cordially invited to be the guests of the 109th Legislature in session on that date; and be it further

ORDERED, that each member of the 109th Legislature be charged with the pleasant duty of urging all colleagues of former Legislatures within their districts to make every effort to return on "Welcome Back Day" and share the friendship and pleasant memories of their years of service to this State.

Came from the Senate Read and Passed.

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

Bill "An Act to Increase the State Tourism Promotion Effort under the Tourism Promotion and Information Services Act" (S. P. 292) (L. D. 859)

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

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

Bill "An Act to Amend the Maine Certificate of Need Act of 1978" (S. P. 283) (L. D. 857)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Provide for Metric Measurements" (S. P. 286) (L. D. 856)

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

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

Bill "An Act to Provide for the Registration of Off-road Motorcycle Type Vehicles" (S. P. 276) (L. D. 858)

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

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

#### Petitions, Bills and Resolves Requiring Reference

The following Bills, Resolves and Resolution were received and referred to the following Committees:

##### Aging, Retirement and Veterans

Bill "An Act Concerning Retirement Benefits Under the Maine State Retirement System" (H. P. 774) (Presented by Mr. Paradis of Augusta)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain and Protect the Integrity of the Maine State Retirement System (H. P. 780) (Presented by Mr. Jalbert of Lewiston) (Cosponsors: Mr. Churchill of Orland, Ms. Lund of Augusta, and Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

##### Agriculture

Bill "An Act Relating to License Fees for Dogs" (H. P. 775) (Presented by Mrs. Hutchings of Lincolnville) (Cosponsors: Mrs. Sewall of Newcastle and Mr. Wyman of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

##### Appropriations and Financial Affairs

Bill "An Act Revising the Pauper Laws" (H. P. 776) (Presented by Mr. Doukas of Portland)

Bill "An Act to Provide for Aid to Families with Dependent Children Benefits for Unemployed Parents under the Aid to Families with Dependent Children - Unemployed Fathers Program" (H. P. 777) (Presented by Mr. Brodeur of Auburn)

Bill "An Act to Appropriate \$30,000 to Day One, Inc." (H. P. 778) (Presented by Mr. Vincent of Portland)

Bill "An Act to Increase the Funds for the Displaced Homemakers Program" (H. P. 779) (Presented by Mrs. Nelson of Portland) (Cosponsors: Mrs. Kany of Waterville and Mr. Carroll of Limerick)

(Ordered Printed)

Sent up for concurrence.

##### Business Legislation

Bill "An Act to Provide Recycling and Con-

servation Use of Unredeemed Refunds on Beverage Containers" (H. P. 781) (Presented by Mr. Higgins of Scarborough)

Bill "An Act to Permit Certain Private Actions under the Profiteering Statutes" (H. P. 782) (Presented by Mr. Howe of South Portland) (Cosponsor: Mr. Wood of Sanford)

Bill "An Act to Prohibit Automobile Franchisors from Granting New Franchises within the Relevant Market Area of Existing Franchises" (H. P. 783) (Presented by Mr. Sprowl of Hope)

Bill "An Act to Permit Certain Maine Pharmacists to Fill the Prescription of Certain Non-resident Physicians" (H. P. 784) (Presented by Mr. McHenry of Madawaska)

Bill "An Act to Extend Warranty Protection to Purchasers of Used Cars" (H. P. 785) (Presented by Mr. Howe of South Portland) (Cosponsor: Mr. Tarbell of Bangor)

Bill "An Act to Encourage the Acceptance by Distributors of Beverage Containers" (H. P. 786) (Presented by Mrs. Hutchings of Lincolnville) (Cosponsors: Mrs. Post of Owl's Head and Mr. Jackson of Yarmouth)

Bill "An Act to Make Certain Changes in the Manufactured Housing Act" (H. P. 787) (Presented by Mrs. Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

##### Education

Bill "An Act to Provide an Alternative to Compulsory School Attendance" (H. P. 788) (Presented by Mr. Davis of Monmouth) (Cosponsors: Mr. Boudreau of Waterville, Mr. McSweeney of Old Orchard beach, and Mr. Diamond of Windham)

Bill "An Act to Permit School Administrative Units to Grant Leaves of Absence Without Loss of Contract Status to Teachers who are Elected to County or Local Office" (H. P. 789) (Presented by Mr. Brennerman of Portland)

Bill "An Act to Provide Representation Based on Population to the Various Regions of Maine on the University of Maine Board of Trustees" (H. P. 790) (Presented by Mr. Barry of Fort Kent) (Cosponsors: Miss Brown of Bethel, Ms. Lund of Augusta, and Mrs. Huber of Falmouth)

Bill "An Act to Provide for a Legislative Management Audit of the University of Maine" (H. P. 791) (Presented by Mr. Barry of Fort Kent) (Cosponsors: Mrs. Berube of Lewiston, Mr. Higgins of Scarborough, and Mr. Lougee of Island Falls)

Bill "An Act Relating to Appropriating Funds for Certain Municipal Governments" (H. P. 792) (Presented by Mr. Wood of Sanford) (Cosponsors: Mr. McMahon of Kennebunk and Mr. Hanson of Kennebunkport)

Bill "An Act Concerning the Powers of the Board of Trustees and the Treasurer of the University of Maine and Concerning Real Property Belonging to the University" (H. P. 793) (Presented by Mr. Hughes of Auburn) (Cosponsor: Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

##### Election Laws

Bill "An Act to Provide for Publication of Specimen Ballots" (H. P. 794) (Presented by Mr. Bowden of Brooklin)

(Ordered Printed)

Sent up for concurrence.

##### Public Utilities

Bill "An Act to Encourage Industrial Cogeneration and Small Power Production Facilities Using Renewable Sources of Energy" (H. P. 795) (Presented by Mr. Davies of Orono) (Cosponsors: Mrs. Huber of Falmouth, Mr. Michael of Auburn)

Committee on Energy and Natural Resources was suggested.

On motion of Mr. Blodgett of Waldoboro, was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

**Energy and Natural Resources**

Bill "An Act to Require the Office of Energy Resources to Annually Submit to the Governor and to the Legislature the Current State Energy Plan and Policy" (H. P. 796) (Presented by Mr. Baker of Portland) (Cosponsor: Mrs. Huber of Falmouth)

Bill "An Act Concerning the Saco River Corridor Commission" (H. P. 797) (Presented by Mr. Kiesman of Fryeburg) (Cosponsor: Mr. D. Dutremble of Biddeford)

Bill "An Act for Expression of Public Sentiment on the Dickey-Lincoln Hydroelectric Power Project by Referendum" (H. P. 798) (Presented by Mr. Tarbell of Bangor) (Cosponsors: Mr. Barry of Fort Kent, Mr. Rolde of York, Mr. Higgins of Scarborough)

Bill "An Act to Determine What Environmental Laws Apply to Radioactive Waste Materials" (H. P. 799) (Presented by Mrs. Huber of Falmouth) (Cosponsor: Mr. Blodgett of Waldoboro)

Bill "An Act Providing for the Consideration of Solar Energy Requirements in Comprehensive Plans" (H. P. 800) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mr. Austin of Bingham, Mr. Torrey of Poland, Mr. Baker of Portland)

Bill "An Act to Allow for Private Voluntary Creation and Conveyance of Solar Easements" (H. P. 801) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mr. Cloutier of South Portland, Mr. Hobbins of Saco, Mr. Davis of Monmouth)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Permit Hunting of Wild Game upon Certain Lands on Sunday" (H. P. 802) (Presented by Mr. Paul of Sanford)

Bill "An Act Relating to the Term of Membership on the Inland Fisheries and Wildlife Advisory Council" (H. P. 803) (Presented by Mr. Paul of Sanford)

(Ordered Printed)

Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act Relating to Permissive Use of Drugs" (H. P. 804) (Presented by Mr. Doukas of Portland)

Bill "An Act Concerning Work Release and School Release for Individuals under the Department of Mental Health and Corrections" (H. P. 805) (Presented by Mr. Connolly of Portland) (Cosponsor: Mr. Hughes of Auburn)

Bill "An Act Relating to the Powers of Hospital and Medical Service Organizations" (H. P. 806) (Presented by Miss Aloupis of Bangor) (Later Reconsidered)

Bill "An Act to Authorize the Provision of Services to Developmentally Disabled Children" (H. P. 807) (Presented by Mrs. Nelson of Portland) (Cosponsors: Mr. Brown of Livermore Falls, Mrs. Berube of Lewiston, Mr. Boudreau of Waterville)

RESOLVE, Relating to the Provision of Mental Health Services for Children and Families (H. P. 808) (Presented by Mrs. Prescott of Hampden) (Cosponsors: Mr. Kelleher of Bangor, Mr. Birt of East Millinocket, Mr. Soulas of Bangor)

Bill "An Act Relating to General Assistance" (H. P. 859) (Presented by Mr. Brenerman of Portland) (Cosponsor: Ms. Benoit of South Portland)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Clarify Habitual Offender Penalties" (H. P. 809) (Presented by Mr. Tarbell of Bangor)

Bill "An Act to Make Arson a Class A Crime under the Maine Criminal Code" (H. P. 810) (Presented by Mr. LaPlante of Sabattus) (Ordered Printed)

Sent up for concurrence.

**Tabled and Assigned**

Bill "An Act to Amend the Judicial Retirement System" (H. P. 811) (Presented by Mr. Fenlason of Danforth) (Cosponsors: Mr. Tarbell of Bangor, Mr. Hickey of Augusta and Mr. Kelleher of Bangor)

Committee on Judiciary was suggested.

Mrs. Nelson of Portland moved that the Bill be referred to the Committee on Aging, Retirement and Veterans.

On motion of Mr. Hughes of Auburn, tabled pending the motion of Mrs. Nelson of Portland to refer to the Committee on Aging, Retirement and Veterans and tomorrow assigned.

**Judiciary cont'd**

Bill "An Act to Eliminate the Requirement that all Personnel Actions for the Judicial Department be reported to the Commissioner of Personnel" (H. P. 812) (Presented by Mr. Simon of Lewiston) (Cosponsor: Mr. Stetson of Wiscasset)

Bill "An Act to Eliminate the Requirement that Judicial Department Payrolls be Approved by the Commissioner of Personnel" (H. P. 813) (Presented by Mr. Simon of Lewiston) (Cosponsor: Mr. Stetson of Wiscasset)

Bill "An Act to Establish a Truth-in-Renting Law" (H. P. 814) (Presented by Mr. Connolly of Portland)

Bill "An Act to Ensure Firefighters may use a Reasonable Degree of Nondeadly Force to Carry Out their Firefighting Duties" (H. P. 815) (Presented by Mr. Joyce of Portland) (Cosponsor: Mr. McSweeney of Old Orchard Beach)

Bill "An Act to Require that Persons Convicted of Habitually Sexually Molesting a Child under the age of 14 May be Asexualized" (H. P. 816) (Presented by Mrs. Lewis of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Labor**

Bill "An Act to Define Employer under the Occupational Safety and Health Law" (H. P. 817) (Presented by Mr. Vincent of Portland) (Cosponsor: Mr. Tierney of Lisbon)

Bill "An Act to Protect the Right of Employees to Freely Decide whether to Support Labor Organizations" (H. P. 818) (Presented by Mr. Leighton of Harrison) (Cosponsor: Mr. Twitchell of Norway)

Bill "An Act Relating to Unemployment Compensation Benefits for Persons Collecting Workers' Compensation" (H. P. 819) (Presented by Mr. Wyman of Pittsfield) (Cosponsor: Mr. Birt of East Millinocket)

Bill "An Act to Provide Inflation Protection for Partially Disabled Employees" (H. P. 820) (Presented by Mr. D. Dutremble of Biddeford)

Bill "An Act to Clarify the Disqualification Provisions of the Employment Security Law" (H. P. 821) (Presented by Mrs. Lewis of Auburn) (Cosponsor: Mr. Cunningham of New Gloucester)

Bill "An Act Concerning Group Medical Coverage for Families of Disabled Employees" (H. P. 822) (Presented by Mr. Cloutier of South Portland) (Cosponsors: Mr. Wyman of Pittsfield, Mr. Lizotte of Biddeford and Mr. Tierney of Lisbon)

Bill "An Act to Define Suitable Work After the First Twelve Consecutive Weeks of Unemployment" (H. P. 823) (Presented by Mr. Gray of Rockland)

Bill "An Act to Modify the Dispute Resolution Process under the Labor Statutes" (H. P. 824) (Presented by Mr. Higgins of Scarborough) (Cosponsor: Mr. Carter of Winslow)

Bill "An Act Concerning Eligibility Under the Second Injury Fund Under the Workers' Compensation Statutes" (H. P. 825) (Presented by Mr. Austin of Bingham) (Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act Prohibiting any Person from Selling or Offering for Sale or Exchange to a Minor any Product which Seeks to Imitate an Alcoholic Beverage by Looks, Taste and Smell" (H. P. 826) (Presented by Mr. Marshall of Millinocket) (Cosponsor: Mr. Wyman of Pittsfield and Mr. Gray of Rockland)

Bill "An Act Concerning the Governor and Council of the Penobscot Indian Tribe" (H. P. 827) (Presented by Mr. Pearson of Old Town) (Ordered Printed)

Sent up for concurrence.

**Local and County Government**

Bill "An Act to Bring the Definition and Use of Local 'Comprehensive Plan' into Conformity with Local Planning Requirements" (H. P. 828) (Presented by Mr. Connolly of Portland)

Bill "An Act to Provide Civil Service Status for all Deputy Sheriffs of the Several Counties" (H. P. 829) (Presented by Mr. Jalbert of Lewiston) (Cosponsors: Mr. Joyce of Portland, Mr. Torrey of Poland and Mr. Laffin of Westbrook)

Bill "An Act to Limit Increases in the Bonded Indebtedness of Municipalities without Referenda thereon by the Same Municipalities" (H. P. 830) (Presented by Mr. Simon of Lewiston) (Cosponsors: Mr. Cloutier of South Portland, Mr. Tierney of Lisbon and Mr. McKean of Limestone)

Bill "An Act to Provide for County Self-government" (H. P. 831) (Presented by Mr. Michael of Auburn) (Cosponsors: Mr. Lancaster of Kittery, Ms. Lund of Augusta and Mr. Cunningham of New Gloucester)

Bill "An Act to Convert Wallagrass Plantation into the Town of Wallagrass" (Emergency) (H. P. 832) (Presented by Mr. Barry of Fort Kent)

Bill "An Act Concerning Interdepartmental Transfers of Appropriated Funds by a County and Concerning other County Budget Items" (H. P. 833) (Presented by Mr. Tarbell of Bangor) (Cosponsor: Mr. Wood of Sanford)

Bill "An Act to Reestablish the Boundary Line between Winslow and China" (H. P. 834) (Presented by Mr. Carter of Winslow)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act Relating to Inspecting Electricity and Water Meters by the Public Utilities Commission" (H. P. 835) (Presented by Mr. Rolde of York)

Bill "An Act to Revise the Van Buren Light and Power District Charter" (H. P. 836) (Presented by Mr. Violette of Van Buren)

Bill "An Act to Prohibit Rate Discrimination by Public Utilities" (H. P. 837) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Ms. Brown of Gorham, Miss Brown of Bethel and Mr. McKean of Limestone)

Bill "An Act Relating to the Protection of Underground Facilities" (H. P. 838) (Presented by Mr. Higgins of Scarborough)

Bill "An Act to Encourage the Conservation of Electricity by Providing for Promotional and Informational Material" (H. P. 839) (Presented by Mr. Davies of Orono) (Cosponsor: Mrs. Post of Owl's Head)

Bill "An Act to Provide for Lifeline Electrical Service" (H. P. 840) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mr. Wyman of Pittsfield, Mrs. Huber of Falmouth and Mr. Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act Relating to Resident State Police Troopers" (H. P. 841) (Presented by Mr. Bowden of Brooklyn) (Ordered Printed)

Sent up for concurrence.

#### Later Today Assigned

Bill "An Act to Authorize the Bureau of Public Lands to Lease Lands in the Intertidal Zone Adjacent to Permanent Structures" (H. P. 842) (Presented by Mrs. Post of Owl's Head) Committee on State Government was suggested.

On motion of Mr. Blodgett of Waldoboro, tabled pending reference and later today assigned.

#### State Government cont'd

Bill "An Act to Provide Fiscal Impact Statements" (H. P. 843) (Presented by Mrs. Mitchell of Vassalboro) (Cosponsors: Mrs. Post of Owl's Head and Mr. Garsoe of Cumberland)

Bill "An Act Relating to the State Apprenticeship Council" (H. P. 844) (Presented by Mr. Elias of Madison)

(Ordered Printed)

Sent up for concurrence.

#### Later Today Assigned

Bill "An Act to Include Independent Contractors within Deferred Compensation Plans" (H. P. 845) (Presented by Mrs. Damren of Belgrade)

Committee on State Government was suggested.

Mrs. Damren of Belgrade moved that the Bill be referred to the Committee on Business Legislation.

On motion of Mr. Howe of South Portland, tabled pending the motion of Mrs. Damren of Belgrade to refer to the Committee on Business Legislation and later today assigned.

#### State Government cont'd

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit Maine Senators to not more than Five Consecutive Two-year Terms, and to Limit Maine Representatives to not more than Five Consecutive Two-year Terms (H. P. 846) (Presented by Mr. Bowden of Brooklin)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Remove the Attorney General, Secretary of State and Treasurer of State as Constitutional Officers (H. P. 847) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act to Provide that the State Tax Assessor Shall Use Information from Federal Income Tax Forms to Determine Appropriate Valuation of Land under the Tree Growth Tax Law for Those Taxpayers who Declare Capital Gains from Timber Sales on Federal Income Tax Returns" (H. P. 848) (Presented by Mrs. Reeves of Pittston)

Bill "An Act to Allow Municipalities to Levy a User Charge in Place of Taxes for Service Provided State and County Owned Property" (H. P. 849) (Presented by Mr. Carter of Bangor) (Cosponsor: Mr. Masterman of Milo)

Bill "An Act to Repeal State Valuation of Property Throughout the State" (H. P. 850) (Presented by Mr. Wood of Sanford)

Bill "An Act to Provide a State Income Tax Credit for Installation of Wood Stove" (H. P. 851) (Presented by Mr. D. Dutremble of Biddeford) (Cosponsors: Mr. Wood of Sanford and Mr. Fowlie of Rockland)

Bill "An Act to Provide an Income Tax Credit for Installation of Insulation in Residences" (H. P. 852) (Presented by Mr. D. Dutremble of Biddeford) (Cosponsors: Mr. Wood of Sanford and Mr. Kiesman of Fryeburg)

Bill "An Act to Provide a Homeowner State Income Tax Credit for Installation of Energy-saving Solar Devices" (H. P. 853) (Presented by Mr. D. Dutremble of Biddeford) (Cosponsors: Mr. Wood of Sanford and Mr. Fowlie of Rockland)

Bill "An Act to Create the Property Tax Homestead Relief Act of 1979" (H. P. 854) (Presented by Mr. Michael of Auburn) (Cosponsors: Mr. Davies of Orono and Mrs. Chonko of Topsham)

(Ordered Printed)

Sent up for concurrence.

#### Transportation

Bill "An Act Concerning Illumination of Railroad Switching Leads" (H. P. 855) (Presented by Mr. Kane of South Portland) (Cosponsor: Mr. Soulas of Bangor)

Bill "An Act to Provide Owners of Certain Property Abutting a Discontinued or Abandoned Town Way Access to Public Roads and Highways" (H. P. 856) (Presented by Mr. Sprowl of Hope)

Bill "An Act to Provide Local Control of Winter Closing of Town Ways" (H. P. 857) (Presented by Mr. L. Dutremble of Biddeford)

Bill "An Act to Provide for the Issuance of a Warning for Operating an Unregistered Motor Vehicle within One Month of the Expiration of Registration" (H. P. 858) (Presented by Mr. Tierney of Lisbon) (Cosponsors: Mrs. Reeves of Pittston, Mr. Barry of Fort Kent and Mr. Kane of South Portland)

(Ordered Printed)

Sent up for concurrence.

#### Orders

An Expression of Legislative Sentiment (H. P. 772) recognizing that:

The Loring Snowhawks Snowmobile Club of the Loring Air Force Base in Maine rode in severe weather down the State to support the Pine Tree Crippled Children's Camp

Presented by Mr. McKean of Limestone

The Order was read.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: This particular order has some significance in that these people who made this ride on snowsleds and did not run over my good friend Representative Hall's Christmas trees, came down all the way from Loring Air Force Base to Newport, approximately 250 miles, on two days when the weather was in excess of 40 degrees below zero chill factor. They had to do it at this time because it meant \$4,000 for the Pine Tree Cripple Children's Camp. They completed the ride and I think they did a tremendous job and that is a lot of money for our crippled kids.

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

An Expression of Legislative Sentiment (H. P. 773) recognizing that:

Mrs. Burnette Lufkin, a resident of Madrid and Phillips since she was 3 years old and holder of the Boston Post Cane in Phillips as the town's oldest resident, celebrated her 100th birthday

Presented by Mr. Dexter of Kingfield. (Cosponsors: Mr. Rollins of Dixfield and Mr. Morton of Farmington)

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

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Louis Jalbert of Lewiston be excused March 1, 1979 for the duration of his illness;

AND BE IT FURTHER ORDERED, that Representative Barry Hobbins of Saco be excused March 1, and March 2, 1979 for legislative business;

AND BE IT FURTHER ORDERED, that Representative William Garsoe of Cumberland be excused March 1, and March 2, 1979 for legislative business;

AND BE IT FURTHER ORDERED, that Representative Marjorie Hutchings of Lincolnville be excused March 5 through March 12, 1979 for personal reasons;

AND BE IT FURTHER ORDERED, that Representative Lucien Dutremble of Biddeford be excused March 5, March 6, and March 7, 1979 for personal reasons.

#### (Off Record Remarks)

On motion of Mr. Howe of South Portland, the House reconsidered its action of earlier in the day whereby Bill "An Act Relating to the Powers of Hospital and Medical Service Organizations," House Paper 806, was referred to the Committee on Health and Institutional Services.

On further motion of the same gentleman, tabled pending reference and later today assigned.

By unanimous consent, all matters referred to Committees were ordered sent forthwith.

On motion of Mr. Hall of Sangerville, Recessed until the sound of the gong.

#### After Recess

11:40 a.m.

The House was called to order by the Speaker.

#### House Reports of Committees

##### Leave to Withdraw

Mr. Brown from the Committee on Local and County Government on Bill "An Act Concerning Expenditure of County Funds" (H. P. 143) (L. D. 149) reporting "Leave to Withdraw"

Mrs. Kany from the Committee on State Government on Bill "An Act Concerning Appointments of Justices of the Peace" (Emergency) (H. P. 109) (L. D. 118) reporting "Leave to Withdraw"

Mr. Stover from the Committee on Local and County Government on Bill "An Act to Increase the Salary of the Kennebec County Register of Deeds and Register of Probate by 7%" (H. P. 283) (L. D. 361) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the Meeting of the First Regular Session of the Legislature during December to Election of Constitutional Officers and Legislative Officers and to Provide for Senate Apportionment in 1983 (H. P. 288) (L. D. 348)

Report was signed by the following members:

Messrs. SUTTON of Oxford  
MARTIN of Aroostook  
AULT of Kennebec

—of the Senate.

Mr. LANCASTER of Kittery  
Mrs. KANY of Waterville  
Mrs. BACHRACH of Brunswick  
Mr. PARADIS of Augusta

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Resolution.

Report was signed by the following members:

Mrs. REEVES of Pittston  
Messrs. BARRY of Fort Kent  
CONARY of Oakland

Mrs. DAMREN of Belgrade  
Ms. LUND of Augusta

Mrs. MASTERTON of Cape Elizabeth

—of the House.

Reports were Read.

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

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

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Mas-

terton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against that motion and to support the Minority "Ought to Pass" Report.

I am going to give you a little bit of brief history about this bill and why I sponsored it. You all received on your desks at the beginning of the session the State Legislative Leaders Foundation publication called "Improving the Maine Legislature." This was written by Mr. Stephen G. Lakis, Staff Associate. He was brought into the state of Maine per the Legislative Council in 1976 to do a study on making our legislature work better, be more efficient. His study culminated after 18 months of work. He was paid in total \$46,800, half of that coming from the State of Maine, half of it coming from the federal program.

While he was about the legislature, he surveyed the attitudes of the 107th Legislature. He found, and I am reading directly from the report, from his survey of legislators, almost 33 percent, one third of all the members, thought the legislature did no better than a fair or poor job in formulating policies. Over 40 percent gave low evaluations of the legislature's job in funding programs, and over 75 percent of the legislators believed oversight of state administration to be inadequate.

Given these findings, members of the 107th Legislature were next asked if they believed something needs to be done to improve the legislators' performance. Not surprisingly, the survey revealed an overwhelming majority, 88 percent, felt there is a need for either major or some improvement in the legislative process.

When asked further as to the priority of legislative improvement, only slightly less, 78 percent indicated that legislative reform should be accorded either highest or medium priority.

He then goes on to talk about our utilization of time, which is not good, and goes into a few of the aspects of the trend towards a more efficient legislature that has been going on over the last few years, that is (1) increased use of professional staff, and we are talking here about our full-time legislative aides up on the fourth floor, joint legislative management, and we are talking here about the legislative council which has been established to manage the affairs of this legislature. He noted the electronic bill status system and the results of that are outside the House here in the Legislative Information Office, where we go running in to find out the status of our bills and other bills that our constituents are interested in. We get instant status.

He mentioned Performance Audit, the establishment of the Performance Audit Committee, and indeed, this year, as we know from the discussion of the agricultural fair stipends the other day, this committee is going into sunset review little by little of all the agencies in state government.

Finally, he mentions annual sessions. Maybe some of you don't realize it, but the 108th Legislature was the first to have annual sessions, in which we had a first regular and a second regular annual session. All of these, he feels, constitute a trend towards a faster moving legislature.

Now, he studied the way we worked and he made numerous suggestions, many of which have been enacted as joint resolutions. The centerpiece of his overall recommendations was a pre-session organizational session to be held after the election but no later than the first week of December, pursuant to the general election. At this session, he states, the legislature should organize itself for the entire biennium and, under organization, he included leadership selection, committee assignments, if possible, he mentioned that the legislative session could be speeded up if we spent some time in December getting organized so that we could begin to refer bills to committee immediately upon reconvening in January.

He also suggested, and it was adopted, other recommendations, such as departmental bills having to be filed before the first day of December. Now, those of you who have been around here for awhile know that anywhere from a third to one half of our legislative bills are not individual but departmental bills. If we could get that huge number of bills prefiled, the drafting all set, those are the bills that we could start referring early in January. So, that is a little bit of history about this report and remember that we expended quite a bit of money on it.

The council then appointed what was called "the implementation committee". I served on that committee, others of you did, and we studied all the recommendations and, in turn, we put them into form so that they could be enacted either by Joint Order and, again, the centerpiece was the bill to convene the legislature in December.

This bill went flying through both houses of this legislature. It got an unanimous "ought to pass" out of the the State Government Committee. It was never debated. It was passed in both branches with a two-thirds vote, since it was on the Consent Calendar, and it went out to the people last November where it was passed in referendum.

Just prior to the referendum, Governor James B. Longley came out against this amendment. He said that it wasn't specific enough, that he was afraid that the legislature would convene in December and we would sit here the whole month of December wasting the taxpayers' money. I can assure you that those of us who participated in the implementation committee had nothing further from our minds.

The Portland press and maybe some other press in your areas then attacked the amendment for the same reason. My bill is an attempt to clarify, very simply, that our organization sessions will be for no more than three days in December and that the purpose of it is to elect our constitutional officers, our leadership and other officials in both bodies of this legislature.

That is an explanation of the bill. I think we ought to keep it alive, I think this time we ought to give it full debate and I am asking you to not vote for the Majority "Ought Not to Pass" Report.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I truly appreciate the efforts of Representative Masterton in drafting this particular bill in order to clarify the December convening, but I can't support her bill at this time. I am just not convinced the detail as spelled out here in L. D. 348 is ideal. Is the language too specific? Is it not specific enough? What was left out? Did we put too much in? Is it perfect? What is the hurry on sending out to Maine voters another constitutional amendment regarding a convening date? We will not be having a lame-duck governor in two years. What is the hurry in delineating just what the legislature can do in December? Why not be cautious, carefully evaluate the December convening and then address this question.

I hope you will go along with the acceptance of the Majority "Ought Not to Pass" Report.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I am the cosponsor of this bill and I would like to explain why.

The original constitutional resolution went through here quite handily and it was passed also quite handily by the voters last November but not without some reservations by at least one newspaper in this state, the Portland Press Herald, which pointed out that the constitutional amendment which was passed places no restrictions on the kind of actions which the legislature can take in December. I became

concerned about well and as a voter voted against that resolution.

It seems to me that we have three courses of action before us today, either pass this bill or pass Representative Jalbert's bill coming up shortly on the calendar which simply returns it to the status quo prior to the November election or do nothing, and I prefer the present course outlined in this bill, because it seems to me that if we do nothing, the problem with the constitutional amendment we passed is still there, that there is room for some monkeying around, if you will, in December prior to new governors taking over, and I understand that won't happen for eight years. But nonetheless, the problems with that legislation, that amendment, is still there if we take no action.

I also oppose repealing entirely what we did, because not only does it seem to me that it makes us look a little silly that we did one thing and then turn around and repeal it outright the first chance we get, it also throws the proverbial baby out with the bath water.

I am satisfied, as consponsor of this bill, in the limitation placed on that amendment, but I would think that if the committee felt that there ought to be some changes made on that, they would have made them rather than simply say no to the bill.

I would feel much better knowing that we had the right intent when we sent the original amendment out, that we are going to stick to that intent and we are going to more properly define it with this bill. Therefore, I would oppose the present motion.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I have difficulty with this bill because it is too specific, as Representative Kany has said.

It says, for instance, that the Attorney General, the Secretary of State and the Treasurer of State, etc., will be elected in the pre-legislative session and we have legislation that we are considering that might perhaps replace the Secretary of State with a Lieutenant Governor and various other proposals of this sort, and if we were to make any changes in these particular matters, we would then have to go back to the voters and take this out of the Constitution.

The committee was addressing the whole issue from the point of whether we should get rid of this particular amendment or improve it, and I don't think we addressed to a sufficient extent whether perhaps we might actually limit the amendment. I don't believe that the sponsors were willing to do this.

I possibly might favor an amendment which would simply specify that we should convene for only three days or something limiting of that sort, but to set out as much detail as this does about what you can and can't do in this particular session seems to be inappropriate in the Constitution.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: To answer initially the questions of the good lady from Brunswick, Representative Bachrach, in the event that changes are made in the Constitution that there are possible changes that might come before the people that are voted on at the same time that cause some conflict, re-codification is accomplished so that those corrections are made. If, for instance, we did pass the motion that is presently before us and it is adopted by the people, which did include the so-called constitutional officers as we interpret them and legislation is also passed to abolish these officers, the corrections should be made in the codification by the people involved, so it is my understanding, at least, that this would not be affected. I have seen this happen a couple of times before and I don't believe there is any problem in that area.

I do support the two speakers who supported

the motion to pass this and send it out to the people. As the previous Governor indicated, he felt that the language was a little bit too lax. It is my understanding that he had said he would have supported this concept and agreed with it if the language had been tight enough to specifically say what we are addressing this morning.

I think another area that we might want to look at is that several years ago there was a study made of all the legislatures in the country by a National Legislative Organization. I think the speaker two years ago at the pre-legislative conference was one of the people who did that, Larry Margolius.

During that study, one of the top recommendations made was that legislators consider early convening for organizational purposes. Several states have adopted that type of program and it has worked out very well for them. An analysis of the Maine Legislature came out with rather mixed reports on it - it came out that the Maine Legislature had quite a few problems. I think the thing that gave us a fairly high mark was our Joint Committee setup. One of the strong recommendations that was made in that report was the early convening of the legislature.

When this was first brought up by the people who did the study last year at the National Legislative Conference it was discussed thoroughly with the Legislative Council at that time and the Legislative Council endorsed this idea completely. I think the issue is presently before us because of the fact that we just recently voted on it. I think now is the proper time to take the corrective actions necessary in the constitution.

I hope that we would oppose the "Ought Not to Pass" Report and then we could adopt the "Ought to Pass" Report.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I am surprised at the amount of debate on the first reading, particularly where there is no Committee Amendment, but I would point out in the Constitutional Amendment, Section I, there is one thing which would require us to keep this thing alive, and that is that it does provide a vehicle to correct an error that was made in the previous constitutional amendment when we made the date for apportioning the Senate 1984 when it should have been 1983, and for that reason, I hope you will all vote against the motion to accept the "Ought Not to Pass" Report and send this along to second reader and it can be amended there.

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

Mrs. KANY: Mr. Speaker and Members of the House: Representative Morton just called attention to something that should be corrected eventually in the Constitution. There are other vehicles to do that and, once again, there is no hurry. We needn't have anything done before the next general election.

I would certainly hope that you would use a little common sense and urge a little caution so we can be very careful when we do spell out language for such a purpose as this. I hope you will go along with the Majority "Ought Not to Pass."

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Barry.

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to quickly point out that from the Lakis Report, the first recommendation was to adopt an amendment to the Maine Constitution permitting December organization of the Legislature. I think it was the intent of the citizens of the State of Maine and also of this Legislature that we approve of that amendment for housekeeping matters, to elect constitutional officers, our leadership, and committee assignments and have public hearings. As it is in the session, we

had been five weeks before we even had a public hearing.

I would like to also point out that a couple of weeks before the citizens of the State of Maine voted on this, it was brought out that there was this issue dealing with a lame-duck governor and a possibility of what could happen if that got approved. I would like to point out that there were six counties that voted against the constitutional amendment. It only passed by approximately 11,000 votes out of 318,000 votes cast. The reason why they approved only by an 11,000 vote margin, my feeling is that they realized this loophole and they would like to see this corrected.

I would urge you to vote against the motion prevailing.

The SPEAKER: the pending question is on the motion of Mrs. Kany of Waterville that the House accept the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted, the Resolution read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" on RESOLUTION. Proposing an Amendment to the Constitution of Maine to Provide for the Convening of the Legislature in January Instead of in December (H. P. 1) (L. D. 7)

Report was signed by the following members:

Mr. Sutton of Oxford and Mr. Ault of Kennebec—of the Senate.

Mr. Lancaster of Kittery, Ms. Lund of Augusta, Mrs. Bachrach of Brunswick, Mrs. Damren of Belgrade, and Mr. Conary of Oakland—of the House.

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

Report was signed by the following members:

Mr. Martin of Aroostook—of the Senate.

Messrs. Reeves of Pittston

Barry of Fort Kent

Mrs. Kany of Waterville

Masterton of Cape Elizabeth

Mr. Paradis of Augusta

—of the House.

Reports were read.

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

Mrs. KANY: Mr. Speaker, I move acceptance of the Minority "Ought Not to Pass" Report.

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

Mr. MORTON: Mr. Speaker and Members of the House: I hope you will look carefully at what this does. It was pretty well discussed in the discussion on the previous bill and I don't want to take a lot of your time this morning. I would call your attention to one thing that was said by one of the people who was speaking on the fair side of this bill, and that was that when this bill went through the legislature last time, there was not one word, nothing of debate. It was a unanimous report out of the committee, came through, and I can't tell you whether it was raining that day or whether the sun was shining or what the situation was, but nobody wanted to talk about it, it got no debate, and the people of the State of Maine got no leadership from the legislature on that one.

So, it was put on the ballot and was adopted by the people in referendum but, as again was pointed out, by a relatively small margin. That, I think, is one good reason to take a look at it and get some debate on the floor. That is why I am going to urge you to keep it alive here on

the floor today and not go for the "ought not to pass" report.

There are problems with recounts — I won't go into those. There is a bill which I am sure has been presented which will call for a possible gubernatorial and senatorial statewide election runoff. That, again, would present problems if we have a very early convening of the legislature.

For those reasons, I would hope that you would keep this bill alive this morning so we can get a good opportunity to assess it here on the floor of the House and in the other body and give some direction to the people of the State of Maine.

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

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

The SPEAKER: The pending question is on the motion of Mrs. Kany of Waterville that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted, the Resolution read once and assigned for second reading tomorrow.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-53) on Bill "An Act to Require that Heads of State Agencies Report to the State Auditor any Suspected Improper or Illegal Financial Activity in Their Agency" (H. P. 195) (L. D. 244)

Report was signed by the following members:

Mr. SUTTON of Oxford

—of the Senate.

Messrs. BARRY of Fort Kent

CONARY of Oakland

Mrs. DAMREN of Belgrade

Mr. LANCASTER of Kittery

Ms. LUND of Augusta

Mrs. MASTERTON of Cape Elizabeth

REEVES of Pittston

—of the House.

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

Report was signed by the following members:

Messrs. MARTIN of Aroostook

AULT of Kennebec

—of the Senate.

Mrs. KANY of Waterville

BACHRACH of Brunswick

Mr. PARADIS of Augusta

—of the House.

Reports were read.

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

#### (Off Record Remarks)

The SPEAKER: The Chair would like to advise the members of the House of the action of the Chair in order to make sure that everyone clearly understands what posture and what position, what decision the Chair has made on an item which has been discussed.

As you may know, in the course of last week, on February 28, the other body passed an order which directed that the Legislative Council be directed to refer a Joint Resolution memorializing Congress to a Committee on Judiciary. Since the passage of the order, the Chair gave a great deal of time and debated with the Chair and with others the propriety of such an order in light of Joint Rule 35. In the course of those discussions, the Chair kept one thought in mind throughout the entire discussion that I had with

myself and others, and that is, of course, that the Chair is the presiding officer of this body, and with that in mind, it is the purpose of the Chair to do basically two things: (1) to interpret the rules and to try to have members follow those rules, and (2) to remember that the powers that the Chair holds come from the membership itself, basically the House of Representatives, and that in the course of my own thoughts, the question had to rise in my own mind as to whether or not any action I might take could be going beyond the powers that you have delegated to the Chair.

Joint Rule 35 specifically says, and I quote, "No memorial shall be in order for introduction unless approved by a majority of the Legislative Council." This particular Joint Rule 35 was adopted by the 108th Legislature to allow the Legislative Council to make the decisions on the basis of what resolutions or orders would be introduced in the legislature. Prior to that time, the decision was made by the Reference of Bills Committee, which consisted at varying times of seven members or eight members.

This Joint Rule dealing with the legislative Reference of Bills Committee was adopted in the Senate on March 3, 1961 and in the House on March 7, 1961. The discussion around the adoption of such a rule and the purposes of such a rule are legislative history, since one of the chief proponents in its revision and others dealing with memorialization and joint orders, the standardization of legislative sentiment orders, of joint resolutions, originated with a number of people dying the course of debate on the Viet Nam War, and during that period in our history when issues were being brought to the forefront to a greater degree than ever before in this body, and it was at that point that supporters of this at the other end of the hall pushed for it as a way to move for the prevention of resolutions, memorials, joint sentiment orders to allow the legislature to deal with the issues before it rather than what these supporters believed to be non-contiguous issues. Eventually that position was adopted by both bodies in the 108th and has been applied since that time.

The Chair well understands the desire to debate an issue, for whatever reason, political or otherwise, and as some of you may know who served with me when I was on the floor, and some of you may know since that period as well, this person who presently occupies the Chair has never shied away from the public debate.

The rules are, however, intended to provide for a method for the handling of joint resolutions and for the process of standardization of legislative orders, and they are to encompass all resolutions and memorials and they have done so in the past. For the Chair to violate this rule would be in effect to admit that I don't care about enforcing the rules, and that I cannot do. There is a proper process that may be used by the supporters of such a move, and that is the process that must be taken. The Chair then, as a result of the work and interpretation of the rules and the process under which we operate, will be returning to the Senate today the order without action in this body for being in violation of those rules and will continue to follow that same process. To do otherwise would be an improper course of action for this Chair to take.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I guess I just got you into what you just heard, because I told the Speaker this morning that I was going to discuss the actions of his last week. I didn't do it on Thursday and I didn't do it on Friday because the Speaker wasn't here, and not because I intend to attack the Speaker, because I don't think the situation requires any attack, but it is my observation that I think the Speaker has acted in a way that

I want to object to, call attention to, and hope would not become a precedent.

Now, in his opening remarks, he suggested that perhaps you all knew of the matter that had come down from the Senate and what it purported to do, and the face he put on it, it would purport to violate our joint rules. Well, I suggest that perhaps a great majority of you don't have any idea of what was done in the Senate, because it came down here and disappeared. This is my only objection.

I believe that the Speaker must rule on the business that comes before us, but I think it should be done in the normal context of business. I think we are dealing from a tendency to create trouble, I think we are dealing from the bottom of the deck when any member of this body, any leader or any officer of this body can take a piece of legislation and bury it. This disappeared for not one day, not two days, but three days, and now I am hearing that it is on its way back.

My suggestion and my complaint is that this should have come forward, been put on our calendar of business and if the presiding officer, at that point, finds a problem with it, he could deal with it in any one of a number of ways that would be open to him—tabled unassigned, ruled out of order—but done openly and with our knowledge and as a matter of business that has been placed before us in the normal course of events.

I have to say that when I first heard that this was not going to show on the calendar, I went to the Speaker, mildly protested what I thought was happening and was informed that both the Speaker and the President, the two presiding officers, had discussed this and I think mistakenly concluded that this would be an appropriate way of handling this. At that time, I understood it would be tabled for one day. I don't know that there is any greater damage done in three than in one, and I subsided at that point, but the more I think about it, the more convinced I am that I must raise my voice today and respectfully, Mr. Speaker, hope that this will not become a precedent as to how we are going to handle business.

For those of you who were not here, I would have to point out that the shootout at the midnight corral last Spring was triggered, in part at least, by the same type of action on a piece of legislation that didn't show up in the normal course of events.

So, I hope that we won't find properly introduced legislation handled by this body or the other and, you know, when things start going like this, there can be retaliation. I hope that no legitimate order of business will be handled in any way different than any of the normal pieces of business that we deal with every day.

Mr. Pearson of Old Town was granted unanimous consent to address the House.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am not one of those legislators who gets an awful lot of calls on many issues, but this weekend was an exception for me not only on the telephone but in meeting people on the street who kept asking me over and over again about the 19 percent raise in the Governor's budget for his own department.

The other day in the Appropriations Committee, we asked that we be provided with information that would clear up the issue of 19 percent. That information was provided for us and a comparison was drawn between the Brennan administration and the Longley administration, and I would like to read those figures.

The press reported in big headlines "19 percent". Now, I wonder if the press will report what I am going to say now; I wonder if they are listening. According to the information that was supplied to us, during the Longley administration the weekly payroll for the people that

worked in the Governor's office was \$3,107.72. The Brennan administration is \$3,103.47, so there is only about a \$3 difference a week, that is not 19 percent. What had happened was that the Longley administration had not sufficiently funded their own salary account so that if as you know, fiscal years go from July to July—Governor Longley was still in office today and he still had his staff there, he would not have enough money to pay his own staff without borrowing from within the executive department. It wasn't 19 percent, it isn't 19 percent, and I want the press to report that.

(Off Record Remarks)

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

Mr. MARSHALL: Mr. Speaker, is the House in possession of Bill "An Act Relating to Funding and Support for Alcoholism Treatment and Rehabilitation Centers," House Paper 723?

The SPEAKER: The Chair would answer in the affirmative.

Mr. MARSHALL: Mr. Speaker, I move we reconsider whereby this was referred to the Committee on Appropriations and Financial Affairs.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

(Off Record Remarks)

On motion of Mrs. Post of Owl's Head.

Adjourned until nine o'clock tomorrow morning.