

# 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

Tuesday, March 6, 1979

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

Prayer by the Reverend Richard Beebe of the First Congregational Church, Fryeburg.

Rev. BEEBE: Almighty God, our Heavenly Father, we give You thanksgiving for the great responsibility entrusted to us, for surely all of us are where we are because of the talents and gifts You have bestowed upon us. With our gratitude also comes our prayer for Your ongoing guidance, that we may use our responsibilities wisely. We ask Your blessings upon us that the tasks set before us are carried out fairly, justly and in the best interest of all of Your children, our brothers and sisters in love.

I pray, dear God, that these men and women in this great legislature may be continually touched in their hearts with Your great love and in their minds with Your great wisdom that together they may work to benefit the people of our great state, our nation and the world. Amen.

The journal of yesterday was read and approved.

#### Papers from the Senate

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

Harold L. Mailman, Director of Northern Maine Vocational-Technical Institute, retired on February 23, 1979, following 30 years of faithful and dedicated service to the State of Maine. (S. P. 313)

Came from the Senate read and passed.

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

Bill "An Act to End Subsidized Early Retirement Payments Under the Maine State Retirement System Statute" (S. P. 306) (L. D. 892)

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 to Increase the Reimbursement Rate to Residential Child Care Facilities" (S. P. 303) (L. D. 893)

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 Establish a Registry of Persons Holding Inactive Pharmacy Licenses" (S. P. 304) (L. D. 894)

Bill "An Act Relating to the Licensing of Insurance Agents or Brokers" (S. P. 302) (L. D. 895)

Bill "An Act to Permit Security Brokers to Serve on the Board of Directors of Banks" (S. P. 308) (L. D. 896)

Bill "An Act Requiring Certain Agreements Involving Consumer Transactions to be Written so that they are Readable and Understandable" (S. P. 300) (L. D. 897)

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

In the House, were referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Recognize the Rights of Students to a Free Public Education" (S. P. 298) (L. D. 898)

Bill "An Act to Provide Guidelines for Teachers or other Persons who use Force to Punish Students" (S. P. 301) (L. D. 899)

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

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

Bill "An Act to Extend the Deadline for Filing a Declaration of Candidacy" (S. P. 299) (L. D. 900)

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

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

Bill "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships" (S. P. 310) (L. D. 901)

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

In the House, was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Require that Holiday Pay Be Considered Wages For the Purpose of Unemployment Compensation" (S. P. 309) (L. D. 902)

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

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

Bill "An Act to Correct Certain Obsolete References in Title 30 of the Maine Revised Statutes and to Make County Policies Concerning Pay Schedules, Vacation and Sick Leave Consistent with the State Policies" (S. P. 307) (L. D. 903)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, was referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Decrease the Maine Guarantee Authority Bonding Limit for Industrial Building Mortgage Insurance and Maine Recreational Project Mortgage Insurance to \$41,000,000" (S. P. 297) (L. D. 904)

Bill "An Act to Create the Division of Assistance for Small Business" (S. P. 305) (L. D. 905)

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

In the House, were referred to the Committee on State Government in concurrence.

Bill "An Act to Provide Reimbursement for Snow Removal on Accepted Ways" (S. P. 311) (L. D. 906)

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.

#### Reports of Committees Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Establish an Office of Public Defender" (S. P. 184) (L. D. 414)

Came from the Senate with the Report Read and Accepted.

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

#### Non-Concurrent Matter

Bill "An Act Relating to Payment for Sales in Retail Stores under the Liquor Laws" (H. P. 6) (L. D. 12) which was Indefinitely Postponed in the House on February 27.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-37) as amended by Senate Amendment "A" (S-21) thereto in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Van Buren, Mr. Violette, moves that the House recede and concur.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If the House would take a moment to take a look at L. D. 12, it is the same bill that we had in here last week concerning the retail stores and the right of reducing the age of selling alcoholic beverages, beer and wine, in the grocery stores from 17 down to 16.

This bill was amended in the Senate, the alleged amendment that we were going to see in the House, which did nothing except increase the supervision age from 18 to 20. I would urge the 84 of us in this House that voted against this bill last Thursday to vote against the recede and concur motion.

Mr. Speaker, I ask for the yeas and nays, and then I would hopefully like to make a motion to adhere and we could dispose of this bill once and for all.

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

Mr. CALL: Mr. Speaker and Members of the House: As the gentleman from Bangor has stated, this bill is L. D. 12, which has been before us before and indefinitely postponed, but it has been kept alive by the group at the other end of the hall.

First of all, I would like to present something new in the way of argument. I don't mean to offend anybody. I can assure you, this new testimony that I shall present is given in the spirit of friendliness. I feel it is necessary because most of this opposition has come about in what we might call the transferred manner. It has been transferred, first, by people who are lobbying against this bill to certain people, who in turn have been beseeched to speak to their legislators, and they have, and as I said, a lot of this has been transferred first from lobbyists, like the gentleman from Bangor, who is absolutely obsessed in his effort to defeat L. D. 12.

Many, many years ago, there was a gentleman who was elected to the British Parliament and his constituents, on a certain occasion, warned him that he might not get re-elected. The gentleman's reply was, "When I was elected to Parliament, I made up my mind that I would go to Parliament and do my own thinking. Then, when I seek re-election, it is up to the voters to do their thinking."

Now, as the gentleman from Bangor has told you, there has been an amendment added to this bill. That is so. The age of the supervisor who must be on the premises while the cashiers are ringing up the sales must now be 20 instead of 18.

The gentleman from Auburn, Mr. Hughes, I think, has put too much stress on the argument that these 16 year olds will be pressured to sell. As I have said before while debating this bill, they will not come up, these older ones under 20, they will not push the cart through a crowded supermarket with a beer and go up to the cash register; they know they will be seen by friends and neighbors.

Several people have said to me, several proponents of this bill, if somebody under age wants beer, he will have somebody outside the store go get it for him. I say this — it is not the person who pushes the keys on the cash register who is selling the beer and wine; the store is selling the beer and wine.

A lot of people have told me they are surprised at the opposition to this bill. Why, I sat here in the 105th Legislature and saw this House vote the age for adult rights, including drinking, from 21 to 18, and it didn't get by both branches in the regular session of the 105th but it went sailing through the special session of the 105th Legislature.

In conclusion, let me say that this bill is not

anywhere near as bad as the opponents picture it. As I say, Mr. Kelleher and certain others, including Mr. Hughes, are obsessed; they just feel that they have to defeat this bill, and I say that it is harmless.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I guess that I am also like the gentleman from Bangor in being obsessed to defeat this bill. I have been against this bill from the beginning. The amendment doesn't improve a thing as far as I am concerned, and I would hope that we would vote against this bill again today.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of this bill and I have been from the start. As I stated last week, somewhere along the line, we are going to have to start showing some trust in our 16 year olds. They are coming on to the point now where they are coming out into the world in a year or two. If they come out into the world realizing that the adults they are coming out to face and to work among have little trust in them, they are not going to be of much value to us.

In this bill, I think we should take into consideration that all of this beer and wine, prior to reaching the cash register, is being handled by teenagers in a great many instances. It is often unloaded from the trucks, it is often loaded into the warehouses, it is taken from the warehouses to the shelves for sale and, yes, it is even carried from the shelves to the cash register by teenagers for some people, and then the sin of all sins, they carry it for us out to our cars. What harm is there going to be in having a teenager there tap on a couple of keys on a cash register? Are we going to make drunkards out of them? Are we going to believe the fact that their peers, teenagers, are coming through and they are going to sell liquor and wine to them?

You know as well as I do that if a teenager wants to get wine, he is going to get it, wine or beer. In a great many instances, a lot of this stuff is going out the back door, it is not coming across the cash register. There is no harm whatsoever in allowing the teenagers to punch a couple of keys on a cash register.

I urge you to support the recede and concur motion.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 12 was reported out of committee with a majority "ought to pass" 9 to 4. This bill has now been amended to raise the age at which one can be a supervisor to age 20 to allow for proper supervision of the minors ringing up the sales of alcoholic beverages. This will provide better supervision, and if we are so worried about the problems of proper supervision in the stores, which the good gentleman from Bangor continuously refers to, then this bill will take care of that problem.

Unfortunately, I received a memorandum from the Director of the Bureau of Liquor Enforcement. Captain Martin was opposed to this bill when it initially came before the committee, but as amended, the Bureau of Liquor Enforcement now supports raising the supervisory age to 20 years of age when a 16 year old is working at the checkout counters in retail stores. So what was initially a problem with the Bureau of Liquor Enforcement in dealing with the problems of alcohol in this state, this amendment they see as a significant change and they are now supportive of this bill.

I would hope that you would vote to recede and concur.

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

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

tlemen of the House: I intend to support the gentleman from Bangor, Mr. Kelleher, in his motion to adhere. I don't think that any amendment on this bill is going to make it acceptable, but I just want to interject myself into this debate to point out to the members that it is my understanding that 16 year olds are not required to be paid the minimum wage.

In addition to the moral arguments against this bill, it seems it is also, perhaps in some instances, denying adults with family responsibilities the opportunity to work when the store owner can hire a 16 year old for less than the minimum wage.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I have tried to keep out of this bill and I certainly don't want to prolong the debate on it.

The minimum wage issue came up the other day, and I would advise the good gentleman, Mr. Wyman, just put yourself in the shoes of the store manager or store owner. He may have a woman working during the day hours while her children are in school and he may pay her whatever, minimum wage or more, but the problem is, and I have spoken to store owners about this, it is the after school hours. This is when the housewife, the mother, needs to be home with her kids, at three o'clock or after, when they come home from school. This is a right time for teenagers to have after school jobs.

I don't understand what the resistance is to giving store owners and managers the flexibility to hire 16 year olds if they wish.

I have got a small Mom and Pop store in my area, a variety store that sells beer and wine, it is the kind of store that the kids hang around. I am sure they try to get beer and wine illegally, and the owners and manager of that little store have a policy of not hiring youngsters, minors, in the afternoon and evening hours. Why don't we leave choice to the manager?

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

Mr. DAVIES: Mr. Speaker and Members of the House: It strikes me a little bit ironic, some of the comments that I am hearing on this bill, especially as I harken back to the actions this body and the other body took two years ago dealing with the drinking age. At the time, we saw a number of Ma and Pa store owners come to the legislative hearings and tell us how terrible it was that people at the age of 18 and 19 were allowed to drink. This legislature acted to raise the drinking age. I was opposed to that idea at that time and I still am opposed to that idea. However, we have taken that action and it is the policy of the State of Maine and I accept that.

But now, some of the individuals who led the fight in this House to raise the drinking age are now turning around and saying, "Oh dear, we created a terrible problem for some of our Ma and Pa stores." Well, as far as I am concerned, I think that they should sleep in the bed that they have made. They wanted the age raised, they have caused a problem so that the younger storekeepers are no longer able to handle the checkout of alcoholic beverages. If they want to see that problem alleviated, perhaps they should work to reduce the drinking age back to 18 again.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It is rather surprising this morning to listen to members of the Legal Affairs Committee and my good friend the chairman trying to encourage this House to support this document this morning because the Senate had submitted an amendment for approval. He is trying to tell us, as well as other supporters, that all of a sudden this bill is good. This amendment that was presented over

in the other body, if it really was so good and the committee was in fact in support of it, then why didn't they do it in the committee? You know why they didn't do it in the committee? Simply because they thought they could run the bill in the form that they sent it out, but there were 84 people in here who gave them a day of reckoning and the old parliamentary ploy is to put it on in the other body and then to try to soften the votes in the House to support the L. D. I am sure this House is not going to be fooled by the actions in the other body. It is a very noble group, but I suspect that there is better judgment in this body this morning than there is in the other.

I would hope that you would hold fast to your support on this document of last Thursday. The motion is to recede and concur. I urge you to vote against that motion and then we will make one to adhere.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. D. Dutremble.

Mr. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that right now there are plenty of 16, 17 and 18 year olds working as cashiers in supermarkets and grocery stores all over the State of Maine. All this bill would do is allow 16 year olds to sell alcoholic beverages under the supervision of a 20 year old.

I think that most of you realize that if you were a grocery store owner or supermarket owner, you would make sure that the people you do hire for these positions are very trustworthy and have a high degree of responsibility. It seems to me that this would also apply to people — you know, these people are handling the grocery store owners' money, and I am sure that these grocery store owners are making sure that these same rules would apply for a 16 year old selling alcoholic beverages.

I do want to stress the fact that we are talking about a 16 year old selling beverages with the supervision of a 20 year old, at least a 20 year old.

We have heard a lot about peer pressure. Well, I was brought up working in a grocery store, and not once can I remember receiving any kind of peer pressure to sell alcoholic beverages to friends of mine or people that I knew from school. What I do remember is working as cashier while the grocery owner, or my father, was working behind the meat counter and somebody coming in to try to purchase alcohol. They would have to wait until my father came to the cash register to punch it in, or he would have to leave the people he was serving to punch it in. I think this is the problem that this bill would address.

I move that we accept the recede and concur motion.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: If you are raising a family of young children, it is a tremendous help if they can get part-time work. Raising a family has become a very costly proposition. If a young person can get part-time work to help clothe or assist in acquiring their education, I feel that store managers closely scrutinize their applicants and I hope that we can support the position of the young people.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I think that this problem of part-time work for children is being overstressed here. After all, these people who work at the cash registers are a very small part of the overall operation of any store. Also, they seem to be stressing the fact of the inconvenience of the individual. Well, while you are about it, you might as well outlaw people writing checks ahead of you. There is nothing any more irritating to me than to stand there while somebody balances their checking account and writes a check or Mastercharge or whatever. I

think that is just a red herring and I would hope you would vote against the motion before the House.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Van Buren, Mr. Violette, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

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

Mrs. MITCHELL: Mr. Speaker, I request permission to pair my vote with the gentleman from West Gardiner, Mr. Dow. If he were here, he would be voting yes to recede and concur; if I were voting, I would be voting no.

#### ROLL CALL

YEA—Austin, Bachrach, Barry, Benoit, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brown, D., Brown, K. L., Brown, K. C., Call, Carter, F., Conary, Cunningham, Damren, Dellert, Doukas, Drinkwater, Dutremble, D., Elias, Fowlie, Garsoe, Gavett, Gillis, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Jacques, E., Jacques, P., Kane, Kany, Leighton, Leonard, Lewis, Lizotte, Lowe, MacEachern, Marshall, Master-ton, Maxwell, McMahon, McSweeney, Michael, Nadeau, Nelson, M., Norris, Payne, Peterson, Post, Sewall, Small, Soulas, Torrey, Tozier, Tuttle, Vincent, Violette, Vose, Whittemore.

NAY—Aloupis, Baker, Beaulieu, Birt, Brennerman, Brodeur, Brown, A., Bunker, Carroll, Carter, D., Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Davis, Dexter, Diamond, Dudley, Fenlason, Fillmore, Gould, Gowen, Gray, Hanson, Higgins, Hunter, Immonen, Jackson, Joyce, Kelleher, Kiesman, Laffin, LaPlante, Locke, Lougee, Lund, MacBride, Mahany, Martin, A., Masterman, Matthews, McHenry, McKean, McPherson, Morton, Nelson, A., Nelson, N., Pearson, Peltier, Prescott, Reeves, J., Reeves, P., Rollins, Roope, Sherburne, Simon, Smith, Sprowl, Stover, Studley, Tarbell, Theriault, Tierney, Twitchell, Wentworth, Wood, Wyman.

ABSENT—Berry, Carrier, Dutremble, L., Hughes, Hutchings, Jalbert, Lancaster, Paradis, Paul, Rolde, Silsby, Stetson, Strout.

PAIRED—Dow and Mitchell.

Yes, 65; No, 70; Absent, 13; Paired, 2.

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

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to adhere.

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby the House voted to adhere and I ask the House to vote against my motion.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that we reconsider our action whereby the House voted to adhere. 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.

The following Communication: (S. P. 326)

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

March 2, 1979

Honorable Barbara A. Gill

Honorable Sandra Prescott  
Chairmen, Health and Institutional Services  
Committee  
State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Michael R. Petit of Portland to serve as Commissioner of the Department of Human Services.

Pursuant to Title 22, MRSA, Section 1, this nomination requires review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Sincerely,  
S/JOSEPH SEWALL  
President of the Senate  
S/JOHN MARTIN  
Speaker of the House

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

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

The following Communication: (H. P. 870)

State of Maine

OFFICE OF SECRETARY OF STATE  
Augusta, Maine

7 February 1979

The Honorable John L. Martin

Speaker of the House of Representatives of the One Hundred and Ninth Legislature

I have the honor to transmit herewith the budget estimates of expenses of the sixteen counties within the State for the years 1979-1980, the same having been filed in this office according to the provisions of Title 30, Sections 252 and 253, of the Revised Statutes, as amended in 1972.

Sincerely,  
S/RODNEY S. QUINN  
Secretary of State

The Communication was read and with accompanying papers referred to the Committee on Local and County Government and sent up for concurrence.

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

#### Appropriations and Financial Affairs

Bill "An Act Providing a Salary Increase for the Several District Attorneys" (H. P. 861) (Presented by Mr. Kelleher of Bangor) (Cosponsor: Mr. Jalbert of Lewiston)

(Ordered Printed)  
Sent up for concurrence.

#### Business Legislation

Bill "An Act Permitting Businesses to Remain Open on 4 Sundays Prior to December 25th" (H. P. 862) (Presented by Mr. Joyce of Portland)

(Ordered Printed)  
Sent up for concurrence.

#### Education

Bill "An Act to Provide for Voter Approval of School Construction Projects" (H. P. 863) (Presented by Mrs. Kany of Waterville) (Cosponsor: Mrs. Mitchell of Vassalboro)

(Ordered Printed)  
Sent up for concurrence.

#### Energy and Natural Resources

Bill "An Act to Enable Consolidation of the State Water Discharge Licensing Program and the Federal National Pollutant Discharge Elimination System Permit Program" (H. P. 864) (Presented by Mr. Vincent of Portland)

(Ordered Printed)  
Sent up for concurrence.

#### Judiciary

Bill "An Act to Limit Abortions in the Second and Third Trimesters to Certain Specified Situations" (H. P. 865) (Presented by Mr. Laffin of

Westbrook)  
(Ordered Printed)  
Sent up for concurrence.

#### Tabled and Assigned

Bill "An Act to Dedicate Lottery Revenue to Programs for the Elderly" (H. P. 866) (Presented by Mr. Paradis of Augusta) (Cosponsors: Mr. McSweeney of Old Orchard Beach, Mr. Joyce of Portland and Mr. Tuttle of Sanford)

Committee on Legal Affairs was suggested. On motion of Mr. Pearson of Old Town, tabled pending reference and tomorrow assigned.

#### Taxation

Bill "An Act to Encourage the Development of Small Scale Hydroelectric Facilities" (H. P. 867) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mr. Wood of Sanford, Mr. Austin of Bingham and Mr. Hall of Sangerville)

Committee on Public Utilities was suggested.

On motion of Mr. Davies of Orono, was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

#### Public Utilities

Bill "An Act to Provide for the Establishment of Water Levels on Impoundments Controlled by Beneficial Use Dams, to Provide for the Establishment of Water Level Rights by Eminent Domain, and to Provide for the Improved Clarification in Determining Abandoned Dam Ownership" (H. P. 868) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. McMahon of Kennebunk and Mr. Paul of Sanford)

(Ordered Printed)  
Sent up for concurrence.

#### Transportation

Bill "An Act to Revise the Method of Collection of Tolls on the Maine Turnpike" (H. P. 869) (Presented by Mr. Laffin of Westbrook) (Cosponsors: Mr. Diamond of Windham and Mr. Cunningham of New Gloucester)

(Ordered Printed)  
Sent up for concurrence.

#### Orders

An Expression of Legislative Sentiment (H. P. 860) recognizing that:

The Vikettes of East Grand High School in Danforth have won the Class D girls' basketball championship of the State of Maine.

Presented by Mr. Fenlason of Danforth. (Cosponsors: Mr. Gillis of Calais and Senator Silberman of Washington.)

The Order was read.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: This morning I am extremely proud to have with us some of the members of our state championship girls' basketball team, their coach and Mrs. Crandlemire from Vanceboro.

I think it is great for a school the size of this to be recognized in this manner. I just want to add one thing, not only did these girls win the state championship but they won the good sportsmanship banner, which is a large, blue banner now prominently displayed in the gymnasium of East Grand High School, which shows that they can win and win in a very nice manner.

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

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Nancy Master-ton of Cape Elizabeth be excused March 1, and March 2, 1979 for legislative business.

House Reports of Committees  
Ought Not to Pass

Mr. Paul from the Committee on Aging, Retirement and Veterans on Bill "An Act Concerning State Retirement Benefits for Police Officers and Firefighters" (H. P. 205) (L. D. 253) reporting "Ought Not to Pass"

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

#### Leave to Withdraw

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Authorize the Public Utilities Commission to Prescribe or Adopt Safety Standards for the Storage and Transportation of Liquefied Petroleum and other Gas by Pipeline" (H. P. 193) (L. D. 242) reporting "Leave to Withdraw"

Report was read and 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. 82) (L. D. 155) Bill "An Act to Increase Penalties for Violation of the Statutes Concerning Minimum Wages" Committee on Labor reporting "Ought to Pass"

No objections being noted, the above item was ordered to appear on the Consent Calendar of March 7, under listing of Second Day.

#### Passed to Be Engrossed

RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Convening of the Legislature in January instead of December (H. P. 1) (L. D. 7) (Later Reconsidered)

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)

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

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

Mr. HOWE: Mr. Speaker, I move we reconsider whereby L. D. 1 was passed to be engrossed.

The SPEAKER: The gentleman from South Portland, Mr. Howe, moves that the House reconsider its action whereby Resolution, Proposing an Amendment to the Constitution to Provide for the Convening of the Legislature in January instead of December, House Paper 1, L. D. 7 was passed to be engrossed.

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

Mr. MORTON: Mr. Speaker, I applaud the gentleman's getting up and moving to reconsider, but I think he is reconsidering the wrong bill. I think he should have gone on the second one and I hope you will oppose the reconsideration of this bill, because if this bill is adopted, the next bill doesn't need to be passed, except I would suggest, Mr. Speaker, the possibility, although this was refuted yesterday by the gentleman from Waterville, the possibility of the necessity of correcting the constitutional amendment that was passed last time with respect to the apportionment of the Senate.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, I would pose a question through the Chair to the gentleman from Farmington, Mr. Morton. My question is, on what day in January would the legislature convene if this constitutional amendment were passed?

The SPEAKER: The gentleman from York, Mr. Rolde, has posed a question through the

Chair to the gentleman from Farmington, Mr. Morton, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. MORTON: Mr. Speaker, I am not sure that there is any question about that. As far as I know, it would be exactly the same as it presently is, the first Wednesday in January.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, assuming that we reconsider this, would then a motion for indefinite postponement be in order?

The SPEAKER: The Chair would answer in the affirmative.

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

Mrs. KANY: Mr. Speaker and Members of the House: I hadn't intended to speak at all on this today. It seems kind of silly, I mean, here we just need a majority vote on any of them. Probably final enactment, when you need the two thirds, would be the proper time for debate, but I couldn't help but want to get up and correct an inaccuracy stated by Representative Morton. It would not necessarily be the first Wednesday in January, that would be true if that day of the week fell on the first of the year.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Howe, that the House reconsider its action whereby L. D. 7 was passed to be engrossed. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.  
60 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

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

Mr. NORRIS: Mr. Speaker, I move now that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that this Resolution and all its accompanying papers be indefinitely postponed.

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

Mr. MORTON: Mr. Speaker, I don't know why I am on my feet so much here. I am only a cosponsor on this bill but, unfortunately, the sponsor is not here. I presume that he would be supporting this bill if he were here, and that is why I am standing on my feet today.

I think that we made a mistake when we accepted the unanimous report from the committee, and I don't recall for sure which committee it was but I presume it was the State Government Committee. In the last session, and with not one word of debate in the House or the Senate, we adopted this resolution which was then sent out to the people. I think it is fair to assume that with respect to constitutional amendments, the people of the State of Maine rely rather heavily on the judgment of the legislature as to what the proper course of action is and what their vote perhaps should be.

In this particular instance, they were not afforded the judgment of the legislature in debate. I think that is a relatively dangerous thing. Unfortunately, it happens once in a while on important matters. Certainly any amendment to the Constitution is an important matter. So for that reason and that reason alone, I think it is highly necessary that we debate this issue here in this session and, if possible, that we change the mistake that I think we made last time. I am not infallible nor is anyone else, and I think at times we do make mistakes. We have an errors and omissions bill, but this isn't something that is amendable to an errors and omissions bill, it should be voted right out front on an L. D. So I hope you will consider that aspect of it as you are considering this.

I have a note here which says that another L. D. corrects the date, which I presume they are

concerned with respect to the Senate, but I won't dwell on that one because that is not in this bill.

I am concerned with the fact that recount problems do exist and many of them are not settled as early as the first week in December, so the status of many members of this House and of the Senate might be in doubt as we met in an early December session.

As I pointed out yesterday, there is another amendment proposed in a document that is coming before this legislature which would call for a run-off election for the Governor. I think that should be taken into consideration as you vote, because that election would fall very late in the month of November.

Finally, I have seen no good results from this proposition of meeting early in December. The key to any accelerated action by this body and the body at the other end of the hall is the early filing of bills and nothing has been done about that. There is nothing in any legislation that I know of that does anything about that. If that is not taken care of, you could have a meeting in September and it still wouldn't accomplish any acceleration of the legislative session.

There are problems involved with a governor who is possibly going out of office at the end of the month and the new legislature meeting the first part of the month. There are lots of little housekeeping problems that come up with this sort of thing.

I think we made a mistake, I think we should acknowledge it, and I hope you will vote against the motion to indefinitely postpone.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Speaking strictly as an individual, I support the gentleman from Farmington and I thank him for his efforts this morning.

I differ slightly with him when he says that we have done very little about expediting early filing. We have done a great deal. We have written pages and pages about how prefiling was going to be affected. Where he is accurate is that none of it has been effective, absolutely none of it has been effective. There is no way that you can start the machinery until you get some material to be processed, and this is the fallacy of any thoughts of efficiency creeping into this operation. I think we should be very distrustful of anyone who pretends to think that this body will ever be efficient. I don't believe it is our nature and I don't think it is possible.

I say yes, let's agree that we have made a mistake. I am mindful of the fact that prefiling has been a complete failure. We still are going to have 75 to 90 bills, department bills, coming in from the Governor's Office, and the department bills, if you will recall in the Lakis Report, were all to be filed in November. It just doesn't happen. I am ready to say we have made a mistake; let's go back the way we were doing it before.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I really had no intentions of speaking on this bill. I heard the rhetoric here this morning and I am a little confused, completely confused, I guess because this resolution was passed by the legislature, went out to the people, the people concurred, and then our friend, the ex-governor, didn't like the idea, so he refused to try it. Like a fellow who has a little bit too much, you know, we are having that old hangover syndrome. We all want to go along with what he wanted.

We haven't given it a chance. The people have spoken and we have never given it a chance to work. My good friends and colleagues are saying it was a failure — how do you know it was a failure? You never gave it a chance. Let's try it one time and if it proves to be as disastrous as the people have indicated that it would, then it would be time to do some-



thing about it. But the people have spoken and I am very happy this morning to put my hands in their judgment. Let's take care of this piece of legislation, as I have recommended, by indefinitely postponing it and give it a try. Maybe it will save some time, maybe it will save some money, and if that is true, give it a chance.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the remarks of the other gentleman from Brewer, Mr. Norris. We have heard that we have seen no good results from this, and that is obvious since it has not been put into effect. We have objections raised, but they are theoretic objections. We haven't actually seen these things in operation yet. I don't think it is wise for us to propose a change for purely theoretic problems.

How about the credibility of the legislature? We sent out a proposal to the people and was voted in the last election, and now, before the change in the Constitution has even gone into effect, we are proposing to send out another referendum repealing it, a referendum which would cost taxpayers money. So I say, let's leave the people's decision in effect until we try this new convening date.

I support the motion to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I thought Welcome Back Day was on April 25, as I have been told by the Speaker.

I would like to use some approaches that I will not use that have been aptly taken care of by the good gentleman from Farmington, Mr. Morton, who is the cosponsor of this bill.

Addressing myself, before I forget it, very briefly to the good gentleman from Brewer, Mr. Cox, when he makes the comment that this would cost us some money by sending it back to referendum, this would cost us the price of printing ballots, that is what it would cost us, to the tune of \$3,500 to \$4,000 at the very most.

However, I am wondering how many of you here will recall what happened a few months ago or last year when it gets to be holiday time or it gets to be late at night. I think one of the smartest things I ever did in a long time was when I went to the good Speaker and said, is there anything that is going to happen from now on that is going to be really interesting? I had heard the first strains of the piano. I walked down and I said, do you mind if I leave? He said, no, if there is anything that happens, you can be paired, and I left.

At the hearing, I made comments about this bill as to why I presented it. When the word got around that I had the bill in order, I have had at least 40 members of this body who came up to me to tell me they supported the bill. At least 30 of them, including myself, didn't even know we had voted on the bill. I know that I have a habit of running down the aisle. Frankly, I didn't know we were meeting at nine o'clock this morning, but I have a habit of running down the aisle and when it is time to vote, I think I am going to get a little delay from the man with the gavel if I am on his side, so I walked. If I don't happen to be on his side, I run, because I can expect a quick gavel. I ask somebody, how do I vote?

If you will go down in the library, you will find there was never one word of debate on this measure. I don't remember if there was a roll call or how it went by. As a matter of fact, I don't remember voting on the bill, but I will say this, if I voted against the bill, I commend myself for it. If I voted for it, I would consider myself not too brilliant — I'm not too brilliant anyway.

As long as I have been here, I have never had more people tell me, "I am with this bill," before the hearing.

Now, looking at a different aspect, you have

your recounts, and those will come into the picture. Certainly, if we had not been ready and there had been some recounts a few weeks ago here, we would still be trying to elect our constitutional officers.

Don't forget for a moment that you are also running into December. Frankly, just how much do you think this body will accomplish a week or ten days before Christmas if we met here? Just please tell me what we accomplish when we meet here the day after Christmas, six days before New Year's. The very thought makes me shudder. I know what we would accomplish. You have a lot of people in this body here who depend on the month of December for their livelihood. You can't run into a merchant in this state who won't tell you, "if we don't make it in December, Christmas season, we are dead for the year." That month is important to them. You have other people when it is the only time they can take some sort of vacation.

When I presented the bill, I didn't know there was a second bill here. If I had, I would have gone to the sponsors of the measure and discussed it with them, as I did with the gentleman from Kennebunk when he had a bill that was like mine and he decided to be a cosponsor with me. I found out from the good gentleman from York, Mr. Rolde, that he had a bill and I said, I have had this one for a year, what do you want to do? The gentleman that he is, he said, can I cosponsor it with you? I said, you not only can cosponsor it, but I have got my name on it as sponsor. I would like to have you be the front man on the bill for me. It is a good piece of legislation, it is a very important piece of legislation, and that is the way we settled the situation.

The gentleman from Bangor and I had two bills, both alike; we settled it very easily. I decided to cosponsor the bill that he had and he was the cosponsor on the one I was sponsoring.

I stood before the committee, pleaded my case, and the member of the committee had a like bill. Nothing was said; I heard nothing about it. Frankly, it disappointed me a little bit.

I have had three bills besides that here and I have gone to the chairmen of both branches and asked them what they thought of it. One of the bills was deep sixed immediately. I tore it up because I know the situation in the other branch. If you have got certain people on your side who might be chairman of the committee, and I want to make certain, Mr. Speaker, that I don't go over the bay, but if you got someone who might be chairman of the committee on the other side, if he is with you, you have got a pretty good shot, but if he is against you and a certain party has a caucus, you are deader than Chelsea's heels.

The other two bills, I was told by both chairmen, the sponsor is a good fellow. I tore up the three bills; they won't be printed. I have one now that I am trying to stop, and I wasn't able to be here and my good friend and colleague from Lewiston filed them for me. I forgot to tell him I didn't want to file that one because I felt it had some sort of a fiscal note on it and I didn't care for it too much. I will take care of that at the hearing.

I presented this bill. For the first time in a long time, I asked several people how they felt about it. Members of the State Government Committee had told me that they voted against this last November. I will tell you where the whole problem is, and it has been a headache and a problem to this body for years and years and years. I can recall here where all the departmental heads would walk with chairmen of the committees after they were named looking for members who either had steam, were chairmen of committees or in position of some strength and would distribute bills through them, after the committees had been named, after the chairmen had been named, after they were organized. They were strictly departmen-

tal head bills.

This thing can be settled so easily if finally, for once, after I am long gone possibly, but finally for once departmental heads are forced to file their bills before we meet here so that when we meet here we will have three or four hundred bills and you won't have this much of a calendar as there was yesterday which makes it very hard on the leadership, makes it very hard on all the members. It serves no purpose whatever. If these bills were known to be departmental bills, we could go to work and we could start hearings.

Frankly, I can see no reason why the argument that this is going to cost money to go back to the people. Just compare how much it is going to cost us to spend all the time we will spend here at what it costs us a day in comparison to one sheet of paper. I can tell you this, if you will go down and look at the record, you will find what a low vote we had on these things. When you have got all the candidates you have got on the ballot, you have got all the questions you had on the ballot, people just ignore them, they can't read it, they don't know what it is all about.

Millions of dollars were spent by all the candidates for various offices from the legislature on up to the United States Senate and the President, but not one dime is spent to explain what these things are because the interest in selling it is not there.

As a matter of fact, I have been told by some people on this measure when I told them that this bill was up here for December, on election day, incidentally, and they said, "What year are you talking about, December 1979 or December 1978?" You know, we think we are so very important. Believe it or not, I came in after a forced absence of a few days, came here 10 days ago after a forced absence of a few days, and I wasn't a bit surprised that the dome was still here, my seat was still here, my desk was still a mess, and nobody missed me. You could stand on any street corner in any city in your state and ask them what went on in Augusta today, and 75 percent of the people will tell you that they don't even know we are meeting and 20 percent of them who know that we are meeting hope that we will go home, let alone meet in December and lengthen the situation and make it worse than it is.

Mr. Speaker, I certainly hope that the motion to indefinitely postpone does not prevail so that I can make a motion, and if a roll call hasn't been asked for, I would ask for a roll call vote.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think I have found one good reason for this bill this morning. I always miss the good gentleman from Lewiston when he is not in his seat, and when he comes back, if there is something to get the adrenalin flowing, it is always interesting to hear him around. I think that probably something of this nature, a bill that he is really opposed to, will cause that to happen. I think that is probably the only good purpose that I can find that this bill might serve this morning.

I think the concept of the early convening had been accepted generally in many places in the country and it has worked out very well. The concepts of recounts and other things of this nature, other states have handled this adequately. I think that the process we use in this state could probably be improved on and speeded up. I don't think that the recount is going to be any problem as far as the ability to implement this piece of legislation.

I will go back, and this is no reflection on any person presently in any of the positions, but I think we got off to a very bad start this year, I think probably the poorest start that I have ever seen the legislature get off to. I think a good deal of it was caused by the fact that we could not get established as to who the leadership might be. We had our caucuses in December but we couldn't finalize the action of those

caucuses until we met in January. I think if we could have had our caucuses in December and finalized our actions and decided who the Speaker was going to be and who the President of the Senate was going to be, I think this more particularly applies to the situation of the Speaker because of the closeness of the division between the membership of the two parties in the House, but I think if we could have finalized the selection of the Speaker, we would be two or three weeks further ahead than we are right now. I don't think there has ever been a better example of the early convening than what could have been done this year.

The concept was sent out to the people and I think it was adequately discussed. I am not convinced that the people in the State of Maine don't know what is going on in the legislature. For many years, I worked in the mill. The one thing that always amazed me was the tremendous amount of reading that people do in the newspapers, because sometimes little insignificant, trivial items that probably you wouldn't think amounted to a great deal, somebody would comment on them. I am convinced that the people have a pretty good idea of what is going on. I am convinced that the people knew what they were doing when they voted on this. I am convinced that they are satisfied that it was worthwhile. Several papers in the state editorialized in favor of it.

It is also interesting that last year when this was presented to the Legislative Council, the Legislative Council, and the minutes of the Council do show this they endorsed the early convening unanimously. Every one of the membership was there and every one of them endorsed it, so it is kind of hard to find now some of the members of the Legislative Council have reversed themselves and are going in the other direction.

I think the motion to indefinitely postpone this particular item is the proper motion, and I hope you will agree with it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can assure the gentleman from East Millinocket that my adrenalin is not flowing in the least. It was flowing enough through him up in the Appropriations Room a few years ago, and we don't have to go into the adrenalin flowing now, although I am going to revert back to it because I know he has got a good sense of humor. I have cried with him when he has had his sorrows and I have laughed with him when he has had his good comings. As a matter of fact, I am yet to forget a note that I wrote to him a couple of days before we adjourned and I think he showed it all through the election to everybody who lived in East Millinocket, so he has got to have the same sense of humor that I have. He put his finger right on it.

I told you we got off to a wrong start. We got off to a wrong start because we had one member short and he just didn't vote, that is all, he wasn't here. If we had had four or five more recounts, how are you going to vote? The election is the first Tuesday in November and if we have got five, six or seven recounts pending, how are you going to elect your leadership until such time as you elect your membership? That is impossible.

There has got to be, and I have always said it, that anytime I get into a debate, there has got to be some levity. I think you have been debating this quite awhile. I think probably I have talked long enough myself, and the Speaker is smiling and I agree with him, but I have got to get this in. The good gentleman from East Millinocket has been really and truly a true friend of mine. He is a dedicated legislator, he is sincere, he is truly honest, but he is running true to form today. It was my pleasure to serve with him on the Appropriations Committee for three or four terms. Believe me when I tell you this just as we are already to make the motion, or

the motion had been made, we were already to raise our hand to send the bill out to the printers, my very good friend used to say, you know, there is a little something that is bothering me about this. Could we hold it up for a day or two, Mr. Chairman? He never failed to do that and he never failed to get knocked down, and I hope he gets knocked down this morning, too.

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

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

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am the member of the Legislative Council that the gentleman from East Millinocket was referring to. I won't take much of your time, but I was also a member of the study committee. I am double whammy because I am a member of the committee from which this recommendation came. Now, I would like to have him make you look real bad today by going along with the gentleman from Lewiston. I have just checked in my book and I find that on December 20, L. D. 16 had been filed, so you would be in here, assumedly, before that time and set up your 19 committees to get an early start and they would have 16 L. D.s on the basis of the performance last year.

I did, I served on the committee that formed it, I felt uneasy about it. I had half a mind that when it came up I might say a word or two against. But you have all heard that this came up and went through without any of us really knowing what was happening. And in regard to Mr. Cox's remarks that we will lose our credibility if now we change our minds, I think this is what people expect politicians to do, to not dare to change their minds. I suggest our credibility will be enhanced if, having found a mistake and believing it to be one, we do change our mind and change our vote, and I hope that is just what we will do right now.

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

Mr. HALL: Mr. Speaker and Members of the House: I, too, served on that legislative committee and I felt reservations at that time and I think I expressed them very well. I have no problem with electing the constitutional officers, but I don't want to be down here in the month of December when it is time to sell Christmas Trees. I made it very clear and I expressed it to the people back home and they all agreed with me. They must have because they kept sending me down here.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that L.D. 7 and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Baker, Barry, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A., Brown, D.; Bunker, Carroll, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Davis, Diamond, Doukas, Drinkwater, Dutremble, D., Fillmore, Fowlie, Gavett, Gould, Gowen, Gray, Gwadosky, Hickey, Howe, Huber, Jackson, Jacques, E., Jacques, P., Joyce, Kane, Kany, Laffin, LaPlante, Lizotte, Locke, Lowe, Marshall, Martin, A., Masterton, McKean, McSweeney, Michael, Nelson, M., Norris, Paradis, Paul, Payne, Peltier, Prescott, Reeves, P., Rolde, Silsby, Small, Sprowl, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, The Speaker.

NAY — Austin, Bachrach, Beaulieu, Bordeaux, Bowden, Brown, K. L.; Brown, K. C.,

Call, Carrier, Carter, D.; Carter, F., Chonko, Churchill, Cunningham, Damren, Dellert, Dudley, Elias, Fenlason, Garsoe, Gillis, Hall, Hanson, Higgins, Hobbins, Hunter, Immonen, Jalbert, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lund, MacBride, MacEachern, Mahany, Masterman, Matthews, McHenry, McMahon, McPherson Mitchell, Morton, Nadeau, Nelson, A., Nelson, N., Pearson, Peterson, Post, Reeves, J., Rollins, Roope, Sewall, Sherburne, Simon, Smith, Soulas, Stetson, Stover, Studley, Tarbell, Theriault, Torrey, Vincent, Wentworth, Whittemore, Wood, Wyman.

ABSENT — Dexter, Dow, Dutremble, L., Hughes, Hutchings, Maxwell, Strout.

Yes, 73; No, 71; Absent, 7.

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

Sent up for concurrence.

#### Orders of the Day

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

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

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-52) - Committee on State Government on Bill "An Act to Provide for an Advisory Referendum on Reducing the Number of Members of the Maine House of Representatives from 151 to 99 Members" (H. P. 256) (L. D. 301)

Pending—Acceptance of Either Report.

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

Mrs. KANY: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report and would request a roll call.

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

Mrs. Lund: Mr. Speaker, Ladies and Gentlemen of the House: After the previous discussion on the results of the referendum, I am not so sure that I ought to speak to this.

Although this is my first session in the House, I have been aware for many years that there has been public discontent with the speed and efficiency of this body. Now that I am here, I understand it much better. I also appreciate some of the reasons for it.

One method of increasing speed and efficiency would be to reduce the number of persons who serve within the body who need to be persuaded to support or defeat any issue. However, it is extremely difficult for members of the legislature to vote to reduce their own numbers. It means, perhaps, eliminating your friend or maybe even you, yourself, who has just arrived here. However, it would seem important to find out whether there is strong public sentiment of reduction in the size of the House. If there was, I would feel obligated to respond to that concern through reducing the size of the House by a constitutional amendment. If it is a low priority item with Maine voters, then I would favor remaining the same size as we are now.

Therefore, I would urge you to send this out for a question to the voters, whether they would like to see the size of the House reduced.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House:

This is a bill that comes up every year and this is a bill that when I came to the House originally, I supported, as I think most Freshmen do, but as I grew to know this House and understand its actions, I have changed my mind and I do not favor the bill anymore.

Yesterday, the Democrats in the House and



the Republicans in the House both caucused on this particular item; it was one of the topics of discussion. During the caucus of the Democrats here in the hall of the House, the gentleman from Eagle Lake, Mr. Martin, made an interesting point. Probably with the next reapportionment of the Maine Legislature, his particular county would, because of population having failed to grow as fast as some other areas of the state, probably lose two seats; that, coupled with lowering the size of the House, might very well mean four seats.

I have sent a number of notes around the House today to find out how many people in the House are from different counties. I would just like to give you a little bit of that. There are fourteen here from Aroostook; there are seven from Somerset; six from Oxford, and I was amazed to find in Oxford that there is at least one very huge district; five from Hancock; five from Washington; four from Franklin; four from Waldo and two and a half from Piscataquis. I mean by that that they share representatives and some of the other counties do too. Interesting enough, the gentledady from Lincolnville, Representative Huchings, as I understand it, represents a district that is in three different counties. There are lots of people in here who have districts in two different counties. Mr. Rollins from Dixfield has his district from Franklin and Oxford. As a matter of fact, the county line runs right through his house. So, some of the districts in Maine are huge geographically.

The bill that we have before us calls for a referendum to ask the people their opinion. I consider this to be a big-city bill. I think the big cities are the ones that are going to gain from this if it ever is passed. I think it is a rural versus urban type of an issue, and I oppose putting it out to referendum, an advisory referendum, for a couple of reasons, one of the reasons is that I think increasingly over the last several years, when we send something out to referendum to the average guy on the street, in many, many cases it comes with a sort of stamp of approval on it. Some people will say, well, if you thought enough of the bill to send it out to referendum, there must be something to it. I don't want to give my stamp of approval to that type of legislation because I don't think it is a wise thing to do.

Now, the gentledady from Augusta, Ms. Lund, had just told you that this is a bill that is designed, if it were passed and we enacted it, to provide speed and efficiency in the House. I think we should always realize that we are supposed to be slow and deliberate. This is not supposed to be a rush job in Augusta. Legislation is supposed to be well thought out. Any of you who were here in the last several days of any legislative session well know that when the bills all come piling in here all at once, the speed and efficiency that I think she is talking about is not a wise thing to have.

We must resist the temptation that is put in front of us, I think, by some of the newspapers of this state who have been calling year after year for lowering of the size of the House. It seems to me that the big daily newspapers are city newspapers who have somewhat of a myopic view of how the state ticks. They see their perspective from Portland, they see their perspective from Lewiston, they see their perspective from Bangor.

Now, if you have a referendum that goes out to the people of those same papers, they are going to be beating the drum to ask people to vote for this. There isn't going to be, I think, enough of a counter-balance of propaganda—that is the wrong word—on the other side of the issue.

Just to give you an example, as I did last year, of how big districts are, I want to read to you one legislative district and it is not the largest geographically. This happens to be the district of the gentleman from Danforth, Representative Fenlason, whose people are here in

the balcony. He represents Indian Township, Alexander, Charlotte, Codyville Plantation, Cooper, Crawford, Danforth, Grand Lake Stream Plantation, Pembroke, Plantation #14, Plantation #21, (there are people there) Princeton, Robbinston, Talmadge, Topsfield, Vanceboro, Waite and parts of southern Aroostook County — Amity, Bancroft, Cary Plantation, Glenwood, Haynesville, Macwahoc, Orient, Reed and Weston.

The person that is sponsoring the bill represents part of Portland.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate greatly the effort of the gentleman from Old Town in reading that long list, because I am sure if I had to read all that and a few things more that I have to say, my voice might play out.

It is very true that I represent 26 towns, 17 in Washington County and 9 in Aroostook County, and that is not all. Besides that, in Unorganized Territories, I represent Brookton, Lambert Lake, Forest City, Kossuth and Molunkus and, believe me, all those places are important, not many people but they are important places.

This is the third time that I have addressed this particular bill on the floor of the House. The people who were here in the 107th and in the 108th, I am sure, really don't want to be bored by my same speech, so I am not going to say many of the things which I said before.

I do remember that last year I made an allegation to the old time movies and some of you can remember them, where you went to the movies, you went in and sat down, you could start in the middle and you would wind up in the middle and when that middle came around again, you would say, this is where I came in and you would leave. I would repeat once more, this is about where I came in. I have gone over this so many times that I think perhaps in the future I should have a tape recording or a broken record or something made so that this could be rehearsed and rehearsed again and again.

I am very much opposed to this bill, because I think it takes the distribution as it should be away from the people in rural areas, not only in my district but in that represented by the good gentleman from Enfield who also has sixteen towns to represent.

I would make one more point. I really don't believe that we need an advisory referendum. I think that we in this House should be able to make up our minds on this bill.

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

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I feel a little out of place to speak in favor of this bill being indefinitely postponed because quite a few times in this House I spoke for it. But I suspect as I grow older and my legs grow weaker, I don't think my district should be extended.

I also can visualize, having been here and seeing how lobbyists operate, that if you make this bill very convenient for them, they would have less people they would have to corner to persuade them into a different decision that they might have had in mind.

Most of all, having been on the Council of State Government, having traveled and met with many other legislators, especially the ones in the West where they have a small legislature, I noticed this, and I wouldn't want Maine people to be confronted with it. They have professional legislators, mostly lawyers.

They are strictly out of touch with their people. As far as I could see, they were in touch mostly with lobbyists. Their bills were all dealt with in the terms of what the lobbyists wanted and I think, in most cases, they lost sight of the

people.

I also see New Hampshire, which has even more than us, and I think they are closer to the people and from this day on, I oppose making this House smaller. These are my chief reasons.

I think the gentleman from Old Town, Representative Pearson, did an adequate job in covering it, so I am not going to waste your time going into great detail about it, but I think there is enough before you now so you can properly make up your mind that this House should not be made smaller in size.

I will just reiterate once more that I think it makes it too convenient for the lobbyists. It takes the government away from the people and this is not what I am here for. I like to see the people have as much say as possible. It is their government and I see no reason to be in a haste about passing legislation. I don't like to do anything hasty, I like to take my time. I am from back on the farm and we do take our time and don't get excited about these current events that come up and need a quick decision. I hope we don't make a quick decision this morning, but make a satisfactory one by indefinitely postponing this bill.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have two points that I want to make here. The first one is the question of the districts and the size.

When I was in Denver this summer on a fisheries matter, Denver being a strange place to go for a fisheries matter, I met a Senator by the name of Clem Tilliam from Alaska, he is a state Senator. Clem represented 30,000 people but his district was the size of the state of Oregon. I don't know how Maine compares to Oregon but it was a big district. I would point out from that, though, that he also had a private plane at his disposal. He probably had dog sleds in the winter and most of the people had gathered along the coastal area but he still had trouble reaching his constituency. I think we want our representatives as close to their constituency as they possibly can get, whether they be in a city or whether they be rural.

The second point I would make is on the referendum. This seems to be referendum day at the legislature. We have debated one bill already that dealt with a referendum and we didn't like the outcome so we want to try it again. In this case, we are going to put one out that we are not even going to be bound by but would like to throw it out and see what the people say and then we will try and make up our minds, either ignoring them or paying attention to them, as may suit our mood at the time.

I think the present system is good. I think we want to keep the people close to their representatives and I don't think we need an advisory referendum.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am opposed to cutting the size of the House. When I go back to my district every two years I have noticed an increase of over 200 new families. Most of these families coming in are bright people. It never ceases to amaze me yet how much intelligence that they have brought into the area and how much I have learned from them. I hate to deny them the right of not continuing to contribute to our form of government. Some of the questions that I have asked them, they like to have a chance to answer some of these.

A little while ago I voted not because I believe in the death penalty but I believed very strongly that the people should have a right to vote on that. In my district, to get the people back to having an interest in government, the way I found it to be is to motivate them through questions and answers and ask them if they want to be part of the referendum. I have had

no problem with that so far.

What I am going to say to you people is that I have at this moment no problem whether we will have Democrats or Republicans here, because I am going to work to be their next legislator whether we cut the size of the House or not. I bet you a dollar that I will be here if I want it bad enough. So, my feeling is that I feel very strongly that sooner or later, and sooner might as well be now and let the people have a chance to decide on this.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of L.D. 301 in that it will provide, if passed, an advisory referendum for the voters to decide on the size of the House.

After taking a poll of my district and talking to many of my constituents and receiving overwhelming support for this bill, I recommend that you give it your fair consideration.

The key, in my opinion, after listening to the debate, is letting the voters decide and not arguing about our own personal interest, for the outcome in that case is obvious regardless of the political implications. This is not a new issue to come before the House but it is a new approach, so I recommend that you vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have always been an opponent of reducing the size of the House and nothing that I have heard so far in this debate has led me to change my mind.

In 1820, at the Constitutional Convention that was to give birth to our governmental system in Maine, they haggled for days over the question of the size of the House of Representatives. The small towns wanted an extremely large body, 300 to 400 members, on the order of the New Hampshire House, while the large cities pushed for 100 members or less. That dispute, as we all know, ended in a compromise of 151 members. It has served us well for 159 years. As far as I know, during that time, the small town members have never sought to revert to their original desire for a larger body than now exists. In other words, they have adhered to the compromise. This has not always been the case on the other side of the aisle.

Repeatedly during the last few sessions, there have been attempts to reduce the size of the House. The latest has been fueled by a series of editorials in the newspaper of the state's largest city. In fact, the legislature has been told in no uncertain terms to drop the foolish idea of an advisory referendum and get on with the real business of sending a constitutional amendment to the voters to reduce the House by a third. Because of the action of the State Government Committee, the only option open to us is this advisory referendum.

I feel that I must point out that this has suffered a critical change since it was formulated by the young gentleman from Portland, Representative Doukas. His original idea had a touch of originality about it. He would not ask the voters simply, do you favor reducing the size of the House to 99 members? He added, at the same time, would you be willing to raise salaries of the 99 who are left? The figure that he included was \$8500 for the first year of the biennium plus what we now receive in the second year. At least Mr. Doukas was not going to pander the anti-governmental feelings supposedly right among the electorate and allow them to gleefully swing their broad swords and slash away at the full 52 positions in this body for the simple joy of cutting. He was putting it to them that there was supposed to be a tradeoff, less representatives but also more money and resources for the survivors. The committee, in Committee Amendment "A", struck away the pay increase provision.

Should this bill survive, and I hope that it

doesn't, I would offer an amendment to restore the advisory referendum to Mr. Doukas' original intent. If the proponents of the House reduced in size claim that it will bring better government, then they should offer it to the people not as a simplistic, economy measure but as a way to put more resources at the disposal of the legislators. However, I agree with many of my colleagues that in the interest of preserving a constitutional balance in government that is closer to the people, it is undoubtedly better to offer nothing at all.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: It has been mentioned here today that we should get some advice from our constituents, and last night I had the pleasure of attending a supper that the Farm Bureau gave us and this is their feeling on the reduction of the size of the House. "We oppose the reduction of the size of the House of Representatives because it would lessen the representation of the rural areas. Agriculture, the producer of food, needs strong representation to enable it to remain efficient enough to continue the ability of one farmer to feed himself and 60 other people." I think this is a very good reason.

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

Mr. BIRT: Mr. Speaker and Members of the House: There is one other area in this whole debate that hasn't been covered. It probably is one of my more serious concerns. Several times there has been before this legislature a constitutional amendment to allow petitioning by the people for changes in the Constitution. For many, many good reasons, this has been continuously turned down.

I think if we send out a referendum of this type to the people, we are, if not violating the Constitution, violating the spirit of the constitution and using an initiatory referendum, using the referendum process as a recommendation to initiate changes in the Constitution. If this was successful in this attempt, it could be the guideline or direction for other attempts in later years.

I think we should give serious thought to whether we want to go in this direction, to allowing a referendum to go out to the people to change the Constitution. I think this is probably a concern that bothers me as much as anything else in this whole debate.

I think if the question were asked of the Attorney's General Office or the court, is this bill constitutional or not, I think probably they would rule that it is constitutional, but I think it is violating the spirit of the constitution and I do hope that the indefinite postponement motion fails.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I want to talk about common sense for just a moment. It was my good fortune last year to sit in both the Assembly and the Senate of the California Legislature, and one of the gentlemen that I was very impressed with was Senator Bill Richardson. This very matter that we are discussing now, the size of the legislature in the State of Maine, was brought up, and he told me that he thought we should be very proud of our legislature in the State of Maine because he thought it was a people's legislature. He said that it is impossible for them, after election, to truly represent the people because they have so many constituents that they had to depend completely on their aides and their aide money was the same amount that they had for their legislative salary, which was interesting. So, what we would be doing is making the legislature cost more and lose good contact with the people in these tremendously large districts.

It is my understanding from the Law Library that my particular district is the largest geo-

graphically in the State of Maine with all that northern section of Unorganized Territory of Piscataquis and the southwestern territory plus all the towns.

Senator Richardson said that he hoped we had the good common sense in the State of Maine to keep our legislature at the same representation numerically to the people that we had now and not go professional, because he thought that that was exactly what had happened in California, that they have a professional legislature.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Old Town, a while back, seemed to indicate that this was a bill of the big city versus the rural, and being from the thriving metropolis of the greater Portland area, I wanted to allay his fears that at least I, as one member of my party did not go along with that bit of reasoning because I have opposed reducing the size of the House and I intend to again today.

Today we aren't really discussing whether the House should be lowered, we really are discussing whether or not we should send it out to the people. This, to me, is not really an adequate issue to be deciding.

This referendum would not be binding on the legislature, needless to say. It is different from the bottle bill, because that was legislation that took effect when it was passed. It is different from the UPT, when we repealed the Uniform Property Tax that took effect once it was passed by the people. So I submit to you today that sending this out to referendum, if it comes back 60 in favor and 40 against or vice versa, I would say, so what? Is that going to change any one of our minds in this House? I would doubt it. I think we are still going to vote the way we feel for whatever reason it might be.

If we want an advisory referendum on the way the people feel, ask them. I have asked my people and I don't think that sending it out to a statewide referendum is going to amount to an awful lot, at least as far as we are concerned, because we have to come back here and try to get two-thirds to vote in favor of a constitutional change, which we have not been able to do.

So, I guess I would say that I feel we have the cart before the horse here today. If we want to have a referendum on how the people feel, then first we ought to follow the rules of the Constitution, pass it by a two-thirds majority in both Houses, then send it out to the people for an advisory referendum. This is a new twist but it is even less than before because it doesn't amount to anything as far as I am concerned.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: That was a good speech that the gentleman from Scarborough made. I think I will make the same one but argue on the other side. I, also, am not from a metropolitan area and I am cosponsor of this measure and being in the same party, there may be some rationale there.

I would like to point out that oftentimes the members of this body do not see things in the same way as the general population.

If I recall correctly in the 108th, there were 34 members who voted for the repeal of the Uniform Property Tax and I was one of them. We couldn't get it out of this body. However, when it went to referendum by the people's initiative, it passed strongly.

I am convinced that this measure will never pass from this body, and I am not so sure the arguments raised here are the arguments which are, in fact, behind the obstruction of this. We represent people, not trees, districts, numbers of miles or anything else. I represent the same number of people that the gentleman from Danforth, Representative Fenlason, represents. We all do, basically, given 5 percent one way or the other.

I have run polls in my district and my people are in support of reducing the House of Representatives. I don't know how many others have had similar polls.

I sponsored a bill two years ago to reduce the House to 132 members, and I support and am a cosponsor of this measure, asking at least that the legislature solicit the opinions of the people whether or not it should be reduced, because we are not going to recognize truth or fact because we determine truth or fact in our own manner as benefits our own positions here in the legislature.

I heartily recommend that we defeat the motion to indefinitely postpone.

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

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: This is a tough issue to debate in this House. It is hard to pass judgment on one's self and in essence that is what this bill calls for.

I am the sponsor of this bill and I rise to debate this bill, not a bill calling for the reduction of the House. I am sorry to see that the debate has followed that line more so than looking at what the bill calls for, because that is what I want to do. I want to go out and ask the people of this state, do you want the House reduced? I am not sure they do. I don't think anybody here is sure they do or is sure that they don't. I would like to see the bill debated on those merits.

It comes up, as many have pointed out, in every session of the legislature. I think it is time that we find out if we are beating a dead horse or there is something there and this is one way to do it. It is not a binding referendum. All it is is a public opinion survey. If there is any other question on a ballot, this doesn't cost us anything. It is put on and it rides.

The Democrats have called this a Republican bill and the Republicans have called it a Democratic bill. I submit to you that it is a non-partisan bill. It is supported by many good, non-partisan groups. Common Cause supports this idea, the Legal Women Voters supports this idea.

Are we afraid to listen to the voters on this issue? Is this a sacred cow? I am not even asking you to trust our voters on this issue. I just want you to listen to their opinions.

I look forward to seeing how those who voted on the death penalty, who wanted to send that out to referendum, who wanted to allow the people to consider whether they wanted to send people to their death, how are they going to vote on this issue going out to referendum that merely asks them, do you want the legislature to stay the same size?

One final note—many people have come up to me and said, I voted for that when I was a Freshman but I have been here for a few years now and I know better. I want you to look at that very carefully and see, does that make sense? Are we here for a few years and then do we forget what it used to be like? I hope not.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I think I am more mature. Recently I rounded 60 years old, and in the course of developing a little maturity, I discovered that the referendums that we were putting out to the public were having too many referendum questions on the ballots. We are getting ballots that are like rolls of paper. Too many questions create confusion to the public. Let's keep the referendum questions down. Let's keep them down to something that is very sacred, bond issues or something of that nature. Let's not go out doing public polls in referendums and that is all this is, a public poll. I don't believe that that is the intent of referendum questions and I don't care whether you are from the city or from the country, because us country folks are used to you city slickers trying to put one over on us, so we come

down here armed for bear and we don't go home with any bear.

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: I am a city slicker from Portland, probably representing one of the smallest geographical areas of anyone in this room. I couldn't agree more with the gentleman from Old Town, the gentleman from Scarborough and I think that for real representation in this state, we should keep the number just as it is.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Before we take this vote, I would just like to present one question to you — how in the world can the citizens of the State of Maine vote intelligently on a matter such as this when they have never sat in the legislature?

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 Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: This is probably the type of bill that any rational chairman of the committee would sit down and keep quiet, is that right?

Sometimes I think you just have to stand up and be counted on what you believe. You also have to make a few comments on some of the statements that are made on the floor of the House. For instance, I am sorry, but I disagree with Representative Masterman very strongly. I feel that the people of the State of Maine are perfectly capable of making some sound decisions on just about any measure, and they don't need to get facts in this body in order to make a good decision.

Something else that you said a little earlier, too, I would like to comment on that California legislature. I would like you all to know that the legislators of California represent more people than they would if they were in Congress. So we are hardly taking about going to that type of representation. It is not really a very positive analogy from my point of view, and I have sat here just for a few years, haven't been around as long as many of you have and some things I don't remember. I don't remember those old movies, no question about it, but I do remember voting on this particular issue a number of times, and to tell you the truth, I am kind of sick of it. I am tired of the debate and I am sure that anybody who has been here for a while is.

I am hoping that this particular measure will pass just so we can finally find out once and for all if the people of Maine really support reduction of the size of the House. I voted for it, but to tell the truth, I don't feel that strongly about it, never have, don't really care. I don't know if it really makes a big difference or not, but I do think that the people should be given an opportunity to let us know what they think. This is the only way that they could let us know unless we did pass a constitutional amendment getting a two-thirds vote in each body here in the legislature, and obviously no way are we going to do that, where very few votes ever did come forth supporting either reduction of the size of the House to 132 or 99.

This is our only opportunity. Our Constitution does not allow citizen initiative for changing the Constitution, and this is creative. We have not had this measure before us, Representative Pearson. There have been a number of inaccuracies like that stated here. This is creative and it is an opportunity for the people of Maine to speak. Obviously, there isn't a lot of support.

We know who supports reducing the size of the House and who doesn't, but I hope you will give the people an opportunity to speak.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I have been in this body since 1969. Approximately one third of it is turned over every two years. I would say that I have served with over 500 different new people since I have been here in 1969, and I would like to inform the gentlelady from Waterville that that is a fair representation of the people of Maine based on the variety of districts, philosophies and so on.

I would say that the legislature itself has initiated a public referendum at least since 1969 in their feelings towards reducing the size of the House, and if we do reduce the size of the House, then I would say to some of my good friends from the rural areas, the cities would be picking up a lot more visible support in this body than they have today.

I would urge the House, based only on the few years that I have been here and the large number of people that I have served with and who have been replaced and people have come in to represent them, that they, in fact, have given wisdom enough over the past legislatures to what the public referendum is in concern of reducing the size of the House.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Danforth, Mr. Fenlason, 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 Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, I would like to pair my vote with Representative Hutchings of Lincolnville. If she were here, she would vote yea and I would vote nay.

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

Mr. MACEACHERN: Mr. Speaker, I would like to pair my vote with the gentleman from West Gardiner, Mr. Dow. If he were here, he would be voting nay and I would be voting yea.

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Baker, Beaulieu, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brenerman, Brodeur, Brown, A., Brown, D., Brown, K. L., Brown, K. C., Bunker, Call, Carrier, Carroll, Carter, D., Carter, F., Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Drinkwater, Dudley, Dutremble, D., Elias, Fenlason, Fillmore, Fowle, Garsoe, Gillis, Gwadosky, Hanson, Hickey, Higgins, Howe, Hunter, Immonen, Jackson, Jacques, P., Jalbert, Kane, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, MacBride, Mahany, Martin, A., Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nelson, A., Nelson, N., Paradis, Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J., Reeves, P., Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitchell, Vincent, Violette, Vose, Wentworth, Whitemore, Wood, Wyman.

NAY — Barry, Benoit, Brannigan, Dellert, Diamond, Doukas, Gavett, Gould, Gowen, Gray, Hall, Hobbins, Huber, Jacques, E., Joyce, Kany, Lund, Marshall, Morton, Nadeau, Nelson, M., Norris, Sprowl, Tuttle.

ABSENT — Dutremble, L., Hughes, Strout.

PAIRED — Dow-MacEachern, Hutchings-Masterton.

Yes, 119; no, 24; Absent, 3; Paired, 4.

The SPEAKER: One hundred nineteen having voted in the affirmative and twenty-

four in the negative, with three being absent and four paired, the motion does prevail.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (11) "Ought to Pass" as Amended by Committee Amendment "A"; (H-54) — Minority (2) "Ought Not to Pass" — Committee on Transportation on Bill "An Act to revise the Service charge for Local Vehicle Registration Agents" (H. P. 147) (L.D. 150)

Pending — Acceptance of either Report.

On motion of Mr. Carroll of Limerick, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-54) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" as Amended by Committee Amendment "A" (H-49) — Committee on Labor on Bill, "An Act to Exempt Small Businessmen from the Workers' Compensation Law" (H. P. 25) (L. D. 42)

Pending — Acceptance of Either Report.

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

Mr. WYMAN: Mr. Speaker, I move the Majority "Ought Not to Pass" Report be accepted.

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

Mr. DEXTER: Mr. Speaker and Members of the House: I would request a division. After this morning, I kind of hesitate to stay here too long. I am an uneducated woodsman and after some of these things I have observed, but this particular problem I have lived, so I feel qualified to speak.

I am on the lower end of the divided report. It doesn't seem to make any difference. Even when I am on the consent calendar someone takes it off, but that is another story.

The only opposition to this bill came from the AFL-CIO, which is understandable. I don't understand their concern. It is only five employees or less. I don't know of any union that represents five or less.

The second one in opposition was a lawyer, and his suit was nowhere near as threadbare as mine, I can assure you, and it turned out that he handled compensation claims.

The other gentleman got up and said he represented a local, made \$400 a week, and he also was a small businessman, ran a tavern. Come to think about it, he said, "I don't run it anymore." He was complaining because he only got \$200 a week compensation, he was laid off.

Of course, the opponents immediately used scare tactics in our work session. I use them myself, as you know. Of course, immediately they know I am a lumberman and they said, what about the poor man that cuts his leg off with a chainsaw? Well, in the first place, that chainsaw probably will cut that leg whether the man had insurance or not. I don't imagine a chainsaw would know.

The second argument was subsidy. You see, this is an optional bill. If a man wants insurance, he can have it, or if an employer wants insurance, he can have it, but once in a while someone probably will not take advantage of some form of insurance and there is a possibility that they will get hurt. They seem to think that this is something new, subsidizing someone. I maintain that it will be more than offset with these small jobbers, entrepreneurs, or something like that, I am uneducated, I can't say it too well, but anyway, that is the man who has got some backbone, he wants to get out and make a living and he is trying to fight all these rules and regulations. The only time I have —

heard it here in the House, they have made it sound like a four-letter word stretched out.

Anyway, all I am asking today, I guess, is to let this go by the first reading. I have some friends that indicate they wish to put some amendments on it, and bear in mind this is totally optional. Anybody that has workmen's compensation now must keep it. There is a provision in the amendment so that you can't splinter off if you have got 15 employees and narrow them down.

This has been a hard morning, so I guess I won't prolong it anymore.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I share Mr. Dexter's concern. It is a pleasure to have him serving on the Labor Committee with us this session, even though at times he becomes a bit frustrated, as we all do on the Labor Committee.

I recognize the gentleman's concern about small business. In my legislative district, I represent mostly small businessmen and I represent no unions whatsoever. There is no question that Mr. Dexter has raised a very legitimate issue when he mentioned the concern, or the cost, I should say, of workers' compensation insurance, particularly as it impacts on the small business person. I have had several constituents of mine contact me specifically with their concerns and their very strong opposition to the increases that they personally have experienced.

I would remind you, ladies and gentlemen, that we have several bills coming before this legislature which will deal with this particular problem. This particular bill that Mr. Dexter has sponsored in good conscience and all sincerity represents a basically wrong approach to dealing with a very real problem. No one on the Labor Committee had denied that the problem exists, but the question that we have to deal with here on the floor of the House is, what is the best approach to dealing with the problem? I would submit to you that this is patently the wrong approach.

What this bill will do in essence is deny the working people of this state protection under a law that has been in existence for a good number of years, protection under a law that was first recommended and urged upon this state and nation by business people and not unions, business people, including small businessmen, who were concerned about the threat of suit if they were not covered under a workers' compensation insurance plan.

This bill seeks to help the small businessman by depriving the employee of his rights under the law. That is wrong. This particular bill would exempt employers who have five or fewer employees from paying workers' compensation insurance.

Mr. Dexter has said that this is entirely optional with the employer, but ladies and gentlemen, this is far from entirely optional with the employee. The employee goes to work for a businessman who has exempted himself under this law, if it does pass, and he refuses to sign a waiver saying that he waives his right of protection under the workers' comp law, then he is not hired by that particular employer if that employer has opted for this particular avenue.

Every employee in this state, whether he works with a group of 100 or a group of 3, deserves protection under the statutes.

Employers, business people, have supported workers' compensation for a good number of very important reasons, principally the protection that it offers the businessman from suit by an employee who has been injured on the job. If this bill passes, small businessmen, the same small businessmen that Mr. Dexter sincerely wants to help, are going to be leaving themselves open and will be left totally unprotected from suits brought on by an employee who has been injured, and that is why businessmen support workers' compensation.

Finally, I think it is important to note that this particular exemption will place small businessmen who have 5 or fewer employees at a competitive advantage with other businessmen. In other words, the businessman who happens to have 7 or 8 employees has to pay workers' compensation — he has no choice, but the employer who has 5 or fewer can cut his costs competitively by not having to protect his employees. So, I think we must consider the impact business generally and not just the impact on the businessman who is going to be exempted under this statute.

The philosophy behind workers' compensation and the philosophy behind the elimination of the exemption we had on the statutes not too long ago in this state was that every working person who had enough desire and enough incentive to get out and work for a living deserved to be protected while he was on the job in the case of injury. That is the underlying philosophy behind workers' compensation. This bill strikes at the very heart of that philosophy. And while we must help small business and while we will be considering a number of important measures to help small businessmen with workers' comp insurance, this is the wrong way to go about it.

I have wished Mr. Dexter every degree of success on his most recent venture with a bill that we are all familiar with, but I hope that he is not equally successful on this measure, and I hope that you will accept the majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have one full-time employee and I do have workmen's compensation. I wouldn't drop it for the world. I appreciate my employee.

I realize many small businesses are having a struggle today and I am very much in favor of small businesses, but I also have a son who is working for a small company. He has had an injury. He has been out of work for about five or six weeks. They had no workmen's compensation, so I am very familiar with it on both sides. My employee had been injured and my insurance covered him, thank God, and I wouldn't be without it, so I urge you very strongly to go along with this "Ought Not to Pass."

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: To my good friend Mr. Dexter, once or twice I have voted on the opposite side, not knowingly but because I had made a mistake, but this time I would like to assure you, Mr. Dexter, that one of the reasons why my family incorporated in a Christmas tree industry is because we could come under the workmen's compensation. Whenever we have asked people to work for us who had been working in the woolen mills or the wood turning mills, even if we asked them to work for a couple of weeks, they would say, do you have workmen's compensation?

The problem I find with it, hopefully we can do something in this line, Mr. Dexter, because they are robbing us blind on insurance fees that we have to pay. Somebody is coming out with an arm and a leg of our earnings far beyond what they need to, but I can't go along with your side of the bill this morning, Mr. Dexter.

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

Mr. DEXTER: Mr. Speaker and Members of the House: I feel kind of lonely today. I believe the good gentleman from Pittsfield made my point here. He realizes that small businessmen are going out of business and this would help someone to get started.

When you take your first step in life, you assume some risk, and there is a waiver clause in there. Again, I urge this body to at least give it its first reading and then if you have some



problem with it tomorrow, you can jump on it with both feet and not take your shoes off.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the Majority "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.

78 having voted in the affirmative and 36 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

House Divided Report — Report "A" (6) "Ought to Pass" As Amended by Committee Amendment "A" (H-48) — Report "B" (5) "Ought Not to Pass" — Report "C" (1) "Ought to Pass" Committee on Labor on Bill "an Act to Increase the Minimum Wage to \$4 Per Hour" (H. P. 26) (L. D. 43)

Pending — Acceptance of any Report.

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

Mr. McHENRY: Mr. Speaker, I would move that we accept Report "C", which is the bill.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I don't quite understand sometimes what is going on around here but that is all right. I know I don't want Report C on this bill. In fact, I don't want anything about the bill and so at this point I would make the motion to indefinitely postpone this bill and all its accompanying papers.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would vote against the pending motion to indefinitely postpone this bill. This issue is deserving of our consideration, a full and complete debate in which both sides can be amply aired. We have a number of amendments which are going to be subsequently submitted, so I would hope that you would vote against the pending motion.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: What we have before us this morning in Report C is the \$4 minimum wage. You know, it is hard for me to believe that so many intelligent people can serve on a fine committee that I was once a member of and only one member is thinking of the people of this state, the true representative and he certainly is.

This is a necessary force for the poor and the uneducated to further themselves and help them out of the depths of poverty. Many times in our lifetime, we, who have had a chance to be well educated, we, who have had our mothers and fathers sweat hard to sacrifice to give us a good education, sometimes that is not always true and, consequently, through no fault of their own, many people have to take unskilled jobs. Those on unskilled jobs, as we know, are paid the minimum wage.

What is the minimum wage? How did it start? How are we today involved in the minimum wage?

The minimum wage was enacted back in 1933 and it was a necessary force because of slave labor and the sweatshops that existed with human blood and sweat and toil. That is why the minimum wage was enacted. Barbaric employers literally whipped the people into line — that is why the minimum wage was started, nothing else.

The minimum wage today is still in effect, and I will admit, we don't have any slave shops, thank the good Lord for that, and I will admit that employees are not brow whipped, and I will thank the Lord for that. In fact, one of my very good friends who has opposed me in my

labor movements since I was on the Labor Committee and is a very good friend of mine, Mr. Bob Reny is a very good friend of mine, he carries respect and dignity with his people his employees, but they are not all like Mr. Reny. They are not all in consideration of the people that work for them.

All I am asking is that you give the people of this state a chance to make a decent living, bring them up out of poverty where people do not have a chance. All people are not well educated and all people don't hold high muck-a-muck salary jobs, and half of those aren't even worth what they are paid. We have no objections to that.

Today in our society, we have people who need our help, and I want to be a part of helping them, to let them have the respect and the dignity that they are so rightfully entitled to. That is all I am asking.

I remember when the last increase in minimum wage took effects. Oh, we had people crying and, oh, it was just brutal, our economy is going to be put down and we didn't know how we were going to survive, but, you know, the minimum wage rose from \$2.60 to \$2.90 and we are still doing all right. Everybody is going along fine, and in that period when the minimum wage rose from \$2.60 to \$2.90, big executives of this state and banks were ripping the people off right and left of millions of dollars and nothing was said about that. Nothing is ever said about those people who are taking home \$40,000 and \$50,000 a year. No one says one thing about them — that is not contributing to inflation? Well, of course, it is. You don't have to be a college student to realize that. You don't have to have brains to know that. The minimum wage people have been held down through generations and the industrial revolution was the start of that.

I say to you, my friends, if we are going to give to the rich and we are going to give in, then we might as well put our society in the hands of social welfare and forget about these type of people.

Let high school students work for \$2.90 an hour, and many of them make more than that and put all the rest on welfare and let the people that are making \$40,000 and \$50,000 a year support us, because I will be on welfare with them.

To hold down unskilled workers is a total disgrace, because the minimum wage is the only force that they know.

I am predicting today that within six or eight years, you are going to see the little guy who saw the Democratic party as his weapon against big business and the rich will soon have a change of heart and will go to the Republican party. I wouldn't be a bit surprised that in six or eight years Representative Connolly will probably be chairman of the State Republican Committee, as soon as I correct him on a couple of his other ways of thinking.

Do you know that Maine, being a very cold state, we rank 45th in manufacturing wages? Can you imagine 45th, and that is based on the average pay of \$193.36 a week. Think of the thousands of people that are taking home less than \$100 a week. We must be right at the bottom.

The people in the south don't pay what we pay for fuel. The people in the south don't have to supply their children with warm clothing, boots and things that they have to wear to keep warm. We are a captive part of this country whether we like it or whether we don't. We cannot control our long, cold winters and when working people take home less than welfare, then the system is wrong and we are to blame.

If we don't stand up for the uneducated and help those people, we are going to be forced into a situation where the Republican Party will come to their aid. The Democrats have had their chance and they muffed it and it showed when we had one good Democrat on that committee who gave me a vote for my \$4 minimum

wage. Only one, a true representative of the people, and if the members of that committee cannot see what we are faced with today in the line of unemployment, in the line of welfare, and try to help the people to bring them to their feet, we can do it, but we cannot do it on \$116 a week, that is below the poverty level. My church would donate more than that to poor people. Yet, we sit here, we say no, we don't need a minimum wage, we don't want the minimum wage because it causes inflation. Now, isn't that pitiful?

I guess I have been talking too long because I see that the House is almost empty and I wouldn't want the Speaker to have to put the bell on to call them all back, so I will sit down.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am probably the only Democrat who voted for \$4 but I voted for the \$4 because I went into the committee with the idea of compromising and the R's did not want to compromise one inch, so therefore I didn't compromise.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I promise not to talk very long. My argument for the indefinite postponement of this bill stems from only one source and has really nothing to do with the dollars involved. My concern is with getting out of phase with the federal government. We have done that in the past; it was extremely annoying and a problem. I can remember when we had a double-out-of-phase when the federal government had a lower minimum wage than the State of Maine but a lower requirement for overtime hours, so, the State of Maine people had to adhere to the highest standard in each case that was difficult and it put a burden on the State of Maine businesses.

My only concern is getting out of phase with the federal government. This puts minimum wage increases in prior to that of the federal government. I don't see any reason in the world why Maine should be attempting to be the tail that wags that great big federal dog. Therefore, I am opposed to this bill. I feel that we should track the federal government and that it is going to be the one that sets the wages all over the country and keep Maine in step with the rest of the nation.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I stand to applaud the remarks of my good friend, the gentleman from Westbrook, Representative Laffin. He certainly is telling the future in a way that I am sure is going to be more and more apparent every day.

However, my real reason in standing is to commend the gentleman from Farmington, Mr. Morton, on his motion today, and to welcome him to that small circle of those who have moved indefinite postponement of the minimum wage over the years, and as his charter member, I want him to know that I am going to join that thin green line and stand with him today.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: Very briefly, it is too bad that the Representative from Cumberland didn't make the motion to indefinite postponement, because he usually had made that in the past, at least since I have been here.

The question, and I will put it to you now and you can feel free to respond later if you want to because you haven't answered it before — would you work for the minimum wage if that had to be the sole way that you supported your family and if you had no opportunity to have that wage increased? If you feel that you would like to answer that at some point after I finish, I would like to hear your answer.

The Representative from Farmington, Mr. Morton, says that this particular bill has nothing at all to do with dollars, but I would submit that is what the minimum wage legislation is all about. It is how much money we are going to pay to the people at the lowest rung of our wage scale.

The people who work for the minimum wage are not represented by unions. They serve at the good graces and their salaries are set at the good graces of their employers, employers who pay their employees a decent salary have nothing at all to fear with this particular \$4 minimum wage bill because they would pay their people a decent salary. It is only those people who would take advantage of the sweat and the toil and the labor for people who can find employment nowhere else and are forced to work in this case now for \$2.90 an hour.

The minimum wage, in effect, becomes the maximum wage for all employees who receive that particular salary, and I would point out that if we do have a \$4 minimum wage, that the total gross yearly salary, assuming that you get a vacation that you are paid for, would come out to slightly over \$8,000 a year. In 1977, the Department of Labor said that it took in Maine a minimum for a family, a husband and a wife and one child to meet basic minimal subsistence levels, between \$10,000 and 11,000 gross salary per year. A \$4 minimum wage would be some \$2,000 under that.

It is interesting to note that the people who will vote against increasing the minimum wage will also go on to say that they do support the concept of the minimum wage, but what they are really saying is that the lower the minimum, the better.

I would hope that you would vote against the motion for indefinite postponement. If you don't feel that you can support the \$4 or Report C from the committee, there is another majority position which would call for a \$3.10 minimum wage to go into effect in October, three months before the next increase in the federal.

So, I would hope that you would vote against the motion for indefinite postponement.

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

Mr. TIERNEY: Mr. Speaker, when the vote is taken, I would request the yeas and nays.

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

Mrs. LEWIS: Mr. Speaker and Members of the House: I would respond to the gentleman from Portland, Representative Connolly. I would agree that it would be very difficult to live on the minimum wage, the reason being that inflation has taken its toll and things are too expensive. At one time, probably \$120 a week was not a bad wage at all. It depends entirely upon the buying power of the dollar.

If the people who support the increase to \$4 an hour can say that the dollar will be worth what it is now or worth a little bit less, fine, but we have no guarantee that it will and if the minimum wage goes up and the cost of living goes up too, where are we? If there is any way we can possibly keep prices down so the dollar would mean more, it might make some sense. Otherwise, we increase the minimum wage and then the cost of living goes up and up and up and finally people won't have pocketbooks big enough to hold their money because they would need so much to buy probably a loaf of bread.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: What I am going to inject in here is that I am going to tell Representative Laffin that there are educated people who are working for less than the minimum wage. I know of teachers, substitute teachers, that are working for \$20 a day and they are educated, so don't put it all on the poor people — the educated, people, too sometimes, work at a

very low wage.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the remarks of the gentlewoman from Auburn, Mrs. Lewis, I would just point out that in 1955, the Congress passed an amendment to the Fair Labor Standards Act, which is the minimum wage legislation, and they required the Secretary of Labor to prepare a report annually for the Congress on the effects of the minimum wage, and every time there has been a report, it has gone back to the Congress. Under both Democratic and Republican legislation, they have consistently refuted the ripple or bumping effect argument that you put forward.

I would also point out that almost half of the children in the United States who grow up in poverty come from families where the principal source of income is the minimum wage.

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 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 Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: Just so the record is absolutely clear, the motion in front of you will kill any chance for a minimum wage increase by state action. I just want everyone to know that when you vote against this bill, you are not only voting against an increase in wage to \$4, but you are increasing any chance of increasing the minimum wage to \$3.75 or the \$3.50 or the \$3.25 or the \$3.10 just a few weeks earlier than the federal people would require it anyway. So, I just want it completely clear so there is no question in anyone's mind that those of you who vote yes on this motion are voting against any increase in the state minimum wage other than that which would be required by federal law.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: On an equally informative basis only, I want to emphasize that voting for indefinite postponement says we are going to maintain the posture we achieved about two years ago of finally getting the Maine minimum wage in sync with the federal minimum wage, and the Maine minimum wage will continue in that posture.

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

Mr. MCHENRY: Mr. Speaker and Members of the House: Just to make it a little more clear, in my way of thinking, if you are going to vote yes, you are saying that you can make it on \$4 an hour, less than \$4 an hour, you can make it at \$2.90 an hour if you are voting yes; I say no.

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

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

Mrs. BERUBE: Mr. Speaker, I would like to pair my vote with Representative Hutchings. If she were here, she would be voting yea and I would be voting nay.

#### ROLL CALL

YEAS — Alopous, Austin, Berry, Blodgett, Bordeaux, Bowden, Brown, D., Brown, K. L., Bunker, Carter, F., Conary, Cunningham, Damren, Davis, Dexter, Drinkwater, Fillmore, Garsoe, Gavett, Gould, Gray, Huber, Hunter, Jackson, Kiesman, Leighton, Leonard, Lewis, Lougee, Lund, MacBride, Marshall,

Masterman, Masterton, Matthews, Maxwell, McPherson, Morton, Nelson, A., Norris, Payne, Peltier, Peterson, Reeves, J., Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Torrey, Whittemore.

NAYS — Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Boudreau, Brannigan, Brenerman, Brodeur, Brown, K. C., Call, Carrier, Carroll, Carter, D., Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Doukas, Dudley, Dutremble, D., Elias, Fenlason, Fowlie, Gillis, Gwen, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Jacques, E., Jacques, P., Jaibert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster LaPlante, Lizotte, Locke, Lowe, MacEachern, Mahany, Martin, A., McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M., Nelson, N., Paradis, Paul, Pearson, Post, Prescott, Reeves, P., Rolde, Simon, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Brown, A., Dutremble, L., Immonen, Soulas, Strout.

PAIRED — Berube-Hutchings.

Yes, 56; No, 86; Absent, 7; Paired, 2.

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

Thereupon, on motion of Mr. McHenry of Madawaska, Report C was accepted, the Bill read once and assigned for second reading tomorrow.

The Chair laid before the House the following items of Unfinished Business, which appeared on the Consent Calendar, First Day:

(H. P. 354) (L. D. 450) Bill "An Act to Amend the Per Diem Rate for Persons Serving on the State Board of Nursing." — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 57) (L. D. 66) "An Act to Change the Date on Which the Annual Sessions of the County Commissioners are held in Sagadahoc County" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-59)

(H. P. 252) (L. D. 297) Bill "An Act to Permit Performing Arts Centers to Serve Alcoholic Beverages" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-60)

(H. P. 315) (L. D. 421) Bill "An Act Relating to the Wholesale Sale of Malt Liquor and Wine" — Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 54) (L. D. 63) Bill "An Act Increasing Borrowing Capacity of Mars Hill Utility District and Extending the Time Which That District has to Take Over Mars Hill and Blaine Water Company" (Emergency) — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-61)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 7, under listing of Second Day.

The Chair laid before the House the following items of Unfinished Business, which appeared on the Consent Calendar, Second Day:

(H. P. 337) (L. D. 436) Bill "An Act Relating to the Fiscal Year of Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties" (Emergency)

(H. P. 189) (L. D. 239) Bill "An Act to Specifically Define what Constitutes a Law Enforcement Officer's Signal to a Motorist to Stop"

(H. P. 253) (L. D. 298) Bill "An Act to Allow the Trustees of the Portland Ministry at Large to Seek Changes in its Articles of Incorporation" (Emergency)

No objections having been noted, the above



items were passed to be engrossed and sent up for concurrence.

(S. P. 68) (L. D. 105) Bill "An Act Relating to Supplemental Assessments under the Taxation Statutes" (C. "A" S-19)

On the objection of Mrs. Post of Owl's Head, was removed from the Consent Calendar. Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-19) was read by the Clerk.

Mrs. Post of Owl's Head offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-66) was read by the Clerk and adopted.

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

The Bill was assigned for second reading tomorrow.

(H. P. 9) (L. D. 18) Bill "An Act Relating to Eating, Lodging and Recreational Places Licensing Law" (C. "A" H-51)

(H. P. 179) (L. D. 220) Bill "An Act to Authorize the Lease of Mental Health and Corrections' Facilities by other Agencies" (C. "A" H-50)

No objections having been noted, the above items were passed to be engrossed as amended and sent up for concurrence.

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

Enactor — An Act Relating to the Small Grants Program for Municipal Conservation Commissions (H. P. 266) (L. D. 343)

Pending — Passage to be enacted.

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

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

Bill, "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors" (H. P. 114) (L. D. 123)

— In House, Passed to be Engrossed as Amended by House Amendment "A" (H-40) on February 23, 1979.

— In Senate, Bill and Accompanying Papers Indefinitely Postponed in non-concurrence February 28, 1979.

Tabled — March 1, 1979 by Mr. Carroll of Limerick.

Pending — Further Consideration.

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

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

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I really feel that this body should insist on its former action. I have great feeling for our young people of this state, especially the parents whose child could be visiting a neighbor and a motorcyclist drives up and the child jumps on and takes a ride without the helmet or any element of safety involved to try to protect this child should he fall off.

I feel that the legislation has great merit. We are not telling the operators that they have to wear the helmet; what we are telling him is that he must use diligence and cautionary measures to protect his passengers. That is the reason that I cannot go along with the gentleman who made the previous motion. I feel that this body is very wise and showed great wisdom and I still think the legislation has a great deal of merit, so I would hope that you would oppose the motion.

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

Mr. McKEAN: Mr. President and Members of the Senate: I signed out of the committee "Ought Not to Pass" on this bill. I then had an amendment put on which I felt made the bill a little more palatable. I have, however, done a little research since then and now I find that doesn't even seem palatable to me. On this past Thursday during a debate here in this House, three of my good friends in this House made arguments on the 17 year old donating blood and the arguments were well stated. They came up with such remarks as "parental responsibility, the erosion of parental responsibility, the capabilities of our young people" and we had an hour of debate on the capabilities of our young people in that particular instance, which hits true to heart in this particular bill also.

I then went and looked up some old newspaper articles in Lewiston. This is a Lewiston Sun, November 16th, just this past year. There is evidence that one and possibly two people who were killed in motorcycle accidents this year would have lived had they been wearing helmets, but, he added, according to medical reports, these individuals would have most likely been paralyzed from the shoulders down. I would hope, the good Lord willing, I would never have to make a decision like that because I would never want to lie like a vegetable for the rest of my life; I would rather be dead. I can go to article upon article about helmets, what good they do and what good they don't do.

Here is something else that caught my eye. Back in 1977, they took a poll on the use of motorcycle helmets. They went state by state on statistics. Of course, you and I know that statistics in the hands of a juggler can be made to prove that anything can be safe, from an elevator to a rocketship, but these are pure statistics on fatalities. Seventy-one percent of a ratio increase in Georgia in motorcycle fatalities was recorded and 43 percent ratio increased in New York, both of which had mandatory helmet laws in effect during this study period. Conversely, California and Illinois, two states which did not have helmet laws during the study period, were the exception to the general rise and had decreasing fatality ratios. Believe it or not, in the state of Illinois, the helmet law in its entirety was found unconstitutional.

They made some tests on helmets and these tests came out during some of our committee hearings back when we had the helmet law in the 108th, and the tests proved that these helmets would stand an impact at four miles an hour. Well now, if that is the case, if you really want to do something right, why don't we go ahead and amend this bill to say that those under the age of 18 will wear a helmet when the motorcycle is in the process of starting or stopping, because, believe me, you are going to go more than four miles an hour after that.

I am sure that there was uncontested testimony that if there is a head injury from the impact and the helmet is not removed immediately after that injury, the expansion of the brain and skull will occur and the victim then will die from that expansion. That also was from a doctor's report.

I have heard such things as, gee, how would you feel if we say no to this bill and a year from now somebody gets killed because they didn't have a helmet on? Well, I have to turn it around and say to myself, what if I pass this bill and somebody gets killed because they did have a helmet on, so I can't buy that argument either.

I do what I think is right. I ride a motorcycle and I have ridden them for many years. I have a son that rides a motorcycle. My own personal preference, I won't get on a motorcycle or a snowmobile without a helmet, but that is my own personal preference. Therefore, I have to go along with the indefinite postponement of this bill.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I was not a member of the

last legislature which involved itself with debate concerning the helmet law. The issue, in my opinion, primarily seems to be one of personal freedom versus personal safety. Some people feel that we need to stop the state from controlling any more of our lives; others argue that it is the responsibility of government to ensure the safety of the public, especially in those cases where if no control is exercised good judgement might not prevail.

I have had experience as a full-time emergency medical technician for the Sanford Fire Department and I have seen first hand the personal injuries in depth resulting from operators and passengers on motorcycles who were not wearing helmets. At the same time, however, there are deficiencies which exist in some helmets which are presently on the market.

I am in favor of this proposed legislation inasmuch as it will protect, to some degree, individuals who may not be able to make and form a decision as to whether or not to wear a helmet. At the same time, helmet deficiencies and the right of personal choice for mature individuals are important considerations which should be addressed.

As to the social responsibility of the safety of the motorcycle driver, I would be in favor of a legislative mandate requiring a study of motorcycle helmets presently on the market, to rate all helmets in terms of their values for the information and guidance of the consumer and to establish minimum specifications for helmets to be sold in the state.

A few weeks ago, we debated whether or not to allow serving in the Senate until the age of 21. It seems rather contradictory to me to pass a judgment for age qualification in the legislature and to ignore it for the sake of human life.

I would hope that in the discussion of this matter personal freedom would not preclude personal safety and common sense. I think we can address all these elements without being unfair to the legitimate concerns of all, so I hope you will vote against this motion.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: Just a short message. This might be a good opportunity to promote the program that will be taking place, scheduled at 12:15, in which it says that it is a special presentation "As Others See Us" in the Hall of Flags. It is too bad probably that we can't defer the vote on this until after we see their program.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I didn't think I would have to speak too long on this. At the present time, California has no helmet law and they have 20 times more motorcycles than this state has. A lot of this is being done because they are being patrolled by their own people, meaning they are not police officers, they are people that report accidents or try to protect people who are riding motorcycles in clubs and all that.

Twenty states have removed the helmet law. There must have been something wrong with it or they wouldn't have done it.

There were two persons, as a matter of fact, who appeared in front of the committee stating that they wanted the helmet law. I see no reason why the helmet law should go back on. These children should be told by their parents that they have to wear a helmet if they want them to wear one, but why should we tell him that you have to wear a helmet and you have to have insurance now?

We have three motorcycles at home. I have been riding motorcycles since I was seven years old. As a matter of fact, I used to get on the side of the curb to get on the motorcycle because the bike was so high I couldn't get on it. We know all about motorcycles. We know what they can do and what they can hurt and, believe

me, if you ride a motorcycle in traffic, I don't mind on the highway, but in traffic, where you cannot hear and you cannot see, you have to turn your head completely around and I wouldn't be caught dead with a helmet in traffic.

We had people testify in committee hearing, two doctors two years ago, showing what damage helmets had caused to some people who had been in accidents with a helmet. That spinal cord was hit by the back of that helmet and cut that spinal cord and that man was crippled and paralyzed for the rest of his life. I would rather have a head injury than be paralyzed all my life. Which one do we take?

I hope you do go along with my motion to recede and concur with the other body, because this is the best thing this House could ever do to protect our small children.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: Experience, I guess, is a good teacher, although it is sometimes a hard teacher. As I sat here, I was thinking about back home, we have a battered helmet, and how lucky my son was to have had it on because he happens to be here today in the balcony with me.

I urge you to keep this bill alive. I think we need the helmets.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I am under any misapprehensions about what is going to happen to this bill in the end, but I am simply rising because one of my constituents mentioned to me the other day after the other body took their reaction on this bill, and this particular constituent is a staff nurse at the Eastern Maine General Hospital, and she told me that before anyone was qualified to vote on this, they should take a tour of Ward 5 up there and see the people who were in this type of accident without helmets and see the condition that they are in.

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

A vote of the House was taken.

Mr. Jacques of Lewiston requested a roll call.

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

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

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Jacques, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Berry, Brown, D.; Brown, K.C.; Bunker, Call, Carter, D.; Carter, F.; Conary, Damren, Dudley, Dutremble, D., Elias, Garsoe, Gavett, Hanson, Howe, Hunter, Jacques, E., Jacques, P., Jalbert, Leighton, Leonard, Lewis, Lund, Mahany, Marshall, Masterman, Maxwell, McKean, McMahon, Michael, Norris, Paul, Payne, Peltier, Peterson, Rolde, Roope, Sewall, Silsby, Small, Sprowl, Stetson, Stover, Studley, Theriault, Torrey, Tozier, Twitchell, Whittemore.

NAY—Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brannigan, Brennerman, Brodeur, Brown, K. L., Carrier, Carroll, Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Fenlason, Fillmore, Fowlie, Gould, Gowen, Gray, Gwadlosky, Hall, Hickey, Higgins, Hobbins, Huber, Immonen, Jackson, Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Lizotte, Locke, Lougee, Lowe, MacBride, Martin, A., Masterton, Matthews, McHenry, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, A., Nelson, M., Nelson, N., Paradis, Pearson, Post, Prescott, Reeves, J., Reeves, P., Rollins, Sherburne, Smith, Tarbell, Tierney, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, The Speaker.

ABSENT—Austin, Brown, A.; Dow, Dutremble, L.; Gillis, Hughes, Hutchings, Soulas, Strout, Wyman.

PAIRED—MacEachern and Simon.

Yes, 50; No, 88; Absent, 11; Paired, 2.

The SPEAKER: Fifty having voted in the affirmative and eighty-eight in the negative, with eleven being absent and two paired, the motion does not prevail.

Thereupon, on motion of Mr. Carroll of Limerick, the House voted to insist.

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

Bill, "An Act to Repeal Mandatory Public Meetings by the State Liquor Commission" (S. P. 289) (L. D. 848)

—In Senate, Referred to Committee on State Government.

Tabled—March 2, 1979 by Mr. Violette of Van Buren.

Pending—Reference in concurrence.

On motion of Mr. Violette of Van Buren, the Bill was referred to the Committee on Legal Affairs in non-concurrence and was sent up for concurrence.

#### (Off Record Remarks)

By unanimous consent, the Chair laid before the House the following item of Unfinished Business:

Bill, "An Act to Include Independent Contractors within Deferred Compensation Plans" (H. P. 845)

(Committee on State Government suggested)

Tabled—March 5, 1979 (Till Later Today) by Mr. Howe of South Portland.

Pending—Motion of Mrs. Damren of Belgrade to Refer to Committee on Business Legislation.

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

By unanimous consent, the Chair laid before the House the following item of Unfinished Business:

Bill "An Act Relating to the Powers of Hospital and Medical Service Organizations" (H. P. 806)

—House Reconsidered Reference to Committee on Health and Institutional Services on March 5, 1979.

Tabled—March 5, 1979 (Till Later Today) by Mr. Howe of South Portland.

Pending—Reference.

On motion of Mr. Howe of South Portland, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

By unanimous consent, the Chair laid before the House the following item of Unfinished Business:

Bill, "An Act Relating to the Powers of Hospital and Medical Service Organizations" (H. P. 806)

—House Reconsidered Reference to Committee on Health and Institutional Services on March 5, 1979.

Tabled—March 5, 1979 (Till Later Today) by Mr. Howe of South Portland.

Pending—Reference.

On motion of Mr. Howe of South Portland, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

By unanimous consent, the Chair laid before the House the following item of Unfinished Business:

Bill "An Act to Restore the Power of Arrest to Private Investigators" (S. P. 275) (L. D. 845)

—In Senate, Referred to Committee on Legal Affairs.

Tabled—March 2, 1979 by Mr. Violette of Van Buren.

Pending—Reference in concurrence.

Thereupon, on motion of Mr. Violette of Van Buren, the Bill was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

By unanimous consent, the Chair laid before the House the following item of Unfinished Business:

Bill "An Act to Authorize the Bureau of Public Lands to Lease Lands in the Intertidal Zone Adjacent to Permanent Structures" (H. P. 842) (Committee on State Government suggested)

Tabled—March 5, 1979 (Till Later Today) by Mr. Blodgett of Waldoboro.

Pending—Reference.

On motion of Mr. Blodgett of Waldoboro, the Bill was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

By unanimous consent, the Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act to Amend the Judicial Retirement System" (H. P. 811) (Committee on Judiciary suggested)

Tabled—March 5, 1979 by Mr. Hughes of Auburn.

Pending—Motion of Mrs. Nelson of Portland to Refer to Committee on Aging, Retirement & Veterans.

On motion of Mrs. Nelson of Portland, the Bill was referred to the Committee on Aging, Retirement and Veterans, ordered printed and sent up for concurrence.

On motion of Mr. Pearson of Old Town, the House reconsidered its action whereby the Bill was referred to the Committee on Aging, Retirement and Veterans.

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

Mr. PEARSON: Mr. Speaker, we have been dealing with this particular topic in Appropriations, and we had a very lengthy and confusing discussion about this particular topic yesterday, so I would ask that somebody table this pending reference for one more day so we can discuss this.

Thereupon, on motion of Mrs. Nelson of Portland, tabled pending her motion to refer to the Committee on Aging, Retirement and Veterans and tomorrow assigned.

By unanimous consent, the Chair laid before the House the fifth tabled and today assigned matter.

Bill "An Act Relating to Funding and Support for Alcoholism Treatment and Rehabilitation Centers" (H. P. 723) (L. D. 910)

—In House, Referred to Committee on Appropriations and Financial Affairs on March 2, 1979.

Tabled—March 5, 1979 by Mr. Marshall of Millinocket.

Pending—Motion of the same gentleman to Reconsider Referring to Committee on Appropriations and Financial Affairs.

Thereupon, on motion of Mr. Marshall of Mil-

linocket, the House reconsidered its action whereby the Bill was referred to the Committee on Appropriations and Financial Affairs.

Thereupon, on motion of Mr. Marshall of Millinocket, the House Reconsidered its action whereby the Bill was referred to the Committee on Appropriations and Financial Affairs.

On motion of the same gentleman, the Bill was referred to the Committee on Taxation in non-concurrence and sent up for concurrence.

On motion of Mr. Jalbert of Lewiston,  
Adjourned until nine-thirty o'clock tomorrow morning.