

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Wednesday, March 14, 1979

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

Prayer by Father Harry Vickerson of St. Mary's Star of the Sea, Stonington.

Father VICKERSON: God, Our Father, you have called us to be leaders among your people. Give us the wisdom we need to be the best of leaders. Give us the courage we need to do your will. Give us the humility we need to know that without your assistance, we will fail.

Bless our state this day, all its leaders, its people and our decisions. We pray this in Jesus name. Amen.

The journal of yesterday was read and approved.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Woolwich, Mr. Leonard, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Leonard of Woolwich assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

Order Out of Order

An Expression of Legislative Sentiment (H. P. 986) recognizing that:

The Oak Grove-Coburn Tigers, coached by Fred Laliberty, have won their second straight Maine Class D Basketball Championship

Presented by Mrs. Mitchell of Vassalboro (Cosponsor: Mr. Hickey of Augusta)

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

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: We have the pleasure of having with us today a very fine basketball team from a very small school. The Oak Grove-Coburn Tigers are with us this morning, having won their second Class D basketball championship. I think the members of the House will be pleased to know that the school defeated was led by one of Maine's most famous independents: the school was the Bangor Christian Academy. If you ever doubt their fighting spirit, the cosponsor of this order is a graduate of Coburn.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to join with Mrs. Mitchell in welcoming Fred Laliberty and his state champion Coburn-Oak Grove Tigers. As a Coburn graduate, it has been a pleasure following the success of your team in the past few years. To win the state championship two years in a row is a proud accomplishment. The many close games you have won shows the discipline and character of your team. These are the necessary qualities which you developed to become state champion.

We are pleased to honor you and wish you every continued success in your future career. Thereupon, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Papers from the Senate

Bill "An Act to Revise the Method of Accounting for the Restriction on Additional Compensation for Retirees under the Maine State Retirement System" (S. P. 355) (L. D. 1103)

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 Repeal the Maine Potato

Tax" (S. P. 366) (L. D. 1113)

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

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

Bill "An Act to Expand the State's Program to Promote Apprenticeships" (S. P. 354) (L. D. 1102)

RESOLVE, Reimbursing E. G. Foden of South Portland for Cigarette Stamps (S. P. 360) (L. D. 1107)

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

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

Bill "An Act Relating to Nonprofit Hospital or Medical Service Organizations" (S. P. 357) (L. D. 1105)

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

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

Bill "An Act to Clarify the Regionalization of Special Education" (S. P. 363) (L. D. 1110)

Bill "An Act to Permit Citizens to Petition Local School Boards" (S. P. 362) (L. D. 1109)

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 Amend the Subdivision Law to Allow Consideration of Cumulative Impact Costs to the Community from Gradual Development" (S. P. 350) (L. D. 1098)

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

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

Bill "An Act Authorizing the Maine Bureau of Rehabilitation to Provide for Sheltered Workshop Employment for Severely Handicapped Residents of the State of Maine" (S. P. 361) (L. D. 1108)

Bill "An Act to Establish a Protection and Advocacy System for the Developmentally Disabled of the State of Maine" (S. P. 358) (L. D. 1106)

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

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

Bill "An Act to Partially Exempt Musicians from Coverage for Unemployment Insurance" (S. P. 352) (L. D. 1100)

Bill "An Act to define Educational Institutions as they relate to the Unemployment Compensation System" (S. P. 351) (L. D. 1099)

Bill "An Act to Require that Public School Employees Receive the Minimum Wage" (S. P. 353) (L. D. 1101)

Bill "An Act to Safeguard a Citizen's Fundamental Right to Work without Being Compelled to Join a Union" (S. P. 364) (L. D. 1111)

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

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

Order Out of Order

An Expression of Legislative Sentiment (H. P. 985) recognizing that:

Waterville High School Purple Panthers have won the Maine Class A State Hockey Championship

Presented by Mr. Boudreau of Waterville. (Cosponsors: Mrs. Kany of Waterville, Mr.

Jacques of Waterville, and Senator Pierce of Kennebec)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I just want to take this opportunity today to congratulate Coach Chavonelle and his Purple Panthers of Waterville for winning the state hockey championship. I would like to also give a little bit of solace to my friends from Lewiston. It was a very good game. That team played very well. They should be very proud of themselves, and I am sure they will be back next year.

We had our backup goalie for our game on Saturday, Jeff Kany, the son of the gentle lady from Waterville, Mrs. Kany, and he was standing and ready in case our first string goalie got hurt.

I would also like to say that we have some hockey players here today from the Waterville High School team up in the balcony, and I would hope that the Speaker would recognize them.

The SPEAKER pro tem: The Speaker is glad to recognize the members of the Waterville High School student body and members of the hockey team. Would they please rise and be recognized and accept the greetings of this House. (Applause)

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

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act Relating to the Salary of the Director of the Maine State Housing Authority" (S. P. 365) (L. D. 1112)

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

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

Bill "An Act to Increase State Aid to Towns for Fighting Forest Fires" (S. P. 367) (L. D. 1114)

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

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

Bill "An Act to Authorize the Secretary of State to Issue a Duplicate Certificate of Title for a Motor Vehicle if the Original Certificate is Unavailable" (S. P. 356) (L. D. 1104)

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

Ought to Pass with Committee Amendment Amended in Senate

Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-33) on Bill "An Act to Amend the Representation of Towns on Community Schools Districts" (S. P. 93) (L. D. 179)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-33) as amended by Senate Amendment "A" (S-35) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted in concurrence. Committee Amendment "A" was amended by Senate Amendment "A" thereto was adopted in concurrence and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Concerning the Hiring of All School Bus Drivers" (S. P. 76) (L. D. 152)

Report was signed by the following members:

Mr. TROTSKY of Penobscot
Mrs. GILL of Cumberland
Mr. MINKOWSKY of Androscoggin
— of the Senate.
Messrs. FENLASON of Danforth
LEIGHTON of Harrison
Mrs. GOWEN of Standish
Messrs. BIRT of East Millinocket
ROLDE of York
DAVIS of Monmouth
Mrs. LOCKE of Sebec
Mrs. LEWIS of Auburn — of the House.
Mr. CONNOLLY of Portland
Mrs. BEAULIEU of Portland
— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

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

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

The SPEAKER pro-tem: The gentleman from East Millinocket, Mr. Birt, moves that the Majority "Ought Not to Pass" Report be accepted in concurrence.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill before us is a bill from the Education Committee. The Majority Report is "Ought Not to Pass." I speak solely in my representative capacity as the Representative from Bangor. I would urge that the Majority "Ought Not to Pass" Report not be accepted so that we might accept the "Ought to Pass" Report and I would ask for a division.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: This is strictly a city bill. If the bill were passed, it would be chaos for small communities. It would mean that if we had a bus driver suddenly become sick or die, we would have to wait possibly two or three weeks or more before a new bus driver would be tested, because in order to get one tested in my area, we would have to wait for an examiner to come from Augusta to Houlton, then we have to send the bus and prospective driver to Houlton. In the meantime, we would have a bus load of students staying at home for several weeks.

I think this is a rank injustice to small communities. I urge that you accept the Majority "Ought Not to Pass" Report.

The SPEAKER pro-tem: The Chair recognizes the gentleman from Ellsworth Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the remarks of the gentleman from Danforth, Mr. Fenlason. I have had calls about this legislation. The people in the small communities simply don't have the labor market to wait to get an examiner and have him pass someone for a test.

I urge you to defeat this bill and I would ask for a roll call.

Mr. SPEAKER pro-tem: The Chair recognizes the gentlewoman from Bangor, Miss. Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I guess probably the way this could be addressed is that the areas have bus drivers already qualified, as we do substitute teachers that will come in in an in-

stance when a teacher is not available to take care of her classroom due to illness or whatever.

I guess the bottom line is, if we take so many precautions to have our truck drivers tested who are driving trucks down our turnpikes, I would say it is doubly if not triply important to make sure that our school bus drivers are qualified before we allow them to take a busload of our children.

Mr. SPEAKER pro-tem: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to speak on this. I had a bill identical to this two years ago. I felt that it was a good bill then, a needed bill, and nothing has changed my mind on that.

We had a real problem in Camden. Our children were being transported by unlicensed drivers all of one year, because they could get into a bus and drive it up until the time that they took a test and they were not passing the test. They just were not qualified to transport our children. But as soon as they took the test and found out they were not qualified, then they no longer had a job and a new man would be hired off the street—a new man or a new lady. So, our children were being transported by people who apparently should not have been driving these school buses.

I think it is a bill in the right direction and the bill is needed.

I could add that I have owned school buses, drove a school bus for 13 years while I was doing a lot of other things, and I just think that this is a very much needed bill.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Let's take a good look at what we are trying to get at today, if we can.

The present law requires that they submit an application within 10 days after they get hired. They must have a regular driver's license in order to be able to drive the bus.

I think the first thing we have got to consider that was brought up at the hearing is, you have got to accept the fact or should accept the fact that your superintendents are responsible people who have interest in protecting the lives and safety of their children. If they don't, they shouldn't even be superintendents; you should get rid of them.

The big problem here is that this would require an examination on demand. The Motor Vehicle Division contends that this is practically an impossibility. In order for an examination on demand, it would require additional examiners, and they would need additional examiners that could immediately move into an area and give examinations.

The area where the major problems seems to be coming from generally is from the cities. This is not much of a problem. Most of the cities have a motor vehicle examination area there. It is my understanding that you can go in on a Friday morning and you can get an examination on demand. So I think the problem in the cities is much easier than the area where it would be the most problem, and that is the smaller communities. The pressure for this is basically coming from larger areas which have a much easier opportunity to take an examination.

I think as the gentleman from Danforth pointed out, Mr. Fenlason, if we were to pass this, we would immediately find that they could not, in a lot of cases in very rural areas where they don't have the labor supply, they would have to immediately suspend moving children to school, and they are the ones that have to go long distances, until they could get a driver examined.

It has been mentioned that they have tighter restrictions on driving trucks. It is true that they do have to have a Class II license and they have to have a special examination. But I think

there is a great deal of difference between the situation of a person having a license for a truck. They can hold that person up for a few days until he does get the examination, but what are you going to do if you have got 25 or 30 students that have got to be moved and you have nobody to drive the bus except somebody that has a regular driver's license?

I think the action we took in the committee, the majority action, wasn't because we were objecting to the bill, we objected to the impracticality of trying to administer it. I hope you do accept the Majority "Ought Not to Pass" Report.

The SPEAKER pro-tem: 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 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 pro-tem: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that the Majority "Ought Not to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Barry, Birt, Blodgett, Bordeaux, Bowden, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carroll, Carter, F.; Chonko, Churchill, Cloutier, Conary, Cox, Curtis, Davis, Dexter, Drinkwater, Dudley, Dutremble, L.; Elias, Fenlason, Fowlie, Gillis, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Hughes, Hunter, Hutchings, Jackson, Jacques, P.; Jalbert, Joyce, Kane, Kiesman, Laffin, LaPlante, Leighton, Locke, Lougee, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, McHenry, McMahon, McPherson, McSweeney, Mitchell, Morton, Nelson, A.; Nelson, N.; Norris, Paradis, Pearson, Peltier, Peterson, Post, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Stover, Strout, Studley, Theriault, Tierney, Torrey, Tozier, Tuttle, Twichell, Violette, Vose, Wentworth, Whittemore, Wood, Wyman.

NAY—Aloupis, Bachrach, Baker, Benoit, Berry, Berube, Boudreau, Brannigan, Brenerman, Connolly, Damren, Dellert, Diamond, Doukas, Dutremble, D., Fillmore, Gavett, Hall, Howe, Kany, Kelleher, Lewis, Lizotte, Lund, Masterton, Maxwell, Michael, Nadeau, Nelson, M., Paul, Payne, Prescott, Reeves, P., Simon, Soulas, Sprowl, Stetson, Tarbell, Vincent.

ABSENT—Beaulieu, Carter, D., Cunningham, Davies, Dow, Garsoe, Hobbs, Huber, Immonen, Jacques, E., Lancaster, Leonard, McKean, Small, Mr. Speaker.

Yes, 97; No, 39; Absent, 15.

The SPEAKER pro-tem: Ninety-seven having voted in the affirmative and thirty-nine in the negative, with fifteen being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act to Dedicate Lottery Revenue to Programs for the Elderly" (H. P. 866) (L. D. 1063) which was referred to the Committee on Legal Affairs in the House on March 8, 1979.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House:

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

Mr. PEARSON: Mr. Speaker, I move that we recede and concur.

The SPEAKER pro-tem: The gentleman from Old Town, Mr. Pearson, moves that the House recede and concur.

The Chair recognizes the gentleman from

Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill that is most important that we get to a committee, a committee with a heart.

What this bill will do is take the "sin money", that money that is derived from the wicked Maine State Lottery. It will take those evil funds and direct them into the channel of good. It will take this money, the profits, which this year will be at least a million dollars, and will put these profits in a very selective account that will be used only to buy prescription drugs for the number one priority, the elderly of Maine. It will also help to pay the oil bills in an attempt to offset those cruel, cold, January and November and February days.

I think it is important, initially, that we put this on the right highway. And as I told you a few days ago, if we are to direct this bill into a committee of appropriations, we will put it into a committee that has no heart. Yes, I know some of the members of that committee are ducking behind their seatmates as I tell you that that committee had distinguished itself in matters like this by not considering the people who need the help.

I ask the good people — and I know all the good people are the ones sitting in this House and that is why I must make my appeal here. This is right down to the question, do you want to do something for the elderly? This is the vehicle that will do the good; this is the vehicle that will dedicate those funds. Oh, how many times have we pushed that grocery basket through the supermarkets? How many times at the ball games in the evening are you met by your constituents? Do you even hear a good word about that Maine State Lottery? I don't. They ask, where does the money go? Does it pay your wages as legislators? You know, I go then to my low voice and I say, yes, part of my wages come from that Maine State Lottery.

Then they start mentioning some of the other programs that I never vote for up here, but they get their money from the General Fund. They say, oh, is this give-away program coming out of the lottery? I whisper, yes. That bothers me.

I feel if we put this bill in the right committee now, it will get a hearing and the decision, the votes to pass or not to pass will come from a warm heart. Yes, there is warm blood in that Legal Affairs Committee.

Oh, how treacherous it would be to gamble with this bill, the Maine State Lottery bill, in the hands of the cold-blooded ones.

I don't think you will have to hesitate when the motion is made to put this bill back in Legal Affairs. Look at the members of that committee. They are the ones that are sitting here today smiling and they have the openness to them. Don't deny them on this.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Contrary to the good gentleman from Portland, Mr. Joyce, I am not ducking behind my seatmate. Number one, he can't cover me because I am too big and, number two, I am not ashamed to stand up and state the way I feel.

The other day I wasn't really too excited about where this bill went and I guess I am not today either, but the good gentleman from Portland has given us a compassion plea as to the cruelty and cold-bloodedness of the Appropriations Committee, and as a member of that committee I have to take a little exception to that, at least I think my temperature is around 98.6.

He had debated to some extent the merits of the bill, and I think that is really not the issue here. I think what we ought to take into heed is really what committee can deal with this effectively, what committee deals with money matters every day, and really not the issue of the

bill itself.

The Appropriations Committee is the one that does set dollar amounts for all the good programs that the gentleman from Portland has talked about, and I think it is the one that should take heed of all these matters.

I don't think, quite frankly, that the elderly of this state would really like to have their destiny or the money that is destined for these programs depending on the outcome of the revenues that come from the lottery. That is just my guess, but I guess I would offer to this House that if the gentleman from Portland is serious about getting a bill like this passed and having a good hearing and having a favorable response from the committee, it really ought to go to Appropriations.

I had the bill myself that had money involved with it and it went to another committee and I wish now that it hadn't, because, and this is the common plea that we hear from people at the end of the session — the bill went to some other committee and when we come to make our recommendations to leadership on whether or not to fund these bills, we haven't heard the testimony. We don't know what kind of a bill it really is. Are the people out there really enthused with it or is it just because one particular legislator is enthused with it? If we have the hearing, we know whether or not there are a number of people who are in favor of it and we might have some technical questions that we would like to ask that perhaps some other committee wouldn't consider. I think that is important.

I know, as I said, if I had a money bill and I was serious about getting it passed, I would want to have it go to the Committee on Appropriations, not to another committee that doesn't deal with the money matters of this state.

I would ask you today to recede and concur with the other body and let's get this bill into a committee that, despite the fact that we might appear to some people to be cold blooded, is going to have to make the decision on this eventually, so let's send it there so we can receive the testimony so we can act on this thing reasonable at the end of the session and not have to rely on the debate of some other committee.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker and Members of the House: I really hate to have to stand here again this morning after what we did on Friday, but I feel it necessary.

Of all the arguments that I have heard, I am still not convinced that Appropriations is the committee for this bill. Perhaps the most persuasive argument that can be made is that the Lottery Bill, the bill to repeal the Maine State Lottery, is presently before the Committee on Legal Affairs. If this committee is to consider the repeal of the lottery, then I think that it ought to consider a bill to iron out some of the problems that the lottery has had over the past four or five years.

Let's give the lottery a chance to really prove itself, and by dedicating lottery revenues to programs for the elderly, I think we can surely help the lottery and surely help our elderly people.

You know, the New Hampshire State Lottery dedicates its lottery revenue to programs on education. In Massachusetts, they are dedicated to revenue sharing, and in Pennsylvania, the bill that I have modeled mine on, they dedicated their lottery revenue to programs for the elderly. I don't know why Maine can't do the same.

Everyone in the Appropriations and Financial Affairs Committee is very qualified; they are also against my bill, and I would like it to have a very fair hearing. So I ask this morning that you vote against the motion to recede and concur and ask, Mr. Speaker, that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER pro tem: The Chair recognizes

es the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I don't know what we have the other committees for. How many committees are there that do not have money bills at one time or another? If you look at the Committee on Aging, Retirement and Veterans, almost every one of our bills are money bills. If we are going to continue the practice of sending money bills to the Appropriations Committee, we will have no bills at all in Aging, Retirement and Veterans.

I feel definitely that these bills should go to the appropriate committees at the right time so they can have a hearing. They always go to the Appropriations Table after we are done with them anyway. I feel that they should be heard in the appropriate committees.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.
Mr. JALBERT: Mr. Speaker and Members of the House: The last time this was taken up, I was somewhere on Campus Avenue in Lewiston where they can look over hearts once in awhile. As a 30-year member of the Appropriations Committee and as a 33-year-old member of the House, on several occasions I have not only listened but I have been swayed by the arguments of the good gentleman from Portland. "Mother," as I like to refer to him affectionately.

I got a note, and that is probably why I am on my feet, from a very dear friend of mine on the Appropriations Committee, who told me not to get steamed up, that if I speak, to be calm and factual, and that is exactly what I am going to be.

If you will go down into the Library, you will see where everytime but once, and that is because I was absent, when the lottery bill came before this body, I made the motion to kill the lottery bill — every time but once — and the time I didn't make it, I couldn't make it because I wasn't there for a very good reason. I have never bought a lottery ticket; I never intend to buy a lottery ticket. However, this is strictly a money bill.

I like the young man from Augusta, Mr. Paradis, and he knows it, but the gentleman from Scarborough, Mr. Higgins, gave you the reason. There are several bills that have gone by here. I never in my life have objected. Last year particularly, the good gentleman from Rumford, who is a close personal friend, wanted a bill before his committee on retirement and I never even doubted where it should go, but by the same token, if it were money, he knew as I know, the bill would wind up before the committee.

Now, this is a headline hunting deal. I have been around long enough to know what headline hunting is, because I used to come up here Sunday afternoon years and years and years ago and cooked up deals where I could have a press conference, and I always knew this — if you want a headline, issue a statement Sunday night, because if you issue it Sunday night, the only thing you have got to fight is accidents and a murder. Local schools are closed, city buildings closed, the county buildings are closed, the State House is closed, the federal government is closed, the market is closed and you have it all for yourself. That is the time to do it. If you want nothing, do it on Wednesday, everything is open, including this thing here today.

I am going to give the young man from Augusta a piece of advice — if you want to hear this bill, you had better let it go to the Appropriations Committee, because you might wind up without any reference of anything to anywhere. You know, we are not all alone here. We are not unilateral; we have got another body here.

We have let all kinds of bills in here, and I have been after the man that I recommended, because I didn't want any part of the chairmanship of the committee, a fine young man, and I

have talked to him sometimes and it has possibly annoyed him a little bit, and I can be annoying sometimes just like anybody else, but we have let bills by here because this one wanted it, because that one wanted it that were strictly money bills. This is strictly a money bill.

I don't mind being told that I don't have a heart, that is all right with me, but I am going to be factual and I am going to repeat myself — if you will go down in the library and look up the record on the lottery bill, you will see that every time this bill has come up, up until it was passed when I wasn't here, I am the one who made the motion to kill the bill. I have never bought a lottery ticket; I never intend to buy a lottery ticket. I am a former gambler and I won't take that kind of odds, I will tell you that right now. It has got to be a little narrower than that for me. I wait until post time and then I know what the odds are. I don't take a one to a million shot. I not only take a good odds shot, but then I predict myself, sometimes in the fifth inning, and I know how to do it.

I will agree with the gentleman from Portland, Mr. Joyce, about this bill. It is a bad piece of legislation, and whether or not we devote this money to the elderly, and I have voted for funds for the elderly, just like every Sunday morning, there is a grocery basket given to somebody without my name being known, to some poor person in Lewiston, and any time any of you want to come with me after eight o'clock mass on Sunday, you can come and you will see it done. I have told the owner of the store, if ever my name comes out, I will never give you another dime of business and I will never buy anything else. So, you know, having a heart isn't hard; it is hard just trying to be a good fellow.

I have been a good fellow and I have let a lot of bills go without saying anything that I didn't want to let go because they are coming before us anyway, and it was explained to you so well by the gentleman from Scarborough, Mr. Higgins. When we have a bill that concerns itself with money, strictly money, we haven't heard it, we don't know anything about it, it lies on the table and then when they get together to cut up the pie, those are the first chestnuts to go by the board.

I will give you an argument that I wasn't conned into — 1991. Do you remember that one? It was referred to the Committee on Education, and I got up here and said, you are \$21 million short for the second year. Nobody believed me because the Education Department said nothing. We were back here \$21 million short, and that is why we wound up in the position we are in now financially, if you want to know the truth. That started the thing, and it went on and on and on. It is not straightened out even though it looks like it is — it is still not straightened out.

I am sorry to take so much time because I know we have got 60 days left and we have got to hurry somewhere along the line. The place for this bill is in the Appropriations Committee, not because I am on it, not because I don't have a heart, but it belongs in the Appropriations Committee. If you want the bill heard, let it go to the Appropriations Committee, and there are other ways to be heard, you know. Call a press conference. Do it right. If you don't know how to do it, see me, I'll show you how to do it.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: This poor, uneducated woodsman is totally confused at this point in time. The good gentleman from Portland, Captain Joyce, states he has heart. Yet, I have a roll call here. He voted against L. D. 11, An Act to Prohibit Smoking in Public Meetings. Who has the highest rate of respiratory ailments? It is the elderly. I don't think anyone would question the fact that I have always supported the elderly.

With that, I will sit down, this uneducated woodsman, this confused woodsman will sit down.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Baker.

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: After looking over the bill, it looks to me as if what we are dealing with here is a decision to change a policy on how money is spent and not necessarily appropriating an amount of dollars. Since we are going to be making a decision on whether we should have a policy change, I recommend that it go to Legal Affairs.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The lottery is bringing in about one and a half million dollars a year. If you are to take it and dedicate the revenue, it is a loss of one and a half million dollars to the General Fund. It is as simple as that. The argument to me is as clear as that, and that is why I think we ought to be dealing with it, because we deal with the General Fund. It is not just a policy thing.

You know, we talk about giving money to the elderly in different programs. I can assure you, we are giving them more than \$1.5 million. So, I would hope that you would send this to Appropriations and Financial Affairs.

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

Mr. MORTON: Mr. Speaker and Members of the House: I rise this morning to support the good chairman of Appropriations, House Chairman Pearson. He has put in a nutshell. This is a loss of revenue to the General Fund. The Appropriations Committee deals with the General Fund, and I would only point out to some of my colleagues that I never heard of this bill until this morning, didn't even know it was on the calendar, and I think one has to be extremely careful in deciding whether people on the Appropriations Committee have made up their minds, because, quite frankly, I haven't made up my mind. I would like to hear the bill and I trust that we will get it in Appropriations.

The SPEAKER pro tem: 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 pro tem: The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Benoit, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Carrier, Carroll, Carter, D.; Carter F.; Chonko, Churchill, Conary, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques P.; Jalbert, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Lewis, Lougee, Lowe, Lund, MacEachern, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, Morton, Nelson, A.; Nelson, M.; Nelson, N.; Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Tierney, Torrey,

Tozier, Twitchell, Vose, Wentworth, Whittemore, Wood, Wyman.

NAY—Baker, Barry, Berube, Brown, A.; Call, Cloutier, Connolly, Dellert, Dow, Hobbins, Joyce, Kane, Kany, Lizotte, Locke, Mahany, McSweeney, Michael, Mitchell, Nadeau, Norris, Paradis, Paul, Reeves, P.; Rolde, Soulas, Strout, Theriault, Tuttle, Vincent, Violette.

ABSENT — Austin, Beaulieu, Berry, Elias, Leonard, MacBride, Post, The Speaker.

Yes, 112; No, 31; Absent, 8.

The SPEAKER pro tem: One Hundred twelve having voted in the affirmative and thirty-one in the negative, with eight being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act to Place Responsibility for Preparation and Implementation of Emergency Evacuation Plans in the Bureau of Civil Emergency Preparedness" (H. P. 352) (L. D. 449) which was passed to be engrossed as amended by House Amendment "A" (H-68) in the House on March 8, 1979.

Came from the Senate passed to be engrossed in non-concurrence.

In the House:

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

Mrs. BACHRACH: Mr. Speaker, I now move that the House insist. There was no problem with this amendment before, and I feel it adds a great deal to the bill and would hope that you would go along with my motion.

Thereupon, on motion of Mrs. Bachrach of Brunswick, the House voted to insist.

Messages and Documents

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
Majority Office
Augusta, Maine

March 13, 1979

Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333

Dear John:

I am appointing Mr. James Bowie of Lisbon to serve on the Commission on Governmental Ethics and Election Practices.

Sincerely,
S/Rep. JAMES E. TIERNEY
House Majority Leader

The Communication was read and ordered placed on file.

Pursuant to 1 M.R.S.A., Chapter 25, Sub-Chapter 1 Section 1002, an affirmative vote of two-thirds is necessary for approval of the members appointed to the Ethics Commission. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

99 having voted in the affirmative and one in the negative, pursuant to 1 M.R.S.A., Chapter 25, Sub-Chapter 1, Section 1002, the appointment was approved.

Petitions, Bills and Resolves

Requiring Reference

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

Business Legislation

Bill "An Act to Provide for Sales of Straight Life Insurance by Savings Banks" (H. P. 968) (Presented by Ms. Benoit of South Portland) (Cosponsor: Mr. Gwadosky of Fairfield)

Bill "An Act to Extend a Barber Shop License 60 Days upon Death of the Barber to Allow Transitional Time for Getting a new License" (H. P. 969) (Presented by Mr. Peterson of Caribou)

Bill "An Act Concerning Mergers of Banks Previously Held by Financial Institution Hold-

ing Companies" (H. P. 970) (Presented by Mr. Tierney of Lisbon)

Bill "An Act to Require Counselor Licensing and to Regulate the Practice of Counseling" (H. P. 971) (Presented by Mr. Fenlason of Danforth) (Cosponsor: Mr. Kelleher of Bangor) (Ordered Printed)
Sent up for concurrence.

Joint Select Committee on Correctional Institutions

Bill "An Act to Authorize a Bond Issue in the Amount of \$6,500,000 for Acquisition or Construction of Regional Jail Facilities" (H. P. 972) (Presented by Mr. Carter of Winslow) (Cosponsor: Mr. Cloutier of South Portland) (Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act Concerning Transportation of Children Living in Locations Inaccessible to Public Highways" (H. P. 973) (Presented by Mr. Wood of Sanford) (Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Provide Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work" (H. P. 974) (Presented by Mr. Boudreau of Waterville) (Cosponsors: Miss Gavett of Orono, Mrs. Nelson of Portland, and Ms. Lund of Augusta) (Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Clarify Public Recreation Rights Along the Coast of Maine" (H. P. 975) (Presented by Mr. Baker of Portland) (Cosponsors: Mr. Roide of York, Mr. Tuttle of Sanford, and Mrs. Wentworth of Wells)

Bill "An Act Relating to the Acquisition and Ownership of Real Property by Aliens and Businesses of Foreign Countries" (H. P. 976) (Presented by Mr. Hall of Sangerville) (Cosponsors: Mr. Michael of Auburn and Mr. Martin of Eagle Lake)

Bill "An Act to Clarify the Responsibilities of the State Parole Board" (H. P. 977) (Presented by Ms. Brown of Gorham) (Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Provide Accounting Services for County Governments" (H. P. 978) (Presented by Mr. Wood of Sanford)

Bill "An Act to Enable Town Meetings to be Held Outside the Corporate Limits Subject to Certain Limitations" (H. P. 979) (Presented by Mr. Garsoe of Cumberland) (Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act to Establish a Marine Resources Development Commission" (H. P. 980) (Presented by Mrs. Post of Owl's Head) (Cosponsors: Mr. Fowlie of Rockland and Mr. Hanson of Kennebunkport) (Ordered Printed)
Sent up for concurrence.

Energy and Natural Resources

Bill "An Act Concerning the Leasing and Management of Public Lands" (H. P. 981) (Presented by Mrs. Post of Owl's Head)
Committee on State Government was suggested.

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

Taxation

Bill "An Act to Allow Municipalities the

Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H. P. 982) (Presented by Mr. Gillis of Calais) (Cosponsors: Mr. Brenerman of Portland and Mr. Leonard of Woolwich)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish Property Tax Exemptions of Maine Homesteads" (H. P. 983) (Presented by Mrs. Post of Owl's Head) (Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Provide Ferry Service to Matinicus Plantation" (H. P. 984) (Presented by Mrs. Post of Owl's Head) (Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Marjorie Hutchings of Lincolnville be excused Tuesday, March 13, 1979 for personal reasons.

House Report of Committees Leave to Withdraw

Mr. Tuttle from the Committee on Labor on Bill "An Act Relating to the Establishment of a Benefit Year in the Unemployment Compensation Program" (H. P. 245) (L. D. 290) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Taxation on Bill "An Act to Provide a Trade-in Credit for Musical Instruments" (H. P. 146) (L. D. 147) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Reduce License Fees for all Tradesmen over the Age of 62" (H. P. 367) (L. D. 474) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 297) (L. D. 392) Bill "An Act Concerning Reissue of Inactive Snowmobile Registration Numbers" Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 298) (L. D. 396) Bill "An Act Concerning Reissuance of Inactive Boat Registration Numbers" Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 248) (L. D. 293) Bill "An Act to Clarify the Definition of Employer Under the Workers' Compensation Act Committee on Labor reporting "Ought to Pass"

(H. P. 323) (L. D. 424) Bill "An Act to Provide that the Adoption of Rules by the State Controller are Consistent with the Maine Administrative Procedure Act" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-90)

(H. P. 181) (L. D. 209) Bill "An Act Relating to Abatement Proceedings" Committee on Taxation Reporting "Ought to Pass" as amended by Committee Amendment "A" (H-92)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 15, under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 361) (L. D. 470) Bill "An Act to Permit Participating Local Districts of the Maine State Retirement System to Discontinue Special Retirement Benefits Prospectively"

No objections having been noted at the end of the Second Legislative Day, the Bill was

passed to be engrossed and sent up for concurrence.

Tabled and Assigned

(S. P. 104) (L. D. 201) Bill "An Act Relating to Filing Abstracts of Divorce Decrees with Registry of Deeds" (C. "A" S-28)

On the objection of Mr. Doukas of Portland, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the committee report and specially assigned for Friday, March 16.

(S. P. 194) (L. D. 461) Bill "An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland" (C. "A" S-27)

(S. P. 155) (L. D. 330) Bill "An Act to Amend the Safe Drinking Water Act"

(S. P. 154) (L. D. 372) Bill "An Act Relating to Certification of Plumbing Inspectors"

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

Second Reader

Later Today Assigned

Bill "An Act to Establish more Convenient Hours to Permit Easier Access to Small Claims Court" (H. P. 302) (L. D. 397) (C. "B" H-86)

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

On motion of Mr. Tarbell of Bangor, tabled pending passage to be engrossed as amended and later today assigned.

Passed to Be Enacted Emergency Measure

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 (H. P. 54) (L. D. 63) (C. "A" H-61)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System (S. P. 108) (L. D. 213)

An Act to Change the Date on Which the Annual Sessions of the County Commissioners are Held (H. P. 57) (L. D. 66) (C. "A" H-59)

An Act Relating to the Wholesale Sale of Malt Liquor and Wine (H. P. 315) (L. D. 421)

An Act to Amend the Per Diem Rate for Persons Serving on the State Board of Nursing (H. P. 354) (L. D. 450)

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

At this point, Speaker Martin returned to the rostrum.

Mr. LEONARD: Mr. Speaker, this being an eventful occasion on my part, for this is obviously my first time from my performance, that we have witnessed. I am very pleased. I think it shows that this legislature will ultimately become a very bipartisan legislature. We will ultimately be building a lot of bridges over which the people of the State of Maine will be able to travel in the years to come.

I thought of something to give to you, and my daughter has unloaded several Girl Scout cookies upon me, and in an effort to keep my weight down, I thought that you might join me and partake of these. (Applause)

The SPEAKER: The Chair would like to thank the gentleman from Woolwich, Mr. Leonard, for his capable job of handling the Chair and also for the cookies, and the Chair, unfortunately, will be in the same position as the gentleman and will probably have to turn them over to someone else in order to prevent the weight problem.

Once again, thank you.

Thereupon, Mr. Leonard returned to his seat on the floor and Speaker Martin resumed the Chair.

Orders of the Day

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

Joint Order — Relative to Recalling from the Legislative Files to the Senate, Bill "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools" S. P. 182, L. D. 412 — (S. P. 343)

Tabled — March 9, 1979 by Mr. Davies of Orono.

Pending — Passage.

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

Mr. TIERNEY: Mr. Speaker, I understand that when this bill was introduced earlier, both the House and the Senate voted to insist. That was some time ago, and I guess the first question is, where has the bill been? Has it really been in the Legislative Files and is this order necessary?

The SPEAKER: Unfortunately, the Chair is not in a position to respond to the question created by the fact that the bill did not accompany the order. The Chair would suggest that the matter be tabled pursuant to an investigation as to why this bill has disappeared.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage and tomorrow assigned.

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

Bill, "An Act Providing Permanent Licensure of Automobile Inspection Mechanics" (H. P. 900) (Committee on Business Legislation suggested)

Tabled—March 9, 1979 by Mr. Carroll of Limerick.

Pending—Reference.

On motion of Mr. Carroll of Limerick, the Bill was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

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

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" as Amended by Committee Amendment "A" (H-74) — Committee on Education on Bill "An Act Concerning Material Required for Courses in Maine Classrooms" (H. P. 36) (L. D. 47)

Tabled—March 9, 1979 by Mr. Connolly of Portland.

Pending—Motion of the same gentleman to accept the majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker and Members of the House: As a committee member that signed the Minority "Ought to Pass" as amended Report, I would like to explain my reasoning.

First of all, the committee amendment completely rewrites the bill, and I would like to call your attention to it. It has a filing number of H-74.

What the amendment says, very simply, is that if the child has been assigned a book to read which is supplemental to the course he or she is enrolled in but required as a condition of satisfactory completion of the course and the book contains offensive language, language

that the parent and child consider vulgar, the parent has just to send a letter to the superintendent of schools indicating what the material is and that he or she doesn't want the child to read it. At that point, it will be done with, another book can then be assigned. Children and parents who do not object are not affected.

Argument has been made that a parent can already write a letter and object and that is true, but that may not be the end of it. If the superintendent disagrees or the teacher disagrees, then the parents may have to go before the school board to justify his or her position.

I don't think vulgarity needs to be dignified with such attention, nor do I feel that parents and children need to be subjected to any such complication. They won't have to if you will vote against the Majority "Ought Not to Pass" Report and then support the minority report as amended.

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

Mr. CONNOLLY: Mr. Speakers, Members of the House: I was one of the members of the Education Committee who signed the Majority "Ought Not to Pass" Report and I would like just briefly to explain the position of the majority of the members of the committee.

This is a bill that was introduced by Representative LaPlante in response to a problem that occurred in one of the communities that he represents. I will refer to it — not in any derogatory way — as a bill that is an initial step in direction of censorship of reading material for students in the public schools.

The problem that occurred in one of Mr. LaPlante's communities was that apparently the parent of a child objected to supplemental reading material that the child was required to read in order to pass a particular course. When the parents brought the objection to the teacher's attention, the teacher didn't see eye to eye with the parents and said, in effect, to the parents that the child would be required to read this piece of literature, and the piece of literature was never named, or else the student would fail the particular course. The matter was then dropped at that point and it is my understanding that the student did read the material and presumably passed the course. But the parents involved felt that they should have some recourse if they felt material that their children was being required to read was objectionable.

The phrase that is used in this particular bill is "morally offensive." The issue in the case that Representative LaPlante spoke to dealt with words or scenes that were described in a book that the parents felt were vulgar, sexually offensive was the way it was described initially in the legislation, but I would point out to you that in the amendment, which in effect, is now the bill, the term "morally offensive" is not defined at all. The only reference to morally offensive, to a description of that term, is in a very negative sense, in saying that morally offensive shall not apply to any political literature.

The reason, as I understand it, that that was put into the amendment was because of questions that were raised at the hearing that said, what if a parent were to object to a student being required to read the "Communist Manifesto" for example, something that the parent wouldn't agree with. Could the parent then object and the child wouldn't be required to read that literature? As a result of that, the term political was used in describing morally offensive.

I would point out that there already exists a system within the school systems across the state that allows parents to object if they feel that their children shouldn't be required to read certain material. They can go to the teacher, they can go to the principal if they are not satisfied and, ultimately, can go before the school board to discuss the matter with them.

One of the most serious problems that con-

cerns the educational system in the state, and it is brought to the attention of the Education Committee time and time again, is the lack of communication that exists in many schools between parents and teachers and parents and school administrators. If this amendment were to pass, this would be a step back from dealing with that particular problem, because all that would be required to be done was that a parent would have to write a letter and once the letter was written, the student then would not be required to read the book. There would be no discussion, no dialogue at all between the parent and the teacher or the parent and the principal. To my way of thinking, that is the kind of situation that we want to get away from within the school system.

I would also point out that were this amendment to pass, if there is literature that is required to be read that deals with economic theories, theories of evolution or anything else that you want to describe that couldn't be construed as political, with which a parent objects, simply by having the parent write a letter, then the student would not be required to read that literature. It does not just deal with things that are described or talked about as being sexually offensive. I would use as an example the book *The Scarlet Letter*. The book *The Scarlet Letter*, to my way of thinking, is not offensive at all but it does deal with what some people seem to feel is a very touchy subject, adultery. If this bill were to pass, if a student was required in a particular English class to read *The Scarlet Letter* and a parent objected to that because it dealt with the subject of adultery and wrote a letter to the principle, then that would end the matter and the student would not be required to read the literature.

I think that this is a bad bill, a step in the wrong direction. There is a legitimate problem that Representative LaPlante is trying to address but I don't think that this bill does it, so I hope you would support the motion of the majority of the committee, "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Portland has brought out a lot of issues that part of the Education Committee is concerned with. The information that was brought to them on the day of the public hearing was by the school board, MSMA and MTA. When I checked with the board of education, of course, they sent their only person over to object and of course, don't use that much background material.

MSMA, who was an opponent of this bill, I called them and asked them for statistics, if they had polled their principals, members of the school boards, superintendents and they said, no. I said, well, I did and they do not object to this bill.

MTA — I have talked to teachers in many communities and many that I have met up here to see if they objected to this and they said, no, we do not. I said, MTA opposes this and they said that MTA does not speak for all the teachers. These were the only opponents — no statistics, no background information, they did not look out into the field and see how people feel out there.

I have talked to superintendents, I have talked with parents — they are concerned and they are supportive of this. They are supportive of the amendment and even supportive of the bill.

There is a mechanism out there, as the good gentleman from Portland pointed out, that the parents may follow. Many parents will find in addressing a school board or any other type of governmental board that it is very intimidating.

What I am dealing with here is material that is outside of the approved curriculum. Here is what can happen. A school board approves certain texts for an English course. The instructor

in that class then decides extra reading for that class in literature, which is only understandable, and requires a book report to be completed on such a book. Many times I have noted and many of the parents have noted, some of that material which is supplemental material comes from the adult section of the bookstore. The language itself is offensive, vulgar and many other of those such terms.

Parents feel that they are being intimidated by instructors in classrooms, certain ones, who require their children to read certain material which is below the moral standards that they are being taught at home and this is serious. If we don't build a good foundation down at the lower level, we are going to have problems at the upper level, and we see that now. We don't have necessarily a good foundation, our structures are not particularly sound, our jails are full, the ages of criminals are lower than ever because we allow anything that is offensive to be bombarded at our minors.

This is a sensitive issue but no more sensitive than the lives of impressionable minors, who are by law required to sit in a cubical all day and required by an instructor to read any form of material which is presented to them. It is very sensitive when the state is allowed, through its educational program, to interfere with the basic rights of parents and disrupt family morality and possibly family unity.

What are we fearing here? We fear that the parents may have the proper guidance of their children, so we want to allow any kind of materials to be given to them in classrooms? I don't think that that is proper. It is very, very important that minors be given the best opportunity at the elementary and secondary levels to absorb the best material that they can for later on in life.

I hope that you will not support today the motion "ought not to pass," because I think this is too serious to allow this to go by without taking some form of action.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I urge your support of the Majority "Ought Not to Pass" Report.

I applaud the motives of the gentleman from Sabattus, Mr. LaPlante, in offering this L. D. I share his concern that parents be able to protect their children from explicitly sexual or indecent matter which is offensive to the moral standards of the community.

In this regard, I would invite your attention to paragraph one of the L. D. No public school minor pupil whose parent or guardian has complied to subsection two shall be required as a condition of satisfactory completion of any course of instruction in that school to read, view or hear any material which contains explicitly sexual or indecent matter which is offensive to the moral standards of the community encompassed in the areas served by the public school. I think the key phrase here is "community moral standards." This is a matter of local control, and I have seen no evidence that local school boards are not doing their jobs in this area. Let's stop trying to mandate curriculum to local school boards. Let's trust our local school boards to keep explicitly sexual matter, indecent matter, matters that offend the moral standards of the community out of our local school systems.

I am being facetious here—let's get it back on Congress Street in Portland where it really belongs.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I felt that this was a very difficult bill on which to vote, and I voted in support of the Majority "Ought Not to Pass."

I really want to commend the gentleman from Sabattus, I know he is very sincere and I think he has been very reasonable in his approach and he has tried to structure his bill and

the amendment that has become the bill in such a manner that he will not get into the question of censorship. My basic objection, which he was not able to overcome, comes from the use of the word "supplemental" and in the amendment which is now the bill, there is no definition of what is meant by supplemental. There is very fine line, in my opinion, between what he means by supplemental and the actual curriculum. I don't really understand what he means or what the bill means by saying "additional reading that is required." So, I feel that this is really opening the way for possible assaults on the actual curriculum that goes on in our schools.

The gentleman from Portland, Mr. Connolly, mentioned a great American literary classic, *The Scarlet Letter*, and how certainly this could possibly be objected to because it does deal with the subject of adultery. Shakespeare is another example. There are parts of Shakespeare that if properly explained and understood could be extremely morally offensive to people, and with this confusion between what is supplemental and what is the curriculum, I am afraid there might be instances where students would not be allowed access to what are really now great classics in our culture.

Perhaps if this bill does survive, the term "morally offensive," which is very vague, should be refined, perhaps to something like "explicitly sexual," which is what I believe the gentleman from Sabattus is trying to get at.

For example, we had a testimony from a representative of Christian Science that he would find morally offensive certain aspects of the health curriculum that students receive. So I think using the term "morally offensive," we are really going to open this up and unless there is some way to define supplemental and separate that from the curriculum, I will have to be opposed to this bill.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I believe the good gentleman, Mr. Rolde, has pointed out a good point and I know that that has been his feeling. He has had a problem with "supplemental material," and we have tried in every which way to make this a non-censorship bill, but I can't see how we can put our stamp of approval on language, real street language in the schools and ask the children to do a book report on it, and then when they get out of school, tell them no, you can't use this language in society, you won't function in business, you won't function in the social sector and you certainly won't function in the legislative process. We are giving a double standard. We are putting a mark of approval on offensive, vulgar language in schools which we are not allowed to use later in life. Somebody says, well, they hear it on the street anyway, but it doesn't mean that we approve of it in the school system.

Supplemental material, if it needs to be defined, I am sure that we can do that with another amendment if necessary to exclude that, and as it says in the statement of fact, "that material which is not approved by a local school board."

Someone indicated that the process at the lower level is there for parents to follow. Let's say that on the 7th of March a book is presented to a student and a parent objects to it. The parent goes to the instructor and asks that that book not be given to the child. The instructor refuses; the parent then has the recourse of going to the principal. The principal refuses; then the parent has the option of going to the superintendent. If the superintendent objects, then the parent has the mechanism of going to the school board April 5th. By that time, the book report is done, the book has done its damage, the parent is very upset, the parent then decides to sue, decides to try to fire the teacher, has absolutely no good regards for the school and the school gets a black eye.

If a bill like this is introduced and it is there, that particular parent writes a letter saying the language is offensive, is morally degrading. I wish my child not to read this. On March 7, it is all over. The parent is happy, the school doesn't get a black eye, nobody wants anybody to get fired, nobody wants to cut the funds from the school department because they are not doing the job — it ends there.

I have been thinking of this because of the incident that happened in one of my communities. I served on the school board for six years and I have been reading newspapers across this state on actions that have come up like this all the time, not only in this state but across the nation. It is a serious thing. Why allow this to get to the point where it gets in the media and the school gets a black eye and the school is told they aren't doing the proper job for the children of this state?

Let that situation die in a classroom and I think your school systems will be a lot better off.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I signed the Minority "Ought to Pass" Report. I think probably I would like to explain why I did.

The bill as originally presented to us has been completely rewritten in the amendment. I don't think the amendment is very strong language or very harmful. I think it does leave some little rights with the parent.

I think there are some problems really developing in public education today, and I think it may be shown by the growth of the so-called christian and private schools. I think some of that is because the parents want to have at least some say in what their children are taught and the type of reading that they may be faced with. This is one of several problems that I think are developing in public education which, somewhere along the line, needs to be addressed.

I don't personally feel that the language in this amendment is very strong, but it does give the parent some opportunity to make some objections. I think that the supplemental required material can be defined, I don't think it is an undefinable situation, and I think that the bill as presently before you is not all bad and I would hope that you would defeat the "ought not to pass" report and then we can accept the "ought to pass" report.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "ought not to pass" report on this bill, and I think perhaps I should reiterate some of the reasons, perhaps advance some more.

It hurts me rather deeply to have people get the idea that our educators are nasty ogres who are doing nothing but following procedures which will hurt children. I can't believe this is true. If there is one case of this sort in years, it would be a lot.

I would also reiterate the statement made by the good representative from Portland, Mr. Connolly, that we should have communication between parents and teachers and principals and superintendents and school boards. I am sure that the organizations foster this type of communication, they want to work with the parents. I really can't conceive that a justified complaint of this sort would ever go through all of this routine and land in the school board. I also can't conceive that any parent would be intimidated.

I think the local board and the local administration would be very pleased to handle any complaint of this sort, to handle it promptly and to take care of it. I see no reason for passing this bill and taking away more of that great local control.

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

Mr. HOWE: Mr. Speaker and Members of the House: You who were here in the last session will remember that we debated a bill which attempted to keep certain types of material out of the reach of minors at the retail level, and I say certain types of material because I can no more properly define those types of materials than the Supreme Court has been able to. There is probably no subject which is trickier to try to write into the English language in the laws of this land than material which somehow offends some people's moral standards or deals with sex, pornography, obscenity or whatever you want to call it, because the Supreme Court has changed those definitions almost every time cases have reached it. It is just virtually impossible to find words to put into the statutes upon which we can all agree. I think it is dangerous to put in a phrase such as "morally offensive" without even attempting to define what we mean. I think probably all of us have our own idea of what would offend us morally and yet there may be 151 different ways in which we would each be morally offended in this room. None of us may agree.

You will remember that I had some fun when I sat in the front row two years ago with some visual aids on that debate when I pointed out that the very vague language in that anti-pornography bill would include all sorts of things, from a breast feeding manual with line drawings to a three-page foldout of a photograph of the Sistine Chapel and that anybody who sold any of those materials could very easily have become criminals under that bill it was so broadly worded.

I don't suggest that this bill is quite as dangerous as that one, but I rise because I am very concerned when we put into a bill something which we don't even attempt to define.

I am also concerned about the point that Representatives Fenlason and Connolly have made regarding parent participation in the local school process, or really the serious lack of it. There are few public meetings as poorly attended as parents meeting at the local public schools, and perhaps it should not be as easy as Mr. LaPlante, my former seatmate, suggests, that a parent be able to do no more than send a note on March 7 and stop that reading material right away. Perhaps it shouldn't be quite that easy. Perhaps we should be encouraging the parents to trot down to the school building and talk with that teacher and to talk with the locally elected school board officials.

I guess I continue to have the faith that Mr. Fenlason has, that those local officials can, in good faith and in a reasonable, intelligent manner, respond to these kinds of concerns, and I guess I am a little bit bothered by what I sense as being a popular distrust of school teachers and school board officials that gets voiced quite often from time to time, a distrust which I think sometimes is not warranted.

We had somebody campaigning for high office not long ago in this state who talked about the godless teachers in our public schools, and certainly Mr. LaPlante did not use that phrase, but somehow I am reminded of the suggestion that so many of our public teachers are immoral heathens and that is just not the case, and I would like us to place a little bit more faith in those people.

Mr. LaPlante of Sabattus was granted permission to speak a third time.

Mr. LaPLANTE: Mr. Speaker and Members of the House: I certainly concur with the good gentleman from South Portland, Mr. Howe, that I am not after any teachers. As a matter of fact, I was talking to a teacher yesterday who has a book being required by his class to be read which has that language in there. When I asked him why, he said, "Well, I couldn't find any other book that would present the philosophy that I was trying to give my children in class properly." I said, "You mean, it is hard to find a book on the market which doesn't have the offensive language to teach the philoso-

phy?" He said, "Yes, there is a problem," and he does support this.

I was happy to see in one of my local newspapers, "As We See It," which is an editorial and I won't read you the whole thing and bore you, but it says, "Should the legislation be enacted, it would protect the children of objecting parents against poor marks. They could not be downgraded simply because the particular reading material was not read. This newspaper has consistently raised objections to broad censorship. Not only have we taken this position because censorship contravenes the First Amendment, but also because it is fact that what some people may regard as perfectly proper, be it written, performed as a play or given over the television or radio, others will find completely unacceptable. LaPlante's bill is designed to recognize the difference among people while steering clear of conflict of the First Amendment."

"In the case of juveniles, there is something to be said for the rights of parents to guard their own children against being required to read material which goes against the religious and moral beliefs of particular families. Certainly LaPlante's proposal deserves objective, thoughtful consideration by the lawmakers."

Something was pointed out to me, and I am not too familiar with constitutional law, but apparently this Lawrence Tribe, who is a Professor of Law at Harvard, and I guess he does research on constitutional law, in one of his sections in here, 1521, it says, "As important as it is easy to overlook, the family unit does not simply coexist with our constitutional system but is an integral part of it, for our system is superimposed on and presupposes a social system of family units, not just isolated individuals."

The individuals we are talking about are minors who are alone and can be subjected to materials that parents, who are the guardians, the legal guardians of these children, and I think we should respect that right.

Mr. Speaker, I would request a roll call vote.

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

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

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: It is no accident that this bill was sponsored by my good friend from Sabattus, Mr. LaPlante, because he and I share the very heavy responsibility of representing the community of Lisbon in this body. The issue that we have been debating here for a significant period of time did, indeed, arise in our town and indeed captivated the attention of people all across the state for an extended period of time.

I am going to vote against Mr. LaPlante, and I am just taking a moment to make it very clear why I am doing so. You know, the experience of whether those books should have been banned in Lisbon or not was a very, very traumatic experience for the entire community. Literally hundreds and hundreds of people signed petitions, went to meetings, read the book and debated and fought on both sides. I guess the question is, do you think that is a good thing for your society once in a while or not? I come down on the opposite side of Mr. LaPlante. I thought it was an extremely healthy thing for my community to go through, regardless of whether you felt those books should have been read or not. It meant hundreds and hundreds of people, some with children in school, some with none, suddenly focus their attention on the curriculum in our secondary school. They discussed the issue and they de-

bated it, and I think they resolved it ultimately in a very fair manner, as each member of the school board had to make their own decision, those independently elected members of that school committee.

I disagreed with some of them on some of the issues, but that wasn't the point. The point is that the system did work on the local level and Lisbon is a better town because of it. So with great hesitation, I must disagree with the gentleman from Sabattus and I would hope you would support Mr. Connolly, albeit perhaps for different reasons.

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

Mr. MORTON: Mr. Speaker, very briefly, I have to agree with the gentleman from Lisbon Falls, who just made his remarks. What I was going to say was that it seems to me this bill cuts off due process. It gives one letter, innocuous letter from a parent to the school, the opportunity to actually reject material. That comes awfully close to censorship, at least at that very limited level.

I have given this very careful listening here this morning in the debate and thoughtful consideration, and I am not convinced that presenting a philosophy necessarily condones the language in which the philosophy is presented. I think teachers probably, in almost a hundred percent of the instances, are very careful to point that out. But a real concern that I have here is what the gentleman from Lisbon Falls brought up, that we are actually bypassing a due process situation which does exist at the present time. There is ample opportunity and a good community discussion is certainly something that we should not turn aside.

I hope you will support the motion of the gentleman to accept the "Ought Not to Pass" Report.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopous, Bachrach, Baker, Barry, Benoit, Berry, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carter, F.; Chonko, Churchill, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, Kiesman, Leighton, Leonard, Lizotte, Lowe, Lund, MacBride, MacEachern, Mahany, Masterman, Masterton, Maxwell, McHenry, McKean, McPherson, McSweeney, Mitchell, Morton, Nelson, A.; Nelson, M.; Norris, Paradis, Pearson, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Studley, Tarbell, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Whittemore, Wood, Mr. Speaker.

NAY — Austin, Berube, Birt, Boudreau, Brown, K. C.; Carroll, Carter, D.; Cloutier, Conary, Dexter, Fillmore, Gray, Gwadosky, Higgins, Hunter, Jalbert, Joyce, Laffin, Lancaster, LaPlante, Lewis, Locke, Lougee, Marshall, Martin, A.; Matthews, McMahon, Michael, Nadeau, Nelson, N.; Paul, Payne, Peterson, Rollins, Simon, Soulas, Stetson, Stover, Strout, Theriault, Wentworth, Wyman

ABSENT — Beaulieu, Dow, Dudley, Yes, 106; No, 42; Absent, 3.

The SPEAKER: One hundred six having voted in the affirmative and forty-two in the negative, with three being absent, the motion does prevail.

Sent up for concurrence.

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

Bill, "An Act to Clarify the Liability of Employers Under the Worker's Compensation Act" (S. P. 338) (L. D. 999) — In House, referred to Committee on Labor in concurrence on March 9, 1979.

Held at the request of Mr. Wyman of Pittsfield.

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

Mr. WYMAN: Mr. Speaker, I move that this item be referred to the Joint Standing Committee on Judiciary.

The SPEAKER: Unfortunately, we have a problem. This is a matter that had been held and therefore technically should have been released by this body last night. It is not in a position to be reconsidered pursuant to House Rule 35 and House Rule 36. The matter, as a result of that, the Chair would have to rule that the bill is no longer in our possession and is in the Committee on Labor.

The Chair would also advise the gentleman and members of the Labor Committee that if they wish to refer this bill to the Committee on Judiciary, the only recourse now would be for that committee to refer the bill to the Judiciary Committee as they report from that committee.

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

Bill, "An Act to Increase the Minimum Wage to \$4 Per Hour" (H. P. 26) (L. D. 43) — In House, Passed to be Engrossed on March 7, 1979. — In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-29) in non-concurrence.

Tabled — March 12, 1979 by Mr. Laffin of Westbrook.

Pending — Further Consideration.

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

Mr. WYMAN: Mr. Speaker, I move that the House recede from its previous action.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I anticipate that the motion indicates that the gentleman wishes to offer another amendment and I would be of a mind that we would be better served by the motion to recede and concur. Since I understand that he has the privileged motion, I guess I will just have to get into my discussion, won't I, Mr. Speaker?

The SPEAKER: The gentleman may proceed.

Mr. GARSOE: Mr. Speaker, Members of the House: I would like to point out to the members of this body that the present posture of this legislation, as I understand it, says that we will stay with the federal minimum wage and proceed up with that as it is presently published and known, but that the limit that the state minimum wage will go to will not exceed \$4, and I think that is an eminently sensible arrangement for us to maintain.

I would like to point out that about two years ago this state finally became synchronized with the federal minimum wage. For three years or four years prior to that, we had exceeded the federal minimum wage and I want you to know that I checked with the Bureau of Statistics in the Department of Manpower Affairs and they told me they could measure no significant economic impact in a favorable light, that our being over the federal minimum had been showing up in our wage earner's situation. I am offering that as, at least, a horse back guess that we aren't doing ourselves all that much good to exceed the federal, and I think it must be obvious that there are bad effects on our business and, yes, on our jobs, if we exceed it by any appreciable margin.

So I think some of us anticipated that at that point we would see a period of stability where

businesses would be able to anticipate that they would be with the federal wage for some period and, yet, every legislature we find politicians bound to do good coming in here and in behalf of the working people of this state proposing, in this case, a \$1.10 increase in the minimum wage, from \$2.90 to \$4.00 — at least that is what I am anticipating will be offered to us today. That has been the posture of those favoring this type of legislation.

The laws that we enact here are sometimes violated with immunity, but the laws of economics are not violated with immunity. When those laws are violated, the retribution or the justice is usually quite swift and quite severe; they can't be violated with immunity. But our resident economists, and I guess I am proving that this isn't a party issue because I am going to single out my good friend, Representative Laffin from Westbrook, certainly as we represent the two corners, we also are representing the same party. This is not a party issue that I am attempting to put forth but I am just pointing out to you that if we follow the advice of our resident economists, Representative Laffin, Representative Connolly, Representative Wyman, I want to give them some statistics. The first achievement that you can chalk up if you prevail here in your view today is three jobs lost in Harpswell.

I got a call yesterday from a small boat yard in Harpswell, who took the time out of his busy day to tell me that if this \$4 minimum wage were put on the books, there would be three jobs that he would not be putting into effect this summer. Three jobs that have been in effect every summer. The work would not be done by his yard; his family would work a little longer and do what they could but they would not hire three people.

What is three jobs? Small show. I just want you to start collecting and charting the results of actions such as this — three jobs gone.

I have a suggestion that would have an impact on the problem that we are talking about here today. That is for people such as the gentleman from Portland, who everytime we debate this measure asks the gentleman from Cumberland if he would take a job at the minimum wage. Every time, I am afraid that my answer is getting somewhat trite — I ask him if he is offering me a job and, of course, he isn't.

So, I would like to suggest that the gentleman from Westbrook, the gentleman from Pittsfield, and the gentleman from Portland, if they really want to have an impact on the area that we are discussing here today, other than what we can do with our largess in the matter of the minimum wage, to go out and start a business and start hiring people, providing jobs, that will have an impact on the problem which we are discussing here today. But I suggest that we not follow their lead today, that we recognize that you don't have a magic wand to wave here in Augusta and create instant good living, decent living for people. That is done in the market place. It is not done by government even, it is done in the private market place. What we are doing here today is interfering with the laws and the mechanics and the events that govern that market place and I think it is extremely unwise.

I am hoping that we will not vote to recede and if that motion fails, I will offer recede and concur, which will send it on its way in what I think is a reasonable posture.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Very gently, and I say that because I feel that Adam Smith's invisible hand is nearby today as we debate this issue.

I would only caution the gentleman and members of the House that all the gentleman procedurally has asked to do is have the opportunity to vote to recede so that we might offer amendments.

That boat builder in Harpswell has no idea

what Mr. Wyman's amendment is or what it is going to do, and I think many of the remarks of my good friend from Cumberland should have been reserved until we had the opportunity to see the proposed amendment from Mr. Wyman.

Remember, this is just the first step — the idea is to recede, see what the amendments are and if we like them, we can vote for them, but I think he jumped the gun just a bit and I would hope that you would vote with Mr. Wyman on the pending motion.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to oppose the motion that we have before us today and I certainly hope that my good friend in the other corner doesn't get shocked by that statement that I just made.

I am going to do so on good, basic reasons. I am going to do so and not have the Guy Gannett Newspapers of this state print the trash that they print on the minimum wage when they are not even qualified to judge on it. The editorials that the Guy Gannett Newspapers have been writing, the bunch of loony tunes that they are — they take home a good week's pay, the don't care about the \$4 minimum wage because they never worked for a \$4 minimum wage. They make a big salary, and probably their parents had to sacrifice to put them through school because they certainly write with a paper brain.

I want to read you this morning some of the articles and some of the statements that are in some of their articles. I am sure you will get really educated on what they have to say on the minimum wage.

First of all, they call it a great leap backwards. Isn't that a disgrace? A newspaper and I believe in freedom of the press — writing such trash as they are capable of writing? They say, certainly it would destroy existing jobs and prevent the creation of new ones. Well, I can answer that, we don't want minimum wage jobs in this state, we want decent living wages that people can make and get off welfare.

Furthermore, they state that the proposal is irresponsible, referring to my bill. The proposal is irresponsible and unworthy, not because higher wages in Maine are undesirable but because this particular bill would not exceed that goal. How do they know that people can live better by taking home \$160 than taking home \$116 minus their taxes, which would be under \$100 a week. It seems that when they got their degree in journalism, all of a sudden they are experts on the economy of this state. They are a bunch of screwballs and they don't know the economy of this state.

The other thing I would like to read from that great editorial department of the Guy Gannett Newspapers — "There is no reasonable justification for any state to establish a minimum wage that is grossly out of line with the rest of the nation" and they are using the same article that my very good friend in the other corner is using — to be in uniform. Do you know that it is cheaper to live in the South than it is in Maine? Of course you do. It is certainly cheaper to live in the South. If they had zero weather down there, they would all freeze to death.

I want to go on to the Maine Sunday Telegram editorial, dated, March 11th, that pitiful newspaper they are. They say that the proposal to raise the state's minimum wage to \$4 an hour and this is what they are referring to — "The Maine House of Representatives should not endorse a 28 percent increase because it is irresponsible."

I don't have too much education but I do know what irresponsible means and if there is anyone that is irresponsible, it is that bunch of rotten heads in Portland. They are the irresponsible ones, they couldn't live on the minimum wage, they couldn't take home pay less than what they are getting, but they are well educated and they know all the economy of the

state. They know what people should make. But I will tell you something, until they have gone down that road to know what a dollar means, to scrape and dig, they will never know what the minimum wage is.

Another part I would speak about from this great newspaper that we are a captive audience of in Cumberland County—they further state that no one really believes that the minimum wage could be passed for \$4. Well, I agree to my very good friends in the Guy Gannett Newspapers, I am not much but I am one person, and I believe it. I am one person. Whether you all are opposed to it or not, I am still one person and I believe in it.

The other things that the editorial department of the Guy Gannett Newspapers—and I don't want anyone here today to think that I don't like them, they are human just like you and I. I wouldn't want to give the wrong impression but the things that they write sometimes really destroys the faith in journalism and they write "that kind of massive increase" and they are talking about \$1.10, that massive kind of increase would not only be inflationary but would tend to drive business and economists out of the state. You know, that is hard for me to believe, that educated people, and they must have gone to college, could make such a terrible misinterpretation of the freedom of the press. Irresponsible—you see, they don't know what it is like; they have never been down the path.

I have people in my community raising a family with three and four people making minimum wage—I tell them, you are foolish to work, you could give up your jobs, you could go on welfare, you could get benefits that you can't get under the minimum wage, and that is the thing they forget. If we had a minimum wage of \$4, they would come off welfare. We would save money. We would save all kinds of money, because people would go out and work. When people work, what happens? We get tax money out of them, they spend and then the economy is good. When people don't work, we have a decay in our society and that is what they advocate a lot of stupid things anyway, but I am just referring to the bill that is before us today.

The other thing that really bothers me about the trash that they write in there, and this really upsets me—they say "The only state in the union that has a higher minimum wage than what we all have is Alaska." Well, I don't care what the minimum wage is in Alaska, I don't want to live up there anyway, but I say to you, when we have the hard winters that we have just gone through and you should see the people in my city that owe oil bills that they will be paying for next year, and that is on the minimum wage, and that is the trash that they write.

I am telling you, ladies and gentlemen, when we can sit up here, and I don't care what the other body does, it is none of our business, there are going to be amendments put before you to say that we will give in, we will give in because they want us to do what they want to do and you have no guarantee that they are going to agree with us anyway. The trash that these newspapers write is because they themselves are irresponsible.

I am going to oppose the motion today of the chairman of the Labor Committee because he has given in. He is trying to make a deal. I believe in the \$4 minimum wage and if I didn't believe in it, I wouldn't be up here today to fight for it. I know that unless we get those people out of the depths of poverty, we are going to be a decayed nation. You don't have to go to college to know that. If we don't get our people off welfare, they are going to drag us right down with them.

I hope today the members of this House will stick with me. If we lose the bill—fifteen cents an hour is not going to matter. We have people all over this state objecting to a little 7 percent

raise because it is not justifiable, they can't live on it and everytime the lower class people of this state—they are the sufferers, they are the enslavers and we do absolutely nothing to help them because the Guy Gannett Newspapers say it is inflationary. I would like to know what some of those editorialists writers make. I don't know what they make—I don't want to know because I would be even more upset. I am telling you, I will guarantee each and every one of you here today, they make more than the minimum wage.

I urge the members of this House today not to play games, stick to our convictions. You know, we all can't be winners, but if we stick to what we believe in, it is no disgrace but it is a disgrace when you bargain and lose. I have no assurance anyone in this House will vote the way I want them to, but when you bargain and you lose, you have lost faith. At least if I am going to go down and be a loser, and I have been a loser up here many times, then I want to go down with the respect and dignity that I came through the door with.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise very briefly to respond to the gentleman from Lisbon Falls.

I don't think I was premature. I count six amendments on my desk relating to this bill.

I just want to point out to those of you who are here for the first time that this is the standard strategy. Usually they are a nickel difference, but I see they are going fifteen and twenty cents difference this time.

I think I was making the right move to oppose the motion to recede. I will then make the motion to recede and concur and we can dispose of all six amendments with just two ballots.

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

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the gentleman from Pittsfield's motion and give us a chance to recede and concur.

I know this is a very controversial bill and many of you may think I am not for the working man but I am for the working man, that is why I want to do this. If this minimum wage increases over the national or federal, I know it is going to mean jobs to people and you are going to build up your unemployment.

For instance, I have one employee, a maintenance man. He is an elderly gentleman, 74 years of age. I am paying him \$3 an hour. Anytime I have to go above that, he is going to lose a job. The gentleman is not healthy or strong enough to do the amount of work that is needed to be done, and if I have to pay him more, I can't afford it, I will have to get a younger man. It is going to put him out of a job and he is a tremendous fellow and I would hate to do that. I may have to take over the job myself.

I have been called by manufacturers and by stores—if this minimum wage goes above the federal, it is going to mean job losses.

I would like to see everyone get \$4 an hour, \$5 an hour or \$10 an hour, but if it is going to put everyone out of work, not everyone, but many out of work, I don't want to see it.

You could ask me if I would work for the minimum wage. If I was out of work, you are darned right I would. I have worked for much less and I would do it again if I was out of work and needed it. I would not rely on someone else to take care of me.

I would hope that you will give this very serious consideration and don't create less jobs; let's create more jobs.

If you stop and think, many of you in this House will have a man come in and do some work for you, and you are going to hire him at that wage. If you have to pay more, you will do it yourself. That may not seem like much but everyone that you don't hire is another person

unemployed. Over this entire state, it would mean quite a lot. I can assure that any industry, when the wages go up, they look for ways to cut down on help. I have been involved in the shoe industry and I am aware of this. I am aware of an industry in Skowhegan that found ways to automate and cut down on employees because of the increase in wages and that is what you stimulate every time. If you go above the federal, you are going to do a disservice to the people who want jobs, so I hope you give this very serious consideration.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I was impressed, as I always am, by the gentleman from Westbrook, Mr. Laffin's speech and I share much of his general philosophy, although I probably would not have chosen those specific terms to express my feelings on the issue.

The gentleman from Westbrook, Mr. Laffin, did nominate the gentleman from Portland, Mr. Connolly, his seatmate, to be the new Chairman of the Republican party, although I can only infer from Mr. Garsoe's remarks that Mr. Connolly has been fired from that position and, therefore, was probably the shortest lived political coalition in the history.

I hope that you will vote to recede and give me an opportunity to introduce for your consideration my amendment. I have not been denied an opportunity that I know of to introduce an amendment, and I think if you decide to reject the amendment, that is certainly within your prerogative and you may choose to do so, but I would appreciate very much if you would give me the opportunity to present it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would support Mr. Wyman's motion to recede. The arguments that were presented by the gentleman from Skowhegan, Mr. Whittemore are the same arguments all of us who have been supporting the minimum wage have heard over the many years. I don't believe that any one of us in this House honestly believes, including my good friend from Westbrook, Mr. Laffin, that we thought we could pass a minimum wage of \$4. I applaud his efforts and I support his efforts on the floor of the House, but there comes a point in time in every man's life that we have to face the realities of where we are, at least in terms of the posture in dealing with this particular bill.

I don't believe that the gentleman from Pittsfield or the members on the committee that supported the \$4 wage are selling anybody out. They made a noble effort, as well as you have. Mr. Laffin, in attempting to raise the minimum wage to \$4, but if we support the arguments presented by my former seatmate, now the floor leader in the other party, to recede and concur, I think we would be doing a disservice for any one of us in this House who honestly believes that they want to support a minimum wage.

Don't be frightened by the arguments that were presented about the fellow who owns the boathouse down in Harpswell or the arguments presented by Mr. Whittemore, because, to be quite honest with you, his arguments to me sound something like the Chamber of Commerce back in Bangor.

If you sincerely want to do something for the minimum wage in this House, then I would suggest that you support the good gentleman's motion to recede. You may not be in agreement with his amendment or the other amendments there but at least you would give them an opportunity, not them, they are not that important, it is the people in Maine who are on the minimum wage, the opportunity to see exactly where we stand as a group of individuals in this House.

Mr. Tierney of Lisbon Falls 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 of 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 Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: One short note. Do not be misled or taken by the soft and dulcet tones of the gentleman in the corner down here. His idea of receding alone is just an opportunity to delay this matter, possibly to get a different figure on the bill, but I think the gentleman from Bangor expressed it very well and I think this is the time you ought to express yourself.

If you are in favor of getting away from the federals on October the 10th or some other date this year prior to the federal law coming into effect, then vote to recede. If you are in favor of sticking with the federals, and I haven't heard one good reason for not doing that yet, unless you just want to raise wages, then stay in complete agreement with the gentleman from Cumberland, Mr. Garsoe, and vote against this motion to recede.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It is very apparent that I speak up here but I guess some people don't listen, but I thought I gave some pretty good reasons, Mr. Morton, why we should have a \$4 minimum wage. I think when we live in a society that is always preaching to keep the poor people down, the uneducated, when we live in a climate that is much colder than the rest of the nation, it costs more for us for fuel, to clothe and feed our children, I think those are pretty good reasons to increase the minimum wage. I think they are very good reasons, and if those aren't good enough, maybe we all ought to agree with the Press Herald editorial writer. He gave you all the good reasons why we shouldn't have the minimum wage but he couldn't give one good reason why we should.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the House recede from its action whereby the Bill was passed to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Baker, Barry, Berube, Blodgett, Boudreau, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Lancaster, LaPlante, Lizotte, MacEachern, Mahany, Martin, A.; McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Reeves, P.; Rolde, Simon, Soulas, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman. The Speaker

NAY—Aloupis, Austin, Benoit, Berry, Birt, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Bunker, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Laffin, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McPherson, Morton, Nelson, A.; Norris, Payne, Peltier, Peterson, Prescott, Reeves, J.; Rollins,

Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Tarbell, Torrey, Wentworth, Whittemore

ABSENT — Beaulieu, Dow, Dudley, Maxwell, McMahon

Yes, 76; No, 70; Absent, 5.

The SPEAKER: Seventy-six having voted in the affirmative and seventy in the negative with five being absent, the motion to recede does prevail.

Thereupon, Senate Amendment "A" (S-29) was read by the Clerk.

On motion of Mr. Wyman of Pittsfield, Senate Amendment "A" was indefinitely postponed.

The same gentleman offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-89) was read by the Clerk.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: We have heard a lot of emotional argument made in favor of raising the minimum wage this morning and in other previous debates.

This particular amendment that I offer for your consideration will raise the state minimum wage from \$2.90, which it presently is, to \$3.10 an hour to be effective October 1st. The federal minimum wage increase will take effect on January 1st. The effect of this particular amendment, simply stated, will give the working men and women of this state and opportunity to collect a slight increase in their paychecks from October 1st through January 1st, when the federal will go into effect and we will then be on target with the federal minimum wage.

I feel this morning duly chastised by the gentleman from Westbrook, Mr. Laffin, as only he can chastise in his own inimitable style, but I would like to take this opportunity to crystallize for you as briefly as I can, because I know the lunch hour is approaching, my reasons why I believe this particular amendment is realistic, is reasonable and is fair.

I think my philosophy can be best summed up on this particular issue by saying that it is my firm belief that if we cannot help the many who are poor, then we will not be able to save the few who are rich.

I would like to share with you some statistics which I think will very clearly indicate the need for this particular amendment and the need to increase our state's minimum wage.

The adjusted consumer price index for 1978 showed a 9 percent increase. These increases in what we regard as the necessities of life are as follows: Food, 11.6 percent and that includes a remarkable increase in the price of hamburger to the point that perhaps before long we will not be able to afford to eat at MacDonald's; housing, 9.9 percent; medical care, 8.8 percent; energy, 7.7 percent and transportation, 7.7 percent.

I would also like to share with you statistics which deal with the poverty level wages in 1978 and they are as follows: For a family of four, the poverty level wage is \$6200 a year, and that figures out to be \$3.10 an hour, that is the poverty level. For a family of five, it is \$7,220 or \$3.61 an hour, and for a family of six, it is \$8,240 or \$4.12 an hour, those are poverty wages. Gasoline last weekend in Maine went up approximately 9 to 12 percent, which averages out to be about 6 cents a gallon. These statistics may appear staid and dry and rather academic, but to me they paint a picture in very vivid colors, and the picture is one of the working men and women of our state while working for minimum wage or perhaps slightly above minimum wage who are falling further and further behind in their fight against inflation.

It seems to be a very cruel irony when opponents of the minimum wage will stand up here on the floor of this House and say the reason that it is inflationary to raise the wages of those who are the most tragic victims of inflation, and those are the people who are at the

bottom of our economic scale and the gentleman from Cumberland, Mr. Garsoe, would suggest to us that it is really not going to make any difference if we increase the state minimum wage at all, but I say to him, let him say that to the people who are working on minimum wage in this state. Let him say to them that it is not going to make any difference. I believe that it is. We all know that inflation impacts in its cruelest way on those who are working for minimum wage.

The Bangor Daily News, which is not noted for its radical and liberal positions, said in an editorial, on of its lead editorials dated March 12th, that raising the minimum wage to around \$3.10, which is what our amendment would do, would have kept Maine in conformity with President Carter's inflationary wage guidelines. You know inflationary arguments, and as far as I am concerned, that is an endorsement of \$3.10 an hour, have always been used against minimum wage. Inflationary arguments were used when we first established a minimum wage, and I don't know what year that was but Mr. Tierney knows—some time ago. I am sure the people who opposed instituting a minimum wage said that it would be inflationary and that it would put all businesses under and they wouldn't be able to exist. Everytime we have come in for an increase in the minimum wage, no matter how minimal that increase may have been or how large, the same arguments are always offered, it is inflationary, we can't afford to do that.

I realize that raising the minimum wage is going to be inflationary, I think we all know that. I am not going to try to refute that argument, but it seems to me that we must balance that with our real need and responsibility to try to offer a little hope for our working people.

I happen to believe in the philosophy that the economic tree is watered at its roots. I also believe that we must build our economy from the bottom up and not from the top down. There is a philosophy that if we create enough millionaires, then we will be able to hire enough chauffeurs to give everybody work. I happen to believe that we must strengthen our economy at its foundations, at its roots, and that means placing a little bit of faith and a little bit of hope in those who are at the very bottom of our economic pyramid. They are the people who are at the foundation.

All of us are here, I am sure, because we can afford to be here and those of us who cannot afford to be here won't be here for very long.

When I think of the life of the working person, I am reminded of a story that was told about John Kennedy when he was campaigning for President in 1960. He was campaigning in the West Virginia primary and he was running against Senator Humphrey in that primary and Senator Humphrey was using the argument that Senator Kennedy couldn't appreciate the life of the working person because he had never worked in his life and was born with a silver spoon in his mouth and never had to work. So, Senator Kennedy was visiting a coal mine and one of the miners came out and his face was covered with soot and his hands were covered with soot and he asked Senator Kennedy—it has been said that you never worked a day in your life, is that true? Senator Kennedy said, yes, I am afraid that is true. The miner said, let me tell you, you haven't missed a thing.

When the tide comes in, all the boats are lifted a little bit and it is true that we will not be able to have a sound, prosperous economy. It is true that we will never be able to help people off from welfare until we start providing an incentive to work. The people who work for minimum wage, they didn't come up and testify before our committee on Mr. Laffin's bill and I will tell you why, because they were working. Many of them can't come up and afford to serve in the legislature, so they trust us to represent them. They can't afford high

paid fancy lobbyists to lobby their cause in either this body or the other body. They have to rely on us, our best judgment, and they have to rely on our compassion.

This amendment is going to put a few dollars in the pockets of the working men and women on October 1st. You may not believe this but I believe it because I know the people in my district, and I know many of them this Christmas are not going to be able to afford the kind of Christmas gifts for members of their family that they would like to because of their low wages. Am I pulling at your heart strings? You bet your life I am. That is right, I am because I happen to believe this body is capable of compassion. I have seen it on many occasions even though I have only been here two years. I have heard speeches that have been given by members of this body, compassionate speeches and they are just asking for a little bit of consideration. But you know, it is easy to talk about economic theories and economic principles don't fall from the heavens, if you will excuse me for saying that. They are not cut in stone and can never be moved—we form our economic principles. We establish our economic laws and they are constantly changing, and it is about time that we started to realize our responsibility to help those who need the help the most, and those are the people who are working for minimum wage. This isn't Michigan, this isn't Illinois, this isn't California. Sure, big unions have contributed to inflation, so has big business.

No one raises a hassle when CMP comes in and says, we have got a 41 percent increase in profits in one year and we are doing pretty well. Nobody says that is inflationary. Nobody says it is inflationary when insurance carriers come in and ask for a 21 percent increase in their workers' compensation rates in February and then they are back this fall asking for a 39 percent increase. What about the inflationary impact of that? Why is it that it is always inflationary to help the people who need help but it is never inflationary for the people at the top.

Someone once said that there is no medicine like hope, no incentive so great or tonic so powerful as the expectation of something better tomorrow, and that is what we are asking you, to give the working people a hope for something better tomorrow. It may not be a lot. Mr. Laffin isn't going to support it, says it is not enough, well, it probably isn't but it is a step, it is a small step.

I am going to close with a quote from Pope Pius the XII. He said this: "If a worker is deprived of hope to acquire some personal property, what other natural stimulus can be offered him that will inspire him to hard work, labor, savings and sobriety today, when so many nations and men have lost everything and all they have left is their capacity for work?"

Our people work hard. They deserve our consideration, and I hope, ladies and gentlemen, I plead with you to support this amendment, and when the vote is taken, Mr. Speaker, I would ask for the yeas and nays.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would gladly accept the gentleman's challenge to go talk to some working people, the gentleman from Pittsfield, Mr. Wyman, and it would be my job, I think, to explain to those working people that regrettable as it seems, the gentleman doesn't seem to make the connection between the cost of hamburger and the cost of bread and the cost of production.

I would also point out to those of us here who haven't heard it before, this is another replay of the same arguments. Now, admittedly, I haven't thought of anything new in the last few years, but neither have the proponents of this measure. They have been in here every year promising utopian satisfaction if we will just follow their compassionate viewpoint. I suggest the gentleman's remarks are more fitted

to the pulpit than they are this floor, because when we start following compassion in here, who knows where we are going to go? I don't believe we do enact the laws of economics in here. They have been put in play by, I guess, the ghost of Adam Smith, or someone who came long before us.

I move the indefinite postponement of this amendment, Mr. Speaker, and would ask for a roll call.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves the indefinite postponement of House Amendment "D".

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if this amendment is properly before this body. It seems to me it is identical to Report A of the committee which was rejected, was not accepted by this body, and then another point is that there isn't any fiscal note on it. Obviously, it is going to be an increase to the state, so I would ask the Chair to rule whether or not it is properly before this body.

The SPEAKER: In reference to the first point as to whether or not it requires a fiscal note, the Chair would advise the gentleman that it does not, since it is obvious, as a matter of fact, as a result of negotiations now pending between the state and state employees, the state employees have been exempted over the years from the state's minimum wage. Of course, that has been one of their arguments in negotiations; therefore, this does not apply to state employees and never has.

The chair would advise the gentleman in reference to her second point, in reference to Report A, there was never a vote taken in this body as to Report A.

The gentleman may proceed.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I wonder whether anybody in this body is aware of a memo that the Department of Manpower Affairs has written but which was withheld from the members of the Labor Committee which I have been trying to get. I called the Department of Manpower Affairs and asked if I could have their review since they review most pieces of legislation that come before the Labor Committee. I was told it had been issued but that it had been withheld from the members of the Labor Committee, but if I would speak to John Kerry, the Governor's assistant, I could probably have a copy. I spoke to John Kerry and he said, yes, I could. He said he would get it for me Monday. I didn't get it, I didn't get it yesterday, I didn't get it today. I have been down to the Governor's Office and asked if I could have it—oh yes, Mrs. Lewis, you can have it, but I haven't had it yet.

I have talked to the people in the department and they told me more or less what the memo says, and that is a description of how damaging this particular piece of legislation, and I am speaking of the \$3.10 pre-empting the federal government by three months, would be. So, I would hope that possibly this could be tabled another day until I can get hold of that memo. I think everybody here ought to have an opportunity to see what the department's view is on this.

The SPEAKER: A roll call has been requested on the indefinite postponement of House Amendment "D". 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 Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, I would like to table this matter for one day.

Thereupon, Mr. Tierney of Lisbon Falls 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. 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 Milo, Mr. Masterman, that this matter be tabled pending the motion of Mr. Garsoe of Cumberland to indefinitely postpone House Amendment "D" and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Berube, Birt, Borda, Boudreau, Bowden, Brown, D.; Brown, K.L.; Bunker, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Lenoard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Norris, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whittemore

NAY—Bachrach, Baker, Barry, Benoit, Berry, Brannigan, Brennerman, Brodeur, Brown, K.C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gown, Gwadodsky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kelleher, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker

ABSENT — Beaulieu, Blodgett, Brown, A.; Dow, Dudley, Kany, Maxwell, Soulas
Yes, 71; No, 72; Absent, 8.

The SPEAKER: Seventy-one having voted in the affirmative and seventy-two in the negative, with eight being absent, the motion does not prevail.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I find that sometimes it is very hard to get up here and have what you believe in persuaded one way or the other, and then sometimes after you have thought the situation over, a lot that has been said here on this amendment, in my opinion, is a lot of fantasy, because I don't believe and I don't trust anyone in politics, and if you do, you are very mistaken. If you think for one minute that we have got the guarantee in this body that this is going to become law, you are very sadly mistaken. I would rather lose on my conviction than lose on a fairy tale, because I don't have any faith and trust outside of anyone in this body and what we do up on this machine will tell, and what the other body does is their business and not ours.

I want to tell you what position this bill is in right now. If we defeat this motion, which I am going to try to kill, the bill is right back where I presented it, and then send it down and then let them make the decision, because we have got them now right where we want them, but if we give in and we send it down and we lose, we have sold our soul for three months.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that

House Amendment "D" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Birt, Bordeaux, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McPherson, Morton, Nelson, A.; Norris, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whittemore

NAY—Bachrach, Baker, Barry, Berry, Berube, Boudreau, Brannigan, Brenerman, Brodeur, Brown, K.C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fowle, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Lewis, Lizotte, Locke, MacEachern, Mahany, Martin, A.; McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker

ABSENT — Beaulieu, Benoit, Blodgett, Brown, A.; Churchill, Dow, Dudley, Maxwell, Soulas

Yes, 66; No, 76; Absent, 9.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-six in the negative, with nine being absent, the motion does not prevail.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have an opportunity to read the memo. I haven't read it myself yet, so if people will bear with me, I will read the whole thing.

"L. D. 71 and L. D. 305 increase from \$3 to \$4 to which the state minimum wage raise in response to increasing the federal minimum wage.

"Committee Amendment "A" will also raise the ceiling to \$4 per hour but will make the effect date of the increase of \$3.10 on October 1, 1979. As you know, this would increase the Maine minimum wage three months ahead of the federal increase, which becomes effective January 1, 1980. I can see serious consequences that would result unless the Maine minimum wage rate is allowed to continue with the increase on the same effective date as the federal, as it has for the past several years.

"When Maine minimum wage went to \$1.60 in October of 1969, it increased three months ahead of the federal. This created mass confusion to employer and employee alike. It cost Maine employers thousands of dollars in back wages because they were unaware that they had to comply with the Maine law rather than the federal law at that time.

"Whereas Maine minimum wage has increased on the same dates at the same level as the federal minimum wage for the past several years. I strongly urge that it continue to do so. Another reason is that numerous bulletins originating in Washington concerning minimum wage would apply to all employers and employees in Maine as they do now. Otherwise, it would be costly for the Maine employer and also for the Maine taxpayer. The printing and mailing of the last minimum wage summaries and bulletins cost the Bureau of Labor a total of \$3,594.01 to cover the cost of 20,000 envelopes, 45,000 minimum wage posters, 2,000 minimum wage guides, plus postage.

"I urge the committee to reconsider and take

any action necessary to eliminate the October 1, 1979 effective date for an increase and allow the minimum wage for Maine to increase on January 1, 1980, which would be the same date and level as the federal."

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

Mr. TARBELL: Mr. Speaker, I would pose a question through the Chair to the gentlelady from Auburn and ask her who and from what department that memo came from.

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed a question through the Chair to the gentlewoman from Auburn, Mrs. Lewis, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. LEWIS: Mr. Speaker, I would be happy to respond. A Paul K. Lovejoy, Deputy Director of the Bureau of Labor.

Mrs. Martin of Brunswick requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that House Amendment "D" be adopted. All those in favor will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA — Bachrach, Baker, Barry, Berry, Berube, Boudreau, Brannigan, Brenerman, Brodeur, Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dutremble, D.; Elias, Fowle, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Jacques, P.; Joyce, Kane, Kany, Kelleher, LaPlante, Lizotte, MacEachern, Mahany, Martin, A.; McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Birt, Bordeaux, Bowden, Brown, D.; Brown, K. L.; Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Drinkwater, Fenlason, Fillmore, Gavett, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McPherson, Nelson, A.; Norris, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whittemore.

ABSENT — Beaulieu, Benoit, Blodgett, Brown, A.; Bunker, Churchill, Dexter, Dow, Dudley, Dutremble, L.; Jacques, E.; Maxwell, Morton, Soulas.

PAIRED — Garsoe-Jalbert.

Yes, 70; No, 65; Absent 14; Paired, 2.

The SPEAKER: Seventy having voted in the affirmative and sixty-five in the negative, with fourteen being absent and two paired, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the sixth

item of Unfinished Business:

Bill, "An Act to Create the Bruce McCreary Game Sanctuary in Fort Fairfield" (H. P. 933) (Committee on Fisheries and Wildlife suggested)

Tabled—March 12, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Reference.

On motion of Mr. Mahany of Easton, the Bill was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

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

Bill, "An Act to Exempt Teacher Certification Records from the Freedom of Access Statutes" (H. P. 953)

Tabled — March 13, 1979 (Till Later Today) by Mr. Diamond of Windham.

Pending — Reference.

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

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

Mrs. PRESCOTT: Mr. Speaker, is the House in possession of L. D. 11?

The SPEAKER: The Chair would answer in the affirmative, An Act to Prohibit Smoking at Public Meeting, House Paper 5, L. D. 11, is in the possession of the House, having been held at the request of the gentleman from Lisbon Falls, Mr. Tierney.

Thereupon, on motion of Mrs. Prescott of Hampden, the House reconsidered its action whereby the Bill was recommitted to the Committee on Health and Institutional Services.

On further motion of the same gentlewoman, the House reconsidered its action whereby the Governor's veto was sustained.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I think that we need an explanation at this point and I would like to proceed to do that.

Yesterday, I asked this House to approve the Governor's veto, believing that we could recommit the bill back to committee if the veto was sustained. I now find that I have given you the wrong advice, and you gave me your support so I would like to give you another opportunity to vote on this veto.

What has taken place is the fact that I was led to believe that there was a rule in the other body that would allow them to recommit the bill to committee. I found that there was no such rule, that we were acting just under the House rules. I looked and hoped there was a joint rule and there was not. The other body did not agree to put this item on their calendar; therefore, we cannot recommit the bill to the committee. It is only fair that you have another opportunity to vote on this measure now, so I am presenting that to you and I hope that you vote your conscience.

The SPEAKER: The Chair would further advise the members of the House that a result of that investigation has created a situation where House Rule 51 is a meaningless House rule. At the next revision or in the very near future, that rule should be removed and expunged from our records, since there is no corresponding Senate rule to deal with a similar situation. As a result of that and as a result of the fact that there is no Joint Rule pursuant to that, it makes House Rule 51 null and void. In the future, also as a result of that ruling from the Chair, the matter will not longer be in a position to be recommitted to anything, because either before or after we can recommit something that the other body has no rule to deal with it.

The only question that will be allowed will be the question as to whether or not a bill can become a law notwithstanding the objections of

the governor.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise very briefly and only for a mild correction to the gentlelady's remarks. I don't think it would be proper to characterize the actions of the Senate as withholding agreement. They were powerless to act.

The SPEAKER: The Chair would answer that the gentleman from Cumberland is correct in the sense that they had no rule upon which to proceed.

The pending question is, shall this Bill become law notwithstanding the objections of the Governor? According to the Constitution, this requires a two-thirds vote of all the members present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Baker, Barry, Berube, Birt, Blodgett, Bowden, Brodeur, Brown, D.; Carrier, Carter, D.; Carter, F.; Conary, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Elias, Fillmore, Gavett, Gray, Gwadosky, Hanson, Higgins, Hobbins, Hughes, Hutchings, Immonen, Jackson, Jacques, P.; Kany, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lund, MacBride, Marshall, Martin, A.; Masterman, Matthews, McMahon, McPherson, Morton, Nelson, M.; Norris, Payne, Pearson, Post, Prescott, Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Simon, Small, Stetson, Stover, Studley, Tarbell, Torrey, Twitchell, Vincent, Wentworth, Wood.

NAY—Aloupis, Austin, Benoit, Berry, Bordeaux, Brannigan, Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Call, Carroll, Chonko, Cloutier, Connolly, Drinkwater, Dutremble, D.; Dutremble L.; Fenlason, Fowlie, Garsoe, Gillis, Gould, Gowen, Hall, Hickey, Howe, Huber, Jacques, E.; Joyce, Kane, Kelleher, LaPlante, Lizotte, Lowe, MacEachern, Mahany, Masterton, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Paradis, Paul, Peltier, Peterson, Reeves, J.; Silsby, Smith, Sprowl, Strout, Theriault, Tierney, Tozier, Tuttle, Violette, Vose, Whittemore, Wyman, The Speaker.

ABSENT—Beaulieu, Brown, A.; Boudreau, Churchill, Dow, Dudley, Hunter, Jalbert, Maxwell, Soulas.

Yes, 77; No, 64; Absent, 10.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-four in the negative, with ten being absent, the Governor's veto is sustained.

On motion of Mr. Hughes of Auburn, the House reconsidered its action of yesterday whereby it voted to recede and concur with the Senate on Bill "An Act to Increase Salaries of County Officers," House Paper 201, L. D. 227.

On motion of the same gentleman, the House receded from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendments "B", "C", and "D" thereto.

On further motion of the same gentleman, the House receded from its action whereby Committee Amendment "A" was adopted.

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

House Amendment "E" to Committee Amendment "A" (H-95) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendments "B", "C", "D" and "E" was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and was sent up for concurrence.

The Chair laid before the House the first

tabled and today assigned matter:

Bill, "An Act to Revise the Service Charge for Local Vehicle Registration Agents" (H. P. 147) (L. D. 150)

— In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-54) on March 7, 1979 — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-54) as Amended by Senate Amendment "A" (S-34) thereto in non-concurrence.

Tabled—March 13, 1979 (Pursuant to House Rule 1)

Pending—Ruling of the Chair Relative to Senate Amendment "A" (S-34)

The SPEAKER: The Chair would rule that Senate Amendment "A" is in violation of the rules, both House and Senate, and as a result, Senate Amendment "A" is no longer before this body.

Thereupon, the House voted to adhere.

(Off Record Remarks)

On motion of Miss Gavett of Orono,
Adjourned until nine-thirty o'clock tomorrow morning.