

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

Thursday, April 5, 1979
The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Millet Cummings of the United Methodist Church, Norway.

Rev. CUMMINGS: Almighty God, the creator and ruler of the world and of all mankind, the fountain of all wisdom and all knowledge, guide, inspire and direct the minds and hearts this day of our Governor, the Speaker of the House and the members of this Legislature, that they may fulfill the responsibilities incumbent upon them by the citizens of our great State of Maine. May all their thoughts, words and actions be according to Thy will. May they ever be aware that unless the Lord builds a house, they labor in vain who build it. To this end, may they study to show themselves workmen, rightly divining the word of truth. Thus, may they, in all their deliberations, always remember that they are duty bound to rise above shellfish ambition for power, position and narrow partisanship to the high plain of statesmanship, statesmanship that will be of lasting benefit to each and every citizen, rich or poor, young or old, management or labor in our beloved State of Maine. To this end, we beseech thee to endow them with wisdom, courage, compassion, faith and true governing as they endeavor to solve the myriad tasks before them this day and all the days ahead of this legislative session. All this we ask in the name and for the sake of Jesus Christ, Our Lord, Amen.

The Journal of yesterday was read and approved.

Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1980 and June 30, 1981" (Emergency) (S. P. 492) (L. D. 1532)

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

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

Bill "An Act to Establish and Protect the Rights of Recipients of Mental Health Services" (S. P. 466) (L. D. 1528)

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

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

Bill, "An Act to Assure the Appropriate Development of the Hydro Power Potential of Maine Rivers" (S. P. 467) (L. D. 1531)

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

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

Bill, "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1980, and June 30, 1981" (Emergency) (S. P. 490) (L. D. 1527)

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 Not to Pass

Report of the Committee on Education reporting "Ought Not to Pass" on bill "An Act to Require a Quiet Time in the Schools" (S. P. 324) (L. D. 954)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 in concurrence.

Leave to Withdraw

Report of the Committee on Fisheries and

Wildlife reporting "Leave to Withdraw" on Bill "An Act to Establish a Hunting Season for Moose" (S. P. 62) (L. D. 99)

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed.

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Amend the Law Regarding the Decibel Level of Motorcycle Mufflers" (S. P. 334) (L. D. 969)

Came from the Senate with the Report read and accepted.

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

Ought to Pass Amended Bill

Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-69) on Bill "An Act Concerning the Period of Liability of a Financial Institution on a Written Instrument under the Abandoned Property Statute" (S. P. 114) (L. D. 204)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-69) as amended by Senate Amendment "B" (S-83) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment (S-69) was read. Senate Amendment "B" (S-83) to Committee Amendment "A" was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "B" thereto was adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" on Bill "An Act to Authorize Municipalities of Under 2,500 Inhabitants to Permit other than Arborists to Remove Trees within Municipal Boundaries" (S. P. 219) (L. D. 761)

Report was signed by the following members:

Messrs. NELSON of New Sweden
ROLLINS of Dixfield
WOOD of Sanford
TORREY of Poland
SHERBURNE of Dexter
TOZIER of Unity
MAHANY of Easton
ROOPE of Presque Isle
MICHAEL of Auburn
LOCKE of Sebec

— of the House.

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

Report was signed by the following members:

Messrs. MARTIN of Aroostook
HICHENS of York
CARPENTER of Aroostook

— of the Senate.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Mahany of Easton, the Majority "Ought to Pass" Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-75) on Bill "An Act to Provide that Unemployment Compensation be Based on the Minimum Wage for Certain Services Rather than on Tips and Gratuities Received for the Service" (S. P. 204) (L. D. 536)

Report was signed by the following members:

Messrs. SUTTON of Oxford
LOVELL of York

— of the Senate.

Messrs. FILLMORE of Freeport
WYMAN of Pittsfield

Mrs. LEWIS of Auburn

Messrs. BAKER of Portland

DEXTER of Kingfield

Mrs. MARTIN of Brunswick

Mrs. BEAULIEU of Portland

Messrs. CUNNINGHAM of New Gloucester

TUTTLE of Sanford

— of the House.

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

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Mr. McHENRY of Madawaska

— of the House.

Came from the Senate with the Bill and accompanying papers Indefinitely Postponed.

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

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

Mrs. Lewis of Auburn requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Madawaska, Mr. McHenry, that the Minority "Ought Not to Pass" report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Cunningham of New Gloucester 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 Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, the other body indefinitely postponed this bill because the sponsor found out that the bill wasn't doing what he wanted it to do. I would ask you to go along with the "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I did have an opportunity to discuss this this morning with the sponsor of this legislation, a member of the other body, and he feels that the way the bill is written, it probably should not pass, so the pending motion is that we accept the "ought not to pass" report. I would urge that you vote in favor of the pending motion.

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

Thereupon, on motion of Mr. Cunningham of New Gloucester, the Bill and all its accompanying papers were indefinitely postponed in concurrence.

Non-concurrent Matter

Bill "An Act to Permit Signed Statements of Psychologists and Chiropractors to be Admitted into Evidence Before the Workers' Compensation Board" (H. P. 377) (L. D. 540) on which the Bill and Papers were Indefinitely Postponed in the House on April 2, 1979.

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

In the House: Mr. Hobbins of Saco, moved that the House recede and concur.

Mrs. Sewall of Newcastle requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Saco, Mr.

Hobbins, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

92 having voted in the affirmative and 38 having voted in the negative, the motion did prevail.

Non-concurrent Matter

Bill "An Act to Provide Continued Educational Benefits for Veterans' Widows after Remarriage" (H. P. 553) (L. D. 700) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-141) Report of the Committee on Aging, Retirement and Veterans was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-141) in the House on April 2, 1979.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Aging, Retirement and Veterans read and accepted in non-concurrence.

In the House: On motion of Mrs. Nelson of Portland, the House voted to insist.

Petitions, Bills and Resolves Requiring Reference

The following Bill was received and referred to the following Committee:

Energy and Natural Resources

Bill "An Act to Redistribute the Powers of the Department of Environmental Protection to Localities to the Maximum Extent Possible" (H. P. 1291) (Presented by Mr. Tozier of Unity) (Cosponsor: Mr. Laffin of Westbrook) (Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1200) recognizing that: Douglass Eugley of Lincolnville has attained the high rank and distinction of an Eagle Scout.

Presented by Mrs. Hutchings of Lincolnville.

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

An Expression of Legislative Sentiment (H. P. 1287) recognizing that: The Bangor High School girls' swim team, coached by Lynn Fleming and captained by Darby Billington, Christie Smith and Susan Tilley, won the first Penobscot Valley Conference swim meet.

Presented by Mr. Tarbell of Bangor (Cosponsors: Miss Aloupis of Bangor, Senator Trotzky of Penobscot and Senator Devoe of Penobscot)

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

An Expression of Legislative Sentiment (H. P. 1288) recognizing that: Officer Thomas J. Klimko of the Patrol Division of the Portland Police Department was awarded a Departmental Citation on January 26, 1979, for outstanding police service to the city of Portland.

Presented by Mr. Vincent of Portland.

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

An Expression of Legislative Sentiment (H. P. 1289) recognizing that: Officer William S. Deetjen of the Patrol Division of the Portland Police Department was awarded a Departmental Citation on January 26, 1979 for outstanding Police service to the city of Portland.

Presented by Mr. Vincent of Portland.

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

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

An Expression of Legislative Sentiment (H. P. 1290) recognizing that: Ernest Souther, Sr. and Mary Souther, of Livermore Falls, will celebrate their 65th wedding anniversary on April 8, 1979

Presented by Mr. Brown of Livermore Falls.

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

House Reports of Committees Ought Not to Pass

Mr. Hanson from the Committee on Marine Resources on Bill "An Act to Prohibit Gill Netting in Spruce Creek, York County" (H. P. 424) (L. D. 519) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Bunker from the Committee on Marine Resources on Bill "An Act to Establish a Mandatory One-year License Suspension for a Second Violation of a Municipal Shellfish Conservation Ordinance" (H. P. 349) (L. D. 448) reporting "Leave to Withdraw"

Mr. Laffin from the Committee on Judiciary on Bill "An Act Relating to the Liability of Landowners Permitting the Use of their Land without Charge" (H. P. 214) (L. D. 262) reporting "Leave to Withdraw"

Mrs. Sewall from the Committee on Judiciary on Bill "An Act to Amend the Criminal History Record Information Act" (H. P. 626) (L. D. 768) reporting "Leave to Withdraw"

Mr. Stetson from the Committee on Judiciary on Bill "An Act to Repeal the Criminal History Record Information Act" (H. P. 627) (L. D. 769) reporting "Leave to Withdraw"

Mr. Hughes from the Committee on Judiciary on Bill "An Act Making Certain Records of Municipal Police Departments Confidential" (H. P. 306) (L. D. 416) reporting "Leave to Withdraw"

Mr. Brannigan from the Committee on Business Legislation on Bill "An Act to Require the Use of Metered Service on Oil Deliveries" (H. P. 588) (L. D. 735) reporting "Leave to Withdraw"

Mr. Brannigan from the Committee on Business Legislation on Bill "An Act to Amend the Definitional Provisions of the Used Car Information Act" (H. P. 655) (L. D. 815) reporting "Leave to Withdraw"

Mr. Brannigan from the Committee on Business Legislation on Bill "An Act Providing Motor Vehicle Dealers Additional Time in which to Perform Warranty Requirements Under the Used Car Information Act if Necessary Parts Have Been Received from the Manufacturer" (H. P. 656) (L. D. 816) reporting "Leave to Withdraw"

Mr. Whittemore from the Committee on Business Legislation on Bill "An Act to Allow Real Estate Rental Agents to be Unlicensed" (H. P. 120) (L. D. 132) reporting "Leave to Withdraw"

Mr. Whittemore from the Committee on Business Legislation on Bill "An Act to Lower Business Fees and to Provide for Continuing Education under the Hearing Aid Dealers and Fitters' Statute" (H. P. 427) (L. D. 544) reporting "Leave to Withdraw"

Mr. Jackson from the Committee on Business Legislation on Bill "An Act to Provide for Licensure of the Incumbent State Auditor as a Public Accountant" (H. P. 455) (L. D. 569) reporting "Leave to Withdraw"

Mr. Gray from the Committee on Judiciary on Bill "An Act Relating to the Liability of Landowners Permitting the Use of their Land without Fee by Clarifying the Term Recreational Activities" (H. P. 282) (L. D. 360) reporting "Leave to Withdraw"

Mr. Leonard from the Committee on Taxation on Bill "An Act to Provide for a Property Tax Credit to Veterans in Place of a Property Tax Exemption" (H. P. 180) (L. D. 226) reporting "Leave to Withdraw"

Mr. Wyman from the Committee on Labor on Bill "An Act to Increase the Statutory Penalty for Violating the Statute Concerning Advertising or Soliciting Workers During a Strike" (H. P. 249) (L. D. 294) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Concerning Vehicles Following a Fire Truck Returning from a Fire" (H. P. 678) (L. D. 837)

Report was signed by the following members:

Messrs. EMERSON of Penobscot
USHER of Cumberland

— of the Senate.

Messrs. LOUGEE of Island Falls
STROUT of Corinth
McPHERSON of Eliot
HUNTER of Benton
BROWN of Mexico
JACQUES of Lewiston

Mrs. HUTCHINGS of Lincolnville

— of the House.

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

Report was signed by the following members:

Mr. O'LEARY of Oxford

— of the Senate.

Messrs. CARROLL of Limerick
McKEAN of Limestone
ELIAS of Madison

— of the House.

Reports were read.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope this morning that you would accept the Minority Report on this legislative document and I would like to speak on my motion.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that the House accept the Minority "Ought to Pass" Report.

The gentleman may proceed.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: It is extremely important, especially in the rural areas, that our fire department has freedom of movement for controlling fires and saving property. We have trucks that are on a shuttle service many times, tank trucks, men on the back trying to move and reload this truck and get back as quickly as possible. Many motorists, sight-seers, are out there on the highway. They are following these trucks too close anyway. They get behind them, they go to a waterhole and try to back up and they are behind them; they just can't do it.

I think this is a good piece of legislation and I hope you will vote to accept the Minority "Ought to Pass" Report.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I hope you read this bill here this morning. The majority report says "ought not to pass" to follow a fire truck 500 feet. That is almost two blocks, two blocks away. It is unimportant — that is what we were told in committee, and that is why this report is here.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill

"An Act to Permit the Sale of Dessert Wine at Retail Stores" (H. P. 671) (L. D. 831)

Report was signed by the following members:

Mr. SHUTE of Waldo — of the Senate.

Messrs. DUDLEY of Enfield
DELLERT of Gardiner
McSWEENEY of Old Orchard Beach
Miss GAVETT of Orono
Messrs. CALL of Lewiston
STOVER of West Bath
Ms. BROWN of Gorham

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-168) on same Bill.

Report was signed by the following members:

Messrs. COTE of Androscoggin
FARLEY of York

— of the Senate.

Messrs. VIOLETTE of Van Buren
SOULAS of Bangor
MAXWELL of Jay

— of the House.

Reports were read.

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

Mr. VIOLETTE: Mr. Speaker, I move that we accept the Minority "Ought to Pass" Report.

The SPEAKER: The gentleman from Van Buren, Mr. Violette, moves that the Minority "Ought to Pass" Report be accepted.

The Chair recognizes the gentleman from Wiscasset, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: As you noticed, I signed the Majority "Ought Not to Pass" on this particular piece of legislation.

I guess I never will be able to understand the political mind, even on the federal level. We spend millions of dollars to subsidize the tobacco industry, consider it one of the basic crops along with corn, wheat, oats and cotton, and then we spend millions of dollars, on the other hand, and tell the people they shouldn't use the product which they have already encouraged people to grow. I think this bill is an illustration of the same type of thing.

Yesterday, I was very interested in listening to the debate on the bill whereby we voted to allow teenagers who have an alcoholic problem to solicit the help and aid of competent professional people to help them with their problem. It was brought out in that debate many things that were interesting to me, which I knew already, but one Representative stated that alcoholism is an insidious disease; another Representative stated very clearly that as a school teacher he had been on top of this problem, seen it, and brought out the fact that nothing had been done about the problem. I think that is exactly right.

We have prevention for flu and I guess even down through polio and all the rest of them, vaccine people take for these diseases, but we do nothing about preventing the problem. We have all kinds of things to take care of it after the fact but nothing before, and the liquor industry cares absolutely nothing about the problem except to accentuate it. They inundate the airways, television, movies, newspapers, magazines, you name it, until they brainwash us that it is socially acceptable. This is the thing to do: if you want to be a member of the crowd, you have got to drink. The next thing, of course, is to make it easily accessible so that you can get it. They care nothing about the human being, the structure of the human being; they care nothing about that. All they care about is profit.

One of the lobbyists came to me and said to me, you ought to support this bill, because think what the increased revenue would mean to the state. It will probably double the sales. I said that is exactly what it will do, and that is

why I am against it.

I feel that putting this fortified wine into stores, apparently it is a spiked wine, you add alcohol to it. They have got an amendment here that they want to take it up to 21 percent. You might as well put in Jack Daniels, Johnny Walker and all the rest of it. I feel it is a bad bill and I hope you vote against it.

When the vote is taken, Mr. Speaker, I would ask for the yeas and nays.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This bill today which I rise to support as the sponsor, along with the gentlelady from Newcastle, Mrs. Sewall, and the gentleman from Van Buren, Mr. Violette, is, as most of you know, an old chestnut which got somewhat pureed during the last session because of a controversy that arose over it.

Someone has said that this bill to put fortified wines in the grocery stores has to pass sooner or later because, before long, everyone in either body will have either sponsored or cosponsored it. Why is it before us again today?

The perennial opponents, I am sure, wish fervently that the perennial proponents would just let sleeping dogs lie. They will even argue, I am just as sure, that the previous defeats of the measure indicate its unworthiness; yet, battered but unbowed, it keeps coming back — why? There are a number of reasons, perhaps the foremost and certainly my personal reason in having supported it through the years is that it simply makes sense to me.

The legislature, in its wisdom, a number of years past, took wines out of the state liquor stores and put them in grocery stores, whereupon, incidentally, the sales rose about tenfold, but they do not put all wines in the grocery stores. They held back the so-called fortified wines, those wines with an alcoholic content of 14 to 20 percent, which, since most ordinary wines go up to 14 percent, represents at most about a 6 percent difference. Sherries, ports, vermouths, muscatels, etc., stayed in the state liquor stores, except — and now there enters a new wrinkle in the state liquor picture to further confuse matters, there comes the agency store.

So, what can happen in certain grocery stores in this state is that in one aisle you have an ordinary table wine and a few aisles over, the customer can find fortified wines and far more serious liquor. But that part of the store is an agency store, one will protest, it is theoretically under control of the state. It is actually the same owner who is managing both kinds of wine under the same roof and apparently doing it without any great difficulty. This is happening in over 50 grocery stores throughout the state. Really, it seems that the major reason behind the longevity and persistence of this bill is that it is a small step in pursuit of that elusive quality of consistency that we are forever seeking but rarely attaining within these halls.

There is an economic argument here, too, a profit argument if you like. No doubt sales will increase; they did dramatically when wines were taken out of liquor stores and they assure they will here. Let's face it. The people who sell wine would not be supporting this measure if they did not think they could make money from it.

As to the fiscal impact of removing these wines from state shelves, I can only say that there will be a lot of figures thrown around here but that Mr. Marcotte, the Director of the State Liquor Commission, testified at the hearing that there would be no loss of revenue in the next biennium.

One should also look at comparative figures. Nationwide, on an average, the sale of fortified wines represents about 30 percent of the sale of all wines. In Massachusetts, this figure rises to 46.5 percent; in Connecticut, 55.2 percent; but in Maine, where the fortified wines are in the liquor stores, that figure is 11 percent, as it

is in Vermont and other states similar to ours.

From the consumer's point of view, of course, there would be, as has happened with ordinary wines, a significant increase in the scope and variety of the product that would be offered. I am sure that Mrs. Sewall from Newcastle will speak about this later. This leads us to what might be called the free enterprise argument. I guess I have had my cautiousness raised in this department by my good friend from Harrison, Mr. Leighton, who totes around copies of the economist Milton Friedman's works as if they were holy writs, and I guess while we are talking about consistency, if we speak about putting the state into the energy business with public power, that is somehow socialism, but the state in the liquor business is something else. However, I will tread softly here because I am personally opposed to having the state get out of the liquor business, the hard liquor business, that is; I only want to see all wines sold together in the same place.

I will leave it to those of you who feel strongly about free enterprise to decide whether you might be striking a blow for your belief in supporting this bill.

I realize there will be powerful arguments offered against the bill, that it will increase the access young people may have to alcoholic beverages, it is also another foot in the door to weaken state control, that "Sneaky Pete," the pernicious muscatel loved by the winos and derelicts in our larger cities, will now be within easier reach of these unfortunates. The discussion doesn't vary very much from session to session.

I ask you only to consider all of these aspects carefully and then decide whether you feel that the discrepancy in the way that we handle the sale of wine in Maine should be changed. If you share my belief that we should be consistent in this instance, then, hopefully, this measure will not be back in the future and we will have a chance to measure its practicality, as we have had with the sale in grocery stores of ordinary wines.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman's comments about free enterprise, I might point out that there are many philosophies of political persuasion here in this House, but as we all know, not all of them are tunnel vision, there are exceptions to everything. I am a strong advocate of local control, strong advocate of free enterprise, but there are exceptions and I submit that this is an exception.

I also take exception to the gentleman's statement that there will be no fiscal impact. I have before me a statement from Frank Robie, Administrative Assistant to the Bureau of Alcoholic Beverages, stating that there will be an economic loss to the state of \$151,980. Now, for those of you who enjoy monetary figures, you can put that where it belongs.

The major argument that I consider here is not the economic loss but this jeopardizes a Maine company. Some of you may not be aware that there is a company which produces wine in Maine, and right now they are protected in the state liquor stores by having a certain amount of space available to them so that they may, in fact, compete with these other large wine companies. Should this bill pass and the authority for selling fortified wine which, by the way — I think I would like to point out for those of you who don't know, wine only ferments to an average of 14 percent. Beyond that, to get at any higher alcoholic content, you have to specifically and intentionally spike the wine. Fortified wine is not something that you find floating around in your grocery stores; it is specifically of a higher alcoholic content, intentionally so, and because of that it is controlled by the state.

Another point was made that agency stores currently sell wine, both regular wine and for-

tified wine, and why not the retailers. Well, first of all. I am not particularly pleased with the concept of the agency store but, besides that, an agency store is carefully selected by the state to sell fortified wines as well as hard liquor. If you think for just a second, imagine a state store today and a grocery store or something right next to it, you have the same type of occasion where you have in one store a wine being sold, a fortified wine, that being the state liquor store, and in the other one you have a dessert wine being sold in a Mama and Papa store.

The thing that bothered me most about this is the inconsistency that this appeared to have when it was introduced in the 108th, my first term here, and that was the availability and the conflict that this bill made in relation to the raised drinking age, at a time when the State of Maine, by authority of the legislature, raised the drinking age in Maine. In its wisdom, the legislature also defeated this measure. It is inconsistent with raising the drinking age and then allowing for a greater dissemination of a fortified wine or spiked wine available to all the youth and whatnot throughout the state.

Of course, this is not legal availability, but you realize that once the wine leaves the state's authority, the legal aspect is not always the overriding aspect of how a wine or why a wine is sold, or any other product for that matter.

There are four major reasons why this bill should not pass: one is economic, financial impact, the loss of \$151,980. Number two, it is inconsistent with the raised drinking age in the State of Maine. Number three, it jeopardizes a Maine company, and for those of you who wouldn't know, if this bill passed and the authority to sell fortified wine went from the state liquor store to the retail stores throughout the State of Maine, imagine a large wine company coming in and you being a store owner, and of course Fairview Wine does not produce that much of a product to have that great a sale, but I submit that due to the competitiveness of the wine business, as in all other businesses, and sometimes the underhanded competitiveness of that business, this wine company could very easily be put out of business by not legal means.

I think there are overriding reasons why this bill shouldn't pass. As Solomon once said, "There is nothing new under the sun, and those who think so are but cheat." There is nothing new with this bill, but it is still a bad bill and will remain a bad bill.

The SPEAKER: The Chair recognizes the gentleman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, Men and Women of the House: I am the cosponsor of this measure and I will tell you exactly why. Perhaps it is out of a selfish reason, but it is a reason that I think is a valid one.

I simply, by any method, in any store, cannot buy certain things in this state. I can buy gin; I can't buy Portuguese port, I just can't buy it, it is just not available. The only way I could possibly get it within the state is to order it by the case, and I really don't want a case — order it by the case through the liquor store and see if they can get it. All I am asking for is the availability to buy fortified wines, port, medeira, sherry, muscatel.

I don't think this is a frightful bill. If in an agency store gin is available, why shouldn't sherry be available? Is this so difficult. Right now it is available. I will tell you a little story about it.

I get the Gourmet magazine and for Thanksgiving and Christmas I always do the centerfold. It takes me some time to prepare the meal. I start by seeing if I can get the wine and, luckily, I can get the wine right in Damariscotta, but this year, as those of you who subscribe to the magazine know, they had a chestnut soup recipe and it called for Madeira, three tablespoons of Madeira. I went to the liquor store and

I said, "I would like the smallest bottle you have of Madeira." They pulled out this giant half gallon of Paul Masson Madeira and said, "here it is." I said, "Really, I don't need all that, haven't you got something smaller and I would rather have an imported one if you have it." "No, I am sorry, this is all we have." I said, "Well, gosh, I have got a month, could you order me a smaller bottle of something, for instance, that won't spoil after six weeks, something a little better like that, could you order it for me?" "Well, no, not unless you want a case and then we don't know how long it will take to get it. Perhaps you should call the Liquor Commission." So, I bought the half gallon of Madeira and took it home, used the three tablespoons full. Nobody seemed to like it very much, it finally got sort of rancid tasting and I ended up throwing it away.

All I am asking is that this be available. I don't think it is such a frightful thing or a surprising thing. I think probably a lot of places wouldn't stock it. I wouldn't mind driving to Portland or Bangor, if only a few places chose to stock it. It is just that it is not available now in any way. If I went to Boston and bought it and came back and I got a bottle of port, Madeira and sherry and brought them in through the border, I am committing a crime. All I am asking for is availability of this product and I don't think that is a frightful thing to ask for.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I feel for Mrs. Sewall because I don't think that is an excuse to pass a bill so that your children can get 20 percent alcohol.

The SPEAKER: The Chair recognizes the gentleman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, Men and Women of the House: In response to that, it is illegal for children to buy liquor. If they go into an agency store where there is gin and if it is their intent to become intoxicated and to illegally buy something, they could get the gin and I assume they would get that rather than a bottle of Madeira.

The SPEAKER: The Chair recognizes the gentleman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Men and Women of the House: I was approached this morning in the Hall by a well known, well paid lobbyist, in regards to this bill. This is the first time anybody this famous in the State House has bothered to ask me for my vote or to give me any information on legislation.

There must be a lot of money involved in this bill and there must be a lot of money being spent on getting it passed. What I wonder is, will it be of any benefit to the people of the state of Maine to have stronger wines available in grocery stores?

I am going to vote against this bill and I urge you to vote against it also.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Millinocket, Mr. Marshall.

He mentioned, in his remarks, an economic loss. He disputed the fact that there is no economic loss to Mr. Rolde, that there is an economic loss of \$151,980; could the gentleman explain exactly how that loss would be derived?

The SPEAKER: The gentleman from Lewiston, Mr. Nadeau, posed a question through the Chair to the gentleman from Millinocket, Mr. Marshall, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to. An interdepartmental memorandum from Mr. Robie to Mr. Siebert, Bureau of the Budget, and I will read those parts which I think may, in fact, help aid you in seeing the light.

L. D. 831 "An Act to Permit the Sale of Dessert Wines at Retail Stores." Enactment of this measure would transfer the sale of dessert wines of 14 percent alcohol by volume from the State Liquor Commission and its state stores through privately owned and operated wholesalers and retailers. During the last fiscal year of 1977-78, the State Liquor Commission sold 58,628 cases or translated that is 144,686 gallons of dessert wines, which is the lowest volume ever obtained. These sales, however, resulted in a new revenue of \$717,690. This downtrend in the sales of dessert wine is in accord with the national trend indicated in the figures of the wine institute. Fifteen years ago, the sales were 56 percent to 44 percent in favor of dessert wines over table wines, where today, the ratio is 80 to 20 in favor of table wines. When this ratio of 80 to 20 is applied to our current actual volume, which is 1,616,000 gallons of table wine, which is the 80 percent figure, which I just mentioned, our maximum estimate for anticipated sales of dessert wine by the commission, by the private licensees, which this bill would provide for, would be 404,080 gallons or 20 percent, nearly three times last year's volume of 144,686. Should this estimated volume be realized by private licensees, the revenue would be \$363,670 for the first year and so forth. That figure is achieved by multiplying 404,080 gallons times 90 cents.

Well, what that all translates into, and I know we are completely bored by now, is \$717,690 which we had anticipated versus what this bill would generate, \$565,710, or a net loss, again, after all this time of \$151,980. That is where the loss comes.

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

Mr. ROLDE: Mr. Speaker, I would pose another question to the gentleman from Millinocket, Mr. Marshall.

I would like to know the date of that memorandum and whether this was before the hearing at which Mr. Marcotte appeared and said there wouldn't be a revenue loss in the next biennium?

The SPEAKER: The gentleman from York, Mr. Rolde, posed a question through the Chair to the gentleman from Millinocket, Mr. Marshall, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: The date of this memorandum is March 19, 1979. I am not sure if there is an update but I am sure I would have heard about it if there was. If you have one, I certainly would love to hear it.

Secondly, I would like to point out also now that I am up on my feet for the third time on this bill, that if you look through the bill, you will find that, perhaps, some of the reasons that there isn't as great a loss in revenue, is because in the gut of this bill is an increase to the consumer of somewhere between 30 cents and \$1.00 per gallon. I submit that to reduce the fiscal impact of this bill down to \$151,980, as I maintain, is the fact that a certain amount of it has been taken over by increased cost to the consumer.

You know this bill would be a great bill for say someone like Gallo of California, who may have an interest in this type of legislation, but I submit to you folks generally and sincerely, that the merits of this bill do not even come close to meeting the demerits of this bill. I suggest that for Gallo of California that we execute this bill properly and send it to the gallows.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is truly a sneaky Pete bill, our old friend. I was so glad that the gentleman from Maine's Gold coast gave recognition to sneaky Pete. Sneaky Pete is the wino's salvation, that one dollar to one dollar and fifty cent bottle of wine that can trip him out shortly.

This morning I will speak briefly as I take you once again through that tour of the supermarket. Let us walk down into that wine cellar or that little cubicle next to the pepsi counter and read those labels. Yes, we are talking about a fortified wine bill, a spiked wine bill. Now, fortified wine is usually referred to as that wine containing 20 to 24 percent alcohol. They have amended this bill and they usually do it this way in here in the past years, this bill would only go to 20 percent alcohol. Twenty percent, does it really make the difference? Maybe, you would think so, when you look up on the shelf and see that Christian Brothers there, not a bad wine, many of you have enjoyed it, it's only 12 percent alcohol. You can enjoy a 12 percent alcohol after spending all week here in this House as busy as you have been and you wouldn't have to really worry too much about being arrested for drunken driving.

They quoted figures here today, but let's take a look at the real figures, the ones that are on that bottle. Yes, you will see there in that supermarket Richards Wild Irish Rose. You know that wine is usually right next to that old scoundrel Thunderbird, 14 percent, that is as high as you can go in the supermarket. Perhaps you don't want wine today, but after watching the TV ads tomorrow and you see that commercial on Pisano wines, this is the wine they suggest when you eat pizza, 12 percent. Yes, they mentioned the coupled brothers Ernest and Julio Gallo out on the West Coast, they make most of the dry wines that are sold here in Maine. They only come up with 11 percent. Maybe alcohol is an evil with you. Maybe you can overlook that evil when you look at Manischewitz and Mogan David Wines, you know, you are taking 11 percent. Sometimes the bottles will even be marked sacramental wines. So, maybe you can trust that one. But the young people, they are impressed by names, Yago Sangria, that is the popular one now, Yago Sangria, that is the one younger people like, seven to ten percent alcohol. You are talking three times more with the fortified wine. Oh, yes, maybe they like that one Cold Duck. That is in the supermarkets now. Cold Duck is only 11 percent, plus. You want champagne, Andreas Champagne, 11 percent no wheres near that 20. But, you know sneaky Pete is the one that bothers me, 20 to 24 percent. Because when you go into that supermarket in my own town or yours or even here in Augusta and you look up on that top shelf, what do you see, you see that lovely lady, the Blue Nun. That Blue Nun, 10 percent alcohol, and for somebody to put a bill in this House to put "Sneaky Pete" with 20 percent upon the shelf next to our Blue Nun, that is nearly sacrilegious.

I am concerned with drinking problems; I am concerned with the Russians. The Statistics on drinking show 40 percent of the Russian people are unable to report for work Monday morning because of the alcohol problem. That bothers me but, really, that Blue Nun is the one that I am worried about today.

If you want to have a nice time at home this weekend and you decide that you want to have a little wine, after you have been here all week, don't bring home to that wonderful wife a fortified wine. I will tell you why. If you sit down when you get the kids off to bed and decide to have a fortified wine, rather than what you usually have, the regular wine, you will end up underneath the kitchen table at eleven o'clock and your wife will have to watch the late show by herself.

I feel that at this time I would like to give this bill a proper and quiet burial by moving the indefinite postponement of this bill and all its accompanying papers.

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

Mr. GRAY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from York, Mr. Rolde.

I wonder if he would give us an explanation of

Amendment H-168, which is part of the Minority Report that he seems to support?

The SPEAKER: The gentleman from Rockland, Mr. Gray, has posed a question through the Chair to the gentleman from York, Mr. Rolde, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would prefer to have somebody from the committee explain why they put on the Committee Amendment.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: At the expense of sounding like a lawyer, I guess I have asked a question that I already know the answer to.

Among other things, this Committee Amendment adds on a fiscal note and the fiscal note reads that the Bureau of Alcoholic Beverages estimates that the passage of this bill will result in a \$151,980 loss of revenue in its second year of operation and thereafter. In its first year of operation, due to a build-in of inventories, there might be a possible increase of revenue, but according to this amendment, over the years it is going to produce an average of around \$150,000 loss of revenue. Yet, we have been told two or three times this morning that there would be no loss of revenue.

I guess whether we like it or not, the state is in the liquor business and revenue realized from the sales is an important source of income. It is one of the first areas that is considered when we talk about raising taxes or looking for new sources of revenue.

It is true that there may be an increase on the wholesale level the first year, but the market is just so large that a million people, the population in this state, will purchase and consume just so much. So, after the shelves are stocked, we can expect a sizeable loss of revenue.

It is true that the agency stores are making a profit, and I hope you keep this in mind when they come back for an increase in their discount.

One point was made that this is an old chestnut and previous sessions have defeated this bill and I hope we continue to vote against it.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I have not been planning to speak on this bill. Unlike the gentelady from Pittston, Mrs. Reeves, I had two lobbyists speak to me about this one. That is unusual, because in my three terms, most of the time one lobbyist didn't approach me.

I am a member of the Legal Affairs Committee and I am one of those who voted "Ought Not to Pass". This bill should not be here. If for no other reason, the Legislature to suffer a blemish. A lobbyist and a wine distributor were indicted by a grand jury but found not guilty after a Superior Court tried them.

Its presence now reminds me of a classic line from John Steinbeck's play "Of Mice and Men." George says to Curly as they were discussing a problem, "If a man is walking along the road and he steps on a rock and sprains his ankle, it isn't the rock's fault, but the man would not have been hurt if the rock had not been there."

Regardless of its disgraceful history, this is a bad bill per se and should be defeated. It is laughable, as well as pathetic, to study the history of the return of available alcohol to the State of Maine in 1933, give or take a year. There were all sorts of restrictions at first in keeping with surprising headlines in the daily papers, banner headlines, which said, "Maine Goes Wet." Great Scott! It was the the surprise of the century.

Authorities felt many restrictions were in order, but with the passing of time, the fences have collapsed and there are constant attempts to knock down the barriers which still stand. This bill is too much of too much already. Let's

kill it.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I don't mean to prolong this, but in the interest of the truth, I must make one comment in regard to what the gentleman from Lewiston, Mr. Call, said. He cited a lobbyist and a wine dealer who were indicted for attempting to influence the Legislature on this bill in the previous session, and that is correct. But I do want you all to know that that lobbyist and that wine dealer were opposed to this bill.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: Listening to the debate today, I find several points, in particular those made by the good gentleman from Millinocket, Mr. Marshall, are somewhat in error.

In dealing with fiscal notes on these kinds of matters, it is almost impossible to come to any kind of an accurate figure. I have received so far, as a matter of fact, three memorandums suggesting various different fiscal notes on this bill. Also, in discussion and in public hearing before my committee, suggestions were made by members of the industry and also by members of the various liquor enforcement and the Bureau of Alcoholic Beverages, divisions of the government, that there is a possibility of increasing income on the part of the state if this bill were enacted. But the committee, in its wisdom, felt that a fiscal note ought to be attached to it in the possibility that there would be a loss.

Also, I would take issue with the gentleman in his remarks with respect that this bill has a potential of doing away with several jobs and in particular a particular industry in this state, and that industry being the Fairview Winery. That industry employs some four or five people and at this point in time receive benefits from bottling wines in this state and thus receives a tax credit, which it would continue to receive and which no other bottler would receive unless it began to bottle fortified or dessert wines within the state.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: Just a brief note that I noted while we were going along and that is, if the state sales of fortified wines are down to 20 percent as opposed to most of the other states having a good deal larger sale, I suggest it is because there are absolutely no choices available in the state liquor stores at this time. I think probably there would be more money coming to the state from the sale of more varieties of wine, that people wouldn't have to go out-of-state to buy something if they wanted something that is not available on the shelves and never would be available on the shelves of the Maine State Liquor Stores. I suggest that if the liquor stores wanted to get out of the business of selling wine, they made it very evident when it came to putting ordinary wines on the shelves, and I think they feel the same way about the fortified wines and that is why they don't offer any choices whatsoever.

I really feel with the tax available on the sale of wine, the state might very well end up by profiting from this bill and not losing.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I guess the reason why I am supporting this "ought to pass" is, first of all, I have two stores I helped so they could sell it in areas like Abbott and one in Harmony. It is my intent to continue to work to get the state out of the liquor business anyway. I see no reason why we should be in it and this is only a step that I hope to continue to strive for as long as I am here. That is the reason I am support-

ing this "ought to pass."

Mr. Joyce of Portland requested a roll call on the indefinite postponement motion.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Joyce, that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. STOVER: Mr. Speaker, I would like to pair my vote with the gentleman from Bath, Ms. Small. If Ms. Small were here she would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Orono, Miss Gavett.

Miss GAVETT: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If Mr. Jalbert were here, he would be voting no and I would be voting yes.

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

ROLL CALL

YEA—Austin, Baker, Berube, Birt, Blodgett, Bordeaux, Bowden, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Call, Carroll, Carter, F.; Churchill, Connolly, Cox, Cunningham, Curtis, Davis, Dellert, Dexter, Drinkwater, Elias, Fenlason, Fillmore, Fowlie, Gould, Gowen, Gray, Higgins, Howe, Hughes, Hunter, Immonen, Jackson, Joyce, Kany, Kiesman, Laffin, Lancaster, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Matthews, McHenry, McPherson, McSweeney, Michael, Mitchell, Morton, Nelson, A.; Nelson, M.; Nelson, N.; Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rollins, Roope, Sherburne, Smith, Sprowl, Stetson, Strout, Tarbell, Tierney, Torrey, Wentworth, Wyman, The Speaker.

NAY—Alopis, Bachrach, Barry, Beaulieu, Benoit, Berry, Boudreau, Brannigan, Brown, K. C.; Carrier, Carter, D.; Chonko, Cloutier, Conary, Damren, Davies, Diamond, Doukas, Dow, Dudley, Dutremble, D.; Dutremble, L.; Gillis, Gwadosky, Hall, Hickey, Hobbins, Huber, Hutchings, Jacques, E.; Jacques, P.; Kane, LaPlante, Leighton, Lewis, Lizotte, MacEachern, Masterman, Masterton, Maxwell, McMahon, Nadeau, Norris, Paradis, Paul, Rolde, Sewall, Simon, Soulas, Studley, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Whittemore, Wood.

ABSENT—Garsoe, Hanson, Kelleher, Leonard, McKean, Silsby, Theriault.

PAIRED—Gavett-Jalbert and Small-Stover.

Yes, 82; No, 58; Absent, 7; Paired, 4.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-eight in the negative with seven being absent and four paired, the motion does prevail.

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

Mr. MARSHALL: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and urge the entire body to vote against the motion.

The SPEAKER: The gentleman from Millinocket, Mr. Marshall, having voted on the prevailing side now moves that the House reconsider its action whereby this bill and all its accompanying papers were indefinitely postponed. Those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did

not prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act to Authorize the Town of Dennysville to Vote on Certain Local Option Questions Concerning the Sale of Liquor" (H. P. 188) (L. D. 238)

Report was signed by the following members:

Messrs. COTE of Androscoggin
FARLEY of York
SHUTE of Waldo

— of the Senate.

Messrs. DUDLEY of Enfield
McSWEENEY of Old Orchard Beach
DELLERT of Gardiner
CALL of Lewiston
VIOLETTE of Van Buren
MAXWELL of Jay
SOULAS of Bangor
Miss GAVETT of Orono
Mr. STOVER of West Bath

— of the House.

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

Report was signed by the following member:
Ms. BROWN of Gorham

— of the House.

Reports were read.

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

Mr. VIOLETTE: Mr. Speaker, I move the acceptance of the Majority "Ought to Pass" Report.

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

Ms. BROWN: Mr. Speaker, I ask for a division.

I rise in opposition to the motion "Ought to Pass" for the following reasons. This type of legislation is just a foot in the door to us, not only allowing the town of Dennysville to vote on certain local option questions, but you will be bombarded for the with amendments from all over the state to allow each and every city and community to do the same, as you already know, if you have looked at your amendment to this bill on your desk, before you know it, they will even attempt to change the entire bill and to change the law to such a degree that will not only allow the change for Dennysville but make it mandatory for every locality in the entire state to vote.

This could put us back ten years, when you had to vote every year to allow liquor or not to allow it, to be served in your community. Do you want this?

Let me read the present law as it stands today. Current state statute limits referendums on local option questions to general elections only, no matter when petitions initiating those referendums are submitted and no matter what the current needs for a vote on those questions. That is the law. It has worked well for the rest of the state, so why change it? Let's proceed with caution and not allow special interests the opportunity to destroy the present law.

In conclusion, special elections are expensive. Why burden the taxpayer with added taxes to favor special interests.

I hope you will vote against the motion and allow the Minority "Ought Not to Pass" Report be accepted.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: It was the feeling of the vast majority of the Committee on Legal Affairs that the Dennysville situation prompted some kind of special attention. Dennysville did not exercise its local option issue in the general election this past November. It had no reason to and thus it didn't exercise its local option.

It was the feeling of the committee that after the good gentleman, the good representative from that area, Representative Vose and other people from that area, that in suggesting to us why they ought to be granted a special exemption, that, indeed, there were special circumstances surrounding that and only that town. For that reason, the committee, 12 to 1, moved "Ought to Pass" to grant Dennysville the opportunity to have a special election with regard to local option.

In reference to Ms. Brown, the good lady from Gorham, in reference to other communities which would be proposing any kind of amendments, I would suggest that they can not do that at this time and when they do, they will have to settle those amendments here on the floor of the House. The committee felt that Dennysville ought to be granted an opportunity to exercise its local option issue which it had not exercised in the general election.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Van Buren, Mr. Violette that the House accept the Majority "Ought to Pass" Report. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 17 in the negative, the motion did prevail.

Thereupon, the Bill was read once and assigned for Second Reading tomorrow.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" on Bill "An Act Relating to Nomination Petitions for Municipal Office" (H. P. 556) (L. D. 703)

Report was signed by the following members:

Mr. FARLEY of York

— of the Senate.

Ms. BENOIT of South Portland

Messrs. BERRY of Buxton
NADEAU of Lewiston
GOULD of Old Town
TIERNEY of Lisbon
HALL of Sangerville

— of the House.

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

Report was signed by the following members:

Mr. PIERCE of Kennebec

— of the Senate.

Mrs. SEWALL of Newcastle

Ms. SMALL of Bath

Mr. STUDLEY of Berwick

Mrs. WENTWORTH of Wells

— of the House.

Reports were read.

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

Ms. BENOIT: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

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

Mr. VINCENT: Mr. Speaker and Members of the House: I would request through the Chair to anyone on the committee if they could offer an explanation as to what this bill does in the report?

The SPEAKER: The gentleman from Portland, Mr. Vincent, posed a question through the Chair to any member who cares to answer.

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

Ms. BENOIT: Mr. Speaker, Ladies and Gentlemen of the House: There are good arguments on both sides of this bill but the majority of the committee came down on the side that we should require people that want to run for office at the municipal level to obtain less signatures than are now required by present law.

In many instances, people who run for municipal office need more signatures on a petition than we, who run for the House or the other body. Also, a lot of times, these municipi-

pal offices are not political and we have a difficult time getting people to run for these offices. To get somebody interested in running and then you tell them that they may need to possibly obtain 100 signatures in order to get on the ballot, that in itself may deter them from running. We need people to run for local offices. We just felt, the majority of the committee, that they just should not need more than 25 signatures. It was really quite simple and somebody reported it out "Ought to Pass".

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone on the committee. First, the background is, in my city, we have a requirement for a certain number of signatures by charter. The city charter says, you have to have so many. How would this affect that please?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, posed a question through the Chair to any member who cares to answer.

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

Ms. BENOIT: Mr. Speaker and Members of the House: In answer to the question, it is my understanding that it does not affect towns with a charter.

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

Mr. VINCENT: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this bill with the acceptance of the Majority Report. In the particular case on this bill, I would be required to gather more signatures than members for the City Council. I am also required to gather just democratic signatures in order to appear on the ballot for primary, whereby people running for council elections are required or may have Republicans, Democrats or Independents signing their petition. There are too many people appearing on the ballots for city council elections or town council elections that do it strictly as a lark, to have their names in the paper. To make it easier for these people that do not have serious intent to have their names appear in the paper and to appear on the ballot, I seem to think would undermine the political process. In my particular case, I represent one-third of the City of Portland. Council members, whether they are in districts or at-large, would be required the minimum of representing one-sixth of the people of Portland. To have these people to obtain fewer signatures than I, was limited on who can sign my petitions, I think is contrary to what some of the people intended in this bill.

I would hope you would vote to defeat the "Ought to Pass" motion.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, I am on my feet because this is my bill. I would like to point out to you the reasons why I introduced it.

When I circulate petitions to get elected to the House of Representatives in my district, I only need 25 signatures on my nomination paper and I represent 6200 people. When I circulate a petition to get elected to my town council in a district that I represent only 900 people, I need 75 signatures. I think that is ridiculous. If more than three or four people decide to run, it becomes very difficult for them to obtain signatures even though the law has been changed. It now reads you can sign as many nomination petitions as are being circulated. I think all we are doing is making it more difficult for people who want to become involved in local affairs. We are making it more difficult for them to get involved by putting unnecessary barriers in front of their intentions.

All this bill would do, is to facilitate the ease that a person may get on a ballot locally, if there are enough signatures required to make them sincere in their effort and I would hope

that you would go along with the Majority Report, "Ought to Pass".

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak this morning but I do take umbrage at some of the statements made by my good friend, Mr. Vincent. I think it is inherent for all people to run for office. To say that people run for municipal office, as opposed to running for the Legislature, is simply a lark is really not necessary.

I would hope that there would be more people running for office and if this bill would provide that, I would be for it. I just can't understand anyone belittling those who run for local office or people who run for the Legislature. I think that is what the system is all about and I simply want to correct that. I think we should encourage people to run. Apathy is probably our greatest problem.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I have never heard of anyone who couldn't get enough signatures to get on a ballot, regardless of who that person is or what they are running for. Most of the time, people will, at least, give someone an opportunity to get on the ballot. They might not agree with that person's views or that person's candidacy but usually they will sign the petition to allow that person to get on the ballot.

So, I would concur with the statements Mr. Carter made, that we shouldn't force these people to get 100 or 200 or 75 signatures. Let's keep the signatures down, let everyone get on the ballot and the best person will win, I am sure.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to rise and explain the reason I signed the "Ought to Pass" Report and it is simply this, that we, as legislative candidates, the law requires only 25 signatures and I really can't see how we, in this House, can ask municipal candidates to obtain more than we must, when oftentimes we represent more people in the first place.

Now, I take issue with the contentions of Mr. Vincent, my good friend from Portland! The point brought out by Mr. Pearson is a very good one, that municipalities with local charters have the option to decide for themselves how many signatures they want their candidates to obtain. Therefore, if in any given municipality or town there is a problem, they can take care of it on a local level. This is providing for those towns without charters and just trying to make the process a little more open and a little more fair.

Now, in these times of voter apathy and low voter turnouts, we want to do nothing but encourage the people to get involved in the political process. I think this is a very easy way to obtain that goal.

I certainly hope you can see yourself to see clear to support this piece of legislation.

The SPEAKER: The pending question is on the motion of Ms. Benoit of South Portland that the House accept the Majority "Ought to Pass" Report. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

93 having voted in the affirmative and 14 having voted in the negative, the motion did prevail.

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

Consent Calendar First Day

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

(H. P. 651) (L. D. 804) Bill "An Act Concern-

ing the Term of Office of Plantation Assessors" Committee on Local and County Government reporting "Ought to Pass"

(H. P. 763) (L. D. 943) Bill "An Act to Amend the Excise Tax on Certain Pickup Trucks" Committee on Taxation reporting "Ought to Pass"

(H. P. 812) (L. D. 1014) Bill "An Act to Eliminate the Requirement that all Personnel Actions for the Judicial Department be Reported to the Commissioner of Personnel" Committee on Judiciary reporting "Ought to Pass"

(H. P. 813) (L. D. 1015) Bill "An Act to Eliminate the Requirement that Judicial Department Payrolls be Approved by the Commissioner of Personnel" Committee on Judiciary reporting "Ought to Pass"

(H. P. 412) (L. D. 513) Bill "An Act Concerning the Degree of Flammability of Insulation Installed in Residences" (Emergency) Committee on Business Legislation reporting "Ought to Pass"

(H. P. 484) (L. D. 614) Bill "An Act Relating to Guaranty Fund Requirements for Credit Unions" Committee on Business Legislation reporting "Ought to Pass"

(H. P. 485) (L. D. 615) Bill "An Act Relating to Limits of Credit Authority of Credit Unions" Committee on Business Legislation reporting "Ought to Pass"

(H. P. 421) (L. D. 516) Bill "An Act Relating to Attorney's Fees when Expenses are Paid in Workers' Compensation Cases" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-170)

(H. P. 597) (L. D. 741) Bill "An Act to Abolish County Subsidies to the Superior Court System" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-171)

(H. P. 434) (L. D. 551) Bill "An Act Establishing Penalties for Cutting Timber Without the Owner's Permission" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-172)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 6, under listing of Second Day.

(H. P. 1119) (L. D. 1284) Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Instructors at the Vocational-Technical Institutes and the School of Practical Nursing" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-173)

On the objection of Mr. Martin of Eagle Lake, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-173) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(H. P. 1263) (L. D. 1447) Bill "An Act to Fund and Implement Agreements between the State and the Maine State Employees Association and to Fund and Implement Benefits for Managerial and Other Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

On the objection of Mr. Martin of Eagle Lake, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

Under suspension of the rules, the bill was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Consent Calendar Second Day

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

(H. P. 734) (L. D. 921) Bill "An Act to Create a Lake Restoration Fund"

On objection of Mr. McHenry of Madawaska, removed from the Consent Calendar Second Day.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading to-morrow.

(H. P. 426) (L. D. 588) Bill "An Act Concerning the Registration under the Motor Vehicle Statutes of Farm Motor Vehicles Using Dolly Axles"

(H. P. 172) (L. D. 218) Bill "An Act Authorizing the Postponement of National School Lunch Programs"

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

(H. P. 8) (L. D. 17) Bill "An Act Concerning Nomination of Candidates for Municipal Offices"

On objection of Mr. Diamond of Windham, was removed from the Consent Calendar Second Day.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading to-morrow.

(H. P. 210) (L. D. 258) Bill "An Act to Amend the Mandatory Shoreland Zoning Act"

(H. P. 558) (L. D. 705) Bill "An Act to Provide for the Consideration of Environmental and Economic Effects Associated with the Tidal Power Demonstration Project at Half Moon Cove"

(S. P. 58) (L. D. 91) Bill "An Act to Require that Fairs meet Qualifications Standards before they are Entitled to Receive Money from the Stipend Fund" (C. "A" S-74)

(S. P. 139) (L. D. 321) Bill "An Act Providing for Archaeological Investigation of the 'Viking Coin' Historical Site" (Emergency) (C. "A" S-71)

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

Passed to Be Engrossed

Bill "An Act Providing for Equitable Unemployment Compensation by Related Corporations that Concurrently Employ the Same Individual" (S. P. 195) (L. D. 462)

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

Second Reader

Tabled and Assigned

Bill "An Act to Make the Voluntary Payment of Workers' Compensation Nonprejudicial" (H. P. 417) (L. D. 542)

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

On motion of Mr. Wyman of Pittsfield, tabled pending passage to be engrossed and tomorrow assigned.

Amended Bill

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 401) (L. D. 1161) (S. "A" S-43), (S. "C" (S-64), (S. "D" (S-66), S. "E" (S-73) and S. "F" (S-77)

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

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

House Amendment "A" (H-174) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Senate Amendments "A," "C," "D," "E," "F," and House Amendment "A" in non-concurrence and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act to Amend the Representation of Towns on Community School Districts (S. P. 93) (L. D. 179) (S. "C" S-70 to C. "A" S-33)

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

Emergency Measure

An Act Concerning Telecommunications for the Deaf (S. P. 152) (L. D. 329) (C. "A" S-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. 123 voted in favor 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 Authorizing the Public Utilities Commission to use a Modified Procedure in Uncontested Cases Relating to the Assignment and Transfer of Contract Carrier Permits (S. P. 112) (L. D. 215)

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

An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances (H. P. 18) (L. D. 35) (S. "A" S-67)

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

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

Mr. VINCENT: Mr. Speaker, could I have an explanation of Senate Amendment "A"?

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

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

Mr. GRAY: Mr. Speaker, perhaps I can satisfy his question with just a brief explanation on what Senate Amendment "A" does.

Under present law for juveniles, A, B, and C crimes are open to the public. D and E crimes, unless combined with A, B and C crimes, are closed to the public. In other words, they are prohibited by law from being open to the public.

Senate Amendment "A" would change the law, in that it would leave discretion with the court as to whether the names of juveniles will be released in connection with D and E crimes. To repeat that just briefly, D and E crimes are closed to the public as of now. This would change the law and would allow the judge, if he thought it was in the best interest of the juvenile, to release the names on D and E crimes.

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

An Act Concerning Removal of Unattached Nonmembers from Indian Reservations (H. P. 398) (L. D. 505)

An Act to Prohibit Vehicles from Passing School Buses on School Property while Buses are Receiving or Discharging Students (H. P.

637) (L. D. 788)

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.

Orders of the Day

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

Bill, "An Act Releasing to the City of Bangor the State's Interests in a Portion of the Bed of the Penobscot River" (H. P. 528) (L. D. 650)

Tabled — April 3, 1979 by Mr. Cox of Brewer.

Pending — Passage to be Engrossed.

On motion of Mr. Cox of Brewer, retabled pending passage to be engrossed and specially assigned for Monday, April 9.

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

An Act to Exempt part-time Musicians from the Unemployment Compensation Tax (H. P. 311) (L. D. 407)

Tabled — April 3, 1979 by Mr. Vincent of Portland.

Pending — Passage to be Enacted.

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

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

Bill, "An Act to Implement a Plan for the Prevention and Treatment of Alcoholism and Alcohol Abuse" (H. P. 1206) (L. D. 1485) — In House, Referred to Committee on Health and Institutional Services on March 28, 1979 — In Senate, Referred to Committee on Appropriations and Financial Affairs on April 3, 1979.

Tabled — April 4, 1979 by Mr. Pearson of Old Town.

Pending — Further Consideration

Thereupon, on motion of Mr. Pearson of Old Town, the House voted to insist.

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

HOUSE REPORT — "Leave to Withdraw" — Committee on Election Laws on Bill, "An Act to Require Each Primary Candidate to be a Resident of the District from which he is Running Prior to the Primaries" (H. P. 518) (L. D. 661)

Tabled—April 4, 1979 by Mr. Tierney of Lisbon.

Pending—Acceptance of the "Leave to Withdraw" Report.

Thereupon, the Report was accepted and sent up for concurrence.

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

An Act to Adjust the Penalty Assessed Against Small Employers under the Employment Security Law (H. P. 310) (L. D. 400) (C. "A" H-127)

Tabled—April 4, 1979 by Mr. Wyman of Pittsfield.

Pending—Passage to be Enacted.

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

Mr. LEONARD: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration.

Whereupon, Mr. Wyman of Pittsfield objected.

The SPEAKER: All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tarbell of Bangor 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 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 Woolwich, Mr. Leonard, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote of all the members present and voting. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Berube, Birt, Bordeaux, Boudreau, Bowden, Brown, D., Carrier, Carter, F., Churchill, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Gavett, Gillis, Gould, Gowen, Gray, Higgins, Huber, Hunter, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Martin, A., Masterman, Matthews, Maxwell, McHenry, McMahon, McPherson, Morton, Nelson, A., Norris, Payne, Pearson, Peterson, Reeves, J., Rollins, Roope, Sewall, Sherburne, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whittmore.

NAY—Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A., Brown, K. C., Call, Carroll, Carter, D., Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dudley, Dutremble, D., Elias, Fowlie, Gwadnosky, Hall, Hickey, Hobbins, Hughes, Jacques, E., Joyce, Kane, Kany, LaPlante, Lizotte, Locke, MacEachern, Mahany, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M., Nelson, N., Paradis, Paul, Post, Prescott, Reeves, P., Rolde, Simon, Soulas, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman.

ABSENT—Brown, K. L., Bunker, Conary, Dutremble, L., Garsoe, Hanson, Howe, Hutchings, Jacques, P., Jalbert, Kelleher, Laffin, Marshall, Peltier, Silsby, Small, Theriault.

Yes, 67; No, 66; Absent, 17.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-six in the negative, with seventeen being absent, the rules are not suspended.

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

Mr. LEONARD: Mr. Speaker, I might have been confused, but I assumed I could not debate at that time. Was I correct?

The SPEAKER: The Chair would answer in the affirmative. The debate on enactment may now proceed.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I have a bit of a problem with this bill. This was my bill originally. In its present form it is not mine, and I am somewhat a little bit dismayed as to why I am being denied the opportunity to reconsider the bill.

It is a simple bill, but there is a lot of confusion not only within the department and within this body, at least on my part, but also in the Attorney General's Office.

What I have done, I had difficulty understanding exactly what the committee was trying to do in their report. Therefore, as a result of that, I asked the Bureau of Labor their interpretation of the legislation. Seth Thornton of that department indicated to me that he had a little bit of difficulty understanding the committee amendment as well. His difficulty was a little bit different than mine; however, he did have some problems in determining which way they would have to proceed on the department level to implement the intent of the legislation. As a result of that and discussing it with several other people, I went to the Attorney General's Office and asked them their interpretation of the bill and I got a different interpretation than what Mr. Thornton of the Bureau of Labor felt was the intent. Therefore, I said, will you help me in drafting something that will at least be palatable to both sides and in all cases will

be interpreted the same way. They did, and that is very briefly for the record so that when the department, in their infinite wisdom, has to implement the intent of the legislation, they, hopefully, will come back to House Amendment "B" and use that as being the gospel in this case.

"If quarterly contributions are not paid when due, the commission shall assess a penalty of 2 percent of the amount of contributions, provided that contributions are paid within 30 days after the due date or a waiver. If the contributions are not paid within 30 days after the due date or a waiver, the commission shall assess an additional penalty of 3 percent of the amount of contributions. In either case, the penalty shall not be less than \$5 nor more than \$100."

I might as well just lay a couple of cannons out on the line here for a moment and just say, for the life of me, since the intent of this amendment and the legal interpretation of this amendment is, in fact, what the existing bill, if you will, will ultimately do if it is interpreted correctly, and since there is a lot of misunderstanding, I don't understand why someone won't allow me the opportunity to back up, correct a mistake and put on the statutes of the State of Maine something that can be understood by all those that will ultimately be concerned. It doesn't make a bit of sense. It seems pretty petty and I hope it will cease in the future.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I feel obligated, since Mr. Leonard has tried to clarify this piece of legislation, that I should clarify his clarification and let Mr. Leonard know, and all the other members of the House, that I do my best to avoid pettiness, and I think that the members of the Committee on Labor also share that view.

Mr. Leonard's interpretation of his particular amendment and his interpretation of the bill as it was amended by the Committee, I think are erroneous.

The Committee on Labor considered this bill. Initially, Mr. Leonard's bill would have imposed a 2 percent penalty across the board for all time for all employers. We felt that that was going a little bit too far and so the compromise was 2 percent for the first 30 days. That would afford the small businessman, who had some legitimate difficulty in making his quarterly payment, plenty of opportunity to correct his error and not be imposed with a full 5 percent fine. However, it was the intent of the committee, and Mr. Leonard has subsequently agreed with this intent, that after the 30 day period, the fine would be 5 percent. This particular amendment that Mr. Leonard wanted to offer us would, hopefully, "clarify the issue", but it actually would have permitted only a 3 percent fine after the first 30 days.

Mr. Leonard approached me with an amendment which was not substantively different at all from what the committee reported out. He asked me if I approved of it and I told him I did and he said he intended to offer it. Then, lo and behold, I find this amendment, which is not the one that I agreed to, being offered by Mr. Leonard without him speaking to me about it beforehand. I know that Mr. Leonard did not deliberately try to deceive me. I know he is an honorable gentleman and would not try to do that, but this particular amendment is not the amendment at all that Mr. Leonard intended to offer and it is something that is substantively different, would impose a 3 percent fine instead of the 5 percent fine that Mr. Leonard, myself and every single member of the committee thought was proper after the 30-day period.

I hope that does clarify the issue, and if Mr. Thornton has any difficulty with it, then he will be free to solicit any Attorney General's opinion. I would just like to state for the record that I have not seen any opinion from the Attorney General.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Seeing the problems that we are having with this bill, I now move the indefinite postponement of the bill and all its accompanying papers, and I would ask for a roll call.

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

Mr. LEONARD: Mr. Speaker and Members of the House: I have no difficulty believing that would be the intent of that gentleman and many, many others around here. The idea in legislation, I guess, is to word something so poorly that no one can figure it out and no one really dares to touch it and ultimately you get rid of it, and that is a crime, because the existing statutes are unfair and I put that debate in front of you before and you accept that. The intent of my amendment that I was to offer was nothing more than to clarify exactly what the debate lent itself to before, and clarified as well.

I would like to go back to what Mr. Wyman said previously, that he hadn't seen an Attorney General's ruling, and I haven't got one, but I can assure you that this amendment was drafted with their input. The point that Mr. Wyman circumvented it is the fact that the Bureau of Labor can't even understand what they are trying to do. I certainly wouldn't indefinitely postpone the bill as a result of all the confusion, because it is a good bill, no matter how messed up it came out of committee, so I hope you will just vote against the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: There has been quite a lot of confusion arise out of the subsequent amendment and so forth to this legislation as it has gone through the process. I personally am wondering what should be done.

I do feel that the present law is unfair and we did accept that, as the previous speaker told you. We want to change some of the unfairness in the present law. If the bill which we came out with from the committee continues the unfairness, or it obfuscates it in some way so that we can't clear it up, we should give the sponsors of this legislation an opportunity to make the bill into a good bill.

I am sure it was not the intent of the committee to make the bill worse than it has been presented or to make the unfairness greater or to make it more difficult to administer the legislation within the department. If we have done that, it is through inadvertence that we have done that and we would like to have the opportunity to correct it and to make it better.

It would be wrong for us to just completely say, well, we have got too big a job here now, let's just throw it away and not bother with it. I think that we should accept the challenge of doing a good job and not just say, let's indefinitely postpone it and not do the job. Let's keep the bill alive, let's accept the challenge of making the bill into something that is a workable bill and something that the department can work with. Let's not indefinitely postpone it at this time.

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

Mr. DEXTER: Mr. Speaker, I move we table this for two legislative days pending the motion to indefinitely postpone.

Whereupon, Mr. Wyman of Pittsfield 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 Kingfield, Mr. Dexter, that this bill be tabled pending the motion of Mr. McHenry of Madawaska to indefinitely postpone and specially assigned for Monday, April 9. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Barry, Berube, Bordeaux, Boudreau, Bowden, Brown, D., Brown, K. L., Bunker, Carrier, Carter, F., Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dutremble, L., Fenlason, Fillmore, Gavett, Gillis, Gould, Gowen, Gray, Hickey, Higgins, Hunter, Hutchings, Higgins, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lowe, Lund, MacBride, Martin, A., Masterman, Masterton, Matthews, Maxwell, McMahon, McPherson, Morton, Nelson, A., Payne, Peterson, Post, Reeves, J., Rollins, Roope, Sewall, Sherburne, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Tozier, Wentworth, Whittemore.

NAY—Bachrach, Baker, Beaulieu, Benoit, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A., Brown, K. C., Call, Carroll, Carter, D., Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dudley, Dutremble, D., Elias, Gwadosky, Hall, Hobbins, Hughes, Jacques, E., Jacques, P., Joyce, Kane, Kany, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M., Nelson, N., Paradis, Paul, Pearson, Prescott, Reeves, P., Rolde, Simon, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Sneaker.

ABSENT—Berry, Birt, Chonko, Fowlie, Garsoe, Hanson, Howe, Huber, Jalbert, Kelleher, Lougee, Marshall, Norris, Peltier, Silsby, Small, Theriault, Twitchell.

Yes, 71; No, 62; Absent, 18.

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

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

Bill, "An Act to Prohibit the Possession of Manufactured Items the Serial Numbers of Which Have Been Altered" (H. P. 470) (L. D. 598)

Tabled—April 4, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

On motion of Mrs. Post of Owl's Head, adjourned until twelve o'clock noon tomorrow.