

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Tuesday, April 10, 1979

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

Prayer by the Reverend Terrence O'Neill of the Milbridge and Wyman United Methodist Churches.

Rev. O'NEILL: Good morning. In a prayerful mode, let us ask God's blessing while he attempts to govern his people.

Gracious God, we give thee thanks for the rest of the past night and for the gift of a new day. We ask that you grant that we pass its hours in service to thee. We ask that you sanctify this gathering with Thy presence, fill our hearts with compassion, with your wisdom, that the least of our routine duties might be grandly done and bear the seal of your righteousness. Grant that we may so do our work that it shall not need to be undone. We ask that you stay the fervor and zeal in our hearts and let it give way to the light of Thine own eternity.

Father, we ask that you grant this body clarity of thought, evenness of temper and willingness to persevere in Thy service. Lord, God, creator of the universe, help us to recognize who we are on the face of your world. Help us to realize in our hearts as well as in our minds that we are but brief tenants and that what we do is not at all lasting. We ask for courage when courage fails and our nation is in distress. Keep us resolute and steadfast in the things that cannot be shaken, abounding in hope and knowing that our labor is not in vain if our labor is in and for thee.

Fix thou our steps, O Lord, that we stagger not but go steadily on our way. It is you, Father, that has brought us to power; it is you that has bound us together. Give us grace to understand how our lives depend upon the courage, the industry, the honesty and the integrity of our fellow men that we may be mindful of their needs, grateful for their fidelity and faithful in our responsibilities to them. We offer this prayer in service to you, Our Lord and Our God. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following communication:

THE SENATE OF MAINE

April 9, 1979

The Honorable Edwin H. Pert
Clerk of the House
109th Legislature
Augusta, Maine 04330

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby is accepted the 'Ought Not to Pass' Report of the Committee on Bill, "An Act to Provide Continued Educational Benefits for Veterans Widows after Remarriage", (H. P. 553) (L. D. 700)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Bill, "An Act to Amend the Oil Burner Men's Licensing Board's Authority to Include Regulation of Oil and Solid fuel Equipment and the Licensing of Service People" (S. P. 485) (L. D. 1548)

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

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

Bill, "An Act to Appropriate Money for Public Fish Piers, Airports and other Transportation Improvements and to Authorize General Fund Bond Issue in the Amount of

\$11,810,000" (S. P. 487) (L. D. 1549)

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

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

Reports of Committees

Leave to Withdraw

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on RESOLVE, to Provide a Minimum Retirement Credit to Shirley Quint of Hodgdon (S. P. 224) (L. D. 639)

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on RESOLVE, to Provide a Minimum Retirement Credit to Mrs. M. Jerome Dickinson of Hodgdon (S. P. 225) (L. D. 640)

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on RESOLVE, to Provide Minimum Retirement Credit for Elwood Lloyd of Smyrna (S. P. 284) (L. D. 839)

Came from the Senate with the Reports read and accepted.

Reports were read and accepted in concurrence.

Ought to Pass

Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act Relating to the Rules Governing the Inspection and Licensing of Motor Vehicle Racing" (S. P. 232) (L. D. 684)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-95)

In the House the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-95) by the Clerk read and adopted in concurrence and the Bill assigned for Second Reading Wednesday, April 11.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" on Bill "An Act to Permit Juvenile Offenders who are Deaf or Mute, or Both, to be Committed to the Maine Youth Center" (Emergency) (S. P. 207) (L. D. 580)

Report was signed by the following members:

Mr. CARPENTER of Aroostook — of the Senate.

Mrs. CURTIS of Milbridge

Mrs. PRESCOTT of Hampden

Messrs. BRENERMAN of Portland

BRODEUR of Auburn

CLOUTIER of South Portland

VINCENT of Portland

NORRIS of Brewer

— of the House.

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

Report was signed by the following members:

Mrs. GILL of Cumberland

Mr. HICHENS of York

— of the Senate.

Mrs. MacBRIDE of Presque Isle

Mr. MATTHEWS of Caribou

Mrs. PAYNE of Portland

— of the House.

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.

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

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

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: Though it is too late to

actually change my vote on this bill, it is not too late to change my mind.

At the time we voted, this bill had a fiscal note, but this need has since been removed by the Department of Mental Health and Correction and I will be glad to support the bill that changes the statute to allow the deaf to the Maine Youth Center for rehabilitation.

Thereupon, on motion of Mrs. Prescott of Hampden, the Majority "Ought to Pass" Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Messages and Documents

The following Communication: (S. P. 496)

State of Maine

SENATE CHAMBER

President's Office

Augusta, Maine

April 6, 1979

Honorable Howard Trotzky
Honorable Laurence Connolly
Chairmen, Education Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Rene P. Simard of Biddeford to be a member of the State Board of Education.

Pursuant to Title 20 MRSA, Section 51, this nomination requires review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

Came from the Senate Read and Referred to the Committee on Education.

In the House the Communication was read and referred to the Committee on Education in concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1297) recognizing that:

Miss Constance Crandlemire, daughter of Mr. and Mrs. Richard Crandlemire of Vanceboro, has received the Maine State Good Citizen Award of 1979, sponsored by the Lydia Putnam Chapter of Daughters of the American Revolution.

Presented by Mr. Fenlason of Danforth.

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

On motion of Mr. Jalbert of Lewiston, the following Joint Resolution: (H. P. 1298) (Cosponsor: Mr. Martin of Eagle Lake)

In Memoriam

WHEREAS, the Members of the Legislature have learned of the death on April 7, 1979, of Robert M. Crocker of Silver Springs, Maryland; and

WHEREAS, Robert M. Crocker was a graduate of Bates College, Lewiston, Maine in the year 1938; and

WHEREAS, Robert M. Crocker, following a period of apprenticeship in journalism, became the Augusta, Maine, Capital Correspondent for the Associated Press; and

WHEREAS, Robert M. Crocker thereby earned a solid legislative and State Government reputation as a highly professional, ethical and respected journalist; and

WHEREAS, such respect was duly noted by his election as the first President of the State House Newsmen's Association and a 1969 award for professionalism by then Governor Kenneth E. Curtis; and

WHEREAS, during the years following, Robert M. Crocker was repeatedly named as National Secretary-Treasurer of the American Newspaper Guild; and

WHEREAS, Robert M. Crocker was, in the opinion of the cosponsors of this Resolution, a

newspaperman's newsman of the highest quality; now, therefore be it

RESOLVED: That we, the Members of the 109th Session of the Maine Legislature, do hereby pay this official tribute to the late Robert M. Crocker and so enter this memorial into the archives of the State; and be it further

RESOLVED: That the Clerk of the House be directed to send duly authenticated copies of this memorial to the widow of Robert M. Crocker, Dorothy, to the daughter, Janet Rohman and the son, Steven.

The Resolution was read.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: It is with sorrow that I present this Joint Resolution, and I know I speak for the cosponsor, the Speaker of the House, the Honorable John Martin, as well as possibly 15 other members who are still here who remember Bob Crocker.

Bob Crocker was a gentleman in all senses of the word. If he wrote something or was about to write something that would not please the individual he was writing about, he made it a habit of going to that individual to tell him what the problem was and if it was straightened out, that was the end of it.

He was alone covering the Associated Press in almost all of his stay here. As a matter of fact, I can remember once in a while covering for him as a member of the Appropriations Committee.

I think the resolution speaks pretty much for itself. Bob Crocker had an extremely strong feeling for the Maine House of Representatives. It was only a few weeks ago that I saw him in Waterville, and before he asked me any other question—how is everything going along in the House? He was a gentleman, as I stated before, but I think the best way to analyse Bob Crocker is in the resolution. He was a newspaperman's newsman. I know that if you knew him, you would feel as I do and you would miss him and I know all of us who knew him well will miss him.

Mr. Speaker, I move the adoption of the Resolution.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I do rise this morning to endorse the remarks made by the gentleman from Lewiston, Mr. Jalbert. Bob Crocker has been out of here for some years, but I'd been quite well acquainted with him when he was down here. He was a person that I used to enjoy talking with. As Louie said, he spent a good deal of his time—he was alone here, one of the few newsmen at that time; they didn't have the coverage that they have today.

Bob Crocker did an excellent job in covering the legislature for the many years he was here, and I am sure that we who knew him enjoyed him greatly.

Thereupon, the Resolution was adopted and sent up for concurrence.

House Reports of Committees Leave to Withdraw

Mr. Cunningham from the Committee on Labor on Bill "An Act to Clarify Issues under the Municipal Public Employees Labor Relations Statutes" (H. P. 218) (L. D. 266) reporting "Leave to Withdraw"

The Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices" (H. P. 624) (L. D. 766)

Report was signed by the following members:

Messrs. CHAPMAN of Sagadahoc
AULT of Kennebec

— of the Senate.

Miss ALOUPIS of Bangor

Messrs. WHITTEMORE of Skowhegan

SPROWL of Hope

Miss BROWN of Bethel

— of the House.

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

Report was signed by the following members:

Ms. CLARK of Cumberland

— of the Senate.

Messrs. HOWE of South Portland

GWADOSKY of Fairfield

DUTREMBLE of Biddeford

LIZOTTE of Biddeford

BRANNIGAN of Portland

— of the House.

Reports were read.

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

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

Ladies and Gentlemen of the House: When the gentlewoman from Falmouth, Mrs. Huber, and I put this bill in, gas prices in the State of Maine were about 10 per cent lower than they are now, and that was just not too many weeks ago. She and I were thinking along the same lines, as we often do on energy issues. This bill actually was a suggestion to me for the first time from an old friend of mine in the hamlet of New Gloucesters. As we sat late one evening in a small commercial establishment on the Portland waterfront and commiserated on this and other matters, I felt this probably one of the most useful little ideas that we might pass during this session to help citizens of the State of Maine, and I still feel that way.

I have got a little montage, a little hand out this morning, you might want to take a look at it. It's got an interesting array of newspaper editorials, headlines, and three photographs that I think demonstrate what we are all up against when we are headed for the gas pump, as we have to just about every day. The top headline read, "Maine Gasoline Prices Up, Up, and Away." Another headline reads, "Gasoline Prices and the Supply Fluctuate Widely."

If everybody were charging the same price for gasoline, I don't think there would be any need for the bill, because we would all be stuck with the same price and there would be no point in trying to shop around. The very essence of this bill, I think, is to enable people to shop around, provide customers with the very information they need to try to save a few pennies here and there.

Then, another peculiar problem that some of us are faced with, depending upon what gas station we go to, is represented by this photograph in the middle of the handout. When some of us drive up to a gas station and we are confronted with a big orange and red sign which reads '54,' and as a writer in the Sentinel staff said, he thought he was in the Twilight Zone. Since he left the office, he thought he had been traveling backward in time to a day when gasoline was only 54 cents, but lo and behold, as he pulled into the station, his hopes were dashed and he realized that the price was actually for cigarettes.

I suspect that somebody has got a pretty good promotional campaign for this type of big metal sign that has the large numbers and in very small letters "cigarettes" at the top. I have seen these at a number of gasoline stations where there is no price posted for gasoline. Internationally or otherwise, it certainly can be misleading.

The Kennebec Journal, on March 31, editorialized in part: "The Maine Legislature is being asked to require auto service stations to post signs listing their gasoline prices. Many stations have done this in the past but with today's high and changing prices, some signs have been

removed. The result is, motorists have had to squint at dirty gauges on pumps to learn that the price of gasoline, octane rated for their car, is three or four cents higher than the clearly posted price of a station down the street.

I think this is really what we are up against. Many times we drive up to the pumps, we park so that the filler pipe is opposite the pump and then we try to look back and see the price. If we can see it through the wet and dirty glass on the pump, we may not be able to see it anyway, because the way we park we can't read the thing.

The bill, it doesn't seem to me is going to require a great deal of expense on the part of service station operators. As far as I am concerned, if they want to take a piece of cardboard and magic marker, as long as the numerals are about four inches high and visible from the entrance to the service station, that complies with the law.

The Maine Automobile Association was the only witness to speak in any manner on the bill. They spoke in support largely because they conducted a poll of their membership, the results of which were published in the Maine AAA report for March and April of this year. They asked ten questions and the tenth one read like this: Would you favor or oppose the requirement gasoline stations post prices of all grades of gasolines on signs visible from the highway? Those favoring such requirements totaled 87.1 per cent of those responding; opposed, 7.3 per cent, and 5.6 per cent had no opinion or were not sure. I suspect the AAA reporter or the members of the AAA represent a pretty good cross section in every respect of Maine citizens. I would think that—politicians like to talk about mandates, and perhaps this comes somewhere near one.

Perhaps there isn't much more to be said in support of the bill. I think it is a fairly clear issue. The question, perhaps, is whether this is too burdensome on the free enterprise system. I think not. I don't propose that we regulate the prices, simply let people know what they are.

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

Mr. SPROWL: Mr. Speaker, I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the minority report, and I believe that the good gentleman from South Portland, Mr. Howe, failed to read far enough in his quote from the flier he has so kindly distributed. The quote that I think is really important here is that the driver is more likely to pay without complaint and take his business elsewhere the next time. I think that is really the good answer, that many of us are being fooled, certainly not more than once, by any gas station that fails to post their price and then charges top dollar for the gasoline.

I think that this bill, if it were to be a law, would be another example of the Legislature in Augusta telling people how they must run their business, how they must run their lives. It is definitely an intrusion on their free enterprise system.

Furthermore, I wonder how much these big signs cost and who is going to bear the burden of these big signs telling us how much the gas costs at a particular station? That is going to be passed on to you and me, the customer. If we wait just a couple more months, we won't have to worry about the price of gasoline being posted, we all know it is going to be out of reach anyway.

I recommend that we go with the Majority Report "Ought not to Pass."

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker has said that this would be an intrusion into the private lives and would be an impediment to the free enterprise system. I think it is just the

opposite. I think it would really spur the free enterprise system if you have competition and people know what the prices are. I can't imagine anybody not wanting the gasoline stations of the state to show what they have got for a price in a way this is visible to the motorists going by. This is a consumer bill; this is a free enterprise bill, it seems to me, of the clearest nature.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I guess basically rationalizing is out, I would say, and perhaps most of you do the same thing. I don't stop at a garage where the prices aren't posted. I drive down the street and I will see 73 here or 73 there and make my decision. If their prices are not posted, I do not bother to even stop. Perhaps that will address the issue.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I certainly share the feeling of the Representative from Old Town, Mr. Pearson. One reason I agreed to cosponsor this bill was because my constituents asked me to. I think that speaks for itself.

The other fact that I would like to bring to your attention, as Mr. Howe stated already, but to reinforce the fact that nobody feels coerced by this. There weren't any opponents, and certainly the gasoline dealers in this state are extremely organized, they know what is going on. Clearly, they have no objections. This is a consumer bill and I hope you will vote to accept the Minority Report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: As far as I am concerned, this is just another bill that tells somebody they must do something. I am in that particular line of business and the price is well posted and I don't have any problems in that area and I don't believe my people do. It is a commonly discussed item these days when a customer drives in, because you have to tell them what is happening. I hope that we are nearly to the end of raising, but that is not the case; it will probably keep doing that.

Every pump that I have seen in the area where we are required by the federal law to post the octane rating of gasoline as well as the price. It is posted on every pump and I don't know where you would put it up on top of the pump, the kids would always be taking it or the wind would be blowing it away. It would just be a nuisance and I don't see how it would help the consumer a bit. It wouldn't lower the price or raise the price, it would just be a nuisance to the attendants, and an attendant like me is never there, and there are a lot of them that run a business that are absent attenders, and your help is lax on all these little things. In a lot of cases you have a hard time to get them to sweep the floor, let alone put signs of this nature. It would tend to put people in violation in this business once more, a chance for a fine. You now get fined nearly every time you turn around for being a day late on something or for some other reason, so I see this as another nuisance bill that doesn't do anything for anyone in business.

Anyone in business today, believe me, if they stay in business they have got enough nuisances now. Let me tell you, if you keep on doing this to the small operator, you are going to have the big fish eating up all the little ones. It is fast getting that way right here in the city of Augusta and right where I live. There won't be any little fellows in this particular type of business because it is regulations like this that disgust them enough to put them out of business. It just might be the straw, in some cases, that broke the camel's back. I don't want to burden these people with any further nuisance bills.

Let me tell you that most of the gas stations today are doing business for the same margin of profit they did when gasoline and fuel oil were 20 and 25 cents a gallon, most of them, and I don't know how they do it. Their cost has gone up for electricity, their cost has gone up for help and every time they turn around it costs money. We have always furnished free air and some people are getting so they feel as though they even ought to charge for air. They have got to do something pretty quick because their light bills have gone—mine has—gone from around \$75 to \$150, and a lot of it is just running the air compressor to furnish free air for people. These people in this type of business, and I happen to be in it so I speak with some authority are being nuisanced to death.

Once more, I hope you will vote to indefinitely postpone this bill.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I concur wholeheartedly with the gentleman from Enfield. He is in the business and he understands what is going on there. I would like to say that I think I understand also, at least I come from the same world that he does. I am in business also and this does have a direct bearing on me right up front—I am prejudiced.

Generally speaking, members of the Business Legislation Committee are a close-knit group, and generally speaking, we look to the chairman of the committee, Representative Howe, for guidance and direction, and generally speaking he prevails. Well, I guess with 160 or 170 bills, he should feel very proud of himself in that he prevails most of the time. I can think of only two instances in which he hasn't. One was the free air, and that was also backed by the Maine Automobile Dealers Association, and I am very happy to say that that bill was killed. The second bill is the bill that we are now faced with and he is in the minority. Again, he was backed by the Maine Automobile Dealers Association.

So, if we liken these two bills, and I certainly do, I think we should do the same with this bill as we did with the previous one. It is an infringement upon private business. The price of the gasoline is posted on the pumps now; the octane is posted on the pumps now. The federal government says that you will post on your pumps, in addition to those two postings, how much markup you can have. I think that most of us are below what is posted on the pump or the markup that we can have.

I think we are all struggling to stay in business. I think that most people are posting now, at least they are posting where they need to post. There are many small communities in the State of Maine, probably Mr. Dudley from Enfield comes from one of those communities where you don't really need to post. People know what you are charging them and they come to you to do business. I think it is utterly ridiculous that in these small hamlets, small towns, that they be mandated to get out there—I might say also that I used to have these signs out front back when we were more competitive, I guess, than we are today, but I would have them stolen. I would hate to be taken to jail for not having these signs out front when someone has stolen them. I think if I want to put postings out front, it is my prerogative and I don't think I should be mandated to by, with all due respect, the chairman of my committee.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I hasten to disassociate myself from the air pump bill, because not only was it not my bill but I helped to lead the charge against it.

It is true that the Maine Triple A supported both bills and that hasn't necessarily assisted either one of them along the way. I sympathize

with the gasoline station dealers in the state. I don't blame them for the policies the least burdensome way in which we can try to assist consumers through the maze of rising, fluctuating gasoline prices.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This is probably the first time this year I have spoken more than once, but I will be very brief. I just wanted to tell you, the environmental people only allow you so many signs in front of your place of business. If you put a sign out saying the price of gas and it has to be able to be read from both directions, that would count as two signs. Then you probably couldn't put your name on the building because then you would have too many signs out to satisfy the environmentalists. I wonder if the people who wrote this bill took this into consideration? We would like to have our name on the building or the town that we are in, and maybe we would like to have a Firestone tire sign or some other things, and we are very limited to the amount of signs that we can put out by these people. So, if I put out another sign, I will have to take the sign with my name on it or a sign that says Firestone Tires, or something, because we are allowed very few signs to be posted at our place.

Thereupon, Mr. Tierney of Lisbon Falls 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 South Portland, Mr. Howe, that the Minority "Ought to Pass" Report be accepted. All those will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, K.C.; Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Davies, Dellert, Dexter, Diamond, Doukas, Dutremble, D.; Dutremble L.; Elias, Fillmore, Fowle, Gowen, Gwadosky, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, E.; Jalbert, Joyce, Kane, Kelleher, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Matthews, McHenry, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sherburne, Tierney, Tuttle, Twitchell, Vincent, Violette, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carter, F.; Conary, Cox, Cunningham, Curtis, Damren, Davis, Dow, Drinkwater, Dudley, Fenlason, Gavett, Gillis, Gould, Gray, Hall, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Maxwell, McKean, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Roope, Sewall, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Torrey, Tozier, Vose, Wentworth, Whittemore.

ABSENT — Carrier, Garsoe, Kany, Laffin, Nelson, N.; Simon, Strout.

Yes, 74; No, 70; Absent, 7.

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

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

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

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

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Authorizing the State Board of Education to Receive the Advice of Students" (H. P. 730) (L. D. 917)

Report was signed by the following members:

Mrs. GILL of Cumberland
Messrs. TROTZKY of Penobscot
MINKOWSKY of Androscoggin
— of the Senate.
Mr. FENLASON of Danforth
Mrs. LEWIS of Auburn
Messrs. DAVIS of Monmouth
LEIGHTON of Harrison
— of the House.

Minority Report of the same committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-188) on same Bill.

Report was signed by the following members:

Mr. ROLDE of York
Mrs. LOCKE of Sebec
Messrs. CONNOLLY of Portland
BIRT of East Millinocket
Mrs. GOWEN of Standish
Mrs. BEAULIEU of Portland
— of the House.

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

Mr. CONNOLLY: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will defeat the motion of the distinguished House Chairman of Education, who sits to my rear and slightly to my left, actually quite a bit to my left.

The original bill called for an appropriation of \$1,000 so that the State Board of Education could have input from students. Amendment "A" to the bill deletes the money item and simply leaves it permissive that the State Board of Education can seek input from students. On the face of it, I would hope that that would be patently ridiculous, because I would think it would go without saying that any governmental board or agency would, by definition, be seeking input from the constituency that it serves.

I think the State Board of Education should be encouraged to seek input, as all others should, and I think a letter or situation where they went around or took Mohammed to the Mountain, went to the different school districts and held their meetings in different locations would serve the purpose very nicely, but this is a situation where I don't think any legislation is in order. They are already entitled to seek input any way they want.

I would urge you to defeat Representative Connolly's motion, and I would ask for a roll call.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Just to comment a little bit on the philosophy of the gentleman from Harrison, Mr. Leighton, I am in front and slightly to the right of his thinking part of the time, which would create a balance and put him in the middle.

This is a bill that I put in which actually came from the State Board of Education. The State Student Council Association has been

active in attending meetings of the State Board of Education over the last couple of years and they have at times worked with the State Board giving them thoughts or have had input in their meetings. The State Board, recognizing what they might be able to contribute and also recognizing that possibly at the post-secondary vocational schools there might be opportunities where they could receive information from them, had this bill put together to allow them to receive information or to refer particular small studies to them and receive input back from them.

I think the bill has sufficient merit to be passed and put on our statutes. The appropriation measure has been taken off it, and I would hope that you would vote to accept the "ought to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I can't imagine a regular agency of the State of Maine asking us to authorize them to talk to students concerning their education. It seems to me that that is their job and they should be able to get input from these young people without our authorization. I certainly hope you will vote to defeat the "ought to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Now that Representative Leighton has been put in the middle of Representative Connolly and Representative Birt, I would like to make him feel a little uncomfortable there.

First of all, I think we need to remember that the State Board of Education meets only in Augusta, thereby creating a serious problem for students to participate in person. That is what we are trying to address.

I think there is merit to saying that the Maine State Board of Education should travel around the state for input from students; however, they are barely reimbursed now for carrying out their monthly duties. So, like the situation with the University of Maine, I feel that students have valuable opinions and directions that need to be taken into account by the State Board of Education.

Granted, there are ways, written letters and whatnot, that the board can get their input, but please remember that members of the Board of Education come from all over the State. They have to do extensive traveling just to manage their functions by law once a month. I believe where the students initiated and asked for this kind of input, authorization from us to do so, that we should pass this bill.

I would also like the members of this House to note that the State Board of Education people endorse this bill.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I urge that you defeat the motion of "ought to pass" for this bill. It seems to me that this is just another piece of legislation put on the books for which there is no need and no reason. The State Board of Education can meet any place it wants to. It can ask anything they choose from anybody they want to, and it is their job to get information. If they want to talk to students, there are a dozen ways they can do it, and they certainly don't need another law on the books to be able to do it.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: It seems to me that the issue that this bill is addressing is the same type of issue, at least in principle, as was addressed in the bill to provide for a student member on the University Board of Trustees. There are a

couple of differences though. This would not require that there be a student member on the State Board of Education. It would simply authorize the State Board of Education to set up procedures, a mechanism, whereby students on a regular basis would be allowed to have input into policy-making decisions that the State Board of Education will make.

The bill was brought to us by a student member of the Maine Association of Student Councilors and it came as a result of discussions between members of the Maine Association of Student Councilors and the State Board of Education. Both those groups, the State Board of Education and the students, unlike the issue of the University Board of Trustees, agreed that this type of legislation was significant, that they felt it was important if for no other reason than to establish a principle in the statutes, and it seems to me, since there was no one at the hearing to oppose the bill, that if the bill passes, even without the appropriation that was called for, it does no harm, and I would hope that you would support the motion "Ought to Pass."

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I think I am probably the only member of this body who has been a member of the State Board of Education. One of the promises that I made when I was elected to this position was that I would put no unnecessary laws on the books, and I think Representative Fenlason has put his finger on it. The State Board presently has the authority, and if it desires and has the good will, it can go right ahead and develop whatever procedures it wants for dealing with students whenever.

The important part of this bill was originally that there would be some money in it to provide travel for students. Since that is taken out, I would see no need for the passage of this bill and I would urge you to defeat it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I think our good House Chairman hit it right on the head. He says passage of this legislation does no harm, and I would like to add, if it does no harm, it probably does no good.

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

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

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the thoughts of the people who oppose this bill, but I do think it has reasonable merit. I think among the speakers who spoke quite extensively on this bill and took quite some time from his business schedule to come over and make a presentation was the Commissioner of Education. The Commissioner spoke on this bill quite extensively as to what value might be able to be derived out of it. He did think the bill had value and was worthwhile putting on the books. From my experience with him, I don't think he is in favor of putting frivolous legislation on the statutes and if he felt it was worthwhile, it at least was an encouragement to me that the bill does have some merit and I would hope that you would accept the "Ought to Pass" report.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Connolly.

that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Brannigan, Brennerman, Brodeur, Chonko, Cloutier, Connolly, Davies, Doukas, Dow, Dutremble, D., Fowle, Gould, Gowen, Hobbins, Howe, Hughes, Kane, Locke, MacEachern, Marshall, Martin, A.; McHenry, Michael, Mitchell, Nadeau, Paradis, Pearson, Post, Prescott, Reeves, P.; Rolde, Tierney, Tozier, Tuttle, Vincent, Violette, Wood, Wyman

NAY — Aloupis, Austin, Berry, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K. L.; Brown, K.C.; Bunker, Call, Carter, F.; Churchill, Conary, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Dutremble, L.; Elias, Fenlason, Fillmore, Gavett, Gillis, Gray, Gwadosky, Hanson, Hickey, Higgins, Hunter, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, Mahany, Masterton, Masterton, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Morton, Nelson, A.; Nelson, M.; Paul, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Torrey, Twitchell, Vose, Wentworth, Whittemore

ABSENT — Carrier, Carroll, Carter, D.; Cox, Cunningham, Diamond, Garsoe, Hall, Huber, Hutchings, Kany, Kelleher, Laffin, Nelson, N.; Norris, Simon, Strout, The Speaker
Yes, 44; No, 89; Absent, 18.

The SPEAKER: Forty-four having voted in the affirmative and eighty-nine in the negative, with eighteen being absent, the motion does 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 Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-187) on Bill "An Act Relating to Municipal use of Land Control Techniques Under the Zoning Laws" (H. P. 371) (L. D. 482)

Report was signed by the following members:

Mr. HALL of Sangerville
Mrs. HUBER of Falmouth
Messrs. DOUKAS of Portland
JACQUES of Waterville
KIESMAN of Fryeburg
DEXTER of Kingfield
MICHAEL of Auburn
BLODGETT of Waldoboro

— 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. O'LEARY of Oxford
McBREAIRTY of Aroostook

— of the Senate.

Messrs. PELTIER of Houlton
AUSTIN of Bingham

— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

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

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: Could some member of the committee please explain this bill?

The SPEAKER pro tem: The gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and

Gentlemen of the House: This bill would simply allow municipalities to use a little more control in developing various forms of land control techniques, as the title indicates, in their zoning mechanisms. It would not mandate anything but they could develop some things on their own which would give them a little more flexibility. For this reason, in order to grant the local planning and zoning operations in the municipalities; I think that we ought to grant them this right.

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

Mr. WHITEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am confused in this bill. Don't we have the right now in municipalities to pass our own ordinance to control this? Do we need this?

The SPEAKER pro tem: The gentleman from Skowhegan, Mr. Whittemore, has posed a question through the Chair to any member who cares to answer.

The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. I am glad to try to answer the question. It contains some elements that are mandatory and some that are permissive only. The ability to adopt a comprehensive plan on the local level is strictly up to local control. No municipality is mandated to develop a comprehensive plan, number one. Now, as far as zoning is concerned, in the statutes, we have some that are called the zoning enabling statutes, and these enable a municipality to adopt a zoning ordinance based upon a comprehensive plan.

So, municipalities currently have both the local home rule to develop a municipal comprehensive plan and or a zoning ordinance. All this bill seeks to do is to permit towns to put into their comprehensive plans and zoning ordinances some new creative land use controls, transfer of development rights and floating zones and other creative and innovative techniques.

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

Mr. HICKEY: Mr. Speaker, could I ask the sponsor if a municipality in any way can change the shoreline zoning which was mandated by the 106th Legislature?

The SPEAKER pro tem: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to any member who cares to answer.

The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer that question and I will stand corrected from the Chairman of the Natural Resources Committee if I am wrong. I believe that a municipality can change shoreline zoning but it has to be ultimately approved at the state level.

I would like to add that there is no intention to involve shoreline zoning in this bill. No connection.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if we need to keep beating this, but if you take a look at the bill itself, it says they "may" include this, it mandates nothing but it grants the municipality the right to develop these new types of zoning and planning if they wish to do it. No town is required to do it. So, this just gives the towns a little more flexibility if they wish to do this.

Mr. Roope of Presque Isle requested a roll call vote.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bingham, Mr. Austin.

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

tleman of the House: I signed the "Ought Not to Pass" Report and I have a few problems with this bill. It came out at the hearing that Cape Elizabeth plans to enact a new sophisticated zoning ordinance containing transfer development rights, floating zones and other innovated land use techniques. They are asking for us to enact legislation covering this to prevent them from the possibility of a suit by one or more dissatisfied citizens. Thus, we would, in effect, be helping to deny the rights of citizens to go to court to settle this matter.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: It is true that I was asked by my local town council to put this bill in. It is true that my town is reviewing and updating its comprehensive plans and consequently, its zoning ordinance. The problem, as it has been explained to me, by my local council, is that without mention of these techniques in the state statute, since we do have a definition of a comprehensive plan and we do have the enabling zoning legislation statute, without having these innovative techniques mentioned in the statutes, they feel that they are standing on two weak legs in putting these techniques into our local plan and local zoning ordinance. So, they have asked me to do this and I hope that the legislature will go along with the majority report on the bill.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call vote, 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 and voting expressed a desire for a roll call, a roll call was ordered.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, 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.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, D., Call, Carroll, Carter, D., Chonko, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Dellert, Dexter, Doukas, Dow, Dutremble, D., Elias, Fillmore, Fowle, Gowen, Gray, Gwadosky, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, E.; Jacques, P.; Jalbert, Kane, Kelleher, Kiesman, Lancaster, LaPlante, Leonard, Lewis, Lizotte, Locke, Lowe, Lund, Mahany, Marshall, Masterton, McMahon, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson, M., Paradis, Paul, Pearson, Post, Reeves, P., Rolde, Rollins, Small, Soulas, Stover, Studley, Tarbell, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman.

NAY — Austin, Barry, Birt, Bordeaux, Bowden, Brown, A.; Brown, K.L., Brown, K.C., Bunker, Carter, F., Cunningham, Damren, Davis, Drinkwater, Dudley, Dutremble, L., Fenlason, Gavett, Gillis, Gould, Hanson, Hunter, Immonen, Joyce, Leighton, Lougee, MacBride, MacEachern, Martin, A., Masterton, Matthews, Maxwell, McHenry, McKean, McSweeney, Nelson, A., Payne, Peltier, Peterson, Prescott, Reeves, J., Roope, Sewall, Sherburne, Silsby, Smith, Sprowl, Stetson, Theriault, Torrey, Tozier, Wentworth, Whittemore.

ABSENT — Berry, Carrier, Churchill, Diamond, Garsoe, Hall, Kany, Laffin, Nelson, N., Norris, Simon, Strout, Tierney.

Yes, 84; No, 53; Absent, 13.

The SPEAKER pro tem: Eighty-four having voted in the affirmative and fifty-three in the negative, with thirteen being absent, the

motion does prevail.

The Bill was read once.

Committee Amendment "A" (H-187) was read by the Clerk and adopted and the Bill assigned for Second Reading tomorrow.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: the Chair would thank the gentleman from Windham, Mr. Diamond, for presiding as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Diamond to his seat on the Floor, amid the applause of the House, and Speaker Martin resumed the Chair.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act to Repeal the Portable Stove Exemption to the Statutes Governing Kindling of Out-of-door Fires" (H. P. 752) (L. D. 936)

Report was signed by the following members:

Mr. FARLEY of York — of the Senate.

Messrs. MAXWELL of Jay
McSWEENEY of Old Orchard Beach
DELLERT of Gardiner
STOVER of West Bath

Miss GAVETT of Orono

Messrs. CALL of Lewiston
VIOLETTE of Van Buren

Ms. BROWN of Gorham

— 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. COTE of Androscoggin
SHUTE of Waldo

— of the Senate.

Messrs. SOULAS of Bangor
DUDLEY of Enfield

— 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 Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I would request a division.

I just wanted to let you know why I voted as I did, "ought not to pass." First of all, if you will let me read you the title of this bill and its contents, then you will know the reason.

"L. D. 936 — 'An Act to Repeal the Portable Stove Exemption to the Statutes Governing Kindling of Out-of-door Fires.' Be enacted by the people of the State of Maine as follows: Section 112, MRSA 1401, last paragraph as enacted by PL 1971, 6072, to repeal Section 2, 12 MRSA 1402, second paragraph as enacted by PL 97C-179 is repealed." that is all it says.

Then it goes to the Statement of Fact. "This bill repeals the portable stove exemption to the statutes governing kindling of outdoor fires." When I first read this, that is all I got out of it, absolutely nothing. So, the reason that we didn't have anyone appear to the committee was because this, again, told what was listed in the newspaper and that said absolutely nothing.

Let me read you the statutes so you will know just what we are doing here today. "Kindling of out-of-door fires: 1401, Restrictions—No person shall kindle or use fires on land of another without permission of the owner except at public campsites and lunchgrounds maintained or authorized by the Bureau of Forestry, State Parks, the State Highway picnic areas or when the ground is covered with snow. This subchapter shall not apply to the rights of forest rangers to set backfires to control a going forest fire: this section shall not apply to the

use of portable stoves which are fueled by propane gas, gasoline or sterno." That is section one.

Section two, "Permits; To better accommodate recreational and sporting uses of the woods and to prevent forest fires in a Maine forest district, the director is authorized to issue permits for out-of-door fires except on areas where the majority ownership thereof have withdrawn permission in writing to the director. This section shall not apply to portable stoves which are fueled by propane gas, gasoline or sterno."

So, now we know just what it does. What it actually does is say that if you still want to use this stove, you have to get a registered permit from a game warden or somewhere.

I am not a camper and I have never been in the woods so I am not familiar with the use of stoves or outdoor fires, etc. This bill makes it compulsory that you register your stove before you enter the woods. Is there a special entrance when you go into the woods, like a door or something to go into and then find somebody to get this permit? I don't know. Is it very easy or is it very hard to get such a permit? How long is a permit good for? These are some of the questions I tried to get answers for but, as I said, there was no one at the hearing, so all I got was to accept the bill.

I am sure if you are in the woods and you know all about fires, you know this little stove, you don't even put anything into the ground. It is not like building a fire in what do you call these little things you put charcoal in, I don't even know the name of them—hibachi, they tell me—you take this and you dump that into the ground, so I would think that that would cause more fire.

Anyhow, I am sure we are dealing with experienced people and someone is going to answer these questions for me this morning.

Presently, I don't feel that we need this bill and I hope you vote against the motion.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I signed this bill "ought not to pass" because I thought it was another unnecessary piece of legislation. We haven't had a problem with these gas stoves, they come with a little tank and that is generally what we are alluding to. An awful lot of middle-class people can't afford to go to these expensive restaurants and they like to take their children out for a little Sunday picnic.

By the way, the place where you get these permits, on Saturdays and Sundays, you never can find these people, they are not on duty then, so you would have to get the permit a week before in order to use it. It seems to me like a nuisance. They haven't been having that much problem with them. They generally light them in the trunk of their car or set them on a picnic table, they pump them up, some of them do and use one kind of gas and the others, they just turn a little valve and light it, it is propane, and I couldn't see that we needed this type of nuisance legislation.

When the bill was originally passed to prevent forest fires in the woods, that sounded like a good idea. I live in the woods and it is a problem, and we saw fit at that time to exempt these little gas stoves. They are nothing much more than a blow torch. I hope we will still leave it that way so the people in that earning bracket can still take their children for a little picnic. We stopped them from building fires and it is pretty hard to ask the children to have cold lunch. I think they would like to cook their hotdogs a little, so I hope we still let them do it.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: This bill is more than what is being implied here. To start with, it does not exclude the family who wants to go out and cook their hotdogs or that sort of thing at

campsites beside the road or anything else. This prevents people from going in the woods on other people's property without permission and building fires and camping.

At the present time, if you want to go on someone else's property and build a fire, you have to get their permission except, and the law specifically excludes those people who want to have portable stoves which are fueled by propane gas, gasoline and sterno. There are some people who are romping through the woods today or going out there camping who aren't experienced in the woods at all. They are just doing their thing, going out into the woods and they want to live this way, at least for a vacation, and they will go into any woods, on anyone's property that they happen to come to. We are not talking about the side of the road; they may go in for several miles and build a fire. Sometimes you can start a forest fire with a little propane torch, you don't have to have a bonfire in order to get it started. Sterno or gasoline stoves, propane stoves, these can all start fires if they are not handled properly.

Why would you object to the matter of getting someone's permission in order to do this on someone else's land is just beyond me. I can't understand it. It just makes common sense to ask people if you can go on their land, build fires, camp or whatever you want, but it is a safety feature here first and foremost.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: The bill is quite simple. All it tries to do is regulate the private land in the State of Maine where these people allow other people to go onto their land and camp. All they want to be able to do is to know that there are people on their land with sterno and propane and if they should not be allowed because, particularly the last two or three years with the very dry conditions in the woods, propane and sterno have been the cause of forest fires in the State of Maine. The State of Maine, in particular, in the last two or three years, because of exceedingly dry conditions in the woods, have seen a significant increase in forest fires.

There are also returns to the state in that the State of Maine will appropriate in the fiscal years, 1980 and 1981 some \$8.1 million for forest fire prevention. In addition, the "all other" account will be raised some 71 percent, which reflects a significant increase in forest fires.

I see no reason why somebody, who has private land should not be made aware through the writing of a permit that there are people on their land and that these people, in dry conditions, will have fire on that person's land.

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

A vote of the House was taken.

Mr. Silsby of Ellsworth requested a roll call.

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

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

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

Mr. VIOLETTE: Mr. Speaker, Members of the House: As it is now, under the statutes, anybody going into the woods on privately owned land must obtain a permit if they are going to have a charcoal fire in a hibachi or whatever else, if they are going to light a campfire.

Seven or eight years ago, a special exemption was made. I really don't know why, but an

exemption was made for sterno and propane fires, which are just as lethal and just as apt to cause forest fires. All we want to do here is to return this situation back to where it was seven or eight years ago. If somebody wanted to go onto someone's land, they simply had to request a permit in order to be able to do so for the purposes of having a sterno or a propane fire, similar to what they do now if they have a campfire or a charcoal fire, and this is all we wish to do. I think it is simply the right of the owner of that particular land to demand so.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: Let me ask you, if I may, a question. Last fall, as dry as it was, we hadn't had rain for probably five weeks. I worked in the woods and it was real, real dry. Every time we hauled out a load of wood, the dust would come up behind us where we had been. I would like to ask any of you people, realizing how much I think about my Christmas trees and all the land in there, would you want somebody going on you land even with a sterno without knowing about it? Just think about that.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: Speaking as a forest landowner in the state and also as somebody who does know which door to use to get into the woods, I would dispute the remarks that were made previously saying that this bill is necessary. Frequently, we have an 'open fire ban' in this state when the woods are dry. That doesn't include the small sterno fires, and having used them myself, I think they are absolutely secure. It would probably be the best thing for us if we had those in use all the time. There certainly is very little if any chance of fire spreading.

I hope you would vote against the Majority "Ought to Pass" Report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think there is a misconception in this House on this bill. When this bill was originally passed, the landowners wanted this because they felt it would keep people from lighting fires. I might remind the House that fires up our way were mostly started by matches and cigarettes. The reason this exemption was left was so people would use something that was safe.

You can make all the laws you want to, and I know a lot of people that would still build fires in the woods and that does start forest fires, but there was no evidence that has been brought to my attention where a fire was started from these torches. When the original bill was passed, these very landowners wanted this exception. They thought this would keep them from building a fire. I think it was a good exemption then and it is a good exemption now. However, I am not that concerned.

I own land, quite a little bit of it, and I have no objection if people are using those torches and camp stoves. Like I said, an awful lot of them are used right in the trunk of the car. I don't have any small children to take camping, so it doesn't bother me a bit. You can do your own thing here in the House this morning, but I am sure that if you pass this bill, you are doing the wrong thing—suit yourself.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I think I am beginning to get utterly confused. I go into the woods quite a bit and I use other people's land and a lot of the paper company's land, who is nice enough to let us use it. Whenever I would seek a permit, I always went to the forest ranger's office. I got the permit to build the fire and then I went into the land. The landowner didn't know I was there: he didn't even see me. And in most

cases, a private landowner doesn't give you permission at all. His land is open by virtue of the fact that he has not posted it, he has not publicly stated the land is closed. How does he get involved? In most cases, the warden gives you the permit. The landowner doesn't give you the permission or the permit. So how does this allude to the fact that you are getting permission from the landowner? That is what I can't figure out. If I could get an answer to that question, Mr. Speaker.

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

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: The warden is simply acting on behalf of the private landowner in the issuance of the permits. This acts as sort of a central area to ease the issuance of the permits instead of having to go to that particular landowner and not knowing who the particular landowner is, all you have to do is go to the warden and ask of him the right to a permit.

When we had this bill before our committee, these very same landowners who some years ago asked for this exemption have now seen that this has not worked and that the Forest Products Council, a council made up of some 600-odd small and medium size landowners in this state and other large landowners of the state, were those who were requesting that this exemption be removed.

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

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A., Brown, D., Call, Carroll, Carter, D., Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Doukas, Fenlason, Gavett, Gray, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Jalbert, Leighton, Locke, Lowe, Lund, MacBride, Maxwell, McMahon, McSweeney, Michael, Mitchell, Nelson, M., Paradis, Pearson, Post, Prescott, Reeves, P., Rolde, Small, Stover, Studley, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, The Speaker.

NAY — Aloupis, Austin, Baker, Barry, Birt, Bordeaux, Boudreau, Bowden, Brown, K. L., Brown, K. C., Bunker, Carter, F., Churchill, Conary, Cunningham, Damren, Davis, Dexter, Dow, Drinkwater, Dudley, Dutremble, D., Dutremble, L., Elias, Fillmore, Fowlie, Gillis, Gould, Gowen, Gwadosky, Higgins, Huber, Hunter, Hutchins, Immonen, Jackson, Jacques, E., Jacques, P., Joyce, Kane, Kelleher, Kiesman, Lancaster, LaPlante, Leonard, Lewis, Lizotte, Lougee, MacEachern, Mahany, Marshall, Martin, A., Masterman, Masterton, Matthews, McHenry, McKean, McPherson, Morton, Nadeau, Nelson, A., Paul, Payne, Peltier, Peterson, Reeves, J., Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Soulas, Sprowl, Stetson, Tarbell, Torrey, Tozier, Wentworth, Whittemore, Wyman.

ABSENT — Carrier, Garsoe, Kany, Laffin, Nelson, N., Norris, Simon, Strout.

Yes, 62; No, 81; Absent, 8.

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

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

Consent Calendar

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar

for the First Day:

Later Today Assigned

(H. P. 346) (L. D. 445) Bill "An Act to Extend Collective Bargaining Rights to Deputy Sheriffs" Committee on Labor reporting "Ought to Pass"

On the objection of Mr. LaPlante of Sabattus, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the Committee Report and later today assigned.

(S. P. 257) (L. D. 763) Bill "An Act to Make Private Organizations which Receive a State Subsidy Subject to the Maine Freedom of Access Law" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-89)

(S. P. 234) (L. D. 686) Bill "An Act to Amend the Definition of Wholesale Life Insurance" Committee on Business Legislation reporting "Ought to Pass"

(H. P. 91) (L. D. 103) Bill "An Act to Establish Registration of Polygraph Examiners" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-194)

(H. P. 784) (L. D. 984) Bill "An Act to Permit Certain Maine Pharmacists to Fill the Prescription of Certain Nonresident Physicians" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-195)

(H. P. 654) (L. D. 813) Bill "An Act to Protect Insurance Claim Adjusters and Appraisers from Conflict of Interest" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-196)

(H. P. 334) (L. D. 433) Bill "An Act to Clarify Certain Provisions of the Banking Laws Relating to Savings Banks" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-197)

(H. P. 622) (L. D. 779) Bill "An Act to Establish Standards for the Sale and Installation of Foam Plastic Insulation" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-198)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of April 11, under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 472) (L. D. 590) Bill "An Act To Define the Post of Hancock County Sheriff as Full Time" (C. "A" H-185)

(H. P. 877) (L. D. 1083) Bill "An Act to Appropriate Funds for a Conference of Families" (Emergency)

(S. P. 159) (L. D. 334) Bill "An Act to Regulate the Number of Lobster Traps in Certain Waters of Kittery" (C. "A" S-87)

(S. P. 79) (L. D. 168) Bill "An Act to Ensure the Safety of Minors Participating in Trip Camping" (C. "A" S-85)

(H. P. 391) (L. D. 500) Bill "An Act Relating to Tending Traps in the Unorganized Territories" (C. "A" H-186)

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

Second Reader

Later Today Assigned

Bill "An Act to Increase the Compensation for Substitute Teachers" (H. P. 3) (L. D. 9)

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

On motion of Mr. Boudreau of Waterville

tabled pending passage to be engrossed and later today assigned.

Passed to Be Engrossed

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

Bill "An Act Exempting Nonconsumer, Industrial Uses of Aerosols from the Statute Prohibiting Certain Aerosols" (S. P. 160) (L. D. 335)

Were reported by the Committee on Bills in the Second Reading, read the second time and the Senate Papers were passed to be engrossed in concurrence.

Amended Bills

Bill "An Act to Repeal the License Requirement for Taking Certain Clams" (S. P. 166) (L. D. 373) (S. "A" S-91 to C. "A" S-86)

Bill "An Act Concerning Rules and Regulations on the Licensing of Ambulance and Ambulance Personnel" (H. P. 594) (L. D. 738) (H. "A" H-191 to C. "A" H-179)

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

Second Reading Tabled and Assigned

Bill "An Act Establishing Penalties for Cutting Timber Without the Owner's Permission" (H. P. 434) (L. D. 551) (H. "A" H-192 to C. "A" H-172)

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

On motion of Mr. Hobbins of Saco, tabled pending passage to be engrossed as amended and tomorrow assigned.

Emergency Measure Tabled and Assigned

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

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

On motion of Mr. Pearson of Old Town, tabled pending passage to be enacted and tomorrow assigned.

Passed to Be Enacted Emergency Measure

An Act Extending the Time for Apportionment of County Taxes from March to March, April or May in the Year 1979 (H. P. 1275) (L. D. 1478)

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

Enactor Tabled and Assigned

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

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

On motion of Mrs. Berube of Lewiston, tabled pending passage to be enacted and tomorrow assigned.

Passed to Be Enacted

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

An Act Relating to Occupational Loss of Hearing (S. P. 199) (L. D. 495) (C. "B" S-59)

An Act to Eliminate the Dependency Disqualification for Persons Receiving Survivor's Benefits from the State Retirement System (S. P. 203) (L. D. 535) (H. "A" H-169 to S. "A" S-79)

An Act Concerning Euthanasia of a Sick or Injured Dog Brought to a Veterinarian, to a Humane Society or to a Shelter (H. P. 77) (L. D. 85) (C. "A" H-153)

An Act Concerning Cruelty to Animals (H. P. 119) (L. D. 129) (C. "A" H-152)

An Act to Extend the Time in which Appeals from Deputies' Decisions may be Taken in Unemployment Compensation Cases (H. P. 343) (L. D. 442) (C. "A" H-156)

An Act Concerning Workers' Compensation for Fire Personnel (H. P. 397) (L. D. 504)

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)

An Act Relating to Interest on Benefits under the Workers' Compensation Act (H. P. 420) (L. D. 533)

An Act to Include the Processing and Collecting Real Estate Tax Liens within the Amount of the Lien Itself (H. P. 571) (L. D. 719) (C. "A" H-155)

An Act Concerning the Governor and Council of the Penobscot Indian Tribe (H. P. 827) (L. D. 1025) (C. "A" H-154)

An Act Concerning the Maine Property Insurance Cancellation Control Act (H. P. 208) (L. D. 257) (C. "A" H-148)

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

Finally Passed

RESOLVE, to Repeal Certain Provisions Requiring the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta (H. P. 559) (L. D. 706)

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

Orders of the Day

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

HOUSE REPORT — "Leave to Withdraw" — Committee on Fisheries and Wildlife on Bill, "An Act to Prohibit Hunting of Bear with Dogs and to Prohibit Hunting Bear with Bait" (H. P. 457) (L. D. 570)

Tabled—April 6, 1979 by Mrs. Martin of Brunswick.

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

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: I want to know what happened on this bill. The vote of the committee was unanimous "Ought Not to Pass." Then the sponsor came to me with the fact that she would take a Leave to Withdraw so I reported the bill out that way. I guess I was right all the time, that the sponsor didn't really want a Leave to Withdraw and it will be some time before I give a courtesy of this type to supercede the wishes of the committee.

I now move that we indefinitely postpone this bill and all accompanying papers.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I ask the bill be substituted for the committee report.

The SPEAKER: The gentlelady may proceed, but the pending motion is indefinite postponement. The first thing we will have to do in order to get to that position is to prevent the motion to indefinitely postpone.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have

the privilege of speaking on my bill. It is very important to the people that I am sponsoring this bill for. I have given everybody the courtesy of going along with their bills when they ask for a vote of confidence and I wish you would give me one.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I hope you will vote against indefinite postponement. There is such a thing as courtesy.

I have checked into this matter here and a person in the other body, whom I respect, has said that he did not intend for this bill to be killed in committee. That is all that I am going to say on the subject and, again, I hope you vote against the motion to indefinitely postpone.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: While this bill was coming out of committee, as you know, I was ill and away from here for about a week. When I came back, I went down to Fish and Wildlife Office intending to sign this bill out, not as a courtesy to the sponsor, but because I don't believe that hunting bear with bait is what you would call sportsmanship. I left a note to the intent that I would want to sign the bill out. I went back the following day and the young lady was not there again. I left another note, and the next thing I knew, this thing was out "Ought Not to Pass."

I hope that you will go against this indefinite postponement so that we may be able to explain and outline our stand on this bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that this bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 95 voting in the negative, the motion does not prevail.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wrote this speech myself. The English in it has been purified, if you want to use that word. I am very nervous.

I would like to move that we substitute the bill for the committee report.

This is my bill. I have been called the bear lady by some of my friends and supporters and my opponents too. Since my first time, I have been involved with bear bills through no fault of my own. I know most of you are saying to yourselves, what does she know about bears? I am telling you that I have learned much about bears since my first term here.

The purpose of my bill is to eliminate the use of bait when hunting bears. Using the carcasses of dead cows, horses, and so forth and so on, for luring a bear is cruel and revolting practice to any decent human being. Imagine a smelly carcass under a tree with honey and salt poured over it to attract a bear and a so-called sportsman in the treetop with his gun waiting for a poor innocent bear to approach the mess, whereupon he will promptly shoot from above. I wish it were possible to reverse the position of the bear and the hunter. I wonder how long the so-called sportsman would spend under the tree if he knew that the bear was in the tree. It is not only a cruel and revolting practice but it is a dirty, nasty, smelly, unsanitary for everyone in the area.

A gentleman wrote to me and referred to these good sportsmen as pickup truck hunters. They ride in the pickup trucks to their killing. A real sportsman would be disgusted at such a hunting practice. People who live in that area where this horrible practice is going on have written their petition and telephoned me their support for this bill. I would say right now that

I do not know any of these people, I have never met them in person. The only contact I have had is letters and the telephone.

If they want to kill a bear, then let them do it in a more humane method, but to me, there is no humane way when you can kill a bear just for the sake of killing. I agree with the person who says there is no more cruel animal on this earth than what we call man. I do not want to preach but we are always critical of the young people for their attributes of brutality and violence. Well, I tell you that they have a good teacher in the older generation. The generation is setting a fine example for them. Can you imagine a son watching his father taking part in such a so-called sport? What an example for him to witness.

I would add to that what I have just said to you but I am afraid that I would lose my cool and I might tell you what I really think of the whole degrading mess.

One sportsman wrote to me and said, "Sportsmen today often behave like cavemen of yesterday and they are a tragic lot. Their behavior is repulsive and existing in the backwoods is far worse than the frightening presence of the bear." "Hunting has become big business," said one of the state biologists. He goes on to say that "People are making a lot of money hunting bears." But, you can't hunt continuously without diminishing the population. One-fifth of all the bears in the east are in the back woods and in the northern part of Maine and is a stronghold for the bear in the east. In 1974, 740 bears were killed; 1975, 957 were killed; 1976, 1,000 were killed. They are saying that we have between 8,000 and 10,000 black bears in the State of Maine. At that rate of killing, they are going to vanish quickly from the State of Maine.

It is my intent to offer an amendment to this bill if I have the privilege and I did have the privilege to substitute my bill. The amendment isn't on your desk. The amendment will take away the dog hunting part of it. I can take care of that sometime too.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: It is difficult to follow such an emotional speech by the lady, particularly.

As you know, I am on the committee. We had a good long hearing on this bill. There are a lot of ramifications to the passage of this bill that probably don't meet the eye. Number one, this is a major industry, whether you people know it or not, in the State of Maine. It brings in hundreds of thousands of dollars in the form of licenses, sporting camp fees, guide fees and many other things.

I can think of one man near my area who runs a bear hunting lodge and that is a major part of his income. I know that he has at least \$250,000 invested in this lodge alone. He operates all through the bear season. He is full all season and the major method of hunting bear is through baiting, that is one of the major methods.

Now, we go fishing and we dangle an angle worm in the stream and a little trout tippy-toes up to it and he takes the bait and we yank him in and nobody seems to think too badly about that.

The trapper when he goes out to trap beaver or whatever, fox, coyotes, or whatever, usually uses a little bit of salmon to entice them to where the trap will jump up and snap him. Baiting has been done for centuries to capture animals. It is not a cruel sport, the bear is quickly dispatched when he comes up to the bait.

The bear population has remained steady over the last few years according to testimony of the biologists. We have harvested in the vicinity of 1,000 bears each year and the population still remains stable, so I don't think we are going to make the bear extinct. I think if this

bill is passed, it is going to put a lot of people out of work, a lot of people out of business, who have a large investment in their business, and I think that we ought to get rid of this bill once and for all right now.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: As one of Adam Walsh's polar bears, I was brought up to despise the black bears as much as I despise the mule.

I met a bear hunter. I happen to be a fisherman and I admit to using bait occasionally in fishing. The only reason I don't use dogs is because I couldn't teach my dogs to fish. I do believe that the baiting of animals in order to shoot them lacks the element of sport that you might find in hearing the hounds run a rabbit or hearing the hounds run a bear for that matter. I believe that there is a vast difference between baiting bear and running bear through the use of dogs.

I urge that we defeat the indefinite postponement and perhaps consider the possibility of part of this bill being enacted.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have known the gentlelady from Brunswick for quite a number of years and I can understand her being nervous because I never met a more shy, retiring and acquiescent person than the gentlelady from Brunswick, Mrs. Martin.

I shall vote to substitute the bill for the report for whatever it is worth.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer Mr. Jalbert. I am shy in some respects in lots of things, but when it comes to animals and human beings, I have a great respect for all of them, but being shy sometimes I am not and everybody in this House knows it.

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

Mr. DEXTER: Mr. Speaker and Members of the House: I am one of those shy people too. I would like to ask you, what good is an investment when you have nothing to show?

Now, I am in the woods, when I am not down here. I live in one of the best bear counties or was one of the best bear counties in the State of Maine. Last fall, while I crewed and set up my winters' work, I didn't even see one bear track, not one, not a single one, and I was out in the woods, I wasn't down here in this asphalt jungle.

I would like to tell you something about bears. Back in 1954, that was the summer of the hurricane, that is why I remember it, I was working up in the famed King and Bartlett area. I was working for someone else then. In those days, I could have the evenings off. We had two diversions while we sat there on the porch of these log camps—one was a young lady and the other was a bear that came to the dump. Well, the young lady would come out in the evening and she would like to catch the evening sun, the last rays, so she would strip down to what you would call the bare facts. Then someone with higher authority discovered it and, of course, there went that diversion.

Well, the other one was talking to this two year old bear that came to the dump. Someone thought it would be a good thing to get someone up from Life Magazine, I believe it was, of course this was a long time ago. So, they imported the best archer on the eastern seaboard. He could trim Robin Hood. You know, Robin Hood could put an arrow into the bull's eye at 75 yards and then split the arrow with another one. But he was better than Robin Hood. So, they set their cameras up on the stilts, they called them stilts, I guess they are tripods, and they were cranking away and here was this

mighty hunter and he peakes around the camp and there is the bear feeding, so, he reaches over his shoulder and he draws an arrow out of his quiver, the bear looks up at him, he takes careful aim and he is so scared, he is shaking just like this and he missed him by a country mile. So, he reached in for another one, and by that time, the bear got the idea that perhaps some of those people were unfriendly, so the bear turned just as this fellow drew and let go and started off. That arrow caught him right square in the flank. Boy, that was close. So, the next night, they waited again, the bear didn't come back.

I guess my point is this, two years ago, I had some young fellows working for me and they were quite excited there in the fall and said, come see what we have. I went to their pickup and in their tool box they had a little small cub. Well, there had been a pair running around there. A fellow from New Jersey shot one, it probably weighed 25 pounds. I can imagine the story he told when he went back there, especially after he had a couple of sips of Old Grandd. What a fight that must have been. I told the young boys it was against the law to keep that bear. We had to let it go and, of course, it died.

I hope you support the gentlelady from Brunswick today.

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

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: As the representative of many hunters, bear hunters that hunt with dogs, deer hunters, bird hunters, rabbit hunters, all kinds of hunters, I have to rise to ask you to indefinitely postpone this bill.

Our resident Maine guides have formed an association. They realize that some of them, some of their bad apples are making a mess of their act and they are organizing in order to clean up their act.

Now, if you are thinking of the animals, think about all hunting. There are many deer that are shot in the fall that wander off into the woods and are wounded and they die months later of severe infection of the intestines or whatever or their hind quarters have been mutilated and they don't survive the winter. We can think on and on of what happens, even when we think of the most sportsmanlike hunting. At least, if the bear is baited, he is shot and most likely dies and perhaps is made use of. It is not easy for me as an animal lover to stand here and defend hunting, I don't think we can distinguish one from the other. It is still killing animals. At least, the animals will most certainly die. The guides, the hunters are trying to organize, they have organized, they want to clean up their act and I think we should give them a chance.

So, I would urge you to indefinitely postpone this bill.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I guess I concur completely with the remarks of the previous speaker, the gentlelady from Sebec, Mrs. Locke.

I think that this is something that needs to be done. I do happen to come from an area that has a large investment in the areas previously pointed out by one of the earlier speakers. These people have a great deal of money invested but, the economy of that area is also very dependent upon this. I think that the legislation that has slowly been working through this legislature over the last few years and been closer and closer to passing is causing them to realize that they have some problems and they need to sit down and take a good look at where they are going.

One of the major concerns that these people have told me is the instability of knowing just where they can continuously go because the actions of the legislature, each year, keeping pressure on them and shifting from one posi-

tion to another. I think the decision that has been made recently, as I understand and as just pointed out, of sitting down and saying that we probably are coming to the point where we have got to make some real hard decisions as to what we are going to do and decide which direction we are going to go because of the thinking of many of the people in the State of Maine is a good sound decision. The motion to indefinitely postpone today and let us see what these people who do have these investments and who do contribute to the economy of their area will do, would be I think a much better move.

I hope you will indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: To go along with Mrs. Locke and Mr. Birt, most of the testimony at the public hearing for the bill was because of the mess at the so-called bait sets, not the baiting itself. This organization of professional guides, along with the department, plan on having a public hearing to set rules governing who sets these sets and where they are going to be set. Then they have the responsibility of cleaning up this mess. I know this industry has been hurt by only a few but there is some that do a good job with their sets, not taking any cubs or anything of that nature, and I think that we ought to look at this organization, look at the rules, give it another year or two to see if they can clean it up and if they can't, then take care of it.

I happen to have a camp in bear country, what is called Alder Stream area, up above Sugarloaf. I know that there are six of these so-called trap sets or bait sets on this road but, as many times as I have been hunting, I have never seen it. It isn't as bad as most people would like to have you believe.

Mrs. Martin of Brunswick was granted permission to address the House a third time.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As far as the bait is concerned so forth and so on, if the environmentalists and the people that are so interested in human resources, would go up there and see what is up there, they would place the places of unknown man area. In fact, if some one of us would put some of this stuff on our lawn, we would be caught and fined for polluting the environment and causing purposes of diseases or something like that.

As far as the cubs are concerned, I have a letter right here in my desk about a cub this man shot, shot the sow or whatever you want to call her and she had two cubs. He took one cub and he broke its back and he hung it on the tree, he was bear hunting with his dog, hung it on the tree so that his dog would have a better scent of the bear. So don't tell me that the cubs are not being killed. Besides that, some are just left there to starve. We had one brought here, four years ago, that was found in back of a barn in Millinocket and I asked the gentleman, where is the mother? He said, she is hanging in the barn.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will oppose the indefinite postponement as there is a great deal of feeling against this bait hunting, baiting of bears, throughout the state.

I have one bundle of letters here and I have another one but I can't find it. I would just like to read the towns off to you. Stratton, Greenville, Dover-Foxcroft, Kingfield, Stratton again, Millinocket, Rockwood, Portland, Liberty, all against this bill. Some of the comments that have been made here were that bear hunting was a major industry.

Yes, it is a major industry as far as Fish and Wildlife are concerned. Bear hunting is and it will be still a major hunting industry without bait. They used fish as an example of sportsmen using bait. Now, I believe that I told you the other day that using a fish, when the fish

grabs onto the hook, he has quite a distance before he is boated so that he can spit that hook, out if possible. Bear hunting will still go on and will still be a major industry regardless.

I would like to call your attention to the fact that baiting deer is illegal. You can't put a salt lick out, so why should you put bait for bear because if it is illegal for deer it should be illegal for bear.

I believe that the gentleman from East Millinocket made the statement about the instability about where these camp owners and so forth are going. Well, it is our own actions that are keeping things unstable.

This is a good bill, and I think if anybody can go out and put a piece of bait out and walk back into the woods 100 feet or so and get up into a tree and wait for a bear to come along so he can throw a slug into its head, if that is sportsmanship then I think I will take vanilla.

I request your vote against the indefinite postponement.

The SPEAKER: The pending question is substituting the Bill for the Report.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: We people on the committee realize there has been a lot of communications put out in favor of this bill. For some reason or other, the anti-hunt people zero in on some piece of legislation every year. This happens to be the one that they are after this year. I don't know what it will be next year but, in the past, we have always had one pet bill that the anti-hunting people who are very vociferous, incidentally, usually zero in on one and this is it. There are a lot of sportsmen out there that are working people and a lot of them don't have time to come to a hearing or sit down and write a letter, but, at our hearing, we had overwhelming testimony against the bill. The main body of the people that were for the bill were Audubon Society and people that would generally oppose the killing of any animal in any manner.

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mrs. Curtis.

Mrs. CURTIS: Mr. Speaker, Men and Women of the House: I have a card in my possession that says that I am a member of the Sportsmen's Alliance of Maine and therefore, I feel that I should rise and speak on this issue. I feel that this bill should not pass. I am very familiar with the problems that bears are causing in my district. I have no problem with the baiting of bears in my district.

I have no problem with the baiting of bears; my bear hunters know the situation best. I trust their judgment and the judgment of the Fisheries and Wildlife Committee. This bill should be killed.

The SPEAKER: The chair will order a vote. The pending question is on the motion of the gentleman from Brunswick, Mrs. Martin, that the Bill be substituted for the Report. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

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

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

Bill, "An Act to Provide an Effective Penalty Under the Labor Laws for Violation of the Statute Requiring a Written Statement of Reason for Termination of Employment" (H. P. 176) (L. D. 210) — In House, Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-161) of the Committee on Labor accepted and the Bill passed to be engrossed as amended on April 4. — In Senate, Report "B" "Ought to Pass" as amended by Committee Amendment "B" (H-162) of the

Committee on Labor accepted and the Bill passed to be engrossed as amended on April 6.

Tabled—April 9, 1979 by Mr. Wyman of Pittsfield.

Pending—Further Consideration

On motion of Mr. Nadeau of Lewiston, the House recessed from its action whereby the Bill was passed to be engrossed.

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

The same gentleman moved the indefinite postponement of Committee Amendment "A".

Whereupon, Mr. Tarbell of Bangor requested a vote.

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

Mr. WYMAN: Mr. Speaker and Members of the House: Before we vote on this, I would just like to clarify this issue. I believe the gentleman from Lewiston, Mr. Nadeau, has an amendment which he intends to offer, and the indefinite postponement of this particular amendment will give him an opportunity to offer that.

So, I hope you will vote for the indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Nadeau, that Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

93 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

Committee Amendment "B" (H-162) was read by the Clerk.

Mr. Nadeau of Lewiston offered House Amendment "A" to Committee Amendment "B" and moved its adoption.

House Amendment "A" to Committee Amendment "B" (H-201) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, could we have an explanation of this, please?

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

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

Mr. NADEAU: Mr. Speaker and Members of the House: This amendment simply incorporates only two adjustments to Committee Amendment "B," which was accepted in the other body. It includes the term "without good cause," which is included in there for the employer's protection, and changes the word "may" to "shall" to conform with the rest of the labor laws.

This amendment does retain some concern that was expressed in this body and the other body that changed the \$50 a day fine to not less than \$50 nor more than \$500. So what I feel was the greatest concern is retained in this amendment and just a couple of minor points corrected. I hope that answers the gentleman's question.

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

Mr. CUNNINGHAM: Mr. Speaker, I would like to pose a question of parliamentary inquiry. Did we not just a few moments ago indefinitely postpone Committee Amendment "A"?

The SPEAKER: The Chair would answer in the affirmative.

Mr. CUNNINGHAM: Mr. Speaker, if we indefinitely postponed Committee Amendment "A," it looks to me as if House Amendment "A" to Committee Amendment "B" would change the language of Committee Amendment "B" to be identical to Committee Amendment "A"; therefore, I question whether or not

this would be germane, having already decided against it.

The SPEAKER: For what purpose does the gentleman rise?

Mr. TARBELL: Mr. Speaker, a point of parliamentary inquiry. Is it proper to look at the question posed by Representative Cunningham in two parts?

The SPEAKER: The gentleman is out of order. The question of germaneness is not debatable.

Mr. TARBELL: I am not debating; it is a point of question.

The SPEAKER: The gentleman may state his question.

Mr. TARBELL: The question that Representative Cunningham raised was the words 'shall' and 'may' and Committee Amendment "A".....

The SPEAKER: The gentleman is debating the question of germaneness.

Mr. TARBELL: I am simply stating the question. The question was whether or not Committee Amendment "A" with the word 'shall' was duplicated in Committee Amendment "B." If Committee Amendment "B" goes forward and further adds additional language than 'shall,' should not you look at the question in two parts?

The SPEAKER: The Chair would advise the gentleman from Bangor that he is out of order.

The Chair would advise the gentleman from New Gloucester, Mr. Cunningham, if the gentleman would look at both Committee Amendment "A" and Committee Amendment "B," both amendments deal with exactly the same material. The question then becomes one of relationship between the two, and even though the second reference 'may' and 'shall' appears, there is no conflict with that.

The Chair would simply advise the gentleman that if Committee Amendment "B" were also indefinitely postponed in connection, and keeping in mind that the original bill, which is under L. D. 210, the original bill contains the provision for the fine and therefore is subject to amendment. That is to say, if Committee Amendment "B" were also indefinitely postponed, the original bill still contains the provision of the fine; therefore, the Chair would have to rule that the amendment is germane, based on the fact that we are amending the amendment which, in effect, will amend the bill at a later time, assuming that the amendments were adopted along with Committee Amendment "A" or "B."

The gentleman may debate the question of adoption of House Amendment "A" to Committee Amendment "B."

Mr. CUNNINGHAM: Mr. Speaker and Members of the House: House Report A, which we accepted several days ago and then sent to the other body, consisted of Committee Amendment "A." The language in Committee Amendment "A" we have just decided to strip from the bill, and the intention, I believe, by the proponents of House Amendment "A" to Committee Amendment "B" will be to make Committee Amendment "B" identical in language to the Committee Amendment "A" or Report A which we had accepted several days ago.

The propriety of this approach is that since we already disposed of the language of Committee Amendment "A" by indefinite postponement a few moments ago, then by reinserting that same language into another amendment which is an acceptable amendment, acceptable at least to the other body, I can't see where we are accomplishing what we intend to accomplish.

Personally, I guess perhaps I am at the point where I would move the indefinite postponement of House Amendment "A" to Committee Amendment "B."

The SPEAKER: The gentleman from New Gloucester, Mr. Cunningham, moves the indefinite postponement of House Amendment "A"

to Committee Amendment "B."

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to clarify this for the gentleman from New Gloucester, Mr. Cunningham, because I think he is a bit confused on this amendment as it relates to the report which Mr. Cunningham supports.

The House Amendment "A" which the gentleman from Lewiston, Mr. Nadeau, has offered would do two things and two things only to Committee Amendment "B." It is an amendment to Committee Amendment "B." Committee Amendment "A" has been indefinitely postponed and is no longer before us. We are dealing with Committee Amendment "B," which is the report that Mr. Cunningham supports.

What we have done is, number one, we have added three important words "without good cause." I am sure, very confident, that Mr. Cunningham and the other gentlemen who support Committee Amendment "B" would not want to put the employer, any employer in this state in a position of not being able to defend himself or defend herself in a case where they had good reason for not offering a written reason for termination of an employee. These three words "without good cause" are not trying to give the employee anything; we are trying to help the employer. There is no trick; it is just simple language, "without good cause," which Mr. Cunningham, I am sure, unintentionally omitted from the Committee Amendment "B."

The second thing this amendment does, if you look at it carefully, we are taking out the word "may" and we are putting the word "shall." Now, "may" is permissive; "shall" is mandatory. Why do we want to make it mandatory? For a very simple reason. It is mandatory throughout this particular section and sections of the Maine Labor Statutes. The penalties that are assessed, in case after case, are assessed mandatorily and the word in the statute is "shall." To try to make this a permissive thing is really not doing what the title of the bill intended, and that is to have an effective penalty. It is not effective to say there "may" be a penalty and there "may" not be. It is effective when you say there "shall" be a penalty.

The last thing I am going to say, and I hope you will remember this before you vote, is that a most important part of Mr. Cunningham's report, Committee Amendment "B" is still in the bill. It gives the discretion to the judge of having a forfeiture of not less than \$50 nor more than \$500. This is not the kind of latitude and flexibility given the judge in Committee Amendment "A" but it is still in Committee Amendment "B"—we are going to back off from our position, we are going to support it because we think it is reasonable and I hope that in turn you will see that House Amendment "A" is also very reasonable and hope you oppose the indefinite postponement.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: If you remember, when this bill came out of the Labor Committee, there were three reports. One of the reports was "Ought Not to Pass" and that report I signed. I think the more discussion we hear about this bill, the more complicated it gets, the more right I think I was in signing "Ought Not to Pass."

I would move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair would advise the gentlewoman from Auburn, Mrs. Lewis, that this is a non-concurrent matter and the motion to indefinitely postpone is not in order at this time.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gen-

tlemen of the House: I would concur. I think the motion has been made to indefinitely postpone House Amendment "A" to Committee Amendment "B" and I would concur with that and then I hope the whole bill can die.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from New Gloucester, Mr. Cunningham, that House Amendment "A" to Committee Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Cunningham of New Gloucester requested a roll call.

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

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

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think we know pretty much where we stand in regard to the acceptance of the bill in its present posture. We do know that we are halfway there with Report "B". Right now, we are debating whether or not we can switch around Report "B" to make it a little closer to what Committee Amendment "A" originally was, and I question whether or not we will get any of the bill if we continue to play around with it in this manner.

I am hopeful that some of this bill will pass. It wasn't my bill, it wasn't my idea to put these penalties in the law, this was someone else's idea. Yes, I did amend the bill in Report "B" and this is pretty much acceptable because we do have a non-concurrent situation. What I am hopeful for is that today we can dispense with this additional amendment that is being offered which I feel might place the bill in greater jeopardy. If we do that, then I will be in a position where I can make the motion to recede and concur and then the bill will go through, probably not in the best form that the original proponents of the bill wanted, but at least we will have the bill. If we continue to amend it in this fashion, I feel we may jeopardize it greater and we may still continue to be in a non-concurrent position.

Therefore, I would urge that you vote in favor of indefinite postponement of this amendment at the present time.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the good gentleman, Mr. Cunningham. This thing has been played around with way too much in committee. I never expected, as I mentioned in testimony last week, this bill would have so much reaction.

This is a compromise amendment. The other body sent this back in non-concurrence. I feel this amendment goes right down the middle. It incorporates some of the provisions that I and my co-sponsor incorporated into it in the original draft, it incorporates some of the concerns that some of the people in this body and the other body had about the bill. It is a reasonable compromise.

Any more amending or changing of position of this, that and the other thing would be ridiculous. This amendment is fair, it is just, it is reasonable, and I do not concur, I think it has a reasonable chance of passing the other body and I would urge the passage of this amendment and dispense with this matter altogether.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I really don't think this is

a compromise. The main part of this amendment is the change from "may" to "shall", and anyone who has been around here, as the gentleman from Lewiston, Mr. Jalbert, would say, a few semesters, knows that that is one of the biggest changes that we could make in any bill.

I would like to ask what this phrase "without good cause" really means? I wish that could be explained.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: It is a pleasure for me to address that question. I thought it would never be asked.

"Without good cause" is a very important clause which adds protection for the employer. You know, we mandate things on business in this state. We have a lot of labor statutes and we have a lot of laws on the books which, if violated by business, penalties are imposed.

We discussed in committee, and I am sure the gentlelady from Auburn, Mrs. Lewis, will recall very well, other pieces of legislation where we have envisioned certain circumstances under which businessmen may not be able to comply with the law; they may have a good reason why they don't give a written reason to the employee. It just seems to me to be very unreasonable to impose any fine on them without including for their protection, for the protection of Business, the three words "without good cause," because if they have a good cause, then we don't want to impose a penalty on them. If they have a good cause for not complying with the law, then fine and good, we won't impose a penalty upon them if they can justify what the good cause was.

I will say to Mrs. Lewis and everyone else on the other side of this issue that all this is basic protection for the businessman and if you want to protect the businessman, then I hope you will support the amendment.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Not to prolong this, but I haven't spoken today or very much in the past, at least in the last week, but when I find myself somewhat agreeing with the gentleman from Pittsfield, Mr. Wyman, I wonder if maybe I am confused. In this case, I somewhat agree with him. I very much admire him for putting this amendment in and if you are going to pass this legislation, that certainly is in a better form than the original.

However, I think the issue here is that we are now trying to paint up, if you will, a bill that probably should never be before us in the first place. By putting on this amendment, at least the bill becomes somewhat more palatable, but let's not forget that the best committee report was the one that said the bill shouldn't have been reported out in the first place and was reported out "ought not to pass."

I guess I am really between a rock and a hard place, because I certainly hate to support this amendment knowing that possibly the bill will live and ultimately receive passage. However, if it is going to, then I would hope you would support the amendment and oppose the indefinite postponement.

Mr. Cunningham of New Gloucester was granted permission to speak a third time.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would only like to point out to the previous speaker that, yes, a great deal of confusion has been generated and the confusion has been generated because we now have an amendment to a report that was accepted by the other body which will revert our position right back to the one which we already indefinitely postponed. The ruling of the Chair is that this is acceptable. What I am trying to suggest to you is that the confusion is because we are going right back to our original position which we know is unacceptable to the other body or else we wouldn't be in nonconcur-

rence now. Perhaps you would like to kill the bill. If you want to kill the bill, perhaps, the best thing to do is accept the amendment and we will be at a stalemate.

I thought the proponents of the bill wanted something in the bill. The question is "shall" or "may". The Report "B" has "may" in it. The original Report "A" had "shall". The original report "A" had "without good cause." What we are doing is going back to an amendment that we have already indefinitely postponed except I will have to say there are two other words in that original amendment; therefore, I am going to continue to debate the germaneness.

We should indefinitely postpone this and we will be in a clearer position.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Report "A" that we indefinitely postponed is not similar at all to this amendment. Report "A" is that there was a fine of \$50 per day up to \$500, and the amendment proposed by the good gentleman from Lewiston has that it shall be \$50 and up to \$500. It is not the same thing at all. The original bill was asking for \$50 a day and no limit and to return to the employee, so we have compromised quite a bit.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from New Gloucester, Mr. Cunningham, that House Amendment "A" to Committee Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YE — Aloupis, Austin, Bordeaux, Bowden, Brown, K.L.; Bunker, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fillmore, Gavett, Gould, Gray, Huber, Hunter, Hutchings, Immonen, Jackson, Leighton, Lewis, Lougee, Lowe, Lund, MacBride, Masterman, Masterton, Matthews, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Studley, Tarbell, Torrey, Tozier, Wentworth, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown D.; Brown, K.C.; Call, Carter, D.; Carter, F.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fenelon, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Hughes, Jacques E.; Jacques P.; Jalbert, Joyce, Kane, Kelleher, Kiesman, Lancaster, LaPlante, Leonard, Lizotte, Locke, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Paradis, Paul, Pearson, Prescott, Reeves, P.; Rolde, Small, Stetson, Stover, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Carrier, Carroll, Churchill, Conary, Dudley, Dutremble, L.; Fowlie, Garsoe, Kany, Laffin, Nelson, M.; Norris, Post, Simon, Soulas, Sprowl, Strout.

Yes, 47; No, 87; Absent, 17.

The SPEAKER: Forty-seven having voted in the affirmative and eighty-seven in the negative, with seventeen being absent, the motion does not prevail.

Thereupon, House Amendment "A" to Committee Amendment "B" was adopted.

Committee Amendment "B" as amended by House Amendment "A" thereto was adopted.

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

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

Bill, "An Act to Make the Voluntary Payment of the Workers' Compensation Nonpreju-

dicial" (H. P. 417) (L. D. 542)

Tabled—April 9, 1979 by Mr. Tarbell of Bangor.

Pending—Passage to be Engrossed.

Mr. Tarbell of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-189) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: With the adoption of this amendment that I am offering, this measure will accomplish two things. First of all, it will say in a workers' compensation case that an employer may go ahead and pay an employee workmen's compensation benefits voluntarily without having any fear that the payment of the benefits to the employee would be held against the employer in a contested case if it actually did go before the commission for a contest.

The amendment goes one step further and would codify into law, which is the informal practice that is being used right now, and that is that the commission, after receipt of notice from the employer that one of the employees has been injured, the commission is now sending within 90 days to the employee a letter telling him what his rights are or what her rights are, that they may file a petition for award, that they may have their attorney's fees paid for them, so forth and so on. So this measure would simply place into codification the informal practice that is being done now by the commission.

Thereupon, House Amendment "A" was adopted.

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

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

Bill, "An Act Concerning Appeals to the Superior Court" (H. P. 601) (L. D. 748)

Tabled—April 9, 1979 by Mr. Carrier of Westbrook.

Pending—Adoption of House Amendment "A" (H-193) to Committee Amendment "A" (H-181)

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill, "An Act to Extend Collective Bargaining Rights to Deputy Sheriffs," (H. P. 346) (L. D. 445) which was tabled earlier in the day pending acceptance of the Committee Report.

On motion of Mr. LaPlante of Sabattus, retabled pending acceptance of the Committee Report and specially assigned for Thursday, April 12.

On motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action of yesterday whereby Bill "An Act Relating to Self-insurance under the Workers' Compensation Act," House Paper 396, L. D. 526 was passed to be engrossed.

On further motion of the same gentleman, tabled pending passage to be engrossed and tomorrow assigned.

(Off Record Remarks)

At this point, the Speaker appointed Mr. Elias of Madison to act as speaker pro tem for tomorrow's session.

On motion of Mrs. Post of Owl's Head. Adjourned until nine-thirty tomorrow morning.