

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Thursday, April 12, 1979

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

Prayer by Pastor Albert York of the Calvary Temple, Waterville.

Pastor YORK: Shall we all bow together for prayer? Our Father, we thank you for this beautiful day that you have given to us. The word tells us that this is the day that the Lord has made; we will be glad and rejoice in it. We have business now at hand to tend to and we ask you, Lord, that we might be able to do it with haste. We ask you that we might be able to do it with wisdom and with understanding. I pray for your leadership upon this session at this time, and in your name we ask all of these favors. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

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

The Southern Aroostook Community High School has won the Northern Maine One-Act Play Competition for two years, 1978-79. (S. P. 498)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

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

Omer and Carmen Canuel of Lewiston are celebrating the occasion of their 50th Wedding Anniversary (S. P. 499)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

Bill "An Act Establishing Expenditure Limits for Federal Funds Expended by State Departments and Agencies for the Fiscal Year Ending June 30, 1980" (Emergency) (S. P. 486) (L. D. 1557)

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

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

Reports of Committees

Leave to Withdraw

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on RESOLVE, to Provide Minimum Retirement Benefits for Mrs. Elizabeth Ramsay of South Portland (S. P. 372) (L. D. 1152)

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to End Subsidized Early Retirement Payments Under the Maine State Retirement System Statute" (S. P. 306) (L. D. 892)

Came from the Senate with the Reports read and accepted.

In the House, was read and accepted in concurrence.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-84) on Bill "An Act to Permit Deer Hunting with Muzzle-loading Rifles" (S. P. 39) (L. D. 25)

Report was signed by the following members:

Messrs. REDMOND of Somerset
USHER of Cumberland
PIERCE of Kennebec

— of the Senate.

Messrs. PAUL of Sanford

JACQUES of Waterville
MASTERMAN of Milo
CHURCHILL of Orland

— 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. MacEACHERN of Lincoln
TOZIER of Unity
VOSE of Eastport
PETERSON of Caribou
DOW of West Gardiner
GILLIS of Calais

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-84) as amended by Senate Amendment "B" (S-102) thereto.

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from West Gardiner, Mr. Dow, moves that the Minority "Ought Not to Pass" Report be accepted in non-concurrence.

The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This is almost a perennial bill here. This is the furthest this bill has gotten so far, and I certainly hope you don't accept the "ought not to pass" report.

Those people are asking for a three-day season after the close of the regular hunting season. It is an experimental season and they would like it very much, it is quite a large group of muzzle-loading hunters throughout the state, clubs, etc., and the Senate Amendment only adds on muskets.

In the statement of fact, this amendment reduces the proposed season to three days. We had originally asked for 6 days. These muzzle-loaders are a very effective arm, they are very accurate, and the main objection has always been because the caliber has been too small. It must be at least a 44 caliber, and I certainly hope that you will not accept the "ought not to pass" and I request a roll call vote.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill is nothing but an extension of the season for a few people who happen to hunt with muzzle-loading rifles. They can now hunt during the regular season with a muzzle-loader. These muzzle-loaders are as accurate as any rifle that anybody hunts with, and I see no reason to extend the season. If we are going to do this I hunt with a 35 Remington rifle and I would like to have a special season for 35 Remington rifles, and I am sure the people who hunt with 30-30 rifles would like to have a special season for 30-30 rifles, and the people that hunt with 38-55 probably would like to have a special season for that, but we don't have deer enough to have all these extra seasons.

We have a special archery season, and that special archery season is set up for a reason, they have to stalk the animal and they have to be quiet and so forth, but these muzzle-loader rifles are just as accurate as any rifle that anybody in this House ever hunts with, and I see no reason to set up a special season for these people. They can hunt during the regular season and shoot a deer with their muzzle-loader rifle. They are going to argue that they are going to have only one shot. Well, I have hunted with a 35 Remington for years, and I can't remember over two times in my lifetime that I have had more than one shot at a deer out of my 35 Remington. So, why should we give a special season to these people?

I would urge you to vote for the motion before you now.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: These people are applying for a license that costs \$7.50, and they must apply for this license before November 1. If they are successful in the regular hunting season with their regular rifle that they use, they will not be allowed to hunt with a muzzle-loader.

As Representative MacEachern stated, the bow and arrow hunters, they have got to be very accurate, the animal has got to be standing; most of these people that are muzzle loaders, they are going to do the same because they only have one shot. They probably never will have a chance to reload this again, so they have got to be accurate and they have got to have their standing shot.

They are not asking for anything any more special than the archers are. The archers have the whole month of October to hunt over the regular season. They are out there scouting for the regular deer hunting season with their rifles. These people are only asking for three days. They are willing to pay \$7.50, regardless of whether they use it or not, and there really aren't going to be that many.

Other states have a muzzle-loading season, and no harm will come, there won't be that many deer killed, and I certainly hope you don't accept the "ought not to pass" report.

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

Mr. DOW: Mr. Speaker and Members of the House: Just one more thought. The only reason that I signed the "ought not to pass" is because of the size of the deer herd. We have been taking away from the regular season over the last few years, shortened it and shortened it and shortened it, and I really don't think the deer herd can stand another three days.

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

Mr. PAUL: Mr. Speaker, Ladies and Gentlemen of the House: As you know, the majority of the Fisheries and Wildlife Committee felt that allowing these muzzle-loading hunters to hunt up to three days—now, it has been alluded that this would be a three-day season and that is not the case. The advisory council would be given the authority under this bill to establish a season immediately after the regular hunting season that shall not exceed three days. We simply felt that this type of hunting with this type of a weapon would justify setting up a special season, because it is very similar to the archers who have a very special technique that they have to use to hunt the deer. They have to wear camouflage, they have to sit and be awful quiet and they only get one shot. This is exactly the same situation with the muzzle-loaders. They can't be roaming around in the woods with these guns that weigh 40 pounds, they are heavy, bulky guns and they get one shot.

We don't think it is fair, because a majority of the people who want to hunt with a high-powered rifle during the season, that we should exclude the muzzle-loaders as well, because we do think they have a legitimate hunting mechanism in this gun, and I would hope that you would support the majority "ought to pass" report.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the House accept the Minority "Ought Not to Pass" report in non-

concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Barry, Benoit, Berube, Brannigan, Brodeur, Brown, D.; Carrier, Carroll, Chonko, Cloutier, Connolly, Davies, Davis, Diamond, Dow, Dudley, Dutremble, D.; Elias, Fenslon, Fowlie, Gillis, Gwadosky, Hall, Huber, Hughes, Hunter, Immonen, Joyce, Kane, Laffin, Leighton, Lizotte, Lougee, MacBride, MacEachern, Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Mitchell, Nelson, A.; Nelson, N.; Pearson, Peltier, Peterson, Prescott, Roope, Sherburne, Smith, Strout, Theriault, Tierney, Torrey, Tozier, Vincent, Violette, Vose, Wood

NAY — Aloupis, Austin, Berry, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carter, D.; Carter, F.; Churchill, Conary, Cox, Cunningham, Curtis, Damren, Dellert, Doukas, Drinkwater, Dutremble, L.; Gavett, Gould, Gowen, Gray, Hanson, Hickey, Higgins, Hobbins, Howe, Hutchings, Jackson, Jacques, E.; Jacques, P.; Kelleher, Kiesman, Lancaster, LaPlante, Leonard, Lewis, Lowe, Lund, Mahany, Masterman, Maxwell, Michael, Nadeau, Norris, Paradis, Paul, Payne, Reeves, J.; Reeves, P.; Rollins, Sewall, Silsby, Simon, Small, Soulas, Sprowl, Stover, Studley, Tarbell, Twitchell, Wentworth, Whittemore

ABSENT — Baker, Beaulieu, Brennerman, Dexter, Fillmore, Garsoe, Jalbert, Kany, Marshall, Martin, A.; McMahon, Morton, Nelson, M.; Post, Rolde, Stetson, Tuttle, Wyman

Yes, 61; No, 71; Absent, 18.

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

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

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

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

Mr. VINCENT: Mr. Speaker, Ladies and Gentlemen of the House: I wish to bring to the attention of members voting on this bill that there is a \$10,000 appropriation, and \$10,000 is too much for people to walk around for three days playing Davy Crockett.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: With all due respect to Mr. Vincent, I don't think they are playing Davy Crockett; I don't think that is very fair. I also disagree, and I haven't had a chance to see John Bailey on this, but I think \$10,000 is way too much money for a fiscal note on this bill. I assure you, it is not anybody playing Davy Crockett. They are very serious about this. They were ready to give up the rest of their deer hunting for this three day season. These guys take this very seriously, they put a lot of money and time into it. It is a sport to them just like snowmobiling and fishing and everything else is to everyone else.

I didn't intend to stand upon this. I figured that just by signing the report the way I did would be all I would have to say, but when somebody says something like that, I hope you will vote against the motion to indefinitely postpone this.

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

Mr. MacEachern: Mr. Speaker, Ladies and Gentlemen of the House: I really don't feel the same way the previous gentleman does. My signature really doesn't mean that much in this House, and what I say on the floor of this House doesn't mean much. I would just like to try to get my ideas over to you through speaking rather than my signature.

This is a terrible bill. We could extend our hunting season for the year-round if we wanted

to include every type of rifle that comes down the pike. These rifles that these people are using, as I said before, are very accurate, they are just as accurate as my rifle is or anybody else's rifle.

As I said before, I have only had two or three times that I have been able to get off more than one shot at a deer and these people want a special privilege that I don't think that I deserve with my rifle and I don't think anybody else deserves it. They can hunt during the regular season with these muzzle-loaders if they so desire. They can use a rifle like I do, or they can use an automatic, whatever they want to use. I just can't understand the logic behind a season like this. I hope that you will kill this bill now.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I don't know where they came up with the \$10,000. We changed the bill so that they did not have to issue licenses to send out to every town clerk through out the state. All they have to do, they have to apply to the Department of Inland Fisheries and Wildlife for this license to hunt with. All they have to do—it was stated—this was a cost-saving matter so they would mimeograph and make up permits and issue them right from the office here. They would have to send in their money for it. This does not require any extensive amount of money. I can't see where they came up with this \$10,000 because, at the time, it was supposed to be very minimal. They could take care of it right from the office. I certainly hope you don't move to indefinitely postpone this bill at this time.

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

71 having voted in the affirmative and 58 in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Provide for the Registration of Off-road Motorcycle Type Vehicles" (S. P. 276) (L. D. 858)

Report was signed by the following members:

Mr. EMERSON of Penobscot — of the Senate.

Messrs: McKEAN of Limestone
HUNTER of Benton
ELIAS of Madison
CARROLL of Limerick
STROUT of Corinth
JACQUES of Lewiston

Mrs. HUTCHINGS of Lincolnville — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-99) on same Bill.

Report was signed by the following members:

Messrs: O'LEARY of Oxford
USHER of Cumberland — of the Senate.

Messrs: BROWN of Mexico
LOUGEE of Island Falls
McPHERSON of Eliot — of the House.

Came from the Senate with the Majority "Ought Not to Pass" report read and accepted. In the House: Reports were read.

On motion of Mr. Carroll of Limerick, tabled pending acceptance of either Report and assigned for Tuesday, April 17.

Non-Concurrent Matter Tabled and Assigned

Bill, "An Act to Provide an Effective Penal

ty 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) which was passed to be engrossed as amended by Committee Amendment "B" (H-162) as amended by House Amendment "A" (H-201) thereto in the House on April 10, 1979.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "B" (H-162) in non-concurrence.

In the House: On motion of Mr. Nadeau of Lewiston, tabled pending further consideration and assigned for Tuesday, April 17.

Non-Concurrent Matter

Bill "An Act to Authorize the Town of Dennysville to Vote on Certain Local Option Questions Concerning the Sale of Liquor" (Emergency) (H. P. 188) (L. D. 238) which was passed to be engrossed as amended by House Amendment "D" (H-164) in the House on April 6, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-101) in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Nomination Petitions for Municipal Office" (H. P. 556) (L. D. 703) on which the Majority "Ought to Pass" Report of the Committee on Election Laws was read and accepted and the Bill passed to be engrossed in the House on April 6, 1979.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Election Laws read and accepted in non-concurrence.

In the House: On motion of Ms. Benoit of South Portland, tabled pending further consideration and assigned for Tuesday, April 17.

Messages and Documents

The following Communication: (S. P. 501)

State of Maine

SENATE CHAMBER

President's Office

Augusta, Maine 04333

April 10, 1979

Honorable Barbara A. Gill

Honorable Sandra Prescott

Chairmen, Health & Institutional Services Committee

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Diana Chase Scully of Portland for membership on the Health Facilities Cost Review Board.

Pursuant to Title 22, MRSA 353, this nomination will require review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

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

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

Petitions, Bills and Resolves Requiring Reference

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

Business Legislation

Bill "An Act to Establish the Insurance Regulatory Commission" (H. P. 1305) (Presented

by Mr. Wyman of Pittsfield) (Cosponsors: Mr. Diamond of Windham and Mr. Lizotte of Biddeford)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

An Expression of Legislative Sentiment (H. P. 1306) recognizing that:

The Boothbay Region High School Seahawks, coached by I. J. Pinkham and his assistant, Fred Lewis, have become the Western Maine Boys' Class C Basketball Champions.

Presented by Mrs. Sewall of Newcastle

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

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative William Garsoe of Cumberland be excused April 4, 1979 for duration of his illness;

AND BE IT FURTHER ORDERED that Representative David Marshall of Millinocket be excused April 12 through April 17, 1979, for personal reasons.

House Reports of Committees

Ought Not to Pass

Mr. Roope from the Committee on Agriculture on Bill "An Act to Remove the Restriction on Selling or Raising Live Animals as a Fund-raising Device" (H. P. 293) (L. D. 390) reporting "Ought Not to Pass."

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

Leave to Withdraw

Mr. Hobbins from the Committee on Judiciary on RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Offices of Judges of Probate and Registers of Probate as Constitutional Offices" (H. P. 197) (L. D. 246) reporting "Leave to Withdraw."

Mr. Hughes from the Committee on Judiciary on Bill "An Act Providing Authority to Modify District Court Divisions and Districts by Rule of Court after Public Hearing" (H. P. 458) (L. D. 571) reporting "Leave to Withdraw."

Reports were read and accepted and sent up for concurrence.

Ought to Pass

Pursuant to Joint Order H. P. 135 Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1979" (Emergency) (H. P. 1304) (L. D. 1560) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 135)

Report was read and accepted, the Resolve read once and assigned for second reading, Tuesday, April 17.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Extend Conditional Exemption from Utility Deposits to Commercial and Industrial Customers under the Public Utility Law" (H. P. 443) (L. D. 560)

Report was signed by the following members:

Messrs: DEVOE of Penobscot
COLLINS of Knox

— of the Senate.

Messrs: CUNNINGHAM of New Gloucester
LOWE of Winterport
BERRY of Buxton
REEVES of Newport

Miss GAVETT of Orono
Mr. VOSE of Eastport

— of the House.

Minority Report of the same Committee re-

porting "Ought to Pass" on same Bill.

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin

— of the Senate.

Mrs. NELSON of Portland

Messrs: DAVIES of Orono

McKEAN of Limestone

— of the House.

Reports were read.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I move the acceptance of the Minority "Ought to Pass" Report.

The bill before you, "An Act to Extend Conditional Exemption from Utility Deposits to Commercial and Industrial Customers Under the Public Utilities Law" is a bill that, in my opinion, does some small benefit to the businesses of the State of Maine. It proposes to eliminate the provision that permits utilities to charge deposits to commercial and industrial customers who are not credit risks.

Currently, under regulation of the Public Utilities Commission, residential customers who are not credit risks, who cannot be demonstrated to be credit risks, cannot be charged deposits by the Telephone Company.

However, right now as it stands, if you are a businessman and you go in to establish telephone service, the telephone company can charge a deposit to you whether or not there is evidence whatsoever that you are a credit risk that would be approximately equivalent to two months of their estimated bill that you would be receiving.

Now, if you are a small businessman, you are just trying to get started, there are a lot of problems you are apt to run into, a lot of regulations you have to comply with, a lot of costs that you have to spend and it was the feeling of the minority of the committee that here was one opportunity where we could reduce one of the costs that a new businessman might run into.

If you are setting up a business and the telephone company projects that your two month's bill is going to be about \$150, they can charge a deposit for that \$150 whether or not there is any evidence whatsoever that you are going to be a credit risk. Under this provision, it would merely extend the same provisions that currently apply to residential customers if they can demonstrate that you are a credit risk. If there is any evidence whatsoever, then they will continue to allow a deposit to be charged. If there is no evidence that they can present that you are a credit risk, you will be allowed to establish that service merely by paying the installation charges, much like a residential customer would do.

So, it was the opinion of the minority that there wasn't a lot that we could do for businesses and industry but that this was one small step that we could take. I think it is appropriate for us in these times of rapidly escalating utility costs and the extreme difficulty of getting businesses started in this state with the beneficial aspects of new jobs, new tax revenues to the State of Maine and to the communities they are located in, this was one small step that we could take, a small step that we should take.

Now, a lot of questions were raised on both sides of it, and I am sure you are going to hear from the other side of the question. They can make some very strong points, I am sure. I think that it is a judgment that we in the Legislature have got to make, whether or not we are going to make the effort to help small businesses, to try and prove the climate for these businesses getting started, because they do offer benefits to the State of Maine.

We do suffer from unemployment problems, we do suffer from the problem of getting businesses started here because we are far away from the commercial centers of the nation. We have climatic problems. We have transporta-

tion problems, and it was our feeling that a telephone is absolutely essential to a small businessman. You and I might be able to function without a telephone but a businessman cannot survive without a telephone. Since they are going to have to get a telephone, we wanted to remove at least some of the burden that would be imposed upon them when they receive their telephone service.

There is nothing to stop the utility company, if they get evidence that shows that the person or the business that is receiving the telephone service is a credit risk, whether it is bad debts, failure to pay bills, any of the things that would generally be accepted could cause them to require a deposit; but lacking that information it was our opinion that we should not cause these businesses to have to pay this extra amount of money without some good cause.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't want you to think that I am standing up today to oppose the efforts of any individual to go into business; I certainly don't intend to do that. I would just like to remind the people of this body that when you have a new business starting out, you don't have very much for credit information. It is a completely new entity, a beginning business. So, how are we going to assume the risk if we do not allow the utility companies to make some kind of a risk assumption by that person who is starting the business or by those people who are starting the business.

Then what you are going to do, what you are in effect asking the people of this state to do is that you are asking the people who are not in business to underwrite the risk of new businesses. You are asking the regular ratepayers to pay the cost of the people who start a business and might not make it.

New businesses go by the wayside quite frequently. I don't believe that we should allow that risk to come into the rate structure of our utilities, because in effect what happens is, we, the homeowners who have regular customer kind of rates, will then be paying for the risk of those places that don't make it, those places that go bankrupt and fail.

Therefore, I think you can understand why the majority of the committee went against this legislation. I would urge that you vote against the pending motion today.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Representative Cunningham has brought up a point that I think is a very valid point. However, I would like to say this, while I was in the hall one day, this bill was being discussed by a number of people including somebody who lobbies for the larger utilities companies. The statement that he made to me was, 75 per cent of the new businesses in this state fail, 75 per cent.

Well, I don't like those kinds of figures, so I went and did a little checking on them. In fact, I went as far as to go over to the Small Business Administration and I had a chance to talk with some of the people, including Mr. McGillicuddy, who is the head of this area of the Small Business Administration, and during the testimony at the committee in which we persuaded Mr. Berry, one of his statisticians, to show up for the hearing, they cited that only 5 per cent of those businesses that they hold the portfolio on, and I am talking of a \$100 million portfolio, only 5 per cent of those businesses fail, 5 per cent. Now, we are speaking of a \$100 million portfolio. That is a awful small figure.

Something else, when they say there are so many businesses that fail, what they fail to take into consideration is that it is not just failures, it is those businesses who merge, sold, or in other words disposed of other than failed.

They are using that as a conglomerate figure. I think that is wrong.

As far as the utilities go, I have nothing against the utilities. I would say this, however. Last year, the boss of one of the largest utilities, after they came out with their profit margin, made this statement. I think it is the understatement of the year. They described the company's profit picture of just about \$30 million as very satisfactory. I guess so! I guess it was very satisfactory.

Ma Bell announced her profits of \$40 billion on Wall Street. That is the largest profit picture of any corporation in the history of this nation. So, I think that they have the money.

If you and I are in business and we accept checks that bounce or we take in charge accounts and somebody fails to pay that charge account, do you go out to the other customers and say, hey, you have got to make up for it. No, you don't, because if you do, you lose your business. But, my friends, in a monopoly it is not that way, you don't have a choice.

I am proud to be the cosponsor of this bill, very proud, because this is a little people's bill. This is a bill for you and me and all the people back home who some day would like to go into business. As far as how do you identify the business with the computer arrangements these companies have now, it is very easy. If they want to make sure that the names of the stockholders are identifiable to them, they can do this. They can get a credit rating. They can use the facilities of such outfits like American Service Bureau or Retail Credit organizations. They can absorb just a little bit of the cost of operations. Why should you people at home absorb it all?

That is what this bill is all about, my friends. This is a strike for the people back home. I don't want to be the one to kill this one. If it is going to be killed, I would like to see it somewhere else but not in here. I would hope that you would vote for this bill.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair to anyone who would answer.

How can any public utility determine that a customer or potential customer is likely to be a credit risk?

The SPEAKER: The gentleman from Hope, Mr. Sprowl, has posed a question through the Chair to any member of the House who cares to answer.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Very easily. They have massive computer banks which operate nationwide. They can pick out the information either by the name of the individual who purchased the company or the partnerships that purchase the company. If they have information in their banks that show this individual has not paid his bills on time, damaged company property, or if there is some information, then this bill says, yes, go ahead and charge him that particular deposit. We don't have any problems with that. But, if there is nothing that says that this man is a poor credit risk, if there is nothing that says that company is a poor credit risk, even though it is a new company, it still has names behind it. It is not just a company with no name whatsoever with nobody that ever purchased it, if there is no information that says this man is a bad credit risk, then why should he pay the bill? You have got to stop and think of it this way. These companies normally give him a \$500 or a \$300 deposit, they should give back 5 or 6 per cent. In fact, I think my good seatmate has a letter here where they say 6 per cent. But you stop and figure how much money they are getting in interest on a half million dollars. They are not getting 5 or 6 per cent, they are getting close to 13 or 14 per cent on their invest-

ment. Where does the rest of that money go? That's all profit, that is pure profit, and you are paying for it, that is the sad part of it.

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

Ms. BROWN: Mr. Speaker, Men and Women of the House: This is my bill and I think it has much worth. This bill would prohibit telephone companies to require deposits prior to service for businesses if they are not known to be a credit risk.

I cannot see why a telephone company, through its monopoly, should be allowed to collect large deposits and retain this money for a lengthy time and pay back only with a 6 per cent interest. It creates a hardship for small businesses that need all the working capital they can get to stay in business these days.

I have just received a letter from a local dentist who wanted me to know that he supports this L. D. He called it an unfair, economic advantage utilized by a monopoly. He has supported a protest to the Public Utilities Commission, who is most interested in pursuing the matter on his behalf. However, there being no prohibitive statute, should not be of any assistance to him.

I think it is time we passed this legislation, as it has already been passed for residential customers. I urge you to vote for the minority "ought to pass" report.

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

A vote of the House was taken.

63 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-206) on Bill "An Act Regulating Business Practices Between Motion Picture Distributors and Exhibitors" (H. P. 365) (L. D. 473)

Report was signed by the following members:

Messrs. AULT of Kennebec
CHAPMAN of Sagadahoc
Ms. CLARK of Cumberland — of the Senate.

Miss ALOUPIS of Bangor
Messrs. JACKSON of Yarmouth
D. DUTREMBLE of Biddeford
LIZOTTE of Biddeford
GWADOSKY of Fairfield
BRANNIGAN of Portland
SPROWL of Hope — of the House.

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

Report was signed by the following members:

Mr. HOWE of South Portland
Miss BROWN of Bethel
Mr. WHITTEMORE of Skowhegan — of the House

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

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

The SPEAKER: The gentleman from South Portland, Mr. Howe, moves that the minority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: Before we proceed with the debate on this bill which would unnecessarily draw the state into the middle of a business relationship in the private sector, I would like to put an end to a nasty rumor that has been floating around. You will notice that there

are three of us on the minority report, and there has been word to the effect that we have been offered motion picture contracts by the producers to influence our votes, and I just want to put an end to that rumor.

Just because Representatives Brown and Whittemore will be starring in a remake of "Beauty and the Beast", it has nothing to do with their position; nor the fact that you will see me in the updated version of Pinocchio, I assure you, that has no influence in our positions.

Before I proceed with my words in opposition to this bill, I think I will give the proponents an opportunity to state their case.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate this generous offer that has been given me by the young gentleman from South Portland. I respect this gentleman very much and I am sure that he will star in movies at some later time, though I don't think it will be at this time.

This is a worthwhile bill and a necessary bill and it addresses an imbalance and there is no other way that it can be addressed.

The problem here is the thing called blind bidding. If you run a movie theater and you want a first-run movie in a large metropolitan area such as Lewiston or Portland, you are asked to, under the present way the movie moguls are handling it, you have to bid on it and you have to make a bid often a year in advance for a movie that you know very little about. You may know the starts, you may roughly know the plot, you don't know the rating and you have to make a bid which will promise that prior to the release of this picture, possibly a month or two in advance, you will have to put down a deposit of maybe \$10,000. You will have to guarantee a certain gate amount, a certain amount from the popcorn machine and various other things.

Now, you don't know what this film will be. When the film appears, it may not be suitable for general audience or it may be. It may come at Christmastime or it may not, but you don't exactly know what you are getting. This has become common practice. This is something that is very good for the movie industry because they can have their money up front, or the promise of their money up front well before the film is even produced or developed.

What they do, they take these promises from the theaters and they turn around and they can turn this into bank loans. With contracts and promises from the thing, they can get bank loans to produce the movies, so this saves them a lot of money, but there is no way that this can be resisted by the small theater owners of the State of Maine.

I am sure Mr. Howe is going to tell you, probably in detail, that this is two massive companies bashing their heads together and the State of Maine shouldn't be involved, but I will say they should be involved, because the only way that the theater owners can fight this blind bidding is to get together and refuse to blind bid, but the second they do that, dozens of pointed-toed, shiny-shoed lawyers are going to appear here from the big city and they are going to start yelling restraint trade, anti-trust and various things like that, and there will be no chance for the small theater owners to resist this. They have to go ahead with the blind bidding. Therefore, it is a situation that is totally unfair, and the only way it can be addressed is through this legislature passing this bill.

Now, there is another thing here which I think speaks to the bill very definitely, and that is, as you may be aware and I hate to stoop to such a thing but I really don't mind a bit today, the lobby is involved in this, not only the lobby, two lobbies, two major lobby firms out there beating the corridors, tugging at your sleeve, putting their story across, and I think that in itself—they want this bill dead and I think that

in itself speaks against it.

I will ask you to please vote for the bill and against the motion that this bill "ought not to pass" because it is a good bill. I hope you will do this, because somewhere in some city, Beverly Hills and New York, high on a skyscraper there is a man sitting behind a massive desk with three or four telephones on that desk and he is waiting for a call from people saying the bill is dead. I think you shouldn't give him the opportunity to receive that call.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if any of you have seen the movie "Slapshot," but that movie came to Waterville, and the theater owners in Waterville, of course, went through the blind bidding process and when they got the letter from the picture company, they said this was a movie about a small-town hockey team. In Waterville, of course, the theater owners said, this is going to be great, the gate on this thing will be fantastic, so they blind bid the movie, the movie came to Waterville. I don't know if any of you have seen slapshot, but if you saw it, you probably wouldn't bring your kids to it. It surely isn't a movie about a small town hockey team; it is a movie about a bunch of thugs who get on a bus and drive around and play hockey in these places and they filth more than they play and they swear more than they do anything else.

I would like to cite a few comments here from an Attorney General's opinion that was written from the anti-trust Division in Washington at the request of a representative in Massachusetts. He wrote to John Cheneffield, who is the Assistant Attorney General in the Anti-trust Division in Washington, about blind bidding and the effects it might have on the consuming public. He wrote back to this gentleman named Mr. Schwartz in the Massachusetts Legislature, and I would just like to cite a couple of things that he said about blind bidding.

He says, "Blind bidding, which requires exhibitors to license films without having had an opportunity to see them, seems an anomaly in a system which is based on open competition of free trade. It requires exhibitors to formulate their bids without sufficient data on which to make an informed judgement as to the quality, artistic merit or probable box office appeal of the offered products. It also requires exhibitors to commit valuable playing time in their theaters, to post substantial advance payments, to pledge sizeable guarantees without having an opportunity to inspect the films they will show."

"Examples can be cited of exhibitors having been driven to bankruptcy by inferior films which were blind bid. Since an exhibitor is reduced to the role of a speculator on high risk investments, it is not at all surprising that in general only the large chains are still operating profitably."

He goes on in his last paragraph of the opinion and says "From our analysis of the effect of blind bidding upon the public interest, it appears that the practice produces relatively few benefits in comparison to its detrimental effect. Blind bidding seems to preclude the motion picture industry from being as competitive as it could be, to contribute to maintenance of a high degree of concentration in that industry, to impair the opportunity of a large segment of the entertainment industry, the theater owners to exercise intelligently their own judgement and skills in the operation of their business, and generally to render both the distribution and exhibition levels of the industry less efficient and responsible in satisfying the taste and demands of the movie-going public."

Now, can you think of another item in this country that is manufactured that you have to put money up front or that you have to buy before you get an opportunity to see it?

I would suggest that most of the things that

we all buy, we get an opportunity to at least view to get an idea of whether or not in fact we want to put our money where our mouth is. I would suggest it is very unfair for a theater owner in Maine to get a letter from a big picture company saying, a movie will be ready for release in eight months. These are the stars, this is what the movie is about. If you want to get a shot at this movie, you are going to have to put up \$10,000 and sign your life away.

What this bill says, the entertainment industry will have to show the film, will have to trade-screen the film. The theater owners in Maine will be allowed to see the film, then they will be asked to bid on it. Under the present system, they can't see the film, they simply put their money up and hope they get something good. If you have been to the theaters in the past 12 months, you would probably agree with me that a lot of the stuff we see there isn't worth the money the consuming public pays to see it.

I hope you will vote against the minority report.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify just a couple of little things here. There are only three areas in the state which have first-run movies. I won't bore you, just give you a couple of facts. Bangor, Lewiston and Portland, these three areas get the first-run movies and the other people are still flexible on bidding for them. There are only three theaters in the entire state, three areas, which have first-run movies because of the population.

The other theaters that are involved in this area owned by a lot of out-of-state, multi-million dollar corporations. This doesn't affect Maine businesses, the businesses which are involved in bidding quite often or always — the only people that came in front of the committee hire Boston-based firms to do the bidding for them. This bill is not going to change it and this law is not going to do anything to benefit the business people in the State of Maine.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Contrary to what the gentlelady just said from Bethel, I beg to differ with her on the point that it does help Maine businesses and Maine people, and we are Maine people, hopefully representing everyone here in the State of Maine.

I took the time to go to the hearing before the Business Legislation Committee and had an opportunity to hear a very bright gal from the State of New York argue in behalf of Twentieth Century Fox, Warner Brothers and all the major movie studios in the United States, and it appeared to me that it was rather ironic that the point that the lady was arguing was that you buy a piece of merchandise prior to seeing it. Blind bidding is something new to me in terms of interest, but I understand that under the bidding contracts of say ten years ago, approximately 10 percent of all the films that were produced by the major studios of the United States came under blind bidding, and to put the industry at an advantage over the theater operators here in the State of Maine or even nationally, they went from 10 percent in ten years to almost 100 percent.

Individual states have attempted to correct it and it is a very bothering thing to the major movie industry because they were saying, leave it alone, the majority of the states in the nation are satisfied with it. Well, the majority of the states aren't satisfied with it and the only way they can deal with it individually is to do it in their own respective states.

I submit that if we are going to help Maine businesses and if we want to help them in the State of Maine, let's not be advocating policies for something for companies that are out of the State of Maine.

I would hope that you would support Mr. Boudreau's position here this morning.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I signed the majority "Ought to Pass" Report on this. I would like to share with you the reasons why I did so.

I, like many of us, are firm believers of free enterprise, especially when it comes to the private sector. However, I am concerned when matters of grave injustice and what I happen to think of as monopolistic conditions are affecting us, I don't think it is a bad idea for us to be asking for our government to intervene and step in and, perhaps, solve the problem. I think that we have all learned today something about the concept of blind bidding. Perhaps, very few of us, actually knew what was happening and something has happened greatly in the last ten years. I think that we learned that, 10 years ago, perhaps five to fifteen percent of the new films, being released first-run films, were being blind bid. Now, somewhere between 75 and 90 percent of the films are being blind bid. It seems kind of appalling that people are asked to purchase things that they can't see, often eight to nine months in advance and then, perhaps two to four weeks before they receive the film they have to put up these tens of thousands of dollars for the right to show them.

There is also the funny thing called the 48 hour cancellation notice, which means that once you accept your bid from the bid letter, after 48 hours, you have no choice, you have got to go with that film and you are liable for that money. I am not a great intellect when it comes to economics but it is pretty obvious to me, first of all, that all the economic risk here is being put on the responsibility of the exhibitor or local theater owner. The distributor is completely insulated from any risk whatsoever. If you are wondering perhaps why the prices have been rising the last time you went to the movies, well, maybe this is because the theater owner has to justify the risk in extra costs that he has to take.

I think what we are really asking is that the theater owner would like a chance to say no and say no to a bad movie or a repulsive movie and often with only a plot and a list of characters to go by. Perhaps that is pretty hard to judge what a good and a bad movie is.

Six states now have eliminated blind bidding and there is similar legislation, almost identical to this model bill, before 27 other states this year. I think it is obvious that the trend is here. I think that we are going to hear the argument today that most of the states that have adopted this are the states in the southern areas and perhaps we, in Maine, shouldn't be rushing into this because if we do, it may be four to six months before we get our first-run film and various things may happen. Well, I don't think that is the case. There wasn't any objection from any exhibitors in Maine on this bill at our public hearing. They were all completely in favor of it. This wasn't something they were concerned about.

I guess I feel that ten years ago there was very little blind bidding and somehow this massive movie industry survived and I get the feeling they could very well survive again.

So, I would imagine there is going to be some debate on here, so I guess it would be appropriate for me to sit down now.

I would urge you to support this bill and oppose the motion to accept the Minority Report.

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

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to do a little supposing here. I have got a bill here that I would like to introduce in the Special Session next year, but I want you all to vote on it today. You don't have any information on it but I want you to take my word for it that it is a

good bill and it will benefit all of you. I don't think anybody here would vote on such a bill and I don't think it is right for anybody to have to bid on something that they can't see.

I would move that we accept the "Ought to Pass" Report.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to make this brief here. I hope you will vote against the Minority "Ought to Pass" Report on L. D. 473.

After talking to my home town theater owner, he told me that because of blind bidding, he has almost been put out of business because of it. Sanford is not a small town nor is it a big city. Therefore, I think this argument is irrelevant.

This bill is, in my opinion, a fair piece of legislation to correct a gross inequity in the motion picture industry. I hope you would vote against the Minority Report.

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

Mr. HOWE: Mr. Speaker and Members of the House: We have got quite a bit of information from the proponents of the bill but I also think that there is some information that you haven't heard, things they have left out. It was pointed out that this or very similar legislation has been introduced in 27 states, all at once, just by coincidence, no doubt. I think that is not the case but if we were simply talking about protecting some small business in Maine, I don't think you would see a concerted effort to try to ram through this legislation in over half the states at once because we are really talking about one set of large corporations versus another set, for the most part, of large corporations. I wanted to dispell any notions that this is really a bill that does nothing more than protect small Maine businesses.

We heard from two exhibitors at the hearing, although there were other people in the room that I would have guessed were exhibitors since they were sitting together. One of the exhibitors manages one or two or three chains of motion picture houses in the state owned by an out-of-state corporation. The other exhibitor owns a smaller group of theaters in Aroostook County but, upon further examination in question, it was revealed that he is not subject to blind bidding because he can't get first-run motion pictures in Caribou and Presque Isle anyway so he wasn't really affected one way or the other. In any case, he has an opportunity to find out what a first-run motion picture is like because, as he told us, he called up a colleague in Bangor and says, was that picture any good and gets the report on it, may even drive down to see it before he has to bid on it. So, we heard from one exhibitor who was affected by the bill and he is an employee of a large out-of-state corporation. So was the employee of the same corporation, who called me at home one evening, who operates another one of the chains of theaters in the state for that corporation.

The arguments in favor of L. D. 473 are seductive and I think superficially very appealing. A pig in a poke, I have heard used. I was waiting for the gentleman from Yarmouth to use that phrase on the floor today, it is such a beautiful little phrase I thought I would use it. A pig in a poke, you are buying something without seeing it. I don't think the argument is that simple.

For another thing, nobody has, I think, even attempted to demonstrate before the Committee on Business Legislation that anybody was either being economically disadvantaged by the present practice or that consumers were being hurt. Nobody has even tried to tell you that consumers are going to benefit from this legislation. I can't see any way in which they would. In fact, if it were passed, until all the states have done this or most of them, and that is doubtful, I think; I believe this bill would do nothing more than to delay the running of first-

run motion pictures in Maine. If one has to wait until one has seen a picture before deciding whether to show it, obviously, it is not going to be available in that person's theater as soon as it would be available under the present arrangement.

The proponents would have you believe that all this bill does is require the motion picture distributor show finished movies through what is called trade screening to theater owners before they solicit bids from the theater owners who want to run the movie in their theater. On the surface it makes sense, but there are a number of answers to that question. The first one is that the theater owners are not forced to bid on any of the movies produced, but they may bid on them in order to bring a motion picture to their theater in order to make money. I would suggest that Slapshot has probably made money in Waterville as it has made money in many other cities in this country.

As far as whether you would take your children to Slapshot, all you have to do is look at the industry imposed rating on the motion picture to make a decision.

There are, to the best of my knowledge, as the Representative from Bethel has stated, only three first-run areas in the State, only three areas where this legislation would have any affect one way or the other. Only theaters in Portland, Lewiston and Bangor areas even have an opportunity to show first-run pictures. A few months later it is available to theater owners in other areas of the state. So, the only theater owners that are even allowed to bid on the movie before there has been an opportunity to see the final version, are those with theaters in the three first-run areas.

The best information available to the committee was that the only theaters that bid on the first-run movies are owned by out-of-state multi-million dollar chains in the three areas I mentioned, independently owned theaters, which hire Boston corporations to do all of their bidding on movies for them. So, this bill won't even help the small theaters in Caribou and Presque Isle since they don't show the first-runs. They already have an opportunity to see that movie in first-run areas if they so wish.

The bill has been introduced in actually over 30 states, not only this year, but in the last couple of years. It has passed in nine of them. The hearing on the bill, all of the proponents, who would benefit from passage of L. D. 473, were associated with Boston corporations involved in the national fight between the National Association of Theater Owners and the Motion Picture Association of America. This bill is one, which will only benefit out-of-state corporations primarily in Boston is obvious from the fact that the bill says that the trade screening will take place in Boston. How is it going to be any help to small Maine theater owners when the trade screening is in Boston? Especially since none of those theater owners bid on the first-run movies anyway. One of the major proponents of the bill was the gentleman who does much of the bidding for these theaters. They hand over their responsibility for bidding to an agent in Boston, who does most of his work for a good many of the theaters in Maine, especially those which show first-run pictures. They are not making the trip to Boston to do the bidding.

The reason most of the distributors license movies through blind bidding is because of significant ways in which the motion picture industry has changed in recent years. Blind bidding has been around for quite awhile and some movies have always been blind bid since the 1940's. However, the number of films which are blind bid today has increased greatly because of the increased cost of making a movie and also because of the vertical divestiture of the motion picture industry. The same corporations no longer make the pictures, own the

actors, and own the theaters in which they are produced.

First of all, the major studios as I have said, don't own all of the layers of the industry and also because the cost of making a motion picture has increased greatly. You know what it takes to make a Robert Redford film now, \$10 million or \$20 million, very likely.

Having theater owners guarantee a certain minimum payment to the production company six to eight months before the movie is completed allows the production company to borrow money to make the picture at a lower interest rate and being able to distribute the movie as soon as it is completed also allows the distributor to generate income on the movie as soon as it is in its final form and in that way have income to offset its loan payments.

When bids are solicited by distributors before a movie is completed, distributors provide the theater owners with all of the information available at that time about the movie, the names of the stars, the names of the directors, the plot and any other information which the distributor has available. We were shown examples in the committee of some pretty classy, glossy publications with still shots in some cases for major motion pictures that are sent out to exhibitors so they have some information on which to make their decision.

Advertising has to be bought eight or nine months in advance of the release of motion pictures, so at the time the theater owner is being asked to put up his minimum guarantee, the distributor is also being required to purchase advertising time from the television networks.

Testimony was that a first-run major motion picture in this country is released at a particular time of the year, usually when students are on vacation, so the whole industry has to focus on releasing first-run pictures at the same time. So, buying bidding, it seems to me, has been necessary in order to coordinate all of the efforts of all of the aspects of the industry in order to do this, to maximize the profits for all parties concerned, including exhibitors.

Both the theater owners and the distributors are major national corporations. If you believe in free enterprise and government not getting involved in the business of private industry, this bill should not pass.

This is the second time I have been up this week to move a minority report. The first one was an "ought to pass" report and it was on that little gas pricing bill the other day and a number of people, about 70 of you in here, felt that that was an unwarranted intrusion into the private enterprise sector to have gas station owners post these little prices excuse me, they are getting bigger all the time.

It seems that this bill is a much more serious intrusion into the private sector than my little gas pricing bill. It is the degree to which the government would be throwing itself into the middle of the business relationship between these two partners that leads me to oppose this bill.

One of the things that is most amazing about this bill is that it doesn't even allow a distributor and a theater owner to enter into an agreement which would allow that theater owner to guarantee to pay the distributor a minimum amount upon completion of the movie in return for the distributor agreeing to have the motion picture shown in that theater. It prohibits blind bidding even if the parties want to do it. It is one thing to prohibit a distributor from using blind bidding as a sole method of distributing a picture; it is quite another not to even allow the two major national corporations to enter into that kind of a business agreement.

Passage of the bill would be inserting the Maine Legislature into business decisions of those corporations, and I believe that such as insertion is unwarranted and not even in the best interest of the people of Maine.

The SPEAKER: The Chair recognizes the

gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I did attend this hearing and I really didn't want to speak, but we have heard a great deal of rhetoric this afternoon and I think it boils down to one simple fact, one simple plain of reasoning as far as I am concerned; it is a contest between two giants and there is no question about that. But if you want to go with your constituency, if you want to go with the people in the State of Maine, the people that pay the taxes locally here in the State of Maine, they were the people in favor of the bill. There was no one at that hearing that I heard from the State of Maine, other than legislative agents, that were opposed to this bill.

I would hope that you would defeat the motion that you have on the floor and that you would accept the Majority "Ought to Pass" Report.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss in my duties if I didn't get up and say a few words on behalf of this legislation as I am a co-sponsor. When I was approached and asked if I would co-sponsor this legislation, I said, well, let me take a look at it. I read through it and I couldn't believe my eyes. I thought there were very few monopolistically operated businesses in the state and, lo and behold, this is very much like a monopoly.

This country was built on free enterprise, the law of supply and demand, and the logic utilized by my good friend from South Portland, Mr. Howe, eludes me when he states or he would imply that there is a conspiracy because 27 states have filed similar legislation to correct an abuse that exists in the country.

By the same token, he would have us believe by implying that the 27 states who have filed resolutions calling for a Constitutional Amendment to balance the budget are also operating in a conspiracy. I disagree with his logic. I think this bill is a good free enterprise bill and it deserves the support of this house and the motion to accept the minority "Ought Not to Pass" Report ought to be defeated.

I would request a roll call vote.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this L. D. here. What really tickles me is that in the last campaign in November, I watched with great interest all the candidates that were running for this body all over the state, and the consensus was, "Less restrictions, less restrictions on the small businessman, less restrictions on the small person" and, yet, everyday we see legislation that provides more and more restrictions.

Here is a piece of legislation that has been called a battle of two giants. Well, I don't care about two giants, because two giants are always going to make out. There are always plenty of people looking out for the giants but there is nobody looking out for the small guy. I take disagreement with the statement that this is just three large people we are taking about.

You have to remember, the whole concept of the blind bidding is that somebody is buying something that they don't see. I would like to see Representative Howe go and buy a car without seeing the car and trying it out. I don't believe that he would do it.

You have to remember, the price that these movie producers get for these movies has a lot to do with determining the price that the second run, little theater owner is going to have to pay, because these guys figure that if they got the big bucks for this movie, we should be able to get quite a bit from Presque Isle, Caribou, Fort Kent, Eagle Lake or wherever, that is what concerns me.

I am new here; I like it here. I learn something from everyone of you everyday and I

enjoy it. I sponsored five pieces of legislation because I am a firm believer in keeping legislation down. That was told to me while I was campaigning, so I really have to feel strongly about something before I will put my name on it.

When I went to see Mr. Boudreau and Mr. Carter, I wanted them both to have the same feelings that I did if they were going to co-sponsor this piece of legislation and they both did. They both explained it to you today.

My firm belief is that it is about time that we start helping the guy out, the small guy out, don't worry about the giants, the giants are going to take care of themselves, they don't need us here, but the whole thing is, if we are not going to help these small people out, who is going to?

Representative Howe said, the state is getting involved here with two businesses and we have no right doing that. Well, in a situation like this, who is going to help them. who is going to remedy this problem?

I think you should take a good, hard look at what Representative Kelleher brought up. Ten years ago, a very small per cent of the movies were blind bidding; now almost 100 per cent are. Why? There is a reason for it. No risk. We were complaining about Central Maine Power and their 42 per cent guaranteed profit, is this any different? I don't believe so. They have the money in hand before they even make the movie and it can be the biggest piece of garbage that comes down the road, but the poor guy who owns the theater, he has already bid on it and he has the movie and he has to show it. You walk in, there are empty seats - too bad, Charlie, sell a lot of popcorn, you have to make up for it.

I hope that for once we make the people in Maine proud of us down here. Put something in that is going to help the little guy instead of tying him up more and more every day. He is going to drown under this rope. Vote against this Minority "Ought Not to Pass" Report. Give me the support, give these small theater owners the support, all of them. You talk to them, you call them up and talk to them and see how many of them are against this piece of legislation. I don't believe you will find too many, because directly or indirectly it is going to affect every one of them and I think if we pass it, it is going to help them.

So, I hope you will vote against the motion, give me your support and the small theater owners your support also.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Howe, that the Minority "Ought not to Pass" Report be accepted.

The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I wish to pair my vote with the gentleman from Wiscasset, Mr. Stetson. If Mr. Stetson were here, he would be voting no and I would be voting yes.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Howe, that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bunker, Carter, F.; Cox, Hobbins, Howe, Leonard, Lewis, McHenry, Tarbell, Whitemore

NAY — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Brube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Branigan, Brodeur, Brown, A.; Brown, D.; Brown,

K.C.; Call, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Norris, Paradis, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stover, Strout, Studley, Theriault, Tierney, Torrey, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman

ABSENT — Brenerman, Carrier, Carroll, Garsoe, Jalbert, Kany, Lougee, Marshall, Morton, Paul, Rolde, Rollins, Tozier

PAIRED — Brown, K.L.-Stetson

Yes, 10; No, 124; Absent, 14; Paired, 2.

The SPEAKER: Ten having voted in the affirmative and one hundred and twenty-four in the negative, with fourteen being absent and two paired, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-206) was read by the Clerk and adopted and the Bill assigned for second reading, Tuesday, April 17.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Prohibit the Gathering of Signatures Within 250 Feet of the Entrance to a Polling Place and Within any Registrar's Office" (H. P. 174) (L. D. 208)

Report was signed by the following members:

Mr. PIERCE of Kennebec — of the Senate.

Mrs. SEWALL of Newcastle
Messrs. BERRY of Buxton

STUDLEY of Berwick

Ms. SMALL of Bath

Messrs. GOULD of Old Town

HALL of Sangerville

Ms. BENOIT of South Portland

Mrs. WENTWORTH of Wells

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-203) on same Bill.

Report was signed by the following members:

Mr. FARLEY of York

— of the Senate.

Messrs. TIERNEY of Lisbon

NADEAU of Lewiston

— of the House.

Reports were read.

On motion of Ms. Benoit of South Portland, tabled pending acceptance of either Report and assigned for Tuesday, April 17.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Concerning the Transportation of Legally Killed Deer" (H. P. 271) (L. D. 345)

Report as signed by the following members:

Messrs. PIERCE of Kennebec

USHER of Cumberland

— of the Senate.

Messrs. GILLIS of Calais

PETERSON of Caribou

MACEachern of Lincoln

TOZIER of Unity

JACQUES of Waterville
MASTERMAN of Milo
VOSE of Eastport
CHURCHILL of Orland
PAUL of Sanford

— of the House.

Minority Report of the same committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-208) on same Bill.

Report was signed by the following members:

Mr. REDMOND of Somerset

— of the Senate.

Mr. DOW of West Gardiner

— of the House.

Reports were read.

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

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: There is only one comment that I can make on this bill. This bill originated with the department, and if you will notice, the two signers of the minority report are the two chairmen, the Senate chairman and the House chairman, and I don't think I need to say any more.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, and members of the House: I want you to know that every one of your constituents that is a hunter, if he goes out and for some reason or other his tag becomes detached from his hunting license, he is going to be in violation. He is going to be hunting illegally.

This isn't necessary at all, because if a man really has intentions of breaking the law, all he has to do is report to his town clerk or the issuing agent that he lost his license and can get a spare license and he can carry around two licenses, one tag detached to transport that deer home, and he can have the other one so that if he doesn't get caught, he has got a good license, and there is nothing to prevent him from doing this. So, if a man really has ideas of being a poacher and transporting more than one deer on a deer tag, he can do it very easily. This bill isn't necessary, and every one of your constituents that is a hunter or sportsman might be caught in violation of this if that tag becomes detached for some reason or another.

I hope you do not accept the "ought to pass" report.

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

A vote of the House was taken.

2 having voted in the affirmative and 83 having voted in the negative, the motion did not prevail.

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

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-207) on RESOLVE, to Authorize Kennebec County to Develop a Pilot Program for Inmates Incarcerated at the County Jail (H. P. 301) (L. D. 398)

Report was signed by the following members:

Mrs. GILL of Cumberland

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
NORRIS of Brewer

— of the House.

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

Mr. HICHENS of York

— of the Senate.

Mrs. MacBRIDE of Presque Isle

Mr. MATTHEWS of Caribou

Mrs. PAYNE of Portland

— of the House.

Reports were read.

On motion of Mrs. Prescott of Hampden, the Majority "Ought to Pass" Report was accepted and the Resolve read once. Committee Amendment "A" (H-207) was read by the Clerk and adopted and the Resolve assigned for second reading the next legislative day.

Consent Calendar

First Day

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

(H. P. 793) (L. D. 1001) Bill "An Act Concerning the Powers of the Board of Trustees and the Treasurer of the University of Maine and Concerning Real Property Belonging to the University" Committee on Judiciary reporting "Ought to Pass"

(H. P. 992) (L. D. 1229) Bill "An Act to Amend the Frozen Dairy Products Law" Committee on Agriculture reporting "Ought to Pass"

(H. P. 990) (L. D. 1227) Bill "An Act to Revise the Statutes Governing Chemical Control of Rodents as Agricultural Pests" Committee on Agriculture reporting "Ought to Pass"

(H. P. 977) (L. D. 1191) Bill "An Act to Clarify the Responsibilities of the State Parole Board" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-210)

(H. P. 304) (L. D. 415) Bill "An Act Relating to Forfeiture of Bail on Persons Who Have Left the State" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-211)

(H. P. 279) (L. D. 353) Bill "An Act to Amend the Safe Drinking Water Act" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-215)

(H. P. 422) (L. D. 517) Bill "An Act to Amend the Existing Stumpage Allowance to the Passamaquoddy Indian Tribe" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-216)

(H. P. 958) (L. D. 1188) Bill "An Act Providing for the Fee for Examination by the Office of State Fire Marshal of Plans for the Construction of Hotels or Motels with 2 or More Stories" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 362) (L. D. 472) Bill "An Act to Appropriate \$10,000 to the Maine Food and Farmland Study Commission" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-217)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 17, 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. 683) (L. D. 907) Bill "An Act to Establish a Demonstration Project to Create a Grant and Loan Program to Assist Older Citizens in Purchasing Medically Prescribed Eyeglasses, Dentures and Hearing Aids" (C. "A" H-200)

(S. P. 189) (L. D. 456) Bill "An Act Appropriating Funds to Allow Maine State Retirement Members a Cost-of-Living Increase in Bene-

fits" (C. "A" S-94)

(S. P. 290) (L. D. 852) Bill "An Act to Allow Reduced Pricing of Discontinued Liquor Items" (Emergency)

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

(S. P. 408) (L. D. 1254) Bill "An Act to Aid Recovery of Medicaid Funds"

(S. P. 393) (L. D. 1197) Bill "An Act to Exempt Automobile Assigned Risk Policies from the Countersignature Requirements"

(S. P. 392) (L. D. 1196) Bill "An Act Concerning the Reason for Nonrenewal of Policies Under the Maine Property Insurance Cancellation Control Act"

No objections having been noted at the end of the Second Day, the Senate Papers were passed to be engrossed in concurrence.

Tabled and Assigned

(H. P. 663) (L. D. 838) Bill "An Act to Amend the Statutes Relating to Airmobiles" (C. "A" H-204)

On the objection of Mrs. Huber of Falmouth, was removed from the Consent Calendar.

On motion of the same gentlewoman, tabled pending acceptance of the Committee Report and assigned for Tuesday, April 17.

(H. P. 73) (L. D. 82) Bill "An Act Relating to Weights of Commercial Vehicles" (C. "A" H-205)

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

Passed to be Engrossed

Bill "An Act to Provide for Continuing Education for Real Estate Brokers and Salesmen" (H. P. 1303) (L. D. 1559)

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

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

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

The SPEAKER: The gentleman from Biddeford, Mr. Dutremble, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the same gentleman.

Mr. L. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: It is my belief that this bill is not to protect the owner or buyer of a listing. It is, like many other bills, presented to us to discourage others from entering such fields.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would beg to differ with the good man from Biddeford. This bill is to encourage real estate people to keep up to date on what is expected of us. There is no passing requirements for this bill, if you have had a chance to read it. They asked us to come and spend maybe six hours a year to update ourselves and without the provocation that you might lose your license should you not pass any test. It is merely an educational experience for the benefit of the people in Maine doing business with the real estate brokers.

I would hope you would defeat the motion of indefinite postponement.

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

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: There were three areas that I had problems with on this. First was the availability; the second was cost; third was discrimination of the commission to promulgate these rules. Those three questions have been responded to.

First of all, may I explain that this is for those people who have already been licensed as brokers or salesmen. This does not interfere on

the entry level. This is after you have been licensed. What it requests is 12 hours for every two years. That is six hours per year to keep up in your profession.

As we all know, there are many, many laws passed here dealing with land use, also banking problems. What this does is address that area.

As far as cost, the commission will allow in-house seminars which can be provided by the company for which you work. Also, the fact that there will be a telstar type of seminar which comes over your telephone, so all these provisions have been taken care of.

I am one person who does not believe that you should put much power in the commission which regulates the profession. These have all been addressed in the committee amendment.

I would urge that you support this. Let's face it—that one big investment in your life is your home and you should be represented by someone who is totally up to date on all the rules and regulations regarding that area. You are not going to buy four or five houses so that if you have a problem with a salesman or a broker the first time around that you will say, "Oh, I am not going to go to him again, I am going to someone else." This is your major investment in your life and you should be represented by someone who is totally informed in his area.

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

A vote of the House was taken.

18 having voted in the affirmative and 63 having voted in the negative, the motion did not prevail.

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

Passed to Be Enacted Emergency Measure

An Act Concerning the Continuation of Pilot Projects for More Effective and Efficient Delivery of Services to Preschool Handicapped Children (S. P. 75) (L. D. 165)

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

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask for a roll call on this item and make a few remarks.

I apologize for bringing this up on the last day of the week, but the day the committee report came out was the day that the Governor spoke, so if I don't speak today, I will have lost all chance.

This bill deals with the continuation of a pilot project that this legislature will have to vote on again in less than a year. I think that I would be remiss if I didn't do my part to see that there was some dialogue on it here today.

L. D. 165 is An Act Concerning the continuation of Pilot Projects for More Effective and Efficient Delivery of Services to Preschool Handicapped Children.

It would continue in operation six pilot sites established in June 1978 involved in screening and discovering disabilities in preschool children until June 30, 1980, at a cost to the State of Maine of \$197,000, plus an amount of money from two federal sources that isn't completely clear to me, but I believe the total is something in the order of \$281,000. In the first year of the program, there was committed \$150,000 of state money, and as I understand it, a substantial federal grant which included the funding of a position in the Department of Educational and Cultural Services. The grant expires June 30, 1979, and it is not renewable.

According to the information given us by the department for the money thus far spent for services has been expended to a small minority of Maine children. Since inception of the pro-

gram, 471 children have been screened and 93 children have been evaluated.

Right up front, let me say that the problem of locating these children ought to be addressed. In our society, we should provide for those people who because of physical disabilities can't fend for themselves, but we should do it in the most cost-efficient way and according to their ability to pay. Our goal should be to spend our scarce dollars on the disabled and not on state bureaucracies sifting through federal grant catalogues for the latest pilot programs.

I ask why this program involving pre-school children should be administered by the Department of Education and Cultural Services instead of Human Services. Won't this just confuse educators as to their proper function, which is to educate? If the Department of Education is the proper place to address the problem, then why are similar programs continuing in the Department of Human Resources and in the Department of Mental Health and Corrections, and in Head Start, and in the Maine Planning Council on Developmental Disabilities and who knows where else?

At the hearing, the department representative couldn't tell me the total amount of money now being spent by all agencies on this problem. She couldn't tell me what percentage of the population is now being served. She couldn't give me even a ballpark figure as to the money she will be coming back to this very legislature for less than a year from now, but she said she would be very expensive.

It should be understood that this program doesn't buy glasses or crutches or pay to correct disabilities. Essentially, the program is to outreach and discover these children. It doesn't really address itself to treatment. I would point out that money spent on outreach can't be spent on treatment.

In summary if we are really interested in finding these kids in a cost efficient way, let's place the responsibility and all funding with one state department; namely, the Department of Human Services. Hopefully, that department would see if it had existing functions, such as district nurses who could act as coordinators of existing community resources both private and public. If not, I suppose coordinators could be hired to utilize and coordinate these resources much in the fashion of a heart fund drive or a blood bank drive.

At our hearing, it was well attended, mostly by people who are professionals in the field, and they were all very supportive. I do remember one parent there who was very enthusiastic about the program but in her comments she seemed to talk about the actual treatment of disabilities as opposed to discovering them.

I have here part of the testimony of one person who was there as a proponent, and he says in part — first, coordination of agencies. I recall the case of a four-year-old child in Brunswick who was being served by representatives of at least five separate agencies, some state and some private. As far as I know, there was never any kind of meeting between these separate providers. There was no coordinated plan for this child. In my opinion, the resulting progress was poor.

In the report of the departmental committee on children in family services seems to have recognized the problem of overlapping jobs between different agencies. They say that while the goals of each of the above programs are to help Maine's children and families live productively and independently, often these goals are thwarted because of the manner in which responsibilities for the programs are shared between the many departments of state government.

In conclusion, if I haven't asked for a roll call, I would like to. I think perhaps we need a few less pilots and a few more navigators.

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

Mr. CONNOLLY: Mr. Speaker and Members

of the House: I would just like to call to your attention that when this issue was first brought before the legislature in the last session, the way the issue was first presented was whether or not the state should mandate statewide preschool programs for the physically and mentally handicapped. The Education Committee, in the last session, working with the Department of Education, primarily at the outset the Department of Education, and also with the number of community groups across the state, decided that the best way to approach the problem was to put three state departments who currently have responsibility for dealing with different types of physical and mental disabilities, the Department of Education, the Department of Human Services and the Department of Mental Health and Corrections, in touch with each other to establish a pilot program for some parts of the state and then with the data that would become available through that pilot project, begin to make some decisions as to what should be the best approach for the state to take or for local communities to take in the future.

Those discussions and the time and effort that was put into the discussion of that particular issue resulted in legislation during the second session of the legislature last year in a pilot project which resulted in six programs being established in different counties across the state. But because the data that is to be collected from that program has not yet been collected and is not in a position yet to be evaluated, the departments and the people that were concerned with the problem have recommended that rather than making a decision at this point whether or not to have mandation of a statewide program, that the pilot project be continued for another year, and next year, the evidence, the data from the pilot project be presented to the legislature and a decision be made at that point as to what approach the state should take.

I would like to point out that in all the time that I have been in the legislature, this is the first time in my own personal experience when the legislature has finally taken different departments, different commissions, different bureaus within the state and forced them, if you will, to sit down together and begin to coordinate their activities and their efforts that deal with a problem that would be common to more than one department.

The Department of Education has the responsibility under our special education law for dealing with special education children within the educational system.

The Department of Mental Health and Corrections deals with the mentally retarded, those who have mental health problems and with those people in our state who are developmentally disabled, and the Department of Human Services has additional responsibilities that primarily deal with medical programs and the Title 20 programs. Those three departments never once sat down in any coordinated planned way and began to discuss a problem which all three of them were working on but each going in their own direction. And one of the things that came out of the pilot project legislation that we passed last year was the requirement that those departments sit down together and through these pilot projects begin to plan together as to the approach that the state should take.

The major argument, and this comes from the remarks the gentleman from Harrison just made and from discussion that we have had since the time that this bill has been in committee, has been primarily that this kind of a program, whether it is statewide or not, should be the responsibility of one department. Now, I happen to disagree with that. I don't think that my opinion at this point would be called an informed opinion. I think that we need to evaluate the data that is coming out of the pilot project and then make a decision, and I don't

think that anyone is in a position to make that decision right now.

Just one final point. Representative Leighton gave you an example of a four-year-old child in Brunswick, I believe, who was being evaluated and decisions were being made, advice was being given from five or six different agencies. That is the one thing that the pilot project is attempting to stop, so that there would be one way that a child with a particular problem could be helped and it wouldn't be necessary for a child and the parents to go to five or six or seven different agencies, whether they be local or state, to deal with the problem. There should be one way to deal with the problems that a particular child has, and that is the thrust of the pilot project.

This bill is an emergency piece of legislation. The pilot projects will end in June if they are not funded for the next year, and I would hope that you would see fit to give this bill your vote today. The bill will ultimately end up on the Appropriations Table and there the questioning of financing will be decided, but I hope that today you will at least move it along its way so that it could lie on the table and then the decision of funding could be made before we adjourn later this year.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: L. D. 165 is, indeed, a bill that we need and we need 101 votes today to get that. It does have \$197,000. It will go on the Appropriations Table after it is passed.

We are talking about discovering kids who are handicapped, preschoolers. We are talking about children, if they are not discovered at that age, especially deaf kids, their whole school education is going to be altered. We are talking about speech patterns, we are talking about learning disabilities, we are talking about getting these kids off to a good start. We need the extra time to find out if this pilot project is working, and in the meantime, we need to find these kids and not let them go astray.

I really hope that you will take time today and give us the 101 votes to let this bill go on its way and let it set on the appropriations table and let it compete with the other bills that come down the road. It is very important and I did want to stand and ask that you might consider it in such a light.

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

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

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brodeur, Brown, A., Brown, K. C., Carroll, Carter, D., Churchill, Cloutier, Conary, Connolly, Cox, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D., Dutremble, L., Elias, Fowlie, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, E., Jacques, P., Joyce, Kane, Laffin, Lancaster, LaPlante, Lewis, Lizotte, Locke, Lund, MacBride, MacEachern, Mahany, Martin, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, N., Norris, Paradis, Paul, Payne, Pearson, Post, Prescott, Reeves, J., Reeves,

P., Sherburne, Silsby, Simon, Small, Soulas, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY — Austin, Brown, D., Brown, K. L., Call, Carter, F., Cunningham, Curtis, Dudley, Fenlason, Fillmore, Immonen, Kiesman, Leighton, Lougee, Lowe, Masterman, McPherson, Peterson, Roope, Smith, Sprowl, Torrey.

ABSENT — Berry, Brennerman, Bunker, Carrier, Chonko, Dow, Garsoe, Higgins, Jalbert, Kany, Kelleher, Leonard, Marshall, Morton, Nelson, A., Nelson, M., Peltier, Rolde, Rollins, Sewall, Stetson, Vincent.

Yes, 107; No, 22; Absent, 22.

The SPEAKER: One hundred seven having voted in the affirmative and twenty-two in the negative, with twenty-two being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify Standards for Consumer Membership under the Health Facilities Information Disclosure Act (S. P. 141) (L. D. 317) (C. "A" S-81)

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. 114 voted in favor of same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide Malt and Table Wine Licenses for Ship Chandlers (S. P. 288) (L. D. 851)

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

Mr. Soulas of Bangor requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members present and voting. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brodeur, Brown, D.; Call, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Norris, Paul, Payne, Post, Prescott, Reeves, J.; Simon, Small, Soulas, Sprowl, Stover, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Whittemore, Wood, The Speaker.

NAY — Austin, Brown, K. L.; Bunker, Carter, F.; Hanson, Hunter, Lougee, Martin, A.; Masterman, McPherson, Pearson, Peterson, Roope, Sherburne, Silsby, Smith, Strout, Torrey, Wentworth, Wyman.

ABSENT — Berry, Boudreau, Brennerman,

Brown, A.; Carrier, Davies, Dow, Dutremble, L.; Garsoe, Higgins, Jalbert, Kany, Kelleher, Leonard, Marshall, Morton, Nelson, A.; Nelson, M.; Paradis, Peltier, Reeves, P.; Rolde, Rollins, Sewall, Stetson, Vincent.

Yes, 105; No, 20; Absent, 26.

The SPEAKER: one hundred five having voted in the affirmative and twenty in the negative, with twenty-six being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

(Off Record Remarks)

Enactor

Tabled and Assigned

An Act to Authorize Municipalities Under 2-500 Inhabitants to Permit Persons other than Arborists to Remove Trees within Municipal Boundaries (S. P. 219) (L. D. 761)

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

On motion of Mr. Tarbell of Bangor, tabled pending passage to be enacted and assigned for Tuesday, April 17.

Enactor — Recommitted

An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park (H. P. 134) (L. D. 145) (S. "A" S-82)

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

On motion of Mr. Carroll of Limerick, was recommitted to the Committee on Transportation in non-concurrence and sent up for concurrence.

Enactor

Tabled and Assigned

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

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

Mr. Connolly of Portland moved that the Bill and all its accompanying papers be indefinitely postponed.

On motion of the same gentleman, tabled pending his motion to indefinitely postpone and assigned for Tuesday, April 17.

Passed to Be Enacted

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

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

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

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

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.

The following Paper from the Senate was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 502)
ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 17, at eleven o'clock in the morning.

Came from the Senate, read and passed and ordered sent forthwith.

In the House, the Order was read.

Mr. Tierney of Lisbon Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-224) was read by the Clerk and adopted.

The Order received passage as amended in non-concurrence and was sent up for concurrence.

By unanimous consent, ordered sent forth-

with to the Senate.

Orders of the Day

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

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

Tabled — April 10, 1979 by Mr. LaPlante of Sabattus.

Pending — Acceptance of the Committee Report.

On motion of Mr. Wyman of Pittsfield, retabled pending acceptance of the Committee Report and specially assigned for Wednesday, April 18.

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

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)

Tabled — April 11, 1979 by Mrs. Mitchell of Vassalboro.

Pending — Passage to be Engrossed.

On motion of Mr. Hall of Sangerville, retabled pending passage to be engrossed as amended and specially assigned for Wednesday, April 18.

On motion of Mr. MacEachern of Lincoln, the House reconsidered its action of yesterday whereby Bill "An Act to Prohibit Hunting of Bear with Dogs and to Prohibit Hunting Bear with Bait," House Paper 457, L. D. 570, was passed to be engrossed as amended by House Amendment "A" (H-199).

On motion of the same gentleman, tabled pending passage to be engrossed and assigned for Tuesday, April 17.

On motion of Mr. Wyman of Pittsfield, the House reconsidered its action of yesterday whereby An Act to Relate the Qualifying Wage Levels for Unemployment Compensation to the Average Weekly Wage, House Paper 437, L. D. 554, was passed to be enacted.

On motion of the same gentleman, tabled pending passage to be enacted and assigned for Tuesday, April 17.

(Off Record Remarks)

Mr. Hickey of Augusta was granted unanimous consent to address the House.

Mr. HICKEY: Mr. Speaker, with the large constituency of state employees that I have, I can only expect to be besieged with telephone calls tonight. I wonder if you could enlighten me on what the future holds for the state employees' pay bill?

(Off Record Remarks)

The following paper from the Senate appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Communication:

THE SENATE OF MAINE

Augusta

April 12, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere on Bill, "An Act to Fund and Implement Agreements Between the State and the Maine State Employees Association and to Fund and Implement Benefits for Managerial and Other Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act," (H. P. 1263) (L. D. 1447).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

On motion of Mr. Soulas of Bangor, adjourned until Tuesday, April 17, at nine-thirty in the morning.