

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Tuesday, April 17, 1979

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

Prayer by Father Lionel Chouinard of the Holy Name Parish Church, Machias.

Father CHOUINARD: Let us pray! O Lord, our God, we thank you for this day. We humbly ask that you look kindly upon the people of our state, especially the representatives here assembled. We pray that you will give them the desire and the wisdom to seek not the expedient answer but the proper and equitable solution to our situation, so that they may contribute to our welfare and that of our children under your guidance and with your blessings. This we ask in his name. Amen.

The members stood at attention during the trombone solo of the National Anthem by Representative Gould of Old Town.

Mrs. Prescott of Hampden was granted unanimous consent to address the House.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This morning, we have VFW Day at the Maine Legislature, and the Clerk will soon be passing out poppies and flags so that we can all participate in this event. The flags and the poppies are the compliments of the VFW Auxiliary in Hampden, who is responsible for organizing this day, and my thanks go out to them.

They have also asked me to deliver a message to you. It is a written message that has a lot of meaning, and I think that it should be presented immediately following the National Anthem. That is why I am asking to address you at this point. It is entitled, "Hello, Remember Me?"

Some people call me old glory, others call me the star spangled banner, but whatever they call me, I am your flag, the flag of the United State of America...Something has been bothering me, so I thought I might talk it over with you...because you see, it is about you and me.

I remember some time ago people lined up on both sides of the street to watch the parade and naturally I was leading every parade, proudly waving in the breeze. When your daddy saw me coming, he immediately removed his hat and placed it against his left shoulder so that his hand was directly over his heart...remember?

And you, I remember you. Standing there straight as a soldier. You didn't have a hat, but you were giving the right salute. Remember little sister? Not to be outdone, she was saluting the same as you with her right hand over her heart...remember?

What happened? I'm still the same old flag: Oh, I have a few more stars since you were a boy. A lot more blood has been shed since those parades of long ago.

But I don't feel as proud as I used to. When I come down your street and you just stand there with your hands in your pockets and I may get a small glance and then you look away. Then I see the children running around and shouting...they don't seem to know who I am.

I saw one man take his hat off then look around. He didn't see anybody else with theirs off so he quickly put his back on.

And what about that night at the baseball game. When they played the star spangled banner and I waved so proudly in the breeze, nobody bothering to sing. They stood up all right as a sort of mild patriotic gesture, but then they talked among themselves about the game, about the weather. But they didn't sing. I felt hurt.

Is it a sin to be patriotic? Have you forgotten what I stand for and where I've been? Anzio, Guadalcanal, Korea, and Vietnam. Take a look at the memorial honor rolls sometime, of those who never came back to keep this republic free...one nation under God...when you salute

me, you are actually saluting them.

I may not be coming down your street for a long time. It seems that patriotic parades are a thing of the past. But when I do...won't you do me a favor? Stand up straight, place your right hand over your heart...and if they play the star spangled banner, sing out loud and clear...and I'll salute you by waving back...show me that you remember.

I would like to thank the VFW, the Auxiliary in Hampden, for this message that they have brought to us in the legislature today, and I would like to thank all of the members that came statewide, and I think there are a hundred of them here today to be with you.

(Off Record Remarks)

At this point, the Speaker appointed Representative Elias of Madison to serve as Speaker pro tem after the recess.

On motion of Mr. Theriault of Rumford, Recessed until the sound of the gong.

After Recess

10:35 A. M.

The House was called to order by the Speaker pro tem.

Papers from the Senate

Ought to Pass

Pursuant to Joint Order S. P. 491

The Joint Select Committee on Correctional Institutions reporting "Ought to Pass" Pursuant to Joint Order (S. P. 491) on Bill "An Act to Appropriate Funds to the Department of Mental Health and Corrections" (Emergency) (S. P. 494) (L. D. 1545)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee "A" (S-92) on Bill "An Act to Amend the Spruce Budworm Protection District Boundary" (S. P. 320) (L. D. 950)

Report was signed by the following members:

Messrs. HALL of Sangerville
DOUKAS of Portland
MICHAEL of Auburn
AUSTIN of Bingham
JACQUES of Waterville
KIESMAN of Fryeburg
DEXTER of Kingfield
BLODGETT of Waldoboro

— of the House.

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

Report was signed by the following members:

Messrs. O'LEARY of Oxford
McBREAIRTY of Aroostook
TOZIER of Penobscot

— of the Senate.

Messrs. PELTIER of Houlton
HUBER of Falmouth

— of the House.

(Abstained)

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

In the House: Reports were read.

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

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

Thereupon, Mr. Peterson of Caribou requested a vote.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that the Majority "Ought to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that the Majority "Ought to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Berry, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Bunker, Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Dellert, Dexter, Doukas, Dow, Dudley, Dutremble, D.; Fillmore, Fowlie, Gavett, Gowen, Gray, Gwadosky, Hall, Hickey, Hobbins, Howe, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Paradis, Paul, Payne, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sherburne, Simon, Soulas, Sprowl, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman.

NAY — Aloupis, Austin, Barry, Berube, Birt, Bordeaux, Bowden, Brown, K. L.; Brown, K. C.; Carter, F.; Churchill, Cunningham, Damren, Davis, Drinkwater, Fenlason, Garsoe, Gillis, Hanson, Higgins, Hunter, Hutchings, Immonen, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Masterman, Matthews, McPherson, Nelson, A.; Peltier, Peterson, Roope, Sewall, Silsby, Small, Smith, Stetson, Stover, Studley, Tarbell, Theriault, Torrey, Wentworth, Whitemore.

ABSENT — Diamond, Dutremble, L.; Elias, Gould, Huber, Hughes, Jalbert, Kany, Kelleher, Marshall, Morton, Nelson, N.; Norris, Pearson, Strout, Tierney, The Speaker.

Yes, 86; No, 48; Absent, 17.

The SPEAKER pro tem: Eighty-six having voted in the affirmative and forty-eight in the negative, with seventeen being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-92) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Define the Post of Hancock County Sheriff as Full Time" (H. P. 472) (L. D. 590) which was passed to be engrossed as amended by Committee Amendment "A" (H-185) in the House on April 10, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-185) as amended by Senate Amendment "A" (S-100) thereto in non-concurrence.

In the House: On motion of Mr. LaPlante of Sabattus, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices" (H. P. 624) (L. D. 766) on which the Minority

"Ought to Pass" Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed in the House on April 11, 1979.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted in non-concurrence.

In the House:

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

Mr. HOWE: Mr. Speaker, I move the House adhere.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think this is not an appropriate motion before the House, but it seems it is there.

I spoke against this bill the other day and for a very good reason, and I hope that we do not adhere. That prolongs the process. We are not going to change the minds of the people in the other body, or my mind either, for that matter.

I told you in my conversation with you the other day that this would allow the big fish to eat up the little fish. I didn't go so far as to tell you that I would probably be considered one of the big fish because I am a distributor, and what this does to me, it puts me and other people in my category in a very embarrassing position if we have to post a sign. I have very good relations with my colleagues in the same business in my area, of which there are four others; and they are not able to post a sign as cheap as I do because I buy and transport loads and I sell in volumes of 100,000 a month where my opponents in business sell probably 10,000 a month. If I have to put a big sign out there, it would only further embarrass this situation and these people give good service. They wash people's windshields and they do a lot for that little bit of extra that they get, and they have to have it because they pay more than I do to begin with. I hate to be put in this embarrassing position and I know there are other distributors that feel the same way.

I think this accomplishes nothing for the public. It is pretty well covered by federal law. The sign has to be posted on the pump as well as the octane, which most people don't understand, and it is just as important as the price. There is some very low octane gas being sold in the State of Maine, so the federal government is doing a pretty good job of looking after it and I think it is adequate. I do hope that eventually we will adhere.

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

Mr. HOWE: Mr. Speaker and Members of the House: I am certain that the gentleman from Enfield, Mr. Dudley, means it when he says we are not going to change his mind, and I mean it when I say I don't intend to change my mind. I would hope that the House as a whole would not change its collective mind from the report that passed the other day, "ought to pass," on this bill.

Mr. Dudley's reason for opposing this bill I find a little odd in that he does not want to embarrass his colleagues by posting his lower price. The very fact that his price is lower and that there are differences in prices within the same community is all the more reason, it seems to me, for letting people in the competitive marketplace know there are differences in prices. That is what the whole intent of the bill is about.

I have newspapers from around the state that continue to editorialize its support of this bill. The Portland papers have taken another opportunity just in the last couple of days to editorialize for the need of this bill. I am just absolutely convinced that a very significant number of people out there, a large majority of people I should say, feel they would be bene-

fited by this legislation if they could more visibly see the price of gasoline posted before they enter the service station.

I would hope you would support the motion to adhere.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Articles in the paper are written by one man, and that is one man's opinion. I think we overlook the fact that every time we pass these laws, we put more people on the state payroll and this another thing my people don't want. They don't want me to come down here and be a part of hiring anymore state personnel to go around and haunt anybody or make any more jobs for ward heelers in the state department here.

I now move that we recede and concur.

The SPEAKER pro tem: The gentleman from Enfield, Mr. Dudley, moves that the House recede and concur.

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

Mr. CALL: Mr. Speaker and Members of the House: I am opposed to this piece of legislation despite the fact that I had an unpleasant experience one day on the way home during a snow storm with a filling station in a nearby area. I needed gasoline badly and had to stop somewhere—the snow storm was bad. I saw this sign by a station, in front of a station, great big letters, "We are Open." I said to myself—thank goodness. In I went and I got stuck. The station was not open; the sign was a big bluff.

It said "We are Open" in huge red letters on a white background, but underneath it gave in very tiny letters and figures the times when it was open. Well, fortunately there was a filling station next door and the man came over and gave me a push and I got going and went to his station and got gas, where I would have gone in the first place if I hadn't been fooled by a sign that shouldn't have been there.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I urge you to vote against the motion to recede and concur. I think in the weeks since we originally debated this bill, if anything has become clear, it is the fact that the price of gas is going out of sight. There is not much we can do about it here in the northeast, but one thing we can do is at least let the consumer know what it is going to cost him before he makes the effort to drive into a particular filling station. It is a simple consumer bill and I hope you vote against the motion.

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

A vote of the House was taken.

Thereupon, Mr. Tarbell of Bangor requested a roll call vote.

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

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

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

Mr. BRANNIGAN: Mr. Speaker and Members of the House: I have in this session been involved in certain areas that deal with filling stations and the automobile related industry. So, I have been in close touch with my local filling station dealers and they are not always happy with some of the things I have proposed or will propose, but in this case, my local filling

people are in favor, or at least they are not seriously opposed to this bill. They are actually in favor of this bill.

It is necessary, I think, for us to pass this piece of legislation, because most of the people do not believe there are shortages, believe they are being manipulated. The filling station people I have talked to feel they are being manipulated, we are all being manipulated. I think that this posting and keeping the price up front and out in the open is one way that we respond to that feeling that the people have of being manipulated by the oil companies.

I urge that we defeat this motion to recede and concur.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Birt, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dow, Drinkwater, Dudley, Fenlason, Garsoe, Gavett, Gillis, Gould, Gray, Hall, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, P., Laffin, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Masterman, Masterton, Maxwell, McPherson, Nelson, A.; Payne, Peltier, Peterson, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Theriault, Torrey, Tozier, Twitchell, Wentworth, Whitemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Bordeaux, Brannigan, Brennerman, Brodeur, Brown, K. C.; Carroll, Chonko, Cloutier, Connolly, Cox, Davies, Dellert, Dexter, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gowen, Gwadodsky, Hanson, Hickey, Hobbins, Howe, Huber, Jacques, E.; Jalbert, Joyce, Kane, Kiesman, Lancaster, LaPlante, Lizotte, MacEachern, Mahany, Martin, A.; Matthews, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Simon, Tarbell, Tuttle, Vincent, Violette, Vose, Wood, Wyman.

ABSENT — Diamond, Hughes, Kany, Kelleher, Marshall, Morton, Norris, Pearson, Tierney, Mr. Speaker.

Yes, 70; No, 71; Absent, 10.

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

Thereupon, on motion of Mr. Howe of South Portland, the House voted to adhere.

Orders

An Expression of Legislative Sentiment (H. P. 1307) recognizing that:

Gary Stevens of Lincoln is valedictorian of Mattanawcook Academy in Lincoln, Maine Presented by Mr. MacEachern of Lincoln.

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

An Expression of Legislative Sentiment (H. P. 1308) recognizing that:

Deborah Ann Fish of Lincoln Center is salutatorian of Mattanawcook Academy in Lincoln, Maine

Presented by Mr. MacEachern of Lincoln The Order was read and passed and sent up for concurrence.

House Reports of Committees

Ought Not to Pass

Mrs. Sewall from the Committee on Election Laws on Bill "An Act to Provide for Publication of Specimen Ballots" (H. P. 794) (L. D. 994) reporting "Ought Not to Pass"

Mr. Joyce from the Committee on Judiciary on Bill "An Act to Provide a Full-time Investigator for Each District Attorney" (H. P. 598) (L. D. 742) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Conary from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit Maine Senators to not More than Five Consecutive Two-year Terms, and to Limit Maine Representative to not More than Five Consecutive Two-year Terms (H. P. 846) (L. D. 1048) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Include Independent Contractors within Deferred Compensation Plans" (H. P. 845) (L. D. 1047) reporting "Leave to Withdraw"

Mrs. Beaulieu from the Committee on Labor on Bill "An Act to Clarify the State Employees Labor Relations Law" (H. P. 347) (L. D. 446) reporting "Leave to Withdraw"

Mr. Gwadosky from the Committee on Business Legislation on Bill "An Act to Prohibit Automobile Franchisors from Granting New Franchises within the Relevant Market Area of Existing Franchises" (H. P. 783) (L. D. 983) reporting "Leave to Withdraw"

Mr. Sprowl from the Committee on Business Legislation on Bill "An Act to Permit Certain Private Actions under the Profiteering Statutes" (H. P. 782) (L. D. 982) reporting "Leave to Withdraw"

Mr. Dexter from the Committee on Labor on Bill "An Act to Correct Inequalities in the State Employees Labor Relations Act" (H. P. 378) (L. D. 493) reporting "Leave to Withdraw"

Mrs. Beaulieu from the Committee on Labor on Bill "An Act to Clarify the Municipal Public Employees Labor Relations Law" (H. P. 340) (L. D. 439) reporting "Leave to Withdraw"

Mr. Carroll from the Committee on Transportation on Bill "An Act to Provide Owners of Certain Property Abutting a Discontinued or Abandoned Town Way Access to Public Roads and Highways" (H. P. 856) (L. D. 1056) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Mr. Carroll from the Committee on Transportation on Bill "An Act to Provide for an Exit Sign at the Orono Exit and at the Stillwater Exit on I-95 to Direct Traffic to the University of Maine at Orono" (H. P. 617) (L. D. 758) reporting "Leave to Withdraw"

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

Mr. DAVIES: Mr. Speaker and Members of the House: I won't take any action on this bill today. This is a bill that the gentlelady from Orono, Miss Gavett, and I have cosponsored. It is our understanding that the Department of Transportation will be conducting an experimental program which will take care of our needs, and this is the reason why we have agreed to a "Leave to Withdraw" report.

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

Mrs. Locke from the Committee on Education on Bill "An Act to Require Each Town in a School Administrative District to Vote on the District Budget at a Town Meeting" (H. P. 731) (L. D. 918) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. LaPlante from the Committee on Local and County Government on Bill "An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District" (H. P. 317)

(L. D. 426) reporting "Ought to Pass" in New Draft (H. P. 1309) (L. D. 1563)

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act to Eliminate the Jurisdiction of the Maine Milk Commission over ½ Pint Containers of Milk" (H. P. 482) (L. D. 613)

Report was signed by the following members:

Mr. HICHENS of York — of the Senate.

Messrs. NELSON of New Sweden
ROOPE of Presque Isle

Mrs. LOCKE of Sebec

Messrs. SHERBURNE of Dexter

TORREY of Poland

ROLLINS of Dixfield

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-212) on same Bill.

Report was signed by the following members:

Mr. CARPENTER of Aroostook

— of the Senate.

Messrs. MICHAEL of Auburn

MAHANY of Easton

TOZIER of Unity

WOOD of Sanford

— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of the Minority "Ought to Pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I request a Division.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: We realize that in many places the school half pint program is of great importance and the price of that half pint can be a substantial savings or extra cost to those school districts.

At the present time, the Maine Milk Commission has the authority to regulate that price, but at this time, they are allowing bids. We in the milk industry and the Milk Commission feel that this is a good situation because schools and dealers are allowed to submit bids and schools are getting their milk at a very, very low figure. In fact, it is my understanding that the price of 8.6 cents per container, which some schools are enjoying at this time, covers exactly the price of the milk that is put into that container plus the price of the container. The companies that are submitting these bids are receiving nothing at all for processing, delivering, and all the other expenses that go along with handling this milk. I feel that they are doing this mainly as an advertising scheme. Many dealers believe that if youngsters drink their brand of milk in the schools, they will also drink that brand of milk when they get home.

It is also my understanding, that in order to fulfill these bids, some of this milk, at least, is now 2 percent milk. We fear that if the commission is stripped of its power over this pricing that these bids would be so competitive that quality would be a factor in the milk. Today, it is in some schools, at least it is 2 percent milk. I think most people feel when their children drink milk at school, they are getting whole milk, which would be 3.5 but this situation could become even more serious and milk that is of poorer quality, milk that is left over from one day, could be a place where dealers could put that milk so that the quality could be reduced even further.

We feel that if the commission is allowed to retain the power to set the price and if bad situations do arise, they could step in and correct those situations. I would hope that you would see fit to vote so that the commission is allowed to retain its power to set the prices on these cartons.

The SPEAKER pro tem: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I heartily concur with the statements from the gentleman from Dexter, Mr. Sherburne.

I might just quote from the Maine Milk Commission statements in regards to its purpose and program. It says, "prices are to be based on the lowest achievable costs at which milk purchased from Maine producers at Maine minimum prices can be received, processed, packaged and distributed within the state at a just and reasonable return while ensuring an adequate supply of pure and wholesome milk to Maine consumers."

I am convinced that the present situation of allowing the bidding process for school milk is working adequately but I still maintain that it ought to still stay under the supervision of the Maine Milk Commission so that if the quality of the milk should deteriorate, they would still have some authority to come in and try to rectify it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I think it would be wise if you looked into your books and pulled out the amendment that we are talking about. I think you will find that we are not talking about half pints anymore and we are talking about deregulating all half pints. All that we are doing is making what is already in the law conform to all units of government and not just state and federal. Presently, state institutions and federal institutions are exempt from pricing power of the Maine Milk Commission.

In the committee, those people that signed out the "ought to pass" report felt that there was no reason why schools should not be exempt also. So, we put in an amendment, not to deal with half pints but to deal with the whole question of whether we should have a double standard for state policy that says we are exempt ourselves from the pricing power, we can go out to collective bidding, we can get the best buy for the taxpayers, but because you are a school, you can't do that. So, we put it into the bill and all it does is say that the pricing power, as far as schools, that they are exempt from the pricing powers. They are not exempt from all rules and regulations. The quality of milk will continue to be the same quality.

The milk commission can come in at any time and talk about the issue of short weight or quality of milk. The commission will still have those powers to make sure that that milk is what they are paying for. All we are saying is that what is good for the state should also be good for the schools.

You should be aware that the whole issue of how much milk farmers sell to schools, the farmers themselves do not feel that this would be any economic loss to them whether it was regulated or not regulated because it is such a small portion of the market.

It is true that at the present time the Maine Milk Commission is not regulating half pints but there is no guarantee that they will continue to do that. In fact, last fall, the Maine Milk Dealers Association requested that they impose regulations on half pints. I can assure you that those proceedings that are held up here are costly for school boards to go through and it puts a school board in a situation of never knowing if one year they are going to be regulated or in the middle of the year they are going to be regulated or whether those bids will stand up or they will have to add costs or subtract

costs to their budgets.

If the proposal by the Maine Milk Dealers Association went through last time, it would have cost the taxpayers of this state \$1 million more for running their schools, so we are talking about a costly item for schools. That cost to the school is borne by the taxpayers and the property taxpayers. If we can find some way to cut that cost, I think we are all in favor of it. So what we are doing today is saying, we are not dealing with whether we should do away with the Maine Milk Commission, we are not dealing with the issue of half pints, we are saying that the state has set a policy that exempts federal institutions and state institutions and we are furthering that policy by exempting schools.

The SPEAKER pro tem: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, in response to Mr. Wood, I agree that probably there may not be too much of an impact to the dairy industry on the sales of school milk. However, those consumers, those children in the schools, are of vital interest to the dairy farmers and the dairy interests of this state because they are the future generation, they are the future homemakers, they are the future consumers of milk. If the quality of milk deteriorates to a degree, or any slight instance, so that their taste buds are repudiated, so to speak, and they are turned off by the taste of the milk in that carton and they refuse to drink any more, you have lost some sales of milk. We have lost the nutritive value of the milk that those youngsters should be consuming and, if some of those young people lose that taste and desire to drink milk, it may be very difficult to get them back as milk consumers, which is vital to their health and is vital to the Maine dairy industry.

I think that this issue has got another side and I think the majority of the school milk is sold in bulk for chowders and so forth. The majority is in the half pint containers that the youngsters drink and if the quality should get to a point that some of them will refuse to drink it or they get a bad taste, it would be harmful.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: Despite the apparent partisan nature of the committee report on this, it is not, in my mind, a partisan issue. As you realize from the bill, there are two Republicans and two Democrats sponsoring the bill, nor is this a vote on the future of the Maine Milk Commission. We think it is an issue of taxpayer dollars, and as the gentleman from Sanford, Mr. Wood, said, it is an issue of equity by the state in dealing with governmental institutions.

Let me take that second issue first. State policy has always been to exempt state and federal institutions from milk price controls; yet, local schools are required, if the commission desires, to pay the prices set by the commission. We think it only equitable that schools who are mandated to sell milk under the school breakfast and school lunch programs be exempt from regulations so that they can buy half pints at the lowest price possible. This is certainly, to my mind, good fiscal policy for local school boards.

If milk were regulated and the price, according to the Maine Milk Dealers Association, would have gone up 2½ cents per half pint, as Mr. Wood also said, the cost statewide to all the schools would have been one million dollars this year.

Regulation of half pints is under the whim of the Maine Milk Commission who can consider the issue at any time during the year. In fact, last year, the Maine milk dealers requested hearings twice during the year. This cost countless hours of my school administrators' time and also the time of other administrators, superintendents from around the state.

The clear problem is this—school boards set their budgets for milk purchases; yet, they may undergo a hardship should the commission decide thereafter to reregulate milk. I think that is one of the issues that we have to face today.

When the commission did not regulate half pints three years ago, the school system that I represent was paying 10½ cents per half pint for 2 million half pints. When deregulation occurred and the city was allowed to bid for the price of milk, the price decreased and consumption increased. In the first year, the city saved almost \$50,000, while in the last three years, consumption has increased by 500,000 half pints. By the way, in the last three years, there have been fewer school children in the Portland school system, so we shouldn't worry that price deregulation would cause children not to drink milk. Obviously, here is a case where it encourages children to drink milk.

If you are concerned about the effect of this exemption on dairies and farmers, we don't think there would be any, and I think people at the hearing felt that there would be no effect. School milk accounts are only 6 percent of total sales statewide.

If it is the policy of this state to encourage kids to drink milk and to mandate that that be the only beverage sold to them in the schools, then I feel it only appropriate that we allow schools to purchase it at the best possible price without the chance of reregulation hanging over their heads. More importantly, I think, the commission would still have the authority over the quality of the milk, so I think there is no concern over that.

I wish that the House would accept the "ought to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Torrey made reference to what happens to a kid's taste buds if they drink milk that perhaps is a little unpure or something like that. I have had four kids that have gone through the school lunch program and complained a good many times about the hamburger or the fish or whatever, whatever they were eating. I just wanted you to know that those kid's taste buds made a remarkable recovery from the time they ate their noon meal until the time they got home to eat their evening meal.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: I think the feeling here is mainly a guarantee of quality. The Maine Milk Commission was charged to supply an adequate supply of wholesome milk to all the people in the State of Maine and I think they have done a remarkable job of that.

The per capita consumption in the State of Maine is the highest in the nation. I think this speaks for itself, that the Maine Milk Commission and the Maine dairy industry has been doing something right.

In the last few years, the commission and the dairy industry have chosen not to regulate the price of the half pints. I don't think there is any danger of them bringing this situation about unless an unforeseen situation takes place. I believe that as long as the commission has that power, the quality of milk that our school children receive will be high quality.

Today, the quality of the milk that the people in Maine drink is probably as high if not the highest in the nation. The consumption per capita proves that, and I would hate to see any of the powers of the Maine Milk Commission taken away.

I would hope that you would vote against this minority report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: Just to clear up the whole

question of the quality of milk. In our work session, I asked a member of the Department of Agriculture the question if this bill were passed if it would have any affect on the powers to regulate the quality of milk in Maine—the answer was no, they have that power, they will continue to have the power if this bill goes through.

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

Whereupon, Mrs. Beaulieu of Portland requested a roll call vote.

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

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

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

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Boudreau, Brannigan, Brenerman, Bourdeur, Brown, A., Carter, D., Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Doukas, Dow, Dudley, Dutremble, D., Dutremble, L., Fowlie, Gould, Gowen, Gray, Gwadodsky, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Jacques, E., Jacques, P., Jalbert, Joyce, Kane, Kany, Lizotte, MacEachern, Mahany, Martin, A., Masterton, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M., Nelson, N., Paradis, Paul, Post, Prescott, Rolde, Simon, Stetson, Toxier, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, Wyman.

NAY — Alopis, Austin, Birt, Bordeaux, Bowden, Brown, D., Brown, K. L., Brown, K. C., Bunker, Call, Carrier, Carter, F., Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Hanson, Hunter, Hutchings, Immonen, Jackson, Kiesman, Laffin, LaPlante, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Masterman, Matthews, Maxwell, McPherson, Nelson, A., Payne, Peltier, Peterson, Reeves, J., Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stover, Strout, Studley, Tabell, Theriault, Torrey, Twitchell.

ABSENT — Carroll, Diamond, Elias, Hughes, Kelleher, Lancaster, Marshall, Morton, Norris, Pearson, Reeves, P., Tierney, Whittemore, The Speaker.

Yes, 71; No, 66; Absent, 14.

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

Thereupon, the Bill was read once. Committee Amendment "A" (H-212) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" on Bill "An Act to Amend the Law Relating to the Maine Milk Tax Committee" (H. P. 206) (L. D. 254)

Report as signed by the following members: Mr. HICHENS of York

— of the Senate.

Mrs. LOCKE of Sebec
Messrs. TORREY of Portland
SHERBURNE of Dexter
MAHANY of Easton
ROLLINS of Dixfield
MICHAEL of Auburn
TOZIER of Unity

— 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. CARPENTER of Aroostook
— of the Senate.
Messrs. ROOPE of Presque Isle
NELSON of New Sweden
WOOD of Sanford
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, I move that the Minority "Ought Not to Pass" report be accepted. Whereupon, Mr. Torrey of Poland requested a vote.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak very briefly on this bill.

This bill has a title of 'tax' in it and when any thing says tax, we all sort of flinch, but this tax is a self-imposed tax by the dairy industry, imposed upon the producers. This tax in no way affects the general taxpayer of the state or the consumer. It has absolutely no effect on the price of the milk. This is a tax that the producers are in favor of so that the money can be used for promotion of the product.

At the present time, we pay a 5 cent per hundred tax on the milk that we produce and sell. This tax has been in effect since 1969 or somewhere back then, and at that time it did a pretty adequate job of promoting milk. But over the years, inflation has put the cost up considerably. The tax has never changed and now we would like to see this tax put on a percentage basis so that it would follow the price of milk up or down.

This bill calls for 8/10ths of one percent per hundred weight of milk, based on the price of milk. At the present time, the price of milk is somewhere around \$13, and this would increase the tax from 5 cents to just over 10 cents, and we feel that that increase in the tax would just about pay for a promotion as the original 5 cents did.

I would hope that you would go along and support this tax.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I signed this bill out "ought not to pass," there were six reasons which I think are important reasons, and I would like to share them with you.

One is that we enacted a couple of years ago sunset legislation and the committee that reviews sunset legislation is presently reviewing the Department of Agriculture and is presently reviewing this very program. So it seems like we are putting the cart before the horse to increase the tax before we know whether that program is effective, whether it should continue, whether it should be combined with another program. We are automatically increasing a tax before we know how effective this program is. I think that that alone is good enough reason to delay this for a year until we have all the facts in on this program before we increase the tax.

The second reason is that this has been called a self-imposed tax. There has not been a statewide referendum by dairy farmers on this issue, in fact, if you want to look at it in one way, this is a compulsory tax that they have to pay that would be taken out automatically in the checks they get back from the processors, and if they don't want to pay the tax, they still have to pay it, vaguely reminding of talking of fair share, this is a fair share. They are going to be required to pay for something they didn't even have the privilege of voting on in referendum. So, you can't convince me that dairy farmers want it until you can show me that they have voted on it, at some point, and

are approving of it. Now, we are going to be requiring them to pay in double what they are presently paying.

Then, there is the question of where this tax is raised. Right now, the people, the farmers, will be the one paying for it, but as inflation goes up, you can't convince me that eventually the consumers aren't going to be paying for that tax. You can't convince me that the small farmers are going to be pushed out of the market because their profits are going to be eaten and eroded away by increasing this tax.

The third reason is inflation. By putting a flotation clause on this, you are effectively blocking off the legislature from ever revealing this program. Right now if they want to increase the tax, they have to come back and get legislative approval. Once you put an inflation clause in, that money floats, so there is no need for them to come back here and justify to us whether they need more money or not.

The fifth reason is, if you look at all the advertising for milk, you will find out that the farmers pay a great deal more than the processors. I would argue that the processors' profits are much higher than the farmer and he is better able to pay a bigger share. I think until they pay a bigger share, the farmer should not be burdened with this tax.

Finally, the sixth reason, and one that I picked up because in Vermont they are discussing the same legislation, is that you reach the saturation point with advertising. We have the highest consumption of milk in the nation. We just can't drink much more milk, so it becomes ineffective advertising to keep advertising a product if you have reached that saturation level. I would argue that we have reached that level, and by increasing the tax, you are not going to get the return.

There is another equation, another factor in this equation, and that is supply. If you advertise and increase demand, you have to increase supply. That becomes costly for the farmers. Eventually, when you have an oversupply, you have a situation in which the price is going to have to come down. So, when you talked about advertising, you are not talking about the other equation, you run into the problem of over supply and a lower price and that is not exactly what we are trying to do here.

So, I think for these reasons, the fact that there has been no referendum state-wide, the farmers will have to pay into it whether they want to, the farmers might go under if we pass this thing, the bill is currently being reviewed by the Committee on Performance Audit and Review and we should wait for their findings before we do anything and that we have reached that saturation point in advertising.

I, personally, drink a great deal of milk but I don't think if you put on TV ads, you are going to get me to drink much more. I think that is the reason why I voted against this. I am not saying that they don't need it but maybe next year, after we find out from Performance Audit what the status of this program is, maybe that would be the time to raise this tax.

The SPEAKER pro tem: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the eloquent statements of the gentleman from Sanford, Mr. Wood, I have to agree with some of his statements. I don't agree with all of his philosophy.

It is true that the commission or board is being reviewed by the Legislative Review Committee. It's my understanding that recommendation probably won't be forthcoming until the next session in 1980. Regardless of that recommendation, I think that the advertising program is worthwhile and any increased fees would be well advised.

In regard to a referendum clause, the dairy farmers throughout Maine last year, 1978, had several area dairy meetings in which the program of milk advertising, nutrition and promo-

tion were stressed. At those meetings, after hearing all the evidence, hearing the problem, the cost of advertising that has increased due to inflation, it was the majority of the informal opinion at all those gathering of dairy farmers that they approved and go ahead and ask for an increase in their advertising budget and increase the tax or withholding fee for promotions. It is true that there are some that won't agree to that they feel maybe it doesn't benefit them enough but the majority, in all these gatherings, were in favor of it.

As far as inflation goes, you still can have problems in all industries, but I don't think it is going to affect the dairy program because we have it, it is going to affect it if we can't follow the cost of advertising that increase to inflation.

I have to take real opposition to the gentleman from Sanford, Mr. Wood's statement, that eventually the consumers may have to pay for this increase. Possibly under certain situations, maybe in the distant future, under different situations, that will happen, but, I don't envision that and I can unequivocally state that under no circumstance is this tax or fee for promotion to be passed on to the consumers. The price of milk that is paid to the farmers begins on a pricing area established out in Minnesota and Wisconsin and as the different Federal markets vary from that area, different increases are added on. The Federal Milk Market Administration in Boston, a USDA organization with an administrator, he sets the farm price of milk in the New England Federal Area, the Maine Milk Commission, by law, accepts and defines that price as the price that will be paid to Maine farmers. Under no circumstances do any deductions for advertising, even the transportation costs from a farm to a plant, enter into that price structure.

Also mentioned, they have reached a saturation level. Certainly, we may be reaching a saturation level but we have to keep an ever present effort to maintain that level. You must realize the millions of dollars that are spent in advertising campaigns from the soft drink industry, we just have to keep up to maintain. We are having new young people come along every day as these youngsters from the preteen age get to a teenage state and we need to continue their milk drinking habits. So, just to maintain that level, we need all the advertising possible.

In regard to supply, I don't envision any problem with oversupply. We have an oversupply of milk now. The whole marketing system situation tends to oversupply. With the diminishing delivery of home delivery of milk to consumers, most the majority of milk purchases are made at the stores, mostly at the large supermarkets. I think most of you agree that most of that milk is probably purchased from Thursday on. That puts a tremendous burden on the dairy farmers to have fresh milk enough to supply that real large demand for Thursday, Friday and Saturday. Those cows on the farm are still producing at that level of milk over Sunday and Monday, that milk has got to go in process somewhere for utilization in other dairy products. So, there is plenty of milk now and I don't envision any other problems.

I think I have said enough. I hope you will vote against this motion.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support Mr. Torrey's words that he has said here and there are a few words that Representative Wood mentioned that I would question a little, when he said that the dealer could well afford to be promoting this advertising. The dealers are not asked to promote the advertising that this tax would take care of. This is a program that the dairy farmers, the dairy producers, are in favor of. To mention a referendum, I am sure that this has never been put out to referendum.

We have one association which takes in most of the farmers. Well over 90 per cent of the farmers in the State of Maine belong to the Farm Bureau Association. In each county, or nearly all the counties, there is a local county farm bureau and each year these county farm bureaus have what they call a resolution meeting where they decide upon the issues which need attention, what should be done about them and so forth. This was an issue at most of these county farm bureau resolution meetings. If a resolution is passed at the county level, then it is passed onto the state level and this is the way this got to be a resolution, having the support of the Maine Farm Bureau. I am sure that this is supported by the Maine Farm Bureau.

When we speak of saturation points, we never know. Nobody can tell when we reach the saturation point. The per capita of consumption of milk is going up in Maine all the time; we hope to keep it that way. The dairy producers in the State of Maine feel that this is the only way that we can do it, by advertising. This advertising would still be real small when we compare it to the kind of advertising that is spent by the soft drink and the beer industries.

I would hope that you would vote in support of this bill.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: A tax is a tax is a tax. It doesn't make any difference what you call it. We sometimes will go back to our people or say here on the floor of the House that this is a self-imposed tax. Well, the only self-imposed tax would be one which we would tax, ourselves, the Maine Legislature. The farmers never placed this tax on themselves, the Maine Legislature places that tax, and we are talking here of a tax, increasing it, doubling it from 5 to 10 cents. Now, if we did this in any other place, we would be very upset. Let us not double the taxes of the farmer or anyone else in the State of Maine to promote this for some of the processors.

I would urge you to vote against this bill.

The SPEAKER pro tem: The Chair will order a vote. The pending question is on the motion of the gentleman from Sanford, Mr. Wood, that the House accept the Minority "Ought Not to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Wood of Sanford requested a roll call vote.

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

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, in response to the questions about a tax, certainly we agree that it is a fee or a tax and it is self-imposed, but I would reiterate that the dairy farmers themselves, in their group meetings, have expressed this desire that that is what they would like to have done.

I am sure that a majority of the proposed legislation that comes before this legislative body or down at the other end of the hall is legislation that citizens, constituents, groups or whatever name you want to call them, have signified that they have an interest in. They would like to have a change, they would like to have something new proposed or deleted, so we are just acting in the interest of the Maine dairy farmers.

The SPEAKER pro tem: The Chair recognizes

es the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question, if I may, to any member of the Agriculture Committee that could answer.

Was this meeting that you were discussing about the farmers that were unanimous in voting for this tax, were they farmers that sell on the Boston market or the Maine market?

The SPEAKER pro tem: The gentleman from Sangerville, Mr. Hall, has posed a question through the Chair to any member of the Agriculture Committee who may answer if they so desire.

The Chair recognizes the gentleman from Dexter, Mr. Sherburne.

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: When I said that this was a resolution in most Farm Bureau county resolutions meetings, it doesn't matter whether a dairy man is a Maine producer or a Boston producer. They are all members, mostly all members, of the Maine Farm Bureau. Generally, it was the overwhelming vote in these meetings that we go along with this tax. We feel that what five cents would buy ten years ago has diminished to about half that now, so if this tax, as you call it, we had rather state it as a promotion, but the figure that is set today would just about buy the same promotion that the present tax would when it was imposed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: Just to briefly go over the reasons why I am opposed to this bill, one of them is that there was no referendum. We are talking about the Farm Bureau, we are talking about some meetings, we are talking about some people who are members of the Farm Bureau. We are not talking about all dairy farmers in the State of Maine getting a printed ballot that says, are you in favor of increasing your tax from 5 to 10 cents? If you have a referendum like that, it is to unusual, there could have been a state-wide referendum, then we would know exactly where the farmers stood.

I have heard from farmers that voted for it but didn't realize we were talking about doubling or a ten cent increase. I talked to other farmers that didn't know anything about it. So, I don't think until we know exactly where the farmers stand that we should be passing it.

Again, this bill is being reviewed by the Committee on Performance Audit. I would recommend that we wait for their report to find another board, whether the processors should pay more. If we leap before we look, we might be in trouble down the road.

Also, when you put an inflation clause in, you are not permitting the legislature to review this every few years. The way the law is currently written, they have to come before the legislature with the inflation clause, they won't have to. You can't help but pass on some of this cost to the consumers down the road.

Remember, we are talking an increase from five cents to ten cents, but let's say a farmer is paying out \$500 in this tax, he would be paying \$1,000. I think, at some point, we are going to start seeing farmers go out of the business because they can't afford this tax. Farmers pay more than processors. I don't think this is fair.

Again, if you look at the Vermont situation, they are reaching the saturation level. They are having a problem with supply and just to continue to advertise is not the answer. Maybe, we should look at alternative markets, such as cheese factories, but to place it all in advertising, just seems to be the wrong approach. Again, if you pass this, you are going to be forcing farmers, who don't want to pay it, to pay it, whether they want to or not.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: This morning it would almost seem that the money was coming out of

the Representative from Sanford, Mr. Wood's pocket. In reality, it isn't. It is coming out of the farmers that want to pay this extra tax. Anyone that wants to tax themselves to promote their product ought to certainly have that chance.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to echo in regard to the words somewhat my good friend Mr. Rollins said. If the farmers that want to, but I haven't any farmers in my area that are selling on the Boston market that don't want anything to do with it. I am surprised and they were surprised to see this because they haven't got anything in the past on this. This is the problem I find. I would like to echo the part that Mr. Rollins said, let the farmers that want it, pay it, but not put it on the whole for the farmers that sell in the Boston market.

Mr. Sherburne of Dexter was granted permission to speak a third time.

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: I am sort of interested in what my good friend and good neighbor, Mr. Hall just said, about his farmers not wanting this tax. I hate to bring this up because it has been kind of a quiet subject lately but the boundary line of my farm is the boundary line between the towns of Dexter and Ripley. It is also the boundary line between Penobscot and Somerset counties. It is also the boundary line between Mr. Hall's district and my district.

In the town next to me, there are six Boston market producers, they are my neighbors. I know these men. I know what they think. When my good friend, Mr. Hall, says that his farmers don't want this, I question if Mr. Hall has talked to these men. The town of St. Albans is in Mr. Hall's district. There are more dairy cows in the town of St. Albans than in any other town in the State of Maine. This is one of my neighboring towns. They are about split, Boston producers and Maine producers. I have yet to find one producer, in either one of these two towns, that is against this bill. In fact, they are the ones that talked to me as much as my own producers did. They want this bill. So, I would ask you to go along and support this piece of legislation.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I will be very brief but I wish that you would particularly consider one of the points that Mr. Wood made in regards to his opposition to the bill and that was that the Audit Review Committee is reviewing the Milk Task Committee. We have just begun that review, we are doing our reviews in depth. I don't want to give you the impression that we have come to any conclusions because we haven't. This has come up in other cases where we have seen an increase in a tax which is, indeed, being paid for by the industry but, nevertheless, we should look at the need and the results that result from this tax.

I would hope that you would vote with Mr. Wood, in favor of the "ought not to pass" report and wait and see what recommendation the Audit Review Committee makes.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Sanford, Mr. Wood, that the House accept the Minority "Ought Not to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Bowden, Brannigan, Brenerman, Brodeur, Brown, A.; Bunker, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Doukas, Duttremble, D.; Fowlie, Gowen, Gray, Gwadosky, Hall, Higgins, Hobbins, Huber, Jacques, E., Jalbert, Kane, LaPlante, Lizotte, Lougee.

Lund, MacBride, Mahany, Martin, A.; Master-ton, McHenry, McMahon, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Post, Prescott, Reeves, P.; Rolde, Smith, Stetson, Tuttle, Vincent, Wood, Wyman.

NAY — Aloupis, Austin, Birt, Bordeaux, Boudreau, Brown, D.; Brown, K. L.; Brown, K. C.; Call, Carrier, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dexter, Dow, Drinkwater, Dutremble, L.; Fillmore, Garsoe, Gavett, Gillis, Gould, Hanson, Hickey, Hunter, Hutchings, Immonen, Jackson, Jacques P.; Joyce, Kany, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lowe, MacEachern, Masterman, Matthews, Maxwell, McPherson, McSweeney, Michael, Nelson, A.; Norris, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Soulas, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Tozier, Twitchell, Violette, Vose, Wentworth, Whittemore.

ABSENT — Carroll, Diamond, Dudley, Elias, Fenlason, Howe, Hughes, Kelleher, Marshall, McKean, Morton, Pearson, Tierney, The Speaker.

Yes, 61; No, 76; Absent, 13.

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

Thereupon, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for Second Reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill, "An Act to Revise the Penalty Provisions for the Offense of Speeding" (H. P. 460) (L. D. 573)

Report was signed by the following members:

Messrs. COLLINS of Knox
DEVOE of Penobscot
Mrs. TRAFTON of Androscoggin
— of the Senate.

Messrs. HOBBINS of Saco
HUGHES of Auburn
Mrs. SEWALL of Newcastle
Messrs. SILSBY of Ellsworth
CARRIER of Westbrook
GRAY of Rockland
JOYCE of Portland
STETSON of Wiscasset
SIMON of Lewiston

— of the House.

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

Report was signed by the following member:
Mr. LAFFIN of Westbrook

— of the House.

Reports were read.

On motion of Mr. Hobbins of Saco, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-213) on Bill "An Act to Exempt from Sales Taxes Depreciable Machinery Used in Commercial Farming and Fishing" (H. P. 762) (L. D. 942)

Report was signed by the following members:

Messrs. CHAPMAN of Sagadahoc
TEAGUE of Somerset
Ms. CLARK of Cumberland
— of the Senate.

Messrs. MARSHALL of Millinocket
KANE of South Portland
WOOD of Sanford

Mrs. POST of Owl's Head
Messrs. IMMONEN of West Paris

CARTER of Bangor
COX of Brewer
BRENERMAN of Portland
TWITCHELL of Norway

— of the House.
Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.
Report was signed by the following member:
Mr. LEONARD of Woolwich

— of the House.

Reports were read.

On motion of Mrs. Post of Owl's Head, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-213) was read by the Clerk and adopted and the Bill assigned for Second Reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-214) on Bill "An Act to Provide Restitution to Innocent Victims of Crimes" (H. P. 644) (L. D. 798)

Report was signed by the following members:

Mr. COLLINS of Knox
Mrs. TRAFTON of Androscoggin
— of the Senate.

Messrs. HOBBINS of Saco
HUGHES of Auburn
SILSBY of Ellsworth
JOYCE of Portland
STETSON of Wiscasset
CARRIER of Westbrook
Mrs. SEWALL of Newcastle

— 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. DEVOE of Penobscot
— of the Senate.
Mr. GRAY of Rockland
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

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

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: This is one of those old chestnuts that keeps coming back every session. I was opposed to it before and I am still opposed to this bill because it does not require the criminal to make restitution or to pay for his crime, rather it would create a board to require you and I and our innocent neighbors to pay for the criminal acts of the others. The bill has a fiscal note of \$113,000 and we all know what happens and usually does when we establish these boards to dispense federal and state monies.

It further supports and gives dignity to what the social engineers have been telling us for the past 10 or 15 years, that the criminal is just a misguided individual who has been put upon by society and that they should not be held financially, legally or morally responsible for their actions. If you believe in this concept, if you believe that your friends and neighbors should be held responsible, financially responsible for the criminal acts of others, this is probably your kind of bill but it is not mine. I don't think that we will ever solve the rising tide of crime until we face up to the fact that we have to hold that individual legally and financially responsible for his own acts and stop putting the blame upon this invisible society.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Mr. Gray refers to this bill as an old chestnut. How quaint! I would like to remind the good gentleman, he can call it what he may, but in truth it is a bill that is long overdue and should be on the books. This type of legislation has been enacted in 20 other states in the union and more are going to follow.

In the last session of Congress, both the

House and the Senate enacted legislation to do just what this bill is going to do, with a few minor exceptions. My bill is much more conservative than the bills that were enacted by the House and the Senate. For example, my bill sets a limitation of \$15,000 for out-of-pocket expenses, whereas the Senate version called for \$50,000 and the House version called for \$25,000, and in the waning hours of Congress both bills died.

This bill, except for a few minor changes, is the identical bill that was passed in the 107th session of the State Legislature and was vetoed by Governor Longley. It was vetoed because it was felt at the time that the appropriation tax of \$55,000 was inadequate. Well, subsequent figures have proven, to me anyway, that that figure was not that far off. The fiscal note that we now have on this bill of \$113,000, I feel, is much more than what is actually needed in the bill. It has been computed from the federal bill, which would reimburse the victims for \$25,000 instead of \$15,000. There is adequate leeway in this bill.

I would hope that you would support the "ought to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBINS: Mr. Speaker, Men and Women of the House: As you can see from the Committee Report, this bill was thoroughly discussed and a great majority of the committee felt that this bill deserves your support.

The gentleman from Rockland, Mr. Gray, raised one point which I would like to address. He said that the criminal should pay for restitution and not the state or the public in general. Unfortunately, some of those individuals in our system are placed in jail and aren't in the position to pay that particular damage to the victim. As the saying goes you can't get blood out of a turnip. This bill recognizes that fact.

Under the criminal code of the State of Maine, the court has discretion to allow and require restitution. In those particular cases, this mechanism would not come into being.

This basically, is, a bill that will take care of that situation where the criminal doesn't have any money and it is felt that that victim, because of the seriousness of that crime, should be compensated in some way when he or she can show need. I think it is a rational bill.

During the last session, this bill was debated thoroughly, was passed by this legislature and then, the good Governor of the State at that time, Governor Longley, decided to veto it and many individuals at that time went along with the Governor, not on the issue but on the idea that the Governor vetoes the bill and we should support the Governor. I think this time we have a different circumstance, I think we have a good bill before us, the language has been cleaned up and I think it deserves our support this morning.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Rockland on March 20th had the opportunity of getting the criminals to pay for their crimes and he refused to. He voted "ought not to pass" on that one.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: It was pointed out that only 20 other states have gotten around to passing such a law as this. I am sure probably most of these states are somewhat wealthier than this one. This would still place Maine in the minority as far as having such laws on the books, and simply because the criminal cannot make restitution is no reason to put the penalty on the rest of us.

In regard to the comments made by the gentleman that just previously spoke, the bill that we considered before would have required that

the criminals pay for their court costs and the costs of prosecuting them. This would have required setting up an elaborate cost accounting system. It would have cost a lot more to try to collect this money than what would have ever been realized from it, and this is why I voted against that. It was just the fact that it was not a practical solution to a very complicated and expensive problem.

I would move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: This atrocious bill has been before the Legislature in the past. It is absolutely frightening. I agree with those who say that the state should not be called upon to pay for victims' injuries just because the perpetrator of those injuries can't pay.

If this bill becomes law, one more rocket will develop and we have too many rockets in this state now.

I support the indefinite postponement of this bill.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard debate saying that the state should not pay for the innocent victims of a crime. I submit to you that the state in many cases is already paying, paying through welfare payments which I don't think one can refer to as real justice in this country.

I want to remind you that this calls only for out-of-pocket, unreimbursable expenditures incurred as an innocent victim of a crime.

I know of several cases where an individual, who was a victim of a crime, used up all his benefits that he had through health insurance, disability insurance, and then ended up on welfare. Some people dip into their savings, and in one particular case an elderly person almost lost her home. You call this justice in our society?

We are, in some cases, forcing people to have to rely on welfare. This is a much more dignified way of meting justice.

In cases where a perpetrator has the means to pay for a crime, the state in any case, if and when it pays out under this bill, will have the right of subrogation, which means that it can recover from the perpetrator or any other source available to the victim, and I would hope that you would vote against the motion to indefinitely postpone.

When the vote is taken, I would request the yeas and nays.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't planned on speaking on this bill this morning but, you know, I think that we, as individuals, have an obligation to the people who are the victims of crime.

You talk about spending money on the people such as was reported here this morning. I pay \$1,000 taxes on my home, 62 per cent of that, \$620, goes to education, to educate the children of our community. I don't have any children, yet, I still pay that tax and I don't mind paying that tax because I feel that it is good. If we can get one or two people that will come out of that community with a good education and can help the community, that \$620 that I have to pay, which I get no benefits from whatsoever, is well worth spending. To be sure, the rest of it goes to police protection and I get that; it goes to fire protection and I get that; it used to go to sewers and things but now we have a special tax on top of that, so I don't mind spending that extra money.

I don't mind spending that money because the victims of crime are always the losers and the victims of crime most always are the elderly, those people who are unable to take care of and defend themselves. Those are the people

who need the help the most, and we sit here and we spend all kinds of money on programs, on social welfare programs, which I support, no complaints whatsoever. We can spend all kinds of money on things that directly do not affect us as members of this legislature; yet, we can support them.

When we get a bill before us that is going to help the victims of the vicious criminals of this state, we don't want to help them, but we will turn around and spend all kinds of money to protect the criminal. We will give him all the protection under the law. The lawyers, the courts and everyone else will protect him.

We will do anything we can to see that he is protected, no matter how many elderly people he has hurt, how many little girls he has hurt. We will do anything to protect him and when a good piece of legislation like this comes along, we have to find fault because innocent people have to pay for the support of this program. We pay for all programs—all of them—there is no exception, there is no line drawn on what we can support and don't support, and the programs that we support in this House, half of us don't have any interest in them and they will never benefit us, will do absolutely nothing. Who pays for these? And the victims of crime are a big part of our community today. In fact, the report that was turned out by the newly appointed, that Governor Brennan appointed as head of the Department of Public Safety, said that one person in every 20, and that is what he is saying, not me—one person in every 20 some way or another is the victim of crime.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I just briefly glanced at the bill and noticed that the amount of money on it is something like \$31,600. I am not sure exactly what the cost of maintaining a prisoner for one year at Thomaston is, but I think it is, the bill is \$113,000. My point still is, I think the cost of maintaining a prisoner at Thomaston is somewhere around \$22,000, \$23,000 or \$25,000 a year, so I think we can think of the millions of dollars that we are spending on our penal institutions and supposedly, indirectly, this is to help the victims of crime either through a sense of retribution or by keeping these criminals off the street. But I do feel here is a chance to help victims directly and I hope we will take it.

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

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

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: Before we cast our vote on this important bill, I think we should recognize one error by the gentleman from Rockland, the moving of this motion to indefinitely postpone.

Earlier in the debate, Mr. Gray stated that he felt that we should be going after the criminal to get restitution and not have the state pay the victims for their injuries, their out-of-pocket losses. But if Mr. Gray had read the proposed bill and the amendment that is before you, he would have noted that this bill allows the state to be subrogated to the rights of the victims to bring a claim against the perpetrator of the crime. In other words, if the person who commits the crime is financially responsible, the state is subrogated to the rights of the victim and can bring the action against the criminal to make recovery.

I think for Mr. Gray to move to indefinitely postpone this bill, he should have had his facts

straight. I urge that you oppose the motion.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: The gentleman from Wiscasset knows fully well that I have read the bill and that we discussed it thoroughly in committee. The point still is that it requires our innocent friends and neighbors and relatives to pay for the crimes of others. I don't think this is the road that we should be going down. We should be holding that individual, not you, not myself, unless we commit those acts, that individual should be held responsible, financially, legally and morally responsible for his own acts, not our innocent friends and neighbors and productive citizens.

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

Mr. JALBERT: Mr. Speaker, I move the previous question.

The SPEAKER pro tem: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one-third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER pro tem: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. All those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 24 having voted in the negative, the main question was ordered.

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

ROLL CALL

YEA — Aloupis, Bowden, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Call, Carter, F.; Cunningham, Damren, Gray, Jackson, Leighton, MacBride, Payne, Smith, Stover.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Borda, Boudreau, Brannigan, Brennerman, Brown, K. C.; Bunker, Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Laffin, Lancaster, LaPlante, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Paul, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Soulas, Stetson, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman.

ABSENT — Austin, Diamond, Dudley, Elias, Hughes, Kelleher, Marshall, Morton, Nelson, M.; Norris, Paradis, Pearson, Sprowl, The Speaker.

Yes, 17; No, 120; Absent, 14.

The SPEAKER pro tem: Seventeen having voted in the affirmative and one hundred twenty in the negative, with fourteen being

absent, the motion does not prevail.

The pending question now is on the motion of the gentleman from Saco, Mr. Hobbins, that the Majority "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.

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

Thereupon, the Bill was read once. Committee Amendment "A" (H-214) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar First Day

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

(H. P. 524) (L. D. 646) Bill "An Act to Permit the Use of Facsimile Stamp on Municipal Sewerage Assessments and Charges" Committee on Local and County Government reporting "Ought to Pass"

(H. P. 1076) (L. D. 1329) Bill "An Act to Exempt Out-of-State Technical and Vocational Schools from Registration under the Transient Sellers Law" Committee on Business Legislation reporting "Ought to Pass"

(H. P. 394) (L. D. 502) Bill "An Act Providing for Rent Receipts and Requiring Disclosure of a Landlord's Identity" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-219)

(H. P. 335) (L. D. 434) Bill "An Act Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss Due to Amendment of the Uniform Commercial Code" (Emergency) Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-222)

(H. P. 159) (L. D. 187) Bill "An Act to Allow Registrars of Deeds to use Rubber Stamps in Lieu of Original Signatures" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-223)

(H. P. 708) (L. D. 882) Bill "An Act to Provide for Certain Signs to Assist Blind Persons in Elevators" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-226)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 18, 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. 992) (L. D. 1229) Bill "An Act to Amend the Frozen Dairy Products Law"

(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"

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

(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"

(H. P. 362) (L. D. 472) Bill "An Act to Appropriate \$10,000 to the Maine Food and Farmland Study Commission" (Emergency) (C. "A" H-217)

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

Later Today Assigned

(H. P. 977) (L. D. 1191) Bill "An Act to Clarify the Responsibilities of the State Parole Board" (C. "A" H-210)

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-210) was read by the Clerk.

Mr. McHenry of Madawaska moved that Committee Amendment "A" be indefinitely postponed.

On motion of Mr. Hobbins of Saco, tabled pending the motion of Mr. McHenry of Madawaska to indefinitely postpone Committee Amendment "A" and later today assigned.

(H. P. 304) (L. D. 415) Bill "An Act Relating to Forfeiture of Bail on Persons Who Have Left the State (C. "A" H-211)

(H. P. 279) (L. D. 353) Bill "An Act to Amend the Safe Drinking Water Act" (C. "A" H-215)

(H. P. 422) (L. D. 517) Bill "An Act to Amend the Existing Stumpage Allowance to the Passamaquoddy Indian Tribe" (C. "A" H-216)

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

Passed to be Engrossed

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)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1979" (Emergency) (H. P. 1304) (L. D. 1560)

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

Second Reader Tabled and Assigned

Bill "An Act Regulating Business Practices Between Motion Picture Distributors and Exhibitors" (H. P. 365) (L. D. 473) (C. "A" H-206)

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

On motion of Miss Brown of Bethel, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-220) was read by the Clerk.

On motion of Mr. Carter of Winslow, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

Second Reader Tabled and Assigned

RESOLVE, to Authorize Kennebec County to Develop a Pilot Program for Inmates Incarcerated at the County Jail (H. P. 301) (L. D. 398) (C. "A" H-207)

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

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

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

The SPEAKER pro tem: The gentlewoman from Presque Isle, Mrs. MacBride, moves that this Resolve and all its accompanying papers be indefinitely postponed.

The gentlewoman may proceed.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I signed the Minority "ought to pass" report on this bill and I would

like to tell you why. I am not a vengeful person and I certainly don't believe in an eye for an eye. I am very much in favor of prisoner rehabilitation and I favor work release to a degree. However, I feel it does not set a good example for the community, especially for our youth, to release and send home a person who has committed a crime shortly after he has been apprehended.

Whenever a crime has been committed, the person committing it has hurt some other person or persons, someone's business or someone's property, and I don't think that is right. If society immediately sends him home, I think our youth will say, well, nothing much has happened to him, why not go ahead and do whatever I want to do.

I recently sponsored a bill pertaining to burglary and larceny and found that last year more than \$14 million worth of stolen property was reported in Maine and, incidentally, only \$7 million worth of that property was ever recovered.

Our burglary and larceny rate is growing alarmingly. Just for example, in Aroostook County, and we have lots of problems in Aroostook County, that is for sure, but until recently, we did not have very much trouble with break-ins in the county. Maybe we had burglary in stores but not in our homes. Just a few weeks ago, my house was broken into and at the same time four other houses in the area were broken into, and that was just one night. There were other nights when there were many other houses broken into. We recently have had a murder up there, so I feel that throughout the state our whole crime rate is increasing.

I know this bill affects only Kennebec County, but I feel that it opens the proverbial toe-in-the-door for other counties. We have had a number of prisoner bills, but Don Allen, who is the director of the Bureau of Corrections, did speak at one of our hearings and he said that work release was most effective the last six months of a prisoner's sentence, and with more time than that, the curve turns sharply downward.

Ladies and gentlemen, I believe that those who commit crimes must learn their lesson first and then be allowed work release later under a proven standard of rehabilitation for re-entrance into society. I urge you to vote strongly for indefinite postponement of this bill, and when the vote is taken, I request a roll call.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair thanks the gentleman from Madison, Mr. Elias, for acting as Speaker pro tem.

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

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

Mrs. PRESCOTT: Mr. Speaker, I move that this be tabled for one day.

Whereupon, Mr. Garsoe of Cumberland requested a vote.

Subsequently, Mr. Garsoe of Cumberland withdrew his request for a vote.

Thereupon, on motion of Mrs. Prescott of Hampden, tabled pending the motion of Mrs. MacBride of Presque Isle to indefinitely postpone and tomorrow assigned.

Passed to be Enacted Emergency Measure

An Act to Allow the Taking of Certain Clams without a License (S. P. 166) (L. D. 373) (S. "A" S-91 to C. "A" S-86)

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. 119

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

Emergency Measure

An Act Concerning the Degree of Flammability of Insulation Installed in Residences (H. P. 412) (L. D. 513)

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

Passed to be Enacted

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

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

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

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

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

An Act Relating to Attorney's Fees when Expenses are Paid in Workers' Compensation Cases (H. P. 421) (L. D. 516) (C. "A" H-170)

An Act Relating to Guaranty Fund Requirements for Credit Unions (H. P. 484) (L. D. 614)

An Act Relating to Lines of Credit Authority of Credit Unions (H. P. 485) (L. D. 615)

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.

Enactor

Tabled and Assigned

An Act to Abolish County Subsidies to the Superior Court System (H. P. 597) (L. D. 741) (C. "A" H-171)

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

On motion of Mr. Higgins of Scarborough, tabled pending passage to be enacted and tomorrow assigned.

An Act Concerning the Term of Office of Plantation Assessors (H. P. 651) (L. D. 804)

An Act to Create a Lake Restoration Fund (H. P. 734) (L. D. 921) (H. "B" H-184)

An Act to Amend the Excise Tax on Certain Pickup Trucks (H. P. 763) (L. D. 943)

An Act to Eliminate the Requirement that all Personnel Actions for the Judicial Department be Reported to the Commissioner of Personnel (H. P. 812) (L. D. 1014)

An Act to Eliminate the Requirement that Judicial Department Payrolls be Approved by the Commissioner of Personnel (H. P. 813) (L. D. 1015)

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.

(Off Record Remarks)

On motion of Mr. Carroll of Limerick, adjourned until nine o'clock tomorrow morning.