

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Thursday, April 19, 1979

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

Prayer by the Reverend Mary Bennett of the Mechanic Falls Congregational Church, Oxford.

Rev. BENNETT: Almighty God, the earth is yours, the nations and the states are your people. Remind us of your good provision in this lovely land with its cloud-wrapped mountains and pounding surf, with its tall timber and green meadows, with its productive farms and populous cities, with its pure air and water, its fertile soil and its plentiful harvests.

Lord God of Heaven, who has so lavishly blessed this state, make us they people to be humble. Keep us aware that the good things we enjoy have come from you and that you did but lend them to us.

Forgive us our blind trust in power, our man-made divisions and prejudices, our indifferences to those who hurt and are in need and our lack of concern for others. We say that we love you and yet do not obey you. We ask you to reach down and change gears within us that we may go forward with love. Grant that our debates may be without personal rancor but out of concern for your people of all races, needs and concerns.

We pray for peace of heart, of home and of state. Help us to make this God's own country by living like God's own people. Turn our boasting into humility, our pride into a ministry for the people of our state. Give us the courage to face our difficulties unafraid, putting our trust, O God, into Thee. Amen.

The journal of yesterday was read and approved.

Papers from the Senate Reports of Committees Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" on Bill "An Act Making Appropriations from the General Fund for Current Services and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1980 and June 30, 1981." (Emergency) (S. P. 238) (L. D. 687)

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

In the House, the Report was read.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: We have before us today the Part I Budget. It is my intention, with your cooperation, to give the Part I Budget its first reading this morning and its second reading tomorrow.

The Part I Budget, as you know, is a very extensive document. For those of you who are freshmen Republicans, you will remember, those of you who attended the introduction to this given by Mr. Morton of Farmington, it is affectionately known as "Papa Bear," the big book.

The Part I Budget is, as most of you know, a budget to fund the current and on-going needs of the State of Maine. This Part I Budget is unchanged from the recommendations made by the Governor. The budget which the Appropriations Committee is submitting to you costs \$997 million.

During the process of extensive and lengthy hearings on the Part I Budget, the Appropriations Committee has heard testimony on nearly every facet of government in this state. It has been an educational and sometimes frustrating experience.

There are a number of areas that will, no doubt, have to be adjusted up or down, and we

hope to make those adjustments in the Part II Budget, which will appear later on in this session.

I would like to make it clear that all of the members of the Appropriations Committee in this House, Republicans and Democrats, are available to you if you have any questions about the budget.

The Bill, L. D. 687, consists of 40 pages. Because of its length and complexity, I would appreciate it if you would please contact me between now and tomorrow on any items that you might have questions on. The Legislative Finance Office wants you to know that its doors are open to all the members of this House, and you may go in and look at any background material on any item in the budget or ask any questions that you may desire to ask.

I believe that this is an austere budget and I believe that the Governor and Commissioner Scribner have done an outstanding job in their preparation.

Again, if you have any concerns, any at all, please contact me or other members of the committee so that we might be able to help you in finding the answers to any questions that you might have.

However, I will cover one question this morning that I know is of general concern to everybody in the House, and that is the mill rate for education. The Governor suggested and we have adopted 10 mills in the Part I Budget. It was further the suggestion of the Governor that this mill rate be lowered to 9.6 in the Part II Budget. We, of course, have not addressed the Part II Budget yet, but I wanted you to know about that because you may be deluged with calls about the mill rate being set at 10 mills at this point.

Again, I ask your cooperation. If you have any questions, I would like to know about them so that I might be able to answer those questions between now and tomorrow when the second reading is taken up.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As the Republican member of the Appropriations Committee, who is speaking for the committee this morning, I want to back up what the chairman of the committee has told you, repeat and reiterate that this is the Part I Budget, that there are possibly going to be needs to adjust some of these accounts or to not necessarily adjust these accounts for the ongoing services but to definitely take new services or expanded services into consideration, and a great many of these are already addressed by the Governor in the Part II Budget. There will obviously be things to be added to the Part II Budget at the time it is presented.

Incidentally, the Part II Budget is L. D. 688, which directly follows. There are not going to be ample funds to fund this Part I Budget—no question about it. This Part I Budget should be properly acted upon here in both the House and the Senate. The Chairman of the committee has outlined a process whereby if you have a detail in the budget that you might like to make an inquiry of, that process is to either contact members of the committee or go directly to the Legislative Finance Office and get your information.

Today is the Part I, today is the first reading, tomorrow is second reading, and we hope that you will address your questions in a very careful way to the details of the budget. It is a lot of money and it is all right here in black and white. It funds on-going programs. It does not expand programs, it does not add new programs. It should receive your unqualified support.

Thereupon, the Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-107) on Bill "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships" (S. P. 310) (L. D. 901)

Report was signed by the following members:

Messrs. USHER of Cumberland
REDMOND of Somerset
PIERCE of Kennebec

— of the Senate.

Messrs. GILLIS of Calais
PAUL of Sanford
MASTERMAN of Milo
VOSE of Eastport
DOW of West Gardiner
MacEACHERN of Lincoln
CHURCHILL of Orland
JACQUES of Waterville

— 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. TOZIER of Unity
PETERSON of Caribou

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-107)

In the House: Reports were read.

On motion of Mr. Dow of West Gardiner, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-107) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

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) on which the Minority "Ought to Pass" Report of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed in the House on April 17.

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

In the House: On motion of Mr. Davies of Orono, the House voted to insist and ask for a Committee of Conference.

Petitions, Bills and Resolves Requiring Reference

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

Agriculture

Bill "An Act Relating to the Marketing of Potatoes" (H. P. 1315) (Presented by Mr. Mahany of Easton)

Bill, "An Act Relating to Certified Seed Potatoes" (H. P. 1316) (Presented by Mr. Mahany of Easton)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Strengthen the State's Capability to Assess Maine's Forest Resources" (H. P. 1317) (Presented by Mr. Hall of Sangerville) (Cosponsor: Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Adjust Motor Vehicle Registration Fees" (Emergency) (H. P. 1318) (Presented by Mr. Hall of Sangerville) (Cosponsor: Mr. Soulas of Bangor)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1313) recognizing that:

The Tigers Athletic Association of Portland, Maine has made significant contributions to the community of Portland for the last 50 years
Presented by Mr. Kane of South Portland.

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

An Expression of Legislative Sentiment (H. P. 1314) recognizing that:

Scott Paper Company will be 100 years old this year.

Presented by Mr. Carter of Winslow (Cosponsors: Mr. Boudreau of Waterville and Senator Teague of Somerset)

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

An Expression of Legislative Sentiment (H. P. 1319) recognizing that:

Mrs. Marion B. LaForge of Prospect has completed 21 years as First Selectman of Prospect.

Presented by Mr. Lowe of Winterport.

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

Tabled Unassigned

On motion of Mrs. Kany of Waterville, the following Joint Order (H. P. 1312) (Cosponsors: Mrs. Damren of Belgrade, Mrs. Reeves of Pittston, and Mr. Lancaster of Kittery)

WHEREAS, the State Personnel System is a major component of State Government and is the responsibility of the Legislative and Executive branches; and

WHEREAS, most state employees will soon be under collective bargaining agreements, the impact of which needs to be analyzed with a view to making accommodating changes in the personnel system; and

WHEREAS, significant reforms have been made in the personnel systems of other jurisdictions in recent years, and it is in the state's interest to consider the applicability of these reforms to Maine; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's recommendations, that the Joint Standing Committee on State Government shall study the State Personnel System and submit a written report on its condition and recommend changes that ought to be made either administratively or legislatively. The report shall contain, at a minimum:

1. An evaluation of the condition of the State Personnel System, including treatment of the quality and morale of employees, and a discussion of any problems;

2. A description and prediction of the impact of collective bargaining on the system;

3. A description of significant recent changes in other personnel systems, examples of which include training and use of incentives to increase productivity, and an evaluation of their applicability to Maine; and

4. Recommendations of the committee; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation, to the First Regular Session of the 110th Legislature.

The Order was read.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am sure the gentledady from Waterville, Mrs. Kany, anticipates that I am on my feet this morning to engage in my advocacy, that is killing study orders, but I want to hasten to add that this is not the case. I find that I am mellowing in my senior citizen years and I have been subverted, I guess you might say, to a policy that I would like to put before you for your consideration.

I have to agree that as we battle these things out on an individual basis with no consideration for priorities, my vindictiveness has a wider field perhaps than it deserves, so it has been

suggested that in order to give some semblance of priority in that event that we might one day find a study order worthy of passage, that these be tabled unassigned so that in the waning days of the session, we could assign priorities and determine which of these gems should be allowed to go forth into the real world and do all the good that we all hope they will.

So, it is my understanding that my colleague, the gentleman from Lisbon Falls, Mr. Tierney, will be on his feet after my remarks, and I hope you will go along with his proposal that these be tabled unassigned for the purposes that I just outlined.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage.

**House Reports
Ought Not to Pass**

Mr. Dow from the Committee on Fisheries and Wildlife on Bill "An Act to Reduce the Age Requirement for Complimentary Fishing and Trapping Licenses from 70 to 65" (H. P. 496) (L. D. 621) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mrs. Prescott from the Committee on Health and Institutional Services on Bill "An Act Concerning Work Release and School Release for Individuals under the Department of Mental Health and Corrections" (H. P. 805) (L. D. 1008) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Make the School Lunch Program Voluntary with School Administrative Units" (H. P. 370) (L. D. 481)

Report was signed by the following members:

Mr. MINKOWSKY of Androscoggin
Mrs. GILL of Cumberland
Mr. TROTZKY of Penobscot
— of the Senate.

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

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

Report was signed by the following members:

Messrs. LEIGHTON of Harrison
DAVIS of Monmouth
BIRT of East Millinocket
Mrs. LEWIS of Auburn
Mr. FENLASON of Danforth
— of the House.

Reports were read.

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

Mr. CONNOLLY: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would defeat this motion of "Ought Not to Pass" and I will tell you why.

The two communities which I represent have had these programs at both ends of the extreme. The town in which I live has had a school lunch program since 1944. We started it in the basement of a now antiquated grade school and they have done a fine job through the years, updating it as it has moved into a new building. It was the second community in the state to pick up the breakfast program and, again, the people have done a fine job with the

breakfast program.

The other community which I am involved with has had both programs for two years and, again, each, the breakfast and the lunch, are going over fine.

My problem with this bill is that I feel that the people at the local level should have a right to determine the needs of their young people. I don't believe that here in this house we should decide whether the people in my community if wish to serve or their needs predict, we should mandate that they have these programs. I feel that they are perfectly able to make up their own minds.

It will be argued that there is a process now wherein this can take place, and that is true to a certain extent, but this process now in existence requires that these towns make application to the state, the Department of Education, and they, in turn, have to issue a waiver. It seems to me, as I stated before, that these towns in our great state should have a chance to make up their own minds and decide whether they need these lunches and breakfasts or not.

I would hope that you would vote to defeat this motion.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would support the motion "Ought Not to Pass" on this particular legislation. We should understand that since 1974, the State of Maine has required that all school districts in the state provide a hot lunch program for its students, but at the same time that legislation was enacted and the same kinds of issues that are being debated then, there was also a provision put into the law that would allow communities to be given a waiver if it was demonstrated to the satisfaction of the people in the commissioner's office that there was no need for a particular lunch program in a school, in a particular community or there was not sufficient space available for the community to hold such a program.

There were two bills that were before the Education Committee this year dealing with this particular subject. One bill that came out unanimous "Ought to Pass" was a bill that would allow this waiver process to be continued. There are now 49 communities in this state that have been given waivers that allow them not to participate in the school lunch program. The bill that came out of the Education Committee would allow the commissioner's office to continue to grant those waivers. That bill was before this body and was up for enactment last week. It was my understanding, although I had no oral agreements with anyone either in the committee or in the legislature, that the bill that was sponsored by Representative Birt that would allow the waiver process to be continued, even though some of us on the committee had objections to that process being continued because we felt that some communities had been given waivers unnecessarily, that we would allow that waiver process to be extended but the idea that the whole lunch program would be made voluntary would be one that would be defeated, if not in committee, it would at least be defeated by the legislature. That bill to allow the wavier process to continue now stands on the table. I put it on the table and the reason that I did it was to see what the outcome of this particular legislation was to be.

It seems to me that it has been demonstrated, prior to the time that the state enacted legislation to make it mandatory where there were not special circumstances for communities to hold the lunch program, that the lunch program is a very valuable program in terms of the help that it provides to students who would not be able to have an adequate lunch or would not, in some cases, be able to have any lunch whatsoever.

The people that sponsored this particular legislation and that came before the committee to speak in favor of it were principally from two communities, the community of Wayne and the community of Edgecomb. Those two communities currently are under waiver, and they would be allowed to go back to the commissioner's office and if the same circumstances exist as existed when the original waiver were granted, then they would be allowed to continue to have a waiver ad infinitum if that were the decision to be made by the local people and by the commissioner's office.

It seems to me that the value that the hot lunch program provides for students, and not only poor students but for all students who participate in it, far outweigh any arguments of local control that might be raised here today. We are not talking about whether or not schools should have a reading course in every grade or whether there should be a sex education course in every grade, those things the Education Committee has pretty much decided should be local control decisions. What we are talking about is feeding kids in school.

There will be another bill before this body tomorrow that will deal with the breakfast program and it is the feeling of a small minority that the breakfast program should be mandated. That is not the current law. The breakfast program is optional at this point, the feeling being that it is easier for a student to get a breakfast at home than it is to get a lunch, because most students don't return home during the day.

I would hope that you would support the motion of "Ought Not to Pass" and go on record as supporting, with the waiver process that currently exists, the hot lunch program.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I will stand corrected if I am wrong, but I believe the waiver or postponement procedure applies to units that in the past have received that and not to those that weren't involved in the waiver procedure before.

We have the opportunity to extend local control to the decision-making process today on whether or not to participate in a national school lunch program. We have an opportunity to trust local communities, in their special wisdom, to decide whether participation by their school is necessary or even desirable.

It became clear at our hearing that there are real and varying reasons why it would be inappropriate for some towns to participate. I would assume there could be changes in the future that would make the town that had not been involved in the waiver or postponement procedure in the past to have their circumstances changed whereby they might want to option out. Some of these things are situations that exist in many mill towns, or at least some mill towns, where the community is very compact and the tradition has been for the children and the family to have their main meal at home at lunchtime. There are communities that have problems with facilities that make it peculiarly inappropriate and it was demonstrated that there are some communities that are so affluent that they have actually been able to pinpoint their students and make sure that there is not one single kid that needs the meal.

I would urge you to support the "Ought to Pass" Report.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Several sessions ago, when the bill to establish a mandatory school lunch program came to the legislature, I was opposed to it. I worked against it and I voted against it and I lost.

My community, although we didn't want to have a school lunch program, we have now gone to the expense, because the state law told

us to do so, of having a school lunch program and I feel, in a sense, that it would be unfair at this particular point to change the rules in the game.

As the gentleman from Portland, Mr. Connolly, told you, there is another bill that will deal with particular hardships in particular communities, and that bill is to allow a three year extension of the waiver and to do it on more than just a three-year period. In fact, you could even have a perpetual extension under the bill that Mr. Birt has put in. We all supported that unanimously, but I just feel and I'm certain that my community, now it has gone to all the expense of having a school lunch program, that the students are used to it, the personnel have been hired, would now turn around and throw that program out. I just feel that what is good for my community should be good for the other communities and that is why I voted "Ought Not to Pass" on this Bill.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. In a school district such as mine where there are nine towns involved, one large town and they hold the majority of the votes in that town, would they be able to speak about local control, if there are five members on the school lunches and the other outlying towns that need it the most, is that how that would be handled?

The SPEAKER: The gentleman from Sangerville, Mr. Hall, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman's question, the answer to that question is yes. It would be possible for a community, whose children in that community don't have a need for the program, to be able, through the voting process, to knock down the school lunch program where there may be a real demonstrated need in other communities in the same district but don't have the votes to make that decision when it comes before the school board.

The SPEAKER: The Chair will order a vote. The pending motion is on the motion of the gentleman from Portland, Mr. Connolly, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 50 in the negative, the motion did prevail.

Sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 269) (L. D. 355) Bill "An Act to Permit the Advisory Council to the Commissioner of Inland Fisheries and Wildlife to give Advice on the Approval of Rules" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-234)

(H. P. 817) (L. D. 1019) Bill "An Act to Define Employer under the Occupational Safety and Health Law" Committee on Labor reporting "Ought to Pass"

(H. P. 216) (L. D. 264) Bill "An Act to Clarify Unit Clarification Procedures under the Municipal Labor Relations Act" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-239)

(S. P. 72) (L. D. 126) Bill "An Act to Provide Birth Certificates for Foreign-born Citizens Adopted by Maine Parents" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee

Amendment "A" (S-106)

(H. P. 435) (L. D. 552) Bill "An Act to Require that all Public Employees be Paid at Least the Federal Minimum Wage" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-238)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 20, under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 387) (L. D. 497) Bill "An Act to Revise the North American Indian Scholarship Act" (C. "A" H-229)

(S. P. 121) (L. D. 230) Bill "An Act Pertaining to Absentee Voting" (C. "A" S-98)

(S. P. 356) (L. D. 1104) Bill "An Act to Authorize the Secretary of State to Issue a Duplicate Certificate of Title for a Motor Vehicle if the Original Certificate is Unavailable" (C. "A" S-104)

(S. P. 226) (L. D. 641) Bill "An Act Relating to Native Farm Produce" (C. "A" S-103)

(S. P. 391) (L. D. 1202) Bill "An Act to Clarify and Correct Laws Related to Real Estate Brokers and Salesmen"

(S. P. 426) (L. D. 1295) Bill "An Act to Revise the Fees for the Licensing of Psychologists"

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.

Second Reader

Tabled and Assigned

Bill "An Act to Authorize Service of Process by Notaries Public and Justices of the Peace" (S. P. 246) (L. D. 695)

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

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

Passed to be Engrossed

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

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

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

House Amendment "A" (H-227) was read by the Clerk and adopted.

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

Amended Bill

Later Today Assigned

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

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

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

Second Reader

Indefinitely Postponed

Bill "An Act to Permit Prosecuting Attorneys to Initiate Petitions for Revocation of Probation" (H. P. 503) (L. D. 611) (C. "A" H-225)

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

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

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

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: This is exactly the same motion that we voted to defeat yesterday. I think the issue was pretty well debated. We heard an impassioned plea to indefinitely postpone this bill made by the gentleman from Portland, the ex-policeman, Mr. Joyce.

I rise today as a former prosecutor and one that has had a great deal of experience dealing with the criminal element, dealing with the police and dealing with the probation and parole. I think this bill is a very necessary adjunct to our whole system of criminal justice.

If you will look at the amendment carefully, you will see that all it authorizes is if a person who is on probation commits a second offense to the extent where the prosecutor has probable cause to believe that a second offense has been committed, this would permit the prosecutor to go into court and present that to the court with a motion that the probation be revoked.

The whole purpose of this is to speed up the process of criminal justice, to obviate the necessity of another trial, to obviate the possibility of a second offender conviction and, also, it works as pretty good leverage for the person who is on probation to be more cooperative with the prosecutor in identifying those who may have assisted him. In other words, it is a very useful tool in the whole system of law enforcement, because it would permit the sentence on the first offense to be executed, to be carried out, rather than going through the costly and time-consuming process of a trial on that second offense and then the sentencing of the defendant as a second offender.

It may be argued that this would be subject to abuse, but let me suggest this — that the judge who will be hearing this case is the same judge who granted probation in the first place. He is going to be reluctant to admit that he made a mistake in granting probation unless he is pretty well convinced that this man did err in his ways. Consequently, the judge will be leaning in favor of the defendant as opposed to the prosecutor.

I might also point out that it is the very nature of the work of the probation and parole department that they do not want to admit failures, they don't want to admit that a person under their supervision has strayed from the straight and narrow and has become engaged in a subsequent criminal activity. Consequently, they are reluctant to come in and move for revocation. They would prefer to leave it in the hands of the prosecutor, go out and get that second conviction and then let the chips fall where they may.

I urge you not to indefinitely postpone this bill. I think that it is a very necessary tool in the whole field of law and order and law enforcement, because too many times we have seen people out on probation who are getting right back into the same old habits, committing a second, a third and a fourth offense, and the prosecutor is powerless to do anything about it except to go through the time-consuming and costly criminal procedure of a second, third or fourth trial. I urge you to defeat the motion.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief today because I did not sleep well last night. Everytime I rolled over, I thought of this bill, and I am not going to bore you this morning, for I think already that able attorney from the dangerous town of Wiscasset has already spoken to you about the symphony of life but, you know, the symphony doesn't go the way that he played the strings.

I listened again and tried to catch a few short rest periods during his talk, for I thought he was talking about the still of the night out there broken only by a cricket laughing at a moonbeam. I listened to the cricket and he has added nothing new.

You know, in law enforcement, we had this system 30 years ago and I will label it the way it was labeled then—parolee or a probationer, we see them about the streets, we stood all right and we could incarcerate them just for being out or being in a certain area of town, and we referred to that as having that man or woman serve life in the installment plan. Basically, that is what this is.

A lawyer can't talk to you straight in the face and tell you this is a good bill. This bill doesn't pass the face to face test. This is an atrocious bill, and I hope that today my good friends here, and it is approaching Mother's Day, I just hope that you will vote for the indefinite postponement of this bill and all its accompanying papers and maybe I will sleep tonight.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise in defense of what has been alleged, "that dangerous town of Wiscasset." I want you all to understand that Wiscasset has withstood an earthquake and we are still there.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I neither rise from the noble town of Earthquakes nor the noble town of Mothers and I can hardly say that this is a Mother's Bill today. But I would like to speak very briefly to the issue.

When a person is placed on probation, there are certain conditions of probation that are spelled out and the individual has to live up to those probation conditions. The person is placed under the probation officer's jurisdiction and supervision, and this is all spelled out in our criminal code, Title 17-A.

During that probationary period, if the person violates the probation or does reasonable cause or probable cause to believe that there was a violation of probation, or if the person has gone out and committed a second crime which would violate a condition of the probation, then the probation officer, under our criminal code, can file a petition to revoke the probation. Then it is the job of the prosecuting attorney, whether it is the AG's Office or the district attorney or whatever, to represent the people of Maine, the people in that particular area, in court as the attorney to handle the probation revocation case. It is as simple as that.

Now, obviously, there has got to be cooperation between the prosecuting attorney's office, between the probationer's office, and between the police officer on the street, but it is the job and it is the legal duty of the probation officer to bring that probation revocation petition and to bring that action to revoke the probation and to place the particular individual, if that individual has violated probation, back in jail. That is the current system.

The bill before us today is very interesting. The very last clause of the bill says that you are going to treat prosecuting attorneys to give them all the power as if he were a probation officer. So what you are going to do with this bill is, you are going to convert the prosecuting attorneys, who are supposed to be the legal counsel in the courtroom, into probation officers also, and give them and cloak them with all the authority and all the power of the probation officers. If we want to have our prosecuting attorneys serving both as probation officers and as prosecuting attorneys, then I submit to you, we need to have legislation before us to totally wipe out the probation office and bring it all under the prosecuting attorneys' offices. That is basically what this bill is pushing towards.

The criminal process and the criminal complaints in our state and throughout our nation are brought by citizens and brought by police officers that bring the criminal complaints and initiate the criminal complaint against defendants who allegedly are to be convicted of crimes. They are brought by the prosecuting

attorneys, whose job it is to handle the cases as the legal counsel of the people in the courtroom. That is basically what this bill is doing. For that reason, I do urge you to go along with the motion to indefinitely postpone this bill.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: Times have changed since the gentleman from Portland, Mr. Joyce, was on the police department. Police are more educated, they have a different attitude, different outlook, towards the criminal justice system.

Those of us who have been here one or two sessions have all heard Mr. Joyce get up and talk about his Mother's Bill, and I am sure there are probably a lot of mothers that would just as soon their sons not be on the streets when they are up to mischief.

In addition to what has already been said by the gentleman from Wiscasset, Mr. Stetson, this bill also, of course, leaves less options open to the defense attorneys.

I would like to take an opportunity to read the bill as amended. The amendment is filing number H-225. It says, "Commencement of probation revocation proceedings by prosecutor. If a district attorney or the attorney general has probable cause to believe that a person known to him to be on probation has committed a new criminal offense, he may arrest the person, deliver a summons to the person, file a notice with the court or file a motion for revocation of probation as if he were a probation officer under this section."

In testimony before the Judiciary Committee, I certainly didn't get the impression that the district attorneys were looking for new and expanded duties, rather, they were looking for a way to take care of problems, recurring problems with certain individuals that the probation officers have not acted upon timely. I think this is a reasonable approach to a serious problem.

I also did not get the impression that the district attorneys would over-react on this. If you have talked with your local district attorney lately, you will realize that they already have a very heavy docket, very heavy workload, and I think this is just another tool that they can use to take care of certain troublesome individuals that the probation and parole officers have not seen fit to act on timely.

I hope you will vote against the pending motion.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I just wish to say a few words about this bill because we went over it yesterday and I am extremely disturbed that my seatmate, the representative from Portland, couldn't sleep last night. You see, when you have a clear conscience and you do the best that you can and support some of the better things of life, then you do sleep at night.

I did not support this bill yesterday and I don't support it today, and if this bill had come up last week at this time, which was Holy Thursday, I would have said nothing, just because it was that particular day, but this is not Holy Thursday, and I think some of the stuff this bill covers should be said. What I will say will involve the experience that we have had in Cumberland County.

I am familiar and I am friendly with some of the parole officers in Cumberland County, and I haven't heard from them even though I spoke against the bill yesterday. So, I assume either they feel that it is a useless task to try to change my mind or else they don't object to the bill. I would think that they would like to have the bill, because if you want to give better service to the people as far as criminal things are concerned, I think this would give them a hand. Why would they object? We are not cutting their pay if the district attorneys do their job.

so what is the difference? I think this is very important.

If this had been presented a few years back with the then District Attorney that we had in Portland, I would vote to kill this bill. I think the important thing about this bill at present, if you assess the District Attorneys that you have in your particular district, you will find that we do have better District Attorneys now than we had a few years ago. I submit to you that in Cumberland County a few years back, which Mr. Joyce doesn't want to talk about and he knows about it, it is a friend of his and he has other friends, many friends, these are the people that were not doing their job then, but the people we have today, that are also his friends, are doing the job. That is the difference and that is why this bill is important today.

We have some top law officers in Cumberland County, if my information is right, today they are not carrying weapons. Why? If you ask me why someone doesn't carry a weapon, they should be in the law enforcement line. All you have to do is check. If you want a good lesson as to what is going on, you come down to Cumberland County.

I realize that Representative Tarbell, probably up his way, doesn't need this bill because you have a District Attorney there, Mr. Cox, which, in my opinion, is exceptional. You also have a good District Attorney in Lewiston who is exceptional. You have a good District Attorney in Portland who is exceptional. They do tremendous work and they have one interest, not the interest that others had before them, they have the interest of getting all this judicial system, getting these crooks off the streets and keeping them where they belong. These are the things that are not said about this. You can preach, talk about sociology and any other thing but the thing is, ladies and gentlemen, in Cumberland County we have a lot of things going on down there, you don't hear anyone up here from Cumberland County talk about the enforcement officers that we have down there. I am going to tell you that this is why some of these people have to be told what can be done.

I can tell you that the District Attorney in Cumberland County will do a good job if he has this. He won't abuse this privilege either. This will be a big help to the probation officers, who are overloaded with cases and they do a tremendous job too, but a person can only do so much. I think this would be a big help to them and I hope you don't indefinitely postpone this bill.

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

A vote of the House was taken.

Mr. Joyce of Portland requested a roll call.

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

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

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

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have had a great deal of trouble with this bill. I am like Mr. Joyce, I am a mother, and like him, I had trouble sleeping last night. It seems to me that there is a danger on the other side of the bill. We talk about getting criminals off the streets and we talk about needing protection, and it seems to me that there are numerous ways that this is done presently.

What I see as a problem in this bill is an attorney, who I think people have admitted may

be an individual capable or incapable of doing a good job, deciding to take a person who he thinks has done a crime when there is, in fact, a case which is not strong enough to take to court. He takes this individual and says, I have probable cause and puts him in jail, when, in fact, probable cause may not be sufficient to convict him, or he in fact may not have done the crime which the District Attorney thinks he has probable cause for.

I think our judicial system and our system of corrections is well structured and this is an infringement of one section, which is the District Attorney or the prosecutor, upon the parole officers and I think it is a dangerous precedent for us to set.

I, therefore, would urge you to indefinitely postpone.

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: I rise very briefly to correct a misstatement of fact underlying the last speaker's remarks.

Under the proposed legislation or under any legislation in this area, neither the District Attorney nor the probation officer sends anyone to jail. Under the proposed legislation, a hearing is held in court at which is determined whether the probation will be revoked. All the bill does is allow the prosecutor access to the court to ask the probation be revoked.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: In a very non-partisan way, I'd like to correct the statement of my good friend from Lewiston, Mr. Simon. What is important is that the standard of proof is much less in a revocation hearing, which sends a person to jail immediately, than in a regular criminal prosecution. All a prosecutor needs to show is probable cause. You usually must convict a person beyond a reasonable doubt.

The gentlelady from Augusta, Ms. Lund, is absolutely correct in her characterization of the situation.

Mr. Stetson of Wiscasset was granted permission to speak a third time.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: Just to correct my good friend and brother lawyer from Lisbon Falls, Mr. Tierney, it still is the judge who makes the decision as to whether or not to revoke the probation and that decision is not based on a finding of probable cause. That decision is based on the judge's evaluation as to whether or not he should permit this person to remain on the street or whether he should execute the sentence initially imposed but which was not carried out because the judge wanted to take a chance on letting the person out. So, I would have to correct Mr. Tierney's statement that Mr. Simon was wrong, because Mr. Simon was absolutely right.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Lisbon Falls, Mr. Tierney that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown K.L.; Bunker, Carroll, Chonko, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Diamond, Dutremble L.; Elias, Gavett, Gould, Gwadosky, Hall, Hickey, Higgins, Howe, Huber, Hutchings, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Leighton, Lewis, Locke, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Maxwell, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Pearson, Reeves, P.; Rolde, Roope, Sewall, Small, Smith, Soulas, Strout,

Tarbell, Theriault Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, The Speaker.

NAY — Austin, Berry, Birt, Boudreau, Brown, A.; Call, Carrier, Carter, D.; Carter, F.; Conary, Damren, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Dudley, Fenlason, Fillmore, Fowlie, Garsoe, Gray, Hanson, Hobbins, Hunter, Immonen, Kiesman, Laffin, Lancaster, LaPlante, Leonard, Lizotte, Lougee, Lowe, Marshall, Masterton, Matthews, McHenry, McKean, McPherson, Morton, Nelson A.; Paul, Payne, Peltier, Peterson, Post, Reeves, J.; Rollins, Sherburne, Simon, Sprowl, Stetson, Stover, Studley, Torrey, Twitchell, Wentworth, Whittemore.

ABSENT — Brown, K. C.; Churchill, Dutremble, D.; Gowen, Hughes, Jalbert, Kelleher, Prescott, Silsby, Wyman.

Yes, 80; No, 61; Absent, 10.

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

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

Mr. JOYCE: Mr. Speaker, having voted on the prevailing side, I now move for reconsideration and hope you all vote against me.

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

Mr. DUDLEY: Mr. Speaker, I ask that this bill be tabled until tomorrow.

Mr. Tarbell of Bangor requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that this be tabled for one legislative day pending reconsideration. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 78 in the negative, the motion did not prevail.

The SPEAKER: The Chair will order a voice vote on reconsideration. Those in favor will say yes; those opposed will say no.

A Viva Voce Vote being taken, the motion did not prevail.

Sent up for concurrence.

Orders of the Day

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

Bill, "An Act Relating to Occupational Loss of Hearing" (S. P. 199) (L. D. 495) — In House, Passed to be Enacted on April 10, 1979. — In Senate, Bill and Accompanying Papers Indefinitely Postponed on April 17, 1979.

Tabled—April 18, 1979 by Mrs. Beaulieu of Portland.

Pending—Further Consideration

On Motion of Mrs. Beaulieu of Portland, the House voted to insist and ask for a Committee of Conference.

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

Bill, "An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District" (H. P. 1309) (L. D. 1563)

Tabled—April 18, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

On Motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and later today assigned.

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

Bill, "An Act to Amend the Law Relating to the Maine Milk Tax Committee" (H. P. 206) (L. D. 254) (H. "C" H-232)

Tabled — April 18, 1979 by Mr. Torrey of Poland.

Pending — Passage to be Engrossed.

Mr. Wood of Sanford offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-243) was read by the Clerk.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: I would move the indefinite postponement of this amendment.

This amendment is one that would call for a referendum for all the dairy farmers on this tax. A referendum is not only time consuming but it is also a costly process. I think the dairy farmers in the State of Maine have already been pretty much through a referendum and I have a statement that I would like to read.

This is a communication from dairy farmers in regard to increased funding for dairy promotion. A letter for indicating the need for increased funding, together with suggested rate of assessment was sent to 1,150 dairymen in the State of Maine on January 25, 1978. At the same time, we invited each and every one to attend an informational meeting to be held in Bangor on February 15, 1978, or in Lewiston on February 16, 1978. Three negative responses were received as a result. One indicated that no money should be spent for the advertising of milk. Two indicated there was a need for an increase but the suggested one per cent of the buyers' blend price was too high.

Two meetings were held with approximately 300 total attendance. Current programs were reviewed and increased funding discussed. At a district meeting of Yankee Milk, the promotion program and funding were discussed in March 1978, with a total attendance of 600. Similarly, at four Yankee local meetings in February 1979, with a total attendance of approximately 160, the proposal was discussed with the dairy committee of the Maine Farm Bureau who, in turn, studied with their membership on the various county levels. As a result, a resolution supporting this increase was passed at the annual Maine Farm Bureau Meeting in 1978. The proposal was discussed with the Agricultural Committee of the Maine State Grange, resulting in a resolution supporting the increased tax by the Maine State Grange at their annual meeting in 1978.

Ladies and gentlemen, I would submit that the Maine dairy farmers have already been contacted and with only three negative responses, I would say that there isn't any need for a referendum again.

I hope you will support this motion.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief, because this bill was debated extensively the other day. At that time, I raised the whole issue that if it is a self-imposed tax, it should be imposed after referendum is held, much similar to the grower referendums that are held in Aroostook County and throughout the state on potato taxes. It seems to me that if you want to impose a tax on someone, you should make sure they are in favor of it.

I offered this amendment in the spirit of compromise. I talked to one of the sponsors of the bill and he seemed to be approving this, so I assumed there were going to be no problems with it.

I realize that the referendum process could be a costly one, but this tax is going to be extremely costly to some farmers, to those marginal farmers who cannot afford to increase their herd because of ever-increasing cost of farming. We are asking them to increase the taxes they pay, and that tax is going to be taken automatically out of their checks and they really aren't going to have the opportunity to increase their herd to increase their supply of milk. I don't think that is a fair situation.

I am very willing to have this tax imposed if there is a referendum, and I cannot understand why anyone would be opposed to asking the farmers who are going to pay this tax whether they want to pay it or not. If they are all in

favor of it, then obviously the referendum will be unanimous and the tax will be imposed. So I can't understand if they are all in favor of it why we can't go this one more step.

I would argue that Farm Bureau nor the Grange speak for all the dairy farmers in the state, and I would argue that if you have a meeting in Lewiston and a meeting in Bangor, that does not cover all of the state. It might be difficult for the farmers from Aroostook county to come down to Bangor. They have chores to do, and this meeting was not held for the purpose of voting on a referendum, it was held as an informational meeting. I think there is a big difference. I think if the notice had read "This will be a meeting on deciding whether you want to pay a tax and this tax will be binding whether you want it or not,"

I think if the state is going to run these programs, the state should make sure that the tax is one that the farmers are willing to pay. I think this is a very small step to take to ensure that the farmers are willing to pay. I think this is a very small step to take to ensure that the farmers are paying a tax that they want to pay.

I did have another amendment that I put in that was a fair-share amendment. I was willing to withdraw that amendment and force those people who don't want to pay the tax to pay it if they are least have the right to vote on it. I would urge you not to kill this amendment but to pass this amendment.

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

Mr. ROLLINS: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Sanford, Mr. Wood. Have you had one farmer in your area contact you in regard to this tax?

The SPEAKER: The Gentleman from Dixfield, Mr. Rollins, has posed a question through the Chair to the gentleman from Sanford, Mr. Wood, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I have not had any farmers in my area. I have had farmers throughout the state contact me and contact other legislators saying that they are concerned about this tax, but in my own area, I have not had any contact me.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: You know, sometimes you think you are against motherhood when you get up and say anything about mothers and you are against the dairy farmer if you say anything against the dairy, but I want to point out to you that I believe in referendum. I think this is the route we should go, because when these dairy farmers go to a public meeting and they don't go along with the hierarchy of Yankee milk and certain other people, within a few days, unknown to him, a milk inspector will arrive at his barn. He won't know anything about it, no advance notice of him coming.

You know, sometimes when you are not friends of the establishment, you don't get an advance notice. They can always find fault with what you are doing and how you are doing it. They will come into your place that you operate and you are producing good quality milk, low bacteria pasteurization, and they will find all kinds of fault. You look around and say, what did I do wrong today that I didn't do when he was here before? What he did that was wrong, he went to a public meeting and got up and was opposed to people taking money out of his milk check. I happen to be one of those guys who doesn't believe that I want everybody siphoning just a little more off me. I have been in this business for 30 years, and I need every nickel I can get.

My overhead has increased tremendously and the Yankee Milk people are all getting more money, they have got lobbyists out here and they are getting a good week's pay; ask them sometime how much they are getting to

lobby.

I am not against Yankee Milk, I believe in it. I believe there is no free lunch, that we have all got to pay if we are going to eat, but I want you to know that I am against taking anymore out of the farmer unless this goes out to referendum and he votes for it. That is where me and my other friends part company.

I am a firm believer that if they want more of my milk check, there should be a referendum on it and I should have the privilege of voting privately, secretly, unknown to my neighbors and all my friends and the hierarchy in these establishments. How I vote is my conscience, and my conscience has been pretty clear.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Dexter, Mr. Sherburne, that House Amendment "D" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

Thereupon, Mr. Sherburne of Dexter requested a roll call on the adoption of House Amendment "D".

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

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

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Carroll of Limerick spoke quite eloquently on a referendum. But if he had been listening, he would have found out that Mr. Sherburne explained very well that there already has been one sort of a referendum.

I believe that it is a good idea to advertise if you carry the goods, and I believe the milk dealers carry the goods.

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

Mr. CARROLL: Mr. Speaker, I usually don't miss the train when I am going anywhere, and I didn't miss the boat on this issue. I am wide awake and aware that they sent letters out to all the producers, and when you answered that letter, they knew exactly where you stood. What I want is a secret ballot so if a man wants them to take more money, he can say yes; if he doesn't want them to take any money, he can say no and he won't be prosecuted or have a sneaky inspection or anything else.

I have been in this game a long while and I have seen a lot of people come and go and there is a lot of water that goes down the brook in the spring and there is very little in the middle of the summer. It is the same way with the milk checks. They get smaller sometimes and you need a little more take home pay.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Carroll has spoken quite firmly on his beliefs here, and he has talked about inspections. This has absolutely nothing to do with inspections. As a dairy farmer, he said he had been in the business about 30 years; well, I have been in it better than 40. I have federal inspectors and I have an inspector from the plant. When it gets to the point where I fear an inspector, I would rather be out of the business. I welcome inspectors. I think my record as a dairyman proves that.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: Again, all this amend-

ment does is call for the dairy farmers, the people that are going to pay the self-imposed tax, to vote whether they want to impose that tax on themselves or not.

There probably have been informational meetings, there probably have been letters sent out by the Farm Bureau and the Grange, but those were not an official ballot. That was just an informational meeting about increasing the tax, and I would argue that if we are going to get in the habit of having self-imposed taxes, then we should allow those people who are saying they want the tax to vote on it so we know exactly where they stand.

I agree with Representative Carroll. My father was a farm machinery salesman for 30-odd years, and one of the things we noticed and one of the things he talked about a lot was the fear that some farmers had in the dealings in the state. There was a lot of concerns about pressures that were put on them. I think this way you have a clean and fair election and you know the results. If all these farmers are in favor of this tax, then there is no problem.

I would urge you to adopt this amendment.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I was a dairy farmer for 32 years and I will have to go along, I guess, with Mr. Carroll and Mr. Wood. I find that there is a very limited market for farmers. The dairies have, more or less, life and death control over you. When they come around and tell you to jump, you more or less say, how high? If you don't you can be in real trouble. You are handling a perishable product, you just don't dare to argue with them about it because you can't hold it off. You can't like potatoes, keep them around for a while, 48 hours on an average and you have got to unload that milk. So, you really don't have too much to say. The only way to do it is the secret ballot when you go in and vote and with no fear of retribution. So, I would have to go along, in this case, with both Mr. Wood and Mr. Carroll.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sanford, Mr. Wood, that House Amendment "D" be adopted. 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.; Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Drinkwater, Dudley, Dutremble, Elias, Fillmore, Fowle, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Hunter, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, LaPlante, Leonard, Lizotte, Locke, Lougee, MacBride, MacEachern, Mahany, Martin, A.; Masterton, McHenry, McMahon, McSweeney, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Sewall, Simon, Small, Smith, Sprowl, Stover, Strout, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, The Speaker

NAY — Alopis, Austin, Birt, Bordeaux, Boudreau, Brown, D.; Brown, K.L.; Bunker, Call, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Dow, Fenlason, Garsoe, Gavett, Gillis, Gould, Higgins, Hutchings, Immonen, Jackson, Kiesman, Laffin, Lancaster, Leighton, Lewis, Lowe, Lund, Marshall, Masterman, Matthews, Maxwell, McPherson, Michael, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Soulas, Stetson, Studley, Tarbell, Torrey, Tozier, Twitchell, Whittemore

ABSENT — Brown, K.C.; Churchill, Dutremble, D.; Gowen, Hughes, Jalbert, Silsby, Wyman

Yes, 87; No, 56; Absent, 8.

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

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "C" and "D" and sent up for concurrence.

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

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

Tabled—April 18, 1979 by Mr. Tierney of Lisbon.

Pending—Motion of the same gentleman to Reconsider Failing of Passage to Be Enacted.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you today to reconsider this bill and I am going to ask for a division on the reconsideration motion. I think that the issue deserves a little debate. We had none and I think perhaps that is why it failed enactment, no one knew what was happening.

What we are asking for in this bill is for an appropriation of \$5,000 for a Blaine House Conference on Maine families. We know that there have been many studies done on this issue that are showing a pressing need for children and families but no recommendations have been carried out. We hope that, by involving the Maine citizens and a conference that will do that at the Blaine House, we can identify the difficulties that we are having with the Maine families and the abused children and the elderly grandparents and so forth. So, I find this a very important issue.

It came out of committee unanimous "Ought to Pass" and I think it deserves your support and a little debate today before you put it down to defeat. I hope that you won't because it is a very important issue to anyone who is a parent. You are a member of a family, no matter which way you look at it, and it is a very important that we identify the issues of importance to all of us and that we involve the Maine citizens at the same time so they can come back and help us to make and form decisions.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: There is probably no issue in Maine that is any more important than family. It is difficult to ask the question that I want to ask because I recognize that.

This Bill, L. D. 1083, calls for a conference on families, a Blaine House conference on families. There is another bill in the legislature authorizing a legislative study on the impact of the family impact, two bills of similar import.

The question I would like to ask the sponsor is, since this is a Blaine House Conference on Families, was there ever a request made of the Governor's Office to fund this through the Governor's contingency fund?

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

The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this bill and yes, there was a request made to fund it from the Governor's contingency fund. As far as I know, there hasn't been a response to that. I do not know if the money is available from this contingency fund.

The Governor has supported a Blaine House Conference. The bill is supported by both commissioners. The funds are a request of \$5,000 to be matched not that has been appropriated but is not allocated for a conference.

The Blaine House Conference on Aging cost a little bit more than \$10,000 which would be a

similar kind of conference.

The reason I presented this bill is to provide a much needed focus on our families and the problems that they do face. The families are the primary caretakers of our children and these children are about one-third of our population of Maine. Families with children make up two-thirds of our population. Families also include childless couples; extended families; family groups in our neighborhood communities; members of our families who are disabled in some ways; and include many of the kinds of families which I didn't mention; they are families in crisis that are being adversely affected by poverty, alcoholism, family violence, divorce. One of these problems usually leads to another.

Statistics give us about 50,000 children who now live in poverty, and 40,000 children who live with a single parent families. Much of our public policy provides disincentive against the family. There is an increased institutionalization of our elderly because our families are not taking care of our elderly. Our tax laws are geared towards for instance, child-care tax laws provide exemptions for day care, exemption for babysitting, but don't provide exemption if the babysitter is the grandmother.

Four groups, in 1977, came to the same conclusion. These groups were independent, the Maine Human Services Council, the Children and Youth Services Planning Projects, the Juvenile Code Commission, the Greater Portland United Way Task Force and Child Abuse all have pointed out that strengthening the families is a way to solve such problems as child abuse and juvenile crimes.

Some of the services we provide in this state are provided to only broken families, again a disincentive. This is supported by members of the family legislative group and it is also supported by the two commissioners. I think the public forum, the public involvement of private groups and private citizens into a process, which will address the severe problems that our families are now facing, would really provide a boost to the families and I think that boost is really needed.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the comments made by Representative Prescott this morning.

I speak to you as the co-chairperson of a group of legislators in this very session who have been working for several months now reviewing legislation with an eye towards the impact on families. We have identified over some 300 bills in this session alone which would have impact on families, some favorably and some not so favorably.

I see the bill, the request of L. D. 1083 before you, as a component part of the bill Representative Pearson alluded to, which will be sponsored, and is a Governor's bill by Representative Kelleher.

In our work, we have both men and women and we call ourselves Families' Legislation Action Group or in short, FLAG. We have had rather good press notices on our intent and our goals and objectives. The group put down as their number one priority request to make a Blaine House Conference on Maine families. We have already met with John Carey from the Governor's Office. We did make a request for the \$5,000 to come from the Governor's Contingency Fund. However, I think all of us agreed that we would, if the bill came out of the committee "Ought to Pass", that we would like to be able to go back to the Governor and say, we have the support of both bodies of the legislature for this kind of activity. The Governor's Contingency Fund is rather limited and there are a lot of requests put upon it. I would sooner that we who care would take the initiative and file the request through the appropriate channels leaving the Governor's

Contingency Fund alone.

We have done an awful lot of work in the proposal as to how the conference would work. We are almost ready to go back to the Governor and identify for him what the process would be in putting together this conference.

I sincerely urge you to go along, give us the kind of backing that we need, so that we can bring about what we have identified as a number one priority in this area.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: If you look at L. D. 1198, it also came out of committee unanimous "Ought to Pass" and we will be seeing it in a couple of days. It is a much better bill. It asks for a study of the family and government operations and regulations as they affect the family. If we had plenty of money, there are plenty of things we could do for the family. We have got a pile of bills in the Appropriations Committee. Believe me, if we had \$100 million sitting around, we could do a lot for the family.

I would suggest that if, in fact, the Governor was interested in this that he could find \$5,000 in his Contingency Account. I think that a study bill is much more important. It should be the first step. Let's have the study and then have the conference, not the other way around.

So, I hope you won't vote for this bill and enactment.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I guess I have a couple of questions.

First of all, would this be an ongoing conference at the Blaine House? Would this be funded automatically next year in the Appropriations Act of Part I or Part II or whatever?

Also, who would serve as the policy-making staff or commission? Would they be considered a commission to study families, would they be made up of family members that are parents only, would they be Maine family representatives or how would this be organized?

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, poses a series of questions through the Chair to any member who cares to answer.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mrs. Berube's question, the conference would not be ongoing. It is a one-time conference, hopefully, to be held this fall. We are asking for \$5,000, which will be matched by a federal grant of \$5,000, which is already promised, but we have to come up with the seed money in order to get that. The policy-making body would be the Governor's Task force, which will be formed as a result to implement and to set up and to organize the conference.

I would like to respond a bit to one of the questions that was posed earlier, the fact that we do have another bill. Yes, we do, we have a lot of bills in this time on families and children. There are probably 30 bills somewhere floating around in the legislature involved with that issue. We have had four in our committee.

We did feel that the two bills, the impact study and this family conference, were different and both deserve your support. They are different in the way that they will be carried out.

The Blaine House Conference can attract as many as 1200 Maine citizens from around the state. The study will involve the legislature and the Health and Institutional Services Committee, and that will also involve a research group from Washington, so they are different, and I think it is very important that we do involve the citizens in the State of Maine, and if we can attract 1200 people, I think that is also important.

As far as the Governor's interest in this issue, I would like to read you a statement

which the Governor presented on the issue itself. It says, "The family forms the basis of society; yet, like many of our institutions, it is in a state flux. Some amount of change in all our institutions is desirable and potentially beneficial, but sound public policy mandates that strong effort must be made to support, strengthen and enrich the family ties. The time, resources and effort of both government and the private sector have to be committed to this end. The Conference on Families and the public policy is a promising beginning in this cooperating effort".

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I see the conference as the starting point for the potential study that will come in the form of a request through the other bill. This conference may, and I contend, serve to pinpoint and highlight and sort out the issues once and for all that a further study could address itself to. I feel the conference is the beginning step into the institution of the other L. D.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: It seems that those people who want the conference seem to be talking to each other. However, I understand your concern for the \$5,000; we all are concerned about money.

If I remember correctly, there was a Blaine House Conference on the Aging, and from that conference came a whole new thrust and plan and philosophy dealing with the aged in the State of Maine, and it is that kind of commitment from the legislature that this bill addresses.

Now, a study deals with just legislators. This is opening up the problems and concerns of families to the citizens of this state, and that is what this says. This says to the citizens of the state, we want you to help us who are legislators, give us direction and plan and purpose dealing with families. No one here, obviously, feels that the family isn't worthy. We are not talking about that, we are just talking about money and \$5,000 well spent.

We all know that just the other day we dealt with a bill, there was a hearing, there was national television coverage, a study order came out of that and lots of money was spent on that bill, it was probably more than \$5,000, so let's not talk about how we are going to save money and not save money and so forth. This is a good bill, it shows a commitment and a desire on the part of the legislature to open up its process to all the people of the state.

The funding is in three parts—\$5,000 from the state; \$5,000 from the federal government; and \$5,000 to be received from the communities of the state.

There was a similar conference, a small one, certainly not by the Blaine House, this fall in which they got over \$5,000 from citizens of the State of Maine who believe in this process.

I urge you, please, this is a good bill. I know you have heard that before on many other bills, but this is an important one because it makes a statement. It says to the community, to the people out there in the state, that we, the legislature, feel that you have a lot to tell us, a lot you have got to say to us, and we already know what can be done in the area of the aging. Let's try it in the area of family.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I have listened carefully to all of this debate, and I would like to comment that it seems to me that we are asking the state to put up \$5,000, to chisel another \$5,000 out of the federal government so we can put 1200 people in a meeting and probably hire a few administrators, and this is one case where I think we should say "Thank you,

federal government, but we don't need your money."

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I won't talk very long because I know we have heard quite a lot on this subject, but I am wondering if the Governor couldn't use his discretionary funds and call this conference himself, and why does it have to be an act of this legislature? Maybe somebody could answer that.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: In answer to Representative Lewis's question, I hope that you do vote to reconsider on this bill so that we can enact it and send it over to the Senate so that the bill can sit on the Appropriations Table. If there is money for this purpose from the Governor's contingency fund, the bill could be killed at that time, if that is possible, but this way we would show just how important we think this topic is and to make sure that in some fashion and by some means that the monies could be available to have such a conference.

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

Mrs. PAYNE: Mr. Speaker and Members of the House: I am on this FLAG committee and we have worked on this. This is not just a lot of experts who know each other anyway meeting at the Blaine House drinking tea. Some of you very frankly offered us tea bags if we would be quiet.

What it would be, it would be attended by interested citizens and family heads because local programs would lead up to it in churches, schools, towns, every community, so that an agenda would be built and worked on and when they came it would not be, as I said, just the experts who know each other meeting for a social event. Something could be accomplished.

Mrs. Prescott of Hampden requested a roll call vote.

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I also serve on this committee. In the beginning, I was confused about this whole thing. I know that there are a couple of bills concerning this issue. I guess what I want to say is that we here always have a lot of rhetoric whenever there is a bill before us dealing with parental control of children, families, and most of us are in the forefront to protect the family unit and to protect the child.

As I said, unfortunately, throughout the state there is a problem that is proliferating and it is proliferating because of the breakdown of families — no more and no less than family breakdown.

We can go back home and give lip service to addressing this problem. We can go back home and say we feel terrible about it and we want to do something about it, but when it comes time to stand up and be counted, we all find excuses. Why wasn't it in the Governor's contingency fund? Why should the legislature find it? What makes the difference? You are talking about families and human life, and this is where our society is breaking down. This is what leading young people into the mental health institutions and young people to alcoholic counselors, it is the breakdown of the families in the State of Maine.

For a pittance of \$5,000, compared with the

budget today that has gone over this desk that runs into hundreds of millions of dollars, you might down the road, if we start to address the problems at their roots, you might turn the situation around, you might, someday, not have to put the money into these institutions.

Please, this morning, late as it is, let your hearts take over from your pocketbooks and vote to reconsider and pass this bill along and try to get at the roots, at the very roots of the ills in our society.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: First, this isn't just 1200 people attending a Blaine House Conference. The intent is to precede the Blaine House Conference with conferences throughout the state at the local level where a lot more people will be involved.

Second, the Governor's Task force is to be appointed to carry out the planning of this conference.

The third point, to address what Mr. Boudreau from Waterville mentioned, there is another bill on legislative study but the problem of families is not just one the legislature can work on. The problem of the families is one which church groups, individuals, private citizens and private groups have to address in cooperation. If we address the problems of families individually in an uncoordinated manner, we are not going to get any real solution to the problem. We are just going to get a piecemeal solution to the problem.

I would hope that we would go beyond just our own legislative study, looking at our own laws, and get the citizens and churches and the people in the State of Maine involved.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the House reconsider its action whereby this Bill failed of passage to be enacted. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A., Carroll, Carter, D., Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Dexter, Diamond, Dow, Elias, Fowlie, Gwadosky, Hall, Hanson, Hickey, Hobbs, Howe, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, Lizotte, Locke, Lund, MacBride, Mahany, Marshall, Masterton, Matthews, McKean, Michael, Mitchell, Nadeau, Nelson, M., Nelson, N., Norris, Paradis, Paul, Payne, Pearson, Post, Prescott, Reeves, P., Rolde, Soulas, Strout, Tarbell, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, The Speaker.

NAY — Austin, Berry, Berube, Bordeaux, Boudreau, Bowden, Brown, D., Brown, K. L., Bunker, Call, Carrier, Carter, F., Chonko, Conary, Cunningham, Damren, Davis, Doukas, Drinkwater, Dudley, Dutremble, L., Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, MacEachern, Martin, A., Masterman, Maxwell, McHenry, McMahon, McPherson, McSweeney, Morton, Nelson, A., Peltier, Peterson, Reeves, J., Rollins, Roope, Sewall, Sherburne, Simon, Small, Smith, Sprowl, Stetson, Stover, Studley, Torrey, Whittemore.

ABSENT — Brown, K. C., Churchill, Dutremble, D., Gowen, Hughes, Jacques, E., Jacques, P., Jalbert, Silsby, Tozier, Wyman.

Yes, 73; No, 67; Absent, 11.

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

Thereupon, on motion of Mrs. Prescott of Hampden, tabled pending passage to be enacted and tomorrow assigned.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Madison, Mr. Elias, to the rostrum to act as Speaker pro tem.

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

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

HOUSE DIVIDED REPORT—Majority (9) "Ought Not to Pass" — Minority (3) "Ought to Pass" as Amended by by Committee Amendment "A" (H-203) — Committee on Election Laws on Bill, "An Act to Prohibit the Gathering of Signatures Within 250 Feet of the Entrance to a Polling Place and Within any Registrar's Office" (H. P. 174) (L. D. 208)

Tabled—April 18, 1979 by Ms. Benoit of South Portland.

Pending—Motion of the same gentlewoman to Accept the Majority "Ought Not to Pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: Let me just begin by saying that the polls are voting places, not petition places. I don't believe that voters should be harassed or intimidated by people gathering signatures for petitions moments before they make an important personal decision. Let me elaborate on this a little more.

During the last primary and general elections, I received numerous complaints from constituents who resented the treatment they received from petitioners as they entered the polling place. In some cases, the petitioners would literally shove their papers in the voters' faces and tell them to sign. I am particularly concerned about the timid voter, the reluctant voter. Many times, just the fact that these people have to sign something is intimidating enough and, as you know, it is difficult enough to motivate them to go and vote. We shouldn't risk having them subjected to this type of treatment, which could turn them away from the polls forever.

Just remember, ladies and gentlemen, only 53 percent of this state's electorate voted in the last general election. The national average was a pitiful 37 percent. That is certainly nothing to cheer about.

The committee amendment would allow petitioners to sit inside the voting places but prohibit them from gathering signatures within 250 feet of the entrance. By the way, this is the same guideline that now restricts other political activities. I view this as a fair compromise, because when they are seated inside the voting place, they are under some type of supervision. A ward clerk has total authority to ask them to leave if they bother the voters, and according to this bill, once they are outside, they will have to be 250 feet from the entrance.

Let's face it, ladies and gentlemen, there are many chances for these people to gather signatures. They can go to shopping centers, they can even go door to door. They should not have to interfere with the voting process.

I am sponsoring this bill because I believe it will remove an impediment to our voting process. It will protect the sanctity of the voting place and it will protect the rights of the voters. I will remind you that city and town clerks across the state support this legislation.

I urge you to defeat the motion to accept the majority report so that we can go on and guarantee our voters a hassle-free trip to the polls.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I find it very odd this morning that I should have to stand before this House and oppose the young gentleman from Biddeford, whose father and I and were very good friends while he was a member of this

House. But once we come through that door, son, it is a whole new ballgame.

The good gentleman speaks about harassing the voters. He also speaks about voter apathy. I can assure you, my friends, neither one of those have anything to do with signatures being gathered inside the voting house. If a person wants to vote and he has a good candidate that he wants to vote for, he will go to the polls, you can't keep him away. If either political party wants to put up a good candidate and the people show no interest to go vote for that certain candidate, then they are not going to go no matter what you do or what you give them or anything else.

We are not talking about that this morning, we are talking about an issue that is before us that gives the people a chance to go the petition route when the legislature sees fit not to pass a piece of legislation that certain people would like to have. We have had this go down the road manytimes.

We have had people who feel that if the legislature turns it down, it has got to be so. Well, that is not necessarily true. This legislature or any others, past, present or future, is not the Almighty and we make mistakes. Sometimes the people out there want a certain bill that this legislature, past, present and future turn down. So, the people have their constitutional rights to have a petition drive to get the signatures and, believe you me, getting 37,000 signatures is no easy task. In fact, I think this legislature would like to see the day come, certain members anyway, that never should be a petition drive be instigated, because we feel that we are above reproach. So, if a petition drive is successful and says, well, this was passed by the people but the legislature turned it down, you, as elected officials, and myself included, have said, maybe we had better take a second look at the bill. The people have spoken and I think the process should be easy instead of made harder for people to initiate referendum petition drives. That is the foundation of our freedom. That is our god-given right to allow this. You may not agree with me and I may not agree with you and that is your right, too.

When you get into a polling place, the warden is always in charge. He or she has the authority to run the voting house and to see that law and order is maintained. We have had people in our community pass petitions, staying in there, and there has been no trouble. The only trouble we ever had in Westbrook was with me. The only trouble we ever had was at one of our voting houses when the warden asked me to leave and I refused to do so and I wasn't getting signatures, I was arguing with a Democrat. I will tell you that it wasn't very long before the police came and they removed me. The warden didn't but he has the authority to. I was removed, forcibly and I wasn't after signatures, had nothing to do whatsoever with it. The warden is in charge and if the constable cannot remove you forcibly, we have a law that will call the police in to remove you.

So, I hope you won't buy this thing about harassing, about bothering the voters. People go to the polls for one purpose. They either go to vote against you or for you. They either go to try to get you out of office or they go to try to put you in office.

I have had so many that I have tried to get registered, but today they have this attitude, I don't want to bother to go vote. The low percentage that my gentleman friend from the other side uses, it is the young people who do not care for the candidates, if the vote is low.

We had a certain bill that was initiated a few years ago in Westbrook, and I can't speak for other communities because I don't live there, we had people at that city council, five people, we have over 16,000 people in Westbrook, so the City Council felt that that was not a good rounded number so they passed a certain piece of legislation. People went out and got signatures and, you know, that was beaten almost 5 to 1

when it went to the people to vote. So, that is what we are talking about, giving the people their constitutional right to get signatures. To be sure, they can get them at shopping centers, no question about it, but where is the easiest and most vulnerable place to get a signature. The person who has just gone to vote because he is on the voting list, and when you have an initiative petition drive, you cannot get a signature that is not verified unless they are on the voting list; not only for the one that I am speaking on now but for the ones to come and the ones to go by. We should make it easy for the people. We shouldn't make laws to tie their hands. We should make it easy for them, that if they so choose to take this route, they should be given that opportunity to do so.

Therefore, I hope we will go along with the lovely chair person from the committee and vote "ought not to pass" on this bill.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As usual, the gentleman from Westbrook has made an excellent case for the other side this morning. I am sure that he didn't intend to do that, but I listened to his remarks carefully and I really believe that is what he did. He talked about a petition drive. That is exactly what it should be, a petition drive, get out and drive around and get those signatures. Go out and get the signatures, that is what you are doing a petition for, and if people really want to sign it and are interested in it, you won't have any trouble getting them. He spoke about going out and getting signatures in the City of Westbrook after the City Council didn't do something he liked or did something he didn't like, I can't remember which way that went, but it would be either way anyway. The point is that you should go out and get signatures.

This bill is taking away no right. The gentleman from Westbrook was absolutely right when he said the people go to the polls for one purpose, and that is to vote. That is all they ought to have to go to the polls for. This idea of having petitioners sitting there in the polling place like vultures eagerly waiting to grab up signatures of people who are confused about voting, that is all they ought to be having to think that day in the voting place.

We certainly have an excellent principle established already, you can't do any other kind of soliciting in the voting place if you are a candidate. As the gentleman very carefully pointed out, he had to be ejected from the polling place one day because of some sort of thing he was doing that the warden didn't like. The point remains is that the polling places is no place for anything but voting and that is exactly what it should be for.

I think the young gentleman from Biddeford made a very excellent, studious exposition of his case. I admire him as a Freshman legislator for the care that he has put into this. I think he deserves the support of this House and I hope you give it to him. I hope you defeat the "ought not to pass" motion so we can get on and adopt this bill.

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

Ms. BENOIT: Mr. Speaker, Ladies and Gentlemen of the House: It is not always that I concur with the good gentleman from Westbrook. Mr. Laffin, but today I wholeheartedly concur with him.

As you have heard before in reference to other bills, this is an old chestnut, it has been around here for quite a few sessions, I know it was last session and have been told that it has others.

I really don't like to disagree with the good gentleman from Farmington, Mr. Morton, but today I will have to.

Apparently, there have been a problems a

few times in the State of Maine with people attempting to get signatures for referendum petition. However, if there has, indeed, been problems, then the law provides for these problems to be taken care of by the warden. I think that myself and the others that signed the Majority "Ought Not to Pass" Report felt that this is the route that should be taken. The law clearly states that the warden has the power to control the conduct at the polling place. That would mean in the polling, inside as well as outside.

Also, I think a good point that Mr. Laffin made is that people do get involved in referendum petitions. This is another part of the process of government, that people do get involved and do attempt to get signatures on petitions. The State of Maine does allow this. We do allow our citizens to petition their government when they may not agree with a decision that we have made. If we give them this process, then we should allow them a method to carry out the process. We should not put up road blocks and make it difficult for them.

Mr. Morton suggested that a petition is a petition drive. Perhaps that is true. Most drives where signatures are not obtained at the polling place are often carried out by paid petitioners, people that are paid by big companies to go out and do the job. This was testimony that we received during our committee hearing. I think that you know of one that is going on or that was completed recently which was funded by big bucks.

If you take the petitions that we have had in the past, such as Friends of Bigelow, the lovely lad from Garland, Mrs. Adams, who spoke against this measure at the hearing and even the gentleman from Westbrook, who will be gathering signatures during the next year, they should be allowed easy access to gain these signatures. They should not be allowed to harass and they will not be allowed to harass. All you have to do is complain to your warden, call the police, have them removed from the area. I don't always agree with the referendum question that people are trying to put to ballot, but I still think they have the right to do that. You don't have to sign anything when you go to vote. Just because you are asked to sign a petition does not force you to do that, you have the right to say no or you have the right to sign it.

In closing, just one more thing. We received a copy of a letter from our Ex-Secretary of State, Mark Gartley. It was in reference to a question from Mrs. Mary Adams. He said, and I quote, "In summary, referendum and initiative petitions may be signed at the polling place only if a municipal official approves the activity." So, in fact, municipal officials do not even need to allow you into the polling place.

I would ask you to please accept the Majority "Ought Not to Pass" report.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: This bill is needed badly. We go to the polls to vote, not to sign a petition. I agree with Mr. Lizotte and at the same time regret that I disagree with my good friend and colleague from Westbrook, Mr. Laffin.

The office staff in the City Clerk's Office in Lewiston were on the phone all day, the last election day, answering inquiries as to why people were at the polls asking people to sign a petition. Too few people vote now and we should not encourage movements which will discourage more people from voting. I was surprised when I went to vote and was asked to sign a petition. I would not have signed at the polls even if I had been in sympathy with the petition.

Mr. Speaker, this body should defeat the "Ought Not to Pass" motion.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The proponents of this

measure would have you believe that circulating petitions at the polling place would still be possible if we passed this bill. But, there are many small communities in Maine where the polling place is not large enough to accommodate people inside, therefore, they have to go outside.

I would like to tell you a story about a little old lady that was outside one of the polling places that I used to represent on one cold November day. I drove in to see what was happening and she was standing out in the yard. I would guess she was about 80 years old or a very much used 60. As I approached, she was standing there with a cane and an arthritic gnarled hand with a clipboard under the other arm. She asked me to sign her petition. I asked her why she wasn't inside where it was warm. She said that there was no room inside and she couldn't be inside.

Now, if we enact this bill, you are going to make that poor little old lady go door to door, climbing up over icy steps and down over icy steps, wading through snow banks in November, passing ugly dogs in and out and I think that lady has the right to stand outside of the polling place. She didn't complain about the cold. I think we should allow her that right and on behalf of all the little old ladies all over the state that want to circulate petitions, I hope that you will accept the "Ought Not to Pass" Report.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: It will take me a moment to get over the emotion of the last speech. There was a lady who was a representative from Old Town some 35 or 40 years ago. I forget what it is now, Mrs. Latno, who is still living in Old Town, and I wanted her to come down to the Welcome Back Day yesterday but she is too old, she is too frail and I think that the whole experience for her, at least she told me, would be somewhat confusing. Just think of Mrs. Latno, who has all her life been interested in the affairs of this state, who is unable to drive now and not very able to walk now, coming into the polls at the Helen Hunt School in Old Town and being rushed by a couple of people who want her to sign a petition. I just think that some people are timid, some people are too old, some people don't like that type of pressure, to lay out a smorgasbord of petitions that can vary all the way from capital punishment to Bigelow, to everything else. They come there to vote, that is what they come there for, that is what that day is for, it is not for anything else.

Now, the way the poll is set up at the Helen Hunt School in her ward in my city is that — you go through one door and you get into a corridor. We live close to a college town and I apologize to Mr. Davies, because I know he won't agree with me, but we live close to a college town, everything that is an issue, of course, we are faced with it when we go to the polls. On the outside of the building there is somebody else with a petition. You open the door, you go in the corridor, there is somebody else with a petition. Then you go into the polling place and you come out, they will hit you again. I don't think they ought to do that. I think that when you go to vote, you ought to vote and that is the end of it. No more confusion, no more pressure. Timid people can come and feel very comfortable going to vote, old people can come and feel very comfortable to vote and if they want to organize a petition and they don't want to go through the snow and the icy steps, they can do it in June, July, August, September or October. If they can't do it then, then some young person can do it in the winter months when the snow is coming down.

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

Ms. BENOIT: Mr. Speaker, Men and Women

of the House: Mr. Pearson, I am really surprised at you. Do you think that people are really going to attack a little old lady in the polling place?

Furthermore, I wonder if you have really looked at the amendment. If you pass this as amended, the amendment allows the gathering of signatures within the polling place. What it does is not allow the gathering of signatures outside the polling place within 250 feet.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, just to clarify my House Chairman's explanation of the amendment, what the amendment does is, it provides for the collection of signatures within the polling place and disallows it 250 feet from the entrance outward. What this does is place a collection of signatures in a controlled environment. These people would be under the scrutiny of the ward clerk and they would not be allowed to solicit these signatures. They would simply be placed at a table with their various literature announcing what their intention is and solicitation would be disallowed. Therefore, the problem of harassment that has been mentioned in many areas of the state would be alleviated, people outside the polls wouldn't be harassed. They would be under the watchful eye of the ward clerk, which is something that would not be if they were outside of the polling place. I just thought I would get up and clarify that.

The SPEAKER pro tem: The Chair recognizes the gentleman from Fort Kent, Mr. Barry.

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to any member of the committee.

Can local towns and cities of the State of Maine pass a local ordinance to the effect of this bill and, if there is such a problem, why aren't they doing that?

The SPEAKER pro tem: The gentleman from Fort Kent, Mr. Barry, has posed a question through the Chair to any member of the Election Laws Committee who may care to answer.

The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question is, yes. In testimony before the Election Laws Committee, some of the officials from some of the communities in Maine stated that they were going to get this route. They were going to have local ordinances that would prohibit that. Even in the lack of that, in one of the petition drives that happened recently, there were four towns in Maine that did not allow petitioners. Now, they could have and probably should have but, nevertheless, they did not allow it.

A warden in a polling place has tremendous latitude. His authority is inside the building, it extends outside of the building. I think probably the thing to remember is that most polling places in Maine, most of the small towns do not have room enough for petitioners inside. Don't take them away from the outside.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Let's assume that you have a legislator or a candidate for office who is identified with an issue. That issue could be anything, it could be capital punishment or any other issue and he is on a state-wide campaign to gather signatures or perhaps on a municipal campaign to gather signatures, and he stands outside of the polling place on election day in which he is going to be one of the candidates on the ballot but the issue that he is talking about is not addressed on the ballot. It seems to me that it gives him an unfair advantage because you walk in and you see sign this petition? You have seen him, you seen him, you know he is identified with that issue, he is standing by the

polling place and he is talking about that issue but not about his candidacy. I am not so sure that that might not be done by some people and I think that would be improper. If they can't sign petitions at the polling place, he wouldn't be able to do that.

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

Mr. HOWE: Mr. Speaker and Members of the House: I feel I must respond to the gentleman from Old Town's comments because I think they are off the mark. He is commenting presumably about attempting to restrict candidates from office from unfairly using the opportunity to petition near a polling place to gain public attention. The bill is much, much broader than that, it restricts everybody. Perhaps I could agree with his position on this bill if this bill were limited to restricting political candidates from thus using the petition process, but since it restricts all citizens, I cannot agree with him.

I have some mixed feelings about the use of the petition process near a polling place, quite frankly, because recent attempts to use the petitioning process have been used by the quote "bad guys". Specifically, the attempt to repeal the bottle law and I am a supporter of the bottle law. Furthermore, the present attempt to institute a death penalty in Maine is abhorrent to me and, yet, I, at the same time, feel the proponents of the legislation have failed to make a case that the present law is actually impeding people in their right to vote and, unless they can persuade me that that is actually happening, I cannot support the bill.

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

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Biddeford, and I also agree with the gentleman from Westbrook. Our voters are being inundated at the polls. During this last election, while I was in a school that was being used as a polling place, I observed one gentleman who set up his table inside the polls at the doorway, although he was outside the actual polling place, which was in the gymnasium and as people entered this school, he immediately came to the attack. I thought he was basing what he was telling these people on false premises and just not presenting things the way they should be presented for a petition drive. People would come in, they would see his table, and naturally, they would go over to see what was there and he would capture them in his web. As things progressed and we came close to the peak with voting times, a line would form, people would come in the door, they would get in line for that individuals petition drive thinking they were in line to vote. Finally, someone would tell them, if you want to vote, you go into the gymnasium and the line would disburse.

I think this process makes a mockery of our petition drive. When we think of people signing petitions, we think of them considering the issue and saying, "yea, I would like to see that on a ballot," or, "I would like to see that presented before the legislature." Nowadays, they don't do that, they just sign that petition just so the guy will stop hassling him. The key here is intimidation. I think a lot of people are abusing their privilege of working the polling places.

Now, the gentleman in charge of my polling place, was busy inside the gym. He had many, many people come in, we had a high voter turnout in this particular precinct, he didn't have time to come outside and see what this guy was up to, in addition to checking the outside of the polling places for signs and vehicles and things like that. He was effectively intimidated from maintaining a proper polling atmosphere. I think the answer to this issue is to pass this bill.

In regards to Mr. Laffin's suggestions, I think what we should then do is perhaps look at the number of petitions needed on a petition

drive. I don't think it would be at all out of order to perhaps reduce that total number of petitions from 10 percent of the Governor's total or whatever to half that.

Ms. Benoit was granted permission to speak a third time.

Ms. BENOIT: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. To respond to Representative Doukas, that is a local problem, local control, take care of it in your own town, complain to your wardens, pass a local ordinance, whatever, but take care of it at the local level. We hear that all the time, local control. You can complain to your warden and you can take care of it. I just want to read the law, outside the guard rail; party workers and others may remain in the voting place outside the guardrail as long as they do not attempt to influence or interfere with the free passage of voters. If any person attempts to influence or interfere with the free passage of voters, the warden shall have him removed from the voting place.

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

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: When I first started listening to the debate on this bill, I was in favor of keeping petitions 250 feet away from the polling place and then I discovered that the amendment, which has been added, keeps them away from the outside but puts them right smack dab on the inside. To me, this is a bill that has been badly drawn, badly conceived, it has been well argued today and the argument that has come through the strongest to me is that this is an issue which each community can settle for themselves. Indeed, I think it is their responsibility to settle it for themselves.

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the gentlelady from South Portland getting up and pointing out how this bill is amended by the committee amendment but I would also call to that gentlelady's attention, that if we can just keep this bill alive, we can amend it again. I think we can amend it to do the job we want it to do. So, I hope that you will keep it alive today and not vote to indefinitely postpone it.

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

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the good gentleman from Farmington, Mr. Morton, I have been listening for a half an hour to try to figure out what it is that the people want to do and, failing a clear understanding, I have moved indefinite postponement and I urge you to vote that way.

The SPEAKER pro tem: The pending question is on the motion of the gentlewoman from Augusta, Ms. Lund that this bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Lizotte of Biddeford 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 Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: The part of this bill that

allows it inside a polling place is the Committee Amendment. When I originally presented the bill, it disallowed it inside the polls as well as outside. Now, I agreed to accept it that way because when they are inside, they are under the supervision of the ward clerk. Now, if they begin to cause a disturbance, the ward clerk can ask them to leave. Once they are outside, they will have to be 250 feet away from the entrance.

Now, this is not a drafted bill, it certainly won't kill the initiative or the petition process. I believe that if this problem continues, it will kill the voting process.

It is true that the towns or the ward clerk has the authority and the town can pass ordinances, but if we wait for them to do this, the amount of people going to vote will decrease rapidly. This is just interfering with the voting process and I urge you to vote against the motion to indefinitely postpone.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Augusta, Ms. Lund, that this bill and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Birt, Blodgett, Bordeaux, Brannigan, Brenerman, Brown, A.; Brown, K. L.; Carroll, Carter, F.; Chonko, Connolly, Cunningham, Curtis, Damren, Dellert, Diamond, Dow, Drinkwater, Fenlason, Fillmore, Garsoe, Gould, Hall, Hickey, Howe, Huber, Hunter, Hutchings, Jackson, Kany, Laffin, Leighton, Lewis, Lund, MacBride, MacEachern, Masterman, Masterton, Maxwell, McKean, McMahon, Michael, Mitchell, Nelson, A.; Nelson, M.; Nelson, N.; Payne, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Sewall, Sherburne, Small, Stover, Studley, Tarbell, Theriault, Twitchell, Vose, Whittemore, Wood.

NAY—Aloupis, Austin, Berube, Boudreau, Bowden, Brodeur, Brown, D.; Brown, K. C.; Bunker, Call, Carrier, Carter, D.; Cloutier, Canary, Cox, Davies, Davis, Dexter, Doukas, Dudley, Dutremble, L.; Fowlie, Gavett, Gillis, Gray, Gwadosky, Hanson, Higgins, Hobbins, Immonen, Jacques, E.; Jacques, P.; Joyce, Kane, Kelleher, Kiesman, Lancaster, LaPlante, Lizotte, Locke, Lougee, Lowe, Mahany, Marshall, Martin, A.; Matthews, McHenry, McPherson, McSweeney, Morton, Nadeau, Norris, Paradis, Paul, Pearson, Peterson, Rolde, Rollins, Roope, Simon, Smith, Soulas, Sprowl, Strout, Tierney, Torrey, Tozier, Tuttle, Vincent, Violette, Wentworth.

ABSENT—Churchill, Dutremble, D.; Elias, Gowen, Hughes, Jalbert, Leonard, Silsby, Stetson, Wyman, The Speaker.

Yes, 68; No, 71; Absent, 11.

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

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would thank the gentleman from Madison, Mr. Elias, for presiding as Speaker pro tem.

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

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

Mr. PEARSON: Mr. Speaker, I move this be tabled for one legislative day.

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

Miss BROWN: Mr. Speaker, I ask for a division please.

The SPEAKER: The pending question is on the motion of the gentleman from Old Town,

Mr. Pearson, that this matter be tabled one legislative day pending the motion of the gentlewoman from South Portland Miss Benoit that the House accept the Majority "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.

43 having voted in the affirmative, 89 in the negative, the motion did not prevail.

Mr. Kelleher of Bangor requested a roll call vote on acceptance of the Majority Report.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from South Portland, Ms. Benoit, that the House accept the Majority "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, Birt, Blodgett, Bordeaux, Brannigan, Brenerman, Brown, A.; Brown, K. L.; Carroll, Carter, F.; Chonko, Connolly, Cunningham, Curtis, Diamond, Dow, Fenlason, Fillmore, Garsoe, Gould, Howe, Huber, Hunter, Hutchings, Jackson, Kany, Laffin, Leighton, Lewis, Locke, Lund, MacBride, MacEachern, Masterman, Masterton, Maxwell, McKean, McMahon, Michael, Mitchell, Nelson, M.; Nelson, N.; Payne, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Sewall, Small, Stover, Studley, Tarbell, Theriault, Twitchell, Wentworth, Whittemore, Wood.

NAY—Aloupis, Austin, Berube, Boudreau, Bowden, Brodeur, Brown, D.; Bunker, Call, Carrier, Carter, D.; Cloutier, Canary, Cox, Damren, Davies, Davis, Dellert, Dexter, Doukas, Drinkwater, Dudley, Dutremble, L.; Elias, Fowlie, Gavett, Gillis, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Immonen, Jacques, E.; Jacques, P.; Joyce, Kane, Kelleher, Kiesman, Lancaster, LaPlante, Lizotte, Lougee, Lowe, Mahany, Marshall, Martin, A.; Matthews, McHenry, McPherson, McSweeney, Morton, Nadeau, Nelson, A.; Norris, Paradis, Paul, Pearson, Peterson, Rolde, Rollins, Roope, Sherburne, Simon, Smith, Soulas, Sprowl, Strout, Tierney, Torrey, Tozier, Tuttle, Vincent, Vose.

ABSENT—Brown, K. C.; Churchill, Dutremble, D.; Gowen, Hughes, Jalbert, Leonard, Silsby, Stetson, Wyman.

Yes, 63; No, 77; Absent, 10.

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

Thereupon, the House accepted the "Ought to Pass" Report and the bill was read once.

Committee Amendment "A" read (H-203) by the clerk and adopted and the bill assigned for second reading tomorrow.

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

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

Tabled—April 18, 1979 by Mr. Rolde of York. Pending—Motion of Mr. Connolly of Portland to Indefinitely Postpone the Bill and all accompanying papers.

Thereupon, Mr. Connolly of Portland withdrew his motion to indefinitely postpone.

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

The Chair laid before the House the seventh

tabled and today assigned matter:

Bill, "An Act to Prohibit Hunting of Bear with Dogs and to Prohibit Hunting Bear with Bait" (H. P. 457) (L. D. 570) (H. "A" H-199) Tabled—April 18, 1979 by Mr. Dexter of Kingfield.

Pending—Adoption of House Amendment "C" (H-218)

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Before I speak, I would like to tell you that the eye the hunters or trappers are on me today.

They gave you a figure of \$84,893 of dedicated funds that would be lost. I have figures too, but they are not of the same magnitude. I understand that when you buy a hunting license, a combination, it doesn't stop you from hunting other things, bear, you hunt the whole process of hunting. I understand that for a non-resident it costs \$60.50. The combination for a resident, I understand, is \$12.50. These are figures are right and if these licenses are a combination of any kind of killing, whatever you want to call it, there is no loss to that department.

First, that sum is not realistic and it is just a way of confusing the bill. In other words, they would like to kill it. I don't think that much revenue is lost in the license alone. Someone was very heavy with a pencil.

If the Fish and Wildlife Department depends on that kind of money to survive, it is in a sorry state. It needs a cleaning up of management.

I hope the Department of Fisheries and Wildlife has enough people who care and can take this situation in their hands and try to do something positive about it.

This bill does not prohibit the hunting of bear, it just restores a measure of sportsmanship in the process of hunting. It also would clean up some of the mess that this kind of hunting creates.

I have proof of this kind of hunting involved, if you wish, and I did not show them to you yesterday because I did not want to spoil your beautiful lunch that you had downstairs. They are all in color, by the way.

I also have placed a letter on your desks which was written to the Governor of the State of Maine here, and I will read you a few paragraphs from it. It came from a Mr. Walsh from the Department of Massachusetts, ISPA. He said that he read the article that was in the Maine Times of November 17, 1978, and he said that the article had stimulated many inquiries which had been forwarded to their Boston office. As it appears, the British feel that civilization has not progressed in certain parts of the United States since we won our independence more than 200 years ago. Certainly, the article which depicts the pleasure a certain individual drives out of killing your state wildlife, by method which is sadistic, creates an unfavorable image of not only hunting in the United States but of the lack of concern of control in your state.

I have been approached by a foreign film company and journalist who would like, if this article depicts the truth in hunting in Maine, to come here and photograph it and whether the state legislature is investigating and doing something to remedy this thing.

If the British wish to know more about our hunting and the depleting of our wildlife, they have heard of our ways of hunting and they think we have gone back to an uncivilized world.

We all know about the balance of nature. Without it we cannot survive for very long. Animals are part of this balance. Why are foreign countries interested in our way of hunting wildlife? That doesn't make our way of doing things very proper or tasteful to many. I wish you would consider defeating this amendment. What they are doing is just like sticking a stick in the wheel of a cart and the cart will stop.

Many Pennsylvania hunters are not coming

back to Maine because they come to hunt bear and they can't find them. I have a letter here from Pennsylvania Wildlife — "The bear season in Pennsylvania has been closed for the past two years. Present plans call for a one-day season December 17, 1979. In Pennsylvania, we sell approximately over a million hunting hunting licenses, plus a hundred thousand non-resident licenses. The numbers of hunters has created a concern for the resource and I am hopeful our General Assembly will authorize a bear license and provide the commissioner with authority a bear license and provide the commissioner with authority to limiting hunting in special managements areas. Unless these steps are taken, the bear population will be placed in serious jeopardy."

The bear limit has been one to a party having two or more hunters. Their cubs are protected; only bear one year old or older may be taken. Hunters may not use bait or dogs while hunting bear. These laws and regulations are necessary to protect the resource for future generations.

I am disappointed with the Department of Fisheries and Wildlife. It is a sad situation when they approve of such hunting practices and I think they need a cleaning of their own. I understand that some of the more humane wardens are applauded by this way of hunting, but their hands are tied because there is no law on the books to prevent this kind of hunting.

We have a law on the books, I understand, for this kind of hunting of deer and there is no reason why we can't have it for the bear.

As for the so-called sportsmen's associations or Guide Club approving of such method of hunting, they are not the kind of men that I would respect.

I am aware that I am trying to arouse your feelings for the good of all man and beasts because we are part of this earth together for a purpose, to survive together. And as far as my little cartoon is concerned, the only thing that is lacking in there is the dog.

A kind gentleman, Mr. Carter from Waterville, asked me if I was going to have a coloring contest. I told him, well, if I am going down in defeat, I might as well go down with flying colors.

The SPEAKER: The Chair would point out that the only question before the body at the moment is adoption of House Amendment "C", which is the fiscal note, and the Chair would wonder if there is objections to adoption of the fiscal note at this point?

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

Mrs. MARTIN: Mr. Speaker, this is why I got up. I want to defeat this fiscal note because I don't think it is right. I think somebody had a heavy pencil. They are not losing any money as far as the licensing is concerned, because the licenses are for a combination of hunting. If they stop the bear hunting with bait, it doesn't stop them from hunting otherwise and it doesn't stop the money flowing in for the licenses. This is what I am trying to put across. It is a combination of hunting in this license.

It took me two days to get this. I wouldn't do it myself; I had a gentleman in this House do it because I didn't want to speak to the department, because if they had heard my voice, God have mercy, what they would have done to me.

A gentleman called and as usual, the person that handles this thing was not in his office, so they referred him to a clerk and the clerk said, I can call you. He said, don't call me, I will be in session, have it brought to my desk. He said, I can't today, I can't do that, it is going to take me two days to find out all these things when you ask for them, it is a sorry mess.

The SPEAKER: The Chair would like to advise the gentlewoman from Brunswick, Mrs. Martin, and members of the House that based on the process under the rules we are operating, this will create problem. The Chair is in possession of a fiscal note requirement from the Legislative Finance Office. If the amend-

ment is not adopted, the Chair will have to rule that the bill is not properly before the body without the fiscal note. That is where we stand.

Mrs. MARTIN: Mr. Speaker, they know that if they put a fiscal note on this, the bill will stand on the Appropriations Table and die there, but I must tell you before I sit down that this bill, if it dies today, will come back in two years. I won't be here, but somebody else will bring it up.

Let me tell you that these people are so angry up there, they are considering bringing Cleveland Armory in here, and if you know who he is, he is going to make that bait smell like perfume when he gets through with them.

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

Mr. MacEACHERN: Mr. Speaker and Members of the House: I will try to confine my remarks to the amendment that is before us.

I have to defend the amendment. It wasn't any problem for me at all to figure. I went to Legislative Finance where they had the figure already there. I just asked for it and they gave it to me. They got it from the department. It is derived from the estimate by the department of the number of people who come to Maine, they will no longer be coming here, so we won't get their license fees.

The fiscal note doesn't address another point that is pertinent in this argument. This is multi-million dollar industry in the State of Maine, and passage of this bill will eliminate that industry and will eliminate the jobs that are brought about in the industry.

I urge you to pass this amendment.

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

Mr. DEXTER: Mr. Speaker and Members of the House: This is pure conjecture; therefore, I cannot accept anything like this. It says it is "estimated it will result" — it doesn't say it is estimated by the Department of Inland Fisheries and Wildlife. So, if you want to go into conjecture, I can say that there will be more hunters here resulting in more revenue. Therefore, I move at this time that this lie on the table for one legislative day, until we can present a proper amendment to this body.

The SPEAKER: The Chair would advise the gentleman that that motion is not in order, since the gentleman has been debating.

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

Mr. MacEACHERN: Mr. Speaker and Members of the House: Very briefly. We seem to be in quandry. I am going to go with the sponsor of the bill this morning. I am going to vote against this amendment, and if we all do that, I think that will take care of everybody's problem. Please, everyone this morning, if we all vote with the sponsor of the bill, refuse the amendment, that will be the end of it.

Let's all vote against accepting this amendment and let the bill die right here.

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

Mrs. HUBER: Mr. Speaker, a question of parliamentary inquiry? Would the Speaker again state what happens if this amendment is defeated, please?

The SPEAKER: The Chair would advise the members of the House that under the Joint Rules, they provide that the Legislative Finance Office shall prepare by the Legislative Finance Office, which corresponds with the amendment now before this body. If the amendment is defeated, then, of course, we are in violation of the Joint Rule.

The argument, of course, is, and I would point out that over the years this has always been a problem in estimating what the actual loss of revenue, the cost of a program, loss of monies and there always has been, at times, disagreement between legislators and the various departments. At times, the Chair has received revisions to those fiscal note requests, but at this point the Chair is possession of none

other than the one fiscal note that has been brought forth by the Legislative Finance Office.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: If this be the case, then I think the members of the House should have some route which we could challenge some of these figures. This appears to be pure conjecture on the part of one of the agencies and we should be able to have some appeal route.

May I ask the Speaker what could be done in that way?

The SPEAKER: The Chair would advise the gentleman that the rules do not allow for any appeal. They simply allow for a basis for someone, the gentleman from Waldoboro or anyone else, to go back to Legislative Finance to attempt to work out a new figure I will read the fiscal note on the prepared sheet. "The department estimates that this bill will result in 2315 licenses not being sold for a loss of revenue to the dedicated revenue account of \$84,895 each year as follows: 1296 non-resident licenses at \$60 per license, for a total of \$77,760; 1019 resident licenses at \$7, for a total of \$7,133, for a net total of \$84,893. This does not consider any loss of revenue due to decrease in guide licenses sold."

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

Mr. BLODGETT: Mr. Speaker, I move this be tabled on legislative day.

Mr. MacEachern of Lincoln requested a vote.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentleman from Waldoboro, Mr. Blodgett, that this be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Tozier of Unity requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that this be tabled for one legislative day pending adoption of House Amendment "C". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A., Bunker, Carrier, Carter, F., Chonko, Cloutier, Connolly, Cox, Cunningham, Davies, Davis, Dexter, Diamond, Doukas, Dutremble, L., Elias, Fillmore, Fowlie, Gillis, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Huber, Jackson, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Leonard, Lizotte, Locke, MacBride, Mahany, Marshall, Martin, A., Masterton, Matthews, McPherson, Mitchell, Morton, Nadeau, Nelson, M., Nelson, N., Paradis, Payne, Pearson, Post, Roide, Rollins, Sherburne, Simon, Small, Stover, Studley, Theriault, Tierney, Torrey, Tuttle, Vincent, Violette, Wentworth, Wood.

NAY—Austin, Barry, Birt, Bordeaux, Brown, D., Brown, K. L., Call, Carter, D., Churchill, Conary, Curtis, Damren, Dellert, Dow, Drinkwater, Dudley, Fenlason, Garsoe, Gavett, Gould, Howe, Hutchings, Immonen, Jacques, E., Jacques, P., Laffin, Leighton, Lewis, Lougee, Lowe, Lund, MacEachern, Masterman, Maxwell, McHenry, McKean, McMahan, McSweeney, Nelson, A., Norris, Paul, Peltier, Peterson, Prescott, Reeves, J., Sewall, Smith, Soulas, Sprowl, Stetson, Strout,

Tozier, Twitchell, Vose.

ABSENT—Brown, K. C., Carroll, Dutremble, D., Gowen, Hughes, Hunter, Jalbert, Kelleher, Michael, Reeves, P., Roope, Silsby, Tabell, Whitemore, Wyman.

Yes, 81; No, 54; Absent, 15.

The SPEAKER: Eighty-one having voted in the affirmative and fifty-four in the negative, with fifteen being absent, the motion does prevail.

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

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

Tabled—April 18, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Acceptance of the Committee Report.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I feel this bill before us is somewhat premature at this time. I feel that this is the year we will restructure county government and I fail to see why we should place an encumbrance on the counties at this time when we are hoping that they will have local control. I think, first, we should decide what we will do with counties, whether we will have county government and what point will municipalities play in local control, and that should be their decision.

I hope at this time that we do not enact L. D. 445 and make a decision on county government. I would move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: The best argument for this bill to allow deputy sheriffs the right to collectively bargain is made by the question "Just why has this particular group been deprived of this basic right?" All full-time police officers in the State of Maine currently have the right, except for deputy sheriffs.

In the last session of the legislature, both Houses supported this legislation only to have the bill vetoed by the Governor. The argument offered then by the opponents was that we should wait until county government is reorganized. Well, two more years have now passed and nothing new has happened. Deputy sheriffs are still without any right to organize and bargain like other public employees. Probably there was a good reason some years ago not to include this group in the bargaining process. Then the sheriff's department was highly political and unprofessional, but with the advent of the legislature mandate that all county deputies attend the police academy and be granted job security, the nature of the old system changed dramatically. Currently, deputy sheriffs are as well trained and as professional as any law enforcement officer in the state.

The sheriff's offices have been depoliticized to a great extent. By granting deputies the right to bargain, we will be taking the final step in bringing their departments up to state and municipal standards.

What we have here is a simple case of discrimination. We train these men to do the same job as other Maine police officers. We pay them to do the same job and we expect them to do their job in a professional manner, but we have failed to treat them with the same dignity that their brother officers have received.

Ladies and gentlemen of this House, if there ever was a clean-cut case of discrimination, it is the case of the deputy sheriffs not having the right to bargain.

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

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

all of you that this report came out of the Labor Committee unanimous "Ought to Pass". We gave serious and long consideration to this report.

When the vote is taken, I would ask for a roll call.

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

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

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: I would ask that you go along with the indefinite postponement. There are several reasons why I cannot, at this time, support this piece of legislation.

Someone said a little while ago that all of law enforcement people in this state have this right, but I submit that deputy sheriffs are not like the others in the sense that they do not apply for a job after it has been posted, they are politically appointed, which therefore means that we could, in effect, give political appointees lifetime tenure.

If it is a case of discrimination, as someone else mentioned, I also would say that perhaps we are discriminating against every gubernatorial appointment, which runs concurrent with a four-year governor's term, or, in fact, some of the legislative appointees that we have, so I would ask that you vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I would like a pose a question through the Chair to anyone who can answer.

Would this collective bargaining right apply to part-time deputy sheriffs? If the answer is yes, I certainly hope you would vote to indefinitely postpone this bill.

The SPEAKER: The gentleman from Waterville, Mrs. Kany, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, and Members of the House: The answer to Representative Kany's question is no, only full time.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you that these boys came before us and some of them are on food stamps. When we have state people working under either town, county or state government that have to be on food stamps, there is something wrong with our system.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Just a quick response to the comments of the previous speaker. I can't help but wonder how many of us in this body, as we have deliberated over our county budgets, and particularly over the sheriffs' budgets, have been overly enthusiastic about the expansion of costs in that area. Let's be consistent today and whatever we do on this subject, this vote and succeeding votes, if there are to be any, let's remember that while we might be granting something desirable on one end of the spectrum, we are going to be paying for it or at least making the decisions about paying for it on the other end of the spectrum.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I suppose I might start by stating my belief that a bill which has the gen-

tleman from New Gloucester, Mr. Cunningham and the gentledady from Auburn, Mrs. Lewis, on the one hand and the gentleman from Portland, Mr. Baker, on the other hand — in other words, a broad political spectrum, all voting "ought to pass" well, such a bill can't be all bad.

This bill, I would stress, was a unanimous "Ought to Pass" Report of the Committee on Labor and I may be guessing but possibly one of the reasons for this unanimity was the testimony of the many deputy sheriffs who attended the hearing from all over the state and told of the problems that they are encountering as a main group of public employees in the state who are not covered by collective bargaining.

Originally, I had two bills before the committee, this one and another that would have included all county employees under collective bargaining but the committee, in its wisdom, chose to report this bill out. Being used to accepting half a loaf in the give-and-take of our operations, I have gone along, but I would be remiss not to point out that I feel all county employees should eventually be brought under collective bargaining. My essential interest here is in correcting what was described in the debate two years ago as not an oversight but an injustice, the fact that of all the public employees in Maine, one group has been singled out and told they are unworthy of being allowed to bargain for their wages and working conditions, while everyone else, state employees, municipal employees, university employees, Maine Turnpike Authority employees, are given that privilege.

I would like to explain that when this bill first hit the floor, the gentledady from Lewiston, Mrs. Berube, approached me and told me she had problems with the bill. She was particularly concerned with the political nature of deputy sheriffs, she said, and had questions of how and when they are hired and the lack of job descriptions, posting, etc. It appears that I must have misunderstood her, for I offered to see if an amendment could be drawn up to deal with her objections and we agreed to table the bill for two days. Then I asked to have it tabled further because I was going to be away last Thursday.

I had some difficulty getting the Research Office to draw up an amendment but finally I did get two amendments, both trying to lessen the political nature of the deputy sheriff's position. However, in discussing this further with the gentledady, I found that I had apparently misunderstood and that what she wanted to do was to try to kill the bill in the first reading, and failing that, offer an amendment of her own, which would have the same effect as killing the bill, then, if this poor document survived those trials and tribulations, presume that she would go after it again on enactment. In other words, total war against this measure. Had I realized this at the beginning, I would have been happy to avoid the tabling and the scurrying around after amendments and we would have had this donnybrook a lot sooner.

Let me get to the issues. The gentle lady has problems with the deputies in her county. She regards them, as she told me, being political hats.

In regard to the hiring of deputy sheriffs, the law that was enacted in 1977 has made some very definite changes. First of all, the sheriff now have to have approval of the county commissioners, the county personnel board, if one exists, to appoint a deputy sheriff. Two, the law specifically states and I quote: "that all deputies shall be appointed without regard to any political affiliation solely on the basis of professional qualifications relating to law enforcement duties or potentials for acquiring those qualifications." Then it states what those professional qualifications should include, and this is education and or experience in law enforcement.

Under this law, deputies shall be appointed for a probationary period of not more than six

months and afterwards appointed or reappointed for a term of three years. The sheriff can dismiss them only for cause, and cause cannot be failure or refusal to commit a political act. The law is also very specific on forbidding coercion of deputies by a sheriff to conduct any manner of political activity.

As many of you know, we are now requiring that deputy sheriffs attend courses at the Police Academy. Given all those reforms that were voted in by the last legislature in terms of depoliticizing the deputy sheriffs and professionalizing them, I would like to emphasize very strongly an argument that was made by a learned member in the debate two years ago, that if a working condition or requirement is written into the statute, that statute cannot be changed by collective bargaining. The bargaining has to be within the context of existing statutory requirements.

Another argument that is more recently being advanced to this bill is that now the deputy sheriffs are receiving training at the Police Academy. There may be a tendency that they are continually treated like second-class citizens for them to take their first-class training and go elsewhere, particularly to municipal police forces. Thus, the county will have to start all over again and continually foot the bill for training without offering incentives for those trained employees to stay.

I am sorry to take so much time on this today but it is an important bill. It is important to a lot of people, as evidenced by the strong statewide support shown for it at the hearing, support, incidentally, that included that of two sheriffs, Sheriff Sharp of Cumberland and Sheriff Bazinet of Kennebec.

The gentlelady may have her problems with the deputy sheriffs in Androscoggin County. Perhaps others of you may not be overly thrilled with the deputy sheriffs in your counties, but they are human, they have families and they should be treated fairly and given the same consideration and the same bargaining rights every other group of public employees in the state enjoy.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Members of the House: I fully agree with the Chairman of the Local County Government Committee that there will be, undoubtedly a bill presented to this House and to the other body for consideration on revamping county government.

I do disagree, though, that we should kill this bill. I am not sure of the proper parliamentary procedure, but I would hope that maybe somebody could table this for one day, if it is the proper procedure, so the leadership could discuss if we should put this on the table unassigned until after these bills come out. I am not sure about that part of it, but if it is possible, I would like to see it tabled for one day to let that procedure work, if that is the way it should go.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have discussed this particular problem with the Chairman of the Local and County Government Committee, and what I proposed to him was that if this bill went through the process and if it were enacted by this body, I would then ask to have the bill tabled unassigned so that we could see what happened with these other bills that came along. Whether he has agreed to that or not, I don't know. I assume not because of the motion that he has made, but that was a proposal that I made to him and I would be very willing to do that if this bill does go through the process and does reach enactment stage.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from York did allude to the fact that the Labor

Committee did come out in unanimous support of this particular issue. That is quite an achievement for our committee this year apparently, to come with a unanimous report.

I think the significance of it is that even though we may disagree violently sometimes as to what is a proper subject for collective bargaining, although we may disagree with some of the bills that are coming up with regard to collective bargaining, that we are in unanimous agreement with the fact that we should extend the opportunity for collective bargaining to all the people who are involved in working in state government. I think it is important that nobody be denied the opportunity to bargain collectively. I may not agree with what we bargaining about, but I do believe we ought to allow everyone to come to the bargaining table and that, I believe, is the essence of the unanimous committee report.

In regard to whether or not county government will change, I would assume that regardless of what the changes are, we will continue to have personnel employed in this sub-state division of government. As long as we have people employed by county government, as long as we have county sheriffs employed, then I believe, regardless of under the structure they will be employed, that it makes no difference and I still believe that even after the changes are made, that the individuals should have the opportunity to go to the bargaining table. Therefore, I don't see any reason why we should hold this bill up any longer — send it on its way.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I would like to go back to the question that the gentlelady from Waterville posed — does this bill apply to part-time deputies as well as full-time deputies? In reading this bill, it does not distinguish between who shall be in the collective bargaining unit and who shall not be. The Statement of Fact reads that this bill extends the right to collectively bargain to the deputy sheriffs of any county.

In listening to some of the members on the Labor Committee, I question whether this bill even went before the correct committee or not. I served two terms on the Local and County Government Committee and we did some extensive work in trying to improve the efficiency of county government. I should point out that most of what the gentleman from York alluded to as far as the modified civil service provisions, this was part of our study and part of the legislation that we worked to get enacted in 1977. Like I pointed out, we did enact a modified civil service provision, deputies can no longer be summarily dismissed by the sheriff without good reason. They now have a grievance procedure. They cannot be dismissed because they belong to the wrong political party.

This particular session, I am personally sponsoring legislation to establish a uniform allowance for the deputy sheriffs. I am also sponsoring another bill to establish holiday pay for deputy sheriffs. As a member of the Local and County Government Committee and as a result of this indepth study, we developed and enacted legislation to reform county law enforcement.

Deputy sheriffs perform a much needed service in the rural areas and while county law enforcement is striving to improve their image, they still have a long way to go and there are a number of areas that still need to be improved.

There is a wide range of use concerning county government and a substantial number of people aren't convinced that we need county government, much less county law enforcement. As I see the county delegations meeting down here in the well of the House trying to resolve their budgetary problems, I can't help visualize at this time why we would want to further complicate it by establishing another adversary level that you, having final discretion over the county budget, must deal with.

As one who is interested in county government and county law enforcement in particular, I am aware of no labor problems or that the sheriffs are having any problems in recruiting or retaining their deputies. They are certainly not experiencing a turnover which is taking place within the guard force at the Maine State Prison. They fall under collective bargaining and last year they experienced a hundred percent turnover. Sixty-one were hired; 60 left the force.

I see nothing in this bill that would continue the progress that we have made in recent years. If there is, perhaps the sponsor would enlighten us as to how exactly this bill would improve relations between the legislature and county government.

I would hope we would clarify this question that was posed by the gentlelady from Waterville, Mrs. Kany, whether this does apply to just full-time deputies or part-time deputies. I know when we developed legislation on Local and County Government, we were very particular to distinguish between full-time deputies and part-time deputies because, of course, the provisions and particularly the educational provisions, the requirement that they attend the Criminal Justice Academy does not apply to part-time deputies. This bill does not distinguish the difference, and I would support the motion at this time to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: Before that question is addressed more fully, the question of the part-time deputy sheriffs, I would also ask for another question to be answered.

First of all, I would like to explain that I had no previous interest in this bill, but you have gotten the old blood going here and I really have some questions if we should pass this bill.

My other question is, a number of people have said that the poor deputy sheriffs are about the only ones left out of collective bargaining, and I would like someone to share with us all just exactly what other county employees have collective bargaining rights?

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, has posed another question through the Chair to anyone who may care to answer.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: To respond to both of the gentlelady's questions, in regard to the second question, I don't know if the gentlelady heard my remarks earlier, but I said that there were two bills that I put in to the legislature, one that dealt with collective bargaining rights for all county employees and one just for deputy sheriffs. As I said, the committee voted this one out; however, I feel committed to continue in the quest to put all county employees under collective bargaining, because this entire level of government is excluded.

As to the confusion that has existed over the question of full-time or part-time deputies, if the wording is vague, I will remind you again, this bill is in its first reading. That can very easily be handled with an amendment in the second reading if the bill survives the motion of the gentleman from Sabattus. I would be happy to offer such an amendment, because I believe the intent is very clear, it is for full-time deputies only.

I would only make one other comment, and that is the question as to where this bill should have gone. This arose in the debate two years ago. This bill went to the Labor Committee two years ago and it was said this bill should have gone to the Committee on Local and County Government. I don't understand why at the time when this bill was going to reference that nobody from that committee made the motion or tried to have it go to that committee.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: I would like to correct a misstatement that the gentleman from York, Mr. Rolde, made a little while ago. He said that I had problems with the present deputies. I never said that. Mr. Rolde, I did say I had had problems in the past but never with the present deputies. He also said that I referred to them as political hats. I never, never used that word, and I would like that to be on the record.

I would also like to mention, and again, I cannot speak for the other counties, but in our county, I would like to give you what our deputies are getting presently. There are 29 deputies. By the way, we have 33, I understand, reserve deputies who might conceivably come under this, and we have, I understand, in excess of 200 special deputies. The salaries are \$192.71 a week for 11 of them; 12 are getting \$184.91; 2 are getting \$200.49; and the Chief Deputy is getting \$208.

I know it is late and I apologize. I don't like to speak long, as you are well aware, but I feel very strongly that as long as these are political appointees where there are, number one, no job descriptions. I don't see how, if we put collective bargaining, it can be negotiable. The statutes plainly say that they will be paid on a 7-day work week and work 40 hours a week. That was put in the comprehensive county law enforcement bill that we passed two years ago.

I do know that they are looking for job security and I sympathize with them, and I certainly would love to see legislation like this, but the statute clearly says that they will be appointed on a provisional basis for six months, and maybe appointed for three years after that by the present sheriff. I don't see how you can negotiate that.

The present statute also says that they may be dismissed if there are budget reductions. How can you negotiate that if that is in the law?

The comment was made, I think, that this was a unanimous committee report. I understand that there were not 13 signatures on that report.

I think that only way to address this to correct the present legislation, do away with the bill that was passed two years ago that came as a direct result of the study that the Local and County Government Committee had done.

I guess I have one more thing. I do have an opinion, I don't know if it is referred to as an opinion, from the Attorney General's Office, which says that the L. D. before us conflicts in many particulars with the present law — it certainly does.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: Not having spoken very often this session, I hope the members of the House will indulge me doing so a second time on this bill.

This is a subject area of a great deal of interest on my part; therefore, I wish to speak on it again. It is my feeling that the present law, which has been referred to several times, regarding these deputy sheriffs and their relationship with the sheriff and both of their relationships with the county commissioners, which is new, is working very well. That was passed two years ago, I guess, as was stated, and I feel it should be given an opportunity to work and I think it is working. I support it and voted for it.

Mrs. Berube made a very important point when she pointed out that the present law seems to preclude many things to bargain for. I agree it does, and I would answer Mrs. Berube's thoughts by simply saying that if this collective bargaining act is passed, the next step would be to change the law and to make more of those things that are now in the law negotiable. You ought to think about that, because if you vote for this act, you will be asked in the future to vote to take out of the law those

things that are there now and many of those things which are new and which I feel are working quite well to depoliticize the office of deputy sheriffs.

If we are truly concerned about the incentives of our deputy sheriffs, as the gentlelady from Brunswick and others mentioned, then we should address that concern in the county budget process, which is the only process available under the current law. I would ask each of you to ask yourselves how anxious you were and how concerned you were about your own deputies in your own counties and to point out to you that you have an opportunity, even now, through your county budget to improve the lots of your deputy sheriffs if you feel they need improving.

I would simply conclude by asking two rhetorical questions. First, do you feel that given the present stage of county government in Maine, that is going through a transition, I think, from a very rural form of government to what I think will turn out to be a rather sophisticated form of government in a few years, and we have done much in that regard already, do you feel that county government at its present stage, and specifically the county commissioners and sheriffs, are ready to deal with such unions as the Teamster's Union and others who might be bargaining agents for deputy sheriffs?

Secondly, can you envision and would you like to part of a future legislative delegation that will have no choice but to accept bargaining arrangements made by commissioners and such units and then turn around to your taxpayers, on whom the taxes are levied in your county, and say that we had no control over it? It is an interesting analogy.

I would support the motion of the committee chairman. It is a wise motion. He is saying to us, let's let county government reach its final stage in development before addressing this and even other issues that will come along which will make that final stage more difficult once we get there.

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

Mrs. LEWIS: Mr. Speaker and Members of the House: I will be very brief, but there is one thing I think I probably should say. We have had reports that this is a unanimous committee report. Well, I am on that committee. When the bill came in, one of the members of our committee was going to prepare an amendment. We waited for nearly two weeks. The amendment didn't come. I was at a working session of my other committee, the Education Committee, I was not at the working session when this committee report came out, and as the gentlelady from Lewiston, Mrs. Berube, said, she didn't think there were 13 names on that report, and there really wouldn't have been. It would have been a divided report, and I feel I really should say that.

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

ROLL CALL

YEA — Alopis, Austin, Barry, Berry, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Call, Carrier, Carter, D.; Carter F.; Churchill, Conary, Curtis, Damren, Davis, Dellert, Dexter, Dudley, Dutremble, L.; Garsoe, Gavett, Gillis, Gray, Gwadosky, Hanson, Higgins, Huber, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Kane, Kany, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lund, MacBride, Mahany, Masterman, Matthews, Maxwell, McKean, McMahon, McPherson, Mitchell, Morton, Nadeau, Nelson, N.; Norris, Paul, Payne, Pearson, Peltier, Peterson, Post, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small,

Smith, Sprowl, Stetson, Stover, Studley, Torrey, Twitchell, Violette, Wentworth, Whittemore.

NAY—Bachrach, Baker, Beaulieu, Benoit, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Cloutier, Connolly, Cox, Cunningham, Davies, Diamond, Doukas, Dow, Drinkwater, Elias, Fenlason, Fillmore, Fowlie, Gould, Hall, Hickey, Hobbins, Howe, Joyce, Laffin, Lowe, Marshall, Martin, A.; McHenry, McSweeney, Michael, Nelson, M.; Paradis, Prescott, Rolde, Simon, Soulas, Strout, Tarbell, Theriault, Tierney, Tuttle, Vincent, Vose, Wood.

ABSENT—Birt, Brown, A.; Brown K. C.; Bunker, Dutremble, D.; Gowen, Hughes, Hunter, Jalbert, Kelleher, MacEachern, Masterton, Nelson, A.; Reeves, P.; Silsby, Tozier, Wyman, The Speaker.

Yes, 84; No, 49; Absent, 17.

The SPEAKER: Eighty-four having voted in the affirmative and forty-nine in the negative, with seventeen being absent, the motion does prevail.

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

Mr. STETSON: Mr. Speaker, this being about the only time I have been on the prevailing side, I now move to reconsider and ask you all to vote against me.

The SPEAKER: The gentleman from Wiscasset, Mr. Stetson, now moves we reconsider our action whereby this Bill and all its accompanying papers were indefinitely postponed.

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

Mr. McHENRY: Mr. Speaker, I would ask that this be tabled for two legislative days.

Whereupon, Mr. Higgins of Scarborough requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Madawaska, Mr. McHenry, that this matter be tabled for two legislative days pending the motion of Mr. Stetson of Wiscasset to reconsider. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

21 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair will order a voice vote. All those in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion to reconsider did not prevail.

Sent up for concurrence.

Held Bill

An Act to Prohibit an Intentional Attempt to Elude a Police Officer through High-speed Driving (H. P. 543) (L. D. 674) (C. "A" H-182) — In House, Passed to be Enacted on April 18, 1979

HELD at the request of Mr. Carroll of Limerick.

Mr. Carroll of Limerick moved that the House reconsider its action whereby the Bill was passed to be enacted.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Pearson of Old Town, adjourned until twelve-thirty tomorrow afternoon.