

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 26, 1979

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

Prayer by Representative John W. Simon of Lewiston.

Rep. SIMON: Holy, mighty and eternal God, under whom we are called to represent the people of this state, help us in the midst of our struggles for liberty and equality, for the welfare and good order of our fellow citizens, to confront one another without hatred or bitterness and to work together with neutral forbearance and respect to the glory of Thy holy name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE

Augusta

April 26, 1979

The Honorable Edwin H. Pert
Clerk of the House
109th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the 'Leave to Withdraw' Report of the Committee on Bill, 'An Act to Prohibit Hunting of Bear with Dogs and to Prohibit Hunting Bear with Bait', (H. P. 457) (L. D. 570).

Respectfully,
MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

Howard F. Stultz of Westbrook, founder and owner of Stultz Electrical Works, celebrates his 99th birthday on April 28, 1979 (S. P. 521) Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Indefinitely Postponed

The following Joint Order (S. P. 523)

ORDERED, the House concurring, that the Joint Rules be amended by repealing Joint Rule 22 and inserting in place thereof the following:

22. Bills or resolves with unfavorable reports placed in legislative files. Any bill or resolve which bears a favorable report signed by less than 3 members of the committee to which it was referred or a unanimous ought not to pass report by that committee shall, upon notification of that action to both Houses, be placed in the legislative files. No further action shall be taken following that disposition unless the bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses.

Came from the Senate read and passed.

In the House, was read.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: As happened to us in the first part of the session, I am proud to move for indefinite postponement of this order.

Thereupon, on motion of Mr. McKean of Limestone, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Reports of Committees

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on RESOLVE, to Determine the Feasi-

bility of using Mountain Pond for a State Park for the Greater Bangor-Brewer Area (S. P. 472) (L. D. 1411)

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

Leave to Withdraw

Report of the Committee on Agriculture reporting "Leave to Withdraw" on Bill "An Act to Prohibit Humane Societies and Shelters from Releasing Fertile Animals into the Community" (S. P. 208) (L. D. 581)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Appropriate Funds for Repair, Operation and Maintenance of Androscoggin Lake Dam" (S. P. 67) (L. D. 111)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Assure Notice and Hearing Prior to Appointment of a Special Guardian" (S. P. 215) (L. D. 600)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on RESOLVE Directing the Review of the Statutes Relating to Junkyards (Emergency) (S. P. 420) (L. D. 1292)

Report of the Committee on Marine Resources reporting "Leave to Withdraw" on RESOLVE, Authorizing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the Northeastern Research Foundation, Inc. (Emergency) (S. P. 174) (L. D. 380)

Came from the Senate with the Reports read and accepted.

In the House, Reports were read and accepted in concurrence.

Non-concurrent Matter

Bill "An Act to Eliminate the Jurisdiction of the Maine Milk Commission over ½ Pint Containers of Milk" (H. P. 482) (L. D. 613) on which the House insisted on its former action whereby the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-212) Report of the Committee on Agriculture was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-212) on April 24, 1979

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought Not to Pass" Report of the Committee on Agriculture was read and accepted and asked for a Committee of Conference in non-concurrence.

In the House: On motion of Mr. Mahany of Easton, the House voted to Insist and join in a Committee of Conference.

Petitions, Bills and Resolves
Requiring Reference

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

Taxation

Bill, "An Act to Provide Property Tax Relief through a Homestead Exemption Tax Credit" (H. P. 1343) (L. D. 1585) (Presented by Mr. Wyman of Pittsfield) (Cosponsors: Mr. Brennerman of Portland, Mr. Diamond of Windham and Mr. Wood of Sanford)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1341) recognizing that: The Maine Association of Police has named Scarborough Officer Richard J. Babine as 1978 Officer of the Year for distinguished work with Juveniles and for designing crime prevention programs

Presented by Mr. Higgins of Scarborough (Cosponsor: Ms. Benoit of South Portland)

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

An Expression of Legislative Sentiment (H. P. 1342) recognizing that: Kim Gilman and her sister Kathy Gilman, students at Lawrence High School, were selected as the top debating team in the State at the Annual State Debating Championship at Bates College on March 24, 1979

Presented by Mr. Gwadosky of Fairfield (Cosponsor: Senator Teague of Somerset)

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

An Expression of Legislative Sentiment (H. P. 1344) recognizing that: Mylan Cohen, a member of the cast of Presque Isle High School's Shipmate Playhouse, was selected "Outstanding Player" at the New England Drama Festival

Presented by Mrs. MacBride of Presque Isle (Cosponsors: Mr. Roope of Presque Isle and Senator McBreairty of Aroostook)

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

An Expression of Legislative Sentiment (H. P. 1345) recognizing that: Presque Isle High School's Shipmate Playhouse, coached by Daniel Ladner, Glenna Smith and Richard Lord, has won First Place in the New England Drama Festival with the play "Zen Substitute" and was given awards for "Best Makeup" and "Best Ensemble Work"

Presented by Mrs. MacBride of Presque Isle (Cosponsors: Mr. Roope of Presque Isle and Senator McBreairty of Aroostook)

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

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Jasper Wyman of Pittsfield be excused April 18, 19, and 20, 1979 for personal reasons.

Later Today Assigned

WHEREAS, it appears to the House of Representatives of the 109th Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, a Bill, H. P. 1321, L. D. 1573, attached as Exhibit A, entitled "An Act to Fund and Implement Agreements Between the State and the Maine State Employees Association and to Fund and Implement Benefits for Managerial and other Employees of the Executive Branch Excluded from Coverage Under the State Employees Labor Relations Act," has been introduced into the Legislature, which bill has raised several important legal questions, and it is important that the Legislature be informed as to the answers to these questions as they relate to the bill; now, therefore, be it

ORDERED, that in accordance with the provisions of the Constitution of Maine, the House of Representatives herein submits the following Statement of Facts and respectfully requests the Justices of the Supreme Judicial Court to give to the House of Representatives their opinion on the following Questions of Law:

STATEMENT OF FACT

On October 21, 1977, the Maine State Employees Association submitted its initial proposals to the Governor as public employer for collective bargaining with regard to the three collective bargaining units the Maine State Employees Association represented at that time. The same proposals were subsequently submitted for two other bargaining units represented by the Maine State Employees Association.

The initial proposals included a provision which would have made these bargaining units an "agency shop," i. e., members of the bargaining unit would not be required to be members of the Maine State Employees Association, but would be required to pay 100% of the dues paid by members of the bargaining unit who were also members of the Maine State Employees Association. While these negotia-

tions were proceeding, the Supreme Judicial Court rendered its decision in *Churchill vs. SAD #49 380 A. 2d 186* (Me. 1977) in which the court struck down an "agency shop" provision similar to the Maine State Employees Association proposal. Subsequently, the Maine State Employees Association revised its proposal to incorporate the concept of "fair share" payments by nonunion members. (Attached as Exhibit B) Under this proposal, nonunion members of the bargaining unit would pay the equivalent of 80% of the dues paid by union members within the unit. This "fair share" provision was also included as a recommendation in a later fact finder's report with regard to these negotiations.

On March 10, 1979, a tentative agreement with regard to these proposals was reached between representatives of the Governor and the Maine State Employees Association. This tentative agreement included the "fair share" provision as proposed by the Maine State Employees Association and recommended by the fact finders. The tentative agreement was subsequently ratified by the membership of the Maine State Employees Association and the Governor. The Governor then introduced legislation (L. D. 1447) (Attached as Exhibit C) designed to fund and implement these agreements. Subsequently legislation (L. D. 1573) was introduced in essentially the same form as the preceding legislation, but with some changes to reflect a subsequent independent agreement between the Governor and the Maine State Employees Association with regard to the initial agreements.

QUESTIONS OF LAW

QUESTION I: Does Article III of a certain agreement between the State of Maine and the Maine State Employees Association, incorporated by reference into H. P. 1321, L. D. 1573, which Article contains the so-called "fair share" provision requiring payment by non-Maine State Employees Association members of 80% of the normal member's dues, violate any provision of the Constitution of the United States or the Constitution of Maine, and, in particular, any of those provisions guaranteeing freedom of speech, religion or association?

QUESTION II: Does the aforementioned "fair share" provision on its face violate the provisions of the State Employees Labor Relations Act; 26 MRSA § 979, et seq., and in particular, sections 979-B and 979-C of that Act such that this provision should not have been negotiated absent express statutory authorization by the Legislature?

QUESTION III: If the answer to the foregoing questions is in the negative, is an evidentiary hearing required to determine the validity of the 80% as proposed by the Maine State Employees Association, recommended by the fact finders and agreed to by the State and the Maine State Employees Association or will that figure be regarded as conclusive unless patently unreasonable?

The Order was read.

On motion of Mrs. Mitchell of Vassalboro, tabled until later in today's session pending passage and by unanimous consent, made a special order of the day for 9:15 A. M.

(Off Record Remarks)

House Reports of Committees

Ought Not to Pass

Mr. Jacques from the Committee on Fisheries and Wildlife on Bill "An Act to Remove Weight Restrictions on Black Bass" (H. P. 736) (L. D. 923) reporting "Ought Not to Pass"

Mr. Vose from the Committee on Fisheries and Wildlife on Bill, "An Act to Permit Hunting of Wild Game upon Certain Lands on Sunday" (H. P. 802) (L. D. 1005) reporting "Ought Not to Pass"

Mr. Jacques from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Evidence of Illegally Hunting Deer" (H. P.

274) (L. D. 356) reporting "Ought Not to Pass"

Mr. Dow from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for more Humane Trapping of Wild Animals" (H. P. 1188) (L. D. 1445) reporting "Ought Not to Pass"

Mr. Davies from the Committee on Public Utilities on Bill "An Act Relating to Inspecting Electricity and Water Meters by the Public Utilities Commission" (H. P. 835) (L. D. 1034) reporting "Ought Not to Pass"

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Encourage the Conservation of Electricity by Providing for Promotional and Information Material" (H. P. 839) (L. D. 1042) reporting "Ought Not to Pass"

Mr. Berry from the Committee on Public Utilities on Bill "An Act to Reduce the Charges for Public Pay Telephones" (H. P. 1063) (L. D. 1317) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Mahany from the Committee on Agriculture on Bill "An Act to Provide Funds for Sterilization of Female Dogs" (H. P. 653) (L. D. 814) reporting "Leave to Withdraw"

Mr. Wood from the Committee on Agriculture on Bill "An Act to Equalize the License Fees for Dogs" (H. P. 453) (L. D. 567) reporting "Leave to Withdraw"

Mr. Carrier from the Committee on Judiciary on Bill "An Act to Allow Officers to Summon Persons who have Attained their 15th birthday to Court for Liquor Law or Certain Drug Violations without Going Through an Intake Bureau and to Repeal the Requirement that Verbatim Records be Kept for Certain Juvenile Hearings" (H. P. 502) (L. D. 609) reporting "Leave to Withdraw"

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Amend the Charter of Mapleton to Increase the Sum Paid to the Trustees of the Mapleton Sewer District and to Amend the Provisions Relating to Liens for Collection of Rates Due" (H. P. 711) (L. D. 884) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Include the Term 'Sexual or Fetal Orientation' in the Maine Human Rights Act." (H. P. 673) (L. D. 860)

Report was signed by the following members:

Messrs. FARLEY of York
COTE of Androscoggin
SHUTE of Waldo

— of the Senate.

Messrs. McSWEENEY of Old Orchard Beach
STOVER of West Bath

Miss GAVETT of Orono

Messrs. CALL of Lewiston

SOULAS of Bangor

DUDLEY of Enfield

Ms. BROWN of Gorham

Mr. MAXWELL of Jay

— of the House.

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

Report was signed by the following members:

Messrs. DELLERT of Gardiner

VIOLETTE of Van Buren

— of the House.

Reports were read.

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

Mr. SOULAS: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report and would like to speak to my motion.

The SPEAKER: The gentleman from Bangor, Mr. Soulas, moves that the Majority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. SOULAS: Mr. Speaker, Men and Woman of the House: The purpose of this legislation is to make it illegal for homosexuals in our state to be discriminated against in areas of employment, housing, credit or public accommodations.

As was expected, this piece of legislation received plenty of attention during the public hearing. A number of civic-rights oriented groups testified in support. Church-oriented groups voiced strong opposition to the proposal. I personally feel that this act is attempting to change the human rights law by defining sex.

The Human Rights Act states that no one should be discriminated against because of his or her race, creed or sex. They do not define race or creed.

Now, in a brief prepared by Bell and Weinstein, Homosexualities, a study of diversity among men and women published in 1978, I would like to read page two of that report. I quote "As for homosexual social and psychological adjustment, we have found that much depends on the type of homosexual being considered. I am sure disfunctionals and asexuals have a difficult time of it, but there are certain equivalent groups among heterosexual groups and ambi-sexuals, who also have a difficult time. It must also be remembered that even a particular type of homosexual is never entirely like others, even after they are categorized in the same way."

So, let me ask you, isn't that report stating that there are different kinds of sexes within the sexes or how gay is gay? The concept of prohibiting people to discriminate against each other by legislating it sounds good, but we as legislators, have an obligation to the majority of the people and not to just enhance causes. It is one thing to be civilized and tolerant to our fellow human beings, regardless of their so called thing, but it is something else for a society that aspires to certain Christian values and standards of behavior to elevate and condone through the legislature, homosexuality.

Some the statements made at a public hearing urged, we members of the committee, to put aside our fears and prejudices that we shouldn't sit in judgment of peoples lives. Aren't we doing just that, if we enact legislation that is telling and mandating what a civilized society ought or ought not to be? I personally feel the addition of homosexuality under the Maine Human Rights Act imposes a value judgment upon all of us that we, at this time, are not prepared to make.

I hope you will support my motion "Ought Not to Pass" When the vote is taken, I request a roll call.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I am tempted today to write this down in a book I am writing on my experiences in the Legislature under the chapter of fear and loathing in the Maine Legislature.

I do not think that we need to be afraid of this piece of legislation, I know that many of us are. It is a very controversial piece of legislation. It brings out sometimes the worst in us.

I believe that the state has every right to take action to prevent discrimination against people, who happen to be homosexual and there are several precedents before that.

A number of cities have already taken action in regards to discrimination in the areas of employment. The State of Pennsylvania by Executive Order, has outlawed discrimination based on the grounds of sexual orientation in public employment. The Province of Quebec, I repeat the Province of Quebec, our northern neighbor, in December 1977, passed a law outlawing discrimination on the grounds of sexual orientation in December of 1977. 170 large cor-

porations, multi-national corporation have stated, in a letter to the National Gay Rights Task Force that they would not discriminate in employment based on sexual orientation. I won't read you the entire list of 170 corporations that have taken this position, except I will say that two of them, the Scott Company, of which S.D. Warren is a subsidiary, and General Motors are among those.

There is a lot of opposition to this bill in certain segments of the religious community. I would like to read to you a statement that was included in a letter from the Diocesan Human Relations Services, "To live in Jesus Christ, a pastoral reflection on the moral life subsection 2, November 11, 1976, the National Conference of Catholic Bishops spoke to the issue of homosexuality in the following manner. Some persons finding themselves, through no fault of their own, to have a homosexual orientation, homosexuals, like everyone else, should not suffer from prejudice against their basic human rights. They have a right to respect friendship and justice. They should have an active role in the Christian community. The Christian community should provide them a special degree of pastoral understanding and care. They have a great need for understanding and consolation.

Ladies and Gentlemen, there are many things that we consider to be immoral. I submit to you that, what we consider to be immoral, should not be grounds for discrimination in the areas of employment, credit, housing accommodations and public accommodations.

I would urge you to vote against the motion of "Ought Not to Pass."

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

Mr. DELLERT: Mr. Speaker and Members of the House: Sexual or affectional orientation means having or manifesting an emotional or physical attachment to another consenting person or persons of either gender or having or manifesting preference for such attachment. I read that definition out of the bill, Page 60. My American Heritage Dictionary, on my desk at home printed in 1969, gives one definition of gay, as slang for homosexual. I would assume that when we refer to L. D. 860 as the Gay Rights Bill, we would be using acceptable English.

Gay people are not going to disappear from our world. They were here many centuries before the birth of Christ and they are not going away. It is 1979, isn't it about time that we developed here, in this grand old State of Maine, enough understanding, enough compassion enough insight, to realize that we are not being fair. There are at least 80,000 gays here in Maine at the present time. They are living in your town and mine. And if through circumstances they are not known to us and they remain unknown to us, they live with us as respected and well like citizens. They have the same human rights all of us enjoy. The gay community have their rights and their fears. As soon as they are identified, they become unacceptable and lose many human rights. This is not fair. Most of us, sometime during our lifetime, have probably had an unfortunate experience.

This bill, L. D. 860, does not legalize criminal acts. Statistically, more heterosexuals do things that give us problems than do homosexuals. Because of the unfortunate acts of a few, whose crimes are widely publicized, the vast majority of homosexuals are denied their basic human rights. If we live up to our responsibilities of being logical, caring law makers, we should be able to provide basic human rights to all our citizens.

I urge you to vote against the "Ought Not to Pass" Report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I suppose that some time

in our lifetime, all of us have compassion for all kinds of people. Sometimes, in our lifetime, we have so much compassion that we can't see the good from the evil.

There was a man in this country, just a short time ago, who believed in the theory that he had the "right" to perform sexual acts with his same male companions. Consequently, 30, 31 or maybe it is even as high as 32 young men, have been brutally murdered. I don't know if the state police have found any more bodies or not but at least they have found that many.

It is hard enough to speak on this bill this morning with the other bill that I feel is so important to us; however, I feel that we, as individuals, have to live in our community and we have to live with people, and I truthfully and honestly could care less what two male or female adults do in the privacy of their own home and, truthfully and honestly, I don't think anyone in this House could care less what they do.

But you see, this group of people, and I have promised my very good friends in this House to be very good this morning and to be very kind and not use some of the words that I like to refer to them, and I am going to try to fulfill that promise to them this morning but, you know, this group of people, believe you me, they encourage other people to go along with their thinking. In fact, they even try to raise money for their way of thinking.

When they had their convention in Portland about a month ago, right around there, some very good friends of mine in Portland who travel the bars, I don't go to those places but I can find out all the information I want in the City of Portland without going outside of my living room. So a bartender friend of mine, and I do have friends who engage in alcoholic beverages, called me and he was talking to two of these type of individuals who went to that convention. This woman from the legislature of Massachusetts, who is a self-ordained, self-proclaimed lesbian, made the statement at that convention that Mr. Laffin from Westbrook was invited to speak at their convention. Well, that is not true, I never was invited to speak at that convention. Furthermore, she stated that I have not yet come out of the closet. Well, I am not sure what she meant by that, but I was never put in the closet in my life, so I don't know what she meant.

The other things she said, and her name is Miss Elaine something — 'Miss' standing for misfit — she said that I probably go to bed with a negligee. Well, I can respond to that. If Miss Elaine would like to know, I sleep in the nude. But if I did go to bed, it wouldn't be with a man, and I would like to pass on to anyone who is associated with this Miss Elaine that if she ever went out with me once, she would throw rocks at all her girlfriends, and if I ever took her parking, she would never go to bed with another woman.

I think what we have here today is not civil rights but people's rights. Do we as a legislature have a right to say to a 14-year-old boy or girl, you can't drive a car until you are 15; yes, we have that right. They may think they are being discriminated against, but we have that right. In fact, if 15 and 16 year olds do not act properly, we could even raise the driving age to 20 or 21. Why? Because that is the right of this legislature. We have the right to make laws for the protection and for the well-being of the people of the State of Maine, and that is the function guaranteed those people under the Bill of Rights.

People say, well, civil rights, and you know how lawyers sometimes like to turn things around. They are great and they are noted for that. Lawyers like to get into court with the knowledge of each other's brains and pick this and pick that apart and, consequently, the judge will give a ruling, and that is their job; that is what they have been trained to do.

Well, this bunch of creepy-crawlers will take

a situation where they allow—I am being very nice, I haven't used some of the words.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly, and inquires for what purpose the gentleman rises?

Mr. CONNOLLY: Mr. Speaker, a point of order. I object personally to the language the gentleman uses to describe the individuals that this bill deals with.

The SPEAKER: The gentleman from Portland, Mr. Connolly's point is well taken, and the Chair would ask the gentleman from Westbrook, Mr. Laffin, to be a little bit more careful.

Mr. LAFFIN: Extra careful, Mr. Speaker.

Now I have forgotten what I was going to say; you have interrupted me again.

I don't think that anyone really cares what person belongs to what group, but when they want to push themselves in a community to have what they call civil rights—you see, they like to turn things around so that everything will be in their favor, and I suppose we do the same thing when we are supporting our bills. We look for the words we want to put in there and we fight for it, so that is understandable.

If these individuals want to spend eternity in 'Hell', that is their prerogative, and I don't think anyone really cares. They will have to answer for what they do and I will have to answer for what I do. We can only be held liable for what we as individuals do.

You know, it really is a terrible thing, because there really is nothing funny about these type of people, they are pitiful and they are a disgrace to our society. They are, without doubt, the lowest scum of the earth, but we accept that. If they want to live the kind of life that they live, I don't think any of us really care. And to be pervert that they are and, by the way, as individuals may not always agree on all issues, but I think most of us know what is morally right and what is morally wrong. And when these type of people become fornicators under the term 'fornication', and they have human sexual intercourse between each other, meaning two men or two women, is that the type of person you would want teaching your children or be around your children? You see, this is only the beginning. They are opening the door. They don't really care about being in this Human Rights Bill, but they want to be in that bill and from there on they want to be able to say, now we have been accepted, we want it legal in the State of Maine to have two men married to each other. Then they want to say, we want to adopt children. Don't think for one minute that this is going to be the end of their request in our society.

Twenty years ago, if this legislature had ever received a bill like this, I am sure that the sponsors, and by the way, I have the greatest respect for all of them that have sponsored this terrible piece of legislation, if they had sponsored this 20 years ago, they probably would have been an outcast to the City of Portland and to the Town of Orono, but 20 years later, as my good friend from the other side of the room said, this is 1979, and in 1979 we are supposed to be a very liberal person, we are supposed to allow people to do what they want to do, regardless of whether it is right or whether it is wrong. But you know, there are some people who take exception to this, because some people may not be perfect like myself, but they want their children to be better than they were, and there is nothing wrong with that. They want their children to be better than they were. I can assure you that I would want the same thing.

It doesn't matter too much whether the individual says, well, I am what I am and you accept me as I am. I don't know of any person that has ever been discriminated against.

If this gentleman over here says that there are 80,000 of these in the State of Maine, I can truthfully and honestly say to you this morning that if there is, they never came to me and told

me. The only ones that I know of is that bunch of creeps that came to those hearings. They admitted they were. . .

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly, and inquire for what purpose the gentleman rises?

Mr. CONNOLLY: Mr. Speaker a point of order. I object to the term and use of the word 'creep'.

The SPEAKER: The point is well taken. The Chair would ask him to refer to them as human beings.

Mr. LAFFIN: No, I can't refer to them as human beings, but I will as people.

The SPEAKER: Thank you.

Mr. LAFFIN: The lowest form of people but people.

Well, apparently I can't use some of the words that I had on my paper here, so I will say to you this morning that if we allow these individuals to gain control over our society, then the strength of our nation will surely decay, because they don't believe in God, they don't believe in country and they don't believe in anything but their own selves and what they want to do, and that is the bad thing about them. All the letters I have received on this, you would be surprised. Some of them send me these dirty pictures with no names on them and all that crap. I take abuse. I have received phone calls. Someone called me up and said they feel sorry for me, blah, blah, and they hang up. I am used to that. You know, it is hard for anyone to discourage me because I have been fighting all of my life and I have been on the losing side. I think I lost a couple of battles yesterday. One was to my very good friend from Biddeford. They beat me. I am used to losing and it doesn't offend me when they send me this filth in the mail. If they get enjoyment out of that, I could care less. I am not easily discouraged.

If we believe a relationship between a man and his wife is a relationship built on a happy home and a happy family, then you cannot support this bill this morning. The peace that each and every one of us have within ourselves and the guidance of our own conscience and the direction for family life and the normal relationship between a husband and a woman in raising their children is the foundation that this nation was built on, and nothing else. We believe that sex between two individuals of the opposite sex is what this country, what this nation, what this world and universe were founded on, and I don't care what any conference from any groups of religious people have to say on this. I have received letters from Protestant Ministers, I have never received one from a Catholic Priest, and I am going to answer those letters. I was kind of hoping deep down that I would receive one from a Catholic Priest, but I haven't, because they know that this is one of the most sinful things that man can do on this earth. When we, as individuals, would allow this bill to become law, and I don't care what Canada has done and I don't care what certain cities have done, but I can tell you, the cities in Florida and Dade County and all over this country have said and for every one that my good friend from Portland said condones this type of stuff, I can name you 1,000 that are very much opposed to it. Don't think for one minute, my friends, that this is civil rights because it is not, it is human rights, it is dignity and it is respect. If you have the latter ones that I have mentioned, you will vote to indefinitely postpone this bill.

I feel this morning that I have tried to be nice. I have offended my seatmate and I had no intentions of doing that. I hold every member of this House, I hold every person in this state with the highest esteem until they become murderers or rapists or homosexuals.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I feel sorry for Mr.

Laffin at this point. I think that he is as sick as the people he is talking about. I am going to surprise some of you here, but I hope that you will take this as a sincere gesture. I don't approve of the gay way of life. I think they need help, but I am not about to judge them. There is only one person that can judge them and I will leave that up to him.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: It would be very easy to criticize the gentleman from Westbrook, Mr. Laffin for the attitudes that he expressed in his speech. I think in keeping with the nature of the legislation that I am a cosponsor of, I think it would be inappropriate because what we are hearing from Representative Laffin is perhaps a reflection of the prejudice and the discrimination that is manifested in this society towards people with a sexual orientation that is different from our own. That is the very reason that this bill is before us. It is because there are people in this state whose attitudes are very similar to Mr. Laffin's. Though two individuals commit no crime, under state or federal law, the two individual's behavior is circumspect, is kept in private and they maintain their public lives in an honorable and decent manner, they find that because of their sexual orientation that they face discrimination, discrimination in getting a job and keeping a job; discrimination in obtaining and living in decent housing; discrimination in the opportunity to rent public accommodations or to obtain credit so they can conduct themselves in an economic manner much as we would urge all citizens of the state to do. This engenders fear in them. A fear that their sexual orientation, if it should become public, will bring the wrath of their neighbors, their friends, their employers, cause them to lose their ability to function as citizens in our society. A fear not dissimilar from what blacks felt in the south. They have no one to turn to. If they were black, or if they were a woman, or if they were old or if they have a national origin that is different from the ones that we are most familiar with, they can turn to the Human Rights Commission. If there is a violation of state law that that commission can investigate it, can bring the facts forward, and if legal action is necessary bring it. But for homosexuals, they have no place to turn to. They have no one they can look to to protect their legal rights. This bill would give them this vehicle. It does not condone illegal rights, it does not condone illegal actions. It does not say that homosexuality is good. It merely says that if a citizen chooses that as their orientation, that when discrimination is done to them, they will have a vehicle by which they can ask for investigation to bring the matter to a neutral body, who can attempt to resolve it and if possible to resolve it outside of the court system and to bring that to the legal system so our judicial process can work.

As the good gentleman from Portland, Mr. Baker, suggested there are a number of cities, there are states and thousands of private corporations in the United States who have adopted a non-discriminatory policy for its people whose sexual or affectional preference is different than the majority of the population. He mentioned the Scott Company of which S. D. Warren in Westbrook is a member of that conglomerate and of General Motors. I would hark back to the words of that famous American, Charles Wilson, when in the 1950's he suggested that what is good for General Motors is good for America.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I listened very closely to what my good friend and colleague from Westbrook had to say. On most issues I am with my good friend and colleague because I don't think you can find a stauncher defender of working

peoples interests in this body than my good friend and colleague from Westbrook.

On this issue we disagree, and I disagree with some of his thinking. I was a little horrified by some of it, listening to it because when I heard some of the things, I was harkened back into remembering an incident in my childhood in which I suffered some discrimination.

My good friend from Westbrook indicated that these people do not believe in God and country. Ladies and gentlemen, I do not believe in Trinity. As a result of not believing in Trinity, I was discriminated against in employment at the Scarsdale County Club.

You know, if we carry the logic of discrimination and discrimination has no logic, but if we carry discrimination to its illogical conclusion, it leads to some very disastrous places.

My good friend from Westbrook brought up the issue of what happened to that man that committed mass murder in Chicago, that is a smoke screen. No one is condoning mass murder. But when I heard that, I was reminded of the accusations of the infamous Blood Liable Trials that took place in Tsarist Russia.

For those of you who are not familiar with what those Blood Liable Trials were all about, there was a time in Tsarist Russia and, unfortunately, today in Russian it still exists when anti-semitism was very rampant. In fact, my grandfather came to this country to escape it.

My feelings have been very much opposed to discrimination. You know what happened with the Blood Liable Trial. Jewish people were accused of killing Christian boys and using their blood to bake the passover matzo. That is a ridiculous charge, yet people believed it.

We are talking about people who were sub-human. You know there was a theory a couple of years ago about a class of people known as the Oberman, those of you who don't speak German, that means sub-human being. Let me tell you about that kind of theory and where it led to—I am going to tell you where it led to anyway because I want to. That kind of thinking led to places like Auschwitz, Treblinka, Dachau, Belsen Bergen. These places are infamous for what has happened. Not only Jews, but anybody who did not conform to certain ways of thinking about what the superior master race was all about went to these camps. They all had to wear special badges of identification. Political prisoners had to wear red triangle patches; Jews had to wear the Yellow Star of David; Protestant and Catholic dissenters all had to wear something.

Ladies and gentlemen, homosexuals, too, went to their death in the very same death camps wearing a purple triangle on their concentration camp uniform. So, you see ladies and gentlemen where discrimination and prejudice can lead us.

Now, you are probably saying, "Mr. Baker that is a little bit much, these things don't happen today. You have used a very extreme example." But the kind of thinking that lead to these extreme examples still exists, still exists. That is unfortunate, very unfortunate.

I am going to ask all of you only one more time, the only time this session to do something that I believe will require a lot of courage. I am going to ask all of you to put aside your fears, your prejudices, to think rationally on this issue. That is a very big thing to do, to ask somebody to put aside their fears and prejudices, but I am going to ask it of you, all of you and vote against the motion of "Ought Not to Pass."

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to any member of the committee that heard this bill.

What is the secular rationale for excluding this coverage from the Human Rights Act?

The SPEAKER: The gentleman from Lewiston, Mr. Simon, poses a question through the

Chair to any member of the committee, who may respond if they so desire.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: Not being on the committee but having served on the committee last year, I think there is ample secular reasons why this should not pass. What they are advocating in this bill is an expansion of the Human Rights Act to cover a developmental characteristic. That has been admitted by the proponents of this bill in testimony before the committee. The Human Rights Act provides that discrimination cannot ensue because of race, color, creed, ethnic origin, religion, handicap—well, except for handicap and religion, all these items provided for under the Human Rights Act are inherent at birth, they are not developmental. There are other developmental characteristics which are discriminated against today in the case of obesity. People are certainly discriminated in job employment in terms of obesity—I am sure that we don't see too many 400 lb. people modeling bikinis. There are many examples there.

What this bill proposes is to amend this Human Rights Act for one particular developmental characteristic group when there are many others equally deserving. That is secular reason enough why this bill should not pass.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, to meet the deadline, I didn't intend to speak to the issue, but Representative Marshall raises what is known as the congenital argument. It is the argument that he used last year and other members of this body used to try to defeat the legislation and they were successful. Basically, the way the argument works is the term sexual affection or sexual orientation should not be included in the Human Rights Act because the people to whom it applies did not have the thing that causes them to be discriminated against when they were born.

I would just point out for the record, that it has been proven time and time again, and Representative Marshall and others know this, that by the time an individual becomes 3 or 4 years of age, the things that have already happened in that individual's life that cause him to be a homosexual, whether that person is a latent homosexual or an overt homosexual later on in his life is something that has not been decided yet, but once those things have happened to an individual by the time they reach the age of 3 or 4, there is nothing that can be done to reverse that process. It isn't the same—you can't make an analogy between someone who is obese and use that argument and compare it to someone who is a homosexual.

The issue in the bill before you is not one of whether or not you should condone homosexuals or not or the practice of homosexuality, it is question of basic fairness and, as Representative Laffin said, an issue of basic human rights, and it would not encourage or condone any kind of sexual activity that most of us would believe to be abnormal but it would afford adequate protection under the Human Rights Act.

I would hope that you would vote against the motion "ought not to pass."

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I heard about a smoke screen, if you want to hear about a smoke screen, you take when 50 percent or more the psychologists of the United States who get together and say this is no longer a disease. Masters and Johnson, just lately have discovered that it is something that is acquired, it is not something that you are born with, it is something that can be cured.

I used to be deaf and before I got cured, before I had an operation, I was deaf and if I

had wished to remain deaf, it was my choice and if these people want to be cured, that is their choice.

I hope you support the "Ought Not to Pass" report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 Bangor, Mr. Soulas, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Barry, Birt, Blodgett, Borda, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.C.; Bunker, Carroll, Carter, D.; Churchill, Cloutier, Conary, Cunningham, Damren, Davis, Dexter, Diamond, Drinkwater, Dudley, Dutremble, D.; Dutremble L.; Elias, Fenlon, Fillmore, Fowlie, Garsoe, Gavett, Gould, Gray, Gwadosky, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalberty, Joyce, Kane, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lizotte, Locke, Lougee, Lowe, MacBride, MacEachern, Mahany, Marshall, Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nelson, A.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Post, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Vose, Wentworth, Whittemore, Wood, Wyman.

NAY—Bachrach, Baker, Beaulieu, Brannigan, Brenerman, Brodeur, Carter, F.; Connolly, Cox, Curtis, Davies, Dellert, Doukas, Dow, Gowen, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Kany, Kelleher, Lewis, Lund, Martin, A.; Masterton, Michael, Nadeau, Nelson, M.; Reeves, P.; Rolde, Sewall, Vincent, Violette.

ABSENT—Benoit, Berry, Berube, Brown, K.L.; Call, Carrier, Chonko, Gillis, Peterson, Prescott, Strout, Twitchell, The Speaker.

Yes, 103; No, 35; Absent, 12.

The SPEAKER: One hundred three having voted in the affirmative and thirty-five in the negative, with twelve being absent, the motion does prevail.

The Chair recognizes the gentleman from Bangor, Mr. Soulas.

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

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

Sent up for concurrence.

The Chair laid before the House the following special Order of the Day:

House Order relative to Justices of the Supreme Judicial Court to give to the House of Representatives their opinion on Question of Law pertaining to H. P. 1321, L. D. 1573, which was tabled earlier in the day pending passage.

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

Thereupon, Mr. Tierney assumed the Chair as Speaker pro tem, and Speaker Martin occupied his seat on the floor.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If you and the members

of the House would look at the calendar in reference to the House Order which we have before us this morning, I would like to spend a few minutes with you discussing the purpose of the House Order and the need, from my perspective and that of the Governor, to request an advisory opinion from the court.

The process under which we operate, in reference to the State Constitution and the Supreme Judicial Court of Maine, provides for a mechanism for us to get advisory opinions on questions of law, on questions of matters that we have before us in this body or the other body may have on issues that we think are a serious problem.

The issue we have before us is, in fact, a most serious one, one that for the first time we have arrived at a strike in this state, a court injunction then, in turn, being issued to return state employees back to work and one that has divided members of this body, members of the other body and members of the general public. It is an issue which has been an emotional one for many and one which I think deserves to have some questions answered.

Late yesterday afternoon, the Governor asked me if I would introduce a House order to ask the Supreme Judicial Court some questions, basically, three questions and they are provided to you in the House Order. The purpose behind this is to attempt to respond to some of the questions that have been raised. I know that this particular method does not satisfy the objections of some of the people that are opposed to the passage of the contract ratification proposed by the Governor as a result of an agreement with MSEA. I know that there are some of us in this body that are, in fact, opposed to the contract because it is too much money. I have been told that by members and I understand and I appreciate that. There are others who are opposed on the basis of fact that it is a matter of principle. There are those that are opposed on the fact that they feel that the Governor went too far and violated the law himself and those are the questions that I think have to be asked.

The Governor has asked, as a result, because of the question posed to him in press conferences and by members of this body, both Democrats and Republicans, by members of the other body of both political parties, the question of constitutionality ought to be asked, as to whether or not the Governor had the legal right to negotiate "fair share" into the contract. Those three questions have been aimed at getting that question responded to.

In the AG's opinion that was requested by the gentleman from Auburn, Mrs. Lewis, back on April 12, 1979, that was one of the two questions approached. One was whether or not this Legislature had any right to turn down a contract on issues other than money. That question was responded to very clearly by the Attorney General and the answer was, no. That question could only be decided as to whether or not we enacted the contract agreement as to whether or not we have sufficient monies to pay for it.

The second question that was posed by the gentleman from Auburn, Mrs. Lewis, the Attorney General determined that it was a very close question based on a past case that had been decided in the state and that he was not really all that sure and suggested that, perhaps, one of the ways that this question could be resolved was to, in effect, go to the Supreme Judicial Court of Maine. Those are three questions that are being posed in court today, in effect, to determine whether or not, absent of legislative history on passage of a specific section, the Governor had the power to negotiate that very question.

It seems to me that this provides us an opportunity to ask those questions in order to try to bring this issue to a final conclusion. The Governor has already indicated to me and asked me to relate to you, that if the courts advise an advisory opinion to the members of this House,

that he acted outside his jurisdiction, he would then order his negotiator to remove that section from the collective bargaining agreement. That, to me, is the way to solve our problems, our dilemma.

I know full well and I will repeat again, that this is not going to satisfy those people, who are opposed to the contract, on the basis of it containing too much money for state employees. I know that it is not going to satisfy those people that are opposed to the concept of "fair share" "agency fee" in any manner, shape or form, whatever the circumstances or whatever basis that might be done, under state law or any other method and, in fact, some members have indicated to me, that even if the law allowed it, they still wouldn't support it. I understand that and I think we all understand that. From time to time, we do so on the basis of what we believe to be our position but it seems to me that the question now before us and has been raised by so many people, is the legality of the question, did the Governor have the right, without specific language granted to him, to negotiate that provision into the contract? As a result, he asked that these questions be posed, through me, to the Supreme Judicial Court.

In addition to the questions that are going to court, we will also be sending, of course, the bill, that portion of the contract which contains the provision, and as a result of a conference with the gentleman from Cumberland, Mr. Garsoe, we'll also be sending that section of the fact finders' Report which deals with the fair share agreement.

It is my hope this morning that we will be able to suspend the rule which, as you know, under House Rules it provides that any questions being pondered to the Supreme Judicial Court have to be tabled one legislative day prior to passage or vote in this body. It is my hope this morning that we will, after we have done whatever process we will take, whatever debate that will go on, we will suspend the rule by a two-thirds vote so that we can send the issue to the Supreme Judicial Court today to save one day, and it is my hope that by the middle of next week the questions posed to the court on this issue which is before this body will be able to be received and then we will be able to vote on the final passage or on the question of final passage at that time.

Of course, I certainly do not expect those of you in this body who oppose it on the question of salary increases being too large or too much money being inserted in the contract to support it at that time, nor do I expect those people who do so as of principle, whatever the law, at whatever time, to support it at that time; I understand that and I appreciate that position.

I certainly hope that we will adopt this this morning when the time comes for approval.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The question before us this morning, and I guess it hasn't been put yet, is suspension of the rules — it has been put, fine.

I was contacted last night by the gentleman from Eagle Lake, Mr. Martin, to make me aware of the events that he has just described to you today. At that time, he inquired as to whether or not my caucus was going to oppose the move to suspend the rules, and I told him that I wanted a chance to have our attorneys look over the language, because I have been told that you can have at least some impact on the answer by the way you phrase the questions. That has been done. We made the suggestion that the gentleman has referred to of incorporating the language from the fact finding report in this area.

In response to some notes that have started coming to me while the gentleman from Eagle Lake was talking, I would point out that although the Order makes no reference to the

fact that state employees are going to be fired if they fail to pay 80 percent of union dues, they are incorporating the language of Article 3 in the contract, which makes it very clear to the judges. It is not very clear to the average layman because it says "It shall be a condition of employment that on or after they shall pay a service fee." Well, a condition of employment is paying that service fee, you fail to meet that condition of employment, you are separated. As I described to you the other day, the union would notify the Governor and the Governor would fire the individual. So, it will be very clear to the courts that this is what is being proposed here.

The reason this question comes up is that I have had two legislators approach me this morning who have been called by state employees who denied and insisted vehemently that there is nothing in here calling for dismissal or firing of a state employee. They don't understand this language but the courts do.

I think the material that is going to the courts is in reasonably good condition, and I had hoped that we would have a caucus, and the Speaker had told me that if there were time, we would, but there wasn't time and we aren't. But I want to make it very clear that I regard this as one more delaying tactic on the part of the Governor. It is a tactic that is open to him, but I would have to point out that the Governor is also qualified to address the question to the courts, he could have done this the day he found out the contract was in trouble had this been his underlying wish and need to get this thorny question answered. Now he is putting it through this body for reasons that I am not astute enough to perceive, because he still has that authority.

It is a five-day delay, as the gentleman from Eagle Lake informed you, and that can be five legislative days, another week, another week in which state employees are being held as pawns, their pay raise being placed on a second level to the possibility of enriching a union treasury, and I hope they are very much aware of this fact, because pure and simple, I think what has really happened, the Governor is now beginning to get the vibrations that are coming out of this body.

I will tell you now, had we voted on this today, a no vote would have gone well over 60. The actions and events of the previous few days have been bringing people to our point of view increasingly, so I think it is a crapshoot. What has he got to lose? He knows it is not going anywhere here; let's take a shot on the courts even deigning to answer it.

A substantial body of opinion says that the court won't touch this with a ten-foot pole, but at least it is a device. It might be a face saver if they say no, we shouldn't have done it, because to ask the question, as the Speaker did, does the Governor have the power to negotiate anything he wants to, of course he does, and it is only our looking over the fence at him that has brought this question to a point where he is finding that it isn't as smooth a road as he might have envisioned. Of course he has the power; he can agree to anything he wants to, completely untrammelled authority to agree to anything that he sees fit. This is what is at stake here today. He has agreed to something he never should have.

Now, I would just like briefly to address a couple of the points made further by the gentleman from Eagle Lake in that some of us are concerned over the legality or illegality of this matter. Well, I am glad that the record is going with the questions, because if the judges do consider this question, they are going to see repeated over and over again that we don't care whether this is illegal or legal, we say it is morally wrong, that as a matter of policy it is wrong.

To take this approach is to ask the courts to write statutes, because our opposition agrees that the statutes seem to be silent on any spe-

cifics of this situation, so they are hoping the courts will wade into this thicket and write statutes for us. I certainly hope they don't. In any event, it is an advisory opinion, as the gentleman has pointed out to us, and if it comes back and they say that it is constitutionally allowable for the Governor to have perpetrated this outrage, it will change my outlook on it not one iota.

I have searched my remarks, I have searched the remarks I have heard in my caucus, and I can't find one Republican or one Democrat who is with us who has raised on objection on the basis of cost — another strawman being built up before us. Have you heard anyone raise an objection on the basis of cost? No, no, subterfuge.

My last feeling is that if I had the horses, I guess I would oppose this today, but I know it would come in tomorrow as a majority and I don't believe we would have the horses to stop it, so, today, I am going to ask my caucus to support the gentleman from Eagle Lake in his motion to suspend the rules, because at least by doing that, we have chopped one day off the delay.

The SPEAKER pro tem: The Chair will caution the speakers to retain their remarks to the content of the House Order and whether or not it should pass, to avoid such comments as to the other substantive natures of the issue before us.

The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, a question of parliamentary procedure. We have a special assignment for Thursday, April 26, at 9:30 A. M. and I think the hour has arrived. I am wondering what we do about L. D. 1573?

The SPEAKER pro tem: In order to respond to the good gentleman from Ellsworth, Mr. Silsby, past tradition in this House has always been to dispose of the item currently under debate and then to move directly to the other item specially assigned for a specific time.

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

Mr. JALBERT: Mr. Speaker, I am not one to moan and groan about myself, but I have come here since Monday morning under horrible stress. As a matter of fact, I am due in Lewiston at quarter of eleven this morning, and I am finished, Mr. Speaker, in my feeling personally in respect for you as an individual and my respect for the Chair at all times is very, very high, particularly as a personal friend. I am terribly sorry that I have got to take issue with the remark that was made to the effect that we have got to restrict ourselves to what should happen, should this go to court or should this not go to court?

A great deal of the language that the gentleman from Cumberland, Mr. Garsoe, who is also a very close, personal friend, and he can start playing the violin if he wants to. When he does someday, the G-string is going to break and hit him right in the kisser. I usually don't say what I don't mean.

I look upon him today and two thirds of the conversation he made, none of us here could understand, because he is a professional anti-labor negotiator, and I wish sometime he would say so. He is so much in conflict on this thing that it isn't even funny.

I am going to state my position here. I have asked since I have been here for the court to give me seven opinions. One was that I had gone all over this state concerning the parochial schools. When the gentleman from Cumberland, Mr. Garsoe, makes a statement...

The SPEAKER pro tem: The gentleman from Cumberland, Mr. Garsoe, may state his point of order.

Mr. GARSOE: Mr. Speaker, I submit that the gentleman from Lewiston is flying directly in the face of the instructions you just gave this body, and I move that he be ruled out of order.

The SPEAKER pro tem: The gentleman

from Cumberland, Mr. Garsoe, is absolutely correct.

House at Ease.

At this point, Speaker Martin returned to the rostrum and Mr. Tierney of Lisbon Falls returned to his seat on the floor.

The House was called to order by the Speaker.

The SPEAKER: The Chair appreciates the concern of the gentleman from Lewiston, Mr. Jalbert, in helping to protect me and I want to thank him for that. I do think that if we can possibly restrict the remarks to the issue before us, the next question before us, which we will deal with very quickly after we get rid of this one, will be the state employees' pay raise, and the gentleman could make that very same speech at that time on the question.

Mr. JALBERT: I want to ask you, Mr. Speaker, before tomorrow morning, or sometime, to dig into the archives of this state and show me where the State of Maine, any State of Maine ruling on a solemn occasion has ever been overturned. That is my point. What is the use of going to the courts if we are going to hear somebody say who is the leader and a good leader, they won't say anything against him. I don't want to prejudice the Maine State Supreme Court, the third branch of government, and that is what he did and I object to it. I don't like it one bit. It isn't me that should have been ruled out of order, it should have been him when he made the crack in the first place. If I had been standing there, I would have heaved the mallet at him.

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

Mr. GARSOE: Mr. Speaker, I intend to move in a conciliatory vein. I only wish that I was as strong as the gentleman from Lewiston on one of his bad days that he told us he was having.

I think if the gentleman from Lewiston had read the questions and seen what the answers were anticipated, he wouldn't have been as upset with my remark, and I intended it in no disrespect to the court. But as I understand the question, Mr. Speaker, it is posed so that — did the action the Governor took violate the Constitution of the United States or the State of Maine, and if there is a 'no' answer, to me that is not a compelling court decision, if it merely says no, it didn't violate the Constitution. That is what I meant when I said that I would still feel very free and very comfortable to maintain my position that, okay, he hasn't violated the Constitution, but this hasn't met my objections and the objections of those that have been voting the way that I feel and in no way should have been interpreted by the gentleman from Lewiston in the manner he did.

I think you used yourself, Mr. Speaker, the term 'advisory.' I think he went just a little bit overboard, but I will accept the anti-labor epithet as something that I live with, because I make my living opposing the unions at the bargaining table and this is something that doesn't bother me in the least, but I don't want to be portrayed as being an anarchist or one who would cavalierly out of hand disregard the opinion of the court, but it is my understanding the question is couched so that when it comes back it might possibly say "The Governor hasn't done anything to violate the Constitution," and I want to make it very clear that that in no way affects or needs to affect the position that those of us who have been voting no have taken.

Thereupon, under suspension of the rules, the Order received passage and was ordered sent forthwith to the Courts.

The Chair laid before the House the following Special Order of the Day:

An Act to Fund and Implement Agreements Between the State and the Maine State Em-

ployees Association and to Fund and Implement Benefits for Managerial and Other Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act (Emergency) (H. P. 1321) (L. D. 1573)

Tabled—April 25, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Motion of Mr. Tierney of Lisbon to Recede and Concur. (Specially Assigned for Thursday, April 26 at 9:30 A. M.)

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending his motion to recede and concur.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-266) on Bill "An Act to Amend the Salary Range for the State Librarian and the Executive Director of the Historic Preservation Commission" (H. P. 1035) (L. D. 1272)

Report was signed by the following members:

Messrs. MARTIN of Aroostook
AULT of Kennebec
SUTTON of Oxford

— of the Senate.

Mrs. BACHRACH of Brunswick
Mr. LANCASTER of Kittery
Mrs. MASTERTON of Cape Elizabeth
Mr. PARADIS of Augusta
Ms. LUND of Augusta
Ms. CONARY of Oakland
Mrs. DAMREN of Belgrade
KANY 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:

Mrs. REEVES of Pittston
Mr. BARRY of Fort Kent

— of the House.

Reports were read.

On motion of Mrs. Kany of Waterville, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-266) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Equalizing the Retail Price of Alcoholic Beverages throughout the State" (H. P. 674) (L. D. 834)

Report was signed by the following members:

Messrs. FARLEY of York
COTE of Androscoggin
SHUTE of Waldo

— of the Senate.

Messrs. McSWEENEY of Old Orchard Beach
CALL of Lewiston
VIOLETTE of Van Buren
DUDLEY of Enfield

— of the House.

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

Report was signed by the following members:

Messrs. SOULAS of Bangor
DELLERT of Gardiner
Ms. BROWN of Gorham
Mr. STOVER of West Bath
Miss GAVETT of Orono
Mr. MAXWELL of Jay

— of the House.

Reports were read.

Mr. Violette of Van Buren moved that the Majority "Ought Not to Pass" Report be accepted.

On motion of the same gentleman, tabled

pending his motion to accept the Majority Report and specially assigned for Monday, April 30.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" on Bill "An Act to Allow Assignment of Personnel in Emergency Situations" (H. P. 1090) (L. D. 1344)

Report was signed by the following members:

Messrs. MARTIN of Aroostook
SUTTON of Oxford
AULT of Kennebec

— of the Senate.

Messrs. BARRY of Fort Kent
CONARY of Oakland
LANCASTER of Kittery
Mrs. DAMREN of Belgrade
KANY of Waterville
BACHRACH of Brunswick
REEVES of Pittston

Ms. LUND of Augusta

Mrs. MASTERTON of Cape Elizabeth

— of the House.

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

Report was signed by the following member:
Mr. PARADIS of Augusta

— of the House.

Reports were read.

On motion of Mrs. Kany of Waterville, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Consent Calendar

First Day

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

(H. P. 1016) (L. D. 1286) Bill "An Act to Define What Foods May be Labeled or Advertised as Natural or Organic" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-269)

On the objection of Ms. Benoit of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and, the Bill read once. Committee Amendment "A" (H-269) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 276) (L. D. 351) Bill "An Act to Eliminate an Unnecessary Reference in the Hunting Statutes to Use of Lights to Hunt from Vehicles" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-270)

(H. P. 497) (L. D. 634) Bill "An Act to Regulate the Hunting of Bear" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-271)

(H. P. 275) (L. D. 357) Bill "An Act Concerning Licensing of Head and Hide Dealers by the Department of Inland Fisheries and Wildlife" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-272)

(H. P. 300) (L. D. 399) Bill "An Act to Increase Penalties for Owners of Dogs Chasing Moose, Caribou, or Deer" Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 746) (L. D. 932) Bill "An Act Concerning Restitution under the Juvenile Code" Committee on Judiciary reporting "Ought to Pass"

(H. P. 466) (L. D. 586) Bill "An Act Concerning Causes for a Seven Day Notice of Termination of Tenancy" Committee on Judiciary reporting "Ought to Pass"

(H. P. 599) (L. D. 743) Bill "An Act to Provide for Dismissal of Frivolous Title Claims to Personal Property in Forcible Detainer Actions" Committee on Judiciary reporting "Ought to Pass"

No objections having been noted, the above items were ordered to appear on the Consent Calendar of April 27, under listing of Second Day.

Tabled and Assigned

(H. P. 237) (L. D. 283) Bill "An Act to Prohibit a School District from Offering Driver Education Courses for a Fee to a Student when a Duly Licensed Commercial School is Available" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-274)

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

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

(H. P. 713) (L. D. 886) Bill "An Act to Designate the Moose as the State Animal" Committee on State Government reporting "Ought to Pass"

On the objection of Mrs. Prescott of Hampden, was removed from the Consent Calendar.

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

Consent Calendar Second Day

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

(S. P. 293) (L. D. 854) Bill "An Act to Provide for Consistent Hours of Operation by State Retail and Agency Liquor Stores" (Emergency) (C. "A" S-117)

(S. P. 287) (L. D. 847) Bill "An Act to Simplify the Requirements for Licensing Certain Clergymen to Perform Marriages" (C. "A" S-116)

No objections having been noted, the Senate Papers were passed to be engrossed in concurrence.

(H. P. 923) (L. D. 1138) Bill "An Act to Revise the Qualifications for Burial in the Veterans Memorial Cemetery" (C. "A" H-264)

On the objection of Mrs. Nelson of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-264) was read by the Clerk.

On motion of Mrs. Nelson of Portland, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

(H. P. 943) (L. D. 1177) Bill "An Act to Revise the Service Requirements for Maine Veterans to Determine Eligibility for Veterans Benefits" (C. "A" H-265)

(H. P. 488) (L. D. 617) Bill "An Act to Require Construction Permits Prior to Building Hotels and Motels with 2 or More Stories" (C. "A" H-267)

No objections having been noted, the House Papers were passed to be engrossed as amended and sent up for concurrence.

(H. P. 533) (L. D. 654) Bill "An Act to Allow the Evaluation of the Existing Toll Facilities on the Maine Turnpike"

On the objection of Mr. Hughes of Auburn, was removed from the Consent Calendar.

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

(H. P. 1173) (L. D. 1439) Bill "An Act Relating to Registration of Trailers and Semitrailers under the Motor Vehicle Laws"

(H. P. 575) (L. D. 723) Bill "An Act Establishing Weight Tolerance for Certain Vehicles" (C. "A" H-268)

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

Passed to Be Engrossed

Bill "An Act to Provide Student Loans to Candidates for Practice of Chiropractic in Maine" (H. P. 694) (L. D. 872)

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

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to the sponsor of the bill or any member of the committee. Was there some thought given to buying additional slots for medical doctors instead of chiropractic?

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

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the gentleman's question, with this particular piece of legislation, no, we did not. There are two other pieces of legislation that deal with medical doctors and veterinarians and those bills are still before the committee, but as far as this particular legislation was concerned, the only matter that we considered was the issue of chiropractors.

Mr. Pearson of Old Town requested a vote.

The SPEAKER: The pending question is on passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Miss Brown of Bethel requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be engrossed. All those in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Barry, Beaulieu, Benoit, Boudreaux, Boudreau, Bowden, Brannigan, Breneman, Brodeur, Brown, A., Brown, D., Brown, K. C., Call, Carrier, Carroll, Carter, F., Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Dudley, Dutremble, D., Dutremble, L., Elias, Fenlason, Fillmore, Gavett, Gould, Gowen, Gray, Hall, Hanson, Hickey, Hobbins, Hunter, Hutchings, Immonen, Jacques, E., Jacques, P., Jalbert, Joyce, Kiesman, Laffin, LaPlante, Leighton, Leonard, Lewis, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A., Masterman, Matthews, Maxwell, McHenry, McPherson, McSweeney, Michael, Nadeau, Nelson, M., Norris, Paradis, Paul, Post, Prescott, Reeves, J., Reeves, P., Rolde, Rollins, Sherburne, Silsby, Simon, Small, Soulas, Sprowl, Stover, Strout, Studley, Tierney, Torrey, Tuttle, Twichell, Vincent, Violette, Vose, Whittemore, Wood, Wyman.

NAY—Aloupis, Bachrach, Berube, Blodgett, Brown, K.L.; Bunker, Carter, D.; Curtis, Damren, Fowle, Garose, Hughes, Jackson, Kane, Kany, Lougee, Masterton, McKean, Mitchell, Nelson, A.; Nelson, N.; Payne, Pearson, Sewall, Stetson, Tarbell, Wentworth.

ABSENT—Austin, Berry, Birt, Davies, Drinkwater, Gillis, Gwadosky, Howe, Huber, Kelleher, Lancaster, Lizotte, McMahon, Morton, Peltier, Peterson, Roope, Smith, Theriault, Tozier, The Speaker.

Yes, 103; No, 27; Absent, 20.

The SPEAKER: One hundred three having voted in the affirmative and twenty-seven in

the negative, with twenty being absent, the motion does prevail.

Sent up for concurrence.

Amended Bill

Bill "An Act Concerning Unemployment Compensation Benefits for Employees Formerly Working for a Bankrupt Employer" (S. P. 92) (L. D. 178) (C. "A" S-115)

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

Passed to be Enacted

An Act to Clarify the Responsibilities of the State Parole Board (H. P. 977) (L. D. 1191) (H. "A" H-227)

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

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

Mr. Whittemore of Skowhegan was granted unanimous consent to address the House.

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have never taken much time on the floor and I won't take much time now. I have something to say and I have got to get it off my chest, my feelings, and I don't think I am being out of order or wrong in any way, shape or manner.

I would like to make a few remarks this morning for the public record. I hope that what I am about to say will catch the ear of the press, since I feel that people of the State of Maine should be informed as to why we seem to be accomplishing so little during this session of the legislature, while we are spending so much of their dollars to convene this body each day. I feel those who pay the bills should know what is really going on down here in Augusta.

We are going to have more than 2,000 bills to consider before we adjourn this session, and we sit here day after day wasting time on many issues simply because the Majority Party cannot prevail. Each time an issue, which the majority party favors, is not passed by this body, we are subject to parliamentary maneuver after parliamentary maneuver, delay after delay, game after game, pressure tactic after pressure tactic, and threat after threat against those who oppose the majority party of this House. We are wasting time and the taxpayers' money presenting the same issues repeatedly in the hope that sooner or later the opposition will wear down and the minority party will give in to pressure tactics.

For the last five days that this Legislature has been in session, we have been dealing with the state employees pay raise bill, even though the Joint Rules under which this Legislature is governed clearly state that any single issue can only be reconsidered once. This is not the only issue, which has been treated this way. Anytime the majority leadership is in danger of losing a bill, we go through the same things. Thus, I want the people of this state to see this issue as a clear example of exactly what goes on in Augusta, when the Majority Party, under the leadership of the Speaker of the House, does not get their way, there seems to be little consideration of those who pay the bills, and what this is costing them. There seems to be little consideration of those who are affected by the Legislation which we pass. The name of the game is power, how to get your way, how to win, regardless of the costs.

The Name of the Game is how to show the members of the Minority party that you are in control of this Legislature. Ladies and Gentlemen of the House, I, for one, do not for a moment believe that we were elected by the people of this State to come here on some ego or power trip, to waste their time and hard

earned money in deliberate games, which are solely aimed at coming out on top. We have been repeatedly subjected to these kinds of tactics, to treats, to intimidations, to stalling, to maneuvering, and to blatant violations of the rules which govern us. I submit to the people of this state that this is costing you money and this is why the 109th Legislature has been unable to get down to the business for which we were sent here.

Yesterday, when the state employee pay contract was submitted to us for the fourth time for reconsideration, despite the fact that Joint Rule 35, as I understand it, says that we can only reconsider an issue once. We had a message from the Governor, that message asked us to table this bill one more time since many employees had staged an illegal walk out, and the governor was afraid that a negative vote yesterday morning might have made the situation worse. He had asked for a court injunction to get those errant employees back on the job, and hope that we could defer any further consideration until state employees were back at work. Well, as you all know, the Bill was tabled without any vote being taken.

I understand that there was a gentlemen's agreement among the leadership of this body that there would be no debate or floor speeches on this issue. At that time, emotions were running very high among state employees, who have waited far too long for their raise, and many of those people were present in this body yesterday awaiting the outcome of this Bill. Yet, even though it was apparently agreed that no rhetoric would be heard from either side of this issue, the Speaker of the House, knowing full well that hundreds of state employees were listening in the balcony of this chamber, allowed the Majority Floor Leader to speak. In this eloquence, he recited the rhetoric of the Majority party on the issue of the State Employee pay raise, making sure that each of the State Employees in the gallery could hear the side of the issue which he was favoring.

Meanwhile, the Minority Floor Leader of this body, attempted to be recognized by the Speaker of the House, and true to form, not a word was permitted to be spoken on the other side of this issue. Despite repeated attempts to be recognized by the Speaker, the Minority Floor Leader was disregarded. Not only was he disregarded, but I was also denied the opportunity to speak to the members of this body.

However, the Speaker was willing to recognize the Assistant Majority Floor Leader, who moved to table this Bill one more time, at which time an immediate recess was called to permit the State Employees, who were in the Gallery adequate time to leave, and to make absolutely certain that the Minority viewpoint on this issue would not be heard by any of the State Employees who were in and around the House Chamber.

Ladies and Gentlemen of the House, I do believe that we live under a Democracy, where a free and open expression of ideas is not only permitted but encouraged. In our society, we do not deny the opportunity of the minority to speak simply because their ideas do not coincide with ours. In our free society, we do not stifle the opposing point of view. That is tyranny. That is what one would expect under fascism, or under communism, but not under a Democratic position, are considered sacred. When we can no longer respect the rights of others, when we can no longer recognize a man's right to his opinion, regardless of whether it coincides with ours or not, we have degenerated to a sorry state. I submit to you ladies and gentlemen of this House, that we did, in fact, degenerate to that State yesterday.

It is a sorry state, when in a free Democratic Society, the Leader in power can abuse that power to deny the rights of others to express themselves. I say to you, ladies and gentlemen of the House, that the Speaker of this House did exactly that yesterday. Perhaps, the Speaker

could take a lesson from one of the most famous and powerful leaders of the world. I am sure if he were here today, he would have some wise advice to give on the subject of abusing power, or denying individuals the freedom to express themselves. We need only look to the Shah of Iran to see what the abuse of power has done to him. I submit to you ladies and gentlemen, that any person, no matter how powerful he may be, will ultimately go the same way, if he cannot temper that power with honest and fair treatment towards all.

The SPEAKER: The Chair would like to thank the gentleman from Skowhegan, Mr. Whittemore, for having given the Chair an opportunity to respond.

First I would like to indicate to the members of this body, that yesterday the Chair made a deliberate decision in part, not entirely of my own choosing, but as a result of consultation with a number of people. I think for any member of this body, who was present here yesterday, the repercussions could have been obvious with the mood of the state employees that were, in fact, here yesterday. They weren't even willing to cheer the gentleman from Lisbon Falls, Mr. Tierney, and yet, he is one of their supporters.

I frankly, was concerned for the gentleman from Cumberland, Mr. Garsoe, whom I happen to regard as a friend. That is the reason I waited until the gallery was cleared and I told the gentleman from Cumberland, Mr. Garsoe, that at the break. Then he was given unanimous consent and addressed the issue on the floor and the record will so indicate that to the gentleman from Skowhegan, Mr. Whittemore.

Second, to the question of the rules. I invited members, two days ago, to view the parliamentary decisions based on the decision that I made on the motion to reconsider. The gentleman from Skowhegan, Mr. Whittemore, did not approach me, has not asked me, but I have copies here and he can find them in my office or from me after the session. As a matter of fact, just two years ago, when the gentleman was a member, a bill was introduced by the gentleman from Waldoboro, Mr. Blodgett, dealing with clams and shellfish. When the same thing occurred. That is not thwarting the will of the majority, it is following parliamentary procedure.

It seems to me, and I fully support the proposition that the people have a right to know. I congratulate the gentleman from Skowhegan, Mr. Whittemore, for that premise. I believe the people of Maine have a right to know what is going on. In part, part of the problem, as I indicated the other day, and I will repeat, and I quote "that the rules are clear, legislative precedent is clear on those questions upon which I ruled and the basis for lack of understanding, is the lack of knowledge of the rules. I would hope that the people of Skowhegan and the rest of the state would be appreciative of that fact as well.

Mr. Gray of Rockland was granted unanimous consent to address the House.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: Last Saturday's Portland Press Herald carried an article of Governor Brennan's address to the Maine Press Association in which the Governor criticized the Maine Press for giving too much attention to Andre the seal.

Governor Brennan was quoted as saying that in the end it won't affect the progress of our state. It won't change the local property tax rate or the quality of your local fire department one bit if Andre reaches Rockport. There is room for argument there. There is no question but what Andre has considerable effect upon the local economy. Andre has one of the longest running performances of any modern day show, probably even longer than "Hair." Thousands of people come into the county every summer to watch him and he puts on a show that the entire family can watch.

The Governor did say that Andre won't affect our state government, and he is absolutely right. To my knowledge, Andre receives no subsidies whatsoever, he started his road show without any help from CETA, he never requested any state aid, any mother's aid or even any Kool Aid, and he doesn't draw unemployment between seasons. He even furnishes his own transportation between Boston and Rockport, which brings to mind another paragraph of the same article.

It says that the Governor was slightly late for his speaking engagement because the state plane developed fuel line trouble as it was about to take off from the Augusta Airport, so a smaller, single engine plane was chartered to fly Governor Brennan north.

Now, Andre has been known for dilly-dallying along the way but he has never been late for a performance. I am not sure whether Andre is a Democrat or a Republican, but he did assure me that he will not be running for Governor.

Seriously, every county should have an Andre. It is like having your own Maine Publicity Bureau and his appearance is felt throughout not only the county but the state, and we are very pleased to have him.

(Off Record Remarks)

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