

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

Friday, April 27, 1979

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

Prayer by the Reverend Lawrence W. Hathorne of the Sixth Street Congregational Church, Auburn.

Rev. HATHORNE: We recall, O Lord, a little over 200 years ago a group of American patriots gathering in Boston disguised as Indians, threw much tea into the ocean, the harbor, as a protest against taxation without representation. We are very grateful, O Lord, that today we, as Americans and as citizens of the State of Maine, do have a representation. We are grateful, O Lord, for these legislators who through their own obedience and through the conscience of their own hearts represent the citizens of this beloved state. Guide them, give them wisdom, and we thank thee for courage in all that they do to represent the citizens. May we all be aware of our duties and all that we can do in the services to volunteer for the help of others. All of this we gratefully give you thanks and pray in thy holy, true and perfect 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 President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Relating to Occupational Loss of Hearing," (S. P. 199) (L. D. 495):

Senators:

SUTTON of Oxford

LOVELL of York

CARPENTER of Arroostook

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees

Ought Not to Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Relocate the Head of Tide on the Penobscot River for the Protection of Atlantic Salmon" (S. P. 481) (L. D. 1483)

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Provide for a Closed Season on Black Bear from the First Monday Following Thanksgiving to July 1st" (S. P. 205) (L. D. 537)

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Increase the Atlantic Salmon Stamp Fees under the Inland Fisheries and Wildlife Statutes" (S. P. 198) (L. D. 494)

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

Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Allow Merchants to Retain a Percentage of Sales Tax Revenues" (S. P. 247) (L. D. 696)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Require Mandatory Disclosure of Attorney Fees" (S. P. 444) (L. D. 1362)

Report of the Committee on Agriculture re-

porting "Leave to Withdraw" on Bill "An Act to Amend Dog License Fees and Control" (S. P. 156) (L. D. 326)

Came from the Senate with the Reports read and accepted.

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

Ought to Pass in New Draft

Committee on State Government on Bill "An Act to Decrease the Maine Guarantee Authority Bonding Limits for Industrial Building Mortgage Insurance to \$41,000,000" (S. P. 297) (L. D. 904) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Decrease the Maine Guarantee Authority Bonding Limit for Industrial Building and Recreational Project Mortgage Insurance to \$40,000,000; and to Conform Maine Guarantee Authority Statutes to Recent Constitutional Changes" (S. P. 520) (L. D. 1583)

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

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for its second reading, Monday, April 30.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act to Provide for the Use of Credit Cards at the Kittery Liquor Store Only" (S. P. 434) (L. D. 1337)

Report was signed by the following members:

Mr. FARLEY of York

— of the Senate.

Messrs. MCSWEENEY of Old Orchard Beach

DELLERT of Gardiner

Miss GAVETT of Orono

Messrs. CALL of Lewiston

VIOLETTE of Van Buren

SOULAS of Bangor

— of the House.

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

Report was signed by the following members:

Messrs. COTE of Androscoggin

SHUTE of Waldo

— of the Senate.

Messrs. STOVER of West Bath

MAXWELL of Jay

Ms. BROWN of Gorham

Mr. DUDLEY of Enfield

— of the House.

Came from the Senate with Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

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

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I signed out this bill "Ought Not to Pass." In the first place, I don't see why the State of Maine needs to get into the credit card business. We are running a monopoly here. If people want liquor, they can't buy it anywhere else. It also seems to me that bottled liquor is a luxury and if you can't afford to pay cash for it, maybe you would be better off without it.

Also, it seems to me that perhaps there should have been a fiscal note with this bill. In order to use credit cards, the proprietor of the store has to pay a fee to the company whose credit card they use. I have talked with several store owners and they tell me that it averages somewhere around 4 percent. So to start right off with, the state would lose 4 percent off their regular profit by permitting the use of these

credit cards.

Also, I was having lunch here not too long ago with a friend of mine who owns a rather extensive motel/restaurant complex, and he tells me, of course, we know this is a credit card age and a great percentage of his business is through credit cards. However, it isn't like cash, you don't have it right at hand to use, and he finds that since the availability of treasury notes and so forth and the high interest rate, that these credit companies are slower and slower sending back the money. So, meanwhile, the state, in the first place, would lose up to 4 percent, perhaps, discount by permitting the use of these credit cards, plus the fact that they are going to have money out there somewhere in the pipeline, 10, 12, 15 days away, which they aren't going to have the use of to either replenish their stock or, hopefully, our own state treasurer putting it to good use and getting interest on it.

The gamble is that they will sell enough extra liquor to make up this difference, and I don't think we need to take that gamble. So, I would ask for a division, Mr. Speaker.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Being at one time in business as a store owner and I have handled credit cards in my business. I do find that there are many, many times when a credit card is not as good as money. I find that many times there were credit cards where the people were way over the amount of creditline on the card and the company would refuse to pay. I also found that there was such things as stolen credit cards on which people purchased goods and the company was a week or two late in getting the word on the card and, of course, then they wouldn't pay.

I was involved in a case not too long ago of people who had refused to pay their credit card and the company took one month in stopping the creditline — one month. In the meantime, during that month's period, the card was used a number of times and the company wouldn't pay the charges. So, my question, if I may pose a question through the Chair to any member of the committee, is, who is going to make up the difference, who is going to make up for the bad charges, the over credit charges and stolen credit cards? Is the taxpayer going to make up the difference on the sale of booze? If they are, I don't think it is too good an idea.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, I would ask for a roll call on this. I would say that I am sorry to see us limiting this credit card to one store only. That was my objection.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I can't believe that the State of Maine would stoop so low as to want to have booze purchased in this state by credit cards. I can conceive many things that we might do to raise money, but I can't believe that the people over in the Liquor Division are so greedy and so hungry for money that they would allow credit cards.

Do you know that the stores that sell beer, they can't even charge it. The next thing you know, the state will want to have credit cards and let people go out and have food stamps and buy beer with that. They haven't gone that far yet because that is a federal regulation, but if it were left up to the state, the State of Maine, being so hungry for money in this evil field, they would allow people to go out with food stamps to buy booze with. I think that we have a little more respect and a little more dignity in this state than to allow this type of stuff. This is not an essential. You can't go out very often and buy food even on credit cards unless you have it set up with a chain store to allow them to give you one of their credit cards to

buy food and it is paid on a monthly basis, and that is even limited. But here is the state of Maine, with the incoming money that we have, we have to allow credit cards to purchase booze. I think that way we are degrading ourselves. We are allowing something for one special store that we wouldn't allow for the Mama and Papa Stores, we wouldn't allow them to sell beer on credit, and the state doesn't make a dime on that, don't forget, only the sales tax and only on the taxes that they have.

But, the State of Maine is in the liquor business, and don't you think we are not. We are in the liquor business. We sell booze to make a profit, we don't sell it for any other reason. We sell it because it will bring money into the General Fund—we are in the liquor business. Yet, a small store owner is not in the liquor business for the State of Maine, he pays his license fee and the state supervises him, the state watches him, they make sure he lives within those rules, but he can't trust someone on the cuff, say, well, okay, you pay me next Thursday when you get paid. He is breaking the law when he does that. Yet, we, as intelligent people, are saying you can't do it but we as a state, we are going to do it and we are going to do it for one store.

Mr. Maxwell brought up a very good question in my mind—if we are going to be in competition to try to get the booze dollars to be in competition with New Hampshire, why not have it all over the state? Why not have it for the fishermen or the hunter that goes up in Aroostook County and goes hunting for a week, why can't he buy his supply of booze on credit? No, you don't want to do that, you want to get it down in one store because we are in competition with New Hampshire, and both states are so greedy and so hungry for that almighty dollar from booze. Morally it is wrong, and I hope the members of this House will have a little more common sense than the other body and not support the "ought to pass" report.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, the good gentleman from Bath, Mr. Stover, has suggested that the state would be paying somewhere from 4 to 7 percent for the opportunity to accept major credit cards. According to the Director of the Bureau of Alcoholic Beverages, this is a negotiable item which they feel could come somewhere to approximately one percent of the sale for the purposes of accepting major credit cards.

In answer to the good gentleman from Limestone, Mr. McKean's question, this is a surcharge that the state would pay, approximately one percent of each sale, for the purposes of insuring that this is a cash sale that the state is making for the person who is using the credit card and that if he is, indeed, gone over his creditline, that the company who is extending the credit will make up the difference and the state will not be in a position to lose money on the particular sale.

Also, we are restricting the sale to the Kittery Store, primarily because the State of New Hampshire and we are, indeed, in the liquor business, as the good gentleman from Westbrook suggests, we are in competition with the facility in New Hampshire and that facility will soon have the opportunity to accept major credit cards. In addition, the feeling of the commission is that the state would, indeed, lose revenue if major credit cards are accepted at the New Hampshire facility and not at the facility in the State of Maine.

The sales at the Kittery Store are usually of a large nature, people who are traveling in and out of the state, and because of that fact, credit cards would certainly allow people, in this direction that our society is taking towards a cashless society, to be able to purchase the quantity of liquor at that store.

I would hope that you would vote to accept

the majority "ought to pass" report.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Laffin took the sails out of me, but I am just going to say to you that I can't imagine that we in Maine are going to stoop to that kind of pressure by the Liquor Commission. I think we, as Mainers, should have enough sense to vote this proposition down and, as Mr. Violette has said, if the State of Maine depends on this money to live, there is something wrong with us here.

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 Van Buren, Mr. Violette, that the House accept the Majority "Ought to Pass" Report in concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Boudreau, Brannigan, Call, Conary, Dellert, Doukas, Dow, Gavett, Gould, Hall, Hobbins, Jacques, E.; Jacques, P.; Kiesman, Lizotte, McSweeney, Norris, Paradis, Reeves, P.; Rolde, Soulas, Violette.

NAY — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Carrier, Carter, D.; Connolly, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Diamond, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gowen, Gray, Gwadosky, Hanson, Hickey, Hughes, Hunter, Hutchings, Jackson, Joyce, Kany, Kelleher, Laffin, Lancaster, LaPlante, Leighton, Lewis, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paul, Payne, Pearson, Peterson, Prescott, Reeves, J.; Rollins, Sewall, Sherburne, Silsby, Simon, Small, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

ABSENT — Austin, Berry, Carroll, Carter, F.; Cox, Gillis, Higgins, Howe, Huber, Immonen, Jalbert, Kane, Leonard, Lougee, Marshall, Peltier, Post, Roope, Smith.

Yes, 22; No, 110; Absent, 19.

The SPEAKER: Twenty-two having voted in the affirmative and one hundred ten in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, the "Ought Not to Pass" Report was accepted in non-concurrence.

By unanimous consent, ordered sent forth with to the Senate.

Non-Concurrent Matter

Bill, "An Act to Authorize Service of Process by Notaries Public and Justices of the Peace" (S. P. 246) (L. D. 695) on which the Bill and Accompanying Papers were Indefinitely Postponed on April 25, 1979.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed in non-concurrence.

In the House:

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

Mr. HOBBS: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the

gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, I move that we recede.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose this question. Is the motion before the House to recede?

The SPEAKER: The Chair would answer in the affirmative.

Mr. McMAHON: Mr. Speaker, if that motion passes, it would allow the offering of amendments?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. SIMON: Mr. Speaker, I would inquire through the Chair to the gentleman from Rockland, Mr. Gray, if he intends to propose an amendment?

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Rockland, Mr. Gray, that the House recede. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 82 in the negative, the motion did not prevail.

The SPEAKER: The pending question now is on the motion of the gentleman from Saco, Mr. Hobbins, that the House insist and ask for a Committee of Conference. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Mr. JOYCE: Mr. Speaker, I would request a roll call in order to debate.

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

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill has made many trips before us in the last few weeks. I rise today only to urge that you vote against the motion that is before us now so that we then may open the door for the gentleman from Ellsworth, Mr. Silsby, to make a motion to adhere to our former action. Then, voting for the adhere, and bearing in mind, with 30 legislative days until statutory adjournment, we could put this bill to rest today.

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: Just a few words. The reason that I made the motion to insist and ask for a Committee of Conference is because it appears that both bodies are inconsistent in their viewpoints towards this bill.

I think the bill has merit and I think that some of the arguments could be addressed through a Committee of Conference with individuals who can discuss the opposing sides of this particular piece of legislation. If it is thought by the Committee of Conference that both sides cannot agree, then I will be the first one to make the motion to adhere. I think that there has been some merit in this particular debate and I think a Committee of Conference can look into it a little closer and report back to us at that time.

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

Mr. HOWE: Mr. Speaker and Members of the House: I would like to briefly speak in favor of the motion to insist and ask for a Committee

of Conference.

The opponents of the bill have attempted to lead us to believe that it is a terribly complex process that requires a deputy sheriff in all cases, but even the present law doesn't agree with that notion. Some legal processes require deputy sheriffs, but others, anybody at all can do them, you and me. I have served subpoenas compelling people to come before a court motion and anybody else can and that distinction, I think, means that it is not necessarily all that complex. If anybody at all can serve a subpoena, I don't know why a notary or justice can't serve some of the other papers.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: We debated this quite extensively the other day, so I won't go over the points that were raised in opposition.

I think this bill has some very serious implications, especially for the county budgets, and since most of the budgets are already in and in the works, I think if it has any merit, then certainly a year's delay or two years' delay will not cause undue hardship. I think this bill will create confusion in our court systems and in the serving of papers and would have some serious implications and I cannot see, in my own mind, anywhere that I can see any improvement by having a Committee of Conference, so I would hope you would vote against that motion.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that the House insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Baker, Barry, Beaulieu, Benoit, Berube, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Call, Carter, D.; Cloutier, Cox, Damren, Delbert, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gwadosky, Hall, Hobbins, Howe, Hughes, Jackson, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, Laffin, LaPlante, Leighton, Lizotte, Locke, Maxwell, McKean, Michael, Mitchell, Nadeau, Nelson, N.; Paradis, Paul, Simon, Soulas, Studley, Tarbell, Tierney, Tuttle, Vincent.

NAY—Bachrach, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brown, K.L.; Bunker, Carroll, Churchill, Conary, Connolly, Cunningham, Curtis, Davis, Dexter, Diamond, Dow, Drinkwater, Dudley, Fenslon, Fillmore, Garsoe, Gavett, Gould, Hanson, Hickey, Huber, Hunter, Hutchings, Immonen, Joyce, Kiesman, Lancaster, Lewis, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McMahon, McPherson, McSweeney, Morton, Nelson, A.; Nelson, M.; Norris, Payne, Pearson, Peterson, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Silsby, Small, Sprowl, Stetson, Stover, Strout, Theriault, Torrey, Tozier, Twitchell, Violette, Vose, Wentworth, Whittimore, Wood, Wyman.

ABSENT—Austin, Berry, Carrier, Carter, P.; Chonko, Davies, Gillis, Gowen, Gray, Higgins, Jalbert, Leonard, Lougee, Peltier, Post, Roope, Smith, The Speaker.

Yes, 54; No, 79; Absent, 17.

The SPEAKER: Fifty-four having voted in the affirmative and seventy-nine in the negative, with seventeen being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

Non-Concurrent Matter

Bill, "An Act to Provide Restitution to Innocent Victims of Crimes" (H. P. 644) (L. D. 798) which was passed to be engrossed as amended by Committee Amendment "A" (H-214) as amended by House Amendment "A" (H-228) thereto in the House on April 18, 1979.

Came from the Senate with the Bill and ac-

companying papers Indefinitely Postponed in non-concurrence.

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

Non-Concurrent Matter

Bill, "An Act Concerning the Issuance of Work Permits and Charging of Fees" (H. P. 670) (L. D. 830) which was passed to be engrossed in the House on April 23, 1979.

Came from the Senate with Bill and accompanying papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Morton of Farmington, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Provide for an Offset for Holiday Pay under the Employment Security Law" (H. P. 604) (L. D. 750) on which the Minority "Ought Not to Pass" Report of the Committee on Labor was read and accepted in the House on April 24, 1979.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-235) read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-235) in non-concurrence.

In the House:

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I realize that we don't want to prolong the afternoon, but the same thing happened the other day, we didn't want to prolong the debate and I think that the issue needs to be debated.

I move that we recede and concur.

The reason that we didn't debate the issue the other day is that we wanted to save a lot of time during the week. I would like to point out to you that on this particular issue, we moved the Minority Report; however, the majority of the Labor Committee did agree that this bill "Ought to pass" rather than "ought not to pass." Therefore, that is probably the reason we are in non-concurrence today.

What the bill does is, when a person is laid off and he receives a holiday pay, that day, during the week that he might be collecting his unemployment benefits, would be reduced from his benefit. What we are doing here is presenting a duplication of payment to an employee who is laid off.

One of the questions might be, why should we reduce the benefit? I don't believe we should reduce the benefits to the workers that are necessary to help the workers maintain themselves while they are unemployed. Since the employer is giving them a day's pay, I do feel that reducing the benefit to this amount is not going to hurt the worker; the worker is already getting a day's pay.

I might add that in this state, our unemployment insurance fund is \$36 million in the red. There is some question as to whether or not the federal government will continue to exempt us from paying back the \$36 million that we owe. What the State of Maine will have to do is to show the federal government that we are, indeed, attempting to get our house in order, we are attempting to tighten up on the benefit end, that we are attempting to collect the taxes to reduce the debt on our own and then perhaps the federal government will give us an exemption for another year in making our payments. I am submitting to you that perhaps this one small savings that might make in the unemployment compensation fund, which would be a savings to the state, it is estimated, at around \$144,000, this small amount might be an indication to the federal government that we are, indeed, fiscally responsible in the State of Maine and that we deserve the opportunity to

have our payment postponed for another year.

Therefore, I believe this bill ought to pass rather than ought not to pass, and I would hope that you would vote for the motion to recede and concur.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This particular L. D. was defeated when it came before this House initially. We accepted the Minority "Ought Not to Pass" Report, and I would like to share with you one of the chief reasons why we must defeat the motion to recede and concur so we will be in a position to adhere.

This particular bill will not allow holiday pay to be deemed wages for the purpose of this particular section in the law. The good gentleman from New Gloucester, Mr. Cunningham, I think, is very highly motivated when he says he is trying to save the fund some money. He is quite correct when he states that we are in debt to the federal government to the tune of \$36.4 million. The savings, however, that would be accrued from this bill would be \$144,000. What Mr. Cunningham failed to mention to you is that that represents a percentage decrease of three-tenths of one per cent, which is not very significant, but that is not the real reason why I am opposed to it.

The real reason why I am opposed to this bill is that there are going to be employers in this state, perhaps not many, we don't know exactly how many but there will be some, who will try to deny their unemployed workers unemployment compensation, and they will be able to use this bill as a vehicle and this is how they will do it.

When a layoff comes in a particular plant, what that employer will do is tell the affected employees, you are going to take a little vacation. We are going to give you your holiday time now. What that will mean under Mr. Cunningham's bill is, they will not be able to collect unemployment even though they have been laid off. Under the present law, they can. This is a pretty important reason, and I hope that you will consider this very seriously before you vote to recede and concur, because this legislation will permit abuse of the current law.

If the gentleman from New Gloucester was willing to be amenable to some amendment, it may be possible to work out this problem, but the bill in its present form, insofar as it is going to make it very possible and probable in some cases that employees will be denied unemployment when they have been laid off through no fault of their own, it represents a very poor attempt to try to rectify the financial situation in the fund.

So I hope, Mr. Speaker, ladies and gentlemen, that you will defeat the pending motion so that we will be in a position to adhere to our previous action and, Mr. Speaker, I ask that when the vote is taken, it be taken by the yeas and nays.

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

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am wondering if we have complete understanding on this bill. The way I understand it is, if a person has been laid off from his work and is able to collect unemployment insurance for any given week, and if there is a holiday on one of those days, for example, if Tuesday happens to be a holiday for which he would get paid, his contract says that he would be paid for a holiday, well, if the week

he is laid off his employer does pay him for the holiday that happens to come on Tuesday, his unemployment insurance would not cover that particular day; it would cover the other four days of the week. This is to say that a person doesn't collect unemployment insurance on just for the day that he is getting holiday pay. That is the way I understand the bill and that is the way it came out of the committee.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure that I understand the thrust of the argument of the gentleman from Pittsfield. The intent of the legislation is to prevent duplication of payment, that is to prevent benefits being paid for those days, maybe that day would be a whole week, or for those weeks that the employer sustains the salary of the individual.

I do believe that if an employee is laid off, he needs his income maintained, but if the employer gives him a paid vacation, a week's pay, then should that same person be entitled to collect benefits from the unemployment fund? I submit to you that this is double-dipping and I think if we can save the fund, maybe an insignificant amount, I am not suggesting that we do away with all the benefits in the fund, I only want to do away with those insignificant benefits which are already paid for by the employer, so that the person who is losing this three-tenths of a percent, or whatever the amount is, would not go without food and clothing and the maintenance of his family while he is laid off.

I think the argument of the gentleman from Pittsfield is an argument in favor of the bill rather than against it, and I urge your support of the recede and concur motion.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I can tell you what happened before this was law, before we had the law the way it is today. Where I worked, they used to lock us out for a week and call it for repair. Today, they have to pay unemployment and they no longer lock us out. So this is what it is. They will force you to take a week's vacation if you are laid off. If you have three weeks' vacation and you are laid off, they will force you to take that vacation. If you don't want to take your vacation at that time, you have to take them, and you won't be able to draw unemployment. That is what the bill will do.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: There are three of us here on the committee. What I am getting at, I don't think it is fair. If a man is entitled to his week's vacation, he is entitled to it, he has worked for it for a whole year or more, and he should have it and then he should collect his unemployment just the same, because if the company has made him take a vacation without him wanting to, that vacation is coming to him whether he takes it now or later and he is entitled to his unemployment.

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

ROLL CALL

YEA—Aloupis, Blodgett, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Dudley, Fillmore, Garsoe, Gavett, Gould, Gowen, Gray, Gwadosky, Hanson, Huber, Hunter, Hutchings, Immonen, Jackson, Kany, Kisman, Lancaster, Leighton, Leonard, Lewis, Lizotte, Lund, MacBride, Marshall, Masterman,

Masterton, Matthews, McPherson, Morton, Nadeau, Nelson, A.; Payne, Peltier, Rollins, Sewall, Sherburne, Silsby, Small, Soulas, Sprowl, Stetson, Stover, Tarbell, Torrey, Tozier, Twitchell, Wentworth, Whitemore.

NAY—Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Joyce, Kane, Kelleher, Laffin, LaPlante, Locke, Lowe, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Peterson, Prescott, Reeves, J.; Reeves, P.; Rolde, Simon, Strout, Studley, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT—Austin, Berry, Boudreau, Churchill, Gillis, Higgins, Jalbert, Lougee, McMahon, Post, Roope, Smith.

Yes, 65; No, 74; Absent, 12.

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

Thereupon, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Establish a Deadline for Removal of Ice Fishing Shacks" (H. P. 432) (L. D. 549) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-252) Report of the Committee on Marine Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-252) in the House on April 25, 1979.

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

In the House: The House voted to adhere.

By unanimous consent, the preceding Non-Concurrent Matters were ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill, "An Act Relating to Penalty Provisions under the Maine Labor Laws" (H. P. 247) (L. D. 292) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-236) Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-236) in the House on April 25, 1979.

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

In the House: The House voted to adhere.

Non-Concurrent Matter

Joint Order H. P. 1339 relative to recalling Bill "An Act to Relate the Qualifying Wage Levels for Unemployment Compensation to the Average Weekly Wage" (H. P. 437) (L. D. 554) from the Governor's Office which was Read and Passed in the House on April 25, 1979.

Came from the Senate read and Indefinitely Postponed in non-concurrence.

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

Messages and Documents

The Following Communication: (H. P. 1348)

State of Maine

HOUSE OF REPRESENTATIVES

Speaker's Office

Augusta, Maine

April 26, 1979

To: All Members of the 109th Maine Legislature

Pursuant to Joint Rule 21, the Legislative Council has voted to extend the deadline for reporting out bills from Friday, April 27 to Friday, May 18, 1979.

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

The Communication was read and ordered placed on file and sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

Petitions, Bills and Resolves

Requiring Reference

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

Agriculture

Bill "An Act to Repeal the Control of Milk Prices at the Wholesale and Retail Levels" (H. P. 1346) (L. D. 1587) (Presented by Mr. Hobbins of Saco) (Cosponsors: Mr. MacEachern of Lincoln, Mr. Stover of West Bath, and Mrs. Post of Owl's Head)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

An Expression of Legislative Sentiment (H. P. 1347) recognizing that: The students of the University of Maine have participated in the largest organized blood drive ever held in this State.

Presented by Mr. Davies of Orono (Cosponsors: Mr. Hughes of Auburn and Mr. Pearson of Old Town)

The Order was read.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: Oftentimes, when we talk about college campuses, we are talking about disruptions and student radicals and things like that and oftentimes we don't pay enough attention to the things that go on quietly behind the scenes that really make the big difference in our state. I call to your attention the fact that at the University of Maine on Wednesday, at the Orono campus, the largest blood drive ever held in the State of Maine was conducted and well over 500 pints of blood were drawn from student donors from fraternities and sororities at the University of Maine Orono Campus.

Students in the State of Maine have represented for a long time a very sizeable portion of the supply of blood that we use in this state to maintain health and provide life-giving support to people who go through operations and illnesses. In most states, as little as 15 per cent of the blood is drawn from students; in the State of Maine, the figure is about 48 per cent. If it were not for students, such as the students at the University of Maine at Orono, there would be a number of people in the state who would not be amongst us. I think we owe them a debt of gratitude for providing us with a resource that can be replaced in no other fashion.

Thereupon, the Order received passage and was sent up for concurrence.

On motion of Mr. Pearson of Old Town, the following Joint Order: (H. P. 1349) (Cosponsor: Senator Huber of Cumberland)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a Bill to extend the deadline for enactment of educational funding legislation for 1979 from May 1st to May 15th.

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

By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committees Ought Not to Pass

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Reinstate Aid to Families with Dependent Children Payments for Unborn Children" (H. P. 687) (L. D. 867) reporting "Ought Not to Pass"

Mr. Jackson from the Committee on Business Legislation on Bill "An Act Amending Maine Traveler Information Services Statutes" (H. P. 456) (L. D. 568) reporting "Ought Not to Pass"

Mr. Jackson from the Committee on Business Legislation on Bill "An Act to Allow the Temporary Placement of Real Estate Signs under the Maine Traveler Information Service Statutes" (H. P. 657) (L. D. 817) 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

Mrs. Post from the Committee on Taxation on Bill "An Act to Establish Proration of Excise Taxes" (H. P. 1038) (L. D. 1279) reporting "Leave to Withdraw"

Mr. Carter from the Committee on Taxation on Bill "An Act to Repeal State Valuation of Property Throughout the State" (H. P. 850) (L. D. 1050) reporting "Leave to Withdraw"

Mr. Kane from the Committee on Taxation on Bill "An Act to Enforce Collection of Sales Tax at Coin Shows" (H. P. 939) (L. D. 1144) reporting "Leave to Withdraw"

Mr. Norris from the Committee on Health and Institutional Services on Bill "An Act Concerning State Payments to Physical Therapists in Certain Nursing Homes" (H. P. 1208) (L. D. 1469) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act Requiring Motor Vehicle Owners and Operators to Carry Liability Insurance" (H. P. 994) (L. D. 1262) reporting "Leave to Withdraw"

Mr. Peltier from the Committee on Energy and Natural Resources on Bill "An Act to Reduce Duplication of Legislative Review of Air Quality and Emission Standard Regulations" (H. P. 890) (L. D. 1085) reporting "Leave to Withdraw"

Mr. Lowe from the Committee on Aging, Retirement and Veterans on Bill "An Act Concerning the Salaries which may be Earned by Retired Teachers Losing Benefits" (H. P. 1292) (L. D. 1552) reporting "Leave to Withdraw"

Mr. Immonen from the Committee on Taxation on Bill "An Act to Increase Certain Motor Vehicle Excise Taxes" (H. P. 259) (L. D. 304) reporting "Leave to Withdraw"

Mr. Immonen from Committee on Taxation on Bill "An Act to Relieve Homeowners and Renters from the Burden of the Property Tax" (H. P. 165) (L. D. 197) reporting "Leave to Withdraw"

Mr. Violette from the Committee on Legal Affairs on Bill "An Act Relating to Automobile Graveyard and Junkyard Permit Fees" (H. P. 1061) (L. D. 1311) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Provide for Lifeline Electrical Service" (H. P. 840) (L. D. 1043)

Report was signed by the following members:
Messrs. DEVOE of Penobscot
COLLINS of Knox — of the Senate.

Messrs. CUNNINGHAM of New Gloucester
VOSE of Eastport
LOWE of Winterport
REEVES of Newport
BERRY of Buxton

Miss GAVETT of Orono
Messrs. BROWN of Livermore Falls
McKEAN of Limestone

— of the House.

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

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin
— of the Senate.

Mr. DAVIES of Orono
Mrs. NELSON of Portland
— of the House.

Reports were read.

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

Mr. DAVIES: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Orono, Mr. Davies, moves that the House accept the Minority "Ought to Pass" Report.

The gentleman may proceed.

Mr. DAVIES: Mr. Speaker and Members of the House: The bill you have before you to provide lifeline electrical service is an attempt that has been almost mandated by the federal law of the Public Utilities Regulatory Policies Act that was enacted by the Congress in 1978. The bill would provide a low-cost electrical service to elderly citizens of the State of Maine at a rate that would not cause them to sacrifice other needed essentials, such as food, clothing and shelter.

Several years ago, we had an experimental program to provide a similar type service to elderly citizens on a trial basis in nine communities in the State of Maine. The program worked very well, the report to the Public Utilities Commission was very favorable. The senior citizens received a great deal of benefit from this.

One of the problems that the Public Utilities Commission had was that by a lifeline rate being required through the legislature without any concomitant funding of the cost meant that the rates to other rate payers would go up. The bill that you have before you takes care of that problem, because it has an appropriation from the General Fund to cover the cost that would be incurred by providing this low-cost electrical service to elderly customers.

Now, you probably have all heard from members of your constituency about the absolutely outrageously high prices of electricity that we have to pay these days. Inflation and cost of fuel and other matters have been driving that price up steadily. It hits our senior citizens most severely and this bill provides us a mechanism by which we can reduce that impact and assure to these senior citizens that they are going to have at least a minimal level of electrical service that will not detract from their ability to eat a decent meal, to have shelter, a roof over their head and wear warm clothes.

A number of other people will be speaking about this thing. I think it is unfortunate that the committee report came out as it did. The federal government, in the law that was passed in 1978, mandates that within two years public utility commissions and legislatures shall consider these matters. It does not mandate that we enact them, but it does say that we shall consider them. This is our attempt to try and deal with this problem that has been identified at both the state and federal levels. It does cost a million dollars a year and you should recognize that fact right up front. The question is whether we are going to pay to have utility rates go up to cover the cost that comes from reducing the cost to our senior citizens. My own choice is to go this route because I think it is straight forward, it does not hide the money that it is going to cost in the rates and it lets the citizens know that we are doing this up front rather than through some deceptive fashion of hiding it in the rates.

I hope that you will accept the Minority

"Ought to Pass" Report and make this gesture to our senior citizens that at least one of the necessities of life that they face will not cost them more and more money as each year goes by.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I would like to pose a question through the chair. Is the lifeline service available to all senior citizens or is there an income requirement?

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

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

Mr. DAVIES: Mr. Speaker, I am not sure that I am the best person to answer that question. I, unfortunately, was sick on the day of the public hearing. My understanding is that it would be available to all senior citizens.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: To answer Mrs. Mitchell's question, the lifeline would be available to those elderly people over 65 whose household income is under \$6,500.

Thereupon, on motion of Mr. Davies of Orono, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-273) on Bill "An Act Relating to the Administration of School Dental Health Programs" (H. P. 733) (L. D. 920)

Report was signed by the following members:

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

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

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

Report was signed by the following members:

Messrs. LEIGHTON of Harrison
BIRT of East Millinocket
FENLASON of Danforth
DAVIS of Monmouth
— of the House.

Reports were read.

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

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

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

Mr. LEIGHTON: Mr. Speaker and Members of the House: I would hope that we wouldn't accept the recommendations of the gentleman from Portland, because there we go again. This one would take us beyond preschool handicapped screenings, it would take us beyond mandatory school lunches, it would take us beyond the mandatory school breakfast that comes further on into today's calendar, in the area of dental health education.

I have got nothing against dental health education per se. I think that your dental health education is calling your local dentist into the school system and asking him to cooperate in introducing good dental hygiene into the present health curriculum, but this bill goes beyond that. This bill appropriates \$100,000 in

fiscal year 1979-80 and \$133,000 in 1980-81. In effect, it is appropriating money to buy Maine school children, K thru 6, toothpaste, toothbrushes and dental floss, which I think is quite a radical departure from what has gone on before and to me represents nothing short of socialized flossing.

I would hope that you would accept the Minority Report and I would ask for the yeas and nays, Mr. Speaker.

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

Mrs. LOCKE: Mr. Speaker and Members of the House: As the sponsor of this bill, I would like to explain it to you, because it is not exactly like we just heard from the good gentleman, Representative Leighton.

Right now, 40 per cent of Maine school children, grades K thru 6, are involved in voluntary dental health programs in their schools. The schools vary slightly from area to area but, basically, they consist of instruction in nutrition as related to tooth decay, the harmful effects of plaque, the correct way to brush, and they brush dry, they don't use any toothpaste, the correct way to floss their teeth in the upper grades, they don't use it in K or 1 or 2, they use disclosure tablets before and after brushing and flossing to demonstrate the amount of plaque removed and where the students have to brush to remove as much remaining plaque as possible. They use a fluoride rinse and in some areas they use fluoride tablets which they ingest. As I said, these are voluntary programs, as far as the schools are concerned, with the approval of the Office of Dental Health in the Department of Human Services and they are voluntary as far as the students are concerned. Students need parental approval from their parents to participate in the brushing and flossing and additional approval for the use of fluoride rinses and tablets.

Due to increasing pressure to cut school budgets, these programs are one of the first to go and it is a shame. In the Penquis Dental Health Program, which is located in Piscataquis County and part of Penobscot and includes SAD 68 in Dover-Foxcroft, the Guilford school system, the Milo school system and the Dexter school system in Penobscot, we have a program or we have had a program for the past six years.

A recent survey of dentists in the area has shown a 56 per cent decrease in dental cavity fillings and teeth pulled since the program has been in place.

In the Portland city school system and surrounding areas, over 60 per cent of dental disease has been decreased since their program has been in place.

This bill would provide money to the office of Dental Health with supplies, that is, brushes, floss, etc., no toothpaste, to schools at a rate of about \$2.04 a child or less, depending on what their needs are to programs that are in danger of losing their programs because their budget has been cut and to new programs that need assistance in getting started.

Considering that Maine has one of the worst rates of dental disease in the nation, these programs are very important and have been proven to be successful. They are important not only to the nutritional health of the students but also to their education. If you put yourself in the place of a child trying to learn that has 18 teeth or abscessed teeth draining into their bodies causing them to feel sick and lethargic, I think you would agree that this bill deserves passage and I hope you would support the "Ought to Pass" Report.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: We all look at things in a different way. My good friend from Harrison, Mr. Leighton, sees this as some sort of fluoride socialism. I might say that I see it as a right to brush law.

I would emphasize that this is not anything new. These programs have been carried out before in the school system on a voluntary basis from the point of the school. In other words, this is nothing that is mandated. The school can accept this help from the state department if it warrants it.

Basically, my support to this bill relates to the whole question of fluoridation because the easiest and the simplest way that we have been told to deal with the dental problems of children in the state is to fluoridate our water. We have even had bills asking us to mandate statewide fluoridation. I happen to have some very great reservations of fluoridating water supplies, and I believe that this is a much more intelligent and rational approach, which is to work through education, to provide fluoride for those children in the schools whose parents want them to have it. It has proved effective. The rate of dental problems has dropped dramatically in the areas where there have been private projects, so I do hope you will give this bill due consideration.

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 Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought Not to Pass" Report on this. I don't have any problem with the program as such, I guess I think back to my own days when I was in school and we studied physiology and we learned about those things in school, how to take care of our body and how to take care of our teeth and items of that area. I just wonder how many things do we have to do at the state level in funding programs of this type? I think it amounts to about \$2.50 for each student and why the families, themselves, cannot do some of these things, I just get a little discouraged over so many of these bills and I am not thinking it is socialistic or anything of that nature, but I just get a little discouraged over all of these bills coming in requiring everything to be done at the state or federal level.

That is the reason I signed out an "Ought Not to Pass" Report, and that is the way I hope you will vote.

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

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: First of all, it would cost \$2.04 or less, not \$2.50, and I would like to explain why this health program or daily routine that some of us take for granted has not been taken for granted in many of the homes in our state.

Many of our people are socially depressed and I think we know that, perhaps more so in the past few years, and many people have just not had the pattern of brushing their teeth twice a day or going to dentists regularly as part of their life, so when they have had children, they have not carried on this practice as many of us have.

With my children, they brush twice a day, they go to dentists, the dentist keeps us all informed in the family as to new discoveries such as plaque, which is something relatively new in the last few years, flossing, rinsing with fluoride, and my children and many of your children get the benefit of this. But if your parents have not had this in their family life before, if this is not a part of their life and they are used to losing teeth and take it for granted that they are going to lose their teeth and have them replaced with false teeth later on in life, these good habits are just not passed on. Consequently, an educational program in the schools is necessary and, actually, even before these pro-

grams, there was dental health instruction, but I feel that brushing and using floss and whatever is kind of like their lab class. They learn by actually doing it. The disclosure tablets actually show them where the plaque is left and I just feel that although it may be a parental responsibility, it is not being done and I think it is very important that we pass this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Call, Carroll, Chonko, Cloutier, Connolly, Cox, Damren, Davies, Dellert, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, E.; Joyce, Kane, Kany, Kelleher, Laffin, Lewis, Lizotte, Locke, Lund, MacBride, Mahany, Martin, A.; Masterton, Matthews, Maxwell, McHenry, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Norris, Paradis, Paul, Peltier, Post, Prescott, Reeves, P.; Rolde, Sherburne, Simon, Soulas, Tarbell, Theriault, Tierney, Tuttle, Vincent, Violette, Wood, Wyman, The Speaker.

NAY — Birt, Blodgett, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Bunker, Carrier, Carter, D.; Carter, F.; Churchill, Cunningham, Curtis, Davis, Dexter, Diamond, Drinkwater, Dudley, Fenslon, Fillmore, Gavett, Gould, Hunter, Hutchings, Immonen, Jacques, P.; Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lowe, MacEachern, Marshall, Masterman, McMahon, McPherson, McSweeney, Nelson, A.; Nelson, N.; Payne, Pearson, Peterson, Reeves, J.; Rollins, Sewall, Silsby, Small, Sprowl, Stover, Studley, Tozier, Twitshell, Wentworth, Whittemore.

ABSENT — Austin, Berry, Conary, Garsoe, Gillis, Gray, Higgins, Jalbert, Lougee, McKean, Roope, Smith, Stetson, Strout, Torrey, Vose.

Yes, 80; No, 55; Absent, 16.

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

Committee Amendment "A" (H-273) was read by the Clerk and adopted and the Bill assigned for second reading Monday, April 30.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Concerning Unclassified Personnel in the Department of Educational and Cultural Services" (H. P. 757) (L. D. 961)

Report was signed by the following members:

Messrs. AULT of Kennebec
SUTTON of Oxford

— of the Senate.

Mrs. KANY of Waterville
BACHRACH of Brunswick

Messrs. BARRY of Fort Kent
CONARY of Oakland

Ms. LUND of Augusta

Mr. PARADIS of Augusta

Mrs. MASTERTON of Cape Elizabeth
REEVES of Pittston

— of the House.

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

Report was signed by the following members:

Mrs. DAMREN of Belgrade

Mr. LANCASTER of Kittery

— of the House.

Reports were read.

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

Mrs. KANY: Mr. Speaker, I move accep-

tance of the Majority "Ought Not to Pass" Report.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this bill, I would like to cover it briefly.

In the Department of Education, at the present time, working under the commissioner are the following unclassified people: The Deputy Commissioner, the Assistant to the Commissioner, and three Associate Commissioners who handle the Bureau of Instruction, the Bureau of Vocational Education and the Bureau of School Management. These are very important positions and they are positions that demand a lot of experience, a lot of training and a lot of know-how. With these positions being unclassified, it means that these people serve at the pleasure of the existing Commissioner and that, in turn, means that they have no insurance of being kept more than four years at any time. This is absolutely a lack of incentive to hold good people in these jobs.

I am sure that many of you people remember some of the great employees that we have had in the Department of Education — I will just call three to your memory — Kermit Nickerson, the grand old man who did so much for education: Keith Crockett and Asa Gordon. Under the existing system, which was changed in the last session, probably these great men would not have been able to continue serving the people of the State of Maine as well as they did.

I think that this, as it stands, is too much of a spoil system. I think we need the experience, the background and the ability of people who want to make education and work in education their career.

I urge that you vote against the "Ought Not to Pass" on this bill.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, I hope that you will accept the Majority "Ought Not to Pass" Report on this bill. When it came before the State Government Committee, I asked the sponsor, Mr. Fenlason, a very fine man from Danforth, why he would want to classify a position such as Assistant to the Commissioner. In my opinion and from what little I know of personnel rules and laws, all policy-making positions and advisory positions of this nature ought to be unclassified. When you have a new Commissioner come in, no matter who he is, no matter what administration he comes in with, he ought to have the right to select those persons and recommend those persons that are going to be open to his ideas and open to the ideas of the new Governor.

If we were to enact this bill and bring us back to the old system, it would just add more, and please excuse my term, dead weight in these departments. It would keep these people on board for generations and we would have no way of bringing in fresh air when the people of Maine have voted to have either a new Governor or the new Governor has asked the Legislature to accept a new commissioner.

The people of Maine don't have a chance to vote on these people, they don't know who these bureaucrats are, they become entrenched, they have their pyramids and they hate anyone to disrupt those pyramids of theirs.

So, I would hope that you will vote with me and the other members of the State Government Committee to accept the Majority "Ought Not to Pass" Report.

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

A vote of the House was taken

70 having voted in the affirmative and 24 in the negative, the motion did prevail.
Sent up for concurrence.

Consent Calendar First Day

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

(H. P. 76) (L. D. 84) Bill "An Act to Permit the Inhabitants of Garland to Withdraw from the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-280)

(H. P. 942) (L. D. 1176) Bill "An Act to Extend World War Assistance to Single Veterans" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 844) (L. D. 1046) Bill "An Act Relating to the State Apprenticeship Council" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-275)

(S. P. 291) (L. D. 853) Bill "An Act to Enable the Ocean Park Association to Qualify for Tax Exempt Status under the United States Internal Revenue Code" (Emergency) Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 608) (L. D. 776) Bill "An Act to Establish the Beer and Wine Franchising Act" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-285)

(H. P. 1186) (L. D. 1459) Bill "An Act to Authorize the State to Provide Technical Assistance and Legal Assistance to Recipients of Wastewater and Construction Grants" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-284)

(H. P. 296) (L. D. 386) Bill "An Act to Establish a Solar Water Heater Demonstration Program for Maine Small Businesses" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-281)

(H. P. 1014) (L. D. 1248) RESOLVE, Authorizing an Appropriation of \$300,000 to Provide Administrative and Other Initial Operating Expenses Incidental to the Construction and Operation of the Maine Veterans Home — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-282)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 30, under listing of Second Day.

Tabled and Assigned

(H. P. 707) (L. D. 891) Bill "An Act Concerning Access by Physically Disabled Persons to Certain Public Facilities" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-283)

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

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-283) was read by the Clerk.

On motion of Mrs. Prescott of Hampden, tabled pending adoption of Committee Amendment "A" and specially assigned for Monday, April 30.

(H. P. 431) (L. D. 548) Bill "An Act Concerning Fire Permits for Registered Guides" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-286)

(H. P. 803) (L. D. 1006) Bill "An Act Relating to the Term of Membership on the Inland Fisheries and Wildlife Advisory Council" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-287)

Consent Calendar Second Day

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

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

(H. P. 466) (L. D. 586) Bill "An Act Concerning Causes for a Seven Day Notice of Termination of Tenancy"

(H. P. 746) (L. D. 932) Bill "An Act Concerning Restitution under the Juvenile Code"

(H. P. 300) (L. D. 399) Bill "An Act to Increase Penalties for Owners of Dogs Chasing Moose, Caribou, or Deer"

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

(H. P. 275) (L. D. 357) Bill "An Act Concerning Licensing of Head and Hide Dealers by the Department of Inland Fisheries and Wildlife" (C. "A" H-272)

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

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-272) was read by the Clerk.

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

House Amendment "A" to Committee Amendment "A" (H-288) was read by the Clerk and adopted.

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

The Bill was assigned for second reading Monday, April 30.

(H. P. 497) (L. D. 634) Bill "An Act to Regulate the Hunting of Bear" (C. "A" H-271)

(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" (C. "A" H-270)

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

Passed to Be Engrossed

Bill "An Act to Designate the Moose as the State Animal" (H. P. 713) (L. D. 886)

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

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to talk about this bill for a moment. I think it is a good bill and I want to see it passed. I don't want to stand in the way of its passage, because the Maine moose deserves to be designated as our state animal and I want our future generations to see them alive, not simply pictured on our state flag.

My concerns about the experimental moose season, though, are real. I sincerely hope that this legislature has not made a mistake by allowing an experimental moose season in 1980. I know that many of you in this House believe that we need a moose season to manage our herd — I don't believe that — but I will not debate that issue today, because that issue is behind us.

Furthermore, I do not believe that it is right for me to ask this House to reconsider a bill that was signed into law only two weeks ago. Therefore, I do not intend to offer my amend-

ment today, and I urge you all to support the unanimous committee report.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I also don't want to debate a moose bill. I don't have any problem with the moose season that we passed. It was the result of years and years of work study in an effort by the department and the members of this legislature.

I see under filing H-277 the amendment which this good lady was going to present. I also see in that that this is nothing more than an attempt to dump the years of hard work and days of debate that we have put into this session for the moose bill.

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion to indefinitely postpone this bill. I think it is altogether fitting and proper that we designate and declare this year that the Maine moose to be the Maine state animal. I can't help, however, point out the irony that the year we are about to designate the Maine moose our state animal, we open a moose season on them, however.

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

A vote of the House was taken.

28 having voted in the affirmative and 73 in the negative, the motion did not prevail.

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

Bill "An Act to Allow Assignment of Personnel in Emergency Situations" (H. P. 1090) (L. D. 1344)

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

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

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

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to oppose this bill at this time, but I do want to call the attention of this body to the presence of this bill before us and to recall to you the agreements and the debate that went on in the last legislature about the Maine Turnpike of its future.

In the 108th Legislature, we agreed that the turnpike would continue with tolls charged, but tolls charged at a much reduced level and tolls charged through a barrier system rather than a toll gate system, as we have had previously. This was a compromise which I actually opposed, still oppose, because I think it reversed a long-standing commitment that this state government had with the people of Maine to eliminate those tolls completely when the turnpike was paid for. But the compromise did pass and I want to recall to this body that that compromise was worked painstakingly over a period of months with the communities involved, especially the communities of Lewiston and Auburn, and that I will watch very carefully any effort to go back again on that promise, to the people of Lewiston and Auburn, especially, and to the people of Maine.

So, a bill which calls for a study of the possibility of continuing those toll booths does not alarm me greatly, but I certainly want to keep

an eye on that bill, keep an eye on that study, so that in the next session of the legislature, when we have a bill before us to determine where the barriers are going to be, we will remember the commitment we have to the people of at least my community and to the people of the southern part of this state.

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

Amended Bills

Bill "An Act to Define What Foods May be Labeled or Advertised as Natural or Organic" (H. P. 1016) (L. D. 1286) (C. "A" H-269)

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) (C. "A" H-266)

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

Passed to Be Enacted

An Act Relating to the Operation of Snowmobiles on Private Ways (S. P. 188) (L. D. 455) (C. "A" S-111)

An Act to Revise the Method of Accounting for the Restriction on Additional Compensation for Retirees under the Maine State Retirement System (S. P. 355) (L. D. 1103)

An Act Authorizing a Legislative Study on Family Impact (S. P. 386) (L. D. 1198) (C. "A" S-112)

An Act to Clarify Procedures under the Municipal Labor Relations Act (H. P. 216) (L. D. 264) (C. "A" H-239)

An Act to Permit the Advisory Council to the Commissioner of Inland Fisheries and Wildlife to Give Advice on the Approval of Rules (H. P. 269) (L. D. 355) (C. "A" H-234)

An Act to Define Employer under the Occupational Safety and Health Law (H. P. 817) (L. D. 1019)

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.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

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

Tabled — April 24, 1979 by Mr. Tierney of Lisbon.

Pending — Motion of Mr. Dennis Dutremble of Biddeford to reconsider Passage to Be Enacted.

Thereupon, the House reconsidered its action whereby the bill was passed to be enacted.

Mr. Dutremble of Biddeford moved that the bill and all accompanying papers be indefinitely postponed.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would certainly hope that you would vote against this motion to indefinitely postpone this bill. It is an important bill. Again, I reiterate, a real estate license is a privilege given to people who pass certain exams and become qualified to participate in the business of real estate in the State of Maine.

This bill means that the people will have an opportunity to maintain a level of competence. A license isn't a perpetual right to do business. We have changes; we have changes in laws; we have changes in procedures with our banks. We must keep up to date if we are going to properly serve our consumers.

This requirement may be met very easily in three different manners; one, we can attend the class once every two years, we must have at least 12 clock hours. I will address what a clock hour means in relation to this bill shortly.

Secondly, we may have in-house training. If there is more than one broker or salesman within our office, we can have these classes or sessions within our own business establishment.

Finally, if you prefer, you may take a course at home via the workbook route. In other words, there would be a workbook provided you so that you may do this work at home.

Getting back to the clock hour versus the semester hour. This bill merely states that you have to lend your body and mind for 12 hours once every two years to listen to information that will update you and make you a better server of your consumer.

I would finally point out, ladies and gentlemen, that this bill came out of the committee, unanimous "Ought to Pass". I would certainly hope, again, that you would not support this motion before the House.

The SPEAKER: The Chair recognizes the gentleman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion, this bill is totally unnecessary. Indeed, it is a dangerous precedent. I urge you to support the gentleman from Biddeford, Mr. Dutremble on indefinite postponement. There are many courses available to us in the real estate business on a voluntary basis and many of us do take advantage of them. Publications regarding various aspects of real estate, zoning, land use, banking and mortgage regulations and so forth continually flow into our office. All this information is readily available to us and there are also prescribed courses offered by various organizations.

We don't need a law to dictate that we must take further courses before renewal of our licenses. It was quite a job to get the license in the first place. I maintain the inferior members of this business will fall beside the wayside as in other businesses. This bill, if enacted, is a step towards a foot in the door for further regulation by the state and I am speaking of the Real Estate Commission in an area where further regulation is not needed. It is tough enough these days in the real estate business, to keep in business. With the high mortgage rates, the lack of money that banks have to loan, we don't need any more encumbrances in our paths.

Competition can handle the bad apples in the business. We welcome competition in our office in Camden. We know we are one of the best in the business and we don't fear more people entering the field.

At this point, I would like to quote from a letter that I received from one of the better ones in the business in the coastal area. He says, "If the Commission believes that the public is to be better served by real estate brokers with a higher degree of ethics, I am a bit perplexed at the flexibility which the Bill grants them to decide who should and should not participate. It has been my experience and observation that the most honorable and ethical real estate brokers that I have encountered as competitors have not necessarily been those with the most significant number of degrees or hours in attendance at educational seminars. And it has not been my experience that ethics and fair dealing are the products of mandated courses."

If the true and full purpose of the proposed Bill is to better protect the public by better educated brokers and salesmen, that appears to be a commendable goal. If, on the other hand, it is a subtle first step to gain the support of the legislature to further limit competition, I respectfully suggest the marketplace is an effective forum for the public to make that determination. Unless we are ready to reexamine all trades, occupations and professions upon the occasion of each application for license renewal, I do not see the present necessity for the enactment of this Bill."

I do hope you will support this feeling and

vote for indefinite postponement.

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

Mr. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: When this bill came in front of us for its second reading, only 16 voted against it. After sending you a letter, asking you if you would call your real estate brokers, asking their opinion or feelings by doing so, the vote changed from 16 to 58. Not enough to kill the bill, but I do wish our next vote will.

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

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the members of the Committee on Business Legislation that reported this bill out "Ought to Pass". Unfortunately that afternoon, I had prior commitments and I wasn't at that hearing, so I really didn't scrutinize this bill closely enough and put my signature on it.

I have had a lot of questions about this bill since then and I have had calls from some of the realtors in my area and I have contacted other realtors in my area and many of these people are opposed to this bill. The question is, are there any problems out there today? Without a doubt, there are problems. I have seen a list where in recent years they have had over 100 complaints to the Real Estate Commission. Most of these complaints are dismissed or withdrawn by the complainant. Those that weren't dismissed weren't the result of people not having continued their education but there were dealings with improper dealings. I don't care how much education you have, you will not be able to eliminate improper dealings, in any field.

Let's talk about the thousands and thousands of other dealings, dealings with real estate and the problems that they did not have. Why didn't they have any problems? I believe that the reason that they didn't have any problems is that most real estate people keep abreast of any changes in the law. If they don't, their real estate brokers will make sure that there are any changes in the law to avoid any possible litigation.

So, why this bill? Well, in the past few years we have had a tremendous problem with the economy in this country and in this state and a lot of people have had to go out and find second jobs. I contend that real estate is an area where you have a lot of part-time people now.

This is the people that this bill is intended to affect, these part time people. Not only the part time people, but the older people, too, the people where if this bill passes might make a difference whether they retire or not.

I have heard the argument that this bill would force the people who are inactive, who do become active, to go out and take continued education courses. Well, this is the only case where I can see where people should have education for the person coming from the inactive list onto the active list, he should take the education, everybody else should not have to. This is just another ploy by the Real Estate Commission to eliminate competition. They are making it very difficult to get into the profession now by the unfair examinations that they are giving. I have known cases where people have taken real estate courses and have passed with high grades and spent time and a lot of money to pass that examination only to take it and fail it because of the ridiculous questions on the examination. Now they are trying to eliminate competition from within by going after the part-time people and those people who may think that it is better to retire than to go take the courses.

Another problem with this bill is that a lot of the rules are left to the promulgation of the Real Estate Commission. I have seen what they have done with the real estate examination, I would hate to see what could happen in the future if we leave everything up to the Real

Estate Commission to enforce the laws with this bill again.

This bill is all right for the big real estate brokers and all their salesmen, because they can have a seminar within their own office. All they have to do is tell the Real Estate Commission that we have taken the courses and we have shown our real estate people the new laws and the new changes, but the small guy, he is going to have to take the courses and spend the money. There is no telling how much money that will cost. Maybe now this thing is \$35. What is going to happen in five or ten years? Is it going to get up to \$95 a course like it is now?

I wasn't here, but in the 106th Legislature they brought a bill like this and the legislature killed it and they did it again in the 107th, 108th, and 109th now. I will say one thing about these real estate people, they are sure persistent.

I think that one of the things that bothers me a lot about this thing is that this bill is heavily lobbied by the real estate people. I don't mind that because that is all part of government. I expect that. I just can't understand why a bill like this where we have heard mostly from big real estate brokers that they should have continuing education when they have lobbied it very heavily. You don't have to have a bill to go to school, it doesn't have to be law. All you have to do is go, pick up your books and go to school. You don't have to have a law to do that.

Finally, I would like to say, everybody in this state has a right to earn a living, whether it is part-time, full-time or anytime. It is very difficult out there to earn a living because of the standard of living and the way the economy is going. I don't think we should be passing laws here to make it tougher for people who want a second job.

I would hope that you would indefinitely postpone this bill.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I feel no animosity whatsoever to the member of my committee who said and admitted today he wasn't in attendance at the hearing on this bill. I just think that you ought to know that he has been seen very frequently in the company of another member of this body who feels very strongly about this bill. Of course, I won't mention any names.

There is no shortage of real estate people in the state, no shortage at all. I think there are probably more licensees in this field than in just about any occupation there is around. There is plenty of competition. I frankly don't believe that this bill is going to cut down on that competition. We made it that much easier two days ago to get into the field in the first place by taking away the requirement that one have a high school diploma in order to take the test to sit for the license examination. I think, if anything, that makes continuing education that much more useful, necessary.

Most of us, I think, use a real estate broker or salesman probably just once, maybe twice, in our lifetime. So, if we get burned the first time, sure, we won't go back to that person but we may not go back to anyone, because we don't buy homes all that often unlike a copy.

The bill, according to Representative Dutremble, has been heavily lobbied. Well, I know one young fellow out in the hall who has been lobbying the bill but I think there is only one real estate lobbyist out in the halls and he is going on his honeymoon next week, so you know what he has got his mind on. I haven't been heavily lobbied, although I have heard from real estate people in South Portland and on both sides of the issue and most of them support the bill. I hope you will today.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: It is interesting that the arguments that have been brought before

the House so far seem to be concern for the real estate profession, the salesmen and the brokers. The concern that I have, and I am a real estate broker, is more for the public in this matter. I have always held the view that entry into the profession should not be made any harder than it has to be. The person who is willing to take and pick up the education and make the commitment to the profession should be allowed to get in.

I have always opposed increasing the requirements to enter the field. I have always opposed putting the educational requirements such as you have to have a high school education and this type of thing. I feel that this should be a good comprehensive exam, requiring people to know the business they are getting into. Where I really feel strongly is, once you are in the profession, you should be required to maintain a high standard. That isn't because you are maintaining a high standard as a real estate salesman or broker, it is because you are in a position to hurt the public and to hurt the public very badly if you do not. There are cases now where the public is being hurt.

As was pointed out the big firms often educate within themselves, but there are many people who picked up their licenses, many years ago, and had to take no exam and are now out there selling houses often maybe one a year or something like this, and are not cognizant of what the laws are and what the things are that they can do that can cost people a great deal of money and anguish.

This bill has been here before, once. It was once an amendment and once as a bill. I put it in as the amendment and I put it in, secondly, as the bill. Both times it was my reply that I wanted to see the profession improve from within, not additional barriers put up to keep people out of the profession. I hope very much that we will pass this bill today.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to anyone who may answer. I probably attend 20 hours or more of classes and hearings and what not. I was wondering if this would come under that program or would I still have to take the 12 hour courses?

The SPEAKER: The gentleman from Unity, Mr. Tozier, poses a question through the Chair to any member who cares to respond.

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

Mr. JACKSON: Mr. Speaker and Members of the House: Reading from the bill, "Approved programs may include in-office classes, video tape, tele-lecture presentation, correspondence courses and other formats." It was very much our intention that these courses be readily available and cheaply available. Yes, if your office or if there are courses available, if they are certified by the commission and the commission will be doing that and will be looking to the content of the courses to make sure that they are of good content, the courses that you would be taking would. An example of this is, that the realtors ran a course, about a week ago, on taxation and that kind of course would be covered.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I spoke too on this bill the other day. Let me add at the outset that I am not opposed to profession upgrading themselves. As I said the other day, I don't think it is the place for us to mandate, by law, that people take these courses.

I think the good lady from Lincolnville, pointed out that the profession will seek its level and, those people that are not competent and don't keep themselves competent, won't have the business.

Not too long ago, a gentleman, who is in a division of state, produced a small booklet that

said that anyone who owned their own house could read that booklet and sell their own house with no problem at all. Mr. Quinn, who is no longer with the state but he did produce a booklet that there were a few paragraphs that were sufficient and apparently, the people across the state or the people in charge of the state didn't think that that was incorrect because they allowed that book to be published and distributed for nothing to everyone.

As I said the other day, and I still maintain that the very thing that you are trying to mandate in the statutes is available to the commission, under their rules and regulations if they decide to do it. In order to do that, they are going to have to publish this and they are going to have to bring everybody in the profession in and get them to agree to it.

I don't want to take too much time, but it says Rules of the Maine Real Estate Commission in accordance with the authority granted by Title 32, Maine Revised Statutes Annotated Subsection 4051-B, the Real Estate Commission proposes to adopt and amend and repeal rules pertaining to rules, practices, schools, education and licensing. The text of the proposed rules — and I will just take number two and this is off from a sheet that every real estate broker—gets the proposed rule changes shall be printed in Maine and so on and so forth, then they strike out the name of the newspapers and they add in a newspaper, any newspaper in the state, at least 20 days prior to adoption. Then they take out a notice "shall also be sent to," and I don't disapprove of this, but I am just making an example of it, "to any person filing a written request within the past year to be notified of proposed rule amendment." Now, the commission strikes that all out and says, the Secretary of State, I don't know if he is a real estate broker or not, and whether these rules and regulations would affect him or not, they go on with this rule change procedure for seven, eight, nine rule changes and then they state at the end of this, and this is sent out to the profession, "that interested persons may submit comments on the proposed rules as follows, in writing prior to April 18, 1979" and that would be updated, of course. "Please address correspondence to the Maine Real Estate Commission, State Office Building, Augusta, Maine, at a public hearing to be held, the date, time and so forth and the location, which is the Department of Business Regulation.

Now, if there is any question whether or not these rules and regulations have the effect of law, let me read to you from the Department of Business Regulation, Real Estate Commission, License Law, Rules and Regulations and Reference Book. It says under 4051-B, Rules and Regulations, that the commission shall make reasonable rules and regulations subject to the Maine Administrative Procedures Act not inconsistent with the law. I know of nothing in the law now that prohibits continued education. There is nothing in the law now that states that is wrong. So, if you follow that through, it would not be inconsistent with the law. It goes on to say, as I have just given you, how it would be done what the procedures shall be and subjects of the Maine Administrative Procedures Act.

Now, just to show you that these rules and regulations have the same effect as law, if you go to 4056 Investigations, Hearings, Suspension or Revocation of License after hearing, the administrative court, as designated in Title 4, Chapter 25, shall have the power to suspend or revoke any license issued under this chapter at any time when a licensee is found guilty of one or more of the following acts. I am not going to take you through all of them but I am going to take you down to Number 22. Number 22, under the Rules and Regulations, this is under the law, not the rules and regulations, number 22 says that your license may be suspended or revoked, if you violate any rule or regulation pro-

mulgated by the commission. If you violate any rule or regulation that is promulgated by the commission, your license may be revoked.

So, in summation, I will say that continuing education courses are great, they will not inspire in anybody honesty, integrity, or any of the things that we all desire in every business practice whether it be real estate, insurance or anything else.

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

Mr. HOWE: Mr. Speaker and Members of the House: I apparently missed Mr. Norris' point.

I have a question through the Chair for him and that is, whether he was suggesting that the Real Estate Commission is promulgating rules regarding continuing education?

The SPEAKER: The gentleman from South Portland, Mr. Howe, poses a question through the Chair to the gentleman from Brewer, Mr. Norris, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that I went on so long, but that is the exact thrust of my argument, that there is nothing to prevent them from doing exactly that. I would add that for years, since I am on my feet, that the Attorney General's Office has been repeatedly telling the Real Estate Commission that they must put into law, everything they want to do. I disagree with that. It has been proven, at least three or four times, as far as the writing of contracts and I could go on, and on, and on that actually, it is not necessary. It is not necessary to put this into the law, in my opinion, to give the Real Estate Commission the authority to promulgate a rule for continuing education. The difference is that the Attorney General would not be able to prosecute, under the statutes if the law was not there. The Real Estate Commission can revoke your license if you don't take a continuing education course, if they decide to put it in here, but I do agree, if that is what my good friend from South Portland is going to say, I do agree that the Attorney General could not prosecute you under the statutes because it wouldn't be there.

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

Mr. HOWE: Mr. Speaker and Members of the House: Well, I simply disagree that the Real Estate Commission has such authority without us giving it to them. I would quote, at this point, from L. D. 1202, which was finally enacted in this House, about three days ago. By the way, the first four to five words Representative Norris quoted from all of that stuff were in accordance with Title 32. Well, we amended Title 32, the other day, in Section 4101-A, the first sentence to read as follows: "The Commission shall prescribe curricula and standards for educational programs to prepare entry level students for the Real Estate profession, blah, blah, blah. The only authority they have, once this goes past the Governor, will be, unless we pass the bill that is before us today, to prescribe courses for getting in in the first place and not to stay in.

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

Mr. WHITEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to give you a lesson in real estate today but, as a past real estate broker, which I am still a broker, but not active, although my license is still hanging up, I am not worried about the real estate people. I am not the least bit worried about them. Like somebody said, if they don't do a good job, they will fall by the wayside. What is going to happen to the people that have the property that is being handled by these people that are falling?

You know, my main concern is for the public. If you were ready to retire and you had a nice expensive home and you listed it with a broker, I don't care if he is part-time, full-time or

whatever, but an unknowledgeable broker, you could wind up in a law suit through his ignorance. That is what I am concerned about, the people.

I am not the least bit worried about competition, never have been. I have helped people come into the business and compete with me, I have always welcomed it, and I don't think this is the feeling of the real estate people, that they are trying to fight competition. I think you can go to any broker's office, if you are interested in real estate, and they will try to help you, tell you how to get into it, how to do a better job, so my main concern is for the people out there that are being used badly by unknowledgeable brokers, I am not saying crooked brokers, the crooked ones, you can't change them anyway.

I hope you will give this bill careful consideration.

Mr. Dutremble of Biddeford requested a roll call vote.

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

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

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

The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I request permission to pair my vote with the gentleman from Eastport, Mr. Vose. If he were here, he would be voting yes; if I were voting, I would be voting no.

ROLL CALL

YEA—Berube, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, F.; Cloutier, Dudley, Dutremble, D.; Dutremble, L.; Fowlie, Hanson, Hobbins, Hutchings, Jacques, E.; Joyce, LaPlante, Lewis, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Nelson, N.; Norris, Pearson, Peterson, Post, Simon, Studley, Theriault, Tozier, Wentworth, Wood, The Speaker.

NAY—Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Bunker, Carter, D.; Chonko, Churchill, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Elias, Fenlason, Fillmore, Garsoe, Gavett, Gould, Gowen, Gwadosky, Hall, Hickey, Howe, Huber, Hughes, Hunter, Jackson, Jacques, P.; Kane, Kany, Kiesman, Laffin, Leighton, Leonard, Lizotte, Locke, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McPherson, Morton, Nadeau, Nelson, A.; Nelson, M.; Paradis, Paul, Payne, Peltier, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Silsby, Small, Sprowl, Stover, Tarbell, Tierney, Tuttle, Twitchell, Vincent, Violette, Whittemore, Wyman.

ABSENT—Austin, Berry, Birt, Diamond, Gillis, Gray, Higgins, Immonen, Jalbert, Kelleher, Lancaster, Lougee, McMahon, Michael, Roope, Smith, Soulas, Stetson, Strout, Torrey.

PAIRED—Mitchell and Vose.

Yes, 38; No, 91; Absent, 20; Paired, 2.

The SPEAKER: Thirty-eight having voted in the affirmative and ninety-one in the negative, with twenty being absent and two paired, the motion does not prevail.

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

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman

from Madison, Mr. Elias, to the rostrum for the purpose of acting as Speaker pro tem.

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

The Chair laid before the House the second item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Education on Bill, "An Act to Extend the National School Breakfast Program Availability to Maine School Children" (H. P. 660) (L. D. 820)

Tabled—April 25, 1979 (Till Later Today) by Mr. Rolde of York.

Pending—Motion of Mr. Connolly of Portland to Accept the Minority "Ought to Pass" Report.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I ask that we do not accept the "Ought to Pass" Report of this bill. This is another case where we are whittling away at local control.

Before I go any farther, I want everyone to understand that I am in favor of hot lunch and breakfast programs where they are needed and where they are wanted, but I don't think we need to have legislation of this sort rammed down our throats or even breakfast rammed down our throats if we don't want it.

I have, over the past years, started breakfast programs and found that in some places they were highly successful. I have also seen breakfast programs which were started under ideal conditions and which failed miserably, the reason being, there was no need of them, they were not attended, nobody wanted them, so they just died.

This bill would mandate that in every school in the State of Maine you would provide a breakfast program, and this is wrong. I still think that every town, every school district, every community school district, or whatever, should have the right to make their own decisions about whether or not they should have a breakfast program.

I ask that you note the committee report was 9 to 4 "ought not to pass." Mr. Speaker, at this time, I would move the indefinite postponement of this bill and all accompanying papers and I would ask for the yeas and nays.

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

Mr. CONNOLLY: Mr. Speaker, I move this lie on the table for one legislative day.

Whereupon, Mr. Garsoe of Cumberland requested a vote.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that this be tabled for one legislative day. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor requested a roll call vote.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that this be tabled pending his motion to accept the Minority "Ought to Pass" Report and specially assigned for Monday, April 30. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Car-

rier, Carroll, Carter, D.; Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, Lizotte, Locke, Mahany, Martin, A.; Maxwell, McHenry, McKean, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Twitchell, Vincent, Violette, Wentworth, Wood, Wyman.

NAY—Berube, Birt, Blodgett, Bordeaux, Bowden, Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Drinkwater, Dudley, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gould, Hanson, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Kiesman, Leighton, Leonard, Lewis, Lowe, Lund, MacBride, MacEachern, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Sewall, Sherburne, Small, Sprowl, Stetson, Stover, Studley, Tarbell, Tozier.

ABSENT—Berry, Boudreau, Chonko, Dexter, Elias, Gillis, Gray, Higgins, Jalbert, Lancaster, Lougee, McSweeney, Roope, Silsby, Smith, Soulas, Strout, Torrey, Tuttle, Vose, Whittemore, The Speaker.

Yes, 67; No, 62; Absent, 22.

The SPEAKER pro tem: Sixty-seven having voted in the affirmative and sixty-two in the negative, with twenty-two being absent, the motion does prevail.

The Chair laid before the House the third item of Unfinished Business:

Bill, "An Act to Prohibit an Intentional Attempt to Elude a Police Officer through High-speed Driving" (H. P. 543) (L. D. 674)

Tabled—April 25, 1979 (Till Later Today) by Mr. Hobbins of Saco.

Pending—Adoption of House Amendment "A" (H-260) to Committee Amendment "A" (H-182)

On motion of Mr. Hobbins of Saco, House Amendment "A" to Committee Amendment "A" was indefinitely postponed.

Thereupon, on motion of Mrs. Prescott of Hampden, the House reconsidered its action whereby House Amendment "A" to Committee Amendment "A" was adopted.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: If I could have an explanation as to why this House Amendment has to be indefinitely postponed, I would appreciate it.

First of all, I attempted to amend this bill by giving a definition of what I felt a high-speed chase should be, and I think it is very important, because if we don't have a definition, then we are not going to be resolving the issues that we are trying to resolve. So, if I could have someone explain to me why we indefinitely postponed this, perhaps I am not aware, there may be another amendment being offered, and if I could have an explanation, maybe that will answer it.

The SPEAKER pro tem: The gentlewoman from Hampden, Mrs. Prescott, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Members of the House: The first thing I will do, I will read House Amendment "A" to you, and then, from there, I think we can go through our discussion.

"For the purposes of this section the term high-speed chase means a chase during which the operator's vehicle exceeds the maximum speed limit at any point in that chase by 30 miles per hour or more or during which the op-

erator commits two or more violations of this Title. It is not necessary in order to constitute a high-speed chase that the operator sustain any level of speed for any minimum length of time or any minimum distance, nor is it necessary that the speed of the operator's vehicle be measured by radar or any other electronic device which measures speed."

The reason I oppose this amendment is because of the 30 miles provision. Unfortunately, you would find a situation where the officer would keep looking down at his odometer to find out whether in fact he was going — that the person in front of him was going 30 miles an hour or over.

There are certain circumstances where a high-speed chase can endanger the life of an individual where the speed limit could only be 25 miles over, and it sounds crazy, but if you are in the middle of a high-speed chase and the car slows down through a 10 mile an hour speed zone, the definition, if it wasn't 30 miles over, he could endanger a person's life if it wasn't 30 miles over.

This bill addressed a problem which the gentleman from Dixfield, Mr. Rollins, brought before our committee. The committee, in its deliberations, decided to amend the bill by taking out the provision of the Class C crime for violation of this particular statute and to put into existence a Class D crime. It was felt that the burden of proof would be much more difficult for a Class C crime because you would need an indictment or by information, which would mean a Grand Jury would have to look at it and it would be much more difficult, in fact, to get a prosecution and also the penalty was felt to be a little severe in those circumstances.

The Committee amended the bill as a Class C crime. The intentions of the good gentlelady, I know, are very, very sincere. She is trying to address a problem that all of us have thought of very closely in the past few days; however, I feel that the amendment before us is not the solution to the problem. I know it has been tabled four or five times, and I think that basically this shows that it is either one of two things, it is either that no one can amend the bill to satisfy their own judgement or the bill is a good bill.

I hope this morning you will go along with indefinitely postponing House Amendment "A". I think the sponsor of this amendment has good intentions, the gentlelady from Hampden, Mrs. Prescott, but I don't think it will solve the problem of this particular piece of legislation.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the explanation of the gentleman and I would try to address those questions.

I am not an attorney, and it is difficult for me to come up with language which defines a high-speed chase. I have attempted to do that because I could find nowhere a definition, and because I could not find a definition, I felt it needed to be stated, and that is the reason I introduced the amendment.

The gentleman did read the amendment, but I think I would like to highlight one section of the amendment which I feel does respond to the question, and that is the section that says, "It is not necessary in order to constitute a high-speed chase that the operator sustain any level of speed for any minimum length of time". The reason that language is there is because the officer does have a problem when he is travelling after the speeder to clock and to keep track of that. In my opinion, 30 miles over the speed limit is a reasonable figure. If you don't want to choose to use the 30 miles over the speed limit, you can use the "or multiple violations." For example, if you do elude the police officer or you go through a red light, that would be a multiple violation. I think, though, that there must be some cut-off point, and I

can't see it in the bill. The speed should not have to be at the same speed or should it be subject to the standards of a normal clock, and that is the reason that I put the language in, because if you are attempting to apprehend, you cannot clock, and that is why the minimum language is inserted.

I hope you will not indefinitely postpone this bill, that you will give it some more thought, send it on to the other body and perhaps we can work out an agreeable language.

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

A vote of the House was taken.

At this point, Speaker Martin returned to the rostrum.

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

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

Mrs. Prescott of Hampden requested a roll call vote.

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

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

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope we can pass this bill today. It has been held up for a long time and I feel very safe with the amendment of the gentlelady from Hampden, I am glad to have her on my side. I hope you will change your vote on this one.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentlelady has a very good amendment. Coming from a law enforcement background, I have been involved in several high-speed chases, and believe me, it is pretty hard to look at your speedometer when you are chasing somebody at 90 or 100 miles an hour, which I have done, and I think this is necessary at times. There are those that are going to say that a police officer shouldn't be traveling that fast, but if we let every violator go that tries to elude us, we might just as well not be police officers, we might just as well tell them to do anything they want to and then run.

I think this is a very good amendment and I think it would be enforceable, and without the amendment, the bill is not very good. The intent of the bill is to put a stiff penalty on somebody that tries to elude a police officer, and in order to put that penalty on, you have got to have something beyond the fact that they exceeded the speed limit. I think this is a very good amendment and I urge you to vote in support of it.

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

ROLL CALL

YEA—Aloupis, Austin, Bachrach, Baker, Barry, Brannigan, Brodeur, Brown, A.; Brown, K. L.; Carrier, Carter, D.; Cloutier, Conary, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dellert, Doukas, Dudley, Dutremble, D.; Dutremble, L.; Elias, Gavett, Gowen, Gwadosky, Hall, Hanson, Hobbins,

Howe, Hughes, Hutchings, Jackson, Jacques, P.; Joyce, Kane, Kelleher, LaPlante, Leighton, Leonard, Lizotte, Lund, Mahany, Masterman, Maxwell, McKean, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Paul, Pearson, Peterson, Reeves, J.; Reeves, P.; Sewall, Silsby, Sprowl, Stetson, Stover, Studley, Tarbell, Tozier, Twitchell, Wentworth.

NAY—Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brennerman, Brown, D.; Brown, K. C.; Bunker, Call, Carroll, Churchill, Curtis, Diamond, Dow, Drinkwater, Fillmore, Garsoe, Gould, Hickey, Huber, Hunter, Immonen, Jacques, E.; Kany, Kiesman, Laffin, Locke, Lowe, MacBride, MacEachern, Marshall, Masterton, Matthews, McHenry, McMahon, McSweeney, Morton, Nelson, M.; Norris, Paradis, Payne, Prescott, Rolde, Rollins, Sherburne, Simon, Small, Theriault, Tierney, Tuttle, Vincent, Violette, Wood, Wyman.

ABSENT—Berry, Birt, Carter, P.; Chonko, Dexter, Fenlason, Fowlie, Gillis, Gray, Higgins, Jalbert, Lancaster, Lewis, Lougee, Martin, A.; McPherson, Peltier, Post, Roope, Smith, Soulas, Strout, Torrey, Vose, Whittemore.

Yes, 58; No, 57; Absent, 35.

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

Thereupon, Committee Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A".

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

The Chair laid before the House the fourth item of Unfinished Business:

Bill, "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships" (S. P. 310) (L. D. 901) (C. "A" S-107)

Tabled — April 24, 1979 by Mr. Paul of Sanford.

Pending — Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed as amended in concurrence.

(Off Record Remarks)

On motion of Mr. Hughes of Auburn, adjourned until Monday, April 30, at nine-thirty in the morning.