

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Thursday, May 3, 1979

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

Prayer by Father James Robichaud of the Oblate Fathers Retreat House, Augusta.

Father ROBICHAUD: Let us pray. Heavenly Father, we ask you humbly and prayerfully to send your spirit of guidance and wisdom upon this body of elected representatives that has come together today to cooperate in your work.

Bless these men and women who gather to do the work of your people. Let them, in their deliberations and meetings today, act wisely and with care and concern for the people of Maine whom they represent. May all of their actions today be motivated and guided by your holy grace. We ask these things in your Holy Name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
THE SENATE OF MAINE
Augusta

May 2, 1979

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

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Direct the Criminal Law Revision Commission to Study Treatment Alternatives for Sex Offenders," (H. P. 1310) (L. D. 1564).

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

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

The Capitol City will host 27 French exchange students and their advisors, Andre Poirer, Hermon Bernier, and Jacques Dubois from L'Ecole Secondaire Vanier, Quebec City, (S. P. 531)

Came from the Senate Read and Passed.
In the House, the Order was read and passed in concurrence.

Reports of Committees
Ought to Pass as Amended

Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-135) on Bill "An Act Relating to the Salary of the Director of the Maine State Housing Authority" (S. P. 365) (L. D. 1112)

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

In the House, the Report was read and the Bill and accompanying papers indefinitely postponed in concurrence.

On motion of Mrs. Kany of Waterville, the House reconsidered its action whereby the Bill and accompanying papers were indefinitely postponed.

Thereupon, the Report was accepted in non-concurrence and the Bill read once. Committee Amendment "A" (H-135) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-125) on Bill "An Act to Require Safe Hunting Certification to Obtain a Hunting License" (S. P. 212) (L. D. 585)

Report was signed by the following members:

Mr. USHER of Cumberland
— of the Senate.

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

— 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. PIERCE of Kennebec
REDMOND of Somerset

— of the Senate.

Messrs. PAUL of Sanford
TOZIER of Unity
CHURCHILL of Orland
PETERSON of Caribou

— of the House.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed.

In the House: Reports were read.

Mr. Dow of West Gardiner moved that the Majority "Ought to Pass" Report be accepted in non-concurrence.

Whereupon, Mr. Peterson of Caribou requested a vote.

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

A vote of the House was taken.

Whereupon, Mr. MacEachern of Lincoln 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 Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker and Members of the House: I would hope this morning that you would vote against the Majority "Ought to Pass" Report. There is no question in my mind that the state must do everything it can to encourage safe hunting practices. That is presently why we do have a state hunting program that is being fairly well administered by the Fish and Game Department, and we think that should continue.

However, this bill is one of those bills that we see from time to time that forces things upon people that the people don't need to be told is necessary.

This bill would require any individual, who wished to obtain a hunting license for the first time, to pass some sort of safe hunting program as a prerequisite for getting a license. We think this is very wrong and I will tell you why.

The most effective way, I think, for people to become familiar with a gun and understand what hunting is all about is to be able to actually experience, get the actual experience of hunting. This bill would prohibit anybody from getting actual experience. I think a lot of you have probably learned hunting from your dads, your uncles, grandfathers. To me, that is the way the state should continue to go, allow an individual to be taught by his father or his uncle to show the proper handling of guns, when to shoot, when not to shoot, and we don't believe that any two or three hour course given two or three nights a week at some fish and game club is going to solve what we recognize is a small problem in the state and as one of abuse.

There is no question, and I don't believe there is anybody here this morning that will argue that there are those people out there that have

hunting licenses that are abusing that privilege. But I would submit to you this morning, ladies and gentlemen, don't think for a minute that by mandating a safe hunting program those few individuals, and I guess some of us would probably call them slobbs, are going to continue to shoot the insulators on the telephone poles, are going to continue to shoot tires out of cars that are parked in the woods.

This goes back, I guess, towards the issue of trying to legislate judgment. I believe this bill is a bill that is written against a majority because of a very, very small minority. I would appreciate it if you would consider the hardship this could pose to people throughout the state, especially in the rural areas. How would they drive 20 or 30 miles to take one of these courses? There is no cost involved, there is no fiscal note. This is going to cost money.

Some would argue, well, we require people to pass an exam before they get a driver's license. What they don't tell you, and of course you don't realize, is that you are able to get a permit before you get your license and you are able to go out and drive the vehicle and get the feel of the vehicle before you go for your license. Under this bill, an individual would not be able to do that. The practical experience would be totally thrown out the window, and this fish and game bill would, of course, require people to sit down and take a written examination with no mention of practical experience and ability.

I would hope this morning that you would consider the far reaching implications that this bill will have, and I do hope that you will agree with the Senate on this matter, vote against the Majority "Ought to Pass" Report so we can accept the Minority "Ought Not to Pass" Report.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill would be effective in 1982. It would also grandfather anybody who holds a current license at that time or within the last year or two. It wouldn't require that anybody that has had a license take these courses.

There are high schools in most areas of the state that are willing to participate in this thing and carry on these courses in conjunction with the regular curriculum. There are many of the high schools that give either a quarter or a half credit for the completion of these courses.

It has been mentioned that there are slobbs in the woods and those slobbs probably have sons. If they are going to teach the son how to hunt, he is going to learn the same way that they have. I think if they learn it from a neutral party, they will be much better off.

The driver training courses at the high schools have been very successful and I think this could be very successful. It is a problem, hunter safety. It isn't only a problem as far as people getting shot, but it has been mentioned that insulators on wires have been shot off and car tires have been shot, windshields have been shot out, boats have been shot up, and the course would teach people that this isn't exactly the right thing to do. I would urge you to vote for the Majority Report.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would urge you to vote for this. I would like to tell you just a little experience that I have had. I was working in the woods three years ago when all of a sudden a bullet went by me and I heard a young fellow running off through the woods. I finally caught up with him and said, "you numbhead, what ails you? You haven't got the brains God gave a goose—what ails you, anyway?" He never knew what a gun was until he went to the store and bought it. Then he came in the woods and acted just as if he knew all there was. "The trouble is," he said, "I heard a noise up there."

I said, "that was me, don't you know any better than that?"

The whole thing is, when I was trained with a gun my father took the time and my grandfather, but there is nobody left to do that. I think this is an excellent idea. I don't want anybody taking anymore pot shots at me.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend that just spoke hit it right on the head. His father taught him, the grandfather taught the father, and this is my way of thinking, the way to go. This is the way the majority of the people learn how to use a weapon in the woods.

In my particular area, we have a lot of people that come into the state who are in the military. They don't carry a two or three or four or five year old hunting license with them; they normally throw them away when the license has expired, which happens with a lot of people that live away from home for awhile and come back, and that means there is somebody 40 or 50 years old, who has been hunting all their life, going out and hunting for a safe hunting certificate to get a license. It is ridiculous, but that is the way it would be.

I think we ought to leave this to the people who know how to teach hunting, and that is the parents. Again we are going to take it away from the parents. You know, if your son wants a license, you are not competent enough to teach him how. I think that is a bunch of garbage. I think the majority of the hunters in this state and in my part of the country are good hunters and safe hunters. You have a few once in a while but you have a few automobile accidents once in a while with people who have had licenses for 50 years well, you have the same thing with hunting.

I would hope that you would go with the "Ought not to Pass" on this bill.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: If you will look at the amendment, you can see that this bill is aimed primarily at the younger hunters coming up.

I would like to relate to you an experience I had with my grandson. My grandson was 12 years old two years ago and he wanted to go hunting with his father and myself. We figured it would be a good chance for him, good experience, so his father handed him a 32 Winchester Special to see how he would handle it, and this was in the house. As soon as he got his hands on the gun, everybody in the room dove for the door. He was just a 12 year old looking for an accident to happen. And as the result of his handling that gun, we told him then that before he could go hunting with us, he was going to have to learn how to handle a gun and know what it was all about. As a result of that, he went down to the Washington County Vocational Institute and took a course in safety given by the state. As a result of that, he came out of that six-week course more or less an expert. He was taught in that class, and this included adults. In the written test, he was tops on the range with a rifle. As a result, the following year and last year he went hunting with us. I am telling you right now, he put me to shame when it came to handling a gun.

I urge you to support the "Ought to Pass" Report. This is an excellent program.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: It isn't very often, if you have followed my votes over the past two and a half years, that you would see that I am in favor of anything that is mandated. But in this instance, I am.

This program is not new. The only thing that is new about it is that the new hunters will have to take this. NRA has given this course for a number of years. The past several years, the

state of Maine has given it.

One of the SADs that I represent in Milo, SAD 41, gives this course, has been giving it for several years, and I am not absolutely sure if they give half a credit or a whole credit for the course, but I feel it is a good, meaningful course and is pointed towards safety.

One thing I would draw your attention to, the bill says "all persons", so that means the out-of-staters coming in too.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Majority "Ought to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Berube, Bordeaux, Boudreau, Brannigan, Brennerman, Brodeur, Brown, K. C., Chonko, Conary, Connolly, Cox, Curtis, Davies, Dellert, Dow, Fenlason, Gillis, Gould, Gowen, Gray, Hall, Hickey, Howe, Hughes, Jacques, E.; Jacques, P.; Kany, Laffin, LaPlante, Lewis, Locke, MacEachern, Martin, A., Masterman, Masterton, Matthews, Maxwell, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M., Paradis, Payne, Prescott, Sewall, Simon, Stover, Tierney, Twitchell, Vincent, Vose, Wentworth, Wood, Wyman.

NAY — Aloupis, Austin, Birt, Blodgett, Bowden, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Churchill, Cunningham, Damren, Davis, Diamond, Drinkwater, Elias, Fillmore, Fowlie, Garsoe, Gavett, Gwadosky, Hanson, Higgins, Huber, Hunter, Hutchings, Jackson, Joyce, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, McHenry, McKean, McPherson, Nelson, A.; Nelson, N.; Paul, Pearson, Peltier, Peterson, Reeves, J.; Rolde, Rollins, Roope, Sherburne, Silsby, Smith, Soulas, Sprowl, Stetson, Strout, Tarbell, Theriault, Torrey, Tozier, Violette, Whittemore.

ABSENT — Barry, Berry, Carroll, Cloutier, Dexter, Doukas, Dudley, Dutremble, D.; Dutremble, L.; Hobbins, Immonen, Jalbert, Kane, Lizotte, McMahon, Norris, Post, Reeves, P.; Small, Studley, Tuttle, Mr. Speaker.

Yes, 60; No, 69; Absent, 21.

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

Thereupon, the Bill and accompanying papers were indefinitely postponed in concurrence.

Non-Concurrent Matter

Bill "An Act to Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices" (H. P. 624) (L. D. 766) which was Indefinitely Postponed in the House on April 23, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-130) in non-concurrence.

In the House: On motion of Mr. Howe of South Portland, the House voted to recede and concur.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Provide for Lifeline Electrical Service" (H. P. 840) (L. D. 1043) on which the Minority "Ought to Pass" Report of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-304) in the House on May 1, 1979.

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

In the House:

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

Mr. DAVIES: Mr. Speaker, I move that this item be tabled for one legislative day.

Whereupon, Mr. Garsoe of Cumberland requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, that this matter be tabled pending further consideration and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Davies of Orono requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, that this matter be tabled pending further consideration and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Eachrach, Baker, Barry, Benoit, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Elias, Fowlie, Gowen, Gwadosky, Hickey, Howe, Huber, Hughes, Jacques, P.; Joyce, Kany, Kelleher, Laffin, LaPlante, Lizotte, Locke, MacEachern, Martin, A.; Masterton, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Prescott, Rolde, Simon, Theriault, Tierney, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Call, Carrier, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Hunter, Hutchings, Jackson, Jacques, E.; Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Masterman, Matthews, McPherson, Morton, Nelson, A.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Tarbell, Torrey, Teulier.

ABSENT — Beaulieu, Berry, Bunker, Carroll, Dexter, Dudley, Dutremble, D.; Dutremble, L.; Hobbins, Immonen, Jalbert, Kane, McMahon, Norris, Peltier, Post, Reeves, P.; Small, Studley, Tuttle, Whittemore.

Yes, 66; No, 64; Absent 21.

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

Messages and Documents

The following Communication:

State of Maine

EXECUTIVE DEPARTMENT

State Planning Office

134 State Street, Augusta

May 3, 1979

Communication

The Honorable John Martin

Speaker of the House

Members of the House of Representatives of the 109th Legislature

I am pleased to transmit to members of the Legislature the Executive Summary of the Economy of Maine: An Overall Assessment. This report is a summary of the findings and conclusions of a more extensive report on the current status and future prospects of the State's economy. Copies of the full report have

been sent to the legislative leadership and to the chairmen of the committees involved with economic development. Additional copies are available at the State Planning Office.

Respectfully,
S/ALLEN PEASE

State Planning Director

The Communication was read and with accompanying Report ordered placed on file.

Orders

Tabled Unassigned

On motion of Mrs. Nelson of Portland, the following Joint Order: (H. P. 1362)

WHEREAS, mandatory retirement of Maine public employees is presently forbidden; and

WHEREAS, the 109th Legislature has been asked to reinstate a mandatory retirement age of 55; and

WHEREAS, job performance standards and criteria, not an arbitrary retirement age, should be used to terminate certain public employees from service; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Aging, Retirement and Veterans shall study the need for establishing a program which would require in-service physical examinations and agility tests of be administered every 5 years to all law enforcement employees in the Maine State Police, Bureau of Corrections of the Department of Mental Health and Corrections, the Department of Marine Resources and the Department of Inland Fisheries and Wildlife to determine their ability to perform job-related duties and their fitness for continued employment; and be it further

ORDERED, that the committee shall complete this study no later than 90 days prior to the First Regular Session of the 110th Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

The Order was read.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: If you remember correctly, just a few weeks ago we passed a bill which said that there would be no mandatory retirement in areas where there was some conflict as to whether a man or woman who was physically or mentally able to conduct their duties. If you remember in my debate, I said that the principle was that you should be allowed to do your work unless you were physically or mentally unable to and that there should be a test for those things, since we are saying that age is not the criteria but the ability to do the work is.

This is what this order says, that those people on the committee, there is no money involved, those people on the Aging, Retirement and Veterans Committee, those who wish to do that, along with the Committee on Aging and along with the representatives from the different departments, as stated in the order, and that would be law enforcement employees of Maine State Police, a member of the Bureau of Corrections and a member of the Department of Marine Resources and Department of Inland Fisheries and Wildlife, would meet together to determine a kind of standard of performance. If that person could continue to meet that standard of performance, they could continue to work until they no longer met that standard.

I have already spoken with several heads of these departments, and they are willing and able to go along with this order. It makes sense. If you say the person can work forever, until they can't do the job, how are you going to determine when they are no longer able to do the job? This study order would do that.

I would appreciate your vote and your support on this issue. As I said before, it simply makes a lot of sense.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passage.

An Expression of Legislative Sentiment (H. P. 1363) recognizing that:

The Turner Ridge Riders Snowmobile Club of Turner, Maine, have received the "Number 1" plaque in the Maine State Snowmobilers Association membership contest

Presented by Mr. Torrey of Poland (Cosponsor: Senator Ault of Kennebec)

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

A Joint Resolution (H. P. 1364) in memory of Irving Fogg, of Madison, who served in the House of Representatives in the 95th, 96th and 100th Legislatures and as House Minority Leader during the 96th and 100th Legislatures.

Presented by Mr. Elias of Madison (Cosponsor: Mr. Jalbert of Lewiston)

The Resolution was read and adopted and sent up for concurrence.

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Harry Vose of Eastport be excused April 30, and May 1, 1979, for personal reasons.

House Reports of Committees

Ought Not to Pass

Mrs. Kany from the Committee on State Government on Bill "An Act to Transfer the Responsibility for Administering and Enforcing the Human Rights Act to the Attorney General" (H. P. 758) (L. D. 974) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mrs. Kany from the Committee on State Government on Bill "An Act Relating to the Testing and Product Approval Authority of the Energy Testing Laboratory of Maine and Creating a Board of Directors for that Laboratory" (H. P. 1169) (L. D. 1475) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Mrs. Kany from the Committee on State Government on Bill "An Act to Facilitate Recruitment of Qualified Employees for State Government Positions that are Hard to Fill" (H. P. 1246) (L. D. 1503) reporting "Leave to Withdraw"

The Report was read.

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

Mrs. KANY: Mr. Speaker and Members of the House: Before we accept the Leave to Withdraw Report on this bill, I just wanted to speak to the record regarding a problem which was identified by the sponsor of this bill, Representative Brodeur. There is a problem regarding certain positions in state government, particularly protective care workers within the Department of Human Services, and it is the intention of the State Government Committee to study this when we have our study on the personnel system, which we hope that you all will support. That study order is tabled unassigned, and it is our intention to do that.

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

Mr. Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds for Computerization of Records in the Office of the Secretary of State" (H. P. 1205) (L. D. 1464) reporting "Leave to Withdraw"

Mrs. Kany from the Committee on State Government on Bill "An Act Relating to Qualified Bidders for the Bureau of Purchasers" (H. P. 1099) (L. D. 1349) reporting "Leave to withdraw"

Reports were read and accepted and sent up for concurrence.

Mr. Joyce from the Committee on Judiciary on Bill "An Act to Clarify Public Recreation Rights Along the Coast of Maine" (H. P. 975) (L. D. 1225) reporting "Leave to Withdraw"

Report was read.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I am in agreement with the acceptance of the Leave to Withdraw Report. I would simply like to explain to you why I accepted the Leave to Withdraw.

My initial reason for sponsoring this bill was that I felt the legislature should address the problem of public recreation rights along the coast. However, after consultation with both House and Senate Chairs of the Judiciary Committee, we have come to the conclusion that with a court case pending on the matter, that it was perhaps best that we leave this matter up for the courts to settle. It is because of that reason that I decided to take a Leave to Withdraw Report.

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

Mr. Joyce from the Committee on Judiciary on Bill "An Act Concerning Reimbursement of Law Enforcement Officers for Off-duty Time Required for Criminal Prosecution" (H. P. 952) (L. D. 1206) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass

Pursuant to Joint Order H. P. 135

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1979 (Emergency) (H. P. 1360) (L. D. 1596) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 135)

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-309) on Bill "An Act to Amend the Labor Law in Relation to Items to be Furnished by Railroad Corporations with Every Payment of Wages" (H. P. 344) (L. D. 443)

Report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate.

Messrs. WYMAN of Pittsfield
TUTTLE of Sanford
BAKER of Portland
McHENRY of Madawaska
Mrs. BEAULIEU of Portland
MARTIN of Brunswick
Messrs. FILLMORE of Freeport
DEXTER of Kingfield

— of the House.

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

The Report was signed by the following members:

Messrs. SUTTON of Oxford
LOVELL of York

— of the Senate.

Mr. CUNNINGHAM of New Gloucester
Mrs. LEWIS of Auburn

— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, moves that the Majority "Ought to Pass" Report be accepted.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I just thought I would like to explain to you why I felt that this particular legislation is unnecessary and therefore I signed the "Ought Not to Pass" report.

During the testimony, I asked if it were possible for negotiations between the railroad companies and the various railroad unions, brotherhoods and so forth, if it were possible to negotiate methods of payment and methods of explaining the payment on the paycheck. What this legislation is designed to do is to require railroads to have an explanation of how they arrived at the paycheck.

I feel that in this particular instance, where this is private sector bargaining and it is very easy for us in the legislature to remove ourselves from the bargaining process, I do realize from the events of the past few days and weeks, that it is difficult for the legislature to remove itself from the bargaining process in the public sector. However, this is private sector and I do have an agreement between the Delaware and Hudson Railway Company and the Brotherhood of Locomotive Engineers that was negotiated in 1976. This is evident that, indeed, the methods of payment and the methods of explaining those payments can be negotiated with the various railroads by the various unions that are represented. Therefore, this legislation actually is not needed in the legislative process.

I would urge that we vote no on the "Ought to Pass" Report and then we can accept the "Ought Not to Pass".

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly I will explain this bill. I think it is fairly straightforward in what it does. If you will notice the Statement of Fact on L. D. 443, you will notice it says "The purpose of this bill is to require that railroads furnish their employees with each payment of wages a listing of that employees accrued earned income taxes to date and also a separate listing of daily wages and how they were computed."

We received testimony from the railroad employees before the Labor Committee, which, in my mind, conclusively demonstrated that there is a real problem for railroad employees in determining exactly how their wages were computed, on what basis they were computed, exactly how they were paid.

Now, Mr. Cunningham, the gentleman from New Gloucester, is quite correct when he says that many of these items ought to be negotiated rather than put into law. I think, however, if you took that particular logic to its ultimate extent, there would be many things that we have in the law now which would not be in the law, because, obviously, you can say that everything ought to be negotiated, so we wouldn't have some of the laws that we have on the books now. But those of us that signed the majority report felt that an employee's right to know how he or she was paid, on what basis, was a basic enough right and an important enough right to be protected in the law. It is that simple, that is what the bill does and that is all that it does, and that is why we support it.

I hope, Mr. Speaker, ladies and gentlemen, you will support the "Ought to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the Majority "Ought to Pass" report be accepted. All those in favor will vote yes; those

opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-309) was read by the Clerk and adopted and the Bill was assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-310) on Bill "An Act Relating to Bass Tournament Permits" (H. P. 413) (L. D. 529)

Report was signed by the following members:

Messrs. REDMOND of Somerset
USHER of Cumberland
PIERCE of Kennebec

— of the Senate.

Messrs. TOZIER of Unity
PAUL of Sanford
JACQUES of Waterville
DOW of West Gardiner
MacEACHERN of Lincoln
VOSE of Eastport
PETERSON of Caribou
MASTERMAN of Milo
CHURCHILL of Orland

— of the House.

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

Report was signed by the following member:
Mr. GILLIS of Calais

— of the House.

Reports were read.

On motion of Mr. Dow of West Gardiner, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-310) was read by the Clerk and adopted and the Bill was assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act to Modify the Dispute Resolution Process under the Labor Statutes" (H. P. 824) (L. D. 1305)

Report was signed by the following members:

Messrs. SUTTON of Oxford
LOVELL of York

— of the Senate.

Mr. DEXTER of Kingfield
Mrs. MARTIN of Brunswick
Messrs. FILLMORE of Freeport
CUNNINGHAM of New Gloucester
Mrs. LEWIS of Auburn

— of the House.

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

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Messrs. TUTTLE of Sanford
BAKER of Portland
Mrs. BEAULIEU of Portland
Messrs. MCHENRY of Madawaska
WYMAN of Pittsfield

— of the House.

Reports were read.

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

Mr. WYMAN: Mr. Speaker, I move that the House accept the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope today that you would not vote to accept the Minority "Ought Not to Pass" and would in turn vote to accept the Majority "Ought to Pass" Report.

Labor disputes in the public sector are usually very disruptive of normal community life

and often affect delivery of essential government services.

In the education setting, disputes between school boards and teachers often overflow into the classrooms and negatively affect the educational experience of students.

L. D. 1035 is an attempt to resolve these labor disputes in a swift and equitable manner. Good faith bargaining should be promoted through the negotiation process and even into impasse. This bill recognizes that mediation is an extension of the active collective bargaining process. Only by strengthening the mediation process to ensure good faith bargaining can costly disputes be resolved before negotiations completely break down with the parties entrenched in opposing viewpoints.

L. D. 1305 would require a mediator to determine if a bona fide impasse exists and the parties have, in fact, bargained in good faith before mediation would begin. If the mediator felt that more intensive bargaining was required, he or she would have the power to order the parties to return to the table. Conversely, if the mediator felt that the parties were at a definite impasse, then he or she could proceed to mediate the dispute towards just resolution.

This bill also addresses the problem of the dragging out of labor disputes through costly, time-consuming impasse procedures. Thus, the fact finding process would be eliminated. Of all the impasse procedures, fact finding is the least helpful in the resolution in labor disputes. When viewed in conjunction with arbitration, it is a duplication of process that delays final resolution of bargaining disputes. Recommendations of fact finders are advisory only and often are not given great weight by either party.

The elimination of fact finding will save the parties much time and money by enabling the parties to reach a final determination of their dispute in a more timely manner. This bill will promote the harmonious settlement of labor disputes by making both parties accountable for their actions. The parties will not be able to claim that an impasse exists where none can be justified nor be able to stall the bargaining process by hiding between impasse procedures.

L. D. 1035 seeks to settle labor disputes swiftly and equitably. I might also add that this bill is not, and I would reiterate 'not,' in conflict with any other piece of legislation if you are concerned about the right to strike. If you are concerned about binding arbitration, this bill does not go beyond the arbitration process. So, if you want to at least help the situation of mediation before we get into a conflict, before we get into arbitration, I think this is a real valuable tool in doing so and I would hope you would vote against the Minority "Ought Not to Pass" Report.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to have to take an opposing view from my good friend Representative Higgins. However, I am going to present to you the point of view from the Maine Labor Relations Board, who took an opposing stand to this L. D.

I think that retention of fact finding is vitally important. Whenever we hear instances of people talking about binding arbitration or ends to resolves in dispute areas, unions tend to be accused of stalling and using tactics so that they can get you the arbitration faster. I maintain that we should retain all of the current steps of the collective bargaining as we know it was.

Fact finding requires the party to sort out issues and to organize their positions prior to going to arbitration. If you eliminate the fact finding steps at this point in time, you are going to find a backup or a backlog at the arbitration end of it. The use of fact finding requires the parties to bargain in good faith prior to proceeding directly to arbitration.

We have instances of contractual disputes that can have as many as 50 to 60 impasse items going to fact finding. That is the level where those issues to be sorted out. Fact finding usually results in fewer issues going to arbitration, and that is important.

Most contractual disputes in this state are settled at the fact finding level, and that is important to remember and to note. Without fact finding, too many issues would go to arbitration. For example, in the recent state employees dispute, more than 100 issues went forward and granted, it took a lot of time, but it was time well spent.

Fact finding is the first step in the impasse resolution procedure. It secures the input from representatives from both labor and management before that dispute is escalated. Fact finding, too, in my opinion, is a necessary prerequisite, and I feel that taking it out of the collective bargaining laws at this point in time is not going to serve anyone well, either the labor unions or management. So, I hope you will support the Minority "Ought Not to Pass," and I will ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: If I might just respond to the gentlelady from Portland, Mrs. Beaulieu, on a couple of statements that she has made. I was not aware that the Maine Labor Relations Board was against this bill. If they were, they at least didn't tell me and they didn't appear at the hearing. I think they have some problems that they feel should be addressed monetarily, with a fiscal note perhaps, but that is another issue that I think is subject to some considerable debate.

The good gentlelady said that the unions are accused of stalling. Well, I don't think this is really an anti-union or pro-management or vice versa bill. I think it is a modification of the existing law as we see it, and I don't think that unions are accused of stalling anymore than management is. It doesn't make any difference under this process who is stalling; they are going to have to resolve it and no one is going to be able to stall. I don't think that is the issue, I don't think it is one against the other.

Now, the good gentlelady has said that fact finding is a valuable tool. Well, right now, you can go to fact finding with one party asking to go to fact finding. There was testimony at the hearing indicating, I think it was from Lewiston, that 91 issues had to be resolved at fact finding, and then the good gentlelady just said that there were 100 issues that went to fact finding under the last plan with the MSEA. Well, I would submit to you that if that is the case, then surely no one could say that the parties had bargained in good faith prior to going to fact finding. If there were 100 issues that had to be resolved in fact finding and in arbitration, then, my word, I don't believe there was anyone here that would say that the parties had really sat down and bargained in good faith prior to going to fact finding. That is what this bill addresses. It addresses the fact that out there today the tactics that are used by both parties on different occasions is to just simply stall the process, and this doesn't allow for that. It says you must bargain in good faith or a mediator is going to send you back to the table. Now, if a mediator determines that you have bargained in good faith and an impasse occurs, fine, then they will mediate the process, but the fact that they are going to say to you, you haven't bargained in good faith, and they are going to make a report and they are going to make that report available to the public, is going to force the parties, union and management both, to act responsibly and bargain in good faith together.

If I could take you through the process, I would read a little outline that I had given to me and probably have already said it, but just for those of you who might not be familiar with

the process, as I wasn't prior to this at least, quite as knowledgeable anyway. Under the present law, there are negotiations and parties must bargain in good faith with respect to wages, hours, working conditions and grievances, except that educational policy items are non-negotiable.

I would also mention, this bill isn't only directed at municipalities, firefighters, teachers, public employees at the municipal level, that is all we are talking about here. That is how it is under negotiations the present law and this bill are the same.

If there is an impasse, then they go to mediation and mediation is the only place under the present law and under the proposed law where people are actually bargaining, they keep bargaining. It is not an adversary relationship necessarily, as it is in fact finding and arbitration. They are still sitting down at the table.

Under the present law, parties at any time prior to arbitration can request mediation. Mediators do not determine if there is a bona fide impasse—they do not—or whether parties have bargained in good faith.

The mediation process is automatic, the mediator only tries to resolve the issues before him; the mediation report is confidential. Even the parties do not receive a copy. They can proceed directly to fact finding if one party wishes. So, there is no reason, under the present law, for anyone to really sit down if they don't want to, there is nothing that makes them bargain really in good faith, and that is what this law is all about, that is why it was set up, the collective bargaining process.

Under this proposed bill, it strengthens the role of the mediator, and before addressing the issues before him, the media will first hold a hearing to determine if there is, in fact, a bona fide impasse, and if the parties have bargained in good faith.

The mediator may send the parties back to the table to negotiate further. The mediation report will be sent to both parties and may be made public after 30 days by either party, the mediator or the executive director of the Maine Labor Relations Board—that is the proposed law.

Once you have gone through mediation, the present law allows you to go to fact finding. It is an adversarial relationship. The present law says that parties may proceed directly to fact finding to resolve an impasse without even knowing if a real impasse exists. A tripartite panel issues advisory recommendations in a report after a hearing. The report may be made public after 30 days.

Now, it was an advisory opinion at best and, as I think we have seen in several contracts that have been resolved lately, the fact finding in many cases isn't even looked at when they go to arbitration.

Under the proposed bill, obviously, this bill, it eliminates the fact finding process. After fact finding, we move to arbitration and again we are still on opposite sides, we aren't negotiating anymore, we are adversarial, we are on opposite sides. Under arbitration of the present law, after 45 days from the receipt of the fact-finding report, the parties may proceed to arbitration. A tripartite panel issues a binding award on all issues except salaries, pensions or insurance.

Under this bill, the bill would enable the parties to go to arbitration directly from mediations, without going to fact finding, after 30 days from receipt of the mediation report; otherwise, the arbitration process remains the same as the present law.

Essentially, all we are doing, as I said before, is eliminating fact finding and making completely sure that before the parties get into an adversarial relationship, they have in fact sat down, negotiated in good faith, and to do that we set up someone that will tell them—you must bargain in good faith, you have to go back to the table if you haven't. You are going to

make the report public. If you don't bargain in good faith, the report is going to be made public; there could be embarrassment on either side if the report is unfavorable to either one of them.

Again, I think the likelihood of one party walking out of the mediation or treating the process lightly would be diminished considerably under this bill and I hope, in good conscience, that today you could vote for the majority "Ought to Pass".

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L.D. 1035, I think is a very well intended effort to try to expedite the collective bargaining process, and for that reason, I applaud the gentleman from Scarborough, Mr. Higgins, both for his good intentions in sponsoring this legislation and also for his explanation of what the bill would do.

I think it is the feeling of the people on the committee that while we are all concerned we are trying to expedite the collective bargaining process that we would be very cautious, that we be very thoughtful in pondering exactly what changes we ought to make in the law. As you probably are all well aware, while the collective bargaining process is extremely complicated and difficult to understand, it is also very sensitive and very subtle, and any changes that we make in the law ought to be predicated, it seems to me, upon a real strong conviction that we need to change the law.

I believe that fact finding has balanced and worked pretty effectively in past years. There seems to me to be no compelling reason at this point in time to eliminate fact finding. I think in the absence of the need to change the law, we ought to be very cautious about changing it, unless we create some conditions that were not intended.

Now, Mr. Parker Denaco, who is the Director of the Maine Labor Relations Board, did issue a statement on this particular legislation. Most bills he does not take a position on, but he felt very strongly about this one. I respect his knowledge, I respect his understanding of the collective bargaining law, and I have read very carefully his particular statement of objection to this bill and I would like to share some of his recommendations with you.

Mr. Denaco stated in his memo on L.D. 1035 that the passage of this bill would be detrimental for two purposes. I think that rather than try to explain it in my own language and perhaps unnecessarily and unintentionally confuse you, I would like to read directly from his statement and then stop and clarify that statement if it needs to be clarified, so that you will have the perfect understanding of what this bill does and why he opposes it.

He says that it will be detrimental to the bargaining process for two reasons. First, reason number one, the ability of the mediator to deal effectively with the parties would be adversely influenced once he had to make a ruling for or against one of the parties—I will stop there. The role of the mediator, ladies and gentlemen, is to try to coax both parties in a potential dispute toward a resolution of that dispute. If the mediator, under L. D. 1035, is given the authority, and if he is given the authority, then we can presume that in certain cases he is going to be required to rule against one of the two parties, then his hand, while it is strengthened in the sense of his having authority and power in the collective bargaining process, his role is distorted and is hindered somewhat, because once he has made an adverse ruling against one of the two parties, in all likelihood that party is going to be in a position of recalcitrance toward the mediator. The mediator's hand, in fact, is not strengthened, but it is weakened, because from the point in which he has ruled against one of the two parties, it increases his difficulty in getting those two parties together, because the party that he has ruled against is

going to be very upset with him. That is a possibility. Right now, the role of the mediator is to try to coax both of the parties toward a settlement and agreement before it ever reaches the point of arbitration or even fact finding.

Now, I happen to believe the role of the mediator is a very useful role in the collective bargaining process. I think we ought to preserve it and I think we must preserve it within the limitations and within the structure of the present law.

The second objection that Mr. Denaco states is that the statute mandates, the present statute, that it should be the Maine Labor Relations Board and not a mediator who determines whether or not the parties have bargained in good faith. The determination now is made by the Labor Relations Board. The determination, under Mr. Higgins' bill, is going to be made by the mediator.

Now, Mr. Denaco goes on and says that the failure to comply with the obligation to bargain in good faith is an unfair labor practice under the law, which requires a finding of fact now under the present law, and this will not be changed by L. D. 1035—a finding of fact by the Maine Labor Relations Board and can have ramifications requiring certain remedies.

This is the important thing for you all to note in deciding how you are going to vote on this bill. Obviously, the mediator is not empowered to direct or assess such remedies in the finding of a failure to bargain in good faith by the mediator and would be completely superfluous as well as making it impossible for the mediator to deal effectively with the party or parties against whom the ruling was made. Right now, if there is a determination that one of the two parties has not bargained in good faith, that determination is made by the Labor Relations Board and not by the mediator. In my opinion, that is the way it should stand.

Fact finding is, I believe, a very useful step in the collective bargaining process. To eliminate that step in the process, which has served us on balance very well, without a compelling need to eliminate it, I think would be a very imprudent and a very precipitous action for this House to take, or for the legislature as a whole to take.

I would like to close my argument against this bill by citing to you Mr. Denaco's statement under the justification section of his memo. He states this: "Passage of this bill would be detrimental to the mediation process as it is now known and practiced by the State of Maine. The requirement that impasse must be investigated and declared prior to the time a mediator can act in a situation, not only would delay the settlement of disputes to the mediation process, it would unnecessarily polarize the parties to the extent where they had to reach an impasse before a mediator could be effective. This is exactly the type of polarization or hardening of issues that should be avoided before a mediator is assigned. If such conduct is avoided, the mediator has more room to move and more ability to coax the parties into a mutual acceptable strategy for settlement."

Ladies and gentlemen the whole concept of collective bargaining, the whole idea, the fundamental principle behind it, is to avoid an impasse situation, and we have those mechanisms built into the law to deal with the situation, once it reaches impasse, only because one of the two parties has failed to bargain in good faith. Taking any kind of action, which is going to encourage, could possibly encourage, those parties not to bargain in good faith is doing, it seems to me, a grave injustice to the purpose and intent of the law. Now, over 90 percent, and this is a very important fact for you to note, all the contracts that are negotiated in the State of Maine are negotiated without ever having reached an impasse situation. There is no problem and I think in those very small percentage of cases where there has been an impasse, I

think, that the role of fact finding has been very important, it has been very useful, and I hope that you would not support doing away with this.

Finally, you should note that this is going to be a costly bill, or I should say it is going to cost something, because of the added duties required of mediators under this bill, the probability of more lengthy mediation sessions, we would estimate the passage of this bill could result in the need of between 40 and 70 additional man days per year, at a cost of \$75 a day, plus expenses. The cost impact of the bill could be in the vicinity of \$3,000 to \$5,250 additional expense and personal services and an additional \$900 to \$2,100 in all other expenditures. So, we are not only talking about doing something that would be unwise, but we are talking about taking an unwise action that is going to cost money.

So, I hope that you would support the Minority "Ought Not to Pass" Report.

Mr. Speaker, I ask that when the vote be taken, it be taken by the yeas and nays.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am in something of a quandary over this bill. I was asked to put in a bill by the Maine State Employees Association as a result of their experiences in the collective bargaining process on the state employee's pay raise. No part of that bill included a provision that would have done away with fact finding.

So, I guess I have a question to pose to the gentleman from Scarborough, Mr. Higgins, or any of the others who have supported this measure, and that is, would they also support doing away with fact finding on the state level as well as those on the municipal level?

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

The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Yes.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The bill that Representative Rolde has referred to, put in by the state employees, indeed asks for the elimination of fact finding because of the experience that they had. However, that was also tied in to, I believe, a binding arbitration situation.—Representative Rolde says no.

In the past several days, because of this bill, I have been talking to the MSEA and they are in agreement that they now wish to retain fact finding. At the hearing, I posed a question to them very bluntly. Are you asking for the elimination of fact finding because of the experience you just had and is it possible that you are presuming the future will hold what you have just been through? They said, yes. Since that time, they have re-evaluated their position and now favor the retention of fact finding.

I have to agree with Representative Higgins when he indicates that the fact finding state is the point where you are in an adversarial position. But what is vitally important is that it maintains the option of mutual agreement. You do not have that at the arbitration level because then the arbitrator makes the decisions, so in maintaining fact finding, you are able to at least get some of the issues resolved by mutual agreement. I think that is vitally important.

Now, the MSEA, who did bring in a lot of issues at the fact finding level, is not distressing or alarming. You need to remember that they represent 9,000 people and many, many units, so it is not illogical or alarming to think that they would bring in that many issues before a fact finding panel. I say, thank goodness that there was that level for them to bring their unresolved disputes to because, if Repre-

sentative Higgins or if this bill was indeed in place right now, all of that would have occurred as another step level. I feel very strongly that while it can become an expensive process, that is a vitally important process and I maintain that it is not going to assist in good faith bargaining. Good faith bargaining needs to begin the minute they go to the table, not along the way.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I support this bill. I support this because I agree that the collective bargaining process should be expedited. However, I must agree with the gentleman from Pittsfield, we do not want to expedite the process only for the sake of expediting the process. I believe that we should be cautious, as he stated, and I believe that what we should do is improve the process, not just expedite the process, that we should strengthen collective bargaining.

I am sure you all realize how much faith I have in the collective bargaining process. Some of the proponents of the "Ought Not to Pass" view seem to feel that by elimination of the fact finding process, we would be tending to destroy the entire collective bargaining process. I don't share this view. I feel that elimination of the fact finding process, which, in theory, seems to be a good step but as far as the actual practice is concerned, those of you who are familiar with negotiations and who have been involved with negotiations realize that whatever gains you made during the mediation process, you lost as soon as fact finding began, because many of the issues which you might have been able to agree on under the influence of the mediation, under the kind of forced situation where you must bargain in good faith, when you get to that fact finding, you start digging up all the old issues again and you try to throw in all kinds of issues and find different ways to word the same issues so that instead of having one or two issues, you have a half a dozen issues which could be sorted out into one issue but they may have already been sorted out into one issue during the prior negotiation processes.

I would like very much to take issue with some of the reasons that were stated as having been sent to the committee from the department itself, and I think first of all, the first reason that the ability of the mediator would be adversely influenced and I think the lengthy explanation of how that adverse influence could come about is pure speculation. We don't know that this would adversely influence the mediation process. I think it is pure speculation.

The second objection regarding the statute now says the Maine Labor Relations Board determines whether or not mediation is necessary could very easily be overcome at the second reader. If it is necessary to have a declaratory judgment that mediation should be the next process in a particular dispute, then let's amend the bill so that the declaratory judgment can be made by the Labor Relations Board and then send the parties to mediation, appoint the mediation board and send the parties to mediation. This would be one way that perhaps this bill could be improved by amendment.

I think another argument that was given by the gentleman from Pittsfield, Mr. Wyman, that the cost would be increased is pure speculation also. It is true that the cost of mediation might be increased, because we are going into mediation and we are going to make mediation a positive part of the negotiations process but, on the other hand, by cutting out the fact finding, think of the savings we could make by eliminating that process.

So, it is possible that we would have a counter-balancing effect here. Where we save in one place, we could offset the cost in the other

place.

The reason that I support the bill is simply because I feel that we could improve negotiations by having at all meetings good faith bargaining rather than having the slipping back, the going away from good faith bargaining that I see occurs when we go into the fact finding procedure.

Therefore, I would urge that you vote against the "Ought Not to Pass" Report so we can get this to second reading, and I am sure that we can improve this bill.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: We have 26 legislative days left. I don't think the debate on any bills has to go on this long.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To say that I am a little surprised at the way the bill came out of committee is to put it a little mildly.

There was very little opposition to the bill at the committee hearing. I think everybody was in agreement that the bill was introduced and I, as a cosponsor, really thought it a good faith effort. All this bill seeks out is to strengthen good faith bargaining between the parties involved, both labor and management, if you will. It is a process that is peculiar only to the public sector.

As has been ably pointed out, any dispute that stretches over an unnecessarily long period spills over into the classroom. I submit to you that this is really not necessary. All of this can be eliminated by bargaining in good faith in the initial steps.

Now, reference has been made to Mr. Denaco of the Maine Labor Relations Board. I would like to read to you part of a statement that was given to the Appropriations Committee at a hearing on March 19th when he discusses the various activities in each area that we have talked about this morning, mainly negotiation, mediation and arbitration and fact finding. He points out that the only area that had experienced a decrease in activity is the area of fact finding. This has decreased by 14 per cent during the past year. Every other area has increased.

It has also been pointed out that there might be a cost involved in this, but let me point out to you that in all probability it would be a net savings in the process. For example, fact finding costs for school districts in 1976-77 amounted to \$24,893. Fact finding costs for 1977-78 amounted to \$14,163, and for this current year, \$9,494. You can add to this the cost to municipalities, which has been estimated about \$5,000 for the past year, and you have an equal amount for the state when they were involved in fact finding.

As you are aware, under the Education Act, 53 per cent of this cost is borne by the state, which would mean, in all probability, that we would experience a net savings in the long run.

It was my impression that the bill was going to be amended to take care of all these minor problems. There is another section in the bill which should also be amended; namely, Section 4. Everybody appeared to be in favor at the hearing, and I can't understand what has transpired in the meantime to change their minds.

I would hope that you would go along and vote against the minority report and then we can accept the majority report and speed up the process.

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

Mr. TUTTLE: Mr. Speaker, I would like to pose a question to the Chair.

Is there a need for a fiscal note on this bill?

The SPEAKER: In response to the question of the gentleman from Sanford, Mr. Tuttle, the Chair would advise the members of the House that a fiscal note is required.

The SPEAKER: The Chair recognizes the

gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, I move that this be recommitted to the Committee on Labor.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I would like to pose a question to the Chair.

Is it necessary that it go to committee or could we amend it if it got to second reading tomorrow?

The SPEAKER: The Chair would advise the gentleman from Scarborough, Mr. Higgins, that the rule, and the Chair was not involved or in favor of the rule that is presently there, but the rule is there, it says that the fiscal note must be added before it leaves committee.

The Chair will order a vote. The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that the bill be recommitted to the Committee on Labor. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Cunningham of New Gloucester requested a roll call.

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

A vote of the House was taken, and more than one-fifth of the members present and voting 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 Old Town, Mr. Pearson, that the Bill be recommitted to the Committee on Labor. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Austin, Bachrach, Barry, Benoit, Berry, Berube, Birt, Blodgett, Borda, Boudreau, Bowden, Brannigan, Breneman, Borden, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carter, D., Carter, F., Chonko, Churchill, Cloutier, Conary, Cox, Cunningham, Curtis, Davies, Davis, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowle, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Howe, Huber, Hutchings, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, Leighton, Leonard, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, Paul, Payne, Pearson, Peterson, Post, Prescott, Reeves, J.; Rolde, Rollins, Roope, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman.

NAY — Baker, Beaulieu, Connolly, Damren, Dellert, Dow, Dudley, Hunter, Immonen, Kiesman, Lancaster, Lewis, McHenry, Reeves, P.; Sewall, Sherburne, Torrey.

ABSENT — Carroll, Hobbins, Hughes, Jalbert, McMahon, Norris, Peltier, Studley, Whittemore.

Yes, 124; No, 17; Absent 9.

The SPEAKER: One Hundred and twenty-four having voted in the affirmative and seventeen in the negative, with nine being absent, the motion to recommit does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-311) on Bill "An Act to Increase Fees for Atlantic Salmon Permits" (H. P. 492) (L. D. 633)

Report was signed by the following members:

Messrs. USHER of Cumberland
REDMOND of Somerset

— of the Senate.

Messrs. PAUL of Sanford
MASTERMAN of Milo
VOSE of Eastport
JACQUES of Waterville
DOW of West Gardiner
TOZIER of Unity
MacEACHERN of Lincoln
PETERSON of Caribou

— of the House.

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

Report was signed by the following members:

Mr. PIERCE of Kennebec

— of the Senate.

Messrs. CHURCHILL of Orland
GILLIS of Calais

— of the House.

Reports were read.

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

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

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope you don't accept the "Ought to Pass" motion that our good chairman, Representative Dow, has just made, for the simple reason that this is increasing the resident salmon stamp from \$1 to \$5; yet, we are only doubling the non-resident stamp.

At the present time, it costs the resident \$1 to fish for Atlantic Salmon. For instance, if you happen to be fishing on the Penobscot River, the Narraguagus, Duck Trap in Rockport, any river on the Maine coast, even the Kennebec or the Union River in Ellsworth, which the young people fish sometimes with spinning rods and reels, regardless of where it is, even the weir fishermen, if they accidentally catch a salmon, people out fishing with nets on the Maine coast, if they team up with a salmon and they couldn't produce a \$5 salmon stamp, they would be convicted for this reason.

I believe that the \$1 salmon stamp—there are many people who go mackrel fishing and often up my way they accidentally—Dices's Head and off Castine, hook onto a salmon, it has been known, and for \$1 they will purchase it, but if you increase this to \$5, you are going to put a lot of young kids out of the mackrel fishing business along the Maine coast, especially the way the salmon are coming back. I believe \$1 is sufficient for the Maine residents to pay for a salmon stamp.

I certainly hope you won't accept the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and I signed the "Ought Not to Pass" Report. I signed it simply because of that cotton-picking amendment that shoots fees from \$10 to \$30 and, as Mr. Churchill stated, from the \$1 to \$5. I agreed to the increase for the residents to \$5, but in no way can I buy this bill in its present form, so I ask you, please, vote against the "Ought to Pass" Report so that we may accept the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, I think that we should—I don't rise very often, ladies and gentlemen, but I think today I have to rise on this one because I think there is a little bit of confusion.

As the bill came in, there is no way that I could support it. I am all for increasing. If anyone here is caught with Atlantic Salmon, I don't believe they would object, especially the

way our economy is with everything else going up, to raising the stamp fee from \$1 to \$5.

The original bill came in changing the current \$15 out-of-state permit fee, reduced it to \$10. Ladies and gentlemen, there is no way that I could go with that, to increase the State of Mainers by five times as much, from \$1 to \$5, while reducing the out-of-state license from \$15 to \$10. So, it seems reasonable, if we were going up five times as much, then we ought to drop back to that \$15 figure, which they are currently paying, and double that. That makes the out-of-state fee \$30. I think that is fair, I think it is equitable, we haven't hurt the out-of-stater. I think they should pay their fair share, too.

This is a good bill as it is amended, it is fair, and I would hope you would vote for the "Ought to Pass".

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple more things on this bill. There isn't any permit for anyone under 16 years of age, so that eliminates the young people that Mr. Churchill was talking about.

Also, it is a very valuable resource that we have, and I think that the increase in the fee is justified. It also would give the Atlantic Salmon Commission some more money.

I would like to pose a question to the gentleman from Orland, Mr. Churchill, how much he thinks one of these fish are worth if it is not worth a \$5 permit?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When I was a young fellow, I used to fish salmon with my dad on the Penobscot River, up where the Bangor salmon pool is. Not only did I fish it, there were a number of other kids that used to go up there and they would fish for any number of fish that come up, alewives, bass, whatever the case may be.

The problem I have with the bill, and I was talking with Representative Gillis this morning, when I was a youngster, you know, tidewater fishing, there never was any stamp at all. The citizens of Maine had a privilege to fish Atlantic Salmon or any other kind of fish, for that matter, off the tidewater.

The bill that was originally put in and is in today, they want to capture all those who fish from Joshua Chamberlain Bridge in the Penobscot. Let me tell you something—most everybody fishes the Penobscot River, at least in the Bangor area, from in back of the Eastern Maine General Hospital up to the dam, because that is where the fishing is to begin with. If they want to put a stamp and try to generate revenue for the Fish and Game Department, which I think is a tax, by the way, to begin with, Mr. Dow, and a pretty substantial one when you are going to increase it five times to begin with, but if they want to increase it, let them increase above tidewater fishing, above the dam.

The Atlantic Salmon that comes into our rivers are not, I don't believe, paid for by the State of Maine. I think the hatcheries are run and paid for by the federal government—is that not correct? I don't believe that we here in the State of Maine or in this House should be increasing the fees that are recommended in the "Ought to Pass" Report this morning, and if the motion to indefinitely postpone the bill and all accompanying papers is in order, I so move.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. CHURCHILL: Mr. Speaker, just to clarify a statement that our good friend, Representative Kelleher, has just made, these

Atlantic Salmon are raised in two hatcheries and both are in my towns—one is in the Green Lake National Fish Hatchery and the other one is the Craig Brook National Fish Hatchery in the Town of Orland, and they do not come out of the fisheries and wildlife fund.

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

A vote of the House was taken.

Whereupon, Mr. Peterson of Caribou 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 Bangor, Mr. Kelleher, that this bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Baker, Barry, Berry, Berube, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowle, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Joyce, Kane, Kelleher, Kiesman, LaPlante, Leighton, Lenoard, Lizotte, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Master-ton, Matthews, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, Payne, Pearson, Peltier, Post, Prescott, Reeves, J.; Rolde, Rollins, Sherburne, Silsby, Simon, Small, Smith, Soulas, Stover, Strout, Tarbell, Theriault, Tierney, Torrey, Tuttle, Twitchell, Vincent, Violette, Wentworth, Wyman

NAY — Benoit, Bordeaux, Dow, Jacques, P.; Kany, Lewis, Locke, MacEachern, Masterman, Maxwell, Morton, Paul, Peterson, Roope, Sewall, Stetson, Vose, Wood

ABSENT — Beaulieu, Davies, Hobbins, Hughes, Jalbert, Laffin, Lancaster, McMahon, Norris, Reeves, P.; Sprowl, Studley, Tozier, Whittemore

Yes, 118; No, 18; Absent, 14.

The SPEAKER: One hundred eighteen having voted in the affirmative and eighteen in the negative, with fourteen being absent, the motion does prevail.

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

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

The SPEAKER: The gentleman from Orland, Mr. Churchill, moves that we reconsider our action whereby this bill and all its accompanying papers were indefinitely postponed. All those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Labor

reporting "Ought to Pass" on Bill "An Act to Encourage Disabled Employees to Return to Work" (H. P. 751) (L. D. 935)

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Messrs. TUTTLE of Sanford

BAKER of Portland

Mrs. BEAULIEU of Portland

Mrs. MARTIN of Brunswick

Messrs. WYMAN of Pittsfield

McHENRY of Madawaska

— 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. SUTTON of Oxford

LOVELL of York

— of the Senate.

Messrs. DEXTER of Kingfield

CUNNINGHAM of New Gloucester

Mrs. LEWIS of Auburn

Mr. FILLMORE of Freeport

— of the House.

Reports were read.

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

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Permit Hunting until ½ Hour After Sunset During Open Season on Deer" (H. P. 932) (L. D. 1146)

Report was signed by the following members:

Messrs. REDMOND of Somerset

PIERCE of Kennebec

USHER of Cumberland

— of the Senate.

Messrs. MacEACHERN of Lincoln

DOW of West Gardiner

VOSE of Eastport

JACQUES of Waterville

PAUL of Sanford

— of the House.

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

Report was signed by the following members:

Messrs. GILLIS of Calais

TOZIER of Unity

MASTERMAN of Milo

CHURCHILL of Orland

PETERSON of Caribou

— of the House.

Reports were read.

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

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

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I would request a division on this motion and I would like to share with you some of my doings in the hunting field.

I started hunting when I was 9 years old. I didn't have to go to school to learn to use a gun, but that, of course, is beside the point.

I shot most of my deer, I believe, in this half hour before sunset, and I think it is a good bill and I am on the side of Mr. Churchill of Orland, so I feel very sure about it.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker and Members of the House: First, before I make any comments, I would like to ask a question of anyone on the Majority "Ought Not to Pass," why they can oppose this bill.

I would just like to say for the record that of many of the bills we have had this session, this is one of the bills that I have received probably

as many calls or letters on asking me to support the change, that we should have the extra half hour to hunt after sunset. I realize, in looking at the report, what the other body has done, it is going to be a tough situation to get this bill through. But after the question is answered to me, Mr. Speaker, in the essence of saving time, I would ask that a roll call be had on this because it is an important issue to me and I want the record to show how I voted on this. I would like to have an answer.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: To try to answer the questions of the gentleman, there were two reasons, primarily, that the committee voted the "Ought Not to Pass".

The first reason is that since the law was changed, and I think it was four years ago that we went to sunset, the number of accidents has diminished tremendously and no question in my mind that this law was one of the biggest reasons for that diminishing of the accident rate. Dusk, that time of day—the light makes it more difficult to know what you are shooting at.

The other reason is also the same reason that Mr. Rollins of Dixfield just mentioned. It probably is one of the reasons for the less deer kill. To give you an idea, there probably are more deer shot at that time of day, as he mentioned, than any other time of day, but there also are more deer wounded and left in the woods at that time of day because of the failing light and the failure of the hunters to know how to track a deer and how to find a deer, so those are the two reasons why the committee reported out the bill "Ought Not to Pass".

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: This is a blatant discrimination against the working man and woman in the mill. The only time they can get a chance to hunt is when they get out, say, at three-thirty, because they have to work Saturdays, with the kind of money they make. If we want to help Maine citizens, this is a good chance.

As far as the deer herd is concerned, the commissioner has the power to close it at any time if there are too many deer shot.

As far as the decrease in hunting accidents, that is hogwash, to put it mildly. It coincides with the mandatory blaze orange, the fact that the fatalities decreased. Actually, if you want to be truthful, I would say you get far more fatalities when you put these people on the road during the hours of dusk, especially after they have stopped and had several shots of Old Grand Dad, and you know how hard it is to drive anyway at that time of night. I happen to know of one case where three people were killed during those hours—hunters. If they had been in the woods, they would still be alive, so that is no argument at all.

If you really want to help the working man and woman so they can have a few moments to relax, maybe they won't even get a deer, but that is the only time they can go. An out-of-stater comes in here and he has two weeks to hunt, he has plenty of time—so think about it when you vote.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I believe that Mr. Dexter hit on one of the points that I was going to make. The same time we changed the hours of hunting, we imposed a mandatory blaze orange and the blaze orange can be seen a half hour after sunset without any difficulty. I only feel that we should try, and I think this is a good chance to try it and see. The accidents have increased somewhat within the last year or two. It went down the first year or two and then it came back up somewhat. Maybe they haven't been fatal accidents, but there have

been quite a few accidents, regardless of sunset clothing. This is really the best hour to hunt. Probably there are more deer shot, more successful hunters from sunset to half an hour after than any other time.

I certainly hope that you do go along and not accept the "Ought Not to Pass" but accept the "Ought to Pass" Report.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to speak on this bill but I would like to point out to the members that, in my opinion, the use of fluorescent clothing has been one of the biggest reasons for the decrease in our accident rate and, as has been pointed out before, there is no question about it. In the period from sunset to half hour afterwards, it is your best hunting. In recent years, once they put this back to sunset, we have had a great increase in the number of people being picked up for hunting after hours. I have had these people in my office, innocently sitting out there and it slides a few minutes past sunset and they are picked up for hunting after hours. They are out there because that is the best time of the day to hunt. I think with the use of the fluorescent orange, we are adequately safeguarding our hunters and I would too at least try to push this back to a half hour after sunset.

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 West Gardiner, Mr. Dow, that the Majority "Ought Not to Pass" Report be accepted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Benoit, Berry, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.C.; Call, Carrier, Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Davies, Davis, Doukas, Dow, Dudley, Dutremble, D.; Elias, Fillmore, Gavett, Gould, Gowen, Gwadosky, Hall, Hanson, Howe, Huber, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kiesman, Laffin, Lancaster, Lizotte, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Michael, Mitchell, Nadeau, Nelson, M.; Norris, Paul, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Sewall, Small, Stover, Tarbell, Theriault, Tierney, Tuttle, Vincent, Vose, Wentworth

NAY — Austin, Barry, Beaulieu, Berube, Brodeaux, Bowden, Brown, A.; Brown, K.L.; Bunker, Carroll, Carter, D.; Churchill, Cunningham, Curtis, Damren, Dellert, Dexter, Diamond, Drinkwater, Dutremble, L.; Fenlason, Fowle, Garsoe, Gillis, Gray, Hickey, Higgins, Hunter, Hutchings, Immonen, LaPlante, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Masterman, Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Morton, Nelson, A.; Nelson, N.; Paradis, Payne, Peltier, Peterson, Rolde, Rollins, Roope, Sherburne, Silsby, Simon, Smith, Soulas, Sprowl, Stetson, Strout, Torrey, Tozier, Twitchell, Wood, Wyman

ABSENT — Boudreau, Hobbins, Hughes, Jalbert, Kelleher, McMahon, Studley, Violette, Whittemore

Yes, 72; No, 69; Absent, 9.

The SPEAKER: Seventy-two having voted in the affirmative and sixty-nine in the negative, with nine being absent, the motion does 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:

Passed to be Engrossed

(H. P. 1097) (L. D. 1376) Bill "An Act to Clarify House Rule Authority" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-315).

On the objection of Mr. LaPlante of Sabattus, was removed from the Consent Calendar.

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

Committee Amendment "A" (H-315) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(H. P. 1036) (L. D. 1273) Bill "An Act to Amend the Burden of Proof Placed on the Bureau of Taxation in an Appeals Proceeding" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-317).

On the objection of Mr. Morton of Farmington, was removed from the Consent Calendar.

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

Mrs. KANY: Mr. Speaker, I would like to pose a question to the Chair. Does this bill require a fiscal note, since it will mean more work for the Bureau of Taxation in my estimation?

The SPEAKER: The Chair would advise the gentleman from Waterville, Mrs. Kany, notification from the Legislative Finance Office indicates that the Bureau of Taxation indicates that there is no fiscal impact on that office.

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

Committee Amendment "A" (H-317) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1122) (L. D. 1452) Bill "An Act Eliminating the Requirements for Licensing Retail Cigarette Outlets and Cigarette Vending Machines" Committee on Taxation reporting "Ought to Pass".

On the objection of Mr. Morton of Farmington, was removed from the Consent Calendar.

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

(H. P. 1335) (L. D. 1582) Bill "An Act to Clarify the Powers of the Masonic Trustees of Portland as to their Authority to Sell Real Estate" Committee on Legal Affairs reporting "Ought to Pass".

(H. P. 1024) (L. D. 1257) Bill "An Act Concerning Training of Ambulance Personnel and Providing for Review of Ambulance Funding by the Governor's Advisory Board on Ambulance Services" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-327).

(S. P. 316) (L. D. 946) Bill "An Act to Appropriate Funds for Emergency Shelters and Services for Victims of Domestic Violence" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-119).

(H. P. 475) (L. D. 592) Bill "An Act to Appropriate Funds to Provide for Lobster Rearing Stations" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-329).

(H. P. 511) (L. D. 627) Bill "An Act to Strengthen the Requirement to Remove Lobstering Equipment when a Lobster License is Suspended" Committee on Marine Resources

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-330)

(H. P. 957) (L. D. 1187) Bill "An Act to Amend the Authority Granted to Municipalities to Enact Police Power Ordinances" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-326)

(H. P. 508) (L. D. 625) Bill "An Act to Amend the Laws Relating to Beano or Bingo" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-325)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 4, under listing of Second Day.

Consent Calendar Second Day

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

(S. P. 351) (L. D. 1099) Bill "An Act to Define Educational Institutions as they Relate to the Unemployment Compensation System"

(S. P. 124) (L. D. 250) Bill "An Act to Allow the Various Counties to Pay on a Biweekly Basis"

(S. P. 344) (L. D. 1032) Bill "An Act to Provide Additional Assistance to the County Law Libraries"

(S. P. 441) (L. D. 1334) Bill "An Act Relating to the Location of the Office of Superintendent of Insurance"

(S. P. 173) (L. D. 379) Bill "An Act to Permit Nonreceiving Units to Approve School Appropriations in a Single Warrant Article" (C. "A" S-123)

(S. P. 233) (L. D. 685) Bill "An Act to Provide for a Single Number Plate and to Revise Motor Vehicle Registrations Fees" (C. "A" S-124)

(H. P. 487) (L. D. 636) Bill "An Act to Require Insurance Policy Language Simplification" (C. "A" H-312)

(H. P. 278) (L. D. 387) Bill "An Act to Provide Funds to Subsidize Adoption of Handicapped Children" (C. "A" H-313)

(H. P. 1135) (L. D. 1389) Bill "An Act Relating to the Maine Criminal Justice Academy" (C. "A" H-314)

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

Passed to be Engrossed

Bill "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility" (S. P. 530) (L. D. 1589)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1979 (Emergency) (H. P. 1354) (L. D. 1593)

Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Administrators at the Vocational-Technical Institutes and the School of Practical Nursing" (Emergency) (H. P. 1302) (L. D. 1561)

Bill "An Act Relating to State Participation in General Assistance Programs" (H. P. 1356) (L. D. 1592)

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

Amended Bills

Bill "An Act Relating to Appointment of Bail Commissioners and to Lessen the Burden Upon Sheriffs and the Court for 'Prompt Bail Review'" (S. P. 470) (L. D. 1418) (C. "A" S-127; S. "A" S-131)

Was reported by the Committee on Bills in

the Second Reading, read the second time, the Senate Paper was passed to be engrossed as amended in concurrence.

Second Reader Indefinitely Postponed

Bill "An Act to Increase Merchandising in State Liquor Stores" (S. P. 433) (L. D. 1335) (C. "A" S-126)

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

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: At this time, I would like to move that this bill and all its accompanying papers be indefinitely postponed.

This bill calls for allowing the State Liquor Commission to discount the price of certain items at their convenience; in other words, run sales. They maintain that even though this could be a potential loss of revenue to the state, that the loss of revenue would be made up in increased sales. However, there is no guarantee of that and I don't see any reason why the State of Maine should gamble on losing revenue when they don't have to. They are a monopoly. If they want to buy liquor, they have got to buy there or nowhere else, and I would think that the proper thing to do is to keep it as it is. Of course, the liquor industry itself is not interested in whether the State of Maine loses money or not, all they are interested in doing is promoting the sale of their product and increasing consumption. It is hard for me to understand that.

I have but two or three things that came across my desk, one of them is an editorial from the editorial page of the Bath-Brunswick Times Record. It says here, "Sobering statistics." This is a release from the Public Safety Commissioner Arthur Stilphen, he says that out of 209 fatal motor vehicle accidents during 1972 that killed 242 people, 60 percent were alcohol related.

There is another one from a doctor, Robert Olsen, who is a professor of medicine and biochemistry. I don't know who he is, and I don't think probably you do, but we assume he is an authority on the subject and he says, "The major causes of cancer are inherent on the American life style—tobacco, alcohol and rich diets are responsible for 75 to 79 percent of total cancer mortalities."

Then we have another one here from the State of Maine Department of Human Services that says, "Dear Legislature, Alcoholism ranks as the third most serious health problem in this country, preceded only by cancer and heart disease." So, I would think that here we have a product that literally contributes to health problems, contributes to law enforcement problems, highway safety problems, and I don't see why this body would want to encourage the sale of that particular product.

It seems to me we have a pretty good system set up now. The reason why the state is in the business is to control it. We can go into the liquor store without any pressure whatsoever, select the items we want and pay for them and come on out. I think it is a good policy, I think it is a policy we should continue.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: This bill, if passed, will do only one thing, and that is give you and me, the consumer, an opportunity to purchase liquor at reduced prices. The purpose behind this bill is to enable the commission to pass along special prices to consumers, those certain liquor items that they have been able to purchase through the agency at discount prices, and those items that are slow moving items which they would like to sell out and make room for other faster items.

The bill will also allow the commission to offer weekly or monthly specials, and these

items will be offered to all, and I mean each and every liquor store in the State of Maine. This will cost the state absolutely nothing, because they are buying it at discount prices and are passing the same discount prices on to us. At the same time, it will save you and me money.

If you vote against this bill you are only opening up your wallet and letting your dollars fly away. So, vote against the motion and let this bill fly, not your dollars.

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

A vote of the House was taken.

Mr. Violette of Van Buren requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those in favor of 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 Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't think this bill begins to do what the good gentleman from West Bath, Mr. Stover suggests in doing away with the state monopoly in any way shape or manner over the control of alcoholic beverages.

I think, quite simply, it is a consumer bill. I think 11 members of the Committee on Legal Affairs felt that it was only fair that if the State Liquor Commission was given the opportunity to buy liquor at reduced rates, a wholesale rate that the producer of various brand products offered to the commission on a regular basis throughout the year, that that reduced rate ought to be passed on to the consumers of the State of Maine. This is done on a regular basis by most of the producers of the various products that the Liquor Commission sells.

At present the Liquor Commission does not have this authority and if it is given the opportunity to buy a specific brand, some for 5 per cent, which is usually the amount discounted by the producer of the particular brand, it does not have the authority to pass that discount on to the consumer in the State of Maine. The only areas where it is allowed to do that is at the Kittery store. I just think that it is a consumer bill and I do not see this specifically as being a loss in revenue to the state.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: Another thing that I didn't bring out is that this allows the clerks in the store to promote the product. The average person that buys liquor, he has so much money to spend, he is a working man and when he goes in there and he has in mind a certain item, well, they say, we have a good deal on this, why don't you buy this? In the first place, it could well be that he has only got that much, he just takes his profit and goes out. In which case, the state is losing a source of revenue. However, if he is not necessarily coerced but is sold into the idea that he should buy an extra amount, he is taking money for something else he really needs. I feel it is a poor thing for the state to be getting into, to start hustling this particular product at this time. I hope you go along with the move to indefinitely postpone.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: The bill does allow for a certain amount of merchandise. It doesn't

allow for displays, it doesn't allow for big signs spelling out that there is a reduction. All it does allow is that the person behind the counter, that person can tell the consumer that is coming in that this month, if he is buying a particular product, be it whiskey, that in that line of alcohol, one of the products has been discounted. All of the brands go through this particular procedure on a yearly basis. The state would not be favoring any particular brand over any other, because they all do this, all the brands do this on a routine basis.

All it is going to allow is the agent behind the counter to simply inform the consumer that he has the opportunity to buy a particular brand at a reduced rate. He is not going to be running around the store telling him to buy 10 bottles of this just because it is 50 cents cheaper this month than it was last month, or telling him not to buy this thing or not to buy that thing. It just is going to allow him to tell me, if I go into that store, that this month there is a special on a particular product when I go up to the counter and ask for some particular product. I don't see any problem with that.

I think if the state is given the opportunity to buy liquor at a reduced rate, it ought to pass that on to the consumer and it ought to allow the agent behind the counter to tell the consumer that he has an opportunity to buy a product at a lower rate.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This won't take long. It has been said that this is a consumer bill. I agree with that, but we all know what they are going to be consuming.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This bill looks to me like it is putting the state in the promotion business for the liquor companies, and I hope you vote to indefinitely postpone.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is another bill, we called it the Jim Beam Bill here two years ago, this is really a bill to start to put the state in the liquor store supermarket business.

I urge you to vote with Representative Stover to indefinitely postpone this bill. This bill, you can take a look at it, and you shouldn't have any problems, in voting that way.

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

ROLL CALL

YEA — Austin, Bachrach, Berry, Birt, Blodgett, Bordeaux, Bowden, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Bunker, Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Conary, Cox, Cunningham, Curtis, Davis, Dexter, Diamond, Drinkwater, Dutremble, D.; Elias, Fillmore, Fowlie, Garsoe, Gould, Gowen, Gray, Gwadosky, Hanson, Higgins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kiesman, Laffin, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McPherson, Michael, Mitchell, Morton, Nelson, A.; Nelson, M.; Nelson, N.; Paul, Payne, Pearson, Peltier, Post, Prescott, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Simon, Small, Smith, Stetson, Stover, Strout, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Vincent, Vose, Wentworth, Wood, Wyman.

NAY — Aloupis, Barry, Beaulieu, Benoit, Berube, Boudreau, Brannigan, Brown, K.L.;

Call, Connolly, Damren, Davies, Dellert, Doukas, Dow, Dudley, Dutremble, L.; Fenlason, Gavett, Gillis, Hall, Hickey, Howe, Huber, Kelleher, Lancaster, LaPlante, Leighton, Lizotte, MacEachern, Maxwell, McSweeney, Norris, Paradis, Peterson, Rolde, Sewall, Soulas, Sprowl, Twitchell, Violette.

ABSENT — Baker, Carrier, Churchill, Hobbins, Jalbert, Nadeau, Reeves, P.; Studley, Whittemore.

Yes, 99; No, 41; Absent, 10;

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

Sent up for concurrence.

Bill, "An Act to Appropriate Funds for the Nursing Home Ombudsman Program" (H. P. 1074) (L. D. 1328) (C. "A" H-301)

Was 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 Emergency Measure

An Act to Enable the Ocean Park Association to Qualify for Tax Exempt Status under the United States Internal Revenue Code. (S. P. 291) (L. D. 853)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 123 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

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

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

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

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

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)

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

(Off Record Remarks)

On motion of Mr. Wyman of Pittsfield, adjourned until twelve o'clock noon tomorrow.