

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
**OF THE**  
***One Hundred and Ninth***  
***Legislature***

**OF THE**  
**STATE OF MAINE**

**Volume II**

**First Regular Session**

**May 7, 1979 to June 15, 1979**

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## HOUSE

Friday, May 11, 1979

The House met according to adjournment and was called to order by the Speaker pro tem, Representative Elias of Madison.

Prayer by Reverend William Stone, Boothbay Baptist Church.

Reverend STONE: Shall we pray. Father in Heaven, we thank you for the opportunity of pausing to ask your guidance and direction in the deliberations this afternoon. We thank you for this great State of Maine where we are allowed to live and we thank you for each of these Representatives, who have been chosen to lead this state in the affairs of government.

We would pray today for the Governor, for those who are deliberating in the Senate as well as those in the House and we pray that you would cause them to know your wisdom in making decisions that are right and good and proper for this state in which we live. So guide and direct in the affairs of government, this afternoon, as they are conducted in this room, we ask in Christ's name. Amen.

The journal of yesterday was read and approved.

## Papers from the Senate

Bill "An Act to Indemnify Motor Vehicle Dealers for Legal Expenses Against the Manufacturer" (H. P. 544) (L. D. 1610)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

Was referred to the Committee on Legal Affairs in concurrence.

Reports of Committees  
Ought Not to Pass

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Restore the Power of Arrest to Private Investigators" (S. P. 275) (L. D. 845)

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

## Leave to Withdraw

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Establish Special Retirement Provisions for Former CETA Employees" (S. P. 244) (L. D. 693)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Relating to Records of Sales of Used Merchandise" (S. P. 442) (L. D. 1336)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Permit Citizens to Petition Local School Boards" (S. P. 362) (L. D. 1109)

Came from the Senate with the reports read and accepted.

In the House: The reports were read and accepted in concurrence.

Ought to Pass  
As Amended

## Tabled and Assigned

Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-157) on Bill "An Act to Create a Ground Water Protection Commission to Review the Laws Dealing with Ground Water" (S. P. 397) (L. D. 1215)

Came from the Senate with the Report read and accepted and the Bill Passed to be Engrossed without amendment.

In the House, the report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-157) was read by the Clerk.

On motion of Mr. Blodgett of Waldoboro, tabled pending acceptance of Committee Amendment "A" and specially assigned for Monday, May 14th.

## Non-Concurrent Matter

Bill "An Act to Clarify Home Rule Authority" (H. P. 1097) (L. D. 1376) which was passed to be enacted in the House on May 10, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-315) as amended by Senate Amendment "A" (S-169) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to the Senate.

## Non-Concurrent Matter

Bill "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 380) (L. D. 487) on which Report "B" "Ought to Pass" as amended by Committee Amendment "B" (H-322) of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-322) in the House on May 7, 1979.

Came from the Senate with Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-321) of the Committee on Public Utilities read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-321) in non-concurrence.

In the House: On motion of Mr. Davies of Orono, the House voted to insist.

## Non-Concurrent Matter

Bill "An Act to Amend the Judicial Retirement System" (H. P. 811) (L. D. 1067) which was passed to be engrossed in the House on May 8, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-171) in non-concurrence.

In the House: On motion of Mrs. Nelson of Portland, the House voted to recede and concur.

## Non-Concurrent Matter

Bill "An Act to Require the Public Utilities Commission to Study the Safe and Proper Decommissioning of Nuclear Generating Facilities in Maine" (H. P. 632) (L. D. 783) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-346) Report of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-346) in the House on May 9, 1979.

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

In the House:

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

Mr. DAVIES: Mr. Speaker, I move that the House adhere.

The SPEAKER pro tem: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, I move that the House recede and concur.

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

Mr. DAVIES: Mr. Speaker, I would request a Division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, I would request a roll call.

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote

yes.

A vote of the House was taken and, obviously, 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 pro tem: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: We debated this bill two days ago and we voted by a fairly strong margin to authorize a study into the safe and proper decommissioning of nuclear power plants here in the State of Maine.

This is not an attempt to close down nuclear power plants at the present time or any time in the immediate future, but begin preparing for the inevitable need to close the Maine Yankee Plant, when its lifetime has expired in another 26 or 27 years.

The problem that develops with the closing down of nuclear power plants, whenever you happen to do it, is a very expensive proposition. In fact, it is estimated that the cost of closing down Maine Yankee, when its lifetime has expired will be in excess of what it cost to build the plant and that was approximately \$600 million dollars.

The problem develops in which mechanisms we are going to choose as the form to take for closing it down, whether we are going to dismantle it, whether we are going to entomb it; other questions such as, who is going to be responsible for paying for the cost of it, will it be the shareholders or will it be the ratepayers; also questions that revolve about when we are going to begin paying for it. If we have pay close to a billion dollars to close down Maine Yankee; and it does have to come out of ratepayers' pockets, then we had better begin deciding which alternatives we are going to choose and begin setting that money aside immediately so the impact in each month's electric bill is not going to be substantial. If we wait until two years before the nuclear plant has to be closed down before we begin setting aside the money, it could have the impact of increasing a family's electric bill by over a \$100 a month so I think that is an impact that we don't want to pass onto our ratepayers. So, we have to begin looking at the proper way to go about handling this matter because it is very serious and a very major impact on the ratepayers of the State of Maine.

I urge you not to recede and concur but to adhere to our former position and send it to the other body.

The SPEAKER pro tem: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: If you will take a look at Committee Amendment "A" H-346, the amendment creates a joint select committee on decommissioning nuclear generating facilities and this committee is supposed to be made up of the Joint Standing Committee on Public Utilities, some public members appointed by the Governor and what they are going to do is a study on decommissioning of nuclear power plants.

I personally don't think this is necessary. We are quite a long ways away from having to decommission our own plant and I am sure that technologically, every day that passes, new evidence is accumulated and new means are found to do this type of thing. I don't think we need it, I think if we recede and concur, we will be saving everybody a lot of time.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: When I hear the young gentleman from Waterville say that it is premature, too early, how does he know but tomorrow there could be an accident there, where immediately they would have to decontrol this installation or the week after or the week after that? We have seen the hit and run

deal we just had down in Pennsylvania and I think the citizens of Maine expect the legislature to take note and immediately start to do something to make sure that this doesn't happen here.

I think this is the first step and I hope you support the gentleman from Orono.

The SPEAKER pro tem: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: My very good friend from Limerick, Mr. Carroll, has expressed it very very well. Those of you who are in favor of this bill do not necessarily oppose nuclear power. I think it is very unfortunate that some members of this body, perhaps, have taken those of us who are in favor of this bill, as being opposed to nuclear power, when, in fact, that is just not the case. Mr. Carroll was correct when he said that we don't know when we are going to have an accident but the bill before you is one that will be a study order, a study order that will look at the decommissioning process and how it is going to be accomplished. There are many, many questions that will have to be answered and I have to say to my good friend from Waterville, Mr. Boudreau, that 20 years for this kind of problem for this kind of a situation is not an excessive period of time. That plant has already been in operation now for 10 years, 10 years has passed very, very fast and the next 20 years is going to pass just as fast and probably faster. At least when you get to be my age, time seems to go twice as fast as it used to, so I would urge you very strongly to support the bill and to oppose the motion to recede and concur.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think the two previous speakers are a little bit confused. I don't see how we are going to prevent any accidents by establishing a committee to study decommissioning of a nuclear power plant. If Maine Yankee goes back on line, we can have ten committees study decommissioning and that is not going to prevent an accident from happening. I think that is a red herring to say that, if we don't do this, something is going to happen in the near future and we won't be prepared for it.

Decommissioning of a nuclear power plant has nothing to do with accidents or the safety of that plant, should it go back on the line tomorrow. That is not the issue. The issue is not the safety of the plant now; these people want to establish a committee to study how to go about something when it has to be done, whether it is 20 years, 30 years or 40 years so be scared by the red herring that has been tossed in front of you, that if we don't study this problem right away, we are going to be in big trouble because that is not a fact.

The SPEAKER pro tem: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This seems to be the week for being confused. I am in a diagonal line. The good gentleman to my far right corner has accused me of being confused; the gentleman to the left of me has accused me of being confused; I guess freshmen Representatives have to go through that kind of process.

Mr. Boudreau is right. This particular bill before us does not address accidents and how we are going to deal with accidents and if that proposal has been made, then I will submit that that is wrong. The bill before you deals with decommissioning, the decommissioning of a plant which can be expected in our own state, 20 years from now, and again, I would just reiterate, that 20 years is not a long period of time when we are talking about a problem that is going to cost somebody at today's dollars, around a \$100 million dollars, that is an awful

lot of money. It is something certainly that is very serious and is something that is going to have to take some work and is going to have to take some ingenuity from Maine people, I think, to get the input from Maine people all over the state, to get their valuable input and their valuable rationale that they can provide to us a safe and effective means of doing this.

So again, we are not confused, we are talking about decommissioning, we are not trying to scare anybody into saying that there may be an accident tomorrow. That is not the question before you.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I think some of you probably remember a bill on the same subject two years ago, and the approach at that time was to set up a fund which would be paid into over a period of time to build up a substantial amount of money to affect the decommissioning when it came about. There is no doubt, I might add, that this is what will have to happen at some point in time, roughly 20 years from now.

When this bill was introduced two years ago, Central Maine Power was asked if they had done any surveys or had done any studies on how to deal with the problem and they said, no, they hadn't. They opposed this bill and the bill was defeated. I think it is important to stress, at this time, this bill is being supported, publicly, by Central Maine Power and they very much believe the time has come for the State of Maine to begin to act and get the answers to some of the questions about what is potentially going to be an extremely expensive and burdensome addition to the rate of generating electricity and it will be paid for, I assure you, by the people of this state.

I think it is a prudent measure, it is not very expensive and it will, in fact, mean a lot, at the point in time when we do have to pick one of the several methods of putting this plan under wraps.

I hope you will vote for the bill and against the motion.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make it clear, maybe some people don't understand what decommissioning is. It is when a plant is so contaminated that you can no longer use it. What do you do with it? You don't send it to the moon, you have to do something with it, it is contaminated and I wouldn't want it to be near my home. When are we going to do it? That is the problem. How much is it going to cost the state or the ratepayers? Where is that money going to come from? From the future generations or from us people that are now using it? That is the question.

The SPEAKER pro tem: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I do remember the bill that Mrs. Huber spoke about and I do want to point out that this isn't a nuke versus anti-nyke bill at all. CMP is behind this. They see the need of it and I see the need of it and I think what has happened here in the last week or two was that people have gotten confused that those people who dislike nuclear power and Maine Yankee and all these things are getting very much confused and it is getting to another issue altogether. We do need this bill badly. CMP realizes and a lot of us in here realize that and I hope that you will send it on its way to approval.

The SPEAKER pro tem: A roll call has been ordered. The pending question before the House is the motion of the gentleman from Milinocket, Mr. Marshall, that the House recede and concur. Those in favor will vote yes; those

opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Birt, Bordeaux, Boudreau, Bunker, Call, Carrier, Carter, F., Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Doukas, Drinkwater, Fenlason, Fillmore, Gavett, Hunter, Kiesman, Lancaster, Leighton, Lougee, Marshall, Masterman, Matthews, McPherson, Morton, Norris, Peterson, Reeves, J., Rollins, Sherburne, Silsby, Smith, Sprowl, Torrey, Tozier, Twitchell, Whittemore.

NAY — Baker, Beaulieu, Benoit, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C. Carroll, Carter, D.; Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Dow, Dutremble, D.; Dutremble, L.; Fowlie, Garsoe, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Hutchings, Jackson, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Leonard, Lewis, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, Payne, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Roope, Sewall, Simon, Soulas, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, Wyman.

ABSENT — Bachrach, Barry, Berry, Berube, Bowden, Chonko, Dudley, Elias, Gillis, Higgins, Hughes, Immonen, Jacques, E.; Laffin, Paul, Small, Stetson, The Speaker.

Yes, 42; No, 90; Absent, 17.

The SPEAKER pro tem: Forty-two having voted in the affirmative and ninety in the negative with seventeen being absent, the motion did not prevail.

Thereupon, the House voted to adhere.

#### Non-Concurrent Matter

Bill "An Act Establishing the Children and Family Services and Child Protection Act of 1979" (H. P. 1384) (L. D. 1607) which was referred to the Committee on Health and Institutional Services in the House on May 10, 1979.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

In the House:

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

Mr. HOBBS: Mr. Speaker, I move that we adhere.

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

Mrs. PRESCOTT: Mr. Speaker, I move that the House recede and concur.

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I thought we had this issue resolved where this bill would go. The Judiciary Committee has so erst issues before dealing with this particular area of family services and children's services. It was thought, because of the pressing issues before our committee at the present time, Errors and Inconsistencies, which will be coming before us, the Probate Code and other issues which we have to deal with, that the Health and Institutional Services Committee would have a better expertise and more time to evaluate these particular bills. It was our thought that this committee would accept this bill and two other bills in this related field. However, I see that Health and Institutional Services Committee does not want to deal with this legislation.

I would appreciate it in order to expedite time and also to maybe not causing any animosity, for someone to table this bill so that the House and Senate Chairpersons of the committee could get together and decide what, in fact, to do.

On motion of Mr. Simon of Lewiston, tabled pending the motion of the gentlelady from

Hampden. Mrs. Prescott, that the House recede and concur and specially assign for Monday, May 14th.

#### Non-Concurrent Matter

Bill "An Act to Amend the Authority Granted to Municipalities to Enact Power Ordinances" (H. P. 957) (L. D. 1187) which was passed to be engrossed as amended by Committee Amendment "A" (H-326) in the House on May 4, 1979.

Came from the Senate passed to be engrossed in non-concurrence.

In the House:

On motion of Mr. Violette of Van Buren, the House voted to recede and concur.

#### Petitions, Bills and Resolves

##### Requiring Reference

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

##### Appropriation and Financial Affairs

Bill "An Act to Expand the Tourism Promotion Program" (H. P. 1386) (L. D. 1609) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Orders

An Expression of Legislative Sentiment (H. P. 1385) recognizing that:

Mrs. Lillian Hill of Waterboro, a dedicated and beloved citizen of that community, recently celebrated the 85th anniversary of her birth. Presented by Mr. Hanson of Kennebunkport. The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1389) recognizing that:

Roger Bondeson, son of Mrs. Janet Bondeson of Washburn, has been selected Salutatorian of the 1979 graduating class of Washburn District High School.

Presented by Mr. Peterson of Caribou (Cosponsor: Senator McBreairty of Aroostook)

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

An Expression of Legislative Sentiment (H. P. 1390) recognizing that:

Jeff Allen, son of Mr. and Mrs. Murray Allen of Washburn, has been selected Valedictorian of the 1979 Graduating class of Washburn District High School.

Presented by Mr. Peterson of Caribou (Cosponsor: Senator McBreairty of Aroostook)

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

An Expression of Legislative Sentiment (H. P. 1391) recognizing that:

Geraldine LeBlanc of Sanford, former Town Clerk and Tax Collector and presently Deputy Clerk of that community, has served with great dedication for the past 25 years.

Presented by Mr. Tuttle of Sanford (Cosponsors: Mr. Wood of Sanford, Mr. Paul of Sanford, and Senator Lovell of York)

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

On Motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action whereby the Joint Order received passage.

On further motion of the same gentleman, tabled unassigned pending passage.

On Motion of Mr. Fowlie of Rockland, the following Joint Order: (H. P. 1387)

WHEREAS, soft-shell clams are an important part of Maine's fishing industry; and

WHEREAS, soft-shell clams are under increasing pressure from fishing mortality and may be on the edge of serious overharvesting and imminent collapse of the stocks may be a possibility; and

WHEREAS, the varied environment along the coast and the various forms of predation and harvesting demand complex and sophisticated analysis and consideration of possible regulatory and conservation techniques; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Marine Resources shall study the regulation and conservation techniques necessary to protect Maine's soft-shell clam resources; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 109th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; 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 and passed.

On Motion of Mr. Michael of Auburn, the following Joint Resolution: (H. P. 1388) (Cosponsors: Senator Hichens of York, Mr. McMahon of Kennebunk, and Mr. Mahany of Easton)

#### JOINT RESOLUTION RECOGNIZING INTERNATIONAL HUNGER PROJECT WEEK

WHEREAS, starvation is responsible for the deaths of more than 15 million people every year and some 21 children every minute; and

WHEREAS, there is a sufficient amount of food to feed the world's population and workable solutions to the problem of hunger do exist; and

WHEREAS, all citizens have an opportunity to assume some responsibility for solving the perennial world hunger problem; and

WHEREAS, the Hunger Project, an international nonprofit organization, is sponsoring International Hunger Project Week, May 13 through May 30, 1979, with appropriate ceremonies and activities; now, therefore, be it

RESOLVED: That we, the members of the 109th Legislature of the State of Maine, respectfully recognize the observance of International Hunger Project Week and encourage all citizens to commit themselves to the elimination of starvation in the world; and be it further

RESOLVED: That duly attested copies of this resolution be transmitted forthwith to the Honorable Jimmy Carter, President of the United States, to the Honorable Joseph Brennan, Governor of the State of Maine, to the President of the Senate and Speaker of the House of Representatives of the United States Congress and to the Hunger Project.

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

#### House Reports of Committees

##### Leave to Withdraw

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Require Counselor Licensing and to Regulate the Practice of Counseling." (H. P. 971) (L. D. 1260) reporting "Leave to Withdraw"

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Provide for the Establishment of Water Levels on Impoundments Controlled by Beneficial Use Dams, to Provide for the Establishment of Water Level Rights by Eminent Domain, and to Provide for the Improved Clarification in Determining Abandoned Dam Ownership" (H. P. 868) (L. D. 1074) reporting "Leave to Withdraw"

Mrs. Kany from the Committee on State Government on Bill "An Act to Clarify the Conflict of Interest Statutes to Include Law Associates and Former Law Associates and to Include both Classified and Unclassified State Employees" (H. P. 1056) (L. D. 1307) reporting "Leave to Withdraw"

Mrs. Kany from the Committee on State Government on Bill "An Act to Simplify and Clarify the Maine Administrative Procedure Act" (H. P. 177) (L. D. 224) reporting "Leave to Withdraw"

Mrs. Nelson from the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide an Additional Retirement Fund for Public School Coaches" (H. P. 1072) (L. D. 1327) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act Creating a Workers' Compensation Fund" (H. P. 689) (L. D. 908) reporting "Leave to Withdraw"

Mrs. Sewall from the Committee on Judiciary on Bill "An Act to Create a Pre-petition Settlement Phase in the Juvenile Justice System by Utilizing a Panel of Juvenile Peers" (H. P. 1241) (L. D. 1488) reporting "Leave to Withdraw"

Mr. Bunker from the Committee on Marine Resources on Bill "An Act to Clarify the Scientific Research Authority of the Department of Marine Resources" (H. P. 1273) (L. D. 1477) reporting "Leave to Withdraw"

Mr. Jackson from the Committee on Business Legislation on Bill "An Act Concerning the Physical Therapists Statutes" (H. P. 386) (L. D. 521) reporting "Leave to Withdraw"

Mr. Carroll from the Committee on Transportation on Bill "An Act Making an Additional Allocation from the General Highway Fund to the Ski Access Roads Account to Improve the Approach Road to Evergreen Valley" (H. P. 574) (L. D. 722) reporting "Leave to Withdraw"

The reports were read and accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Increase the Initial Local Share of School Construction Projects" (H. P. 695) (L. D. 873)

Report was signed by the following members:

Messrs. MINKOWSKY of Androscoggin  
TROTSKY of Penobscot

— of the Senate.

Mrs. LOCKE of Sebec  
Messrs. CONNOLLY of Portland  
ROLDE of York  
Mrs. GOWEN of Standish  
Mrs. BEAULIEU of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-375) on same Bill.

Report was signed by the following members:

Mrs. GILL of Cumberland

— of the Senate.

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

— of the House.

Reports were read:

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

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

I hope the debate on this issue doesn't take a very long time but I would like to explain that at present there is in place in the School Finance Law, in matters dealing with school construction, the requirement that the community that has been approved to build a school, put up

out of its own money, money that cannot be reimbursed, an amount that equals either one mill of the valuation of that community or five percent of the total cost of construction of that school. That is an amount of money that the community is required to put up, to help pay for the construction and is not reimbursed at all under the finance law.

The intent of the legislation that is before you is to raise that local share from the present one mill to a mill and a half or from the five percent to 10 percent and I would just call your attention to two sentences in the Statement of Fact from the legislation. The Statement of Fact says, there is widespread belief that it is too easy to get new schools built because the state is footing most of the bill. This legislation will help correct that situation.

The Education Committee, over the last several years, has dealt and spent a lot of time on the subject of school construction and who pays what amounts for that and how much of the money that the local communities put up is actually reimbursed by the state. Some communities feel that they have been misled by the Department of Education as to exactly how much money they should be forced to put up. Most of the Committee on Education agreed that that is a legitimate issue. However, the approach that this bill calls for is an attempt to dramatize the fact that the local community is required to put up a significant amount of money and would increase that even further and would, in effect, almost double the amount of money that the community would be expected to put up front before the building could be constructed and that money would not be reimbursed by the state.

I would point out earlier this week, this House enacted, without any debate, and I assume that the legislation has now been enacted in the other body and will be signed into law by the Governor, another piece of legislation that required all communities in the state to have a local referendum before approval could be given for school construction and final approval by the State Board of Education. The reason that many on Education passed that bill out, unanimously, was because they wanted it put before the people of every community exactly how much it was going to cost them, when they build their new schools and allow every citizen in that community the opportunity to vote yes or no but it would clearly be stated in the referendum question, the dollar amounts that that community would be expected to raise and put up and would not be reimbursed by the state.

It seems to me that that is a legitimate way to solve the issue, not with this particular bill, which, if passed, will, in effect, in those communities that build new schools, represent an additional increase on the property taxpayers because the money will come from the property tax rather than from the General Fund. It seems to me that this legislature has said, time and time again, that we are not trying to increase the burden on local property taxpayers.

I would hope that when the debate has ended on a bill that calls for a referendum so people would know exactly how much they are required to spend.

I would hope that you would support the Majority "Ought Not to Pass" Report on this bill.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't vote Representative Connolly's motion so that we can go on and accept the Minority Report. I do agree with Representative Connolly that the referendum bill is a step in the right direction and a good tool to combat the problem that we have but I think this bill also could be another additional tool.

This bill, as amended, represents a compromise from the original bill, which called for 15 percent or three mills. This compromise calls

for 10 percent of cost or 1.5 mills whichever is less.

This bill is an attempt, along with the referendum bill, to destroy the myth that seems to be prevalent throughout the countryside that local school buildings don't cost anything and, in my experience on the committee, thus far in this session, we have seen, case after case, in Hancock County, Kennebunk, Rangeley, Boothbay Harbor and others where people misunderstood the state's position with respect to sharing the cost.

Also, the bill, as amended, the Minority Report also represents the position of the Department of Education. I would like to read in part, their opinion.

The department acknowledges the local precept that school buildings are relatively free, that is, the state is paying most of the cost. It also recognizes the initial local share, in many cases, is viewed as an extremely small investment in return for a new school. As you know, the initial local share under current law is five percent of project cost or one mill on state valuation, whichever is less. In addition, local units must bear any increase in operating costs for two years under the current law until subsidy reimbursement catches up. It is the department's position that the amount of the initial local share has, in some cases, been insufficient because of adequate public debate locally. This is substantiated by two recent town meetings in which the votes were unanimously in favor of projects. Even more revealing is the fact that the citizens again unanimously, voted to construct significant size additions to the buildings beyond what the Department of the State Board of Education would approve. Both additions were funded at the local level. They then go on to disagree with the original bill in asking for 15 percent and suggesting the compromise that is reflected in the bill that is amended.

I would ask for the yeas and nays.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I voted against this bill is because I believe it is going to have an unfair advantage on the poorer towns in the state, the lower valuation towns.

I come from the town of York, which the gentleman from Portland, Mr. Joyce, has been pleased to characterize as the "gold coast." This bill wouldn't affect my town at all because my town, now, pays 100 percent and would pay 100 percent for all school construction.

What this bill does, in effect, is that it takes the basic minimum that the poorer towns in the state have to pay for school construction, which is now based at five percent or one mill, and it effectively doubles it. For that reason, I feel that this will work a hardship on those towns that have difficulty because of their low valuation in raising funds for schools. As I say, it is not going to affect my town, my town is one of the wealthier towns.

I would just make a final point, that the gentleman from Harrison said, that the department supported this position and I would say, of course, they support it because, actually, what it would mean would be less state money and more local money. In other words, higher, local property taxes.

The SPEAKER pro tem: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: There are several points that I would like to discuss. The first thing is the comment about doubling and I guess doubling can be quite a factor. If you double \$10 million dollars, you get \$20 million; if you double \$1, you only get \$2; it depends on the relationship there.

As far as the department, I would like to clear up the last statement. I don't think the department has, at any time, tried to transfer

costs from the state level to the local level. In most of the cases, they have actually been acting in the opposite direction. I feel anything I have heard in the three years that I have been on this committee, that the department has been always a strong supporter of transferring as much of the costs that they could. I think the department, though, is concerned over the fact that people do not recognize what they are building locally. They let architects come in and sell them a bill of goods, they will build more expensive buildings and I think it is a case of making a full realization of just what they are getting into. I think you have a situation like that right here in Augusta today. There are some real concerns, a divided opinion, as to whether they should build their school building and how big it should be and there are some people in Augusta, who want a much more expensive building than others do. I can't go as effectively into the details of that as some of the Representatives from Augusta.

I don't think this would have a severe effect on the poorer communities because I think the poorer communities will probably use the lower mill rate because it allows the use of a mill rate or the percentage of the cost of the school. I think, in a poorer community, the mill rate is going to be much lower and I think there is a real need to positively identify just exactly what is being involved in the costs of these schools. There has been a great deal of excessive building costs built into many of the schools in the State of Maine. They are not building the best buildings. I heard the President of the Maine Architects Association, when asked a direct question one day, are we building the best schools in the State of Maine for the people? He said, absolutely not.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reinforce the position of Representative Leighton and Representative Birt, with relation to this construction problem.

I have before me an ad that was put in the paper concerning construction. This is the misconception that the locals often get. I would like to read this: "In Article III, second line, words, the initial, refers to the fact that SAD 49's share, \$41,750 must be raised initially before the State Department of Education will participate in this project. The wording, in no way, is intended to mean that the district will be required to make additional payments for the school construction."

The inference in this little quip is this, that if you come up with \$41,000 plus, that the people in Augusta will take care of all the future costs. It isn't quite that simple. Education is supported in the State of Maine, overall, at the rate of approximately 53 percent, which means that the local communities are raising approximately 47 percent.

Again, getting back to the building project particularly, we have to recognize that these local units borrowing money, have to float the bonds, they have to raise the money, then, two years down the road, they start getting reimbursed so there is a little more to it than meets the eye when it comes out in one of these ads.

The object of our amendment to this bill, as has been stated before, is to make the local people more aware of what the actual costs and involvements are in building a new building.

I hope you will defeat the "Ought Not to Pass" motion.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the gentleman from Monmouth — I don't think the intent of this legislation is to make the towns aware of the costs because that is already done under existing law. Let me read you, existing law: In Section I, it says, "in an



article submitted to the legislative body of an administrative unit seeking a favorable vote on a school construction project, it shall be clearly indicated that in addition to the five percent or one mill local share of the total cost of the project, the entire additional operating cost of the new project, during its first two years, shall be borne by revenues raised by the local administrative unit. In other words, there is a mechanism now for the towns to be aware.

What this bill does is it simply says, that five percent shall be ten percent and one mill shall be 1.5 mills; it is just increasing the local share, that is all it is doing. It has nothing to do with making the towns more aware of what the costs are going to be. It is just saying that the towns shall pay more.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do accept the "Ought Not to Pass" Report. I am familiar with school construction because we went through one three years ago.

In the letter that Mr. Leighton read to you, in one portion where it says, even more revealing is the fact the citizens, again, unanimously voted to construct significant size additions to the buildings beyond what the Department and State Board of Education would approve. Both additions are totally funded at the local level. Therefore, if the local unit wants to build a larger building with their own funds, I see no reason why the Department of Education should get involved. When the department pays the bill, let me tell you, they don't allow you to build one square inch beyond what they approve. I know that. Therefore, it doesn't affect buildings paid for by the state.

When Mr. Birt mentioned architects, well, we talked to architects and he stated he asked the architect, are we building sufficient or good buildings in this state and the architect said, "No, we are not."

When we proposed something to the architects as a question and stated, you know, it would be a good idea if we had standard plans throughout the state on how we should build certain schools, so we could work on these plans, year after year, and make them more efficient and then we wouldn't have to go out to architects, to suggest to us that new aesthetically beautiful buildings should be built in certain areas and they said, "Oh, no, don't do that, because they would be losing money."

If we don't have proper construction of buildings in the state it is because of the problems that you will find in Maranacook, at Oak Hill, and Bonnie Eagle in Waterville, apparently, we don't have the proper engineers working in architectural firms. We have problems all over the state, not because we are paying less at the local level, because we are not getting the service from the architects and the engineers that we should have in this state.

I hope that somebody doesn't say that this is local control if we pay more, because it is not and we wouldn't have a school in our area if we had to pay 15 or 10 percent or 3 mills or 2 mills. We are lucky to get it at 5 percent and 1 mill. You would only be doing a disservice to small communities.

I hope you do accept the "Ought Not to Pass" report.

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

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I served on the State Board of Education when the school funding law went through to begin with and it looked like the answer to the prayers of a great many communities, that they would now be able to build schools which they had been unable to fund before. However, after the law had been passed and begun to be in operation, we found quickly that communities were taking such advantage of the funding that we were, at the

state level, tremendously exceeding our expected cost. The initial attempt to correct that was to have a small amount of up front money from the community and yet, we still are finding that communities are saying, we don't have to worry about this building because the state is going to pay for it, just to put a little bit in and the state will take care of the rest. This is very good for communities that literally cannot afford to have a school. However, it creates a problem in the community, if the community does not feel that it is adequately paying for its school, if it does not question the cost of the school to begin with, then it doesn't really feel as though it owns the school afterward.

I submit to you that it would be much better to increase the local share to start with and to have the community fully participate in the debate of the total cost of the school and to accept that before they decide to build the school.

I hope you will defeat the "Ought Not to Pass" motion.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: Having been involved with the school construction issue, perhaps as long as anyone in the body, and having worked very closely with the sponsor of this amendment, whom I have a great deal of respect for, as a matter of fact, in the last session I was one of the prime sponsors of adding this initial local share because I, too, was concerned that the communities thought that there was a free lunch. Clearly the advertisement which Mr. Davis showed you, which is still running in the papers, shows that many people sell their schools on the fact that it all comes from Augusta. We here know that is not true.

Representative Rolde pointed out that he pays 100 percent of the cost of his school construction. All school construction costs are based on your local construction. So, the real issue is not how much we are going to pay, but how do we make the citizens aware of how much it costs them to build their schools.

I am also the co-sponsor of the document that Representative Connolly referred to earlier, because I still had a concern that making the communities pay some up-front dollars did not have the dampening effect or did not have the effect of making people aware, because in spite of the fact they had to pay the 1 mill, they still were going out announcing this was all they had to pay and the rest of the school was free. I think I was the one that brought that advertisement to the committee because I was concerned. My approach was not to increase the local cost because I think that has not worked.

Also, I agree with Mr. Rolde that it has the effect of penalizing the towns with the lower valuation. This means they have to come up with more local dollars. In an attempt to address that, I co-sponsored a bill with Representative Kany, which would require a referendum, but not just a referendum on, do you want a new school or don't you? But a referendum that really spelled out what your local costs are. If you want to look at the Bill, it is L. D. 1062 and has been amended. The amendment is much better than our original proposal because it spells out that when they vote on the school, they know what the initial share will be, they know that they will pay for all the operating costs for the first two years, they know that the rate of reimbursement they will get based on their own valuation. But everything is spelled out, so it is not just a yes or a no referendum but, hopefully, a referendum which will give the people an intelligent choice. So, I hope you will vote to accept the "Ought Not to Pass" Report and not penalize the low valuation communities on their school construction projects.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of

the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

#### ROLL CALL

YEA — Austin, Baker, Beaulieu, Benoit, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Brown, K.C.; Call, Carroll, Carter, D.; Cloutier, Connolly, Davies, Dellert, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fowlie, Gowen, Gray, Gwadosky, Hickey, Hobbins, Howe, Hunter, Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Soulas, Strout, Studley, Tarbell, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman.

NAY — Aloupis, Birt, Bordeaux, Brown, D.; Bunker, Carrier, Carter, F.; Cox, Cunningham, Curtis, Damren, Davis, Dexter, Drinkwater, Fenlason, Fillmore, Gavett, Gould, Hall, Hanson, Higgins, Huber, Hutchings, Jackson, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterton, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Rollins, Sherburne, Silsby, Small, Smith, Sprowl, Stover, Torrey, Tozier, Twitchell, Wentworth.

ABSENT — Bachrach, Barry, Berry, Berube, Bowden, Chonko, Churchill, Conary, Dudley, Elias, Garsoe, Gillis, Hughes, Immonen, Jacques, E.; Jacques, P.; Lancaster, Paul, Roope, Sewall, Simon, Stetson, Whittemore, The Speaker.

Yes, 76; No, 51; Absent, 23.

The SPEAKER pro tem: Seventy-six having voted in the affirmative and fifty-one in the negative with twenty-three being absent, the motion did prevail.

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning Part-time Licenses under the Liquor Statutes" (H. P. 1215) (L. D. 1494)

Report was signed by the following members:

Mr. COTE of Androscoggin — of the Senate.

Messrs. DUDLEY of Enfield  
McSWEENEY of Old Orchard Beach  
DELLERT of Gardiner  
STOVER of West Bath  
CALL of Lewiston  
VIOLETTE of Van Buren  
MAXWELL of Jay  
SOULAS of Bangor  
Ms. BROWN of Gorham  
Miss GAVETT of Orono

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-374) on same Bill.

Report was signed by the following members:

Messrs. SHUTE of Waldo  
FARLEY of York

— of the Senate.

Reports were read.

Mr. Violette of Van Buren moved the acceptance of the Majority "Ought Not to Pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Bethel, Ms. Brown.

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask for a Division.

It is Friday afternoon and I will only take a minute to explain what my bill does here. The bill came about at the request of some of my constituents. My district is full of many small inns and restaurants that I am sure many of you have in your districts. A lot of these survive on a seasonal basis. They may be open for like the ski season and for the summer tourists or for the foliage, but they are not open for more than three or four months at a time and they shut down for a period.

Right now, in the state liquor laws, you have to buy a liquor license for six consecutive months or a one year basis. A one year license costs \$1,000 to sell just liquor plus you have to buy a beer license and a malt license and everything on top of that.

What this bill would allow would be for somebody in this situation to buy a six months license, but to state on that license, that they can break it up in two parts and have it open for like two months and four months or three months and three months. The license will state which months they are to be open and they will pay for that time. This is going to be a lot more convenient for a lot of these businesses. Right now, they buy a liquor license and they are really not doing enough volume to make it worth while, but they are buying a liquor license for their guests that are staying at these inns and everything.

I ask you to vote against the "Ought Not to Pass" Report, so I can move the "Ought to Pass" Report.

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

Mr. SOULAS: Mr. Speaker, Men and Women of the House: You will probably be shocked today to know that I will be voting against any kind of liquor bills, but I am today.

Now, the present law reads as follows: A liquor license for 12 months costs the licensee \$1,000 plus a \$10 filing fee. Now, if the licensee wants to buy a part time license for six months, the cost is \$500 plus the \$10 filing fee. If the licensee wants to extend his license for an additional month, they are allowed to do so by purchasing the additional month at an additional cost with no additional paper work involved. In addition, the state allows an additional month gratis, free, so in essence, your licensee is getting the use of a part time so-called six months permit for eight months. I don't see anything wrong with this. The law is very fair. They are not forcing you to buy a full year's license and if you want to extend your time, that is your privilege. This is what this particular bill does. It allows a licensee the privilege of purchasing a part time so-called six months license for \$500 and gives them an additional month free and, in addition, it also allows a licensee the right to open and close as they see fit. As an example, you could purchase a part time license for six months but operate for seven months. You could open up your business for four months, close for five months, then open again for three months, so actually, you are getting the use of a part time license over a full year period.

I think this is a bad bill. It will cause undue hardship for the department. They won't know who is open and who is closed. In addition, the local authorities have to vote every time a license comes up for renewal and this will cost the state, and I hate to say this, a loss of revenue of \$100,000.

I hope you will vote for the Majority Report, "Ought Not to Pass."

The SPEAKER pro tem: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I beg to differ with the gentleman, I think there are a few facts that were not quite accurately covered. What happens right now when you buy a liquor license,

sure, you can buy a 12 month license and pay a thousand dollars and close down, but meanwhile, while you are closed down, that license is running so you are paying for something that you are not utilizing so it is adding to your overhead cost.

What this Bill will do is that it will allow you to break up your liquor license. On the six months license that Mr. Soulas mentioned, you don't get an extra free month, you have to pay for that 30 day extension. The loss of revenue figure on this is nowhere near what the department or a certain individual stated—that was placed on there because of a previous argument, he was out to kill the bill over another issue altogether. It isn't even relevant to the issue before us.

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

Mr. Kelleher of Bangor requested a roll call.

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of more than 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, obviously, 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 pro tem: The pending question before the House is the motion of the gentleman from Van Buren, Mr. Violette, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Benoit, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Call, Carrier, Carroll, Carter, D.; Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowlie, Gavett, Gowen, Gray, Gwadodsky, Hall, Hanson, Hickey, Howe, Jackson, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Lewis, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nelson; M.; Nelson, N.; Paradis, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Rollins, Sherburne, Silsby, Small, Soulas, Sprowl, Stover, Strout, Studley, Tierney, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, Wyman.

NAY — Aloupis, Austin, Bordeaux, Boudreau, Brown, D.; Brown, K.L.; Bunker, Carter, F.; Conary, Cunningham, Damren, Davis, Drinkwater, Garsoe, Gould, Higgins, Hobbins, Hunter, Hutchings, Kiesman, Leighton, Leonard, Lizotte, Lougee, Lowe, MacBride, Masterton, Nadeau, Nelson, A.; Norris, Payne, Peltier, Peterson, Rolde, Smith, Tarell, Theriault, Torrey, Tozier, Twitchell.

ABSENT — Bachrach, Barry, Beaulieu, Berry, Berube, Bowden, Chonko, Dexter, Dudley, Elias, Gillis, Huber, Hughes, Immonen, Jacques, E.; Jacques, P.; Jalbert, Paul, Roope, Sewall, Simon, Stetson, Whittemore, The Speaker.

Yes, 87; No, 40; Absent, 23.

The SPEAKER pro tem: Eighty-seven having voted in the affirmative and forty in the negative with twenty-three being absent, the motion does prevail.

Sent up for concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Abolish the Fuel Adjustment Clause" (H. P. 961) (L. D. 1189)

Report was signed by the following members:

Mr. DEVOE of Penobscot  
Mrs. TRAFTON of Androscoggin  
Messrs. COLLINS of Knox

— of the Senate.

Mr. DAVIES of Orono  
Miss GAVETT of Orono

Messrs. REEVES of Newport  
BROWN of Livermore Falls

Mrs. NELSON of Portland  
Messrs. LOWE of Winterport  
VOSE of Eastport  
CUNNINGHAM of New Gloucester  
McKEAN of Limestone

— of the House.

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

Report was signed by the following member:  
Mr. BERRY of Buxton

— of the House.

Reports were read.

On motion of Mr. Davies of Orono, tabled pending acceptance of either committee report and specially assigned for Tuesday, May 15th.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Five-year Terms for Judges Instead of Seven-year Terms and to Provide for Legislative Action upon Public Petition of Judicial Misconduct" (H. P. 1213) (L. D. 1489)

Report was signed by the following members:

Messrs. COLLINS of Knox  
DEVOE of Penobscot  
Mrs. TRAFTON of Androscoggin

— of the Senate.

Messrs. STETSON of Wiscasset  
HOBBINS of Saco

Mrs. SEWALL of Newcastle

Messrs. JOYCE of Portland  
SIMON of Lewiston  
SILSBY of Ellsworth

— of the House.

Minority Report of the Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-376) on same Bill.

Report was signed by the following members:

Messrs. LAFFIN of Westbrook  
GRAY of Rockland  
CARRIER of Westbrook

— of the House.

Reports were read.

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

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would ask someone to table this for two days so I can clear this up.

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

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

Mr. Joyce of Portland requested a roll call.

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of more than 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, obviously, 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 pro tem: The pending question before the House is the motion of the gentleman from Portland, Mr. Baker, that this matter be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Baker, Birt, Blodgett, Bordeaux, Brannigan, Brennerman, Brown, A.; Brown, K.C.; Carrier, Carroll,



Carter, D.; Carter, F.; Churchill, Cloutier, Conary, Connolly, Damren, Davis, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fowlie, Gavett, Gould, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Hunter, Kane, Kelleher, Kiesman, Laffin, LaPlante, Leighton, Lewis, Lizotte, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McPherson, Michael, Nadeau, Nelson, M.; Nelson, N.; Norris, Payne, Peltier, Peterson, Post, Reeves, P.; Rollins, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tozier, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman.

NAY — Beaulieu, Benoit, Brodeur, Brown, D.; Brown, K.L.; Bunker, Call, Cox, Cunningham, Curtis, Davies, Dellert, Diamond, Fillmore, Garsoe, Hutchings, Jackson, Joyce, Kany, Lancaster, Leonard, Lund, McSweeney, Mitchell, Morton, Nelson, A.; Paradis, Pearson, Prescott, Reeves, J.; Rolde, Tierney, Torrey, Tuttle.

ABSENT — Bachrach, Barry, Berry, Berube, Bowden, Chonko, Dexter, Dudley, Elias, Gillis, Gowen, Huber, Hughes, Immonen, Jacques, E.; Jacques, P.; Jalbert, Locke, Lougee, McMahon, Paul, Roope, Simon, Stetson, Whittemore, The Speaker.

Yes, 91; No, 34; Absent, 25.

The SPEAKER pro tem: Ninety-one having voted in the affirmative and thirty-four in the negative with twenty-five absent, the motion does prevail.

#### Divided Report Tabled and Assigned

Report "A" of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Relating to Games of Chance" (H. P. 672) (L. D. 833)

Report was signed by the following members:

Mr. FARLEY of York

— of the Senate.

Messrs. VIOLETTE of Van Buren

MAXWELL of Jay

SOULAS of Bangor

CALL of Lewiston

Miss GAVETT of Orono

— of the House.

Report "B" of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-377) on same Bill.

Mr. SHUTE of Waldo

— of the Senate.

Ms. BROWN of Gorham

Messrs. DUDLEY of Enfield

DELLERT of Gardiner

STOVER of West Bath

McSWEENEY of Old Orchard Beach

— of the House.

(Mr. COTE of Androscoggin—of the Senate—abstained)

Reports were read.

Mr. Violette of Van Buren moved acceptance of Report A, "Ought Not to Pass."

On motion of the same gentleman, tabled pending his motion to accept Report A and specially assigned for Monday, May 14.

#### Consent Calendar

##### First Day

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

(H. P. 810) (L. D. 1013) Bill "An Act to Make Arson a Class A Crime under the Maine Criminal Code" Committee on Judiciary reporting "Ought to Pass"

(H. P. 745) (L. D. 931) Bill "An Act to Provide for an Official Seal for the Department of Human Services and to Expedite the Establishment of Court-ordered Child Support Obligations in Non-AFDC Cases" Committee on Judiciary reporting "Ought to Pass" as

amended by Committee Amendment "A" (H-382)

(H. P. 1272) (L. D. 1476) Bill "An Act to Provide for Oversight of Marine Research by the Department of Marine Resources" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-389)

(H. P. 410) (L. D. 527) Bill "An Act Relating to Current Funding of Special Education Tuition" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-388)

(H. P. 238) (L. D. 284) Bill "An Act to Amend the Statute Relating to Alternative Procedure for Adoption of School Budgets" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-387)

(H. P. 1160) (L. D. 1425) Bill "An Act to Define Residency for School Purposes" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-386)

(H. P. 959) (L. D. 1184) Bill "An Act to Increase Lobster Fishing License Fees and Establish a Lobster Advisory Council" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-385)

(H. P. 1042) (L. D. 1275) Bill "An Act Relating to the Purchase of Railroad Rights of Way" (Emergency) Committee on Transportation reporting "Ought to Pass"

(H. P. 1278) (L. D. 1526) RESOLVE, to Further Study Feasibility of Cargo Port Facilities (Emergency) Committee on Transportation Reporting "Ought to Pass"

(H. P. 1277) (L. D. 1529) Bill "An Act to Authorize Bond Issue in the Amount of \$22,000,000 for Highway and Bridge Improvements" Committee on Transportation reporting "Ought to Pass"

(S. P. 206) (L. D. 538) Bill "An Act to Prevent Cruelty to Animals by Establishing Certain Licensing Categories and Restrictions" Committee on Agriculture reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-153)

(S. P. 454) (L. D. 1370) Bill "An Act to Facilitate Operation of Department of Conservation Campsites" Committee on Energy and Natural Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-155)

(S. P. 463) (L. D. 1429) Bill "An Act to Amend the Maine Automobile Insurance Cancellation Control Act" Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-154)

No objections being noted the above items were ordered to appear on the Consent Calendar of May 14, under listing of Second Day.

#### Consent Calendar Second Day

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

(H. P. 170) (L. D. 221) Bill "An Act to Prohibit Cancellation of Automobile or Property Insurance without Actual Notice to the Insured" (C. "A" H-373)

On objection of Mr. Howe of South Portland, was taken from Consent Calendar, Second Day.

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

Committee Amendment "A" (H-373) was read by the Clerk and adopted.

Mr. Howe of South Portland offered House Amendment "A" (H-394) to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading, Monday, May 14th.

(S. P. 253) (L. D. 762) Bill "An Act Concerning the Definition of Criminal Mischief under the Maine Criminal Code" (C. "A" S-148)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence.

(H. P. 284) (L. D. 362) Bill "An Act to Increase the Membership of the Gardiner Water District to Six" (Emergency) (C. "A" H-372)

On objection of Mr. McHenry of Madawaska, taken from Consent Calendar, Second Day.

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

Committee Amendment "A" (H-372) was read by the Clerk and adopted.

Mr. McHenry of Madawaska offered House Amendment "A" (H-391) to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-391) to Committee Amendment "A" was read by the Clerk.

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

Mr. DAVIES: Mr. Speaker, could we have an explanation of what this would do?

The SPEAKER pro tem: The gentleman from Orono, Mr. Davies, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: All this does is change the word should to "shall".

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

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

The Bill was assigned for second reading, Monday, May 14th.

(H. P. 1334) (L. D. 1581) Bill "An Act to Extend until July 1, 1980, the Date for the Newport Water District to Purchase the Property of the Maine Water Company" (Emergency)

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

(H. P. 669) (L. D. 829) Bill "An Act Concerning Writ of Possession." (C. "A" H-379)

(H. P. 815) (L. D. 1017) Bill "An Act to Ensure Firefighters may use a Reasonable Degree of Nondeadly Force to Carry Out their Firefighting Duties"

(H. P. 242) (L. D. 287) Bill "An Act Relating to Revisions of the Adoption Law"

(H. P. 953) (L. D. 1186) Bill "An Act to Exempt Teacher Certification Records from the Freedom of Access Statutes" (C. "A" H-378)

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

#### Passed to be Engrossed

Bill "An Act to Amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions" (H. P. 768) (L. D. 855)

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

#### Amended Bills

Bill "An Act Relating to the Maine Medical and Hospital Malpractice Joint Underwriting Association Act" (Emergency) (S. P. 143) (L. D. 319) (S. "A" S-158)

Bill "An Act to Eliminate the Boards of Visitors within the Department of Mental Health and Corrections" (H. P. 1143) (L. D. 1405) (C. "A" H-366)

### Second Reader Tabled and Assigned

Bill "An Act Relating to Telephone Company Directories" (H. P. 1134) (L. D. 1402) (C. "A" H-359)

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

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: We discovered a minor flaw in this bill this morning and we are having an amendment prepared to correct that minor problem and I would like to have someone table this for one day.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and specially assigned for Monday, May 14th.

Bill "An Act to Clarify Certain Provisions Relating to the Statistical Reporting of Abortions" (H. P. 545) (L. D. 676) (C. "A" H-339)

Bill "An Act to Allow Unions to Negotiate on Behalf of Former Employees of a Company with Which the Union is Negotiating" (S. P. 319) (L. D. 949) (S. "A" S-151)

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

### Passed to be Enacted Emergency Measure

An Act to Allow an Emergency Opening of the Purse Seine Season in Washington County (H. P. 321) (L. D. 425) (C. "A" H-295)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary, a total was taken. 107 voted in favor of same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1979 (H. P. 1360) (L. D. 1596)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary, a total was taken. 106 voted in favor of same and none against and accordingly the RESOLVE, was finally passed, signed by the Speaker and sent to the Senate.

### Passed to be Enacted

An Act to Amend the Form of Election Ballots to Omit the Secretary of State's Name under Certain Conditions" (S. P. 272) (L. D. 842) (C. "A" S-133)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, signed by the Speaker and sent to the Senate.

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 Engrossed Bills as truly and strictly engrossed.

Ms. A. Brown of Gorham moved the indefinite postponement of the bill and all accompanying papers and requested a roll call vote on the motion.

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

A vote of the House was taken, and more than one-fifth of the members present having

expressed a desire for a roll call, a roll call was ordered.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would oppose the motion by the good gentleman from Gorham, Ms. Brown, to indefinitely postpone this matter. I think we have voted on this matter on a number of occasions and the House has voted in favor of the bill. I would just hope you would vote against the motion to indefinitely postpone.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Violette is right, we have voted on this twice. The first time we voted to defeat this bill, then the second time around, we voted to pass this bill. This is the third time on this and my position has not changed. I feel that we should indefinitely postpone this bill. As I have said before, there is a fiscal note on the bill, there is a good chance it could cost the state some money. I see no reason why, with the state being a monopoly, we have to take that chance. The reason for the state being in the liquor business is to control it and the way it is now, we have a very good policy. As we have said before, it is under complete control.

Also, I was rather interested when reading the newspaper, just this week, where the United States Senate just passed by an overwhelming margin, a measure which if the House of Representatives goes along with it, to put on every bottle of liquor, "this product may be injurious to your health." I agree with you that this will not decrease the consumption of liquor any. It hasn't done it for cigarettes, I don't know why it would do it with that.

I did read an editorial in the Press Herald this week that said it was education. Apparently, everybody agrees this is a product that doesn't do you any good. So, why in the goodness gracious do we in this House want to promote something that everybody admits to be injurious to your health and detrimental to law enforcement problems and many other problems that we don't have to go into here now. All this would do is allow the state to get into the business of promoting the sale once a week, make it more attractive for people to go in and buy this product. It isn't going to bother me any, and probably isn't going to bother anybody in the House, but there are people that have only so much to spend and what they spend on that, they aren't going to spend on groceries or something else.

So, I feel this bill should be killed now, once and for all.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This bill was defeated the first time around by more than 40 votes. But with a lot of lobbying around the hall, it passed by quite a few votes. I would like to see it defeated.

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

Mr. TARSELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to any one that might care to answer, particularly the opponents of the bill.

It is my understanding that down in the Kittery store, we have got special prices that are at a lower price in the State of Maine than are other liquor stores in the state, and one of the reasons for having those special discount prices is to attempt to attract the sale of this particular type of policy in one store and how does this bill in terms of the consumer bill, in terms of promoting sales, really differ? I would appreciate that. I am not a liquor law expert nor an expert in this field, but I wonder,

are we not really promoting that kind of a policy in one of our stores with state law now?

The SPEAKER pro tem: The gentleman from Bangor, Mr. Tarbell, poses a question through the Chair to any member who cares to respond.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would love to answer that question. The Kittery Liquor Store was put in for a very specific reason and that was to combat sales in New Hampshire and catch people that were coming up that corridor from Boston, and New York, to Maine. Pure and simple, it was a competitive matter. I voted against it, didn't agree with it, and still don't agree with it but there it is, it is there.

This particular bill is a completely different one, it has to do with liquor companies deciding they have got an item they want to move and so they cut the price on it and allow the State of Maine to participate in that.

I love the word hucksterism. I used it the other day and the good gentleman in the corner down there took me to task for it, but it is a good word. It explains what I am talking about. He knows what it means, I know what it means, it means, get out there and peddle a little bit. So, as far as I am concerned, we are putting the State of Maine in the peddling business on liquor and I don't favor it, I am opposed to it. I hope you will do just exactly what the gentleman says, let's kill this bill right now.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The word hucksterism does not describe this bill, it describes my good friend from Farmington, Mr. Morton.

The SPEAKER pro tem: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to continue in the same vein to the gentleman from Bangor, Mr. Tarbell. You know, I don't support the Kittery conception either. However, the Kittery store was our first step in the door and, true to form, here of course, is the expansion and the opening of that door. Now, the fact that that door is open is not a logical enough argument to open that door even further.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just point out to the gentleman from Durham or Lisbon or wherever it is that he comes from, that I don't care what you call me, as long as you vote against this bill.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think the arguments of the good gentleman from Bath, Mr. Stover, are quite inconsistent, when he is suggesting that we ought not to be in the market of selling alcoholic beverages and that I am promoting this product and, all of a sudden, I am going to be opening up the flood gates of the state. I think the good gentleman is somewhat inconsistent in his argument when he favors another bill which we have already defeated, which we have lowered the prices of the sale of alcoholic beverages throughout the state to the price of the Kittery level. I, in no way, want to do that.

All I want to do through this bill, which I have explained over and over again, and when I spoke to so many people after the first vote on this measure, many of them didn't understand what this bill was going to do, so many of them thought that this bill was, all of a sudden, going to allow for giant discounts and promoting of the product through advertisement and had

been led to believe that by so many people, and it doesn't do that. All it says is that when the producer of that product offers a discount on that product, as they all do on a regular basis throughout the year, that that ought to be passed onto the consumer. People always take advantage of any product and we ought not to hurt the majority of the people that don't take advantage of this product the way the minority does and hurt all those people that will receive some savings by the passage of this bill just because there is a minority of the people out there that have a problem with this. They are going to have a problem with this substance regardless as to what we do, whether or not we raise the price or lower the price.

I would hope that you would vote against the motion to indefinitely postpone this.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Violette is absolutely wrong. I signed that bill out "Ought Not to Pass" to lower the prices of all liquor stores to the same level of the Kittery store for reasons very obviously, and you will find that I am very consistent in my thinking.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I had an open mind last week when this bill first came in here. I knew that it would generate some debate and I thought I could listen and make a clear decision. I listened very attentively. I know what kind of bill this is; this is a bill that would put special items and draw people in to buy two bottles instead of one because of the reduced price.

Yes, there were remarks here today about the arguments presented by Mr. Stover. I listened to the arguments by Mr. Stover, he is a man I respect. I respect him because he spent those 29 years down there working in the soil of a farm. He came here as a stranger and he talked to me many afternoons out there, and when a farmer and a city boy sit down and talk, you know, it is an interesting conversation. He convinced me that this is a bad bill. I agree with him today, after I checked back on it, it really is a bad bill and I hope that I can help put this bill to rest.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to get into this debate, but since reference was made to my good bill, I thought I would rise.

I think once the state had decided in its wisdom that it is going to sell a product to its citizens, that it would then follow that they would price it equitably and as low as possible to all its citizens, but I think this bill does something else. I think this gets into promoting the product's use, so I would support the motion to indefinitely postpone it.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I was looking over a dictionary here and I got to the definition of a house, and within the definition of a house, they call us a legislature. I thought that was appropriate. It also said that we were a commercial establishment, an audience in a theater and the management of a gaming house. It didn't say anything about booze. I just thought you would like to know.

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

#### ROLL CALL

YEA — Austin, Birt, Blodgett, Brodeur,

Brown, A.; Brown, D.; Bunker, Carter, F.; Conary, Cox, Cunningham, Curtis, Davis, Diamond, Drinkwater, Fillmore, Fowlie, Garsoe, Gowen, Gray, Hanson, Higgins, Hunter, Jackson, Joyce, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterman, Matthews, McHenry, McPherson, Morton, Nelson, A.; Payne, Pearson, Peterson, Post, Prescott, Rollins, Sherburne, Small, Smith, Sprowl, Stover, Strout, Torrey, Wentworth, Wyman.

NAY — Aloupis, Baker, Beaulieu, Benoit, Bordeaux, Boudreau, Brannigan, Brennerman, Brown, K.L.; Brown, K.C.; Call, Carrier, Carroll, Carter, D.; Churchill, Cloutier, Connolly, Damren, Davies, Dellert, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fenlason, Gavett, Gould, Gwadosky, Hall, Hickey, Hobbins, Howe, Hutchings, Jacques, P.; Jalbert, Kane, Kany, Kelleher, LaPlante, Lizotte, MacEachern, Masterton, Maxwell, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Peltier, Reeves, J.; Reeves, P.; Rolde, Sewall, Soulas, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood.

ABSENT — Bachrach, Barry, Berry, Berube, Bowden, Chonko, Dexter, Dudley, Elias, Gillis, Huber, Hughes, Immonen, Jacques, E.; Paul, Roope, Silsby, Simon, Stetson, Whittemore, The Speaker.

Yes, 60; No, 70; Absent, 21;

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

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

An Act to Appropriate Funds to Provide for Lobster Rearing Stations (H. P. 475) (L. D. 592) (C. "A" H-329)

An Act to Amend the Laws Relating to Beano or Bingo (H. P. 508) (L. D. 625) (C. "A" H-325)

An Act to Amend the Burden of Proof Placed on the Bureau of Taxation in an Appeals Proceeding (H. P. 1036) (L. D. 1273) (C. "A" H-317)

An Act Eliminating the Requirements for Licensing Retail Cigarette Outlets and Cigarette Vending Machines (H. P. 1122) (L. D. 1452)

An Act to Clarify the Powers of the Masonic Trustees of Portland as to Their Authority to Sell Real Estate (H. P. 1335) (L. D. 1582)

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.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

#### Passed to be Enacted Emergency Measure

An Act to Clarify Home Rule Authority (H. P. 1097) (L. D. 1376) (S. "A" S-169 to C. "A" H-315)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Howe, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman's question, this is a bill that was sponsored by the gentleman from Lewiston, Mr. Jalbert, and myself on behalf of our charter commission, which was elected for purposes of reviewing our present charter and suggesting proposed changes. This is simply a bill to clarify exactly what the title says — Home Rule. It

is simply giving the local municipality an option to choose whether or not they want their school board elected or appointed. It doesn't have any major change in the law. It is just something that must be passed immediately so that our charter can be signed by the advising attorney and sent to the voters of Lewiston.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain my position on this thing. I was asked to put this bill in by the Chairman of the Charter Commission, who is not only a friend of mine but happens to be my attorney. I am on the Charter Commission myself. I am opposed to the change in the commission but I put this bill because I wanted to give the Charter Commission their fair share of fair play.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, I would like to pose a question through the Chair. I guess I haven't looked at the bill before. Does this pertain to all school boards in the state or is it just this one district?

The SPEAKER pro tem: The gentleman from Hope, Mr. Sprowl, has posed a question through the Chair to anyone who may care to answer.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: It is just a change that wants to be made by referendum in Lewiston concerning one phase of the charter.

This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary, a total was taken. 116 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.

By unanimous consent, ordered sent forthwith to the Senate.

#### Orders of the Day

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

An Act Authorizing the State to Contract with Tufts University School of Veterinary Medicine (H. P. 411) (L. D. 528) (H. "A" H-307)

Tabled—May 9, 1979 by Mr. Rolde of York.

Pending—Passage to be Enacted.

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

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

An Act Concerning Fire Permits for Registered Guides (H. P. 431) (L. D. 548) (C. "A" H-286)

Tabled—May 9, 1979 by Mr. Dow of West Gardiner.

Pending—Passage to be Enacted.

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

Mr. DOW: Mr. Speaker, I am having an amendment prepared for this bill and I haven't seen the amendment come across my desk, so I would ask someone to table this for one legislative day if they would, please.

On motion of Mr. Peterson of Caribou, tabled pending passage to be enacted and specially assigned for Monday, May 14th.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to Pass" as Amended by Committee Amendment "A" (H-320) — Minority (4) "Ought Not to Pass" — Committee on State Government on Bill, "An Act Relating to Resident State Police Troopers" (H. P. 841) (L. D. 1069)

Tabled—May 9, 1979 by Mrs. Kany of Water-

ville

Pending—Acceptance of either Report.

On motion of Mrs. Kany of Waterville, tabled pending acceptance of either Report and assigned for Monday, May 14.

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

Bill, "An Act to Provide for Full-time Workers' Compensation Commissioners and to Organize the Administration of the Commission" (H. P. 1379) (L. D. 1604)

Tabled—May 10, 1979 by Mrs. Kany of Waterville.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act to Amend the Law with Regard to the Diagnostic Laboratory of the Department of Human Services" (S. P. 406) (L. D. 1245) (C. "A" S-149)

Tabled—May 10, 1979 by Mrs. Prescott of Hampden.

Pending—Passage to be Engrossed.

On motion of Mrs. Mitchell of Vassalboro, retabled pending passage to be engrossed and assigned for Monday, May 14.

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

An Act to Partially Exempt Musicians from Coverage for Unemployment Insurance (S. P. 352) (L. D. 1100) (C. "A" S-132)

Tabled—May 10, 1979 by Mr. Wyman of Pittsfield.

Pending—Passage to be Enacted.

On motion of Mr. Wyman of Pittsfield, tabled pending passage to be enacted and assigned for Monday, May 14.

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

An Act to Clarify Inconsistencies in the Liquor Laws (S. P. 436) (L. D. 1367) (S. "A" S-138)

Tabled—May 10, 1979 by Mr. Pearson of Old Town.

Pending—Passage to be Enacted (Roll Call Ordered)

On motion of Mr. Morton of Farmington, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" (H-395) to and moved its adoption.

House Amendment "A" (H-395) was read by the Clerk and adopted.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain what is taking place here this morning. I am sure if you looked at the amendment, you didn't find it to be very sexy. It only has a couple of words and a couple of commas in it, but I guess it is now time for my biennial lecture on "hand in the cookie jar" syndrome.

You may recall that yesterday I pulled this off the enactors because I found in the title the word, inconsistencies, and that always rings a little bit of a bell with me. Then I found out it had a Senate Amendment which dealt with wine tasting, and that rang a little bit of a bell, so I thought we ought to look at it and, thank goodness, somebody tabled it and later on in the day, I had an opportunity to have it researched by our legal staff and I found that there was a real mickey in the thing and I would like to explain it to you because this little gem, and I want you to know, ladies and gentlemen of the House, this is not a gem, this is a diamond cut, beautifully fashioned piece of legislative skulduggery or prestidigitation or anything you want to think of.

Usually these are perpetrated by our colleagues when they want to put something over on other colleagues or get a law passed that is a little bit different. I checked with the people who supported the bill and there was no connection, and I checked with the lobby, and they denied all connections, so I don't know where it came from, but, anyway, it proves you have got to be careful when you are signing a bill.

Now, let's get down to the nub of the story, and again I reiterate, it is one of the cleverest, so if you want to look it up, it is Bill No. 1367, and you might like to have it in front of you because it is most obscure and it is pretty difficult to see.

I would address your attention in the bill to the second page particularly, but just to remind you that Sections 1, 2, 3, 4, 5, 6 and 7 and Section 9 are okay, they are inconsistencies in the law, they are exactly what the title would indicate, and even the first half of Section 8 is exactly the same thing. I will also, at this point in time, just mention an amendment which I am not going to have any objections to, the wine tasting is a substantive change in the law, but I am convinced that it has no real onus and if it is not abused it won't give us any problems, and Section 5 in the amendment, which deals with removal of the word 'involuntary', I do want the record to show that I have been assured by the lobbyists that the word 'involuntary' refers not to the state's action but to the action of wineries or manufacturers of liquor, but let's get back to the bill.

You look at the bill, down in Section 8, and it is Section 801 of the law that we are changing. They have been very consistent down about eight lines, and they have changed the word 'civic' to 'municipal'. That is okay, no problem with that, it is consistent with the rest of the bill.

Then, you might also notice that over in Section 8 of the Statement of Fact, they mention this, they point that out, but then down at the bottom in the right-hand corner, there is a little bit of a change, and if you happen to look at Section 8 in the Statement of Fact, it doesn't even mention this. I don't know whether it was designed that way or what the point is, but, anyway, what it did, ladies and gentlemen of the House, the change that you see down there in the corner enables the commissioner to—I will read it right from the bill, "make laws and rules and regulations which would allow licensees for premises which are restricted to liquor to be consumed on the premises" it would allow the commissioner to make laws allowing these licensees to sell booze by the jug, take out—it is one of the most beautiful pieces of drafting I have ever seen in my life. They removed a comma after the word 'commission' in the last sentence of the bill, they did add a period. Of course, it is pretty hard to tell that, you know, from the lining out because you don't line out periods and you don't line out commas. They didn't even change a word; they just took the word 'hotel' out of the middle of the sentence, which was one great long sentence, and they put a period after commission, making that whole clause modify the other licensees, and then they started the new sentence with the word 'hotel', it says "hotel licensees may sell liquor in the original packages to bona fide registered room guests." Now, it didn't take much drafting to do that, but it took one sharp guy somewhere to see that it was possible to do that with a minimum of changes in the statutes.

I didn't know that when I pulled it off the other day, I did notice the word 'inconsistencies' and I think that is the lesson that I am trying to teach today, particularly to first-timers but also some of our old timers miss them once in awhile. The fact remains that somewhere, someone deliberately attempted to make this legislature make a positive statement which would very definitely change the policy of this state with regard to the sale of liquor without anybody knowing about it.

I hope you are happy about this and you vote for the amendment which merely strikes this change in the law out.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate very much the lesson that my good friend from Farmington, Mr. Morton, gave us. It should be well heeded. As you know, I don't often debate these bills and I did get up when he got up the other day and went along with him because I have great respect for him and he did, indeed, find someone with their hand in the cookie jar. We don't know whose hand it was, but it certainly was in there and there was mud all over somebody's face.

I would finish by saying that I am perfectly happy, and having tasted a little wine in my time, I would go along with that part of the amendment, too.

Thereupon, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify the Provision Relating to Hearings on Juvenile Crimes and to Establish an Experimental Program for Education" (H. P. 1375) (L. D. 1601) — Minority (3) "Ought Not to Pass" — Committee on Judiciary on Bill, "An Act to Require that Most Hearings and Records Concerning Juvenile Crimes be Open to the Public" (H. P. 1091) (L. D. 1383)

Tabled—May 10, 1979 by Mr. Hobbins of Saco.

Pending—Motion of the same gentleman to accept the Minority "Ought Not to Pass" Report.

On motion of Mr. Hobbins of Saco, retabled pending his motion to accept the Minority "Ought Not to Pass" Report and assigned for Monday, May 14.

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

Bill, "An Act Pertaining to Motor Vehicles Passing Stopped School Buses" (H. P. 1041) (L. D. 1278) (H. "A" H-368)

Tabled—May 10, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this Bill and all its accompanying papers.

The SPEAKER pro tem: The gentleman from East Corinth, Mr. Strout, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the same gentleman.

Mr. STROUT: Mr. Speaker and Members of the House: The reason that I move the indefinite postponement of this bill is to make it very clear to you, even with the amendment that was put on yesterday, what this bill does, it says that any motor vehicle that passes a stopped school bus and the driver of that school bus, one of the problems they have today is that they can't identify the driver, so now what are they doing, they are putting the burden on the registration.

The amendment that was put on has sweetened the bill up some, but I still don't feel that we ought to be getting into the process of putting a law on the books that says when the driver cannot be identified, we are going to take a school bus driver's recommendation or whatever he may pass on, that this particular vehicle at this time of day was passing his bus. There could be problems here where he could list the wrong number. There are going to be

situations where the bill and in the amendment that has been offered, it says that this individual that was driving that car, if he admits to driving that car, then it takes the burden off the registration. Well, let me tell you that I guess that anytime this registration is turned in and the owner of the vehicle might say that so and so was driving this particular day, when you approach this individual, I question whether he is going to admit that he was driving the automobile. I feel that it is going to be unenforceable.

I know that the good boys who worked on the amendment are trying to do what they feel is right and I know that they have gone through the procedure of saying that we will be able to have a hearing and fine him by the district courts. I don't think that we ought to be getting into a situation where we are going to make these individuals go through this procedure, and in this time, I cannot support this legislation. Maybe in the future there is something we can draft together that would be more acceptable, but I can't see now trying to require people to go this route.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I will go through another explanation of the bill, but I think I will address myself to the remarks of the gentleman from East Corinth. It appears to me that what the gentleman from East Corinth seems to be suggesting is that we have a law with a penalty that is not going to inconvenience anyone.

I learned long ago as a school teacher that if the punishment didn't hurt somebody, it was certainly no deterrent. And the bill, as it has been rewritten, gives the person who owns this registered vehicle the full protection of the law. His registration will not be suspended unless the court finds that the vehicle which was used in violation of this section and the vehicle was identified by a preponderance of the evidence.

Now, a large part of the objection of the gentleman from East Corinth seems to be that someone else might be driving this vehicle. I own a couple of vehicles and, as far as I am concerned, those vehicles are registered to me and unless someone is driving one of those vehicles in the unlawful possession of it, and the bill exempts any penalty for someone being in the unlawful possession of the vehicle, I think I have a certain responsibility, if that vehicle is identified as passing a school bus, to either find out who was driving it, if someone other than me was driving it, and I don't use my vehicles so much but what other people are driving it all the time, it may not be a very great inconvenience to me but it will certainly be an inconvenience to the person who is driving the vehicle. I really think we have given the owner of this vehicle his day in court and that this is a serious situation. The lives of children are at stake here, and I think that we need a law with some teeth in it. The law we have now has no teeth in it, and we might as well not have it on the books. It keeps the honest people honest, but it does nothing for the person who has wakened to the fact that the law has no teeth and, apparently, from what we find, there are plenty of people like this who are passing these school buses realizing that there is no teeth in the law.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I sure don't like to get into debates like this on a Friday at this stage of the game. However, the time is propitious now to give you my position. I think the gentleman from Brewer, Mr. Cox, is right, there is no teeth in the law either way.

This morning, on my way up here from Lewiston, there was a bus, the lights were on. Here I am right behind the bus; the lights went off. A car is coming this way, the bus driver

took a sharp left turn — no lights showing, no directional lights showing. He was going to take a sharp left turn. A driver was right behind me, I saw him through the mirror, and believe you me, it was a miracle — I intend to see the people myself, but it was a miracle that the driver of that vehicle, who was perfectly within his rights, there were no blinkers on the bus, but the bus driver was actually violating the law.

What I would like to see done at this stage of the game, on this fine Friday afternoon, I would like to see this bill tabled pending the possibility of putting some further teeth into the law the other way. It is not always the driver's fault, you know. I have seen some of these school bus drivers pull a couple myself, but this morning, it was flagrant, it was by a pure miracle — had this person been going along at the rate of 55 miles an hour, he would have plowed right into the side of that bus and he probably wouldn't be around today.

I think this bill ought to be tabled, I think deep teeth ought to be put in so that at least if it is good for them, it is good for us. My old daddy told me, what is sauce for the goose is sauce for the gander.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I concur with what the gentleman from Lewiston, Mr. Jalbert, has said. However, we have had this in committee a good long time. Those who did favor it tried to work out something that would be workable. I don't think that tabling is going to do any good.

I just want to bring out one more point that I guess I forgot to mention before and it could work both ways, I suppose, if you were to amend it to include the school bus driver, but if that school bus driver, for some reason or other over a period of time, maybe doesn't like a particular individual who drives over a certain road, it is very easy to turn that registration in for no reason at all. This is one of the reasons that I am concerned about this bill.

I would like to see something done here, but I know that we really, in my opinion, don't have the time to do it this year.

I think it is something that has got to be thought out more than what we have thought out in the last couple of months. I really don't see any need for holding this bill up any longer.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: On previous occasions, I have spoken to this body about the dangers of the child alighting from a school bus, a flashing light, mechanical failure of a vehicle could cost that child its life.

In this particular legislation, as I recall, there were 37 instances in a particular area in Maine where vehicles have barreled right through the blinking lights on a school bus and they barreled right through knowing full well that at that speed they cannot be identified, but you can get the registration number. Now, I don't like to see anyone falsely accused or anyone get even with a grudge they have against an individual in a community. I don't like to see that type of an operation.

I sleep with the thought many times that someday I will either read in the paper or be told of not one child being flattened but of three or four alighting from a bus being hit.

We had a man at the hearing that said, on occasion he happened to be called to an accident when the child was so badly demolished they had to pick the remains of that child up with a shovel. Now, this is serious, serious business. We have a very, very acute problem.

In some areas of this state there are people who habitually pass blinking red lights on school busses and are getting away with it because they know the driver is not able to identi-

fy them and he must do so. He must get a good look at that person's face and be able to testify that was the man that did it. As this particular bill is now, with an amendment being drafted to put the owner of the vehicle on notice, if your vehicle is driven by someone else that is so careless that we have a law now on the books that says the registration may be pulled, it is not a very long period of time. I am sure that if you went into court and I don't appreciate the fact that the owner of the vehicle may have to appear and may not be at fault, but if you knew that you had a particular individual working for you that was doing this and getting away with it. I am sure you wouldn't want to have that responsibility on your soul or mine, that you employed a person who had disregard for human life.

I think it is high time we addressed the problem of the person who barrels through blinking lights on school buses, knowing full well the driver cannot identify. I think we have something here, which I would hope this legislature would consider, and consider it very carefully, and remember that it isn't just one person's life riding on this law, but there could be 37 individual cases where these children could have actually been hit.

They described to us one individual, he was a real hot rod and he barreled right through and it was impossible to determine who he was. They tried to identify and they tried to do something about it but it was impossible. I think it is time, even though it is Friday and nobody likes to stay here, we are all anxious to get out in that beautiful sunshine but if I had children riding a school bus every day, I would think twice before voting against this particular bill. I am sure that many of you here either have children or have someone very close to your heart, and even though you don't, I know you are concerned for the safety of the child riding the school bus.

I would hope you would vote for this today.

Let's send it over to the other body. Even though this fails in final passage, let's put the public on notice that the legislature is aware that this is going on and we are going to address it. I think it is high time that we tried to do something about that driver who full well knows that if he barrels through, he can't be identified but we can get his registration number and do something about it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer one of the objections of the gentleman from East Corinth because it is one that has been of concern to other people in here. This is about the possibility of a bus driver having a grudge against someone and turning in his license number. Now, this does not depend entirely on the turning in of the license number.

The first part of the penalty section says, if the court finds that the vehicle was used in violation. So, first it has got to prove the violation took place. So, if the bus driver has other witnesses who saw the violation take place, he can certainly support his position. If there are other witnesses there, say no, no car passed that bus, obviously the owner of that car has a very good case that his vehicle didn't pass the bus. So, the first thing that has got to be proved is that the vehicle did pass the bus. I think this pretty well takes care of the problem of school bus drivers turning in people's numbers out of spite.

The SPEAKER pro tem: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I had two objections to this bill when it originally came in. The first one said that you had automatic suspension of your registration even without a trial. But, that has been taken care of in this amendment.

But my second objection was human error. There is no way that you can amend that out of



a bill. Now, if that bus driver should make a mistake and when he sets that number down, if he should get one in the wrong place, some innocent person is going to get called into court for passing a school bus. Now, you have got to prove yourself innocent and I can think of all kinds of places where you just couldn't prove your innocence. You could be home alone all day with nobody to testify for you. How are you going to prove that you are innocent? No way. If you were at work and you got out at three thirty and maybe ten or fifteen minutes later somebody passes a school bus when it is stopped and, again, you are alone, you have no way of proving your innocence, and you have got to or you're guilty under this bill here. I just can't go along with having innocent people guilty of something that they never did do.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of brief remarks to some of the remarks that were made in opposition to the bill.

First, this bill would only take effect when it was impossible to personally identify the driver of a vehicle that actually went by a school bus with blinking lights on. The first attempt would be to identify the driver, which is almost impossible to do, when that car is going by. If you do pass a school bus and you are personally identified as the driver of a vehicle passing that school bus, it is a crime under the laws of the State of Maine, it is a criminal violation. You can be arrested and you can also be placed in jail for prosecution and conviction. You would have to defend yourself, and you would have to prove one thing at a trial, you would have to prove, if you were defending yourself, is that they have misidentified you personally. The state could drag you into court and you would have a criminal prosecution and you would have to defend yourself and say, they have misidentified me, they think they identified me as the driver but that is not so. So, the same kinds of problems that can occur with maybe a potential misidentification of a vehicle happens every day with the criminal law in the State of Maine with misidentifying or the potential for getting the wrong identification of the perpetrator of a crime. Now, this particular bill would only come into effect if you could not identify the driver. Then you turn to the vehicle.

If you look at section two of the amendment, you would not only attempt to identify the vehicle by the registration plate number, that is not the only thing you use, you use the model, the make, and any other identifying features, if it is heavily rusted, it has a big bash in the front or fender or whatever, you use all of those facts and circumstances by the school bus driver, to try to identify the vehicle. Then the bus driver would have to persuade the police officer with all of those facts that he has presented to the officer to swear out a summons and a complaint. So, there are many protective steps. Then at court, if it got that far, the burden is on the State of Maine to identify the vehicle. So, the same kinds of problems that happen with potential misidentification in this bill, happens with every one of our laws, particularly our criminal laws. By the way, this is a non-criminal sanction. This is not a criminal bill, so that kind of problem exists with all of our laws in all of our court hearings.

This sets up a fair due process hearing and the court has to be persuaded, that that was, in fact, the vehicle and there was proper identification of that vehicle, and there was proper identification of that vehicle, that that was, in fact, the vehicle that went by that school bus illegally, which by the way, is a crime in the State of Maine, but this bill would not constitute a crime, this would be a civil offense, a civil infraction. The penalty sanction would not be placing someone in jail, it would not be a fine, but it would be a possible loss and suspen-

sion of that registration from somewhere for three months to a year.

I hope that this does clarify some of the points that have been raised today because this is an extremely serious problem in many parts of our state, not only in the rural areas but the urban areas as well. I hope you will go against the motion to indefinitely postpone.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentleman from Bangor, Mr. Tarbell.

I would like the gentleman from Bangor, Mr. Tarbell, to state for the record, that if the driver of the car can be identified, that is a defense under any prosecution under this act?

The SPEAKER pro tem: The gentleman from Farmington, Mr. Morton poses a question through the Chair to the gentleman from Bangor, Mr. Tarbell, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Excellent question. The answer is yes, if the driver can be identified, once they are able to identify the vehicle, and through that, they are able to come up with evidence of identification of the driver, then the summons and the complaint would be brought against the driver for personally violating our criminal laws, which make it a penalty to pass school buses.

The SPEAKER pro tem: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: It is hard for me to argue with a lawyer, I am not that smart but if I ever get accused of passing a school bus, which I didn't do, I hope Mr. Tarbell will defend me and do as good a job as he is doing right now.

Mr. Strout of East Corinth was granted permission to speak a third time.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Tarbell did a pretty good job on explaining some parts of the amendment. One section of the amendment I wish he would explain, where he is a member of the legal profession, is section four concerning unlawful possession. Maybe I don't understand this correctly because I am not a lawyer, but I get the impression from reading this that if the automobile was stolen and that vehicle went by a school bus, then this section would exclude a vehicle that is stolen. If this is incorrect, I wish he would correct me.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Another excellent question. The answer is yes. If you have your vehicle stolen and the thief of your vehicle is violating criminal law in passing a school bus with its lights on and the vehicle is identified and it comes back to you, you will be totally exempt and excluded from any personal problem or any problems with the registration of your car, because you can't be held responsible, obviously, for a thief who is running around in your car, so the answer is yes.

The SPEAKER pro tem: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I will be very quick. I just want to point out a couple of things. This is a real problem with my community and I know some of the communities surrounding mine. I sent this bill out to the 18 bus drivers that work in Windham. They all favor it considerably. They further favor the amendment that the gentleman from Brewer, Mr. Cox, put together. It is going to help a problem we have right now.

We do have kids, as the gentleman from

Limerick, Mr. Carroll, expressed, we have children who are riding buses and are put forth on the highways with two or four lanes, you are exposing those children to a great deal of hazardous conditions. I would hope that you would, before you vote against this bill, check with your bus drivers and see what kind of problems they are having right now and see the kind of help that they need.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: This answer to the question of unlawful possession of a vehicle, the answer was very interesting because as a policeman, I found that many times that person that committed a motor vehicle violation, a serious motor vehicle violation, and could only be identified by the vehicle, went a little further, dropped off his car and immediately reported to the police his car had been stolen. So, it could be that the person who owned the vehicle and was operating the vehicle could get away with it in this instance.

I am going to vote for the bill, by the way, so I am not saying this to oppose it.

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

Mr. L. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: As a past bus driver, I think it is a good bill, it should pass.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to get up but I don't have the amendment before me and I can't find it, and I have a question on who is to be penalized. Is it the driver or the owner? What about family members? Is that very clear in this law, in the amendment that we are talking about? I am waiting to have the amendment delivered to me.

The SPEAKER pro tem: The gentleman from Waterville, Mrs. Kany, has posed a question through the Chair to any member who cares to answer.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: There are two steps. The first step is, Mrs. Kany, if you can identify the driver of the vehicle, this bill would not even come into play. You would personally have a summons and complaint issued and, by the way, it is a criminal summons and complaint issued against the driver personally if you can identify the driver of the vehicle that violated that law.

Only if you cannot identify the driver does this bill come into play. That would be to go against the vehicle. By the way, this is a technique that is used, ladies and gentlemen of the House, and it is becoming used more and more throughout our country. In fact, Congress is passing a lot of these laws in the criminal area where you have problems going against the criminal, you try to come up with some civil approaches.

For example, in criminal cases, you lose your burglar tools, if you are a burglar. In marijuana cases, you lose your ship that is transporting your marijuana off the coast of Maine. It is forfeiture type of things and this is the type of bill and the type of rationale that goes behind this. This would actually go against the vehicle, Mrs. Kany.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Just so I know what I am voting on, let's say that I am here in the House and Representative Tarbell rode down from Bangor with somebody else that day and he wants to do an errand and I lend him my car. I



say, fine, please feel free to use my car, and you passed a school bus and they don't see the driver but they notice my registration number, then I am the one that is penalized under this?

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I didn't know that we were going to have a hypothetical law class today—the answer is no, you are not the one who is penalized. They would come to you and say, Mrs. Kany, we saw your Volkswagen go past a school bus today and we would like to summons you to court and suspend the registration of your vehicle unless you can tell us who the driver was. You would say, yes, I can tell you who the driver was. Don't bother giving me a summons, the driver was Representative Tarbell from Bangor. I can prove it, I gave him my keys, he returned the keys to me and I think you have enough circumstantial evidence to arrest him and I will take you and lead you to him in Seat 21 in the House, and I would be penalized by the criminal law, Mrs. Kany.

Mr. Carroll of Limerick requested a roll call.

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 pro tem: The pending question before the House is on the motion of the gentleman from East Corinth, Mr. Strout, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Bordeaux, Boudreau, Brown, D.; Call, Garsoe, Hunter, Hutchings, Kane, Kany, Leighton, Lewis, Lowe, Lund, MacBride, MacEachern, Masterman, Masterton, McHenry, Nelson, A.; Pearson, Reeves, J.; Sewall, Sherburne, Smith, Strout, Tierney, Torrey.

NAY — Baker, Beaulieu, Benoit, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Brown, K.C.; Bunker, Carrier, Carroll, Carter, D.; Churchill, Cloutier, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowlie, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Howe, Huber, Jackson, Jacques, P.; Jalbert, Joyce, Kiesman, LaPlante, Leonard, Lizotte, Locke, Lougee, Mahany, Maxwell, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Payne, Post, Prescott, Reeves, P.; Rolde, Small, Sprowl, Stover, Studley, Tarbell, Theriault, Tuttle, Vincent, Violette, Vose, Wentworth, Wood.

ABSENT — Bachrach, Barry, Berry, Berube, Bowden, Carter, F.; Chonko, Conary, Dexter, Dudley, Elias, Gillis, Gould, Hobbins, Hughes, Immonen, Jacques, E.; Kelleher, Laffin, Lancaster, Marshall, Martin, A.; Matthews, McKean, McMahon, Paradis, Paul, Peltier, Peterson, Rollins, Roope, Silsby, Simon, Soulas, Stetson, Tozier, Twitchell, Whittemore, Wyman, The Speaker.

Yes, 29; No, 82; Absent, 40.

The SPEAKER pro tem: Twenty-nine having voted in the affirmative and eighty-two in the negative, with forty being absent, the motion does not prevail.

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

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

On motion of Mr. Pearson of Old Town the

following Joint Order: (H. P. 1392) (Cosponsor: Senator Huber of Cumberland)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill to establish the subsidy index for educational funding for the fiscal year 1979-80 and to appropriate the necessary funds.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act to Regulate State Liquor Stores and Agencies" (H. P. 1243) (L. D. 1487)

Tabled—May 10, 1979 by Mr. Violette of Van Buren.

Pending—Adoption of Committee Amendment "A" (H-338)

Mr. Carrier of Westbrook offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-381) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for Second Reading Monday, May 14th.

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

Bill, "An Act to Improve Election Laws and to Make Equal Application of Legal Requirements for Independents, Democrats and Republicans in all Respects" (H. P. 898) (L. D. 1136)

Tabled—May 10, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: It is with some trepidation that I rise this afternoon at this late hour but I have something that I have to get off my chest in connection with this bill.

The title, similar to Mr. Morton's of Farmington, caught my eye, and as I got into it, I was somewhat dismayed with what it purports to do, but I was even more dismayed to find that my good friend and seatmate, Representative Tarbell of Bangor, is the sponsor. However, I think we have been instructed that if our eye offends thee, pluck it out and if the hand offends thee, cut it off so that is what I would like to do to this bill.

I am an advocate of the two party system. I guess everyone in here is, but one of the phenomena that has developed lately is that the largest block of voters in this state today is unenrolled. This bill gives those unenrolled voters a standing that they don't deserve. You will notice that Independents is capitalized. There is no such things as an Independent voter and there is no such thing as an Independent party, but I think if we pursue this type of action, we will run a real risk of creating a third Independent party.

If you read the bill, you will find that it requires, among other things, that anyone who chooses to run, other than as a Democrat or a Republican, must leave the Republican or Democratic party, 90 days prior to April 1st, at which time they would be required now, as I understand it, to file a letter of intent. so, on two accounts, I think we should be very careful in passing legislation of this kind.

The Independent isn't represented here. The unenrolled voter is not here, there aren't any. A couple of them came in but I think they are firmly ensconced now as members in good standing of an official party. It is the largest block of voters that you can identify in this state not represented here. Why should we be

driving them from our parties? We should be wooing them.

I think the reason they are out there is because we have failed in the responsibility of articulating what we mean and what we stand for. It is our fault, at least partly, that they are out there unenrolled. I think it is also perhaps a sign of the times that some people feel comfortable there, but I think we have got to take a major share of the blame. I think it is inappropriate that since we control what goes on in this body, we are now taking steps, in my opinion, to alienate them, to further drive them from any possibility of being in a party and raising a real chance that we could be encouraging them to form this third Independent party.

There are the reasons I am going to vote no on the engrossment of this bill, which I believe is the pending question, and I would like to ask the rest of you to just give it a little thought before you turn your switch.

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

Ms. BENOIT: Mr. Speaker, Ladies and Gentlemen of the House: I have to take issue with Mr. Garsoe on a few points. First of all, I think he just made a very good argument for the bill in that we did have two Independents elected to this body, who are non-party and he has now said that they have apparently joined a party and weren't they wise to do that, and that is exactly what we want people to do.

This was such a good bill that Representative Tarbell submitted, it was perfect, we have no amendments on it, there was not one opponent to the bill at the hearing, it was a unanimous "ought to pass" report.

The only thing this bill does, it says very simply that if you wish to run as non-party candidate, then you must unenroll from either the Democratic or Republican party 90 days before you file your petition. Now, I might remind you that if you wish to run as a Democrat or as a Republican, if you want to run as a Democrat and you are a registered Republican, you must become a Democrat three months before you file your petition papers or vice versa. So, it really isn't any different from what we have to do. We are asking them to unenroll from a party be registered as a non-party candidate, a neutral, and I guess sometimes they do call them Independents, I am sorry to say.

The other thing is that they must file their petition papers the same day we do, April 1. Keep in mind that once they get past that, there is no primary for the independent.

I think this is a good bill, I hope Representative Tarbell still does, and I would hope that you would vote for it today.

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

Mr. MCHENRY: Mr. Speaker, I would like to ask a question. In the general election, would there be more than one Independent candidate running?

The SPEAKER pro tem: The gentleman from Madawaska, Mr. McHenry, has posed a question through the Chair to any member who may care to answer.

The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, yes, I think we saw that in the past election. Oftentimes, we have quite a few Independent candidates running.

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

A vote of the House was taken.

68 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House the twelfth

tabled and today assigned matter:

Bill, "An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations Relating to the Operation or Use of Motor Vehicles, Streets and Highways" (S. P. 183) (L. D. 413) (C. "A" S-137)

Tabled—May 10, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Motion of Mr. Connolly of Portland to Indefinitely Postpone Bill and all Accompanying Papers.

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

Thereupon, the Bill was Passed to be Engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

Bill, "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education" (H. P. 937) (L. D. 1147)

Tabled—May 10, 1979 by Mr. Rolde of York.

Pending—Adoption of Committee Amendment "A" (H-353)

Mr. Connolly of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-371) was read by the Clerk and adopted.

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

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

Bill, "An Act to Provide that a Person's Picture shall Appear on His Driver's License and to Provide for a Photographic Identification for Nondrivers" (H. P. 940) (L. D. 1164)

Tabled—May 10, 1979 by Mr. McKean of Limestone.

Pending—Indefinite postponement of Bill and all Accompanying Papers.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I was considering asking that this be tabled because of the lateness of the hour. One of the reasons I asked the bill to be held last week was because there were so many people absent they didn't have an opportunity to vote on it, but with your cooperation, that may not be necessary.

I have had an amendment drafted which will, hopefully, make this bill acceptable to some of those on the opposing side. If I can convince you to vote against the motion to indefinitely postpone and let this bill go by first reading, I will offer the amendment on second reading and then we can debate the merits or demerits of the bill on Monday.

The SPEAKER pro tem: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Members of the House: I support the comments made by the gentleman from Lewiston, Mr. Nadeau, and would ask for a division and hope you would vote against the indefinite postponement so that we can give this bill its first reading.

The SPEAKER pro tem: The pending question is on the motion to indefinitely postpone the Bill and all accompanying papers. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

20 having voted in the affirmative and 50 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted, and the Bill read once and assigned for second reading the next legislative day.

#### Bill Held

An Act to Increase Fees Charged by Bail

Commissioners" (H. P. 1129) (L. D. 1398) (C. "A" H-293) — In House, House Adhered to Passage to be Enacted on May 10, 1979.

Held at the request of Mr. Connolly of Portland.

Mr. Connolly of Portland moved that the House reconsider its action of yesterday whereby it voted to adhere.

On motion of the same gentleman, tabled pending his motion to reconsider and assigned for Monday, May 14.

#### (Off Record Remarks)

Mr. Tuttle of Sanford was granted unanimous consent to address the House.

Mr. TUTTLE: Mr. Speaker, Men and Women of the House: I received a letter from some of my constituents today and I would like to read it to you. It is addressed "Dear John: A group of senior citizens of the Trafton Senior Citizens Center of Sanford, Maine, have obtained a list of signatures regarding their feelings about reduction in Central Maine Power electric bills. I agreed to forward it to you along with their hopes that something can be done to decrease the rates.

"I guess everyone would like to see these rates decreased if possible. At least you have for your records the feelings of a group of senior citizens who hope, whenever possible, that you, along with all the Representatives in the Legislature, will help in any way possible."

I just thought I would share that communication with you.

On motion of all the Mothers of the House, adjourned until Monday, May 14, at 9:30 in the morning.