

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

Monday, May 14, 1979

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

Prayer by the Reverend Theodore Evertsen of the Lutheran Church of the Resurrection, Waterville.

Rev. EVERTSEN: The Reverend Frederick Hollaman, Chaplain of the Kansas Senate, delivered an invocation which drew many sympathetic nods. His session opening prayer was this. Our mission, Father, help us to know who is telling the truth. One side tells us one thing and the other just the opposite, and if neither side is telling the truth, we would like to know that, too. And if each side is telling half the truth, give us the wisdom to put the halves together.

Lincoln described democracy as government of the people, for the people and by the people, and that form of government was new to the world in the late 1700's when it came into being, and yet Dr. Martin Luther, more than 200 years earlier, wrote these words which address a difficulty that we all have in governing a nation in the manner which we have chosen in this country. He said, "Temporal power seeks not its own but its neighbor's profit in God's honor. It would gladly remain quiet and let its sword rust if God had not ordained it to be a hindrance to evil doers. Yet, this subject should not be accompanied by still greater harm that would be a leap from the frying pan into the fire. It is a poor defense to expose a whole city to danger for the sake of one person or to risk the entire country for a single village or castle. On the other hand, a citizen must endure a certain measure of suffering for the sake of a community and not demand that all other men undergo the greater injury for his sake. The lord or ruler must always look to what will profit the whole mass of his subjects rather than any one portion. That householder will never grow rich who, because someone has plucked a feather from his goose, flings the whole goose after him."

Shall we pray! Dear heavenly Father, as we begin this session this morning, we ask that you would bless our land with tranquility and prosperity. Grant to us citizens, who pursue honest labors for the sake of their own need and for their neighbors as well, grant us dedicated leaders in government who will deal honorably in all matters before them. Again, grant both those who govern and those who are governed wisdom to seek only those things which will benefit the whole of our people.

Finally, grant that all things may be done under the banner of your love which comes down to us from above. We ask these things in the name of Our Lord and Savior, Jesus Christ. Amen.

The members stood at attention during the playing of the National Anthem by the Oxford Hills Wind Ensemble.

The journal of the previous session was read and approved.

Papers from the Senate

The following Communication:
THE SENATE OF MAINE
Augusta

May 11, 1979

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

The Senate today voted to Adhere to its action whereby it indefinitely postponed the Bill, and accompanying papers on Bill, "An Act to Base Adjustments of Retirement Allowances on Cost of Living" (S. P. 130) (L. D. 307).

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
Augusta

May 11, 1979

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

The Senate today voted to Adhere to its action whereby it accepted the Minority Ought Not to Pass Report on Bill, "An Act to Assist Handicapped Workers in Returning to Employment by Transfer to Suitable Work" (S. P. 322) (L. D. 952).

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Tabled and Assigned

Bill "An Act to Provide a Special Restaurant Malt Liquor License in the Town of Georgetown" (S. P. 547) (L. D. 1614)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

In the House, under suspension of the rules and without reference to a Committee, the Bill was read twice.

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

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

Dr. Wofford G. Gardner, Professor of Forensics and Speech Communication, is retiring after 33 years of dedicated service to the University of Maine, during which time he laid the foundation for the commitment to excellence in teaching and research now found in the Department of Speech Communication (S. P. 550) Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Reports of Committees
Ought Not to Pass

Report from the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Prevent Tax Assessors from Assessing Taxes on their Own Property" (S. P. 387) (L. D. 1195)

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

Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Carry Forward to June 30, 1983 Appropriated Park Development Funds" (Emergency) (S. P. 380) (L. D. 1160)

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Assure the Appropriate Development of the Hydro Power Potential of Maine Rivers" (S. P. 467) (L. D. 1531)

Report of the Committee on State Government reporting "Leave to Withdraw" on RESOLVE, Authorizing the Transfer of 10 Acres of State-owned Land on Cony Road to Kennebec County for a New Correctional Facility (S. P. 218) (L. D. 603)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Authorize a Bond Issue for Kennebec County for the Construction of a New Correctional Facility or Reconstruction of an Existing Facility" (S. P. 379) (L. D. 1159)

Came from the Senate with the Reports read

and accepted.

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

Ought to Pass with
Committee Amendment
Amended in Senate

Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-152) on Bill "An Act to Eliminate the Termination Provisions of the 'Food Products' Sales Tax Exemption" (S. P. 462) (L. D. 1428)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-152) as amended by Senate Amendment "A" (S-167) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-152) read and adopted in concurrence. Senate Amendment "A" (S-167) to Committee Amendment "A" (S-152) read and adopted in concurrence and the Bill assigned for Second Reading Tuesday, May 15.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act Prohibiting a Bank Holding Company from Owning more than One Type of Financial Institution" (S. P. 91) (L. D. 177)

Report was signed by the following members:

Messrs. AULT of Kennebec
CHAPMAN of Sagadahoc
Ms. CLARK of Cumberland — of the Senate.

Miss ALOUPIS of Bangor
Messrs. LIZOTTE of Biddeford
BRANNIGAN of Portland
HOWE of South Portland
SPROWL of Hope
Miss BROWN of Bethel
Messrs. GWADOSKY of Fairfield
WHITTEMORE of Skowhegan — of the House.

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

Report was signed by the following members:

Messrs. D. DUTREMBLE of Biddeford
JACKSON of Yarmouth — of the House.

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

In the House: Reports were read.

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

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Welcome to Business Legislation Day. I guess we are going to have a couple of these coming along.

I am in the minority of this. I hope you will not vote for the "ought to pass" report and will accept the minority. I will ask for a division on it.

Basically, this bill—we are talking about savings banks and commercial banks—the savings banks seem to feel at this point that they should be able to — the commercial banks can get into their act and set up savings banks. The Business Commissioner and the feeling of many of us is that they don't have this option but I guess they are worried about it, so they would like to have this bill put through to protect them from commercial banks setting up savings banks.

This bill has been in the legislature a number of times before. My personal feeling is that it is not needed at this time, and I hope you will go with the "ought not to pass" report.

The SPEAKER: The Chair recognizes the

gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker and Members of the House: As Representative Jackson has indicated, this bill represents a struggle among banks, which is kind of interesting in a way. It pits the savings banks against the commercial banks.

The committee received a great deal of information, graphs and charts and figures that each side was presenting, and the commercial banks are trying to make the case that they are failing at the expense of the savings banks. But after examining all of this data, it looked to me, and I think a majority of the committee, that both savings banks and commercial banks are growing at a pretty healthy clip, and the difference between the share of the market that each holds really doesn't change drastically.

What one commercial bank attempted to do a couple of years ago was to set up a stock-held savings bank instead of a mutual savings bank in one of its branches in Raymond, and the Bureau of Banking turned down that request on the facts of that particular situation.

This bill would prohibit commercial bank holding companies from buying and operating savings banks. The basic issue is the fact that the savings banks, under federal regulation, can offer a quarter percent advantage on certain types of savings accounts over commercial banks. The reason behind this particular policy, I think, is a sound one, and that is to encourage the flow of capital into savings banks where it will be used predominantly for housing mortgages, residential mortgages.

The commercial banks, if they begin to capture a larger and larger share of savings deposits, that much money will be drawn away from the residential housing market and I think, because housing money is tight enough now, that it is good public policy to see that that doesn't happen, and that is why I am supporting the Majority "Ought to Pass" Report.

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

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I am not a proponent of savings banks or commercial banks, but something that disturbs me about this bill is the fact that in 1974 there was an extensive banking study made. I understand whatever came out of that bank study was a series of compromises and tradeoffs. This sort of information that you have on this bill today that would restrict commercial banks was not put in during the 1974 study.

Mr. Howe of South Portland mentioned how the commercial banks tried to institute a stock savings bank in a town in Maine two years ago, and the superintendent of the Bureau of Banking did not allow it. Right now, the Bureau of Banking does restrict these things. Any new changes that a commercial bank would have to make would have to go before the Banking Commission.

One thing that disturbs me about this is that we had one side giving us their views on this bill and we had the other side giving us their views, their opposing views on the issue, and we do not have any information from the Bureau of Banking itself and that really disturbs me.

We are passing a law here, where we only have the proponents' and opponents' view on it. I wish, before we pass a bill like this, that we would have some information from the Bureau of Banking.

I hope that you oppose the Majority "Ought to Pass" Report and accept the Minority "Ought Not to Pass" Report.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will go with the "Ought to Pass" Report on this bill.

Basically, there are two differences in savings and commercial banks. Savings banks can

pay interest on savings in the amount of one quarter of one percent more than commercial banks. Commercial banks can have commercial checking accounts. Both banks can have checking accounts, but commercial banks and only commercial banks can have commercial or business checking accounts. Those are the basic differences in the two banks.

One bank, and I won't mention any names, tried to set up a—I guess the easiest way to explain it is to take over a savings account bank or holding company so they could supercede so they could do the same as savings banks are doing and pay one quarter of one percent more. What this bill does is to close that loophole so that commercial banks could not have the advantage that savings accounts now enjoy, because commercial banks also have other advantages. There is a difference in the two and we felt that they should both not be able to do the same thing because of the reasons that Representative Howe has already told you about.

So, I hope you will go with the "Ought to Pass" Report on this bill.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from South Portland, Mr. Howe, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

96 having voted in the affirmative and 12 in the negative, the Majority "Ought to Pass" Report was accepted. The Bill was read once and assigned for second reading tomorrow.

Divided Report

Eight Members of the Committee on Business Legislation on Bill "An Act to Include Services Performed by Chiropractors under Health Insurance Policies and Health Care Contracts which Pay Benefits for those Procedures if Performed by a Physician" (S. P. 131) (L. D. 308) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-164)

Report was signed by the following members:

Mr. CHAPMAN of Sagadahoc
— of the Senate.
Messrs. D. DUTREMBLE of Biddeford
LIZOTTE of Biddeford
BRANNIGAN of Portland
HOWE of South Portland
GWADOSKY of Fairfield
WHITEMORE of Skowhegan
SPROWL of Hope
— of the House.

One Member of the same Committee on the same Bill reports in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-165)

Report was signed by the following member:

Ms. CLARK of Cumberland
— of the Senate.

Four Members of the same Committee on same Bill report in Report "C" that the same "Ought Not to Pass"

Report was signed by the following members:

Mr. AULT of Kennebec
— of the Senate.

Miss BROWN of Bethel
Miss ALOUPIS of Bangor
Mr. JACKSON of Yarmouth
— of the House.

Came from the Senate with Report "A" read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-164)

In the House: Reports were read.

Mr. Howe of South Portland moved acceptance of Report "A" "Ought to Pass"

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

Miss BROWN: Mr. Speaker, I would request a division. Ladies and Gentlemen of the House:

This was a long, tough hearing on this piece of legislation. I am sure that many people on the Business Legislation Committee found it to be.

What we discovered was that already this group can receive insurance and what this law does is mandate specifically Blue Cross-Blue Shield, to offer it to them. Personally, I didn't feel that it was necessary, where it is already being offered here in the state.

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

Mr. HOWE: Mr. Speaker and Members of the House: This is kind of an interesting issue. It involves chiropractors and medical insurance and, as you see, there are three reports. Report "B", signed by Senator Clark, is the original bill which would have required, in all cases, that both commercial and non-profit, that is Blue Cross-Blue Shield medical insurance policies, in both the group and the individual policies, provide coverage for chiropractic services.

It was the feeling of the majority, eight members of the committee, that it wasn't warranted that we require that every health insurance policy in the state provide chiropractic coverage, primarily because a relatively few number of people want these services.

There are several commercial insurance companies which provide chiropractic coverage in their individual policies, and I think possibly in some group policies as well, but Blue Cross-Blue Shield does not. Blue Cross-Blue Shield provides health insurance for 55 percent of the men, women and children in the State of Maine, not 55 percent of those covered but 55 percent of everybody. That is a lot of people and so many people depend upon that one organization for their health insurance coverage that we felt that it was warranted that we require Blue Cross-Blue Shield to make available chiropractic coverage for any group of 50 or more persons who want to ask for it. If enough people in any given group, whether it be members of a credit union or people at a particular factory or a group of other employees, if they are willing to pay what extra small charge there would be in order to have chiropractic service, regardless of how you and I may feel about chiropractors, I think they ought to be able to get it. That is what Report "A" would accomplish and I hope you will accept the Majority Report.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of things we should consider here. First of all, this coverage is available now under the private insurance companies. The problem comes with Blue Cross. As you may realize, Blue Cross works on a third-party approach where they contract directly with the hospital or the doctor to pay the bill. If you have an insurance policy and you are hurt or something, the insurance policy pays you and you pay the doctor. Under Blue Cross, you go to a doctor and the doctor or the hospital is paid directly by Blue Cross.

The original bill, the report by Senator Clark, would mandate that Blue Cross had to offer these chiropractic services. The amended bill would make it an optional type thing with groups of 50 or more.

My feeling on it is that this shouldn't really be mandated, that if there is the demand there, Blue Cross will offer it anyway, and the demand hasn't materialized.

The other thing that you should realize here is that the chiropractic services we are talking about here are not manipulation. If you go in with a stiff back or something, under any of these reports, it wouldn't cover the manipulation of the backbone or that type of thing. It would only cover X-rays and lab tests.

One of the reasons that the chiropractors are after this is because they testified in front of the committee that they feel that their field of

service goes far beyond the manipulation. They were talking about curing ulcers, eczema, a number of different things that would go beyond the manipulation of the backbone, but this bill doesn't cover manipulation. It just covers X-rays and lab tests.

Another reason that we had some hesitation on the participation bill is that we feel that there is a severe question now on X-rays and people shouldn't be X-rayed anymore than they have to be. The statistics show that the chiropractors do do a great deal of X-raying and, of course, as we are all becoming aware, these things are cumulative and can lead to cancer and various things.

Anyway, I am on the report that would say "Ought Not to Pass" and I would urge your acceptance of that report.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I haven't been able to find the two amendments before me, but am I correct in assuming that Committee Amendment "B", signed by Senator Clark, would make this petition of 50 or more individuals mandatory and Committee Amendment "A" would make it optional?

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

The Chair recognizes the gentleman from So. Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: Negative—Report "B" is the original bill, which would require all policies, both group and individual, to have that coverage available.

Report "A" says that it "shall" be available as an option to any group of 50 or more persons who ask for it.

While I am on my feet, one other point with respect to the current availability of commercial policies for individuals covering chiropractic services. That is true, but since so many people would already, either themselves or their employer, be paying for a Blue Cross-Blue Shield policy, it doesn't seem to make a great deal of sense to me that they should, in addition to that, have to go out and buy an individual policy with mostly duplicative coverage in order to get the chiropractic coverage they need.

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

A vote of the House was taken.

91 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-164) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Orders

An Expression of Legislative Sentiment (H. P. 1395) recognizing that:

Craig Croxton, son of Chief Master Sergeant and Mrs. William B. Croxton, Loring Air Force Base, Maine and recipient of the Presidential appointment to the United States Air Force Academy Class of 1983, delegate to Dirigo Boys State in 1978, President of the Letterman's Club, Vice-president of the Limestone Chapter of the National Honor Society and captain of the boys' varsity basketball team, has been named Class Salutatorian for 1979 at Limestone High School.

Presented by Mr. McKean of Limestone.

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

An Expression of Legislative Sentiment (H. P. 1396) recognizing that:

Janet Strain, daughter of Colonel and Mrs. Robert B. Strain of Loring Air Force Base, Maine and a member of the National Honor Society, co-captain of varsity cheerleaders and Queen of the 1979 Limestone Winter Carnival, has been named Class Valedictorian for the class of 1979 at Limestone High School.

Presented by Mr. McKean of Limestone.

The Order was read.

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

Mr. McKean: Mr. Speaker, Ladies and Gentlemen of the House: The two young people on the preceding order and this order are indicative of the type of the younger generation that we have in Limestone from the Air Force Base at Loring.

Craig Croxton, who is on the preceding order, is the son of Chief Master Sergeant and Mrs. William B. Croxton, and we are very proud of him because he is the recipient of the Presidential appointment to the United States Air Force Academy. He is a delegate to the Dirigo Boys State, President of the Letterman's Club and Vice-president of the Limestone Chapter of the National Honor Society, captain of the boy's varsity basketball team.

We are very proud of these two young people and we have one of them in the balcony today.

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

An Expression of Legislative Sentiment (H. P. 1397) recognizing that:

Lee M. Schepps, a highly respected and faithful public servant, is departing as Director of the Bureau of Public Lands, having served both public and private sectors, and with such accomplishments to his credit as the 1972 Attorney General's Report on the Public Lands, organization and administration of a comprehensive management plan for State public lands, coastal islands and submerged lands and the leading of the return of the people's rights in public reserved land to the State.

Presented by Mr. Blodgett of Waldoboro.

The Order was read.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: In December of 1975, Mr. Lee Schepps was appointed director of the Bureau of Public Lands. His ensuing three and a half years of leadership saw many accomplishments, including the return of 88,000 acres of timber and grass rights to the people of Maine and the assembling of five trades involving public reserve lands. This reserved in the state a substantial area of mountain and lake-front land, along with numerous large parcels of working forest acreage.

Of particular significance to the people of Maine was the acquisition of a substantial portion of the Bigelow Preserve and most of the Arrowsic Range outside of the existing Grafton Notch State Park.

It is through this type of leadership that people have regained some confidence in some of our public officials, and we would wish him well in his future.

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

An Expression of Legislative Sentiment (H. P. 1398) recognizing that:

Ernest P. Abrahamson, III, from Boy Scout Troop 33 of Chebeague Island Methodist Church received rank of Eagle Scout on April 22nd.

Presented by Mr. Garsoe of Cumberland.

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

On motion of Mr. Dow of West Gardiner, the following Joint Order: (H. P. 1399)

ORDERED, the Senate concurring that the

Joint Standing Committee on Fisheries and Wildlife be authorized and directed to report out a bill to make corrections and clarify provisions of the Inland Fisheries and Wildlife laws.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mrs. Post of Owl's Head, the following Joint Order: (H. P. 1400)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation be directed to report out a bill entitled "An Act Establishing the Municipal Cost Component for the Unorganized Territories."

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Bruce Roope of Presque Isle be excused May 14 to May 18, 1979 for personal reasons.

House Reports of Committees

Ought Not to Pass

Mr. Lizotte from the Committee on Business Legislation on Bill "An Act Concerning Manufacturer Liability on Express Warranties Pursuant to Consumer Sales" (H. P. 995) (L. D. 1231) reporting "Ought Not to Pass"

Mr. Brown from the Committee on Local and County Government on Bill "An Act Authorizing Inclusion of the District Attorney's Budgets in the Attorney General's Budget and Reducing County Payments for District Attorney's Expenses" (H. P. 1249) (L. D. 1497) reporting "Ought Not to Pass"

Mr. McMahon from the Committee on Local and County Government on Bill "An Act to Permit Municipal Constables to Serve as Full-time Deputy Sheriffs" (H. P. 473) (L. D. 589) reporting "Ought Not to Pass"

Mr. Gould from the Committee on Election Laws on Bill "An Act to Revise Certain Duties of the Commission on Governmental Ethics and Election Practices" (H. P. 950) (L. D. 1183) reporting "Ought Not to Pass"

Mrs. Wentworth from the Committee on Election Laws on Bill "An Act to Provide that the Recall Petitions for Municipal Officers May be Circulated" (H. P. 949) (L. D. 1182) reporting "Ought Not to Pass"

Mr. Hall from the Committee on Election Laws on Bill "An Act to Provide that Persons who Run for Elective Office and who do not have Anyone Running against them do not have to File Reports on Campaign Expenses" (H. P. 83) (L. D. 94) reporting "Ought Not to Pass"

Mr. Masterman from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Bear Hunting with Dogs" (H. P. 664) (L. D. 824) reporting "Ought Not to Pass"

Mr. Paul from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Training of Dogs while Bear Hunting" (H. P. 542) (L. D. 673) reporting "Ought Not to Pass"

Mr. Jacques from the Committee on Fisheries and Wildlife on Bill "An Act to Amend the Possession Limit for Fish taken from Inland Waters" (H. P. 390) (L. D. 499) reporting "Ought Not to Pass"

Mrs. Beaulieu from the Committee on Education on Bill "An Act to Provide for Reimbursement for Crossing Guards" (Emergency) (H. P. 1155) (L. D. 1322) reporting "Ought Not to Pass"

Mr. Lougee from the Committee on Transportation on Bill "An Act to Eliminate Inspection and Registration for Motor Vehicles Used Solely on Islands" (H. P. 919) (L. D. 1130) reporting "Ought Not to Pass"

Mr. Vose from the Committee on Public Utilities on Bill "An Act to Require the Bureau of Civil Emergency Preparedness to Contract for the Inspection of Dams" (H. P. 1216) (L. D.

1539) reporting "Ought Not to Pass"

Mrs. Beaulieu from the Committee on Labor on Bill "An Act Relating to the Notice Provisions of the Workers' Compensation Act" (H. P. 749) (L. D. 934) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Bordeaux from the Committee on Local and County Government on Bill "An Act to Require the State to Partially Reimburse Municipalities for Functions which the State Requires of Municipalities" (H. P. 1234) (L. D. 1546) reporting "Leave to Withdraw"

Mr. Dow from the Committee on Fisheries and Wildlife on Bill "An Act to Create the Bruce McCrea Game Sanctuary in Fort Fairfield" (H. P. 933) (L. D. 1175) reporting "Leave to Withdraw"

Mr. Brennerman from the Committee on Health and Institutional Services on Bill "An Act Concerning the Hospital Inspection Law" (H. P. 891) (L. D. 1086) reporting "Leave to Withdraw"

Mr. Blodgett from the Committee on Energy and Natural Resources on Bill "An Act to Redistribute the Powers of the Department of Environmental Protection to Localities to the Maximum Extent Possible" (H. P. 1291) (L. D. 1558) reporting "Leave to Withdraw"

Mr. Rolde from the Committee on Education on Bill "An Act Concerning the Governance of Vocational Centers" (H. P. 903) (L. D. 1119) reporting "Leave to Withdraw"

Mrs. Locke from the Committee on Education on Bill "An Act to Require Vocational-Technical Institutes to Provide Vocational Education for Handicapped Students" (Emergency) (H. P. 931) (L. D. 1145) reporting "Leave to Withdraw"

Mr. Connolly from the Committee on Education on Bill "An Act to Permit Special Education Students who have Completed Available Special Education Programs to Enter Vocational Schools before Attaining the Age of 16" (H. P. 697) (L. D. 875) reporting "Leave to Withdraw"

Mr. Fenlason from the Committee on Education on Bill "An Act to Permit High School Sophomores to Attend Vocational Education Institutes" (H. P. 14) (L. D. 31) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Taxation on Bill "An Act to Reduce the Inheritance Tax Liability on Family-owned Farms Maintained in Farm Production and Inherited by the Immediate Family" (H. P. 1153) (L. D. 1423) reporting "Leave to Withdraw"

Mr. Carroll from the Committee on Transportation on Bill "An Act to Allow the Evaluation of the Existing Toll Facilities on the Maine Turnpike" (H. P. 533) (L. D. 654) reporting "Leave to Withdraw"

Mr. Carroll from the Committee on Transportation on Bill "An Act Providing Additional Driver License Examiners in the Division of Motor Vehicles" (Emergency) (H. P. 551) (L. D. 682) reporting "Leave to Withdraw"

Mr. Hobbins from the Committee on Judiciary on Bill "An Act to Limit the Requirement that a Natural Parent Must Give Written Consent to the Adoption of that Parent's Child before a Probate Judge to Situations Involving Adoption of an Illegitimate Child" (H. P. 504) (L. D. 612) reporting "Leave to Withdraw"

Mr. Dexter from the Committee on Labor on Bill "An Act to Set a Penalty for Employers Who Prevent Employees from Organizing an Employee Organization" (H. P. 1059) (L. D. 1309) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence

(Off Record Remarks)

On motion of Mr. Brown of Livermore Falls, Recessed until the sound of the gong.

After Recess

11:00 A. M.

The House was called to order by the Speaker.

Ought to Pass in New Draft

Mr. Birt from the Committee on Education on Bill "An Act Relating to the Vocational-technical Institutes" (H. P. 966) (L. D. 1097) reporting "Ought to Pass" in New Draft (H. P. 1393) (L. D. 1613)

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

Ought to Pass

With Committee Amendment

Mr. Brennerman from the Committee on Taxation on Bill "An Act Defining a Retailer's Sale of Equipment Used in Its Business as a Casual Sale Under the Sales and Use Tax Statutes" (H. P. 1066) (L. D. 1320) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-398)

Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-398) read and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Establish a Mandatory \$200 Fine for any Minor Convicted of Illegally Purchasing Alcoholic Beverages" (H. P. 27) (L. D. 44)

Report was signed by the following members:

Messrs. COLLINS of Knox
DEVOE of Penobscot
Mrs. TRAFTON of Androscoggin — of the Senate.
Messrs. HOBBS of Saco
SILSBY of Ellsworth
STETSON of Wiscasset
SIMON of Lewiston
HUGHES of Auburn
Mrs. SEWALL of Newcastle — of the House.

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

Report was signed by the following members:

Messrs. JOYCE of Portland
LAFFIN of Westbrook
CARRIER of Westbrook
GRAY of Rockland — of the House.

Reports were read.

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

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take a moment of the House's time this morning to explain what this bill is and what it does.

This bill, first of all, has nothing to do with the storeowner, as far as him being prosecuted for his part in selling beer to minors. He will still be held liable. He will still have to pay his fine. He will still have to answer to the State of Maine on his part for selling alcoholic beverages to minors. What this bill does is separate the two and says, if a person under the age of 20 attempts or tries to buy alcoholic beverages, he will be fined an automatic \$200.

Now, to some of you members in this House, you do not possibly and cannot possibly realize all the tricks of the trade that these young people use to buy beer. They lie, they cheat, they will do everything they can to purchase alcoholic beverages.

Manytimes, a storeowner is at fault and he will be held liable and accountable. But, the big thing that that we are trying to do here is to deter young people in this state, under the age of 20, from purchasing alcoholic beverages. They go into a store, they try to use a driver's license that someone else has given them, they have tried to do everything possible you can imagine to purchase alcoholic beverages because, you see, if they get caught, they don't have any deterrent. The storeowner is liable. He goes to court, he pays his fine and, in many cases, especially on the second offense, he loses his license. All that happens to the young people is he is reprimanded; he is told by the Juvenile Court not to do it again. There is a fine on the books that he has to pay but it is not enforced. So, you see, the juvenile has nothing to lose by purchasing alcoholic beverages. Who is to blame? Who loses? We make the storeowner follow very strict rules. We make them pay for a license, and if he doesn't abide by those rules, we take his license from him and, consequently, many of the small stores where this is affected, they will be put right out of business because the small storeowner today, who puts in many long hours cannot survive without a beer license. They need that to stay in business. So, consequently, if a minor goes and lies or he tries to purchase alcoholic beverages under the age of 20 and he is caught, to be sure the storeowner will go down too, but so will the boy, he will go down the tube.

I hear these people say, yes, well, you know most of the rich people, they give it to their kids in their home and stuff like that. Well, I don't buy that. That is kind of a thing that they throw in there. I don't buy that.

The other excuse that they use is that if a poor boy goes in and the mother and father can't afford to pay the fine and so forth and so on, well, what happens if the boy drives a car? A 17 year old boy drives a car and he gets into an accident, he has to pay. There is no separation of church and state in this deal. What we are looking for is to pin-point the problem. The problem is, believe you me, it is a very serious problem, we have stores in our community where proprietors tell me that anywhere from 10 to 40 to 50 young people will come in on a Friday night and try to purchase alcoholic beverages. Of course, you know their parents don't know what they are doing. Half of the parents are out themselves and they don't tend to their children so, naturally, how do we expect the children to obey the rules of our society when the parents don't even know where they are?

I say to you, my friends, let's pass this bill this morning. Let's take and support the minority report. All it is is a mandatory \$200 fine. You know, once I found these things to be true, the kids don't have to read it in the newspaper in the town, all you have to do is to catch one kid once, and boy, that will spread like wildfire. They say, gee, I just got picked up and, you know, it is going to cost me or my parents or somebody, it is going to cost us \$200 because I got picked up. Well, those kids are going to think twice. Now, this bill does not affect, it has nothing to do with the other law where a person is 20 years old and has a valid ID, and he goes and buys it and gives it to the minors. That is a separate thing, that has nothing to do with this whatsoever. He can be held liable, but not under this bill. This bill only directs itself to the young people who are under 20 years old. There are many young people, 18 and 19, that could pass for 22, 24, and 25 years old. So, it is very, very easy to deceive a small storeowner, especially where they make their bread and butter on a Friday night when business is so fast.

You know, you look at a kid and we have had many of them, I think there were at least four or five in this particular case in our own city where even the inspector looked at the kid and said, gee, you know this kid does look older than 20.

All I am asking is to send this bill on its way

this morning. Make the mandatory \$200 fine for a youngster purchasing beer and then we have got a start. But, if we don't make any law at all, if we don't attempt to try to stop this young person, they are going to continue to try to do it and who is going to be the loser, the person in the corner store. He suffers anyway because he is the one that we are trying to protect this morning. So, I would urge that the House watch my light, that is all you have to do today, and I will lead you in the right direction.

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I sympathize with the problem which the good gentleman from Westbrook has raised this morning about the situation where a minor goes in and buys alcoholic beverages from a licensee and the problem the licensee has under the existing laws. However, the existing bill before us, L. D. 44, is probably not the solution to the problem. Under the existing law, if a minor is convicted of illegally purchasing, procuring, transporting or possessing liquor, that individual is subject to a fine for the first offense of not more than \$100 nor less than \$50; no more than \$100 for a second offense and \$100 for a third offense and subsequent offenses thereafter.

The problem we are addressing today does not just deal with a minor buying liquor and the penalties and the consequences involved. Under existing Maine law, if a licensee sells liquor to a minor, that licensee is subject to revocation of license, suspension of license, and a serious fine.

We find ourselves in a situation, and I will relate to you a situation which I had two weeks ago where I defended a store on three different violations. From the appearance of the three individuals, I think anyone in here would probably serve that individual an alcoholic beverage if you were a clerk or owner of a little store.

However, under existing Maine law, the state, in order to prove its case, only has to show that the purchase was made by that individual and that individual is under 20 years of age. So, you can see from the standpoint of a licensee, if the licensee sells to that particular minor, he is in jeopardy. The burden of proof is very simple. Even though a licensee has a license, which has some type of proprietary interest, that licensee can be denied that license by just selling to a minor under the age of 20 and nothing else has to be proved. That is a real problem. I think that should be addressed.

L. D. 44, which the good gentleman presents to us, will not solve that particular problem. All this will do is require a mandatory \$200 fine for an individual convicted, a minor who is convicted of illegally purchasing, procuring, transporting or possessing liquor. The good gentleman made a good point in his presentation. He said, I don't know who is going to pay for it, maybe it is going to be the parents of the kids. Well, he raised a good point, because if you have a \$200 mandatory fine, the kids are not going to be punished a lot of times, it is going to be the parents that are going to be punished, a parent who probably can't afford that particular fine.

Under the present law, there is discretion on the part of the judge to fine an individual up to \$100 on the first offense. That judge has the discretion to ask whether or not in fact that minor is working, whether or not that minor is living at home with his or her parents, the possibility of looking into the fact of what type of financial situation does exist at home and make a determination and a punishment that will suit that individual.

However, under this bill, with the mandatory \$200 fine, we don't consider an individual's personal standpoint, we just arbitrarily fine someone \$200 for the offense. I think that is a bad approach in our judicial system and I think we, as legislators, should make the punishment suit the crime and, in this particular case, it

doesn't.

As I mentioned earlier, I sympathize with a lot of licensees because there are some good licensees who are hoodwinked into selling liquor to a minor, but I don't think this will provide a deterrent, which is intended under this bill. I think we should address the problem in other ways, like was addressed in legislation in the past, and possibly work on some type of legislation which will make it a little more difficult for the state to prove its case and not just rely upon the storeowner losing his or her license because a sale was made and the person was under age. I think this bill is a little too broad.

I respect the sponsor for presenting this particular piece of legislation to address a problem that does exist, but I don't think the provisions will solve the problem.

Mr. Speaker, I ask for the yeas and nays.

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

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

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: In regard to the gentleman's comments from Saco, there is considerable discretion by the judge under current law, and I submit that this discretion has led to very pliable application of the law in such a fashion as to render the law almost limp and impotent.

I notice by the report that this bill does have bipartisan support, both Republican lawyers and Democratic lawyers. I submit that a unified and a uniformly applied sentence will do more to prevent the attempt by juveniles to purchase liquor more so than the current law, and I strongly urge your support of the minority position and respectfully request you to oppose the "Ought Not to Pass" Report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to say at this time that I think the gentleman from Saco, Mr. Hobbins, has made a very good point. I think he has hit the issue right on the head when he talked about the bill. Half of his speech didn't have anything to do with the bill, but the thing he is trying to get at is another day and another story.

The point that he did bring out was that—you know, we let these judges have discretion and they look over the situation and they say, well, this kid can't afford to pay this and so forth and so on, but I will tell you one thing, if you are a parent and your kid goes out and does \$200 worth of damage and you have got to dig that out of your pocket, he won't do it a second time. He will do it the first time and you will pay, but he won't do it the second time, whether he destroys someone's property, whether he is in a car accident, you pay the first time, but if you pay the second time, you are a stupid parent. The parents should know and the parents should behave—say to their children, listen, I have done it once, I can do it again and I can do it three times. He made a good point. He brought that point up and it is a good point, but remember, you pay it the first time but you won't pay it the second time. That is what my bill addresses.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Auburn, Mr. Hughes, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Benoit, Berry, Bordeaux, Bowden, Brannigan, Brenner-

man, Brodeur, Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Carter, F.; Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Fowlie, Gavett, Gowen, Gwadodsky, Hall, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Jalbert, Kane, Kany, Kelleher, Leonard, Lewis, Lizotte, Locke, Lund, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McMahon, McPherson, Michael, Mitchell, Morton, Nadeau, Norris, Paradis, Paul, Pearson, Pelletier, Peterson, Reeves, J.; Reeves, P.; Rolde, Sewall, Silsby, Simon, Soulas, Sprowl, Stetson, Tarbell, Tierney, Tozier, Tuttle, Vincent, Viollette, Wentworth, Whittemore.

NAY — Austin, Barry, Berube, Birt, Blodgett, Boudreau, Brown, A.; Call, Carrier, Carroll, Carter, D.; Chonko, Churchill, Conary, Cunningham, Damren, Davis, Dexter, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Garsoe, Gillis, Gould, Gray, Hanson, Hickey, Higgins, Hunter, Immonen, Jacques, P.; Joyce, Kieiman, Laffin, Lancaster, LaPlante, Leighton, Lougee, Lowe, Marshall, Matthews, McKean, McSweeney, Nelson, A.; Nelson, M.; Nelson, N.; Payne, Post, Prescott, Rollins, Sherburne, Small, Smith, Stover, Strout, Studley, Theriault, Torrey, Twitchell, Vose, Wood, Wyman.

ABSENT — Beaulieu, Elias, Jacques, E.; MacBride, Roope.

Yes, 78; No, 67; Absent, 5.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act to Provide Help to Small Businesses in Dealing with State Statutory and Regulatory Requirements" (H. P. 263) (L. D. 339)

Report was signed by the following members:

Messrs. AULT of Kennebec
CHAPMAN of Sagadahoc
Mrs. CLARK of Cumberland — of the Senate.

Messrs. BRANNIGAN of Portland
D. DUTREMBLE of Biddeford
GWADOSKY of Fairfield
HOWE of South Portland
JACKSON of Yarmouth
WHITTEMORE of Skowhegan
LIZOTTE of Biddeford

— of the House.

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

Report was signed by the following members:

Miss ALOUPIS of Bangor
Mr. SPROWL of Hope
Miss BROWN of Bethel

— of the House.

Reports were read.

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

Mr. HOWE: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report. If the House will do that, I am going to ask that the bill be tabled pending second reading so that a House Amendment can be prepared that was inadvertently not sent up as a Committee Amendment. But rather than send the bill back to committee and slow the process up that much more, I will bring forth the same amendment as the committee amendment upon second reading.

The bill was sponsored by Representative Gwadodsky of Fairfield, and was very similar to a bill sponsored by Senator Chapman and Senator Chapman very graciously deferred to the young gentleman from Fairfield on this issue. It would set up a small bureau within the Department of Business Regulation, using a couple of people, who will basically be there to

respond to inquiries from small businesses for assistance and advice and will bring together the information under which all the businesses in the state would have to operate and comply into one central point, so if somebody needs information, they will know there is one central number they can call rather than be referred from agency to agency.

I hope you will support the "Ought to Pass" Report and then let us present an amendment upon second reading.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to be positive about this bill. I guess in that regard, I can only say that it has a good title and has a good sponsor. Other than that, it is a bad bill.

I would like to kill it today, and I am going to make that motion to indefinitely postpone this bill at this time. The reason is that this has a cost price on it of \$30,000 and it will cost much more than that, because the Commissioner of Business Regulation has said that he is going to move some personnel around and, therefore, the cost would not be more than the \$30,000 at this time. But 10 years down the road, we are going to be looking back at another bureaucracy, more people working. I think most of us can remember some years ago, coming over here and there were very few buildings here. Now the state has buildings from Hope, Maine to Caribou, Maine. I don't think we want to go that route.

I think this is a bad bill. I am not going to take a great deal of time at this time, but I am just going to make the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker and Members of the House: Very briefly, I would hope that you would oppose the motion today.

Unfortunately, the amendment, the committee amendment, which the vote was taken, on your printed calendar is on the committee amendment. The bill that you have before you, L. D. 339, is not the true purpose of what came out of our committee. It has changed drastically.

I would hope that you would oppose the motion for indefinite postponement so we could offer this amendment tomorrow, and this is no trick, this is exactly what happened, the amendment was inadvertently not sent up with the jacket. I would hope that you would oppose this motion so that tomorrow we can, indeed, debate this bill on its merits and on the amendment.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I concur wholeheartedly with my good friend from Fairfield, Mr. Gwadosky. I think, as a matter of courtesy, we should certainly allow this bill to go to second reading and see what the amendment looks like. Even in that event, we always have the appropriation process, should this not be a high priority item.

I don't know about you, but one of the big problems I hear from small businessmen in my area is attempting to try to cope with this very state government that we have created. I think it is extremely important that we allow them a place to call and a phone to answer and a sympathetic ear and I think this is a good bill.

When the vote is taken, I request the yeas and nays.

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

Mr. DEXTER: Mr. Speaker and Members of the House: I cosponsored this bill. I have fought for the small businessmen since I have been down here. Maybe this is a small step towards helping them.

A short time ago, 25 genius children of high school age were asked to make out a simple

1040 form and only six of them could do it, just six. I am glad to be a cosponsor of this. We broke our necks here to help Pratt & Whitney and it seems to me we could help the small businessman.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: If this was, indeed, going to help small businesses, then I would be wholeheartedly for it, but this just sets up another division of the department over here or another bureau. Someone will have to staff this and I suppose answer questions and they are supposed to have a lot of literature to back up their answers. A business can call the various departments now, they can call the Bureau of Taxation or wherever they want to go and I think that is what we serve here for as Representatives and Senators, to answer questions of small business. If we can't answer them, then we make a telephone call and try to get an answer for them.

In the name of helping small business, you set up another bureau and the price tag now is \$30,000. Ten years down the road we are going to look back and see another building out there under the pretense of helping small business. It is the wrong way to go. If we could help small business, I would be all for it. I am one of these people that would be glad to help, but if the government would keep their cotton picking hands out of small businesses, then I think we would all be better off.

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

Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Hope, Mr. Sprowl, 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 — Berry, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carter, F.; Cunningham, Damren, Davis, Dellert, Drinkwater, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gray, Higgins, Hunter, Hutchings, Immonen, Laffin, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Maxwell, McHenry, McPherson, McSweeney, Nelson, A.; Payne, Reeves, J.; Sewall, Sherburne, Silsby, Smith, Soulas, Sprowl, Stover, Studley, Torrey, Tozier.

NAY — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, K.C.; Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbs, Howe, Huber, Hughes, Jackson, Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Masterton, Matthews, McKean, McMahon, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Peltier, Peterson, Post, Prescott, Reeves, P.; Rolde, Rollins, Simon, Small, Stetson, Strout, Tarbell, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

ABSENT — Elias, Jacques, E.; Jalbert, Norris, Roope.

Yes, 54; No, 92; Absent, 5.

The SPEAKER: Fifty-four having voted in the affirmative and ninety-two in the negative,

with five being absent, the motion does not prevail.

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

Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act to Permit Divorced Persons who are Married More than 15 Years to Claim Retirement Benefits" (H. P. 1073) (L. D. 1338)

Report was signed by the following members:

Messrs. LOVELL of York
TEAGUE of Somerset
SILVERMAN of Washington
— of the Senate.

Messrs. REEVES of Newport
STUDLEY of Berwick
LOWE of Winterport
THERIAULT of Rumford
DELLERT of Gardiner
PAUL of Sanford
CHURCHILL of Orland
HICKEY of Augusta
HANSON of Kennebunkport
— of the House.

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

Report was signed by the following member:
Mrs. NELSON of Portland
— of the House.

Reports were read.

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

Mr. THERIAULT: Mr. Speaker, I move the Majority "Ought Not to Pass" Report.

Mrs. Nelson of Portland requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

106 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" on Bill "An Act Concerning Reimbursement for Health Care Services in Certified Rural Health Clinics" (H. P. 700) (L. D. 890)

Report was signed by the following members:

Messrs. HICHENS of York
CARPENTER of Aroostook
— of the Senate.

Messrs. BRENERMAN of Portland
CLOUTIER of South Portland
BRODEUR of Auburn
NORRIS of Brewer

Mrs. CURTIS of Milbridge
Mrs. PRESCOTT of Hampden
— of the House.

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

Report was signed by the following members:

Mrs. GILL of Cumberland
— of the Senate.

Mrs. PAYNE of Portland
Mr. MATTHEWS of Caribou
Mrs. MacBRIDE of Presque Isle
— of the House.

Reports were read.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Public

Utilities reporting "Ought Not to Pass" on Bill, "An Act to Prohibit Rate Discrimination by Public Utilities" (H. P. 837) (L. D. 1041)

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

— of the Senate.

Messrs. REEVES of Newport
LOWE of Winterport
BROWN of Livermore Falls

Miss GAVETT of Orono

Mr. CUNNINGHAM of New Gloucester

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-384) on same Bill.

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin

— of the Senate.

Messrs. DAVIES of Orono
VOSE of Eastport

Mrs. NELSON of Portland

Mr. McKEAN of Limestone

— of the House.

Reports were read.

On motion of Mr. Davies of Orono, tabled pending acceptance of either Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-390) on Bill "An Act to Provide a Grant to Community Health Services, Inc., for a Long-term Demonstration Project" (H. P. 1087) (L. D. 1343)

Report was signed by the following members:

Mrs. GILL of Cumberland

Mr. HICHENS of York

— of the Senate.

Mr. BRENERMAN of Portland

Mrs. PAYNE of Portland

Messrs. MATTHEWS of Caribou

CLOUTIER of South Portland

Mrs. CURTIS of Milbridge

Messrs. NORRIS of Brewer

BRODEUR of Auburn

Mrs. MacBRIDE of Presque Isle

— of the House.

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

Report was signed by the following members:

Mr. CARPENTER of Aroostook

— of the Senate.

Mrs. PRESCOTT of Hampden

— of the House.

Reports were read.

Mr. Brenerman of Portland moved that the Majority "Ought to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and later today assigned.

Divided Report

Report "A" of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-383) on Bill "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill" (H. P. 1193) (L. D. 1444)

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin

— of the Senate.

Messrs. DAVIES of Orono

McKEAN of Limestone

VOSE of Eastport

Mrs. NELSON of Portland

Mr. LOWE of Winterport

— of the House.

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

Report was signed by the following members:

Messrs. DEVOE of Penobscot

COLLINS of Knox

— of the Senate.

Messrs. REEVES of Newport

BROWN of Livermore Falls

Miss GAVETT of Orono

Mr. CUNNINGHAM of New Gloucester

— of the House.

Reports were read.

On motion of Mr. Davies of Orono, Report A, "Ought to Pass" was accepted and the Bill read once. Committee Amendment "A" (H-383) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

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

(H. P. 709) (L. D. 883) Bill "An Act to Return a Portion of Land to the Town of Wales by the Town of Sabattus" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-396)

(H. P. 675) (L. D. 835) Bill "An Act to Permit the Lucerne-in-Maine Village Corporation to Revise its Charter" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-397)

(S. P. 123) (L. D. 249) Bill "An Act to Clarify the Publication of School Records" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-166)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 15, under listing of Second Day.

(H. P. 641) (L. D. 795) Bill "An Act to Amend the Prohibition of Issuing Fisheries and Wildlife Licenses to Persons Convicted of Certain Offenses" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-399)

On the objection of Mr. Rollins of Dixfield, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-399) was read by the Clerk.

Mr. Rollins of Dixfield moved that Committee Amendment "A" be indefinitely postponed.

Mr. Dow of West Gardiner requested a vote.

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

A vote of the House was taken.

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

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading tomorrow.

(H. P. 372) (L. D. 478) Bill "An Act Concerning Registration of Killed Deer" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-400)

(H. P. 1240) (L. D. 1502) Bill "An Act to Amend the Statutes Concerning the Practice of Medicine" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-401)

(H. P. 1316) (L. D. 1570) Bill "An Act Relating to Certified Seed Potatoes" Committee on Agriculture reporting "Ought to Pass"

(H. P. 1209) (L. D. 1470) Bill "An Act Amending Admission Procedures at Pineland Center

and Elizabeth Levinson Center" Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 1174) (L. D. 1436) Bill "An Act to Provide Special Free License Plates for the 100% Disabled Veteran" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-402)

(H. P. 894) (L. D. 1091) Bill "An Act to Revise the Lobster Escape Vent Law and Remove its Sunset Provision" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-403)

(H. P. 704) (L. D. 879) Bill "An Act Concerning the Posting of Information on the Allowability of Witness and Attorney's Fees under the Workers' Compensation Act" Committee on Labor reporting "Ought to Pass"

(H. P. 955) (L. D. 1173) Bill "An Act to Amend the Employment Security Law Relating to Termination of Coverage" Committee on Labor reporting "Ought to Pass"

(H. P. 712) (L. D. 885) Bill "An Act to Amend Provisions of the Charter of the Gardiner Water District Relating to Trustees and Funding" (Emergency) Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-407)

(H. P. 1092) (L. D. 1375) Bill "An Act Relating to Criminal Appeals and Search Warrants" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-408)

(S. P. 505) (L. D. 1566) Bill "An Act to Amend the Rate Filing Disapproval Requirements Pertaining to Nonprofit Hospital and Medical Service Organizations and Health Insurance Carriers" Committee on Business Legislation reporting "Ought to Pass"

(S. P. 260) (L. D. 790) Bill "An Act to Prohibit the Practice of a Mandatory Retirement Age" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-162)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 15, under listing of Second Day.

Consent Calendar

Second Day

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

(S. P. 206) (L. D. 538) Bill "An Act to Prevent Cruelty to Animals by Establishing Certain Licensing Categories and Restrictions" (C. "A" S-153)

(H. P. 959) (L. D. 1184) Bill "An Act to Increase Lobster Fishing License Fees and Establish a Lobster Advisory Council" (C. "A" H-385)

(S. P. 454) (L. D. 1370) Bill "An Act to Facilitate Operation of Department of Conservation Campsites" (C. "A" S-155)

No objections being noted, the Senate Papers were passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

(S. P. 463) (L. D. 1429) Bill "An Act to Amend the Maine Automobile Insurance Cancellation Control Act" (C. "A" S-154)

On the objection of Mr. Marshall of Millinocket, was removed from Consent Calendar.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-154) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

(H. P. 1160) (L. D. 1425) Bill "An Act to Define Residency for School Purposes" (C. "A" H-386)

(H. P. 238) (L. D. 284) Bill "An Act to Amend the Statute Relating to Alternative Procedures

for Adoption of School Budgets" (C. "A" H-387) (H. P. 1272) (L. D. 1476) Bill "An Act to Provide for Oversight of Marine Research by the Department of Marine Resources" (C. "A" H-389)

(H. P. 410) (L. D. 527) Bill "An Act Relating to Current Funding of Special Education Tuition" (C. "A" H-388)

(H. P. 1042) (L. D. 1275) Bill "An Act Relating to the Purchase of Railroad Rights of Way" (Emergency)

(H. P. 1278) (L. D. 1526) RESOLVE, to Further Study Feasibility of Cargo Port Facilities (Emergency)

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

(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"

On the objection of Mr. Smith of Mars Hill, was removed from the Consent Calendar.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Could we have a brief description of where this is going to be spent from one of the members of the Transportation Committee?

The SPEAKER: The gentleman from Mars Hill, Mr. Smith, has posed a question to any member of the Transportation Committee who may care to answer.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This \$22 million is going to be spent, the majority of it, replacing the bridges for one thing, and that is federal funds that generate quite a lot of revenue. Our bridges are in a deplorable condition. We have some very sad bridges and I am concerned that if we don't get on the wagon right now, in a very short time the federal government will come back on their matching quota and we will have to be building these bridges alone.

We have a very great need here. We are also going to use some of these funds for matching some funds in regard to the highways, and I know it is \$22 million and you have reservations, but when you get out and see the problem we have with bridges, the need is very great and the majority of this money is going to go into the bridge program.

We do have other areas where it is going to be spent. We are going to use some of it on highways. We are going to try to get a lot of these roads fixed that you are complaining about. We haven't been able to.

We are also going to fund a new government program. There are going to be federal funds for 60 percent to build some bridges in the small towns. We have some small towns that have some bridges and can never afford to replace them. We have a program here with federal and state and towns and we can build these bridges. I think we have a very good program, we spent a long time on it, and I hope you will all give us your support here today.

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

Mrs. KANY: Mr. Speaker, I would like to pose a question through the Chair to anyone who can answer it. I am wondering what the extent is for the authorized but unused bonds for the Department of Transportation.

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

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

Mr. BOUDREAU: Mr. Speaker, I don't have the answer to the gentleman's question, but I would just like to make a comment.

I never have been in favor of raising the gas tax, but it seems to me that if there ever was a

time to think about doing that, it is now. If the price of gasoline is going to go up to a buck a gallon, I think the state should probably get a penny or two for its transportation fund. In the past, the legislature has been against raising gas taxes but, you know, this bond issue is going to end up costing the taxpayers forty or fifty million. It seems to me that if gasoline is going to go up to \$1 a gallon or if the oil companies are going to make the money, it would be wise if we would consider raising that gas tax one or two cents paying for the improvements we need and not having a bond issue that will cost taxpayers \$40 million in the future.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: To answer the good gentleman from Waterville, Mr. Boudreau, I am not sure that the committee is unanimously in agreement with the \$22 million bond issue. We did report it out because we felt it was time to get some highway issues moving. It is my understanding that before this bill is ever enacted, we will be taking some direction on some of the bills that we had before the committee and whether it is the gas tax or whether it is automobile registration or truck registration, we will know at a later day, have a better idea and I would suggest that we move this bill on its way and when it does come up for enactment, by that time we will have a better direction of where we are going.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose an additional question which need not be answered now, but at the time this bill is enacted, if not today, I would like to know what percentage of the total amount will go for bridge repair and what percentage will go for road?

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I will have a breakdown on that and have it on your desks shortly. I would like to point out to the House and I think we should not put all our eggs in one basket. Some people seem to think a gas tax is the answer. That is all I hear, gas tax, gas tax, gas tax. Good common sense will tell you that when gasoline gets to \$1 a gallon, people aren't going to buy so much. They are already being faced with a squeeze on their purses now. They are cutting back on their insurance coverage on their autos because they can't afford to run them.

I think a good, sound program for the State of Maine would be a bond issue, a minor increase in the registration, I am not for a large increase. You could also take a good hard look at the gas tax at that time. I am in favor of a diversified program of funding, not one program entirely alone. I think at this day and hour, we have got to play our cards awful close to our chests.

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

Mrs. KANY: Mr. Speaker and Members of the House: I won't move indefinite postponement, but I do think we should really think hard before we do pass this bond issue. I would like to point out that if people think that a bond issue is going to help them with their pot hole problems, it won't, because our Constitution does not allow us to spend bond money for current operating expenses.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that the Department of Transportation is beginning to mix up some of its priorities a little

bit. We now have a turnpike toll system generating in the vicinity of \$9 million to \$11 million that they want to throw away. We are going to throw away \$9 to \$11 million and we are going to replace it by borrowing \$22 million. It seems like there is a little bit of a mix up in the way we are going to finance some of the highway projects in the next few years. I don't think that these finance policies that seem to be coming out warrant this kind of action. I would urge that we vote against this bond issue today.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I think I share every concern that I have heard voiced here today. I would just remind us all that this is on the Consent Calendar, we are now moving it in to the first and second reader. I think to keep our powder dry, we should move this along to a point where, hopefully, we will see a program coming out and a policy begin to be set. At that time, we can decide whether we want to go one direction or the other. I don't think we should kill this piece of legislation out of hand at this time, so could we just let it go along and consider it in conjunction with other measures that are going to be before us at the appropriate time.

Mr. Kany of Waterville was granted permission to speak a third time.

Mrs. KANY: Mr. Speaker and Members of the House: I just wanted to point out that this is the Consent Calendar, Second Day, so this item would be passed to be engrossed, as I understand it. Would it come back as Bills in the second reading?

The SPEAKER: The Chair would advise the gentlelady that pursuant to the rules, once something has been removed from the Consent Calendar, it has removed that item and starts again as a committee report, and this is where we are at the present time.

Mr. Carroll of Limerick was granted permission to speak a third time.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you that we are not going to be spending bond money for filling pot holes. The bonding money is going to replace other funds and this will free other funds that we could use for that purpose. We are trying to answer all your demands and the demands are very great. I would hope you would give this a favorable "Ought to Pass" vote today.

The SPEAKER: The pending question before the House is the acceptance of the unanimous Committee Report from the Committee on Transportation. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

103 having voted in the affirmative, 12 in the negative, the motion to accept the unanimous "Ought to Pass" Report did prevail.

The Bill was read once and assigned for second reading tomorrow.

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

(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" (C. "A" H-382)

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

Passed to be Engrossed

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)

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

Mr. Nadeau of Lewiston offered House Amendment "A" and moved for its adoption.

House Amendment "A" (H-370) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Would the gentleman explain to the House what his amendment does please?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Lewiston, Mr. Nadeau, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: This amendment, what it does is clear up some of the confusion and the misimpressions some people had about the bill. It simply provides in Section 6 that no person shall be required, by regulation or otherwise, to renew any identification card issued under this section. Meaning it simply makes it clear that the ID card follows tradition of the past ID's provided by the Bureau of Alcoholic Beverages. It simply defines that this card need not be renewed. It is a one-time purchase and if you wish to purchase a new one at some future date that is your prerogative. It is totally voluntary. It sort of makes the Statement of Fact a little clearer.

Again, to clear up some of the confusion, this bill, as amended, provides for a more durable system of identification for Maine residents. It provides for a picture of the non-driver to be displayed on Maine driver's licenses. Non-drivers could voluntarily apply to a motor vehicle office to obtain a photographic identification card. The amendment makes it clear that the holder of such a card will not be forced to renew it.

The Bureau of Alcoholic Beverages would no longer be authorized to issue these cards. The uniform identification cards could be used for purchasing liquor, cashing checks, furnishing proof of age, identity and other purposes. The amendment, simply, in a nut shell, is an attempt to clarify some of the concerns brought up in previous debate.

Thereupon, House Amendment "A" was adopted.

The Bill passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

Amended Bills

Bill "An Act to Prohibit Cancellation of Automobile or Property Insurance without Actual Notice to the Insured" (H. P. 170) (L. D. 221) (H. "A" H-394 to C. "A" H-373)

Bill "An Act to Increase the Membership of the Gardiner Water District to Six" (Emergency) (H. P. 284) (L. D. 362) (H. "A" H-391 to C. "A" H-373)

Bill "An Act to Regulate State Liquor Stores and Agencies" (H. P. 1243) (L. D. 1487) (H. "A" H-381 to C. "A" H-338)

Bill "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education" (H. P. 937) (L. D. 1147) (H. "A" H-353)

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

Passed to be Enacted

An Act to Clarify the Filing Deadline for Candidates' Reports to the Commission on Governmental Ethics and Election Practices (H. P. 49) (L. D. 58)

An Act Relating to Bass Tournament Permits (H. P. 413) (L. D. 529) (C. "A" H-310)

An Act to Provide County Commissioner Districts in Washington County (H. P. 474) (L. D. 591) (C. "A" H-334)

An Act to Establish Maine Cultural Heritage Week (H. P. 677) (L. D. 836) (C. "A" H-316)

An Act to Amend the Uniform Criminal Ex-

tradition Act and the Uniform Interstate Compact on Juveniles (S. P. 373) (L. D. 1153) (C. "A" S-142)

An Act to Enable Town Meetings to be Held Outside the Corporate Limits Subject to Certain Limitations (H. P. 979) (L. D. 1192) (C. "A" H-335)

An Act Relating to Registration of Commercial and Custom Establishments under the Maine Meat Inspection Act" (H. P. 991) (L. D. 1228)

An Act to Allow the Board of Environmental Protection to Exempt Snow Dumps from the Waste Discharge Licensing Provisions of the Statutes (H. P. 1023) (L. D. 1256)

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.

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

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if we could have an explanation of this bill, please?

The SPEAKER: The gentleman from Auburn, Mrs. Lewis, has posed a question through the Chair to any member who cares to answer.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: Yes, I would be happy to give an explanation of this program.

This is a bill which would provide \$19,000 for the Nursing Home Ombudsman Program. It would allow them to continue with the authority that they have been given in the statute now. They have responsibilities which they cannot carry out. One of those responsibilities is the fact that they must investigate and resolve the complaints on behalf of our older individuals in the State of Maine. They must monitor and implement state, federal and local programs and they must provide information for agencies in order to do that. They provide training for their volunteers but the program now does not seem to have enough funds to continue to carry out the mandate of the legislation so that they can continue the program and provide volunteers within that program with the necessary funds for training.

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

An Act Relating to Municipal Recreation Grants (H. P. 1120) (L. D. 1392)

An Act Concerning Warning Signs Posted at Certain Railroad Grade Crossings under the Public Utilities Commission (H. P. 1133) (L. D. 1401) (H. "A" H-355)

An Act to Consolidate Aquatic Pesticide Permits into One Agency (H. P. 1253) (L. D. 1508)

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

(Off Record Remarks)

On request of Mrs. Mitchell of Vassalboro, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mr. Sprowl of Hope,
Recessed until four-thirty in the afternoon.

After Recess

4:30 P.M.

The House called to order by the Speaker.

Orders of the Day

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

SENATE REPORT — "Leave to Withdraw" — Committee on Labor on Bill, "An Act to Require that Holiday Pay be Considered Wages for the Purposes of Unemployment Compensation" (S. P. 309) (L. D. 902) — In Senate, Bill substituted for the Report and Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-161) on May 9, 1979.

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

Pending—Acceptance of the Report.

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

Mr. CUNNINGHAM: Mr. Speaker, I move that we substitute the Bill for the Report.

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

Mrs. BEAULIEU: Mr. Speaker, I would like to pose a question to the Chair. Not too long ago, both bodies killed a bill, L. D. 750, and the bill before us is identical. I ask if this bill is appropriately before this body.

The SPEAKER: The Chair would advise the gentleman and members of the House, at this point it is impossible to tell. The Chair is going to have to do more investigation, and pursuant to the rules, the matter will be tabled pending a ruling of the Chair.

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

An Act Relating to the Administration of School Dental Health Programs (H. P. 733) (L. D. 920) (C. "A" H-273) — In House, Passed to be Enacted on May 7, 1979 — In Senate, Bill and Accompanying Papers Indefinitely Postponed on May 9, 1979.

Tabled—May 10, 1979 by Mr. Connolly of Portland.

Pending—Motion of the same gentleman to Adhere.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would move at this time to recede and concur. I would ask for the yeas and nays and I would like to speak briefly to my motion.

The SPEAKER: The gentleman from Harrison, Mr. Leighton, moves that the House recede and concur.

The gentleman may proceed.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: This bill, you may recall, is the dental health education bill by my good friend, Representative Locke, from Sebec. It is the one I referred to at first reading as the socialized flossing bill. Some of you may know it as the locked jaw bill.

I have nothing against dental education per se, but this bill appropriates \$233,000, which is nearly a quarter of a million dollars. You may think that a quarter of a million is very much money but the taxpayers do. And to paraphrase the late Everett Dirksen, you spend a quarter million here and a quarter million there, the first thing you know, you are talking about big money.

Do you really think that the public wants us to inaugurate this type of a program in this year? And what a program! Instead of encouraging teachers to bring in local dentists and dentist hygienists with manufacturers' samples, or asking each kid to bring money for materials from home, this bill appropriates nearly a quarter of a million dollars, and this is only

the door opener, to buy every kid, regardless of need or ability to pay, a toothbrush, toothpaste, dental floss and fluoride tablets—the old socialist game of allocating resources from the central source regardless of need, or lack thereof, causing waste and duplication. Kids will get toothbrushes whether they need them or not. Presumably, each kid will have a toothbrush at home and one at school, or will he carry them back and forth? It would look terrible if every kid in town carried a toothbrush in his or her shirt pocket. Maybe someone will invent a toothbrush holster.

I can see mothers telling kids to bring home toothpaste from school because they are out and a new brush for the old man. I can picture a typical school day where after a long bus ride and a voluntary school breakfast, and after making sure that each kid didn't say his prayer and, perhaps after sex education, each kid can reach under his desk and get his little basin; he can put on his little bib; he can reach in the rack in front of his desk, he can get his little towel. He can take his little glass, I assume all these things need to be done, and he can begin to learn how to observe good dental health practices. I think it can be done in a much simpler way, while we keep education primarily education so we don't get into a situation where teachers will be telling parents, your kid can't read but his teeth are perfect.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: It is too bad that my friend, Representative Leighton, takes the chance to poke fun at a piece of legislation that addresses a very serious problem in the state, and I would hope that you would not consider this matter to be a very light matter. It is a very serious problem that this piece of legislation attempts to address.

The purpose of the legislation is to develop a comprehensive dental health education program throughout the state. No school system will be mandated or be required to participate in that program; it will be completely optional. I am sure, as most of you are well aware, the condition of Maine's dental health is probably the worst or one of the worst in the entire nation. Yet, in those few communities that have run a program similar to this over the last two to three years, up to 60 per cent of the dental health and dental health related problems have been solved as a result of this education-type program.

This bill received a strong vote in the Education Committee, and when it was on the floor of this House over two weeks ago, it received a strong vote of support from the members of this body. I would just hope that you would allow this bill to go along its way in the process, stay on the Appropriations Table to stand with other matters that the rest of us think are important and to stand or fall on its own merits at that time. I would hope that you would vote against the motion to recede and concur so that we can pass the bill along.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I have a slight interest in this bill because one of the biggest problems faced in the area of dental care is periodontal disease.

Now, periodontal disease is a very common disease but very few people know much about it. It is a disease that affects the gum. Let me tell you something about periodontal disease and how expensive it can be if it is not caught and treated. The average bill for a periodontist to treat this disease can run close to a thousand dollars. The treatment for periodontal disease is deep scale cleaning and oral surgery, and there are only four periodontists in the entire State of Maine—all four are located in the City of Portland.

Periodontal disease is the biggest loss of

teeth after you reach the adult age and tooth decay. I mention this because it is probably one of the biggest loss of teeth here in the state. This bill addresses preventive care—very important. If we can catch this disease early and instruct our children how to deal with this disease early, we are going to save them a lot of pain and money in the future.

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

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: Ten days or so ago, this House debated and passed L. D. 920 by a good margin. Afterwards, I spoke to some people who did not vote for it and I realized that they didn't understand the bill and I want to run through it quickly and also to pass on some information that I didn't have at that time concerning millions of dollars, since a quarter of a million dollars has been brought up.

Forty per cent of Maine's school children in grades K thru 6 participate in voluntary school dental health programs. They are already going on; they have been going on for about five years. These are not state mandated and to date have received no state money. The program consists generally of instruction in nutrition as related to tooth decay and the importance of the care of the teeth, which includes daily dry brushing, no toothpaste, usually after lunch, and weekly use of disclosure tablets. They are also taught how to floss correctly but not in Kindergarten or first grade. Once a week they use fluoride swishes and, in some cases, they use the fluoride tablets. Fluoride tablets are used only with parental permission, signed parental permission.

Dental disease has been reduced, as of a recent survey in Piscataquis and Penobscot counties, 56 per cent since the program has been going on, and in Portland, over 60 per cent since their program has been in place. Unfortunately, due to school budget cuts, some of these programs are being discontinued. This bill would provide money to the Office of Dental Health at about \$2.04 per child to be used for supplies only, not for administration.

Dental health programs in the elementary grades are clearly practical, not too long range, money-saving activities for the state. The Office of Dental Health has a budget of \$2 million for dental care for people under the age of 21 already. This doesn't include the school program. This is what they operate on now, \$2 million. Medicaid pays for fillings and extractions for minor children, and these are expensive. Also, when children lose their teeth at an early age, manytimes their second teeth come in crooked, they have underbites, overbites, or whatever, and they can't chew. Medicaid pays now for orthodontist work. There are 400 children being treated by orthodontists, paid for through Medicaid right now. At the rate of about a thousand dollars a child, that is \$400,000 that is now being spent. There are 395 children waiting. That, right there, is \$390,000; we are up close to a million. The rest of the million or so dollars are spent on dentures for children whose teeth have to come out early and for the fillings and extractions.

We all know how much dentures cost. If you remember, we debated a dentist bill a couple of years ago. We are going to be doing it in the future, very shortly, and I think we should remember the cost to the state. Since Medicaid is providing, we must be paying an awful lot.

It is really too bad if these programs can't continue, because they have shown a marked decrease in dental disease. They have proven to be cost effective, preventative programs, not socialized medicine. If the pattern of success is allowed to continue after being in effect only a few years, it would seem possible that the need for these other very expensive programs might be eliminated. So, I ask you to please allow this bill to pass on so that elementary schools may continue with their dental health programs. They may very well, in the

future, save a lot of money and may very well discontinue themselves because there won't be any need for them.

I have spoken to the Senator who killed the bill in the other body and explained to him that if the funding is not there to fund the whole thing, that the office can use anything that is available. So I ask you to please not vote to recede and concur but vote to adhere so we can put this on the table and see if any money at all is available.

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

Mr. LEIGHTON: Mr. Speaker and Members of the House: Not to prolong the debate, just a few brief comments.

The bill still is \$233,000. My argument isn't with the desirability for good dental health care, not at all. My question is, how desirable it is for government to do the job. My further question is whether government really is able to do the job.

As to Representative Connolly's remarks about my treating the subject lightly, I can only say that as I watch the sad expansion of government in our lives, my remarks have to be light, because no one likes to see a grown man cry.

I urge you to support the motion to recede and concur.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Harrison, Mr. Leighton, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Berry, Birt, Blodgett, Bordeaux, Bowden, Brown, D.; Bunker, Call, Carter, D.; Carter, F.; Cunningham, Damren, Davis, Dellert, Dexter, Diamond, Fenlason, Fillmore, Gavett, Gould, Gray, Higgins, Hunter, Hutchings, Immonen, Jacques, P.; Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Marshall, Masterman, Matthews, McPherson, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Sewall, Sherburne, Silsby, Smith, Stover, Studley, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

NAY — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Brown, K.C.; Carroll, Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Doukas, Dow, Drinkwater, Elias, Garsoe, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Jackson, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Martin, A.; Masterton, McHenry, McKean, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Soulas, Strout, Tarbell, Theriault, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Carrier, Dudley, Dutremble, D.; Dutremble, L.; Fowlie, Huber, Jacques, E.; Jalbert, Maxwell, McMahon, McSweeney, Roope, Simon, Small, Sprowl, Stetson, Tierney, Vincent.

Yes, 56; No, 77; Absent, 18.

The SPEAKER: Fifty-six having voted in the affirmative and seventy-seven in the negative, with eighteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Connolly of Portland, the House voted to adhere.

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

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish the Subsidy Index for Educational Funding for the Fiscal Year 1979-80 and to Appropriate the Necessary Funds Therefor" (Emergency) (H. P. 1401) (L. D. 1615) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1392)

The Report was read and accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill "An Act to Extend the Deadline for Legislative Determination of Municipal Cost Components" (Emergency) (H. P. 1403) (L. D. 1616) (Presented by Mrs. Post of Owl's Head) Committee on Taxation was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

An Act Concerning the Powers of the Board of Trustees and the Treasurer of the University of Maine and Concerning Real Property Belonging to the University (H. P. 793) (L. D. 1001)

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

Pending—Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passed to be enacted.

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

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

Tabled—May 10, 1979 by Mr. Brenerman of Portland.

Pending—Passage to be Engrossed.

Mrs. Prescott of Hampden offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-418) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, I probably should have looked at this earlier, but would the gentleman please inform us as to what she is doing.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I am simply removing the objections that the Maine Municipal Association had with the bill.

We had the first L. D. 1070, which was the general assistance bill, before us and, as you know, this is a new draft of that bill which completely pares it down. When we got with the new draft, we found that there was still a problem that Maine Municipal had pointed out to us that we had forgotten about, and this attempts to address that problem and also it addresses the problem that the other body has with the bill.

Thereupon, House Amendment "A" was adopted.

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

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

Bill, "An Act to Create a Ground Water Protection Commission to Review the Laws Dealing with Ground Water" (S. P. 397) (L. D. 1215)

Tabled—May 11, 1979 by Mr. Blodgett of Waldoboro.

Pending—Adoption of Committee Amendment "A" (S-157).

On motion of Mr. Blodgett of Waldoboro, Committee Amendment "A" was indefinitely postponed and the Bill assigned for second reading tomorrow.

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

Bill, "An Act Establishing the Children and Family Services and Child Protection Act of 1979" (H. P. 1384) (L. D. 1607) — In the House, Referred to Committee on Health and Institutional Services on May 10, 1979 — In the Senate, Referred to Committee on Judiciary.

Tabled—May 11, 1979 by Mr. Simon of Lewiston.

Pending—Motion of Mrs. Prescott of Hampden to Recede and Concur.

Thereupon, on motion of Mrs. Prescott of Hampden, the House voted to recede and concur.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (3) "Ought to Pass" as Amended by Committee Amendment "A" (H-376) — Committee on Judiciary 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)

Tabled—May 11, 1979 by Mr. Baker of Portland.

Pending—Motion of Mr. Hobbins of Saco to Accept the Majority "Ought Not to Pass" Report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want to thank the gentleman from Portland, Mr. Baker, for tabling this for one day.

What we have now is the bill before us with Committee Amendment "A". It takes out "to provide for legislative action upon public petition of judicial misconduct." That changes the bill a lot. It doesn't make it complicated anymore. It is a constitutional amendment; therefore, it has to go to the people, and what it does, it drops the term of the judges that we have now for seven years, it will drop it down to a term of five years.

When this bill was heard, there was no opposition to the bill. The judges did not oppose the bill. The Clerk of Courts, I can't remember her name, she didn't even come to oppose the bill. In fact, we had a nomination today by the Governor of this state who was confirmed as a new judge by the Judiciary Committee. One of the members of the committee asked him how he felt about this, and he had no objection to a five year term. So, I feel that by being seven years, it has a lot of input into someone who would be along in life and being appointed for seven more years, he might not be able to fulfill his duty as a judge.

There was a situation where a judge in this state was not able to fulfill his full term, but he wanted to stay on for his pension, and rightly so, he should so his widow could also benefit from this. Consequently, the last three years of his term, the lawyers were just carrying him along. I don't think that this is a good representation for the people of this state, I don't believe that the people of this state should have to put up with this type of a situation. If a judge is doing a good job, I am sure that any new Governor coming in would certainly reappoint him. If a judge is not doing good, then we only have

to put up with him for five years instead of seven.

This, as you know, is a constitutional change. It will have to go for the people's ratification to see whether they approve or disapprove of it, and I think that it has a lot of merit. I think it means a lot to the people of this state to have good, competent judges. I am not saying that right now we don't have any. All I am saying is that they are entitled to the best that the Governor can present, and to have them go for seven years is something that we do not have in this entire United States, any official elected to a public office for a term of seven years; the longest is six. In my opinion, that is even too long, but that this not what is before us today.

I think a five-year term for a judge is sufficient. If he is worthy of reappointment, I am sure that regardless of what political party the Governor might belong to, he would appoint a judge to continue to serve in office so long as he is able and healthy, and I would ask that you do not go along with my very good friend from the other side of the aisle, for whom I have the greatest respect, but he seems to be opposed to me lately. But just because he is wrong today doesn't mean that we can't correct it. Consequently, I am going to ask the members of this House to vote against the motion of "ought not to pass."

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: The bill before you does one thing, the amended version anyway; it reduces from seven to five years that term for judge.

It seems our forefathers saw fit to put in our Constitution a provision whereby a judge would serve a seven-year term. I think if you look at the history behind why we have judicial appointments for that period of time, you will realize that an elected official is a little different than a person who is not supposed to be swayed by any political means and that means the person of the third branch of the government, our co-equal branch, a member of the judiciary. I haven't heard one good reason why we should change the existing system whereby we have a seven-year term.

The good gentleman from Westbrook, Mr. Laffin, made reference to an individual today, who was voted upon favorably by our committee and I think this afternoon will be confirmed by the full Senate, a gentleman who, hopefully, will be on the Superior Court. He was asked a question by Mr. Laffin, the good gentleman from Westbrook, and the good gentleman from Lewiston, who formerly served in this body, made the comment that it didn't make any difference to him. He didn't say he was for the bill and he didn't say that he was against it, he said it didn't bother him personally. I suppose that that is one person's opinion.

The good gentleman from Westbrook, Mr. Laffin, mentioned a case involving an individual who had to be carried the last three years of that individual's term because that person was not fit to serve in that capacity as a judge. Since that particular time, we have rectified those situations through a disability plan which we now have in effect for our judiciary, which, in essence, takes an individual who cannot, because of physical or mental capacity or whatever, it takes that person and allows that person to retire on disability in order to alleviate the problem that we used to have where an individual, in order to get vested pension rights, had to serve so many years under the laws of that particular retirement plan.

I would also like to mention that in the State of Maine we have a mandatory retirement system for judges, and the good gentleman from Westbrook, Mr. Laffin, raised a point. Why should we let a person serve after that particular time when he or she reaches that mandatory age?

Many of us feel that possibly age should not

be the consideration or factor when a person is made to retire, but that is the state of the law now and that is the issue that will be addressed in the retirement bills pertaining to the judiciary. Under Maine law now, an individual will retire at the age of 70 and that person can serve for six months thereafter, until such time as the Governor appoints another individual to take their place.

I think when a person takes a judgeship, there is some sacrifice involved. I know it is a very honorary position to have and carries with it great esteem and is some place above the turning point of the high point of a person who has practiced law for so many years and that particular office is held very highly. However, there are sacrifices involved.

Believe it or not, in the State of Maine we have a situation where our judges are 49th in the country as far as pay scale is concerned. Fortunately for us, we have had a situation where we have had good appointments under Governor Curtis and Governor Longley and now under Governor Brennan and it hasn't played a great impact on attracting caliber individuals to the bench. However, I think the person who takes a judgeship, there should be some type of security that goes along with that particular appointment and I think the screening process that we have now, with the Governor having a screening process of competent attorneys looking over that particular nomination, having the Judiciary Committee look over that nomination, and now having the full Senate looking over that person's qualifications, we have a situation where we can weed out those people who we find do not reach that high caliber who should serve in that position.

When a person takes that judgeship, he or she does give up, in most cases, some monetary gain because of our low pay scale, and I think from the job security standpoint, if I may argue, I think a seven-year term is a just term. Under our pension plan for judges, a person does not get vested rights until that individual has 12 years on the bench. So as you can see, this individual would have to, taking the argument that the good gentleman from Westbrook, Mr. Laffin, has mentioned, if that individual had two terms of five years and wanted to get his or her pension, maybe, because of that instance, might be forced to take another five-year term in order to get vested rights, I don't know, but that could occur.

The intention of Mr. Laffin, I think, is one of judicial accountability. I think we have very competent judges in the State of Maine. I know that many of you might feel that sometimes they are too lenient, but many of us find out about the sentence not knowing all the facts of that particular case. Therefore, we decide from hearsay that that person might have rendered a decision which is not as strict as we so choose.

I don't think we should try to punish the judges and have prejudice towards judges because of instances in our own minds where we know the judges might have been lenient, and I know that that has been the talk of Law Incorporated, which, I understand, has some backing of this bill. Mr. Powers of that particular group testified before our committee in favor of this particular bill, so I hope you don't hold those prejudices against the whole issue of whether or not we should change our Constitution to reduce the number of years of service from seven to five years.

I think we presently have a good system of a seven year term with review and reappointment by the Governor and the safeguards of the Judiciary Committee and of the Senate to decide whether or not, in fact, that person who comes up for reappointment has done a good job.

I hope you will go along with the majority of the committee and oppose any motion that the good gentleman—I guess it is my motion for "Ought Not to Pass", so I hope you support my

motion today.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to get up again but my very good friend said a few things—first of all, it is his motion, not my motion.

He did say a few things, and I received some notes on this, and members of this House who have been here for awhile, they know and understand. I don't think many judges or many lawyers today practicing in this state give up too much when they accept a judgeship. To be sure, it is an honorable appointment, but it is also a very financial benefit appointment as well. In our system, we are members of the House of Representatives. If you choose to belong, you have to pay so much out of your weekly pay, which is bi-weekly, towards your retirement. The State of Maine picks up the tab for the judges, plus their salary and when they retire, they retire two-thirds pay, so you see, there is no great sacrifice.

You look around the State of Maine, how many of your lawyers wouldn't like to be a judge in this state? There are very, very few. I know of two in the City of Portland, and that is only because they have a big corporation and they wouldn't take it because of the money involved. I am talking about the average run of lawyers, well qualified ones.

I have never said that I was not satisfied with any judge. All I brought up was one incident and it was brought up in the committee and you people can think what you want, I just repeated it. I didn't say that I wasn't satisfied with any judge. Today, I even voted for a judge, he was down at the other end of the hall a couple of terms ago, I don't know how long he was there but he was there and I voted for him. I don't believe there are any ill feelings on my part towards judges. The ones that I know are very respectable, very reliable people.

I do say that under the political system, five years is plenty. They are not sacrificing one thing.

I would like to correct one other thing that my very good friend said on the other side of the aisle. I didn't ask Judge Clifford whether he approved of five or seven year term, it was my very good friend from the other side of the aisle, he asked that question. The question I asked was something else.

I do want to say to you, my friends, there are a lot of people who are going to say, well, I want them to have seven years but there is a great divisiveness on this. A lot of people think seven years is too long for a judge, I don't believe there is any inconvenience, I don't believe there is any sacrifice for them to be judges because, if it were, it would be tough to get judges. I can assure you that the Governor on the second floor probably has a whole list of people that would like to be judges in this state. I don't know if that is true, but I would wager that there are more people who would like to be judges than there are that wouldn't want to be a judge.

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

A vote of the House was taken.

73 having voted in the affirmative and 38 in the negative, the motion did prevail. Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Report "A" (6) "Ought Not to Pass" Report "B" (6) "Ought to Pass" as Amended by Committee Amendment "A" (H-377) — Committee on Legal Affairs on Bill, "An Act to Amend the Laws Relating to Games of Chance" (H. P.

672) (L. D. 833)

Tabled—May 11, 1979 by Mr. Violette of Van Buren.

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

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from 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.

A vote of the House was taken.

Mr. Violette of Van Buren requested a roll call.

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

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

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to say too much about this bill except that it is a bad bill.

This bill will eliminate every game of chance that is operated by a machine driven device. I asked this question of the proponents of the bill at the public hearing, to define for me the word "machine" and the definition I gave you will do exactly that, eliminate every machine operated device in the State of Maine. This could affect every agriculture affair. All machines presently located in every American Legion Hall, Elks, and every fraternal organization in the state, it could even affect our state lottery, except that the lottery, just by chance, happens to be under a different jurisdiction. But then, after this, what is to stop that action in the very near future? Then the next step possibly will be no horse racing.

I, for one, do not want to be on record of hurting financially those legitimate, non-profit organizations.

We, the members of the Legal Affairs Committee, heard a similar bill, the Senator Pierce bill. We had several work sessions with the department and all those people who were concerned with this process. I think we have worked out a workable amendment to satisfy everyone, but we have to get this bill out of the way first. So, I hope you will vote this bill down and give us the opportunity to present the Pierce bill to you for your consideration. For these reasons, you should vote for the "ought not to pass" motion and give yourself the opportunity to act on the Pierce bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: The Pierce bill or the Joyce bill, I don't think it comes down to that. Senator Pierce is highly supportive of my bill and as one of the chief supporters, I welcome him.

We are talking today about gambling. This is a matter that has cast a shadow, a dark black shadow, over many of us in this body. This bill, if you want to know what kind of a bill it is, it truly could be said that this is the real house-keeping bill. I recall in 1974, when I was a member of the Legal Affairs Committee, when we were asked to tighten up the laws on gambling. We tightened them up, and in an effort to define the one-arm bandit, we described it as that machine that would accept a coin and a person could pull the arm on the side.

After that bill passed, it took about a year for the big people, it wasn't anybody here in Maine, it was the Bali Company out of Chicago, that is the number one company that supplies these machines to Las Vegas. That company, in contacting the Attorney General, found out that they could remove that arm from the side

of the one-arm bandit, they could close up that slot, they could wire the machine over to the bartender and he could accept the five cents and the twenty-five cents.

Yes, Maine is truly at a crossroads. Only two weeks ago, the Wall Street Journal, in a three-column spread, gave these lines. "While the nation has been fascinated by the slow development of legal casinos in Atlantic City, gambling has been facing ahead and generally overlooked boom in Maine to the surprise of most of its residents."

A week ago Friday, the CBS crew of the Charles Karault show came here to do the gambling story in Maine. They are going to do a one hour feature on it.

I talked to Mr. Fedders, the TV director. He told me it is unbelievable. He said, I have two children in New York City, and I am wondering how, with my job, I will get them through college. I would like to come to Maine and buy two machines, and I wouldn't have any worries. That makes us a pretty important state.

What are we talking about? We are talking about those innocent one-arm bandits. When they first brought them into the state in 1975 to 1976, they took in \$540,471. We look at the statistics over there at the State Police, and we find 18 months later that taken in for the year 1977-78, \$4,275,000, of which a net profit is shown of a million and a quarter dollars.

What will the figures bring this June? You know, in February of 1978, we had 158 slots. Nine months later, we had 349 slots. I was over to the State Police a week ago, and they have now licensed over 400. They tell me over there, there is no way to tell if the figures submitted to the State Police are accurate when it comes to the amount that goes to a real bona fide charity.

Veteran's associations, people have accused me of being against the veterans because I sponsored this bill. I am not against the veterans. I grew up in a home where often I heard from my dad how difficult it was in those cold, damp trenches in France, and I remember as a child saying to my father, why, daddy, did you fight that war? Why did you have to go over there? You know, I can remember to this day my father said, son, some day you will understand, that World War I was the war to end all wars. I believed him but he proved wrong.

I remember shortly before World War II started and I was in high school, and where would we walk in the evening, there was no TV in those days, we used to walk down over the hill to the old Union Station in Portland. I think every veteran in this state passed through that old Union Station. I would walk down during the evening with my parents and we would see the men going off to Fort Devens to prepare for World War II. I remember even at 17 years of age asking my father, why, why must these soldiers go off to war? Many of the soldiers I knew, many of them were from way up country. When they came down through, I saw their signs and you would hear them talking. What was their cry? Truly, it wasn't again a war to end all wars, that wasn't the cry of World War II. The cry of World War II from Union Station and throughout the world, I found, was, they were off to war to make the world a better place in which to live.

It was only a short year later that I found myself on that same train. Why was I going? To make a better place in which to live. I call on the veterans of this state never to surrender that commitment that we made to our people. I ask them to stand up to the man and support my bill in order that we can make Maine a better place in which to live. I think it is an honorable commitment.

I will get back to the slot machines; I heard the formula that they used. You know, 25 per cent goes for maintenance contracts once they put that machine out. Well, I thought that was pretty steep. When there was a legion post in my home town, it took in \$224,000 last year, and

out of that \$224,000, \$60,000 went to maintenance on three machines. So, I went over to the State Police and I said, I want to look at one of those contracts. They pulled one out—25 per cent. I said, you know, the underground tells me that you have contracts in your files that run on maintenance 50 per cent, 60 per cent and 66 per cent of the take. They told me I was right. I asked to see the contracts. Can you imagine somebody getting 60 to 66 per cent to maintain a machine that is taking in eighty to ninety thousand dollars? It is unbelievable.

There is no state law that says you have to pay anything out on the machines. Some of the manufacturers will tell you they are paying 60 per cent out. The State Police, when they look at the records, say some of them are only paying 33 per cent of the takeout. Yes, we get problems with them. Even up in a town like Van Buren, that American Legion Post 49 up there last year took in \$61,688.80. They showed a clear profit of \$20,568.

It kind of bothers me when we see the good State of Maine slipping into this sort of thing. It kind of bothers me that I was on that Legal Affairs when we made that mistake and opened up that loophole. I put that bill in last November and at that time, I figured I would have trouble with it. It has come a long way, and it made me feel kind of good when our Governor addressed us a month ago and told this body, I believe the loophole should be closed and legislation to eliminate the machines that have become commonplace in Maine should be passed.

The original intent of the bill to ban slot machines has my wholehearted support and I hope it has yours. I urge that you join me and vote against the motion before us so we can then handle the motion of "ought to pass" and send this bill on its way.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I should make a couple of comments in regard to a number of problems that Mr. Joyce has cited. I think the committee, and basically the House, I think, is owed some explanation as to a number of bills that we have in committee dealing with this problem. Basically, we have two, we have Representative Joyce's bill and we have Senator Pierce's bill, 318. The committee itself decided that it would send out Mr. Joyce's bill first, which is basically a prohibition against all slot machines.

I think at the public hearing in regard to Representative Joyce's bill was not all that lengthy, basically because the proponents and opponents to remote control entertainment devices had testified on Senator Pierce's bill and, at that time, our committee heard from a number of legitimate bona fide organizations in this state, which I feel the Pierce bill will affect and affect disastrously. The committee heard from members of the American Legion, the VFW, DAV, the AMVETS, the WWI veterans, the Fleet Reserve Association, all who are opposed to the good gentleman's bill.

I agree with the gentleman that there are several problems with the laws and regulations that the state has with respect to the control and the regulation of this industry. I think that the committee, which has had lengthy work sessions in regard to Senator Pierce's bill, has tried to come to some kind of a solution to this problem whereby it would continue to allow the process of remote control entertainment devices in the State of Maine and regulate that industry to such an extent as to hopefully allow for this means for non-profit organizations to raise revenue, but also to curtail the abuses and the problems with this industry.

I have tried to speak to as many of you as possible to explain exactly what the committee has done with respect to the Pierce bill and to why, hopefully, we hope that you will today accept the "ought not to pass" report and why

we would then hope that you would accept Senator Pierce's bill, which we hope will be coming out soon and which will definitely be coming out of our committee once, I hope, we send this bill down to the other end with an "ought not to pass".

But our committee has made a commitment to try to solve the problem that this state has with respect to the remote control entertainment device industry, and I feel that this state can live with remote control entertainment devices, sponsored by bona fide organizations, in their proper place. We have made several recommendations in the Pierce bill.

We will allow communities to decide whether or not they will even allow remote control entertainment devices in their town. We have done away with the problem that so many people speak of in Old Orchard Beach with 15 to 20 machines in any one establishment. These things will not occur. I think the committee is making a fervent effort to control the problem and I believe we will. I believe that we are going to tax the industry to such an extent where we are going to provide for the proper enforcement of that industry.

As far as Mr. Joyce, I cannot refute the percentages as far as the service contracts are concerned. I only know that that is an issue that when the distributor and whomever is accepting the machines bargain, and if these clubs, Mr. Joyce, have bargained and have accepted 66 per cent of the payback to the distributor, then they certainly aren't very good at bargaining. I know the machine in Van Buren, the service charge there is 25 per cent, which is the average service charge in the State; 50 per cent is usually when the machine is on premise, 50 per cent of the revenue, and Mr. Joyce cites \$66,000 that was supposed to have been taken in by my legion in Van Buren, anyway, that \$66,000 a certain amount of that money is paid out in prizes, so when \$20,000 is left to the legion, I mean, you have \$66,000 of money put into a machine, but a certain amount of that \$66,000 is returned in the form of prizes. I differ with Mr. Joyce and he seems to disagree with me.

Last year, according to the information that I have in regards to the slot machine industry, some \$4.2 million was played on slot machines or remote control entertainment devices in the State of Maine. Of that, winnings cased, \$2.1 million, leaving a hold, which is the net amount distributed, of \$2.1 million; \$1.2 million being paid to the organizations and \$856,000 being the distributor's portion for installment payments and service payments.

There is a substantial fee, these machines are an expensive product. The organization must pay the distributor. These machines run from \$5,000 up and, obviously, they must pay the price for these machines and this is usually paid on a monthly basis in which the distributor removes from the amount that is left over after the winning are given out, usually 25 per cent of the remaining amount is given to the distributor in order to pay for the machine. Then a fee is paid in order to provide for maintenance.

I would hope today that you would vote in support of the motion "Ought Not to Pass." I believe there is a place in Maine, in a controlled and structured and regulated environment, to provide for the remote control entertainment devices in the State of Maine. I believe that if it is done properly, in a controlled environment, that it will provide funds for non-profit, bona fide organizations, to provide for some of the charitable work that they are trying to do in their communities.

The state supports several other forms of gambling in this state. There is the lottery, beano, bingo, ontrack betting and further. I believe that this is another means by which non-profit, bona fide organizations can find some way in this day and age when so many people are less apt to contribute to non-profit organizations for them to help these organizations.

I would sincerely hope that you would vote

"Ought Not to Pass" today and thank you.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House and Reverend Wyman: I, too, oppose slot machines. I happen to think that the industry of slot machines is an insidious incursion on our free enterprise system. I think that the evil that they do far outweighs the good that they do.

I am a great believer in philanthropy, I am a great believer in private philanthropy, but I don't think we need this kind of philanthropy in the State of Maine.

I really urge you to vote in favor of "Mother Joyce's" bill.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I am 59 years old. The last time I played poker was back in 1957 and I lost \$4 and I was mad as a wet hen. The last time I played one of these slot machines was back in 1936 when I was in high school. I put a nickel in it, I lost a couple of nickles and I never played again. I have never bought a lottery ticket and I never played the horses, but I can't understand here today how you people can be so discriminatory, how do you judge when one thing is illegal and the others aren't? You continue to allow lottery, you continue to allow betting on horses and yet you are against this. Where do you get the idea that you have something that is not continuity? To my judgment, one is just as bad as the whole three. If you are going to get rid of one, let's get rid of the whole of them or keep this one here, clean it up some and let's go with it.

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

Ms. BROWN: Mr. Speaker, Men and Women of the House: I am about to give the longest speech that you have heard from me on the floor of the House. I have served on the Legal Affairs Committee and have been on more minority reports that I care to mention. A few minority reports have passed here, however.

I am known as a stubborn swede amongst friends and having the maiden name of Magnuson—how else could I be? It is time some of my fellow legislators should know that the more I am urged to switch a vote, the more steadfast I remain.

I am proud to say that I am the first to sign the report on L. D. 833, "An Act to Amend the Laws Relating to Games of Chance," as ought to pass. Many people on my committee would have liked to see this bill "left to withdraw" or "ought not to pass" and give Senator Pierce's bill a chance. If this bill passes there will be no need for Senator Pierce's bill. I am happy to belong to same party as our Governor, who has asked us to accept the "ought to pass" report and enact this legislation.

Representative John Joyce's bill of Portland is straight forward and simple. It would outlaw all slot machines in Maine. Passage of the bill will send the slot machine operators back to Nevada and Atlantic City, the only places other than Maine where slot machines are legal. If this bill is defeated it will mean business almost as usual for the gambling interests. A back up bill attempts to control the projection of slots in Maine. That's a laugh!!! The only reason slot machines are now in the state at all is because of a loophole in the law expressly designed to prohibit them.

Back in 1974, the Maine Legislature intended to tighten the state's gambling laws. They passed a bill specifically outlawing slot machines. Unfortunately, as it turned out, the law said nothing about slot machines, which were not coin operated. The gambling interests were quick to spot the loophole in the law and responded by introducing slot machines, which comes under the less direct word of electronic gaming devices. They are legal because the quarter is given to the operator and he acti-

vates the machine electronically. To me, a slot machine is a slot machine, regardless of whether it is coin activated or electronically operated. I think they ought to be outlawed entirely. If you people feel otherwise, then you ought to erase the legal but meaningless distinction between electronic and manual slot machines. There is no practical difference between the two. You will hear the argument that it will hurt the American Legion, if this bill passes, but you know as well as I do, who is cleaning up from this operation. It didn't take long for the gambling interests to worm their way through the structural weakness in the law. There are now more than 200 electronic slot machines and the number keeps growing. Well over \$4 million was bet on the slots last year and the only big winners are the machine owners and distributors. Maine is definitely at a crossroad. We are either going to be the third state to have legalized casino gambling or we are going to stop it in its tracks here. Casino gambling will bring in organized crime and the things people in Maine are trying to get away from.

I urge you to vote for L. D. 833.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Brown brings back to memory debate that I had on the floor of this House in 1969 concerning Sunday racing. One of the members of the House, who is now in the Senate, the Honorable Walter Hichens and I, happened to be on the same side of the issue on Sunday Racing. We were both against it but our arguments were somewhat different. At that time, I remember Representative Hichens arguing that Sunday racing was a scheme of the Mafia for the gambling interests of this nation and I could assure him then, as I could to you now, that was not the case.

There has been, I am sure, in the past, a number of interested citizens in this state that would completely like to see harness racing and parimutuel betting made illegal, while there are a number of individuals in this state who happen to like harness racing, who like to go to the raceways or go to the agricultural fairs. Not everybody is in tune with it, but I don't believe this House is willing to eliminate harness racing.

I, myself, did not like the lottery. I do not like it today, but it is a form of gambling, just as the machines are a form of gambling and harness racing is a form of gambling.

I do not support the Joyce bill at all. I actually think it is too drastic a bill to be put before this House because I believe the bill that is still in committee, the Pierce bill, should be reported out and this industry should absolutely be tightened up, no question about that at all. I think the registration, the license fees and a taxing method should be applied to this industry because in itself it has grown and why has it grown? Because the population of this state are a segment of it, which may be entirely different from a group of individuals who support harness racing or a group of individuals who support the lottery in this state, others who support beano. There is an interest in this state for this type of gambling and I say so be it, as long as we in this legislature intend to tighten the rules on slot machine gambling in this state.

The evidence has beared itself out, based on the dollar amounts when it originally came in, the figures that Mr. Joyce gave us, and I have no reason to dispute them at all in the beginning of it and what the dollar amounts of it are today.

The industry that is involved with the slot machines that are in the non-profit organizations, I say that they can remain if, and only if, the Legal Affairs Committee and the legislature listens to its wisdom and strengthens the law.

I am totally against this bill. I think it is improper to be here at this time and, if anything, what we should do is to go with the alleged Pierce bill, wherever it is, and if that still has its shortcomings, we are going to be coming back within the next eight or nine months for a Special Session. The Legal Affairs Committee can report on what Commissioner Stilphen is doing, and he is only a new member on the Commission. He has been over there for four months or three months and he has written a letter to all of us indicating what we should be doing with this bill. I don't know here he came up with all the wisdom. I will take my chances with the Legal Affairs Committee in trying to put together a document that is palatable to all of us.

I would hope that you would oppose the motion to accept Mr. Joyce's bill. Kill this bill this afternoon and come out and support the Pierce bill when it hits this floor.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I would just like to enthusiastically endorse the remarks made by the good gentleman from Bangor, Mr. Kelleher. I think he is right on the button.

I would also point out that, for instance, in my legislative district, back in Lewiston, people that I represent, predominately mill workers, work long and hard hours all week long. They cannot afford to take a week or two week's vacation annually. These people look forward to their weekends and they look forward to gathering at some social club perhaps, talking with each other, maybe dancing a little bit and simply enjoying themselves trying to relieve some pressures that they face trying to make a living and educating their kids. If some of these individuals receive a slight amount of enjoyment out of playing these games of chance, they are all bright people, they are all very capable individuals and I am sure they are very capable of making that decision for themselves. Let the people decide whether or not they are going to play these games of chance.

I highly endorse, as I said, regulating these things as rigidly as possible, but banning them completely, I think is not in order and not in the best interest of the people that I represent and predominately the people around this state.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will also try to be brief. I appreciate the distinction that the gentleman from Wiscasset has given me and with that distinction I rise very reluctantly and I speak in support of the bill of the gentleman from Portland, notwithstanding my other profession.

I really think that this particular issue goes far beyond the bounds of anyone's particular religious or philosophical prohibition against gambling in general. I don't think that that is the issue. I think the issue is a much boarder one and a much more significant one and it really goes beyond how you may happen to feel on gambling, whether you, yourself, gamble in any particular way.

I think the real issue or not is whether we are going to be, in future years, preserving any quality of life that we have in this state — that is really what is at stake, the quality of life that people who come from New York, who come from New Jersey, come from more industrialized states, come to Maine to enjoy.

I happen to be very concerned about the proliferation of slot machines, and I do not believe that the answer to dealing with the problem, that the answer to plugging a loophole ridden law, is to pass a loophole ridden legislation, a loophole ridden bill. Naturally, what the alternative is, there is no way, ladies and gentlemen, in my judgement, that we are able to effectively regulate the proliferation and we have seen a remarkable and drastic proliferation of these machines in recent years because

there was a loophole in the law. There is no guarantee that if we continue to try to regulate it and to circumscribe it that we are going to be able to preclude for all time, the continued expansion of this type of gambling. This is not going to happen overnight, it is going to be slow evolutionary process. It is going to impact perhaps on generations in the future, but I think it is our responsibility to be concerned about it now.

I support Representative Joyce in his effort to put an absolute total ban on slot machines, because I happen to believe, and my father is very active in a veteran's organization, the VFW, but I happen to believe there are other ways of raising money. I also happen to believe that all the articles that we have read on this subject in the newspapers time and time again have indicated to us very clearly, beyond a shadow of a doubt, that the charitable organization provision of the current law is nothing more than a big fat loophole that organizations are using and people are using to make a fast buck on the slot machines. That is exactly what is going on.

I think the opposition of this bill around the particular belief that we ought to allow organizations, charitable organizations, to raise money for good causes is a very erroneous assumption to make, because the articles, and I would like to quote to you just from one. It says, "In Portland, seven non-profit organizations are operating off-premise slot machines in 16 bars and restaurants, and this gentleman by the name of Mr. McLaughlin said in an interview, we have a lot of organizations which are being founded overnight and applying for gambling license the next day."

There is no way we can effectively regulate this and I don't care how many definitions we put into law, we just can't do it. I just don't want us, years from now, to look back and say, well, the 109th Legislature had an opportunity to deal with this issue and they failed to do it. I don't want us to have to say in the sad words of T. S. Elliot, "That is not what I meant at all, that is not it at all." I think if we want to avoid some unintended consequences, some unintended effects, then we will ban the slot machines altogether, and I hope that you will vote against the pending motion, vote no to keep this bill alive.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't made up my mind on this bill until this afternoon. I heard my good friend from Bangor, Mr. Kelleher, and I think he hit the nail right on the head. We gamble with horses, we gamble with the lottery, we gamble with bingo. The only one of these that any of the money drifts back for charitable purposes is the slot machines. The rest of them are for personal gain or for the gain of the people who put them on. The only one that gets some of it back, and I admit that the people who own these machines make a big profit, but the only way you get any of the money back at all to charity and to help those less fortunate than ourselves is with the slot machines.

I don't disagree that it should be tightened up. I am sure that it will be, if we are able to defeat this bill this afternoon, I am sure it will be when the other bill comes along, so I hope you vote for the Majority "Ought Not to Pass" Report.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to this debate long enough. I have been a federal prosecutor for a few years and I can tell you, the State of Maine does not need slot machines. Let's get rid of this insidious device.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Van Buren, Mr. Violette, that the House

accept the Majority "Ought Not to Pass" Report.

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

Mr. ROLDE: Mr. Speaker, I would like to pair my vote with the gentleman from Woolwich, Mr. Leonard. If he were here, he would be voting no and I would be voting yes.

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

Mr. KELLEHER: Mr. Speaker, I would like to pair my vote with the gentleman from Yarmouth, Mr. Jackson. If he were here, he would be voting no and I would be voting yes.

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

Mr. DRINKWATER: Mr. Speaker, I would like to pair my vote with the gentleman from Biddeford, Mr. D. Dutremble. If he were here, he would be voting yes; and I would be voting no.

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

Mrs. MARTIN: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mr. Vincent. If he were here, he would be voting yes; I would be voting no.

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

Mr. HOBBS: Mr. Speaker, I would like to be excused from voting pursuant to Joint Rule 10.

The SPEAKER: The Chair will grant permission to the gentleman from Saco, Mr. Hobbins, pursuant to Joint Rule 10.

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

Mr. KANE: Mr. Speaker, I would like to pair my vote with the gentlemen from South Portland, Mr. Howe. If he were here, he would be voting yes; I would be voting no.

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

Mr. COX: Mr. Speaker, I would like to pair my vote with the gentleman from Lisbon Falls, Mr. Tierney. If he were here, he would be voting yes; I would be voting no.

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

Mr. WOOD: Mr. Speaker, I would like to pair my vote with the gentleman from Kennebunk, Mr. McMahon. If he were here, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, I would like to pair my vote with the gentleman from Westbrook, Mr. Carrier. If he were here, he would be voting yes; I would be voting no.

The SPEAKER: 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—Aloupis, Austin, Baker, Barry, Benoit, Birt, Bordeaux, Boudreau, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Brown, K.C.; Call, Chonko, Conary, Cunningham, Damren, Diamond, Dow, Elias, Fenlason, Garsoe, Gillis, Gwadosky, Hall, Hickey, Higgins, Jacques, P.; Kiesman, LaPlante, Lizotte, MacEachern, Marshall, McHenry, McKean, Michael, Nadeau, Nelson, M.; Norris, Paradis, Paul, Pearson, Peltier, Peterson, Reeves, J.; Soulas, Studley, Theriault, Tozier, Tuttle, Twitchell, Violette, Vose, Whittemore.

NAY—Bachrach, Beaulieu, Berube, Blodgett, Bowden, Brown, A.; Bunker, Carroll, Carter, D.; Carter, F.; Cloutier, Curtis, Davies, Davis, Dellert, Dexter, Doukas, Dudley, Fillmore, Gavett, Gould, Gowen, Gray, Hanson, Huber, Hughes, Hunter, Hutchings, Immonen, Joyce, Kany, Laffin, Lancaster, Leighton, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Masterman, Mas-

terton, Matthews, McPherson, Mitchell, Morton, Nelson, A.; Nelson N.; Payne, Post, Prescott, Reeves, P.; Rollins, Sewall, Sherburne, Silsby, Smith, Sprowl, Stetson, Stover, Strout, Tarbell, Wentworth, Wyman, The Speaker.

ABSENT—Berry, Connolly, Fowlie, Jacques, E.; Jalbert, Maxwell, McSweeney, Roope, Simon, Small.

PAIRED—Carrier - Torrey; Cox - Tierney; Drinkwater - Dutremble, D.; Howe - Kane; Jackson - Kelleher; Leonard - Rolde; Martin, A. - Vincent; McMahon - Wood.

EXCUSED—Hobbins.

Yes, 56; No, 67; Absent, 11; Paired, 16; Excused, 1.

The SPEAKER: Fifty-six having voted in the affirmative and sixty-seven in the negative, with eleven being absent and sixteen paired and one excused, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-377) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

Emergency Measure

An Act to Establish the Subsidy Index for Educational Funding for the Fiscal Year 1979-80 and to appropriate the Necessary Funds Therefor (H. P. 1401) (L. D. 1615)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House necessary, a total was taken. 111 voted in favor of same and one 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.

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

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

Tabled—May 11, 1979, by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

On motion of Mr. Davies of Orono, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-417) was read by the Clerk.

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

Mr. DAVIES: Mr. Speaker, so people don't get the feeling I am trying to slip anything by them, this is a simple, technical amendment to change the word 'street number' to 'address' to more correctly reflect the reality in some small towns that have street addresses but do not have numbers.

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

The Chair laid before the House the tenth 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 11, 1979 by Mr. Peterson of Caribou.

Pending—Passage to be Enacted.

On motion of Mr. Churchill of Orland, under

suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-416) was read by the Clerk.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: Just to try to explain what we have done. In the original amendment, we left out the permit requirement. Otherwise, these guides do not have to have any permit. Under the new amendment, supposedly it would put back the statewide yearly permit and it is now required. Otherwise, they wouldn't have anything to revoke with the word 'permit' left out.

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

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

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

The Chair laid before the House the eleventh 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 11, 1979 by Mrs. Kany of Waterville.

Pending—Acceptance of Either Report.

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

Mrs. KANY: Mr. Speaker, I move acceptance of the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Brooklin, Mr. Bowden.

Mr. BOWDEN: Mr. Speaker, Ladies and Gentlemen of the House: I know the hour is late and I probably would like to have been out of here just as much as anybody, but I can't let this one go by because this is my bill.

I would like to thank the gentlelady from Waterville, Mrs. Kany, for tabling this bill last week. As many of you know, I had to be absent. I am sorry she is not on the opposite side of things.

I would like to take a couple of minutes, if I may, and explain what we are trying to do with the bill. It would establish a pilot resident state trooper program under which eligible communities could contract with the state police for the services of a trooper. It would involve 10 troopers for two years, with the towns involved paying 75 per cent and the state paying the remaining 25 per cent of the cost. A single town or a group of towns could apply and the troopers would be assigned to localities found to be least able to afford a full-time police officers and most in need of one.

The chief of the state police would consider the local crime rate, the population of the communities, the law enforcement problems and the resources of the locality in establishing need, and no community employing a full-time officer since July 1, 1976, would be eligible to participate in the program.

A contract between the locality and the state police chief would be required specifying the services to be provided and the conditions under which they would be provided. It would also involve the formation of a community law enforcement coordinating committee, which

would be required and appointed from among residents of each community involved. Its function would be to review and comment on any proposed contract, review the monthly reports from the resident trooper and meet periodically with the trooper and his superior and municipal and county officers to consider law enforcement problems in the area.

As I said earlier, it is a pilot program. It would require an evaluation by the state police chief at the end of that period. He would submit his recommendations to the legislature on how to solve the problem of providing police services to eligible localities most in need of and least able to provide. So, it would not be one of those programs which goes on and on. If it were found to be undesirable or in need of change, then the legislature would, by statute, have the opportunity to take another look.

You are probably going to hear arguments that this is an attempt to undermine county sheriff departments, and I would hasten to assure everyone there that it is not an attempt. I know in Hancock County, in the area that I come from, an attempt to provide a kind of resident deputy sheriff's program was attempted several years ago and failed miserably.

I don't think anybody can argue that the state troopers in Maine are a cut or two above, I believe anyway, any other law enforcement officer in this state in terms of ability and in terms of qualification. That is not to say that there are not some good deputy sheriffs and some good municipal police officers, but taken overall, I think the level of competent quality of the state police is unquestionably at the top of the pile. I think this provides an excellent opportunity for small towns, small communities especially, who now have a real problem with law enforcement, to find a way of addressing that problem either by themselves or operating jointly with other communities in cooperation with the state.

Another consideration would be that troopers who are now assigned a general basis would be freed if, for example, a state trooper responsible for nine or ten towns in Hancock County as his patrol area were to find that a resident state trooper were assigned to serve two or three of those communities, his patrol area would be reduced by that amount and I think that in itself would provide a better level of coverage for both the towns participating in the resident program and those that are being served by the trooper on general patrol.

I think there are a lot of merits. There is not question but there is a cost attached to this program. It would be roughly \$115,000 for two years, but I would like to see the bill live or die on the Appropriations Table based on its merits rather than killing it here today and not giving it a chance. I would appreciate your vote against the "ought not to pass" recommendation.

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

Mrs. KANY: Mr. Speaker and Members of the House: There are those who would oppose, I am sure, because they do feel it would infringe upon the county law enforcement system. I can see their point, but that is not the main reason why I am opposed to this legislation.

We have just worked on county budgets and we all know the problems municipalities are having with their local budgets, and it just doesn't seem fair to me that many communities, such as the one I represent and many around my particular area, we support our local law enforcement units, we pay for that. In addition, we pay for a lot of services for the county sheriff offices, so we have those too, and now we are being asked through this to pay for a quarter of somebody else's law enforcement. I just don't think that is fair, that is asking just a little bit too much.

I hope you go along with the "ought not to pass" motion.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I will not take long. This is not a new bill. It was before us in the 108th by the gentleman from Brooklin's predecessor, the gentleman from Stonington, Mr. Greenlaw.

The problem with this bill is, there are a couple them which bothered me when I was on State Government in the 108th and we dealt with this whole thing before. It is going to take from fiscal year 1980 from the dedicated highway fund \$45,000 and \$40,000 next year—that is one of the big problems, let alone the general fund monies taken away.

Secondly, the gentlelady from Waterville, Mrs. Kany, pointed out truly that we are asking your town and my town to subsidize another town's law enforcement agency beyond what we are already doing, that being the county level or the state police level.

Now, a pilot program, which this is, is asking for just that, possible success. If it has success, what do we have next? We have a lot of things next, maybe more than 10 state troopers, and that could be a problem. I see more state police being assigned to more areas and more dollars. If it is not successful, of course that wouldn't happen.

We already are supporting several levels of police services. We have 101 municipalities right now who support their own law enforcement agencies. We have 16 county sheriff departments, as you all know, and we have 300 state police; 156 of these are already assigned to rural routes. So, I think we are asking for much more here than we really want, and I hope you would support the "ought not to pass" report.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: I rise today to support the gentlelady from Waterville, Mrs. Kany, on her motion.

The program is a pilot program and, as the previous gentleman stated, we did have it in the 108th. I believe the figure is 10 men for two years. I am concerned now, as I was then, what happens to the 10 men at the end of the two years. Will they be absorbed by the existing state police units? If so, that means that the state would be picking the entire tab.

Another thing that has bothered me, having been a police officer in a community where we had a council and having friends in communities where they have selectmen, I believe it would have been, for me at least, very difficult to have worked for two bosses. You have got your commanding officer and you have got your selectmen or your council. I found that I was supposed to come under the chief, and as a deputy chief, I also had to look to the city manager for guidance. I found that this didn't always work that way, that each individual councilman was an expert in police work. Therefore, this person is going to have many bosses, some state and some local.

I know another thing that comes up, working as a local police officer I have had, in my instance in Belfast, manytimes people pull off the highway and say, would you get hold of Searsport, they have an accident at such an such a location. They didn't expect me to answer the call, but if I was sitting there in a state police cruiser, I am sure they would have expected me to go along. I certainly would have had to if I had been a state police trooper.

We have got the days off to deal with, but you have that no matter what you have. I don't really believe we have enough troopers now to cover the whole area, so I would guess that something would have to give. It would seem to me that the commanding officer would have to reserve the right, if he had an emergency outside the area that this trooper was assigned to, this trooper would have to be called to the emergency because, after all, he is in a uniform of the Maine State Police, he is driving a vehicle so marked, I would assume. I know that

this could be rather discouraging, I would think, for the trooper himself who was in this situation.

It is late, I haven't been up very often this year, I have a lot of notes, but I think I have put the main point across that I wanted to bring out and with all due respect to my friend from Brooklin, I will be going with the gentlelady from Waterville, Mrs. Kany.

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

Mrs. BACHRACH: Mr. Speaker and Members of the House: Mr. Bowden from Brooklin has tried to circumvent my arguments or answer them before I made them, but, actually, I think you will all remember that we passed some legislation to upgrade the sheriff's department. I think the sheriffs are operating much better and probably will be better than that as the thing takes effect.

I don't like to put forward the implication that the state police can do the job better. I think that we should let the sheriffs do the job that they are constitutionally empowered to do, which is to protect the localities in the form of police protection. I hope you will not imply in any way that the state troopers can do it better.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Bowden hit a sore spot when he said that the state troopers were better than local police. I would never agree to that. But besides that, this bill I don't believe is good for the fact that if you start putting state troopers, who would still be under the command of the chief of the state police, and although the present chief is one of my very good friends and I believe he is a very fine person and all the state police workers are a very fine force, I still feel that the local people should have control of their police officers. I don't like the idea on Page 2, the second paragraph, where it says that the chief of the state police would be the one that would decide what these people should do.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I do believe, as we hear a lot of times, this is urban areas opposed to rural areas. Those who live in the urban areas, naturally, they have a good police coverage and I don't think they realize that there is very little coverage in some of the rural towns.

These ten men, I do admit, it probably would cost us a certain amount of money, a quarter or whatever the percentage is, to fund this pilot police project, but I don't believe this is a lost cause, because these men are receiving training out in the field and there is nothing to say that they are going to stay in this particular town for any length of time, maybe two or three years, but without a doubt, these are going to be better trained state troopers.

Another thing, these rural areas, we say they can have their own law enforcement. There is no way that they can afford to train police officers the way that the state police are trained. I hate to differ with the preceding speaker, Mr. Theriault, but I believe the state troopers are better trained, they have more money spent on them. Not only that, if we train one as a rural policeman in rural town, after you get him well trained, he immediately answers an ad and moves on to some larger town for more money. I do feel that we would keep these state troopers there for at least a period of two years, maybe more.

I certainly hope you will support this, because last time this received a very good report and I think it is time that we tried this.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those

opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Bowden of Brooklin request a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Baker, Berry, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. C.; Call, Carroll, Carter, F.; Connolly, Cox, Diamond, Drinkwater, Fenlason, Fillmore, Gavett, Gillis, Gowen, Gwadosky, Hanson, Hickey, Joyce, Kany, Kelleher, LaPlante, Leighton, Lund, MacBride, Martin, A.; Masterman, McHenry, McPherson, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Paul, Pearson, Peterson, Prescott, Reeves, J.; Reeves, P.; Rolde, Stetson, Stover, Studley, Theriault, Tozier, Tuttle, Twitchell, Wentworth.

NAY—Aloupis, Barry, Beaulieu, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brown, K. L.; Bunker, Chonko, Churchill, Cloutier, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Doukas, Dow, Elias, Garsoe, Gould, Gray, Hall, Higgins, Hughes, Hunter, Hutchings, Immonen, Jacques, P.; Kane, Kisman, Laffin, Lancaster, Lewis, Lizotte, Locke, Lowe, MacEachern, Mahany, Marshall, Masterton, Matthews, McKean, Norris, Paradis, Payne, Peltier, Post, Rollins, Sewall, Sherburne, Silsby, Smith, Tarbell, Torrey, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT—Austin, Benoit, Brown, A.; Carrier, Carter, D.; Davies, Dudley, Dutremble, D.; Dutremble, L.; Fowle, Hobbins, Howe, Huber, Jackson, Jacques, E.; Jalbert, Leonard, Lougee, Maxwell, McMahon, McSweeney, Morton, Nelson, M.; Roope, Simon, Small, Soulas, Sprowl, Strout, Tierney, Vincent, Whittemore.

Yes, 54; No, 65, Absent, 32.

The SPEAKER: Fifty-four having voted in the affirmative and sixty-five in the negative, with thirty-two being absent, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-320) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the twelfth 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 11, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

Mr. Brodeur of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-393) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the thirteenth 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 11, 1979 by Mr. Wyman of Pittsfield.

Pending—Passage to be Enacted.

On motion of Mr. Diamond of Windham, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the fourteenth 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 11, 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. Hughes of Auburn, retabled pending the motion of Mr. Hobbins of Saco to accept the Minority "Ought Not to Pass" Report and tomorrow assigned.

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

An Act to Increase Fees Charged by Bail Commissioners (H. P. 1129) (L. D. 1398) (C. "A" H-293)

Tabled—May 11, 1979 by Mr. Connolly of Portland.

Pending—Motion of the same gentleman to Reconsider Adhering to Passage to be Enacted.

On motion of Mr. Connolly of Portland, retabled pending his motion to reconsider and tomorrow assigned.

Bill Held

HOUSE REPORT — "Leave to Withdraw" — Committee on Health and Institutional Services on Bill, "An Act Concerning the Hospital Inspection Law" (H. P. 891) (L. D. 1086) — In House, "Leave to Withdraw" Report Read and Accepted on May 14, 1979.

Held at the request of Mrs. Berube of Lewiston.

Mrs. Berube of Lewiston moved that the House reconsider its action whereby the Leave to Withdraw Report was accepted, and moved that the matter be tabled for one legislative day.

Mrs. Prescott of Hampden requested a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that this be tabled pending her motion to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

(Off Record Remarks)

On motion of Mr. Peterson of Caribou, adjourned until eight-thirty tomorrow morning.