

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

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

HOUSE

Tuesday, May 15, 1979

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

Prayer by the Reverend Robert Ives of the New Harbor and Round Pond United Methodist Churches.

Reverend IVES: Let us pray! Almighty and Eternal God, who has called each person gathered here to be a fellow worker with thee, may thy peace and grace abide with all these Representatives of our State. As they enter forth into this day's work, help them to be diligent in their duties, to be faithful in their responsibilities, be considerate and concerned about all the work which lies ahead. Grant that all might have the courage and resolution to stand for what they hold to be right; yet, give them sympathy and tolerance to understand all points of view. Grant that the importance of their work may never make them full of their own self importance but rather that it might make them humble and eager to serve and help the people of this state. Grant them wisdom in their mind, clearness in their thinking, truth in their speaking and love in their hearts that thy peaceful kingdom might come and thy will might be done on earth and within this state. Help all who are gathered here this day to set the interest of community above those of their party, set the interest of the state above those of the community and set faithfulness to thee above everything else. That Our Lord came not to be served but to serve, so help us all to be willing servants of thee and one another. May thy grace, thy peace and thy wisdom abide now with all here in each one, for we ask it in Our Lord's name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

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

Carol Ludwig, a senior at Gardiner Area High School who received the second highest National Merit score recorded by a Maine student, has been named a finalist in both the National Merit and Presidential Scholar competitions (S. P. 546)

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

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

Mr. and Mrs. Ralph Hutchins of Wells celebrate their 55th wedding anniversary on May 17th (S. P. 551)

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

Reports of Committees
Ought Not to Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Extend the Deer Season through the Second Saturday following Thanksgiving" (S. P. 228) (L. D. 643)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill, "An Act Relating to Vocational Education Regions." (Emergency) (S. P. 396) (L. D. 1214)

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

Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill, "An Act to Facilitate the Dispensing of Generic Drugs" (S. P. 410) (L. D. 1269)

Report of the Committee on Health and Institutional Services reporting "Leave to With-

draw" on Bill "An Act to Require the Inspection of Hospital Pharmacies Prior to Licensure" (S. P. 432) (L. D. 1297)

Came from the Senate with the Reports read and accepted.

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

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act Relating to the Basic Monthly Charge of Electric Utilities" (S. P. 349) (L. D. 1095)

Came from the Senate with the Report read and accepted.

In the House, the Report was read.

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

Mr. DAVIES: Mr. Speaker and Members of the House: The Committee agreed to grant this bill "Leave to Withdraw" after we received a letter from Commissioner Gelder dealing with the subject and I would like to read this letter into the record so that everyone understands the reasons why the bill is being withdrawn.

The letter from Commissioner Gelder relative to L. D. 799:

"Dear Representative Davies: As you know the Commission does not support the above legislative proposal which would proscribe the Commission from including construction work in progress (CWIP) in rate base in determining a utility's revenue requirement.

"Currently, the Commission's treatment of this issue results in substantially the same effect as if the Commission currently includes CWIP from rate base. While in major rate cases, the Commission currently includes CWIP in rate base thereby increasing the utility's net operating income requirement, it also includes an adjustment for an allowance for funds used during construction (AFUDC) which decreases the utility's net operating income requirement. The two adjustments virtually cancel each other.

"There is, however, a reason for making the two adjustments, as the Commission recently has, as opposed to excluding CWIP from rate base as the legislative proposal contemplates. There is a relatively small amount of CWIP which does not qualify for AFUDC and consequently the utility never recovers the capital costs associated therewith unless CWIP is included in rate base presently. Yet, under accepted law and principle a utility is supposed to recover its reasonable cost of service.

"While I cannot prejudge future cases, it does seem one can reasonably assume current policy will continue until such time as circumstances warrant a change in position. Whatever that change might be, I believe the regulatory agency would have an acceptable rational for making it.

"I would ask you, therefore, to consider this matter carefully and to conclude that this office should continue to have a rate making flexibility on this issue until such time as it takes a course of action the legislature deems unjustified."

Very truly yours,
RALPH A. GELDER
May 8, 1979

Thereupon, the Report was accepted in concurrence.

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Prohibit Motor Trucks from Passing Moving Motor Vehicles when Visibility is Low" (S. P. 279) (L. D. 841)

Came from the Senate with the Reports read and accepted.

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

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" on Bill "An Act Making Additional Ap-

propriations from the General Fund for the Current Fiscal Year Ending June 30, 1979, Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government and Amending the Effective Date of Abolishing the Mental Health and Mental Retardation Fund" (Emergency) (S. P. 500) (L. D. 1562)

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

In the House, the Report was read and accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-172) on Bill "An Act to Assist School Administrative Units in Addressing Problems Associated with Alcohol, Tobacco and Drug Use and Abuse" (S. P. 209) (L. D. 582)

Report was signed by the following members:

Mrs. GILL of Cumberland
Mr. TROTZKY of Penobscot — of the Senate.
Mrs. LOCKE of Sebec
Mr. FENLASON of Danforth
Mrs. GOWEN of Standish
Messrs. CONNOLLY of Portland
BIRT of East Millinocket
Mrs. BEAULIEU of Portland — 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. MINKOWSKY of Androscoggin — of the Senate.
Mrs. LEWIS of Auburn
Messrs. ROLDE of York
LEIGHTON of Harrison
DAVIS of Monmouth — of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Committee Amendment "A" (S-172) Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-172)

In the House: Reports were read.

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

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

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

Mr. LEIGHTON: Mr. Speaker, I think I would like to have the yeas and nays on this and would speak briefly to my motion.

I have no argument with the need for drug and alcohol education in the public schools. However, I think this is another case of overlapping between government agencies in a situation where the schools, not being satisfied with the service they are getting from the ODAP Office in the Department of Human Services, instead of trying to coordinate and correct whatever inadequacy may or may not exist, they propose to go forward and create another service within the Department of Education and Cultural Services, which would create three more positions and would call for spending just under \$400,000. I think the facilities already exist through the Department of Human Services.

There is also a federal program at Farmington. My wife is involved in a health program that is being developed in our school district through the Farmington program, which involves this. In other words, it is another situation where there are countless agencies at both the federal and state levels spending an amount of money that nobody can tell me—through a number of people, that nobody can give me the

total, and I just think that it is a duplication.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: When the Appropriations Committee had the Public Safety Department before them for their budget request, they had an item in the budget, money for the Department of Special Investigation. We had principals testify at the hearing that the Department of Special Investigations work with drugs and tobacco and alcohol with school children was very very effective and that the department's efforts in this area were very minimal and not effective. We had a couple of school principals who testified that they were very happy with the Division of Special Investigations but they felt the Department of Education really wasn't that effective and didn't have that much creditability, so I will have to vote against the bill.

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, this is a matter that has been of some concern to those of us who are involved deeply in the treatment of alcohol, and for me to stand up here and say this morning that this is a good bill or a bad bill would be facetious, because I don't really know.

We are concerned with the problem in the schools, we are concerned with the proliferation of alcohol and drug abuse across the state, particularly with our youth.

In the Committee on Health and Institutional Services, we are talking about trying to put out a joint order to study this very problem to find out where the ducks are and how it should be done and if there should be money appropriated, and then the coordinating committee of the commissioners in the departments work it out together so that the money would be funneled through the Department of Education with this overlay of the three commissioners.

Of course, there is always the feeling, when you talk about treatment and prevention out in the field of the people involved, and because of the tight money situation, and I mean the money is really tight, we are right now, in the Office of ODAP, we have got about a \$314,000 deficit that the commissioner and various people throughout the state that are in treatment addressed to the Appropriations Committee the other day on the Part II Budget, and that would be just to continue the level of services that we are giving right now. And as you can well understand, a lot of these people are somewhat paranoid because they are afraid that if this goes into education at this time, then there will be a shortfall or the shortfall will still exist in the treatment.

The regional councils are working on prevention and education with the Department of Education with grant money. We had a four-day seminar about three weeks ago from the Johnson Institute on drinking and driving and so forth and so on: it was very, very successful. That was done, fortunately, with money from outside.

I guess that I would say this morning, if we could—I guess I will vote against this bill this morning. Give us a chance to do the study, give us a chance to find out the best way to do it and the best way to get more for our money, because I am afraid if you fragment, if you put \$400,000 in the Department of Education and \$1.2 million in the Department of Human Ser-

vices and another \$400 million in the Department of Transportation to deal with drunken driving, you will lose some efficiency.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I guess this morning I will have to take the opposite side of my seatmate from Brewer.

In the hearing that we had, there was a feeling that there was a need for education to have some assistance in developing or finding programs that would help the children in the schools. This drug program that is starting in the schools, and as they pointed out to us, we are continually getting calls from people in the schools, we are getting requests from people in the schools to help them, and we have no program really which could do it.

I agree that the fragmentation sometimes does create some problems, but the extent of the drug program that apparently is in the schools in the State of Maine today, there is also a problem with alcohol and they do bring tobacco into it because it is a major factor, there is a need to give the schools some type of a program whereby they can do something in this area.

I mentioned about the tobacco and I heard a comment made by an administrator of one of the large hospitals in the State of Maine that 60 percent of the cost of Medicare and those programs in the hospitals can be directly attributed to the use of tobacco and smoking, so I think all of these things are factors that need to have some help. They need some programs in the schools and they need assistance in developing programs to educate the students as to what the problems are, and I hope you would support the bill this morning.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I was very pleased to hear the gentleman from Brewer, Mr. Norris, tell us what programs they are considering in the Health and Institutional Services Committee.

The reason that I signed this bill "Ought Not to Pass" is that I thought this was just a bandaid approach to a very serious problem. No question that our children need all the education and all the help they can get to combat the prevalent uses of alcohol and tobacco and drugs, but this bill makes people feel good because you think, oh, good, we can pass this and then we are doing something.

But there was no evidence whatsoever at the hearing that anything is really being done. The whole program that this would fund would be a conscious raising kind of program and whether that does any good or not, it is very difficult to tell. Some people are very much opposed to these programs, thinking that they infringe too much on the right to privacy and the relationships between parents and their children.

If we can find out just exactly what methods we can use to help these children, I think it would be marvelous, but in no way would passing this bill help.

It has been going on for 10 years and I asked the question, can you point to real, positive evidence that people have been helped, and they couldn't. I said, could you just name two people? Two people couldn't be named because it is difficult, no question, to say how many people you save who have never succumbed to any of these things at all but perhaps you did raise their consciousness in such a way that they would not touch any of these things abusively.

This bill is really not the way to go, and I would say that the way Mr. Norris described—if a bill is coming out to do that, I certainly would support that, but this only makes you feel good to think you are doing something. Vote for it, but I can assure you that you really are not doing anything at all.

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

ROLL CALL

YEA — Austin, Bachrach, Baker, Beaulieu, Benoit, Birt, Blodgett, Brenerman, Brown, A.; Brown, K.C.; Chonko, Churchill, Cloutier, Connolly, Cox, Damren, Davies, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Elias, Gould, Gowen, Gwadosky, Hickey, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, Laffin, LaPlante, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, Pearson, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Simon, Smith, Tarbell, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker

NAY — Barry, Berube, Bordeaux, Boudreau, Bowden, Brown, D.; Bunker, Call, Carter, F.; Conary, Cunningham, Curtis, Davis, Dellert, Dudley, Dutremble, L.; Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gray, Hall, Hanson, Higgins, Hunter, Immonen, Joyce, Kiesman, Leighton, Leonard, Lewis, Lizotte, Lowe, McSweeney, Morton, Norris, Paul, Payne, Peterson, Rolde, Rollins, Sherburne, Silsby, Sprowl, Studley, Torrey, Tozier, Wentworth, Whittemore

ABSENT — Aloupis, Berry, Brannigan, Brodeur, Brown, K.L.; Carrier, Carroll, Carter, D.; Dexter, Garsoe, Hobbs, Howe, Huber, Hughes, Hutchings, Jackson, Jalbert, Lancaster, Locke, Lougee, Michael, Roope, Sewall, Small, Soulas, Stetson, Stover, Strout

Yes, 73; No, 50; Absent, 28.

The SPEAKER: Seventy-three having voted in the affirmative and fifty in the negative, with twenty-eight being absent, the Majority "Ought to Pass" Report is accepted.

The Bill read once. Committee Amendment "A" (S-172) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine" (S. P. 259) (L. D. 789)

Report was signed by the following members:

Mrs. GILL of Cumberland
Mr. TROTZKY of Penobscot — of the Senate.
Mrs. BEAULIEU of Portland
LOCKE of Sebec
Mr. FENLASON of Danforth
Mrs. GOWEN of Standish
Messrs. CONNOLLY of Portland
BIRT of East Millinocket
ROLDE of York
LEIGHTON of Harrison
DAVIS of Monmouth

— of the House.

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

Report was signed by the following members:

Mr. MINKOWSKY of Androscoggin — of the Senate.

Mrs. LEWIS of Auburn — of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

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

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

Pass" Report in concurrence.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a division on this.

If you look at the bill, it is really very simple. It is only one sentence, and the way the bill reads, it says: "In order to build up the capacity of New England professional schools, who, in turn, may be valuable resources for the people of Maine, it is the intent of this program to place Maine students in New England institutions to the very greatest extent possible." The programs that we are talking about are post graduate courses in the field of medicine, dentistry, optometry and veterinary medicine.

I really can't see a thing wrong with this bill. I would think that we would try to encourage our students to go to New England schools. We are part of the New England Board of Higher Education, whereby we have a program where our school of forestry and our school of law would be the schools that the children from other New England states could attend. Our children, in turn, could go to Tufts, Dartmouth and the University of Vermont, schools of post graduate courses in these various medical fields. I would think that would be something that we would be trying to encourage rather than to be contracting for students to go all over the United States where we have very little input.

It is very difficult for me to see why this bill has gotten such an unfavorable report.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: It is always interesting that simple little bills have the most complex problems to them. I think at the present time, we have an excellent program in medical education where the students that are going to the medical schools. The veterinary program, most of the students that are going here, and there are only four a year, has worked out with two of the top veterinary schools in the United States, the University of Cornell and the University of Pennsylvania. At the present time, the Tuft's program isn't even off the ground. They haven't even accepted their first student.

We did just pass legislation to include Tufts as one of the schools that could be included in a capitation program whereby students could apply to Tufts, as well as to the University of Pennsylvania and the University of Cornell. I think to eliminate those two schools at the present time, until we are further along in the development of a veterinary school at Tufts University would be a major mistake. Sometime down the road, some five to six or eight years from now, this may be a bill that will be worthwhile considering, but at the present time, I think to go into this program, would be a mistake. The "Ought Not to Pass" Report, I believe, is the right motion.

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to Mr. Birt or Mrs. Lewis.

The students that are now at the University of Cornell or in Pennsylvania, would they be shut out by this bill if it were passed? I have an interest in this because some former students of mine, who are now at Cornell, one of them anyway, who is in the under-graduate program, hoping to get into veterinary medicine there, he went there for that purpose. He would be a junior now, and I am wondering, if this were passed, would we all of a sudden not send anyone to Cornell and he would have to go fishing in another pond?

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

The Chair recognizes the gentleman from

York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, the latter part of his question, the answer would be yes. At least that is our fear if this bill is passed, that it would very heavily weight the Commissioner's decision and the Commissioner now makes a recommendation to the Governor as to where these slots should be. It is our understanding that we passed another bill which will allow Tufts University Veterinary School to be considered, if the Commissioner this year is recommending that two students go to Tufts and the other two students go to Penn and Cornell, we are afraid, if this bill is passed that the gentleman that Mr. Pearson was talking about would not be able to go onto Cornell, and that is the reason that we have such a strong "Ought Not to Pass" on the bill. Also, I believe this is the reason the bill was killed in the other body.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would have to answer Mr. Pearson's question exactly the opposite. There isn't anything here that says that these people can't go to schools all over the United States; it just says that it is the intent to place Maine students in New England institutions to the very greatest extent possible. It doesn't even mention Tufts. Tufts, of course, is a New England school. Maybe everybody in this body now and perhaps this Commissioner is thinking more in terms of Tufts, but if this law was on the Maine books, another Commissioner might not consider that at all. We would have to consider that we are reading things into this bill that may or may not be there. As far as I am concerned, "to the greatest extent possible," doesn't say "to the exclusion of every place else."

I think we should try to encourage these students to go to New England schools.

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

A vote of the House was taken.

84 having voted in the affirmative and 14 in the negative, the motion did prevail.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Extend the Period for Tax Abatement From One to 5 Years if the Abatement is Justified by an Admitted Error in Assessment Records or Procedure." (H. P. 1172) (L. D. 1432) which was passed to be engrossed as amended by Committee Amendment "A" (H-349) in the House on May 9, 1979.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: The Taxation Committee, in this bill, was attempting to solve a problem that had happened with one of our Representative's constituents and have found that the alternative we chose was declared unconstitutional by the Attorney General's Office. While we see if there are any other alternatives and give the legislator a chance to work this out with his own hometown attorneys, I would ask that it be tabled for two days.

Thereupon, on motion of Mr. McMahon of Kennebunk, tabled pending further consideration and specially assigned for Thursday, May 17.

Non-Concurrent Matter

Bill "An Act to Make the Attorney General's

Explanations of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters." (H. P. 183) (L. D. 235) which was passed to be engrossed as amended by Committee Amendment "A" (H-336) in the House on May 8, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-336) as amended by Senate Amendment "A" (S-177) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 380) (L. D. 487) on which the House Insisted on its former action whereby Report "B" "Ought to Pass" as amended by Committee Amendment "B" (H-322) of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-322) in the House on May 11, 1979.

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

In the House: On motion of Mr. Davies of Orono, the House voted to recede and concur.

Messages and Documents

The following Communication: (S. P. 548)

State of Maine
SENATE CHAMBER
President's Office
Augusta, Maine 04333

May 11, 1979

Honorable Roland Sutton
Honorable Jasper Wyman
Chairmen, Labor Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Cynthia A. Murray-Beliveau of Augusta to be a member on the State Personnel Board.

Pursuant to Title 5, MRSA, Section 591, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

Came from the Senate Read and Referred to the Committee on Labor.

In the House, was read and referred to the Committee on Labor in concurrence.

Petitions, Bills and Resolves Requiring Reference

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

Agriculture

Bill "An Act Creating a State of Maine Trustees Advisory Board" (H. P. 1404) (L. D. 1617) (Presented by Mr. Wood of Sanford) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

An Expression of Legislative Sentiment (H. P. 1402) recognizing that:

Clayton Smith and David Charles Smith, students of the University of Maine at Augusta.

have been nominated for the 1979 Harry S. Truman Scholarship for Maine, given in recognition of academic performance and commitment to government service.

Presented by Mr. Nadeau of Lewiston (Cospensor: Senator Carpenter of Aroostook)

The Order was read.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I am presenting this order to recognize two individuals who have attained recognition for academic excellence. They are students at UMA, of which I am an alumnus, and proud to recognize these two outstanding individuals.

I hope you will join me in congratulating David Smith and Clayton Smith for having been nominated for the Harry S. Truman Scholarship for Maine.

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

Later Today Assigned

On motion of Mr. LaPlante of Sabattus, the following Joint Order: (H. P. 1405)

ORDERED, the Senate concurring, that "An Act to Provide Security Deposits or Bonding of Businesses in the State which Warrant Consumer Goods and Services," H. P. 1020, L. D. 1287, be recalled from the Legislative Files to the House.

The Order was read.

On motion of Mr. Sprowl of Hope, tabled pending passage and later today assigned.

House Reports of Committees Ought Not to Pass

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Establish a Filing Fee for Public Utilities Seeking to Change their Rates" (H. P. 895) (L. D. 1092) reporting "Ought Not to Pass"

Mr. Davies from the Committee on Public Utilities on Bill "An Act Extending Public Utilities Commission Regulatory Authority to Residential Fuel Oil Dealers" (H. P. 1148) (L. D. 1415) 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. Vose from the Committee on Public Utilities on Bill "An Act to Prohibit the Inclusion in the Rates of Public Utilities of Capitalized Costs for Property not in Use" (H. P. 649) (L. D. 799) reporting "Leave to Withdraw"

The Report was read and accepted and sent up for concurrence.

Mr. Paradis from the Committee on State Government on Bill "An Act to Promote Greater Efficiency through Alternative Working Hours for State Employees" (H. P. 1217) (L. D. 1480) reporting "Leave to Withdraw"

Report was read.

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

Mr. PARADIS: Mr. Speaker and Members of the House: On behalf of the State Government Committee, I would just like to say that it was a unanimous feeling that there is a clear present need to study this bill much further. It is part of the study order that is lying tabled unassigned.

We hope that you will accept this "Leave to Withdraw" Report and the State Government Committee will study this later in this session.

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

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-406) on Bill "An Act to Encourage the Maine State Museum Commission to Acquire Works of Art

Beneficial to the State" (H. P. 1171) (L. D. 1454)

Report was signed by the following members:

Mr. CHAPMAN of Sagadahoc

Ms. CLARK of Cumberland

— of the Senate.

Messrs. BRENERMAN of Portland

MARSHALL of Millinocket

KANE of South Portland

WOOD of Sanford

TWITCHELL of Norway

COX of Brewer

LEONARD of Woolwich

CARTER of Bangor

Mrs. POST of Owl's Head

— 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. TEAGUE of Somerset

— of the Senate.

Mr. IMMONEN of West Paris

— of the House.

Reports were read.

On motion of Mrs. Post of Owl's Head, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-406) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-405) on Bill "An Act to Authorize Per Diem for Members of an Advisory Committee or Panel of the New England Regional Fisheries Management Council" (H. P. 1245) (L. D. 1490)

Report was signed by the following members:

Messrs. FOWLIE of Rockland

BUNKER of Gouldsboro

HANSON of Kennebunkport

KIESMAN of Fryeburg

Mrs. POST of Owl's Head

Ms. SMALL of Bath

Messrs. BLODGETT of Waldoboro

JACKSON of Yarmouth

NELSON of Roque Bluffs

— 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. SILVERMAN of Washington

SHUTE of Waldo

CHAPMAN of Sagadahoc

— of the Senate.

Reports were read.

On motion of Mr. Fowlie of Rockland, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-405) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-415) on Bill "An Act Concerning Arbitration Involving Municipal Fire and Police Departments" (H. P. 1191) (L. D. 1463)

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Messrs. TUTTLE of Sanford

BAKER of Portland

Mrs. BEAULIEU of Portland

Messrs. McHENRY of Madawaska

WYMAN of Pittsfield

Mrs. MARTIN of Brunswick

— of the House.

Minority Report of the same Committee re-

porting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. LOVELL of York

SUTTON of Oxford

— of the Senate.

Messrs. DEXTER of Kingfield

FILLMORE of Freeport

Mrs. LEWIS of Auburn

Mr. CUNNINGHAM of New Gloucester

— of the House.

Reports were read.

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

Mr. WYMAN: Mr. Speaker, I move the House accept the Majority "Ought to Pass" Report.

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

Mr. GARSOE: Mr. Speaker, could we have an explanation of the bill, briefly?

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I guess because I am the sponsor, I might as well go through it step by step on what this bill really does.

I guess the way I could begin is by saying that essentially there are three collective bargaining laws which enable almost all public employees to form bargaining units presently. Essentially, my bill only covers the law governing municipal employees, which was enacted in 1969.

In my opinion, this law was not presently doing the job it was designed to do. In the Town of Sanford, the citizens were presently picking up a \$22,000 tab originally. It has now accelerated to about \$60,000 because negotiations between the town and town workers broke down. More money will undoubtedly be lost because this impasse has been reached.

I have been doing some research, and I guess because of the problems in collective bargaining and contract negotiations through the state, as of last year, Maine communities paid out in the range of \$3.5 million as a direct result of the weakness of this law.

Having been involved with collective bargaining as a fireman and having seen some of the problems that contract negotiations can cause not only in money lost but in time it costs that community, I drafted this bill to pertain to fire and police which, in my opinion, are critical public servants to warrant this type of consideration.

Essentially what L. D. 1463 does, it extends binding arbitration on cost items to municipal fire and police departments. Essentially what the bill does, 45 days after fact-finding, if no agreement has been reached, both parties can mutually agree to binding arbitration. The 45 days will allow time for a good faith response to the fact-finder's report. If they can't agree with binding arbitration within 10 days, either party can request final offer. This 10-day period will encourage mutual agreement on binding arbitration.

If the total package binding arbitration is requested, a hearing is set within 14 days. Seven days prior to the hearing, each party submits their final offer with justification of their separate cost items.

By allowing one chance to amend your final offer, the arbitrators can act as mediators and draw the two sides closer together, perhaps even reaching an agreement without going to binding arbitration.

After the hearing, each party has four days in which to amend its final offer and make any additional stipulations. By allowing one chance to amend your final offer, the arbitrators can act as mediators and draw the two sides closer together, perhaps even reaching, as I said before, an agreement without binding arbitration.

Within 30 days of any amendments, the ma-

majority of the arbitrators must select the most equitable items. In making their selections, the arbitrators are guided by eight standards, and if you look at the bill, those standards are on the last page, which are designed to insure a decision fair to both the employee and the employer.

We have all heard much lately in this session about the problems that can arise in the collective bargaining process. Such terms as agency shop, fair share, right to work, pay or be fired, all attempt to solve problems but neither side is willing, in the long run, to compromise.

Final best offer is good in three ways: Final offer makes each side move to make a decision, strongly encouraging each side to negotiate. Secondly, by allowing a two-stage process, as is in this bill, for submitting a final offer, mediation by the arbitrator is encouraged. Also, by setting forth standards for the arbitrators, an equitable decision is more likely to be made.

Also in the committee amendment, we referred to binding arbitration procedure prescribed for only salaries, pensions and insurance.

Another problem that arose was about out-of-state arbitrators. Therefore, it was the committee's decision that arbitrators were to be chosen from the Maine residents.

Also, we would require the Maine Labor Relations Board report on the progress of this Act and we put a sunset provision on it for four years. We also established strike penalties, if a decision being, if you wanted to have binding arbitration, then you shouldn't go on strike, particularly if you are in critical public service.

I guess in closing, to expedite everything, essentially what this bill is trying to do is to, in a sense, save your community some money by expediting the process of collective bargaining. I hope that you would support the Majority "Ought to Pass" Report.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the House accept the Majority "Ought to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Marshall of Millinocket, requested a roll call vote.

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

A vote of the House was taken and more than one-fifth of the members present and voting 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: I would call your attention to the Committee Amendment, which is now the bill. It has a filing number of H-415.

I think that the arguments the gentleman from Sanford offered were lost on this body. You know, we have noticed, seen and experienced this year, in this particular session, problems resulting from two extreme positions. Representative Tuttle has sponsored a bill, which I believe is a moderate approach, and sensible. It is a moderate approach between two extremes, one of that being a strike the right of the employee or in binding arbitration. Now, I find both of those unacceptable when it comes to the local and municipal governments. However, I do believe that this is a valid and acceptable attempt, it is an item by item, last best offer, which will expedite both time and money, and it will tend to resolve those problems which we have experienced and here, as legislators, charged with the responsibility of funding the state employee pay con-

tract. We have experienced great frustration and it just goes to show what these people must be experiencing. I implore you to look at the Committee Amendment and reconsider.

It is about time we get off talking about philosophies and positions and started trying to address a problem with a viable solution. This, to me, is the most moderate and sensible solution that you could come up with to date. I hate to see it go down the tube because no one is willing to address the problem.

One side, we have individuals saying, no strike. I agree. On the other side, we have people saying, no binding arbitration. What is the alternative? The alternative is to sit on our hands and do nothing. I submit the time for sitting has gone by. I strongly urge my fellow Republicans and my good Democrat friends to support this measure and to show of solidarity.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: This, is indeed, a watered-down version of binding arbitration legislation, but it still carries the same principles with it and this type of legislation was before us last session.

The main thrust of this type of legislation, of course, is that it tends to take the control away from the local officials and place it in the hands of some other person. Now, this version will place it in the hands of a Maine resident, but if you live in one end of the state, the person may be the arbitrator from the other end of the state and may not be acquainted with your problems.

I did get some information concerning binding arbitration with the respect to fire departments and I got a few comments from Fire Chief Magazine, the January 1979 issue. The President of the International Association of Firefighters maintains in states with legislation providing binding arbitration, there has never been a strike by fire fighters or police. Over all, the chiefs we have talked to, do not view binding arbitration as a panacea. One chief pointed out that binding arbitration is very expensive to a city; second, if an arbitrator rules against a union, his reputation spreads and other union officials and other cities will not want to use him. Third, binding arbitrators can only interpret a contract and look for loopholes. Finally, the consensus was, that even with binding arbitration, they still have strikes.

Another person said that the major complaint voiced against binding arbitration by the fire chiefs we spoke with seems to be, that although the arbitrator may be impartial, he may also be out of tune with the needs of the community. For example, one person said, I am against binding arbitration because you say it is final, it is binding, but who says it is fair. An arbitrator, who may not be in touch with the communities needs, may agree to do something a city cannot afford. You are taking it out of a city official's hands in dealing with the people. That is the only point I would like to make about this legislation. I think that the communities should be able to decide for themselves what their needs are and what the economy can stand.

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 a question to either Representative Tuttle or Representative Marshall.

This is a subject I have thought a lot about, prior to this session, and then during this session, of course, with the difficulty we had in the state contract. So, my question to the sponsor is, under your Section 1651, 1652 Sub-one, penalties. Why are your penalties that would be assessed against the employee organization, so weak?

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, poses a question through

the Chair to the gentleman from Millinocket, Mr. Marshall or to the gentleman from Sanford, Mr. Tuttle, who may respond, if they so desire.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: When we constructed it, we didn't really feel that they were that weak. I can't really understand the gentleman's question.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I will pose another question.

Would the gentleman be willing to include a provision in this sub-section to provide for X-number of dollars a day fine for the organization? That would be, I submit, considerable stronger penalty than these three, two of which are questionable, in that unions might not be able to do that anyway?

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, poses an additional question through the Chair to the anyone who cares to answer.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: Yes, I would be willing, if it would be acceptable to the gentleman.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would also. I don't think I have told the other members of this body that I am the co-sponsor of this measure. I, too, am very amenable to anything acceptable to this most logical body.

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

ROLL CALL

YEA — Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.: Brown, K. C.; Call, Carroll, Chonko, Churchill, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.: Dutremble, L.: Elias, Fowle, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Howe, Hughes, Jacques, E.; Jacques, P.; Joyce, Kane, Laffin, LaPlante, Lizotte, Locke, Lowe, MacEachern, Mahany, Marshall, Martin, A.: Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.: Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Post, Prescott, Reeves, P.: Rolde, Simon, Small, Soulas, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman. The Speaker.

NAY — Bordeaux, Bowden, Brown, D.: Bunker, Carter, D.: Carter, F.: Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Higgins, Hunter, Hutchings, Immonen, Jackson, Kany, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Nelson, A.: Peltier, Peterson, Reeves, J.: Rollins, Sherburne, Silsby, Smith, Sprowl, Stetson, Strout, Studley, Tarbell, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

ABSENT — Aloupis, Berry, Birt, Boudreau, Brown, K. L.; Carrier, Hobbins, Huber, Jalburt, Kelleher, Roope, Sewall, Stover.

Yes, 82; No, 56; Absent, 13.

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

Thereupon, the Bill was read once. Committee Amendment "A" (H-415) was read by the

Clerk and adopted, and the assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-409) on Bill "An Act to Permit Nonprofit Legal Service Organizations" (H. P. 642) (L. D. 797)

Report was signed by the following members:

Messrs. COLLINS of Knox
DEVOE of Penobscot
— of the Senate.
Messrs. HOBBS of Saco
SIMON of Lewiston
Mrs. SEWALL of Newcastle
Messrs. STETSON of Wiscasset
LAFFIN of Westbrook
— 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. TRAFTON of Androscoggin
— of the Senate.
Messrs. CARRIER of Westbrook
GRAY of Rockland
JOYCE of Portland
HUGHES of Auburn
— of the House.

Reports were read.

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: One of the cosponsors of this bill was obliged to be away this morning, and I also noticed that our House Chairman is not present, so I would appreciate it if someone would table this matter for one legislative day.

On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Concerning State Valuation and Assessment" (H. P. 531) (L. D. 652)

Report was signed by the following members:

Messrs. CHAPMAN of Sagadahoc
TEAGUE of Somerset
Ms. CLARK of Cumberland
— of the Senate.
Messrs. CARTER of Bangor
TWITCHELL of Norway
COX of Brewer
IMMONEN of West Paris
KANE of South Portland
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-411) on same Bill.

Report was signed by the following members:

Mr. WOOD of Sanford
Mrs. POST of Owl's Head
Messrs. LEONARD of Woolwich
MARSHALL of Millinocket
BRENERMAN of Portland
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would not accept the "Ought to Pass" Report. As one of the signers of the Majority "Ought to Pass" Report, I would ask for a division.

This bill has to do with the assessment standards, which a few years ago were set for towns, which required that they increase their

assessment to at least a 70 percent ratio. Most of the towns and cities within the state have met the standard. A few have not and a few have, indeed found it difficult to do so. I think overall, we have come a long way in improving the quality of assessment throughout the state and I think that this particular bill is a step backwards and would mean poorer quality assessment rather than better and I do hope you will vote against the motion on the floor.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: If you are particularly interested in this bill, I hope that you will take out Committee Amendment "A", which is under filing number H-411, because that completely replaces the actual L. D. itself.

What assessment standards are, are sort of state mandates on local communities. Essentially, the state tells the local communities how they should manage their own local assessing on their own local books. It doesn't have anything to do with state valuation, it doesn't affect educational funding or anything else, it simply is an internal kind of management of the state telling the towns how they should keep their own books.

I come from a rural area and I am pretty concerned with the state mandates and I don't think we should be telling local communities how to do things unless there is a very strong overriding reason why the state should take that position.

There are mainly two types of standards. One if the ratio, which means whether you are actually valuing at 50 percent or 75 percent or 100 percent, and that is local book value, we are not talking about state valuation again.

The other is a quality rating and that is how even you are, whether everybody within the community is being treated the same, and what this bill does is to say, as far as your assessment ratio is concerned, you don't have to go above 40 percent if you, in fact, will do two things. Those two things are, you have to maintain a quality rating, you have to maintain a quality of your assessment, whether it is even, whether people within the community are getting treated the same and you have to actually put the ratio at which you are at on your tax bills.

One of the main arguments in terms of using the state saying that the assessment ratio should be at a certain percentage, and it is 60 percent this year and our towns will now have to meet the new 70 percent ratio, one of the reasons that is given for that is, well, if you are at 70 percent, people will know how close that is to the actual valuation you place on their home. Well, I don't think that is necessarily true, 70 percent is a long way from 100 percent and the local taxpayer will be much more able to figure out what the value on his tax bill and how it actually relates to the value of his home if he is told at what percentage the town is valuing him at. That argument is taken care of.

The other is, if you have the lower assessment ratio, if there are any mistakes, they tend to be magnified as you multiply towards 100 percent. That is one of the reasons why we are not willing to change the quality rating. We think the towns should have to keep up the quality, but all we are saying to some of those local communities, if you can keep the quality of your assessment up and you are willing to put on your tax bills the ratio you are at, you don't have to go out and hire professional assessment firms, you don't have to go through and do all your cards, but you can simply keep your assessment at this 40 percent.

Since I know this bill isn't going to hurt the larger communities and there are a lot of interests in the smaller communities, I would request a roll call.

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

Mr. MARSHALL: Mr. Speaker, Ladies and

Gentlemen of the House: I also have signed this Minority Report.

To answer some of the arguments posed by my very good friend and comrade, the gentleman from Bangor, Mr. Carter, this is a step backwards but it is a step back toward local control. I know that it is a very catch phrase, but I can't see a more categorical example of local control than assessment values.

Under the current law, by 1979, assessment values will have to be at 70 percent. That still allows for a 30 percent discrepancy, between 70 and 100 percent. The argument against this bill is that it lacks uniformity. I submit that the current law lacks uniformity by a 30 percent discrepancy rate.

I don't believe that the standards would be any poorer. In my community, I called my tax assessor the other day in Millinocket, and my tax assessor, there is no impact whatsoever on my community at all. I don't know about many of the other communities, but I would suspect that communities of a larger size and population would not feel the impact, but there is a definite problem among smaller, more rural communities. I believe that they should be allowed to assess at whatever value they wish beyond 40 percent, or down to 40 percent with the two provisions that are provided for in the Committee Amendment, which again, has a filing number of H-411, for those of you who might want to pull that out and take a look at it.

I don't see this as being a major piece of legislation to opposing it. I could see lots of reasons why people would be for it. Myself, I just looked it over and, to me, it is a very obvious local control issue and that is why myself, and perhaps the gentleman from Woolwich, Mr. Leonard, are two strong advocates of that position and are on this report.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I was involved in the construction of these standards back in the 105th or some legislature, I don't remember which one it was, when we moved from some of the mandatory things had been promulgated by earlier legislatures and we did set up the standards both for quality and for ratio, and I am pleased to see that the perpetrators of this amendment are hanging onto the quality ratio, because that is extremely important.

I am at a loss to understand what in the Sam Hill they are driving at there with going down to 40 percent. The gentleman from Millinocket said it was a step backwards and it certainly is. There is no value to this amendment whatsoever, except to arbitrarily give a community the right to say that property shall be assessed at 40 percent rather than 70 percent. To be sure, 100 percent is the ultimate, the ideal, but I would call everyone's attention to the fact that a standard of 100 percent would be impossible of attainment, because the day after you set the figures at 100 percent, someone sells a piece of property and immediately the 100 percent ratio is gone again.

So, a 70 percent figure is reasonable. It might well be 80 in a few years to come as we get more sophisticated in our assessing abilities, but the point remains that 40, ladies and gentlemen, is nothing but a copout. It is absolutely of no value, it doesn't help anyone except tax assessors who, frankly, want to confuse taxpayers. That is the only reason why you used to have 10 percent and 20 percent, so the taxpayers could be confused and so they could really have different ratios for people who are locals and people who were from out-of-state, a way to manipulate the tax structure and get away from the constitutional mandate that there be equality for everyone.

I even recall back in the days when we got these ratios put on the books, a member of this legislature from a community that was watching on a 10 percent ration telling me that they, in no way, wanted to get away from that be-

cause it enabled them to control the tax structure in their community. Here was a person who had come here and was sworn to uphold the Constitution of the State of Maine, which calls for equal taxation. This 40 percent thing is nothing more or less than a subterfuge. It is a step backward, as the gentleman from Millinocket pointed out.

I hope you will defeat the "Ought to Pass" Report as amended by the committee or go along with the "Ought Not to Pass" Report or let's finally kill the bill one way or another.

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

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

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I normally hang on every word that the gentleman from Farmington, Mr. Morton, says, and I think the time has come where he and I have to go out back and I will have to counsel him on the errors of his ways. Obviously, he is wrong.

For those of you who want to know a little history, one of the worst bills that ever came before this legislature, at least as far as small towns are concerned, was L. D. 1997, back, I think, in the 105th Legislature and that was a running mate with L. D. 1994, which was the infamous Uniform Property Tax Bill for funding education. Both bills, frankly, were lousy, and I submit that retention of any of the qualities that they appear to have put on the books would be also a mistake.

The assessing ratio that we are talking about here has nothing to do with this body and I don't think it is incumbent upon this body or the State of Maine to tell the towns exactly how they are supposed to manage their affairs, and by going along with the existing statutes is, in fact, doing just exactly that. You are telling the town selectmen, the town assessors, the townspeople, the people who attend town meetings in a one-man, one-vote situation, how they are to run their town and I submit that that is wrong.

Layers of government are necessary and we are necessary, but we are only necessary to the point where we can do things better than they can do on the local level and that, my friends, is local control—allow the people in the towns the right of managing their own affairs, and I submit that allowing them to go down to 40 percent assessing ratio is not a step backwards, it is simply permissive legislation to the point where if they think that is a step backwards, they can take corrective measures and I don't think it is incumbent upon this body to jam it down their throats.

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

Mr. BRENNERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Some people have asked me what I am doing on the same side with the local control goupies. I think this is really actually quite a fair bill and I had to respond to some of the comments made by Mr. Morton of Farmington.

I don't think that this bill erodes our assessing standard provisions passed a few years back because of the two provisions that are in the amendment. The quality rating of local assessments must remain at the maximum level for the year in question thus the assessment practices will remain at the highest level although assessment practices will remain at the highest level although assessment ratios may not be able to keep up with inflation.

Seventy per cent is just as difficult to keep as any other figure, because in many towns, valuations are increasing at 20 percent a year, for example, in many of the small towns of the

state.

Secondly and most importantly, there shouldn't be any confusion as may occur in the present system, because we are asking the local assessor to put on the tax bill the assessment ratio for that community so that all the taxpayers in the community will know that they are being assessed fairly and equitably.

I would ask the House to support the "Ought to Pass" Report.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to beat this issue to death, but I would like to respond briefly to the local control argument advanced by the gentleman from Millinocket and the gentleman from Woolwich. It escapes me as to why mandating 40 percent is any less of a mandation than mandating 70 percent. The bill also mandates the placing on the tax bill whatever ratio is being used. If one level is mandation, I submit that the other level is also mandation and I don't see that argument at all.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the gentleman from Bangor if I could. If you came from a town, a small town, struggling to maintain that 60 percent or that 70 percent as your property valuations go up 20, 30, 40 and in some cases even 100 percent a year, you would know the difference. If I thought I could get something through this House without mandating any percentage at all, I probably would have done it, but I am a bit realistic and I think 40 percent is a percentage that everyone ought to be able to support.

I want to make it very clear that we are not mandating information on the tax bills to everyone. It is only when the town wants to take the option of staying down to 70 percent or adjusting with inflation as they start to go down to 40 per cent, if they want to take that option, rather than having the professional re-evaluation every year, then they have to put on their tax bills the percentage that they are at so all their citizens can very clearly figure out their value on their tax bills as it relates to the value on their property.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Owl's Head, Mrs. Post, that the House accept the majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Baker, Barry, Beaulieu, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Bunker, Call, Carroll, Chonko, Cloutier, Connolly, Cunningham, Curtis, Davies, Dexter, Diamond, Drinkwater, Dutremble, D.; Fowlie, Garsoe, Gowen, Gray, Gwadosky, Hanson, Howe, Huber, Hunter, Hutchings, Joyce, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Mahany, Marshall, Masterman, Matthews, Maxwell, McKean, McMahon, Michael, Nadeau, Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sherburne, Silsby, Simon, Small, Soulas, Stetson, Stover, Strout, Tarbell, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman. The Speaker.

NAY — Aloupis, Bachrach, Benoit, Boudreau, Carrier, Carter, D.; Carter, F.; Churchill, Conary, Cox, Damren, Davis, Dellert, Doukas, Dow, Dudley, Dutremble, L.; Fenlason, Fillmore, Gavett, Gillis, Gould, Hall, Hickey, Higgins, Hughes, Immonen, Jackson, Jacques, E.; Jacques, P.; Kane, Kany, Kiesman, Laffin, Lancaster, Lund, MacBride, MacEachern, Martin, A.; Masterton, McHenry, McPherson, McSweeney, Mitchell, Morton, Nelson, A.; Nelson, M.; Norris, Payne, Peltier, Peterson, Smith, Sprowl, Studley, Theri-

ault, Torrey, Twitchell, Wentworth, Whitemore.

ABSENT — Berry, Brown, K.L.; Elias, Hobbs, Jalbert, Kelleher, Roope, Sewall.

Yes, 84; No, 59; Absent, 8.

The SPEAKER: Eighty-four having voted in the affirmative and fifty-nine in the negative, with eight being absent, the motion did prevail.

The bill read once. Committee Amendment "A" (H-411) was read by the Clerk 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 Clarify Habitual Offender Penalties" (H. P. 809) (L. D. 1012)

Report was signed by the following members:

Messrs. COLLINS of Knox
 DEVOE of Penobscot
Mrs. TRAFTON of Androscoggin — of the Senate.
Messrs. STETSON of Wiscasset
 SIMON of Lewiston
 JOYCE of Portland
 SILSBY of Ellsworth
 CARRIER of Westbrook
 HOBBINS of Saco
Mrs. SEWALL of Newcastle
Mr. HUGHES of Auburn

— of the House.
Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-412) on same Bill.

Report was signed by the following members:

Messrs. LAFFIN 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 that the House Accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, I would request a division on that motion so that perhaps we could entertain the "Ought to Pass" on this.

This is really not a complicated bill. It simply requires that the imposition or execution of any sentence imposed under the habitual offender act shall be carried out. In other words, it shall not be suspended and probation shall not be granted. I think this is a reasonable approach, so I would hope that you would vote against the pending motion so that we could move on the "Ought to Pass" Report.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Hughes, 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.

70 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill, "An Act to Allow Credit under the Maine State Retirement System for Prior Nonmilitary Service with the United States Government" (H. P. 1158) (L. D. 1440)

Report was signed by the following members:

Messrs: LOVELL of York
 SILVERMAN of Washington
 TEAGUE of Somerset — of the Senate.
Messrs: PAUL of Sanford
 THERIAULT of Rumford
 LOWE of Winterport

STUDLEY of Berwick
REEVES of Newport
HICKEY of Augusta
Mrs. NELSON of Portland
Messrs: DELLERT of Gardiner
HANSON of Kennebunkport

— of the House.
Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-414) on same Bill.

Report was signed by the following members:

Mr. CHURCHILL of Orland
— of the House.

Reports were read.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I urge that you accept the "Ought Not to Pass" Report.

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson, moves that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief on this, but I am the sponsor of this bill and, indeed, I feel like the Lone Ranger on it today.

I introduced this bill for a constituent of mine, who is a state employee who has federal non-military service. He had seen in other states that some state employees could purchase this time in order to get credit for non-military service with the federal government. In his particular case, he had service with the Bureau of Public Roads for some 18 months.

After I put the bill in, I found that there was more interest in it and other state employees indicated they would like to be able to purchase federal non-military service time also. Their idea was to pay both the State of Maine contribution and the employee's contribution, plus interest, so it would be of absolutely no cost to the State of Maine but it would give them the benefit of added years. We eventually found that there were some 16 to 20 employees who were interested in doing this and perhaps there may be others out there that we don't know about today but, in any event, it takes on the appearance of some sort of special legislation. In any event, I can assure you folks that this was put in good faith, it was put in for people who were interested, and we didn't know how many people we were involved with.

I would reemphasize that it would be of no cost to the State of Maine. The committee took the approach, I believe, that this didn't benefit the retirement fund and therefore voted against it, but perhaps they would be willing to explain their reasons for going against the bill.

I respect the judgement of the gentleman from Rumford, Mr. Theriault, very much, I rely on his judgment on these retirement bills in most cases, so I know what the future of this legislation is, but I would like to reemphasize that it was put in merely so that a small group of state employees could purchase additional time.

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

Mrs. NELSON: Mr. Speaker, I request a division on this matter and I would like to speak.

Men and Women of the House: There is no question that the sponsor had good faith in sponsoring this piece of legislation and it does affect a few people and it is a special interest. Everybody has a special interest, and it depends on whose ox is being gored. This is not a good piece of legislation because it simply opens up the system to more and more people with different and special interests.

We all know how important and how fragile our retirement system is. Please, deal carefully with it. The majority of the people on this committee, as you can see, all but one felt that this is inappropriate legislation at this time.

The SPEAKER: The pending question is on

the motion of the gentlewoman from Portland, Mrs. Nelson, 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.

70 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-404) on Bill "An Act to Increase the Dollar Amount of an Accident that Must be Reported from \$200 to \$500" (H. P. 636) (L. D. 787)

Report was signed by the following members:

Messrs: USHER of Cumberland
EMERSON of Penobscot
O'LEARY of Oxford
— of the Senate.

Mr. CARROLL of Limerick
Mrs. HUTCHINGS of Lincolnville
Messrs. BROWN of Mexico
McKEAN of Limestone
McPHERSON of Eliot
STROUT of Corinth
ELIAS of Madison
— 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: HUNTER of Benton
LOUGEE of Island Falls
— of the House.

Reports were read.

On motion of Mr. Carroll of Limerick, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-404) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act to Limit Abortions in the Second and Third Trimesters to Certain Specified Situations" (H. P. 865) (L. D. 1061) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Abortions" (H. P. 1394) (L. D. 1612)

Report was signed by the following members:

Mr. DEVOE of Penobscot
— of the Senate.

Messrs. SIMON of Lewiston
STETSON of Wiscasset
JOYCE of Portland
SILSBY of Ellsworth
CARRIER of Westbrook
GRAY of Rockland
LAFFIN of Westbrook
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-413) on same Bill.

Report was signed by the following members:

Mr. COLLINS of Knox
Mrs. TRAFTON of Androscoggin
— of the Senate.

Mr. HOBBS of Saco
Mrs. SEWALL of Newcastle
Mr. HUGHES of Auburn
— of the House.

Reports were read.

On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-

410) on Bill "An Act to Clarify the Authority of the Public Utilities Commission in the Enforcement of Rebate Orders" (H. P. 1149) (L. D. 1416)

Report was signed by the following members:

Mr. DEVOE of Penobscot
Mrs. TRAFTON of Androscoggin
— of the Senate.

Messrs. DAVIES of Orono
McKEAN of Limestone
BERRY of Buxton
Miss GAVETT of Orono
Messrs. CUNNINGHAM of New Gloucester
VOSE of Eastport
Mrs. NELSON of Portland
— 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. COLLINS of Knox
— of the Senate.

Messrs. LOWE of Winterport
BROWN of Livermore Falls
REEVES of Newport
— of the House.

Reports were read.

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

Consent Calendar

First Day

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

(H. P. 832) (L. D. 1039) Bill "An Act to Convert Wallagrass Plantation into the Town of Wallagrass" (Emergency) Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-423)

(H. P. 1194) (L. D. 1461) Bill "An Act to Establish a Committee to Report to the Legislature on the Feasibility of Rebuilding Dams for the Production of Electricity" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-420)

(H. P. 838) (L. D. 1036) Bill "An Act Relating to the Protection of Underground Facilities" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-419)

(H. P. 780) (L. D. 973) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain and Protect the Integrity of the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-424)

(S. P. 510) (L. D. 1576) Bill "An Act to Provide for the Codification and Indexing of State Agency Rules by the Secretary of State" (Emergency) Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-170)

(S. P. 331) (L. D. 965) Bill "An Act to Establish a Special License for Retired or Inactive Pharmacists" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-168)

(S. P. 512) (L. D. 1577) Bill "An Act to Amend the Maine Sunset Law" Committee on State Government reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 16, under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 709) (L. D. 883) Bill "An Act to Return a Portion of Land to the Town of Wales by the Town of Sabattus" (C. "A" H-396)

(H. P. 675) (L. D. 835) Bill "An Act to Permit the Lucerne-in-Maine Village Corporation to Revise its Charter" (C. "A" H-397)

(S. P. 123) (L. D. 249) Bill "An Act to Clarify the Publication of School Records" (C. "A" S-166)

(S. P. 260) (L. D. 790) Bill "An Act to Prohibit the Practice of a Mandatory Retirement Age" (C. "A" S-162)

(H. P. 372) (L. D. 478) Bill "An Act Concerning Registration of Killed Deer" (C. "A" H-400)

(H. P. 1240) (L. D. 1502) Bill "An Act to Amend the Statutes Concerning the Practice of Medicine" (C. "A" H-401)

(H. P. 1316) (L. D. 1570) Bill "An Act Relating to Certified Seed Potatoes"

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

(H. P. 1174) (L. D. 1436) Bill "An Act to Provide Special Free License Plates for the 100% Disabled Veteran" (C. "A" H-402)

(H. P. 894) (L. D. 1091) Bill "An Act to Revise the Lobster Escape Vent Law and Remove its Sunset Provision" (C. "A" H-403)

(H. P. 704) (L. D. 879) Bill "An Act Concerning the Post of Information on the Allowability of Witness and Attorney's Fees under the Workers' Compensation Act"

(H. P. 955) (L. D. 1173) Bill "An Act to Amend the Employment Security Law Relating to Termination of Coverage" (Emergency)

(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) (C. "A" H-407)

(H. P. 1092) (L. D. 1375) Bill "An Act Relating to Criminal Appeals and Search Warrants" (C. "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"

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

The SPEAKER: Would the Sergeant-at-Arms escort the gentleman from Windham, Mr. Diamond, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Diamond assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

Later Today Assigned

Bill "An Act Relating to the Vocational-technical Institutes" (H. P. 1393) (L. D. 1613) (Emergency)

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

On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Provide Help to Small Businesses as in Dealing with State Statutory and Regulatory Requirements" (H. P. 263) (L. D. 339)

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

Mr. Gwadosky of Fairfield offered House Amendment "A" (H-422) and moved its adoption.

House Amendment "A" (H-422) was read by the Clerk and adopted.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I guess I was premature yesterday, when I tried to kill this bill, but I didn't know yesterday what House Amendment "A" was. My feelings haven't changed any from that of yesterday. I think this is a bad bill, under the pretense of this heading to help small

business. I can't see that it will help small businesses, it is just setting up another division of business regulation, more bureaucracy. The original bill had a price tag of \$54,000. This new amendment has a price tag of \$30,000. I directed my comments toward the amendment yesterday and this price tag of \$30,000.

If people want to start new businesses, there are ways of finding out how to do that. If they have questions within the business communities, there are plenty of ways for them to get answers. You can call the Secretary of State's Office. They can call the Bureau of Taxation, and they probably would have to call these different departments even if this bill should pass. Probably this new bureau would just direct them toward the Secretary of State to say you have to file your corporate filings with them and you have to check with the Bureau of Taxation. I can't see setting up another division and having more people on the pay roll. I said yesterday and I reiterated again today, that ten years from now, we are going to look back and see I don't know how many employees. I just think this is a bad bill and I love the title; hate the bill.

I ask for a roll call.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I thank you all for allowing us the opportunity to offer House Amendment "A" today for your consideration. House Amendment "A" was our actual Committee Amendment you learned yesterday that was inadvertently not submitted when we signed our jackets out from our committee.

As a sponsor of this bill, very briefly I would like to first preface my original involvement with this piece of legislation. Prior to having the fortunate opportunity to come down here to Augusta, during my own personal campaign back in my own hometown, I had the opportunity to visit several stores and small businesses as in my district. Since the majority of businesses throughout these visits, I came across the recurring theme that there was some need for some technical assistance and some aid to be offered by the State to deal with this overburden of rules, forms and regulations that we have cast upon these small businesses by the various laws we passed here in Augusta.

Well, I first began my search for this assistance through various local and county organizations, such as the Chambers of Commerce. I found an interesting dilemma in my particular case. It seems that many of the small businesses in my district are so small and they are regionalized in a certain area that they don't see a need to participate or join in the Chamber of Commerce. Consequently, being so small, they are hardly missed and often not asked to join at all. For those few businesses that do join the Chamber of Commerce, they find it very hard to obtain the technical assistance they need from their competitors, who are also members of the Chamber of Commerce.

During my first two weeks here in Augusta, I spent a lot of time researching and, basically, just trying to learn about the basics of government and state government and I tried to seek where I could find this kind of assistance. I found it particularly interesting to go over our state budget, our proposed state budget, and these are the three books that they passed out to us at the beginning of the year. I think you will remember them, the three large books. Well, when I checked the areas of economic development, I found that we allocated millions of dollars to Agriculture and we also allocated millions of dollars to Marine Resources. In fact, we have a building established specifically for agriculture, forestry, both here in Augusta and at the University of Maine campus; perhaps rightly so. These generate large sums of money for the state and they are also the

livelihood of many, many people.

Well, I guess I found it discouraging that I couldn't find where we spent a dollar towards business assistance. Granted, we do have a Department of Business Regulation, but I will offer you today that I believe that there is a difference between business regulation and business assistance. I think it is a fair statement to say that the general public has accepted licensing, registration and certification, as a need of restriction to keep in competence out of the various occupational fields. Unfortunately, as you and I are aware, the general public, these very same consumers, are very rarely on hand at our legislative hearings when these same regulatory proposals are under consideration. So, the absence of these consumers and the small businessman, who really can't afford to take the day off to come down here in Augusta, leaves us legislators with a void. There is an area of open feedback that we are unable to obtain, since they really don't have a local organized lobby for the small businessman in the State of Maine.

Well, that brings us today to our House Amendment "A", which sets up this Division of Business Assistance in the Department of Business Regulation.

At our hearing, our new Commissioner of Business Regulation, Mr. Gordon Weil, was there to testify for the bill. He felt that he could implement the bill very smoothly with the plans he had already for the department. He also, in fact, planned to complement this bill by adding a toll free watts line in-number so this will better serve as a referral service to the different agencies within this department.

Now, the opponents of this bill are going to argue that we are trying to create another bureaucracy for state government. To be quite honest and quite sincere, I don't think this is our attempt at all.

We are just trying to allow small businesses, and if you will excuse the pun, to get their fair share. Perhaps the ultimate solution to this would be for us as legislators to examine and analyze each bill as it comes across our desks and try to determine the impact that it is going to have on small businesses. Of course, we would also have to repeal and amend hundreds of bills we have passed over the past several years which have helped to increase this burden over our small businesses.

Now, the need for this office may outgrow itself. We may find that we can rechannel our efforts, we can centralize our efforts. There may grow out of this a local organized lobby for small businesses, but if this division does grow, it will only be because small businesses are growing. It is my belief that if we are to develop economically in Maine, it behooves us to grow from within and expand our existing facilities.

I would urge you to support the bill today, if you can, and I believe the request has been made for a roll call.

The SPEAKER pro tem: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: Having been a small businessman all my life and I would have liked to have been a lobbyist for small business here, as much as I could but I find deaf ears when I tell you what you are doing to small business on many of these pieces of legislation you passed this year and the years gone by. All I see is the small businessman could call in on the watts line and find out how he could toe the crack a little better or they could sharpen the whip a little. I don't think this is a necessary bill.

I can tell you while I am on my feet what small businesses want. They want to be left alone from government bureaucracy and this legislature from passing bills that directly affect them in every detail and every piece of legislation we passed here has been against the small businessman. I can't see how this office would help, because it would only advise them

after the legislation is passed. If we want to hire them some lobbyists here and they can't afford it, that might be a good thing, but this bill doesn't do that. So, if we want to help the small businessman, watch out for the legislation we keep passing.

Every time we start a new personnel, more people on the payroll to try to help somebody, we are actually hurting the small businessman because he has to pay for it and he is well aware of that. He is being put out of business by all of these regulations and all these people on the state payroll and this is the reason he can't operate. So what he wants, and I am speaking as one of them, he wants less people on the state payroll, not more, less interference from the government and less interference from state government, that is what he wants, and this bill wouldn't help a bit. I hope it is defeated.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would thank the gentleman from Windham, Mr. Diamond, for presiding as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Diamond to his seat on the floor, amid the applause of the House and Speaker Martin resumed the Chair.

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

Mr. NADEAU: Mr. Speaker, and Members of the House: I don't know what it is this week, I am getting up more than I have all session. I would also like to speak as a small businessman in regard to this bill. Many, many times in my short career as a small businessman, I could have used some assistance from an agency such as this. I have observed past legislatures passing these incredibly huge tax breaks for a large corporation, five and ten millions of dollars worth, and I see very little done for the guy who grosses \$200,000 a year.

When that taxbreak was passed in the last Special Session, it was mentioned on this floor and in the other body that assistance to the "true" small business would be forthcoming. I would personally like to see this.

This bill is not going to cost very much. This bill is probably one of the best things I have seen for small business all session. I would certainly urge you to pass this bill.

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

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

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reinforce the speech given by Mr. Dudley. I think these small businessmen would rather have that money in their pockets than spending it down here for another bureau that is supposedly looking after their interests. They are burdened heavily enough with government forms and bureaucracy now, and I think they would be much better off to have that little extra money in their pockets than they would be spending it here to create a bureaucracy, which I really don't feel we need.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: Let's face one fact; the small businessman is disappearing, that is a known fact. Everyone else gets help around here. I feel that it is about time we tried to do something, at least. I agree with the previous comments by the gentleman from Enfield, Mr. Dudley, but let's just try something, because

they certainly need help. We have the power to stop this from growing. All we have to do is just vote and if you are worried about another bureaucracy, maybe it will get so top heavy it will collapse into the black hole like a dying star.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Miss Alopousis.

Miss ALOPOUSIS: Mr. Speaker and Members of the House: There is someone now in the Department of Business Regulation who will answer your questions and direct you to the necessary department.

In this amendment, it does say that the Commissioner of Business Regulation shall employ the Director of Small Business Assistance, which would be another director, and such other clerical assistance as are necessary, etc. They will be answering the questions, they actually won't be discharging the information to you. I really do see this as forming another bureau which is not necessary.

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

Mr. HOWE: Mr. Speaker and Members of the House: I understand the feelings of those who oppose the bill, but I recall at the hearing, and I am not in small business, the bill isn't going to benefit me, but the National Federation of Independent Businesses showed up to support the bill. That organization represents, and is one of the few organizations that really represent small businesses. They feel that it would help their members, they want the bill and that, for no other reason, is enough for me to support the bill.

The bill provides for a director and one clerk stenographer, as indicated in the fiscal note on Page 3 of the bill. I think we are perfectly capable of voting for a staff of two today and voting against the bill next year that would add to that staff. I don't see any reason why this is going to have to grow and grow.

I think the useful part of the bill is that all of those state agencies, which deal with any statutes or regulations that govern businesses, are going to have to forward information to a central point where small business people in this state can call that toll free number, we understand is going in, and not have to call all up and down that state telephone directory. I think we know what that is like when we, as legislators, try to find various state agencies. It must be a nightmare for somebody who doesn't have that telephone directory in front of them, because most of the state agencies are not even listed in the public telephone directories.

I do hope you will support this modest proposal.

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 direct just a few comments to the four proponents of this measure. First to Representative Howe. He says, he is not from business, so the bill wouldn't help him. For his information and everyone else's, I would like to say that I am from business and the bill wouldn't help me either.

The other three proponents of the bill say they back the bill by saying that government hasn't spent anything for businesses and it is time that they did. I would like to say to them that business has certainly spent plenty for government, and I don't think there is anyone else there from business who is clamoring for help such as this.

Representative Howe also said that there wasn't anyone there from business who testified against this bill. Well, I talked with the lobbyist for the Merchant's Association and he said to me, there were so many bad bills that he had to testify on that he was reluctant to come before us on this but his association certainly didn't back this bill.

I think that takes care of those arguments in favor of the bill.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Miss Alopousis.

Miss ALOPOUSIS: Mr. Speaker and Members of the House: Perhaps what we need is a toll-free wats line number, but we really don't need a bureau.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I remember the song that says, "It is a long time from May to December" and I guess it is also a long time from November to May.

I don't recall anybody out on the campaign trail last fall urging me to create anymore state positions or anymore state agencies. I do recall a whole lot of people who would ask me if I could eliminate a few. I think government will expand to fill up whatever space that we allow it. I think that government will spend whatever money that we give it, and I don't think we necessarily solve our problems by throwing dollars at them and creating new government agencies.

As a small businessman myself, I would implore you not to do me anymore favors, because I have all the government I need.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Just as a point of information, we won't necessarily have to be adding new employees for this office, the employees may be hired right within the office. Since this is a division, their duties will be changed and they will be considering a new area of concern, that is the reason for the legislation.

Two other points, the Maine Merchants Association and the Chamber of Commerce spoke to me also before the hearing and decided that they were taking no vote on it either way. They were neither for nor against the bill. It wasn't quite as the gentleman from Hope put it, but I understand that too.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: We are a state of small businesses. I think if you look at the way the federal tabulate it, there are only about 10 percent or less in this state that even come near being larger businesses and they are mostly out-of-state owned.

As far as regulation goes, there is a lot of regulation to small business and it is often very onerous and is a great bother to the small businesses and costly. We are not going to get rid of it, I am afraid and, hopefully, we won't add much more to it. There is an awful lot that exists and is there and is going to remain there.

This type of thing, allowing the businesses to make one phone call, to have someone who can look up the information for them and to provide the information, it would be very helpful to them and I hope you will support this bill.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say that I certainly respect the views of the small business people here today who have spoken themselves on their own behalf, but they are, I would point out, most of them well established and very knowledgeable people, especially about state government and about taking care of their needs. I would suspect that the majority of small business people in our state are not that knowledgeable, many of them just beginning, and I believe that this office would be mainly aimed at their needs. I hope that you will support it.

The SPEAKER: A roll call has been ordered. The pending question before the House is on passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu,

Benoit, Berry, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, K.C.: Carroll, Carter, D.: Chonko, Cloutier, Connery, Connolly, Curtis, Davies, Dexter, Diamond, Doukas, Dutremble, D.: Dutremble, L.: Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Howe, Hughes, Jackson, Jacques, E.: Jacques, P.: Joyce, Kane, Kany, Laffin, Lancaster, LaPlante, Lizotte, Locke, Mahany, Matthews, McKean, McMahon, McSweeney, Mitchell, Nadeau, Nelson, M.: Norris, Paul, Pearson, Peltier, Post, Reeves, P.: Rolde, Simon, Tierney, Tuttle, Twitchell, Vincent, Violette, Vose, Whittemore, Wood, Wyman, The Speaker

NAY — Aloupis, Austin, Berube, Birt, Borda, Brown, A.: Brown, D.: Bunker, Call, Carrier, Carter, F.: Cox, Cunningham, Damren, Davis, Dellert, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Kelleher, Kiesman, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, MacEachern, Marshall, Masterton, Masterton, Maxwell, McHenry, McPherson, Morton, Nelson, A.: Nelson, N.: Payne, Peterson, Prescott, Reeves, J.: Rollins, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Tozier, Wentworth

ABSENT — Brown, K.L.: Churchill, Dow, Hobbins, Jalbert, Martin, A.: Michael, Paradis, Roope, Sewall

Yes, 71; No, 70; Absent, 10.

The SPEAKER: Seventy-one having voted in the affirmative and seventy in the negative, with ten being absent, the motion does prevail. Sent up for concurrence.

Bill "An Act Prohibiting a Bank Holding Company from Owning More than One Type of Financial Institution" (S. P. 91) (L. D. 177)

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

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

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

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

Mr. STROUT: Mr. Speaker, I would like to pose a question to the Chair. If at any time this bill were to be amended, when would it be in a position to be amended?

The SPEAKER: The Chair would advise the gentleman at the present time.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to move that it be tabled or ask anyone to at this time but because of questions that were asked yesterday, I would defer to the gentleman from Limerick, Mr. Carroll, and then before this is acted on today, I would like to make a few comments.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, you raised questions in this House about the Highway and Bridge Improvement Program and also your Townway Bridge Improvement Program and the County, State and Town Bridge Improvement Program. There are approximately 4200 bridges in the State of Maine, of which the Maine State Department of Transportation maintains about 2800. Many of these bridges are old bridges, they were designed originally for about 30,000 pounds back in 1931. Today, we have truck weights of 80,000 to 88,000 pounds for special commodity carriers.

Most of our transportation today moves over the highway, no longer over the railroads. About 30 percent of the bridges in the State of Maine were designed for 30,000 pounds or less. There are 416 Maine Department of Transportation

bridges which are 50 years old or older. If 25 were replaced for each of the next 10 years, in 1990, there would be 808 bridges 50 years or older. This approximates our current rate of replacement and reflects the many bridges that were constructed in 1930. There are about a thousand bridges owned and maintained by municipalities and limited inspection indicates that these bridges are, in general, older and weaker than the Maine Department of Transportation bridges.

This bond issue, about \$9.1 million of state funds, for an excess of 40 per cent of the total bond issue will be used to improve bridges.

Programs recommended by the department include improvements to 37 bridges on the federal aid state highway system, 28 bridges, mostly maintained by the towns under the county program and 36 town way bridges which are maintained by the towns under the county program. The bridge problems include eroded concrete bridge decks with exposed and rusted reinforcement steel, rusty steel beams, which can in some cases be punctured with a putty knife; timber pilings which have been seriously weakened by marine worms, such as the Wiscasset-Edgcomb bridge; truss members which have been clobbered and seriously weakened by passing vehicles; bridge abutments which have cracked and settled; concrete foundations seriously eroded such as exist at Barbers Island in Boothbay.

Other road improvements will be supported by the \$22 million bond issue in addition to these bridge improvements.

A summary of the reason for the bond financing is the regional highway debt service to bond financially 10 per cent to 25 per cent of project cost, bonds with a 20 year term which are going to build bridges which will last 50 years. The inflation rate is greater than the expected interest rate. This bond issue will return \$93,800,000 to Maine from Washington, which Maine is entitled to in federal funds. The improvement program will provide jobs and increased safety.

I urge you all to look at your highway bridge and improvement book, the yellow book and also the orange book, in both of these are your highway and bridge improvement programs and many of these affect all the areas throughout this state.

This is a very good program, it has been put together with the intent of trying to correct many of the deficiencies we have in our bridge program and many of the deficiencies we have in our highway program. I hope that each and every one of you will acquaint yourself with the problems of your bridges in the areas you represent. I am sure that many of you realize that whenever you have a good bridge, you usually have a good highway leading to and from it, but if you don't have good bridges, good roads are useless, because you can get to the brook but you will never get across.

I am sure that this bond issue, it is not an extravagant bond issue and it is a very mature judgment, its intent is to get our highway bridges in order. I think we have put this problem off too long. We have some very serious problems, and I hope that you will all support this \$22 million bond issue today.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Today is the day that I am going to make it very clear to the members of the House that at some time in the future, I believe this issue has to be amended. I am going to make it very clear that I signed the bill out of committee because we were not in a position at that time to look at the overall picture to decide what we were going to have for revenue. I am going to make it very clear that when it comes down to final enactment, if this \$22 million is on for enactment, I will not support it.

I have made it very clear in the last few weeks that I would support \$11 million that we

are retiring. I will not support anything beyond \$11 million for bonded indebtedness for our highway program.

I am one who, in the past, has believed strongly in a gas tax. I believe strongly at this present time that we should go with the mix. Therefore, rather than let this bill go on its way in its present form, I feel that it should be tabled unassigned, until such time as we can see what we do need for revenue.

I want to relate to you what I just read in the Waterville Sentinel Paper this morning that I believe is inaccurate. It says the bond issue is not the question but lawmakers are confused. They were confusing it with registration fees and rumors of a gas tax. I am not confused. I know what the bond issue is. I also want to relate to you that it says the bond issue would cost the state about \$5 million in interest and provide \$11 million over a two-year period. That is inaccurate. The bond issue we are faced with here today is \$22 million, and unless my figures are inaccurate, it would cost the state somewhere in the neighborhood of \$35 million, and I am not about to vote this year to go for additional \$35 million for bonded indebtedness for the highway program.

I am going to make it very clear that I could support a revision in the registration fee bill that we had before us. I can support a one cent increase in the gas tax and I can support an \$11 million bond issue to take care of the \$33 million that we need to fund our programs. I want the members of the House to know where I stand, and that is where I stand today.

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

Bill "An Act Concerning Reimbursement for Health Care Services in Certified Rural Health Clinics" (H. P. 700) (L. D. 890)

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

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the ones who signed the "ought not to pass" report of L. D. 890, and I signed that report for a number of reasons and would like to tell you about them.

I am very much in favor of certified rural health clinics and feel that they provide a very real service to people in those areas. It is more convenient for patients to have minor ailments cared for nearer home and saves them the miles of driving to a hospital when they can be tended locally, so these centers should, indeed, be encouraged.

However, this bill does not pertain just to certified rural health care clinics. If it did, I certainly would be in favor of it. However, under this plan, the clinic could be a doctor's office anywhere, a health building right beside a large hospital or any number of such facilities in addition to a hospital in a small town, because the Certificate of Need does not apply here to restrict them.

A Certificate of Need is required only for hospitals, nursing homes and so forth. This could mean competition for hospitals. The clinic or the doctor's office would have much less overhead and therefore, naturally, would be able to charge lower prices. On the other hand, it could mean less traffic in hospitals.

The hospital has to maintain a laboratory service, expensive diagnostic and treatment equipment. It has to maintain surgical units to handle the many serious problems which you and I have. If the lab facilities, for example, have smaller volume to help pay their share of the overall hospital costs, that will mean that you and I will have to pay a larger share of those costs when we are in-patients in the hospital, for all of the services that are provided must be paid for by the hospital.

In the second place, Blue Shield, as of May 1, has a coverage, what they call an "E" plan

that costs only \$2 more per month than the original Blue Cross-Blue Shield Plan, and this provides approximately 95 percent of the charge for emergency care, surgical, fracture procedures, x-rays in rural health centers and doctor's offices, 100 per cent coverage in diagnostic services, such as EKG, and 100 percent coverage for laboratory and pathology services. So the coverage is there if a person wants it. If he doesn't, then he does not have to have it.

Subscribers are buying "E" coverage more all the time, with only about 19,000 subscribers in 1977 and 64,000 in 1979. Conversely, there were about 51,000 subscribers on the very lowest coverage "C" plan in 1977 and today only about 17,000, so you can see, they are changing places. The people are moving on to a high coverage plan on their own without having either people or Blue Cross programs mandated by law.

All State of Maine employees went to "E" coverage the first of May, so if the subscriber has this plan, most of his expenses at the health center or in the doctor's office will be paid.

Some people will argue that Blue Cross, Blue Shield does not pay the costs for health clinics and doctors' offices, as they do in hospitals. That is true, but they are the only insurance company who reimburses costs for hospitals.

Hospital procedures and general services are pretty much standard, so a formula could be worked out readily for reimbursement. Doctors' offices, certified and uncertified health centers, would vary so much that the method of nearly 95 to 100 percent Blue Shield coverage for services seems to be more practical for the consumer at the present time.

Ladies and gentlemen, I urge you not to mandate another service. If the time comes that this system needs to be changed, I am sure it will be changed. I hope you will vote against this bill.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain what this bill does from another point of view, and I hope that you won't vote against the bill because Mrs. MacBride has raised a few good points but there are answers to the points that she has raised.

This bill will extend access to health care, particularly primary health care in the rural areas, and that is what we are all concerned about, the underserved areas in our State of Maine, those areas that do not happen to be fortunate enough to have their patients live near or have the accessibility to a hospital.

It would allow Blue Cross to contract for the services with those ambulatory care centers, and it doesn't require them to do that, it only permits them—it is permissive legislation.

Currently, Blue Cross does have subscriptions for hospitals to get out-patient coverage, but this would permit them to go to the rural health clinics, which is what we are trying to do in the bill.

Now, the gentlelady has said that it would allow competition for the hospitals, and I would agree with her. Yes, it would permit competition for the hospitals, but that is good, that is good competition, because that will be an incentive for the hospitals to keep their costs down; it is a cost-containment measure.

If you happen to live in an area where you have a clinic, and you are not close to a hospital, you cannot go and get reimbursement at the clinic, you would have to go to the hospital for the reimbursement. The free-standing clinics are not allowed to contract with Blue Cross-Blue Shield. They are treated like hospitals, but the federal government does allow them to be receiving Medicare and Medicaid reimbursements, and we think they should be allowed to receive the Blue Cross reimbursement as well.

The SPEAKER: The Chair recognizes the

gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain what this bill does from another point of view, and I hope that you won't vote against the bill because Mrs. MacBride has raised a few good points but there are answers to the points that she raised.

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Mrs. MacBride said that she would not object to the rural health clinics that are certified being reimbursed, and I hope that if she does feel that way that she would support an amendment that would allow this bill to just reimburse the certified local health clinics.

She has also mentioned the fact that they are already being paid for under a Blue Shield plan for doctors. Well, not really, because particularly for lab tests, many things are not covered under the Blue Shield plan, and that is our concern for those out patients who would be going to a rural clinic.

The issue that she has raised that hospitals will lose out-patients if we do allow them to go to a rural clinic and have the reimbursement there. That is balony as far as I am concerned and don't really care about that issue and I don't think anyone else does either.

As far as quality is concerned, I think you can have quality in a rural health clinic. I don't think there is any question about it, because these clinics are willing to submit to standards of quality. No one has questioned that.

So, I hope if she really does support the bill for certified rural clinics, that she will allow the amendment to be added if that is her only objection.

I would like to quote you some of the figures that are being charged at clinics as opposed to being charged at hospitals and let you see why we think reimbursement is necessary at a rural clinic.

If you were to go to Augusta General Hospital and have a complete blood count, it would cost you \$18.55, and the hospital would be reimbursed. But if you were to go to an area health center for a complete blood count, you could get that done for \$6, and they can't be reimbursed. If you were to go to Carrie Memorial Hospital for a pregnancy test, it would cost you \$12.85; at the Aroostook Valley Health Center, that same pregnancy test would cost you \$5, but that would not be reimbursed. So we think there is a very strong need to reimburse these

clinics to help them to give an incentive to hospitals to hold their costs down.

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

A vote of the House was taken.

53 having voted in the affirmative and 33 having voted in the negative, the Bill was passed to be engrossed,

Sent up for concurrence.

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

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

Amended Bills

Bill "An Act to Eliminate the Termination Provisions of the 'Food Products' Sales Tax Exemption" (S. P. 462) (L. D. 1428) (S. "A" S-167 to C. "A" S-152)

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

Bill "An Act to Amend the Prohibition of Issuing Fisheries and Wildlife Licenses to Persons Convicted of Certain Offenses" (H. P. 641) (L. D. 795) (C. "A" H-399)

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) (C. "A" H-383)

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) (C. "A" H-398)

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) (C. "A" S-164)

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

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

Passed to be Enacted Emergency Measure

An Act to Extend the Deadline for Legislative Determination of Municipal Cost Components" (H. P. 1403) (L. D. 1616)

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. 119 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.

Passed to be Engrossed

Bill "An Act to Amend the Laws Relating to Games of Chance" (H. P. 672) (L. D. 833) (C. "A" H-377)

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

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

Mr. VIOLETTE: Mr. Speaker, I would request a division.

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

A vote of the House was taken.

Whereupon, Mr. Joyce of Portland requested a roll call vote.

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

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

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

Mr. SIMON: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting no and I would be voting yes.

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

Mr. NORRIS: Mr. Speaker, I beg leave of the House to pair my vote with the gentleman from Auburn, Mr. Hughes. If he were present and voting, he would be voting yea and I would be voting nay.

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

ROLL CALL

YEA — Bachrach, Beaulieu, Berube, Blodgett, Bowden, Brown, A.; Bunker, Carroll, Carter, D.; Cloutier, Cox, Curtis, Davies, Davis, Dellert, Dexter, Doukas, Drinkwater, Dudley, Fillmore, Fowlie, Gavett, Gowen, Gray, Hanson, Huber, Hunter, Hutchings, Jackson, Joyce, Kane, Kany, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, Martin, A.; Masterman, Master-ton, Matthews, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nelson, A.; Payne, Peterson, Post, Prescott, Reeves, P.; Rollins, Sherburne, Silsby, Sprowl, Stetson, Stover, Strout, Tarbell, Torrey, Violette, Wentworth, Wyman, The Speaker

NAY — Aloupis, Austin, Baker, Barry, Benoit, Berry, Birt, Bordeaux, Boudreau, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.C.; Call, Carrier, Carter, F.; Chonko, Conary, Cunningham, Damren, Diamond, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Garsoe, Gillis, Gould, Gwadosky, Hall, Hickey, Higgins, Howe, Immonen, Jacques, E.; Jacques, P.; Kiesman, LaPlante, Lizotte, MacBride, MacEachern, Marshall, Maxwell, McHenry, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Reeves, J.; Rolde, Small, Smith, Soulas, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Vose, Whittemore, Wood

ABSENT — Brown, K.L.; Churchill, Connolly, Dow, Hobbins, Kelleher, Mahany, Michael, Peltier, Roope, Sewall

PAIRED — Hughes-Jalbert; Norris-Simon Yes, 70; No, 66; Absent, 11; Paired, 4.

The SPEAKER: Seventy having voted in the affirmative and sixty-six in the negative, with eleven being absent and four paired, the Bill is passed to be engrossed.

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

Mr. STROUT: Mr. Speaker, having voted on the prevailing side, I move we reconsider and hope you all vote against me.

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

Mr. SOULAS: Mr. Speaker I move that this be tabled for one legislative day.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Soulas, that this be tabled pending the motion of Mr. Strout of Corinth to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 76 having voted in the negative, the motion did not

prevail.

The SPEAKER: The pending question now before the House is on the motion of the gentleman from Corinth, Mr. Strout, that the House reconsider its action whereby the Bill was passed to be engrossed. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

(Off Record Remarks)

Bill "An Act Relating to Resident State Police Troopers" (H. P. 841) (L. D. 1069) (C. "A" H-320)

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

Passed to be Enacted Emergency Measure

An Act Relating to Permits for Contract Carriers (H. P. 577) (L. D. 725) (H. "A" H-357 to C. "A" H-347)

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

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

Mr. HOWE: Mr. Speaker, I would just like an explanation of the bill.

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

Mr. DAVIES: Mr. Speaker and Members of the House: This bill, in its stripped down version, deals with some problems that contract carriers had having their rights clarified. A number of the small contract carriers in the State of Maine are under a process right now of having their rights determined by the Public Utilities Commission under a law that was passed back in 1932 or 1933. The time period that is being utilized by the commission for reviewing what rights they have acquired under the grandfather provisions is somewhat outdated, and this bill would move the time period up to a more recent date so that we have accurate facts and figures and we are dealing with what these companies are actually doing at the present time and not what they were doing back in 1933.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

109 having voted in the affirmative and 2 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Revise the Qualifications for Electorians (S. P. 390) (L. D. 1201)

An Act to Transfer the Board of Registration for Professional Foresters from the Department of Conservation to the Department of Business Regulation (S. P. 399) (L. D. 1204)

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 Transfer the State Board of Certification for Geologists and Soil Scientists to the Department of Business Regulation (S. P. 398) (L. D. 1216)

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Could I ask the chairman of the committee that acted on this to ex-

plain it, please?

The SPEAKER: The gentleman from Limerick, Mr. Carroll, has posed a question through the Chair to the gentleman from South Portland, Mr. Howe, who may respond if he so desires.

The Chair recognizes the gentleman.

Mr. HOWE: Mr. Speaker and Members of the House: What applies to this bill also applies to the one on the calendar just before it, 9-3. What it does is transfer the functions of the licensing boards for foresters in one case for geologists and soil scientists in the other from the Department of Conservation to the Department of Business Regulation, under the theory that the Department of Business Regulation is that branch of government concerned with the licensing of the persons who go into the occupation. The chief thing it is trying to accomplish is to bring, eventually, all occupations and professions licensed by the State under the Central Licensing Division in order to make the licensing procedure as inexpensive and as efficient as possible. What it does not do is transfer any of the authority over conservation matters or forestry matters or geologist's matters or the substance of those departments under the Department of Business Regulation. In other words, we are trying to separate the function of licensing and qualifying persons for professions from the substance of the work they do. I hope that answers Representative Carroll's question.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Is the Licensing Bureau going to set up the standards and qualifications or is that going to be done by the Board of Geologists?

The SPEAKER: The gentleman from Limerick, Mr. Carroll, has posed an additional question to the gentleman from South Portland, Mr. Howe, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: The Central Licensing Division will not set any qualifications and standards. They will do the processing of licenses. The boards will continue to do the same function they have in the past.

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

An Act to Amend the Charter of the Portland Water District. (S. P. 404) (L. D. 1255)

Was 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.

Enactor

Tabled and Assigned

An Act to Permit Municipalities to Issue Bonds Under the Municipal Securities Approval Act for Water Supply System Projects (S. P. 421) (L. D. 1315) (C. "A" S-146)

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

On motion of Mr. Davies of Orono, tabled pending passage to be enacted and tomorrow assigned.

An Act Concerning Licensing Manufactured Housing Dealers, Itinerant Vendors, Lightning Rod Salesmen and Apprentices and Helper Electricians (S. P. 446) (L. D. 1366)

An Act Relating to Juvenile Clients of the Protective Care Division of the Department of Human Services (H. P. 157) (L. D. 185)

An Act Concerning Nomination Procedure for Nonparty Candidates (H. P. 519) (L. D. 662)

An Act to Strengthen the Requirement to Remove Lobstering Equipment when a Lobster License is Suspended (H. P. 511) (L. D. 627) (S. "A" S-150 to C. "A" H-330)

An Act to Require that Certain Notices of

Termination of Tenancy Contain Minimum Information (H. P. 595) (L. D. 739)

An Act to Facilitate the Enforcement of Child Support Obligations and Make Statutory Changes Consistent with the Administrative Procedure Act (H. P. 668) (L. D. 828) (C. "A" H-341)

An Act Appropriating Funds for Promotion of Direct Marketing of Agricultural Commodities (H. P. 684) (L. D. 864)

An Act to Establish Minimum Warranties for the Sale and Installation of Solar Energy Equipment in Maine (H. P. 871) (L. D. 1076)

An Act to Establish a Voluntary Training and Certification Program for Installers of Solar Energy Equipment in Maine (H. P. 872) (L. D. 1077) (C. "A" H-333)

An Act to Extend a Barber Shop License 60 Days upon Death of the Barber to Allow Transitional Time for Getting a new License (H. P. 969) (L. D. 1207)

An Act to Prohibit the Licensing of Deceptively Similar Names for Firms or Corporations of Agents, Brokers, Adjusters or Consultants under the Insurance Law (H. P. 1017) (L. D. 1250)

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.

Enactor

Later Today Assigned

An Act to Revise the Fees for Service of Civil Process (H. P. 1027) (L. D. 1258) (C. "A" H-340)

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

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

Mr. McMAHON: Mr. Speaker, I would like to pose a question to the appropriate person. The two subsections that we are repealing deal with disclosure subpoena fees and divorce complaint fees. My question is, are these two kinds of documents no longer used or will they come under the general fee schedule as specified in subsection 1 of Section 1051?

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

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

Mr. McMAHON: Mr. Speaker, I wouldn't move indefinite postponement. I did go out and read this enactor, however, and that is what prompted me to ask the question.

I would like someone to move that this be tabled until later in today's session.

Thereupon, on motion of Mr. Higgins of Scarborough, tabled pending passage to be enacted and later today assigned.

An Act to Protect the Retirement Benefits of Employees of the Greater Portland Public Development Commission and to Provide for the Disposition of its Assets upon Liquidation (H. P. 1252) (L. D. 1522) (C. "A" H-348)

An Act Enabling the State to Enter into an Interstate Compact on the Emotionally Disordered Offender (H. P. 1210) (L. D. 1542)

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

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

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (5) "Ought to Pass" as Amended by Committee Amendment "A" (H-384) — Committee on Public Utilities on Bill, "An Act to Prohibit Rate Discrimination by Public Utilities" (H. P. 837) (L. D. 1041)

Tabled — May 14, 1979 (Till Later Today) by Mr. Davies of Orono.

Pending — Acceptance of Either Report.

On motion of Mr. Davies of Orono, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-384) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (H-390) — Minority (2) "Ought Not to Pass" — Committee on Health and Institutional Services 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)

Tabled — May 14, 1979 (Till Later Today) by Mr. Brenerman of Portland.

Pending — Motion of the same gentleman to accept the Majority "Ought to Pass" Report.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against the pending motion this morning and vote for the "Ought Not to Pass" report. I was one of the two signers and I would like to tell you why I signed the bill out "ought not to pass".

A community health services agency in Portland provides 24-hour coverage, long-term care services for citizens over 60 years of age, and they receive their funding from Title 3 and from priority social services funding and also from United Way of Greater Portland.

This bill originally asked for \$100,000 for that single agency. It was intended that it would serve 200 people in a demonstration project for one year.

They wanted to expand their project because as of June 30 of this year they will be losing some of their grant money and they thought that through this bill they might perhaps be able to pick up some additional funds.

When the committee rejected the idea of giving this Portland agency the full \$100,000 grant, the bill was amended as the version that comes before you today. It was amended to say "to provide grants to certified community and home health agencies in Maine", giving the indication that more than one grant could be provided and more than one location.

I recall at the public hearing that there was no one there to testify in favor of the bill from northern Maine. All of the proponents were from the Portland area. I am afraid that if you split up the grant money, then you should be saying more specifically to whom it is going to go, where it is going to be spent and who is going to be determining who qualifies for the grant. I can't see this written into the amendment.

I think the funding of \$100,000 for a project such as this should clearly state one, two, three or four agencies will be provided with a grant. And I would suggest that if you are really serious about providing a grant for this long-term demonstration project, that you spell it out very clearly that one grant would be provided for a rural community and one grant would be provided for an urban community, so that we could have a very comprehensive type of data made available to us so that when we analyze it we can tell specifically where we are.

I recognize at the same time, too, as did the majority of the committee, that there is a need for more coverage in home health services, for the chronically ill especially, but I am afraid that if we have an agency such as the one that was indicated or at the initial outset of the bill indicated a Portland agency, then we would be talking about providing just one agency that would be providing 24-hour coverage. There are not very many agencies in Maine that do provide 24-hour coverage. So, I am sure that the Portland agency would qualify for the grant,

and I don't fault them for that, but what I am concerned about is the fact that if you are going to provide 24-hour coverage, you can do it cheaper—actually, you can't do it cheaper, but home health care is supposed to be cheaper and that would be, but on a 24-hour coverage it would be more expensive than institutionalizing and I am bothered by that.

I don't believe that this is going to be the vehicle that is going to be providing the most amount of services for the least amount of money, and that is why I signed this out "ought not to pass".

Even at this particular point in time, the Bureau of Resource Development can't even guarantee that there will be Title 20 money available to match the grant. So, I think we would be better off, if we were going to be serious about a demonstration project, if we allowed it to happen through the Department of Human Services whereby they could conduct a RFP, a Request for a Proposal, which would be processed statewide and would allow everyone an equal opportunity, not that this bill doesn't allow the equal opportunity, I am just afraid there are not enough specifics spelled out.

I would ask that you vote against the pending motion to accept the Majority "Ought to Pass" Report and vote against that motion so that we can accept the "ought not to pass" report, because of all the bills that are in our committee, and we do have many that do have dollars attached to them, it becomes very difficult to decide which bills are going to be a priority, and at this point in time, this bill just did not happen to be a priority of mine.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: This 10 to 2 report "ought to pass" seems to have the support of Mrs. Prescott if amended, and I am sure that the members of the committee would support several of the amendments that she suggested.

One of the great challenges facing both state, federal and private health care providers and payers is how to best provide 24-hour home health care to citizens so as to avoid institutionalization with the limited dollars that we have available.

Over the years, public officials have discussed alternative home-based health services in order to keep mostly frail, elderly people in their home environment with important family support; yet, the dollars provided to establish or to expand such programs has never been forthcoming.

While we spend millions of state funds for Medicaid reimbursements to nursing homes, we depend upon a very few federal dollars to attempt to keep people out of the very expensive institutional care. In fact, Medicaid does not reimburse agencies for this type of home health care service.

The Department of Human Services made a commitment through the commissioner to explore the funding capability in order to supply long term maintenance home care. Now, through this bill, the department will distribute the \$100,000 in grants to various non-profit home health agencies around that state. They, in turn, will use that money to match available federal funds to determine the need in several regions of the state for long-term home health care and also to make a more far-reaching determination of the comparison of costs for services in patient's homes versus services in nursing homes.

Mrs. Prescott mentioned that the department said that Title 20 funds would not be available and if we allow this to pass, I have an amendment ready which removes the term "Title 20" from the bill, because Title 20 is for social services and not for health services.

I think the studies that will come from the demonstration project will attempt to prove two other points, that Medicaid funds in Maine can be put to better use in encouraging long-

term home health care as opposed to institutionalization, and the demonstration project will better determine the numbers of people who could live independently or with family members if only home health services were available. National estimates indicate that 25 percent of people currently institutionalized could be effectively cared for at home. Long-term care at home has been sufficiently demonstrated as cost effective in other parts of the country, and we think that Maine can build on that data base, can develop figures to determine what the need is by distributing these funds around the state to probably two or three home health agencies. They, in turn, can receive the federal funds and we can determine what the most cost-effective program is, putting them in nursing homes or leaving them at home with some type of home health care.

I would ask that the House support this particular bill.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: There is no question that this bill was introduced by me, a Portland person, me, I am the sponsor of this bill.

The bill has been changed to say that any certified home health care agency in the whole State of Maine would be allowed to vie for this amount of money, not just one but several.

Let me tell you, there are thirteen certified home health agencies in the State of Maine. Yes, there is one in Portland, there is one in South Portland, one in York County, Androscoggin County, Aroostook County, two in Bangor, one in Bar Harbor, one in Bath, one in the Blue Hill area, one in Kennebec Valley Region and Kennebunk. There are three communities in Maine which border New Hampshire that are also serviced. It is not just Portland, this is not a Portland bill.

Let me remind you that in many newspaper articles, and one I have in particular, it says, "There is a warning of a crisis in the State Medicaid Program. Two watchdog agencies asked lawmakers and the Department of Human Services Wednesday to act immediately to help avoid a \$49 million deficit in the insurance programs by 1978." They blamed rising health costs on new nursing homes and accused the state of having policies encouraging nursing home construction in lieu of a cheaper home health care.

Seventy percent of Medicaid funds paid out in 1978 went towards costly institutional care. This is a program where people will pay what they can for this program, not just in Portland but in every community in the State of Maine. It has been stated, and I have statistics to prove it, the average cost is \$228 per day if they are in their homes.

Let me continue. I think this is very, very important, because we are stating a policy, a feeling, that the state believes that there should be alternatives. Again and again we talked about this. It is extremely important that there be alternatives in people's lives. It is of prime importance that consumers of health care be made aware of the advantages offered them by home care. It is well documented that home care is more costly than hospitalization or care in a nursing home. However, aside from the cost factor, home care offers those patients, who do not need or no longer need institutional care, the opportunity to remain at home with family, close to friends and neighbors. Thus, while receiving quality health care, the patient can enjoy a way of life as closely related to normal life as possible.

I don't think that the gentlelady from Hampden disagrees with that principle; I think she disagrees with the fact that it is only going to go to one agency.

I tell you, there are 13 qualified agencies in the state, I have read you the list, some in large cities, some in small towns and rural areas. They have that right and that privilege to vie

for this pilot project. Indeed, it is a pilot project to see, is it true, can you be at home and have the quality of your life increased by being at home?

The report came out 10 to 2. It may not be a priority at this moment for the gentlewoman from Hampden, but look inside yourself and your communities and people that you know. Is it a priority of yours? Give it a chance on the Appropriations Table. It is not just a Portland bill, it is a people bill.

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

Mrs. MARTIN: Mr. Speaker, this hundred thousand dollars is just for one place, Portland alone? This is what I would like to know.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Martin, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The answer is no, it could be for more agencies, but my point is, we don't guarantee that it will be for two, three or four agencies.

The original bill did say that it would be for the one agency in Portland. It has been amended to say "two other agencies that might apply."

If I could, while I am on my feet, Mr. Speaker, I would like to respond to the very good gentlelady from Portland, and I don't disagree with the principles that she has raised and I do have a deep respect for the gentlelady and I am very concerned for her bill and, at this point, I am sorry that I am on my feet in opposition to it, but I am.

She did go to great lengths to explain the thirteen agencies that we do have within the state, and I don't disagree that we have the thirteen. She mentioned the two in Bangor and the one in Aroostook County.

The two signers of this bill, one from the Bangor area, myself and the other gentleman from Aroostook signed it out "Ought Not to Pass." I guess perhaps it is for the same type reasons, although I haven't discussed it with the good Senator from Aroostook, but I am concerned that even though we do have thirteen agencies, we are, in this bill, no way guaranteeing that it will be given in the form of a grant to any more than one agency. I would like to point that out. There is no guarantee.

The bill, as I pointed out earlier, lacks the sufficient information concerning the types of services that are going to be provided. It is very board and too loosely written—I am very concerned. It does not explain the eligibility criteria that they will require from the agencies. There is no comparative cost data to be developed or guaranteed. And the demonstration of the project is not guaranteed.

I would like to see, too, if we are going to spend \$100,000 in this area of grants for one, two or three or whatever, at least a report given to us so that we know where the money was expended. In the bill, there is no requirement that any reports be given. I am very concerned about that.

I did emphasize that it was a Portland agency and I emphasized that because that is the only 24-hour agency that we have within the state that I am aware of. So I am sure that they would qualify for the grant.

I am very concerned that the gentlelady from Portland is upset with my opposition to this bill. I know she has had many bills before our committee and we haven't been acting too favorably on some, but I hope she doesn't take her frustrations out on me on this.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Of course not. This is a good bill and it deserves passage. Please don't punish it because it comes from Portland. It is

a bill that is needed. Granted, in the specifics it doesn't say that it will just go to Portland. If you are concerned, you want to type it up, type it up in an amendment. That doesn't bother me at all. The idea is that we must have a demonstration project to show that there are alternatives in people's lives to help them, and if you will bear with me just one moment, I would like to read from a report that I have in front of me.

Basically, there was a report and study on what it is like to be serviced in the home. "Home is extraordinarily significant to many older persons. It is a place where things are familiar and relatively unchanging and a place to maintain a sense of control."

"In this nation of homeowners, where 67 percent of older people own their homes, the idea of a personal house is deeply engrained. The notion of home care refer primarily to the four walls surrounding one, to the neighborhood in which one is located or to the possessions that make one feel at home. Home may mean certain other individuals or it may mean neighbors, pets and even plants."

We must have a demonstration project. This is the only vehicle before us now. Please, pass the bill, we will amend it tomorrow if you are concerned about where the money is going, to whom and how many grants they will be getting.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to pass this L. D. this morning, and it will be up for an amendment tomorrow and I will talk with my colleague from Portland, Mrs. Nelson, and together we will draft an amendment, because I am sure she wants to be sure that these pilot projects just don't go to Portland but that the rest of us can benefit from them throughout the state.

I know she is a very sincere individual, a hard-working legislator and I am sure she will draft just the amendment that will satisfy all of us from outside Portland. If she doesn't draft the amendment, then there will be an appropriate motion made on the floor to redraft the bill.

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

Mr. BRODEUR: Mr. Speaker, just to clarify, Androscoggin Home Health, which serves Androscoggin, Franklin and Oxford counties, is very capable of competing with the organization from Portland to get these funds, and I am sure the other agencies throughout the state are also able to do that.

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

A vote of the House was taken.

68 having voted in the affirmative and 24 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-390) was read by the Clerk.

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

House Amendment "A" to Committee Amendment "A" (H-421) was read by the Clerk.

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

Mr. BRENERMAN: Mr. Speaker, Ladies and Gentlemen of the House: There were two problems that I had and a few other people had with the Committee Amendment. One was that the term 'social services' was included as something that the community health service agencies would be providing. In fact, in most places in the state, they do not provide social services, they just provide health services, so I

removed the term 'social services, they just provide health services, so I removed the term 'social services' so that these agencies would not be competing with present social service agencies and duplicating their services.

For the same reason, I have removed the word "Title 20" because Title 20 provides social services. The department indicates that there is no more Title 20 money available to be matched, and there was no reason in my mind for any community health service agency to request Title 20 funds.

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

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

The Bill was assigned for second reading tomorrow.

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

HOUSE DIVIDED REPORT — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Public Utilities on Bill, "An Act to Abolish the Fuel Adjustment Clause" (H. P. 961) (L. D. 1189)

Tabled—May 11, 1979 by Mr. Davies of Orono.

Pending—Acceptance of either Report.

Mr. Davies of Orono moved that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I hope today that you will not accept the Majority "Ought Not to Pass" Report. This bill that we have before us is a bill that has the concern of just about every person in this state.

The fuel adjustment clause that the public utilities use has been granted permission by the Commission for them, which is the Central Maine Power Company, to use a fuel adjustment clause. I presume there are going to be people here today who will say, well if, we give them this permission, they will keep coming back for a pay raise so the people of this state can be ripped off some more. That is not true. They are going to come back for raises anytime they want to and the fuel adjustment clause is just an excuse they are using.

I might say at this time, I am very disappointed with the Public Utilities Committee of this House. I didn't like the one we had last year and I like this one even less. They are not supporting the people of this state. I don't care where you go, in every city or town people are very much opposed to the fuel adjustment clause. I will tell you why they are opposed to it, because it increases their bill and that is the bottom line. Half of the people in this state wouldn't say a word if they had on the bottom line a total bill, they would pay it and you wouldn't have any complaints hardly at all. But, they have to put in the fuel adjustment charge and they put in \$5.70 which, in my opinion, is illegal and unconstitutional, to every household in this state. If I had the money, I would take them to court and prove it to you.

The Public Utilities Committee of this House has not been fair to the people of Maine. This is only one more excuse that they use and you can bet they will keep coming back for more. So what? They keep coming back all the time. They use this thing about the Arabs increasing the price of oil—well, they have always increased the price of oil and that doesn't change anything. If you buy something in a store, you pay the price but it doesn't stay on the bottom of the bill when you get it—it cost me so much to transport it in by truck, it cost me so much to put it on the shelf, you don't see that in there, you pay the price and you accept it. That is all I am asking for the people of Maine.

When I put a bill into the Public Utilities Committee, you know that I am for the people of Maine and I am not for the public utilities that are trying to run this state. Not once has

the Public Utilities Committee of this House given any consideration to my good bills that I put in this year. They have always had excuses. They always say, well, if we do this, they will be back for more money. Truthfully and honestly, I am so sick and tired of hearing that excuse and I have heard it for so long that now it just goes in one ear and out the other.

This is very serious business. The people of Maine are concerned about the rates they have to pay for public utilities in this state. They are concerned about the telephones, their water, they are concerned for everything, and especially their light bills. They want to pay their fair share, but they do not like having it tacked to them by the bandits of this state that are doing it. That is just what they are doing, and the Public Utilities Committee, under the leadership of Mr. Davies, has turned its back on the people of this state. He has never supported one of my good bills. Every bill that I have put in has been against the public utilities of this state, and luckily and thankfully, we had one intelligent member put this bill out so we could debate it intelligently so that we could say to the people of Maine, I am on your side.

I don't care what the Public Utilities Committee does. They don't listen to me anyway, but I will tell you who is listening, the people out there are listening and the people out there are watching this legislature. You can get up here and debate for two or three hours on something that doesn't cost the people a dime and they won't even remember your name. You are not going to get away with it today, because I am going to put you all on record. I put some of you on record yesterday, too, and I went back to my home last night and I shoed them where some of the people from the Portland area have not been supporting them. You are not supporting us in Cumberland County, and I proved it last night to them and I am going to do it again today. I am going to put you people in Cumberland County, on the record, because we are the largest group of people in the state and we have over 20 percent of the population. It is the people of Cumberland County that are getting it tacked to them time and time again by this legislature.

This is the first chance I have had this year to speak on the Public Utilities and when the Public Utilities shut down, they want to make the people pick up the tab. I am not so sure that Maine Yankee should have been shut down, but that is another story for another day.

I urge the members of this House this morning to support me, to follow my light and tell the people in Maine that you are going to listen to them and get down to the basics where it is costing them more and more money to live. These are essential things. We are not talking about taking your wife out to eat and spend money on drinking, you can do that if you want to, we don't care about that, but we do care about the basic needs of Maine people.

Mr. Speaker, when the vote is taken, I would ask for the yeas and nays.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I won't try and overwhelm you with the power of my arguments with the loudness of my voice.

The bill that you have before you is a bill that doesn't do anything and that is its major problem, that it doesn't do anything. I am afraid that Mr. Laffin doesn't really understand what his proposed bill would do or not do. I think that is one of the reasons why the Public Utilities Commission didn't listen to what he thought was a good bill.

The bill proposes that the fuel adjustment charge, which is broken out as a separate item on electric bills, be blended back in with the regular energy charge. The bill does not eliminate the price that you are paying for fuel adjustment, it doesn't reduce that charge, it doesn't change your bill one iota. I just means

that instead of getting a bill that says your energy charge is this and the fuel adjustment charge is this and your customer service charge is this, adding up to a total, it adds all those things up together before it goes through the computer and printed on your bill and it would still come out to the same exact total. You will still pay the exact same amount of money for fuel adjustment, but it won't be shown and people won't know exactly what they are paying for.

When the legislature acted on this matter a couple of years ago, it was the feeling of both bodies that we ought to separate out these charges so people, when they did pay their electric bill, would know exactly what their money was going for. This bill would change that around and reverse that procedure so you would get one bill that would state one lump-sum payment and I don't think that is a wise consumer thing to do. I think it is appropriate for people to know where their money is going when they pay their electric bills.

The second problem is that currently the Public Utilities Commission is promulgating some new fuel adjustment clause policies pursuant to legislation that this legislature enacted last year. We have no idea exactly the reaction to that, they are coming out, either yesterday or today, and are going to be reviewed and the regulations will be issued for the utilities in the next couple of months.

It is the feeling of the Public Utilities Commission that this will deal with some of the problems that Mr. Laffin has. It is a more appropriate way of handling fuel adjustment costs so the impact will not be as great as it has been in the past. So, I think that to vote on this bill today in favor of it would simply stir the water up more. It would deny your constituents the right to know exactly where their money was going in the utility bills and it will not eliminate the fuel adjustment clause.

I urge you to accept the "Ought Not to Pass" Report.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Since I was one of the signers of the report of "ought not to pass", I would like to defend my position, although I don't think it needs any defense, really.

My good friend from Westbrook, Mr. Laffin, I think he should realize what my record is on public utilities, and I am going to put a few things into the record myself.

If I could get you all to look at Item 8-10 in today's bulletin, I think this is a type of a bill that my good friend Mr. Laffin would like to have and I wouldn't blame him. This is a bill that we passed out of committee. We didn't vote against this one because it does something for the guy that has to pay the bill. This is the kind of a bill that I am looking for, something that is going to do something for somebody out there that is making the money and having to pay the bills. My good friend Mr. Laffin's bill, although I understand why he put it in, doesn't do that at all. It does not reduce the electric charge. In fact, I am going to tell you as an end result what it is going to do. It is going to increase your electric bill. You want to know why? Because every time they go out to Nepal and get a gallon of oil or a drum of oil and they have to have a price change, which it is doing everyday, then they are going to have to come right back here with a rate case. Then, on top of the rate case for the barrel of oil, you add \$100,000 that they get as an operating expense to come up with a rate case. So, you have to add that on top of it, which means, my good friends, your people are going to be paying more for that electric bill than they would under the present system. So, this is the reason that I voted the way I did, because my people, frankly, can't stand to pay anymore.

As far as my record on public utilities, Mr. Laffin, take a look at it, I will stand by it 100

percent.

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 say to the Chairman of the Public Utilities Commission, I know what my bill does, I know very well what it does. The thing that bothers me is all these arguments I just heard from the town gentlemen that have just spoke, I heard, it seems to me, that the lobbyists for the Public Utilities were down there that day and you know, I realize I don't know too much but it sound just like what they said. It sounds almost exactly word for word what they said.

I know my bill is not going to reduce rates. I never said that. When I stood on the floor of this House, I said, put it on the bottom line. I know that it is not going to reduce rates, but you people use the excuse that the public utilities lawyers use, that they will be coming back for more and more oftener and oftener. How often can Central Maine Power keep coming back for more money that they do now? How often can the telephone company keep coming back? They would run out of paper and run out of lawyers if they kept coming back anymore than they do now. They are down there at least twice a year wanting rate increases, wanting more money.

All I am saying to you is, and I know the fuel adjustment clause is there, I know it is hidden, but how many other hidden charges are there?

Fuel adjustment clause added onto a person's bill is just like tucking that little extra to him. It serves no purpose whatsoever. I haven't heard any of you mention today the \$5.70 customer charge. I realize that it is not in the bill, but usually when you talk about these bills, you bring up other things to back you up, but you can't back up that one. You can't back it up because the Public Utilities Commission, sitting right down here in Augusta, they don't want my bill passed and the bill was not passed two years ago, my good friend Mr. Davies, it was passed in 1973.

I realize that the Public Utilities Committee of this House likes to do what the Commissioner, the three Commissioners or whatever they are called down there, they like to do what they want done. Maybe if I was a different type of person, I probably would feel the same way, but I don't care about those Commissioners, I care about the people of Maine. I care about the people of Westbrook, of Cumberland County, the people who are paying this thing, that is what I care about. That is all that I said at the committee hearing.

I didn't use my four and a half page speech that day and the committee thanked me for not doing it. So, by my not using it, I get an 11 to 1 "Ought Not to Pass" or 12 to 1, there were only a few people there anyway. But I ask the members of this House today—I know what my bill does and I know what the fuel adjustment clause is, I also know that when the people pay that bottom line and they look at the fuel adjustment clause, that the Arabs have ripped off the people of this state, the people of Maine are paying it, not Central Maine Power Company. Central Maine Power Company is not paying one penny for oil: the people of Westbrook, Lewiston, Portland and South Portland are paying for that oil.

Why should Central Maine Power Company or Bangor-Hydro or any of the others care how much the oil goes up, they just tuck it on the bottom of your bill in a little slot that says, "fuel adjustment." You pay for it, not Central Maine Power Company. The stockholders are not paying for it, they are not paying one dime. The people of Maine are paying for that and that is why they want it left there, so the stockholders will not pay for it. They want it left there so the people of Maine can have more tacked onto their bills. Let's have Mr. Davies deny that.

The SPEAKER: The Chair recognizes the

gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I would like to know why the bill that we passed last year is not already in effect. I would like to know why the rules and regulations are just now being promulgated. I am really surprised. I think Representative Laffin has a good point. Here this legislature thought we did something, we thought we re-constructed that fuel adjustment clause by allowing a portion of it to be within the rate base and another portion, according to new rules and regulations, to be out within a fuel adjustment clause and now we just learned from the Chairman of the Committee that those rules and regulations have not been in effect, so in a sense, we are back to the old fuel adjustment clause without any regulation. I would like to learn much more about that.

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, has posed a question through the Chair to the gentleman from Orono, Mr. Davies, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. DAVIES: Mr. Speaker and Members of the House: In response to Mrs. Kany's question, the reason why it is only now being promulgated is because the Public Utilities Commission is oftentimes overworked and understaffed and they have had a number of matters that they have had to be considering and the fuel adjustment clause policies are just one. They had to go to public hearings, they had to consult with various parties that are involved to make sure that when they did issue the rules and regulations that they would do what they set out to do. They feel that is the case now and they have just recently promulgated them. If they had had a larger staff or a larger budget in order to handle all the various things that they have to do that we delegate them to do, I am sure they would have acted faster, but they were very concerned because this is a serious matter. There are some problems that come up with the fuel adjustment clause and Mr. Laffin is not totally wrong, but the bill that he has that is before us right now doesn't deal with those problems.

I think there really is a serious problem with no incentive for the utilities to purchase the cheapest power available when they have to buy other forms of power in addition to what they are already generating. That is a matter that isn't addressed by Mr. Laffin's bill, it is not addressed by any legislation that is in this time. It is a matter that has come to our attention, that we are concerned about and we are looking into.

I would like to read for the record Mr. Laffin's bill, because it is a very brief, one sentence bill with a two sentence Statement of Fact, and I think it would state very clearly exactly what his bill would set out to do or not do and I think it would clarify for all of us Mr. Laffin's remarks.

L. D. 1189, "An Act to Abolish the Fuel Adjustment Clause", the important section is Section 131, fuel adjustment clause "An electric company shall not itemize fuel costs as a separate charge that can be adjusted to reflect changes in cost for fuel incurred by the company on its bills to customers. The purpose of this bill is to abolish the fuel adjustment clause. The cost of fuel would be treated in the same manner as any other expense incurred by the company in providing electric service to customers. Fuel costs would not be broken down as a separate item on bills. In addition, higher fuel costs would result in higher rates only after review by the Public Utilities Commission in a formal rate proceeding."

As Mr. McKean indicated, everytime the company comes back in, if this bill were to go into effect, they would be asking for a new rate case to deal with the changed price of oil. They would be in every month, you would have 12 rate cases for each utility company and the

cost of those are enormous for the ratepayers, for the company, for the Public Utility Commission. It will serve the purpose of absolutely no one.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I served on the Public Utilities Committee last session and we dealt with the fuel adjustment bill, and I am somewhat shocked and dismayed to find out that the PUC is only now promulgating those regulations. At that time, there was an outcry across this state, there were petitions signed, one of the most important issues of the last campaign was the fuel adjustment clause. People thought that for once we were going to do something about it. When I signed out that bill, I thought for once I had done what the voters in my area wanted.

Today, I intended to support Representative Laffin's bill because I think, until I review those rules and regulations, until I am satisfied that they are dealing with the problem, I want a vehicle in this House to amend if I am not satisfied.

I would urge you to support Representative Laffin's bill so we can find out exactly what the PUC has done and why it has taken them this long to do it, and I want something here that I can amend because this is an important issue. The people back home are tired of this fuel adjustment clause, and if we didn't do it last session, then I want to make sure we do it eventually.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I am the lone signer of the bill. I didn't do that in a moment of weakness. I probably could have easily enough, I probably would have had I know this was going to go on.

I did sign the bill out for one reason and one reason only. There are problems with the fuel adjustment clause. They should be taken care of, maybe they will be. I just don't have that much trust in anything around here and I signed the bill out hopeful that I could get it tabled unassigned so that if the other legislation that is coming along later does not do the job, then we can do exactly what Mr. Wood suggested. Apparently, people saw fit not to table the bill unassigned so, in order to have it around, I guess we are just going to have to pass it and sent it down to the other end and let them deal with it, keep it floating back and forth as long as we can, and I would hope that you might do that.

I do agree with the chairman of the committee that this bill does absolutely nothing. The only thing the bill does, it is a vehicle that we can use and that is the only reason I signed it out.

On motion of Mr. Davies of Orono, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, May 17th.

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

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

Tabled—May 14, 1979 by Mr. Leonard of Woolwich.

Pending—Passage to be Engrossed.

On motion of Mrs. Mitchell of Vassalboro, re-tabled pending passage to be engrossed and specially assigned for Thursday, May 17th.

The Chair laid before the House the third 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 14, 1979 by Mr. Diamond of Windham.

Pending — Passage to be Enacted.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I asked the Chairman of the Labor Committee to set this aside and had it tabled last week because the amendment, S-132, looked a little suspicious to me, which I found out it is.

The amendment, which you have, S-132, says the fiscal note will be minimal. It appears that this fiscal note should read about \$27,000. I wanted you all to know that before you passed this on to be enacted.

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

The Chair laid before the House the fourth 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 14, 1979 by Mr. Hughes of Auburn.

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

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: This was originally my bill, until the redrafting, and it is still the same in concept and purpose. It has an interesting history.

Back in January, the gentleman from Lewiston, Mr. Call, and I discovered we had somewhat similar bills in the making, compared them and decided to go our separate ways. Although they were on the same subject, which is the publishing of the names of juvenile offenders, they were very different bills.

I supported his bill, L. D. 35, all the way and I was very sorry to see it vetoed. Meanwhile, L. D. 1383, had been put in its final form with a great deal of help and encouragement from the Department of Mental Health and Corrections. It was presented to the Judiciary Committee in late April with no opponents, and proponents including both co-sponsors and the department.

In light of the veto of L. D. 35, the committee very wisely redrafted the bill and it became L. D. 1601. Many of the items objected to in the Governor's veto message were corrected, but the committee liked the concept and purpose of the bill well enough to double the number of courts involved in this pilot project and to extend the life of the program by one year. There were nine votes "Ought to Pass" and just three "Ought Not to Pass" and none of the three "Ought Not to Pass" were able to be present at the hearing. It looked promising with all systems "go".

Then we heard the Governor was not happy with it, as a few juveniles names might still be made public. He was gracious enough to let two of us discuss it with him but he feels he cannot support it. Because of this, department support has also been withdrawn, quite naturally, it is a fact of life politically, but Commissioner Zitnay expressed his regrets to me yesterday.

One of my ancestors, Elijah Wyman, was among the "embattled farmers" on the green at Lexington in 1775, and the family has never walked away from a fight since when it was for a cause we believe in. I may never "fire a shot heard around the world" but I would like to make a little "bang" here in this House today in defense of those whose property and rights are threatened by a new kind of tyrant, the protected juvenile vandal and thief, a small but obnoxious minority of today's youth I won't take

your time with more the stories about what they do because we all know what they do.

L. D. 1601 provides the courts with a new tool to be used at the judge's discretion which gives juveniles and their parents incentive to mend their ways. When a juvenile has been through "informal adjustment" or adjudication once, and then comes before the courts a second time, under this bill, the judge may decide that this is a family which would benefit from this program and he would make them an offer. If the juvenile is found guilty, the parents and the juvenile may choose to attend together a series of counseling sessions. If they choose not to attend, knowing the consequences, then and only then would the court records be opened to the public.

The counseling sessions would deal with the rights of others, legal responsibility of parents, peer pressure, family communication and restitution plans, as a minimum. All parties would come to understand the causes, consequences and the possible cure for the problem behavior.

This is no attempt to tell families how to bring up their children, it is an attempt to encourage mutual responsibility. It gives them a chance to protect their most precious property, which is their name. Their children didn't necessarily give anybody a chance to protect their property.

At long last, parents are brought into the picture. The police and courts tell us that the basic cause of juvenile crime is lack of family interest, training and understanding. In today's society, many parents are also genuinely confused and discouraged.

Other bills deal with either the parents or the juvenile. L. D. 1601 brings them together. Improved communication might result in real respect for each other's problems. Counseling could become the means of actually strengthening the family of an unhappy and threatening juvenile who seems headed for very serious trouble.

In some areas of the state, a course in "defensive driving" has been offered in the past by the courts to a driver threatened with loss of license. This bill could be called "Defensive parenting." Schools and police are not, nor should they be, substitutes for home training and parental responsibility back to the family and in making them see more clearly how troublesome and disliked their children are.

A few weeks ago, this body voted overwhelmingly 105-29 for Mr. Call's bill, L. D. 35, a bill to publish names of juveniles at the discretion of the courts. It was vetoed, but 87 of us believed in it and tried to override that veto. I believe that L. D. 1601 is even more positive and constructive, and it gives the families the option of helping themselves. The House as proved it wants such a bill; we know from polls and questionnaires that our constituents, the people who sent us here, demand this bill. There is no fiscal note to this whatsoever, and it still has the support of law enforcement groups.

I urge you to keep this bill alive, get it passed, and give the courts a tool which may straighten out some problems kids, while adding protection to the rights and property of all.

I urge you to vote "No" on the motion "Ought Not to Pass" and I ask for the yeas and nays.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: Certainly I have to say something on this bill. The bill the people wanted, L. D. 35, was vetoed by the Governor and that veto sustained in this House. L. D. 1383, as presented by the gentlelady from Portland, Mrs. Payne, left something to be desired but it has been watered down so much in committee that L. D. 1601 does absolutely nothing. It calls now for simply some counseling. We have counseling now which I feel, in many instances, amounts to nothing but bluffing.

We have had to much bluffing now and the people of this state are aware of that fact.

When I talked with Governor Brennan in his office after the veto of L. D. 35, he told me that he knew that his veto would hurt him politically. Earlier in our talk, he had volunteered to say that he knew the bill passed in the House by a vote of 105 to 29. He denied that the gentleman from Saco, Mr. Hobbins, had persuaded him to veto L. D. 35. Earlier in the day, when I put the same question to Mr. Hobbins, he denied that he had persuaded the Governor to veto my bill.

We shall be deceiving the people of Maine if we pass L. D. 1601. I have great respect for the sponsor and co-sponsors of L. D. 1383, but they have been left with an absolute dud. It has no strength whatsoever.

I urge the members of this House to kill the bill right here with the possibility that the other body will do likewise, because it is far from being a suitable sequel to L. D. 35.

Mr. Simon of Lewiston requested the Clerk to read the Committee Report.

Thereupon, the Committee Report was read by the Clerk.

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 Saco, Mr. Hobbins, that the House accept the Minority "Ought Not to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Brannigan, Brennerman, Brown, K.C.: Call, Cloutier, Connolly, Davies, Doukas, Gowen, Gwadosky, Hall, Howe, Hughes, Kane, Kany, Locke, Maxwell, Michael, Mitchell, Nadeau, Nelson, M.; Reeves, P.; Sprowl, Tierney, Violette, The Speaker.

NAY — Aloupis, Austin, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Conary, Cox, Cunningham, Curtis, Darnen, Davis, Dellert, Dexter, Diamond, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Hickey, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Joyce, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, MacEachern, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Morton, Nelson, A.; Nelson, N.; Paul, Payne, Pearson, Peterson, Post, Prescott, Reeves, J.; Rolde, Rollins, Sherburne, Silsby, Simon, Small, Smith, Stetson, Stover, Studley, Tarbell, Theriault, Torrey, Tozier, Twitchell, Vose, Wentworth, Wood, Wyman.

ABSENT — Bunker, Carroll, Dow, Dudley, Elias, Fowle, Higgins, Hobbins, Huber, Jacques, P.; Jalbert, Kelleher, Mahany, Norris, Paradis, Peltier, Roope, Sewall, Soulas, Strout, Tuttle, Vincent, Whittemore.

Yes, 30; No, 98; Absent, 23.

The SPEAKER: Thirty having voted in the affirmative and ninety-eight in the negative with twenty-three 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.

The Chair laid before the House the fifth 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 14, 1979 by Mr. Connolly of Portland.

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

Thereupon, the House reconsidered its action whereby it voted to adhere.

Mr. Connolly of Portland moved that the House recede and Concur.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: We discussed this bill at length last week and I hope we do not have to do it again today. We voted by a large margin to pass this bill, which would allow for a modest increase in the bail commissioners night fee. It was the unanimous report of the Judiciary Committee that this night fee increase of \$5 be approved. This was a compromise. They had asked for a \$5 increase day and night, and it was decided that when the bail commissioners had to get up and go down and bail people out in the night, that they would have a \$5 increase from \$15 to \$20.

So, I would urge you not to recede and concur and allow us to adhere.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I hope we don't have a long debate but I think the bill, when it was debated at its final stage at enactment the other day, didn't receive all the attention it should have. Representative Joyce, at the time of final enactment attempted to make some points and I don't think that because the bill had been moving along very smoothly up to that point that the entire issues that is being addressed in this legislation was put before this body.

It is my intention by receding and concurring to try to kill this bill in this body today. The original bill asked for, in my opinion, inordinate increase in the fees that bail commissioners can charge when they work the bail people whether it be in the day or in the evening.

It is my understanding and I believe that I am not divulging any confidences at the outset that the bill was put in late and that initially the bill was going to die before committee but because of the sponsor of the legislation and I give him credit, I had been asked by a constituent to introduce the bill, he took the issue to heart and gave the bill a lot of attention, perhaps more attention than I would have liked and got the committee to agree to a compromise by increasing the fees. He terms it modest, I term it substantial, a 33 1/3 percent increase in the bail fees that can be charged by bail commissioners for evening work.

You should understand that the work the bail commissioners do take place, for the most part, in the evening. They do very little work during the day. Most of the work that they do is in the evening. Of course, if you are going to have an increase and you have to have a compromise, the logical place to ask for the increase is not in the day but in the evening. This represents a 33 1/3 percent increase in the fees that bail commissioners can charge in the evening.

For many, many years, the fees the bail commissioners could charge were \$5 during the day and \$10 in the evening. I believe it was two legislative sessions ago, three years ago, if I am not mistaken, that the legislature increased those fees to the present \$10 during the day and \$15 in the evening. It seems to me that if we want to go into inflationary figures, that now is not the time, that you can justify such a substantial increase.

You should understand and Representative Joyce made this point very well the other day that the people who use the services of the bail

commissioner are by in large the poor people, low income people. The way the process works in the evening is if someone is arrested, they take him to the jail, they are charged for the particular crime and they ask to be bailed. The bail commissioner comes down and the family is called, the mother the wife, is called and is told that the husband or the son or the relative is in jail and that the bail fee will be X-amount of dollars. Then on top of that, you have to provide \$15. Then on top of that you have to pay the bail commissioner.

Now, the law says that the bail commissioner can charge up to \$15. He doesn't have to but he can charge up to \$15. I have never known a bail commissioner, with one exception, to charge less than the maximum \$15. Senator Conley used to be a bail commissioner. I had occasion, through the work that I do with the Portland Community Bail Fund, to use his services on innumerable occasions helping to get people out of jail. He would, if the family situation and financial situation warranted it, allow that person to be bailed out for whatever the bail fee was, but not charge any commission, but there are very few other bail commissioner, that I have come in contact with who would allow that to happen.

The reason that bail commissioners are in the business of being bail commissioners is so they can make money. It seems to me, and this is not to impugn the motives of the sponsor of this bill, because I don't think that his motives can be impugned, but it seems to me that this is without a doubt a bill of greed. The whole way that the bail commissioner system works is incorrect. It should be an administrative function of the court. The court should hire people to be bail commissioners and pay them a salary. That is the way they should be charged and it shouldn't be at the expense of people who have been arrested. Most of the people who are arrested and who need the services of a bail commissioner end up having the charge against them, either dismissed or they are found innocent. When that happens or when they appear in court, they get the bail that was put up back, that is returned to them. The bail commissioner gets to keep that fee, that is his pay. It is not uncommon for bail commissioners in the City of Portland, working on a Friday or Saturday evening, to make in excess of \$400 for working as a bail commissioner. In my opinion, this bill is a bill of greed.

I would hope that you would vote for the motion to recede and concur.

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

A vote of the House was taken.

Mr. Brannigan of Portland requested a roll call vote.

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

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

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

Mr. CARRIER: Mr. Speaker and Members of the House: As a member of the Judiciary Committee, I am one of the members that has suggested this raise. I had first suggested the raise of \$5 for anytime during the day. Then we agreed to make it \$5 at nighttime. I think it is a very good move. There are many things that have been said over here as far as greed and everything else of bail commissioners, but I want to remind the people that said such things, their friends from Portland are the ones that took some of this so-called greed, and they

are the same ones today and the same ones then that will oppose that were supposed to have done such great acts. But two and four years ago, the same people brought a bill in here with the amount to be raised, that particular amount of \$30. Well, I object to the \$30, but I also object because if you don't agree with these people, they come with the true facts, and these are friends, these are friends from Portland that have put these bills in here and when it comes time themselves, and you will see them now, they are not bail commissioners, they were bail commissioners four or five years ago, two months from now you will see them back bail commissioners because they have been given a position in the city of Portland.

I am telling you that I would rather pay these bail commissioners an extra \$5 and keep them off the welfare rolls; yet, these particular people, many of them, and I can tell you very truthfully that the one in Westbrook doesn't make that much money. They probably make \$2,000 or \$2,500 a year as bail commissioners. There is nothing wrong with that. When you give a service, you get paid for it. This bill or any bill or any service that the bail commissioner gives is not actually against the poor. It doesn't only effect the poor, it effects the people who break the laws. Whether you are rich or poor, if you break the law, they should give it to you and they should make you pay for it. What is \$15 or \$20? I pay many \$15 and \$20 in welfare to the people of this state. They take it out of my pay every week because I work. What about the ones who don't work and don't pay and yet they collect all the time?

This is the type of bill where you pay a fee for a service rendered. And whether the people of this state are poor or rich or anything else, if they break the law, this is part of the system. If you don't want to pay the bail, you don't have to; let them put you in jail for one night or two nights, whatever they want to do.

I submit to you that this, as written and as amended, is a good bill. I would rather see people get a decent fee, and that is what everybody wants, and keep them off the welfare rolls. I submit to you that we should not recede and concur.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I have mixed feelings about increasing the fee for bail commissioners. I was just astounded to hear the gentleman from Westbrook, Mr. Carrier, say that they make \$2,000 or \$2,500. I don't think that would ever happen in my area. I would be very surprised if anybody made more than five or six hundred dollars a year as a bail commissioner. But, of course, it shows the diversity of the state. There are a lot of people in that one area and probably a lot of prisoners that they deal with or people that have been arrested. Probably, if this bill is defeated, the sponsor, whoever it was who put it in, might consider next year putting in a mileage factor. If a bail commissioner came a distance of more than 10 or 15 miles, then he would get an extra \$5.

I can assure you, I have a brother-in-law who is a bail commissioner, and he isn't getting wealthy off that. Sometimes he will go to Bangor, 13 miles away, get paid for his bail services, come home and then have to go to Bangor the next day to court, and sometimes to Lincoln, 30 miles away. Maybe at some future time a mileage factor ought to be taken into account.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to this increase. The granting of bail takes probably 15 minutes at the most. That is pretty good pay, a dollar a minute. The bail commissioners aren't full-time people, this is a sideline for them. Most of the ones that I know are either

retired or they have a job somewhere as a fireman or something where they are available. I think a 33 1/3 percent increase in bail fees is a little bit excessive.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to stand up on this bill, but I have to. Bail commissioners are not poor; bail commissioners are people who do it as an extra job. My husband was a deputy sheriff and I know all about bail.

In Brunswick, we have a few bail commissioners and they are so exclusive and they are so elusive to get at that they won't allow anyone to know who they are because they don't want to lose their jobs. They love what they are doing and they are getting paid plenty.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I stand today to stand up for the bail commissioners. I had sort of a personal experience this past winter. My nephew was involved in an automobile accident. He was knocked out, and when the police arrived on the scene, they arrested him for intoxication. I guess he had had one beer, but it later was proven that he wasn't intoxicated at all and the charges were dropped and never should have been brought in the first place. Nevertheless, he was taken to the county jail or courthouse, the bail commissioner was called, this is in the middle of the night, the bail commissioner came out and said that the boy would have to pay the fee. The boy tried to call his parents and couldn't reach them. He tried to call several others and we were out also, it was Saturday night, so he wasn't able to reach us. The bail commissioner said, well, I won't charge you anything. He then proceeded to take this boy home, he got lost that night, the bail commissioner got lost trying to find his way from this boy's home back to his house.

I just think that bail commissioners earn their money when they have to get out at any hour of the night, they don't get mileage. They were receiving \$15 and this bill would put it to \$20. I don't think I would want to be called at night and in some cases have to fight with drunks and \$20 is cheap enough to pay if you need a bail commissioner.

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

Mr. BRANNIGAN: Mr. Speaker, I just wanted to defend my constituents, there are more than one that are bail commissioners. I don't consider them greedy people. I believe that they, by their testimony, it sometimes often takes an hour to bail someone out, and even though they agree and we all agree that maybe this should be paid out of state funds, it is not that way now, it is paid for by users of their services; therefore, I would urge you to defeat the motion to recede and concur.

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

Mr. Paul of Sanford was excused from voting pursuant to Joint Rule 10.

Mr. Reeves of Newport was excused from voting pursuant to Joint Rule 10.

ROLL CALL

YEA—Aloupis, Bachrach, Baker, Barry, Beaulieu, Berry, Birt, Blodgett, Bowden, Brennerman, Brodeur, Brown, D., Chanko, Connolly, Cox, Cunningham, Curtis, Damon, Davies, Dellert, Diamond, Dutremble, L., Gowen, Gwadosky, Hall, Hickey, Howe, Hutchings, Immonen, Jacques, E., Joyce, Kelleher, Kisman, Leighton, Lewis, Lizotte, Locke, MacEachern, Martin, A., Masterton, McHenry, McSweeney, Michael, Mitchell, Nelson, A., Nelson, M., Nelson, N., Norris, Payne, Prescott, Reeves, P., Rolde, Rollins, Small, Smith, Stover, Theriault, Tierney, Torrey, Tozier,

Tuttle, Twitchell, Violette, Wentworth, Wood, Wyman.

NAY—Austin, Benoit, Berube, Bordeaux, Boudreau, Brannigan, Brown, A., Brown, K. L., Brown, K.C., Dutremble, D., Fenlason, Fillmore, Gavett, Gillis, Gould, Gray, Hanson, Hughes, Hunter, Jackson, Jacques, P., Kane, Lattin, Lancaster, LaPlante, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Matthews, Maxwell, McKean, McMahon, McPherson, Morton, Nadeau, Pearson, Peterson, Post, Sewall, Sherburne, Silsby, Simon, Sprowl, Stetson, Studley, Vose.

ABSENT—Bunker, Carroll, Dow, Dudley, Elias, Fowle, Garsoe, Higgins, Hobbins, Huber, Jalbert, Leonard, Mahany, Paradis, Peltier, Roope, Soulas, Strout, Tarbell, Vincent, Whittemore.

EXCUSED—Paul-Reeves J.;

Yes, 67; No, 60; Absent, 21; Excused, 2.

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

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I move reconsideration and would ask the House to vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House reconsider its action whereby it voted to recede and concur. All those in favor will say yes; those opposed will say no.

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

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

Bill, "An Act Concerning the Hospital Inspection Law" (H. P. 891) (L. D. 1086)

Tabled — May 14, 1979 by Mrs. Berube of Lewiston.

Pending — Motion of the same gentlewoman to Reconsider Acceptance of the "Leave to Withdraw" Report.

Mrs. Berube of Lewiston withdrew her motion to reconsider.

The Chair laid before the House the following matter:

JOINT ORDER (H. P. 1405) pursuant to recalling An Act to Provide Security Deposits or Bonding of Businesses in the State which Warrant Consumer Goods and Services, House Paper 1020, L. D. 1287, being recalled from the legislative files to the House, which was tabled earlier in the day pending passage.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Before I make my motion, I just want to explain why this was before us. It was two bills I happened to present on the same day to the Business Legislation Committee and I missed it. The other bill was extremely important and I have worked five months on it. I found out that this bill came out "ought not to pass" two days after it had gone through both Houses. The proponents were never there to present their arguments. I asked both chairmen of the committee to have the proponents come in to the work session and that was denied. I then asked if I could have the bill recommitted in order to see if they could bring it back next year in January, and eventually that was denied. Now I see the writing on the wall that some may call graffiti. Having had my lesson in politics this year, I would like to leave of the House to withdraw my motion to present the order.

Thereupon, Mr. LaPlante of Sabattus was granted permission to withdraw his order.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT, Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-410) — Minority (4) "Ought Not to Pass" from the Committee on

Public Utilities on Bill "An Act to Clarify the Authority of the Public Utilities Commission in the Enforcement of Rebate Orders" (H. P. 1149) (L. D. 1416) which was tabled earlier in the day pending acceptance of either Report.

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

Mr. DAVIES: Mr. Speaker and Members of the House: The reason why I tabled this earlier is because we discovered shortly before the session that part of the Committee Amendment had inadvertently left off and we wanted to present the matter fully for your consideration. I have the House Amendment to the Committee Amendment now, so we are prepared to go.

Thereupon, on motion of Mr. Davies of Orono, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-410) was read by the Clerk.

Mr. Davies of Orono offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-430) was read by the Clerk and adopted.

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

The Bill was assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Vocational-technical Institutes" (H. P. 1393) (L. D. 1613) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-426) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

Bill "An Act to Revise the Fees for Service of Civil Process" (H. P. 1027) (L. D. 1258) (C. "A" H-340) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Mr. SIMON: Mr. Speaker and Members of the House: I thank you for granting me the indulgence to review the details of this bill.

The objectives of the original bill were to effect a modest increase in fees for the service of civil process and to achieve increased uniformity in fees. The committee felt that these objectives were fine but we weren't quite willing to go as far as the original bill did.

Our general statute on the service of civil process provides for a \$4 fee for abode service, delivery of process to the last known residence of the person who in process is to be served and for a \$7 fee, for hand service, service in hand to the actual warm body.

The sections deleted by our committee amendment are sections that by our committee amendment are sections that are currently set at \$5 as a rate for two kinds of civil process that are required to be served in hand, so by deleting these two sections, we delete the \$5 charge specified for these two particular kinds of service in hand and we raised them to \$7. Thus, we accomplished the purpose of making a modest increase and we evened out what the rates were throughout the civil process part of our statutes.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I have been reviewing this particular bill and I notice that in 1977, which is only two short years ago, we increased the fees at some point from \$3 to \$5, so that ef-

fectively within two years, we have jumped up 175 percent.

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentlelady from Lewiston, whether she is referring to abode service or hand service? It makes a difference.

The SPEAKER: The gentleman from Lewiston, Mr. Simon, has posed a question through the Chair to the gentlewoman from Lewiston, Mrs. Berube, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: Could the enlightened gentleman from Lewiston explain to us what he just said?

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: The fee that is now at \$5 would not be increased. The way it is now, as a rule, the fee is either \$4 or \$7. I don't know the legislative history to which the gentlelady refers. I will be very frank about that; however, I don't think we are talking about the same specific thing. What we are doing is evening out the fees for service of process. We don't go as far as the original bill would have done; we don't do it for as many things; it would have gone to \$8, so that was the view of the committee in turning out this committee amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

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

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

Mr. BRODEUR: Mr. Speaker, I would request a division. Ladies and Gentlemen of the House: I introduced this bill at the request of one county commissioner and also the sheriff's department in Androscoggin County because, at the present time, our county budget property taxes now pay for part of the fees that are charged for civil process. About 83 percent of the charges of civil process were paid for by the fees that are now charged, but about 1/6 or 16 percent of the charges are now paid out of the property tax fee.

I asked one of the legislative staff to research this for me and draft the bill. I presented the bill to the committee hoping that they would take the bill and amend it in their best wisdom, and I see they have done that. What they have done is to make the fee for service in hand, in other words, to the person directly, the same for all fees as opposed to individual charges for different bills. That is what the present amendment does, I believe.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, I request that the Committee Report be read.

The SPEAKER: It is unanimous.

The Chair will order a vote. The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Simon of Lewiston requested a roll call.

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

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

The SPEAKER: The Chair recognizes the

gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I move this item be tabled one legislative day.

Mr. Rollins of Dixfield requested a vote on the tabling motion.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this bill be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 59 in the negative, the motion did not prevail.

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

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: Just one more point. If you want to continue to have the service of civil process paid for out of the property tax, then you will vote for indefinite postponement, but if you want to change the payment of these costs to the person who uses these costs, then you will vote against this.

I think one of the things we are trying to do is to take the fees, take the charges and reduce the cost of the property tax to the people. I think this is one example where we can put the charges to the people who are using this service.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I asked the original question that produced all this debate and I thought I had received the answer after I sat down earlier this morning. However, the gentlelady's comments from Lewiston have brought about some more interest in this bill and I think that is good.

I think the reason why many of us voted against this bill is that we simply have not had the answers that we should have had from members of the Judiciary Committee.

I would like to repose what I think is the central question and that is this: Have fees for these two kinds of services been increased in the last 10 years and, if so, how often and how much?

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

The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: They were increased in 1977. They were originally \$3 and they were increased to \$4. This bill today would increase it to \$7 or a 175 percent increase in two years.

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

Mr. SIMON: Mr. Speaker and Members of the House: I don't understand how a rate is being raised from \$4 to \$7 by the committee's amendment.

I would pose that as a question through the Chair to the gentlelady from Lewiston, Mrs. Berube. I hope that she can enlighten me on this.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: In response, the last sentence of your Statement of Fact, Committee Amendment "A" says "the fee for these types of services will automatically be increased from \$5 to \$7".

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: Excuse me, I thought she had said from \$4 to \$7. I stand corrected.

The SPEAKER: A roll call had been ordered. The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Berry, Berube, Bordeaux, Bowden, Brennerman, Brown, A.; Brown, K.L.; Call, Carrier, Carter, D.; Churchill, Conary, Connolly, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Diamond, Dutremble, D.; Dutremble, L.; Fenslason, Fillmore, Gavett, Gillis, Gould, Hanson, Hickey, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kelleher, Kiesman, LaPlante, Leighton, Lewis, Lizotte, Lowe, Lund, MacEachern, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Morton, Nelson, A.; Nelson, N.; Paul, Payne, Post, Reeves, J.; Reeves, P.; Rollins, Sherburne, Simon, Small, Smith, Sprowl, Stover, Studley, Torrey, Tozier, Tuttle, Twitchell, Violette, Wentworth, Wood, Wyman.

NAY—Benoit, Brannigan, Brodeur, Brown, K.C.; Carter, F.; Cloutier, Cox, Curtis, Doukas, Gowen, Gray, Gwadosky, Howe, Hughes, Kane, Kany, Laffin, Michael, Nadeau, Nelson, M.; Norris, Pearson, Peterson, Prescott, Rolde, Sewall, Silsby, Stetson, Theriault, Vose.

ABSENT—Birt, Blodgett, Boudreau, Bunker, Carroll, Chonko, Dow, Drinkwater, Dudley, Elias, Fowlie, Garsoe, Hall, Higgins, Hobbins, Huber, Jalbert, Lancaster, Leonard, Locke, Lougee, MacBride, Mahany, Mitchell, Paradis, Peltier, Roope, Soulas, Strout, Tarnell, Tierney, Vincent, Whittemore.

Yes, 87; No, 30; Absent, 33.

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

The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you'll vote against me.

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, having voted on the prevailing side now moves that the House reconsider its action whereby the bill and all its accompanying papers were indefinitely postponed. Those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Bill Held

Bill, "An Act to Establish a Mandatory \$200 Fine for any Minor Convicted of Illegally Purchasing Alcoholic Beverages" (H. P. 27) (L. D. 44) — In House, Majority "Ought Not to Pass" Report Read and Accepted on May 14, 1979.

Held at the request of Mr. Laffin of Westbrook.

Mr. Tozier of Unity moved that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted.

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

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

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

Mr. HOWE: Mr. Speaker, I request a Division on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that this matter be tabled pending the motion of Mr. Tozier of Unity to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

Mr. Cloutier of South Portland was granted unanimous consent to address the House.

Mr. CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to clarify my earlier vote today on the slot machine. I heard a lot from a number of legislators who thought that I had changed my vote. It was an inadvertent mistake here. I didn't understand the motion and it was at the last second, and that is why I got up and changed my vote, but I have remained consistent and I want it to be on the record.

(Off Record Remarks)

On motion of Mr. Baker of Portland, adjourned until eight-thirty tomorrow morning.