

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 29, 1979

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

Prayer by Reverend Wilson Hickam of the Calvary Temple, Waterville.

Reverend HICKAM: Let us pray. Our heavenly Father, we thank you for sovereign power over us all. Thank you for this day that Thou has made. We thank you for your material blessings, your spiritual inspirations and thank you even for our needs.

We would ask that your blessings and anointing would rest upon these men and women, who wrestle with our needs, and we trust that this day would give wisdom in groping for answers to the needs of our state.

We submit ourselves under your Lordship and ask, have your way with each of us that we might be of glory to Thee, to one another and to ourselves. In Christ's name, we pray. Amen.

The members stood at attention during the playing of the National Anthem by the Waterville High School Band.

The journal of the previous session was read and approved.

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Require that Persons Convicted of Habitually Sexually Molesting a Child under the Age of 14 May be Asexualized" (H. P. 816) (L. D. 1018) ask leave to report: that they are unable to agree.

(Signed)

Messrs. HUGHES of Auburn
NORRIS of Brewer
JOYCE of Portland

— of the House.

Messrs. COLLINS of Knox
DEVOE of Penobscot
Ms. CLARK of Cumberland

— of the Senate.

The Reports was read.

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

Mrs. LEWIS: Mr. Speaker, I move that we reject the report of the Committee of Conference and name a new Committee of Conference.

As you know, this Committee of Conference was named and the report came in last Wednesday, just too late to be on Thursday's calendar, so that is why there has been such a delay but it did come in within the 10 days that is ordered by the Joint Rules.

What the people on the Committee of Conference were asked to report was that we ask the Criminal Code Revision Commission to study whether or not it would be worth looking into using drugs and/or counseling treatment for people who habitually sexually molest children. I don't think that that is asking a great deal.

If you remember at the hearing, we were fortunate, I think, to have had a person of international repute, a scientist came here to tell us about the work he had been doing with the use of drugs and counseling and how effective it was in curbing these people who do sexually molest children.

I was really thrilled when I saw the people who were on the committee report from this body, because I thought a person who was extolling motherhood certainly would be a person who would be particularly interested in children and also a person who is involved with Sunday School girls and boys would be a person who would, so I am really disheartened and I am really outraged that the committee could not agree and could not come out with something that would help our children.

I think most of you have gotten a letter such as I got this morning. It is from the Maine

Right to Life movement and I just glanced at it just before I stood up, and right on the first page it speaks of incest and it says: "Incest in Maine is much higher than many people suspect and it occurs in all types of families. Income and education has little to do with it. The problem of incest has continued for many years because we have turned our heads and even refused to admit that it is there." I won't continue to read because you have it yourselves and can read it.

I do hope that we can do something about this and all we are asking is to have the Criminal Code Revision Commission study to see whether or not we would make this part of our criminal code. It would allow a judge to have another arrow in his quiver, really, instead of just sentencing a person now possibly to imprisonment, which doesn't help. It does remove them from the scene for the moment, but he could continue his way sometimes in prison. In many cases, people who molest children have to be put in a separate part of the prison, so it is an additional expense to the taxpayers, because even criminals have contempt for anybody who indulges in this kind of behavior.

So, I would hope that you would let us have another Committee of Conference and let this committee come out with some kind of a report that we can all agree to. Certainly we can't turn our backs on the children of this state. It just doesn't seem fair that little children are being sexually molested. We know they are, no question, I don't think anybody has denied that this is going on, and let us do something to help these children. I would really beg of you to please let us have another Committee of Conference.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the gentlelady from Auburn in her request. We are spending millions of dollars in this state every year dealing with the results of treatment of children of which this is a part. She is giving us an opportunity to take a look at some of the causes, and I think another Committee of Conference is certainly a small step to take.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Let's not confuse the issue this morning because it is very, very clear. We are not dealing with any commission report that is going to look into the causes or the nature of child abuse. If you were, you wouldn't ask the Criminal Law Revision Commission to do it. You are talking about the criminal law and the relationship of the criminal law with the sexual offender.

If you are wondering about the study and you want to have the opportunity, the gentlelady has already done that. If you look at the Unassigned Table this morning, on Page 12 of your Calendar, Item 4, you will find a Joint Order, tabled just as all the other Joint Orders are, relative to the study of possible medical treatment alternatives to incarceration or probation for convicted sex offenders. We have a study order in. It makes absolutely no sense to put us all through another Conference Committee to ask for a study report when we already have a request for a study report sitting on our calendar every day. There is no need for it. Let's put this to rest once and for all.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I agree that there is a study order on the Unassigned Table, but we have no assurance whatsoever that that will pass. It has been tabled unassigned and we haven't any idea what is going to happen to it.

I was hoping that we could pass something very soon, that we could pass it as emergency legislation so we could work on this this summer and not wait for 90 days after the leg-

islature closes.

As I said when I talked about this once before, we have appropriated \$24,000 to make a study of the area where the Viking coin was found. That money has already been appropriated. If you remember last Thursday, the gentlelady from Lewiston, Mrs. Berube, spoke about money that we are willing to lose licensing slot machines, which we are willing to lose immediately, so certainly if money can go to close down slot machines right away and they can go to make more discoveries of Viking coins, I don't think \$5,000, which is what the committee report called for, and they might not even use that, that was just to enable our people from the commission possibly to go to other parts of the country to talk to people or maybe have them come here, I don't think that that is asking too much to protect our children.

I think the gentleman from Lisbon Falls, Mr. Tierney, knows perfectly well that this is a way to help alleviate the problem itself. He was at the hearing. I know that he was there and heard Dr. Money himself, unless he wasn't listening, but he appeared to be listening quite intently, so I know that he knows this is an area that we have had an expert come to our state, we were really pretty fortunate to have a man of his caliber willing to come here at his own expense for his concern for this terrible problem that we have in our country and we in Maine are in a position to do something about it and I think we ought to.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I did, indeed, listen to the testimony of the good Dr. Money, and in my personal opinion he is a quack.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Out of necessity, I must rise today because I was a member of that Committee of Conference, and for the gentlelady from Auburn, Mrs. Lewis, I don't recall discussing the Viking coin as I talked to members of that committee. I talked individually with each member. I talked with groups of that committee and I was finally convinced, after a few meetings, that there was no way we could pass out a favorable report.

I agree with Representative Tierney about the Joint Order. There is a route to be followed, this should be it. I don't see, with the questions raised, how we could have ever agreed. If a blue ribbon committee was picked, even if all from the good gentlelady's own county, I don't think they could agree on this one.

I urge that you defeat the motion of the gentlelady from Auburn and let us move on, bearing in mind that we only have 10 legislative days until our adjournment.

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

Mr. HOBBS: Mr. Speaker and Members of the House: The remarks that were made should in no way be taken personally by the good lady from Auburn, Mrs. Lewis. However, I think a few comments on this bill are in order at this time.

This bill purported to change the punishment for some sex offenders from that of a Class A crime up, up to 20 years under our Criminal Code, to asexualization. A male would have certain nerves removed and his penis severed and a woman would have her fallopian tubes severed. The bill gathered national attention, as you all know, as a rather controversial approach to punishment.

At the hearing we had before the Judiciary Committee, Mrs. Lewis' own witness, and expert witness, Dr. John Money, testified that the punishment operation would not eliminate the offenders misdirected sex drives, but in the case of the male would cause him to lose control of his bowels and bladder and require diapers for the rest of his life. This was the

testimony of Dr. Money.

Mrs. Lewis announced that she was no longer in support of her bill but favored a mandatory hormone treatment for offenders, as described by her witness. Mrs. Lewis offered no language for her proposal and no information as to the cost or whether this was the best or even the only such treatment. Immediately after the hearing, and as a face saver, as many thought for the good gentlelady in a substitute bill calling for a study for such treatment. Other members of the committee asked to see the draft before they voted on such a bill.

A partisan aide, who works for a party which is not affiliated with mine, rushed to make phone calls to a number of radio and television stations to report that the Judiciary Committee had voted her bill out unanimously with some amendments. In reality, however, there was no support for anything remotely resembling the bill in question. As the House Chairman of the Judiciary Committee, I announced that the press release that had been issued was improper, unauthorized and incorrect, since the committee has taken no action on the subject.

Some days later, the committee voted and was closely divided on a substitute bill. Thereafter, the House ruled that the substitute bill was not germane to the original bill. The other body passed it to be engrossed and we agreed to join in a Committee of Conference, which I opposed from the start. Four of the six conferees finally took the position that the bill "ought not to pass".

A few weeks ago, speaking before the Judicial Conference in Rockport before the judges of our state, the Judiciary Committee co-chairman, Senator Collins, called Mrs. Lewis' bill Islamic justice. It is my feeling that the present bill before us, the present issue, is a feeble remnant of what I consider and what I concur with is Islamic justice, as the good gentleman from Rockland has stated.

I urge you to not give this bill your consideration so that we may attempt to solve some of the pressing problems of our state in a constructive fashion. I urge you today to vote against it.

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

Mr. GARSOE: Mr. Speaker, I call on the House Chairman of the Judiciary to produce for me a copy of the press release issued by an aide to a party with which he is not affiliated?

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, has posed a question through the Chair to the gentleman from Saco, Mr. Hobbins, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. HOBBS: Mr. Speaker and Members of the House: I will respond to that. Unfortunately, a press aide, from the partisan Republican Office made phone calls to different radio stations stating that the Judiciary Committee had taken unanimous action on the particular bill. I can state to you two individuals from the press who received these phone calls and I will do so to Mr. Garsoe in private, and he can check and confirm, and if I am wrong, I will owe him an apology on this floor.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that the House reject the Committee of Conference Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Lewis of Auburn 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 pending question before the House is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that the House reject the Committee of Conference Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Garsoe, Gavett, Gould, Gowen, Higgins, Huber, Hunter, Hutchings, Laffin, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Martin, A.; Masterman, Masterton, Matthews, Morton, Nelson, A.; Payne, Peterson, Rollins, Roope, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley Torrey, Vincent, Wentworth, Whitemore.

NAY—Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Fillmore, Fowlie, Gillis, Gwadosky, Hall, Hickey, Hobbs, Howe, Hughes, Jackson, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Locke, MacEachern, Mahany, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Prescott, Reeves, J.; Reeves, P.; Rolde, Sherburne, Simon, Soulas, Theriault, Tierney, Tozier, Twitchell, Violette, Wyman, The Speaker.

ABSENT—Carrier, Churchill, Dow, Dudley, Gray, Hanson, Immonen, Jacques, E.; Kiesman, Lancaster, Lizotte, Marshall, Nadeau, Norris, Peltier, Post, Sewall, Strout, Tarbell, Tuttle, Vose, Wood.

Yes, 56; No, 73; Absent, 22.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

Papers from the Senate

The following Communication:
THE SENATE OF MAINE
Augusta

May 24, 1979

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

Dear Clerk Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Protect Management Personnel Where Unjustly Discharged or Involuntarily Retired." (H. P. 748) (L. D. 957)

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

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
Augusta

May 24, 1979

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

The Senate today voted to Adhere to its former action whereby it Failed to Enact, Bill, "An Act Relating to Arbitration under the State Employees Labor Relations Act." (H. P. 142) (L. D. 162)

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The Following Joint Order: (S. P. 577)

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out a bill to make additional corrections of errors and inconsistencies in the Laws of Maine to the Senate.

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:

Joan Dow of Auburn is the recipient of the 1979 Greater Portland Ad Club Silver Metal Award which recognizes an outstanding advertising person who is a credit to the profession and the community (S. P. 575)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

Ought to Pass

Tabled and Later Assigned

Report of the Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-222) on Bill "An Act to Amend the Unit Ownership Act" (S. P. 429) (L. D. 1377)

Came from the Senate with the Report read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-222) as Amended by Senate Amendment "A" (S-236) thereto and Senate Amendment "A" (S-237).

In the House, the Report was read.

On motion of Mr. Howe of South Portland, tabled pending further consideration and later today assigned.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Appropriating Funds for Abortion Procedures for Persons Otherwise Eligible under Medicaid and to Effect Substantial Savings in the Costs of Government Services" (S. P. 464) (L. D. 1410)

Report was signed by the following members:

Messrs. DIAMOND of Windham
SMITH of Mars Hill
Mrs. CHONKO of Topsham
Messrs. BOUDREAU of Waterville
JALBERT of Lewiston
KELLEHER of Bangor
CARTER of Winslow
PEARSON of Old Town

— of the House.

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

Report was signed by the following members:

Messrs. PERKINS of Hancock
HUBER of Cumberland
Mrs. NAJARIAN of Cumberland

— of the Senate.

Messrs. MORTON of Farmington
HIGGINS of Scarborough

— of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill Passed to be Engrossed.

In the House: Reports were read.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all accompanying papers be indefinitely postponed.

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gen-

tleman of the House: This early Tuesday morning, it seems somewhat unfortunate that we have to debate an issue such as this.

In the past on previous abortion bills, I have remained silent and have, in fact, not been voting either pro or con with any, shall I say, consistency. I have tried to deal with them as I felt my good conscience could be. I vote for some and against some and this is one that I guess I am going to have to lay it on the line and vote for. I know it is a touchy issue, there is no question about that, but I thought it through thoroughly and it is a tough decision and is one that we all have to make when we flick the switch yes or no.

I guess my main reason for voting for this bill today is because I feel that people, women, whether they are rich or poor, should have equal access to the opportunity for an abortion. The alternatives to a poor person, a poor woman, who is pregnant, who has an unwanted pregnancy, is a self-induced abortion or one in which they get perhaps illegally at cutrate. The other alternative would be to deprive their existing children, if they have some, of food and clothing or perhaps they would have to go and steal money to get an abortion. The third alternative, which is probably the more common is to have an unwanted child, and the chances are that that unwanted child is going to need the facilities of the state either in Mental Health and Retardation, Corrections or other such costly items. I don't mean to try to put any kind of cost or lack of cost on people's lives, but I think we ought to look at the situation that poor women place themselves and their unwanted children in the system and we all end up paying for it.

In addition to the Mental Health and Corrections cost that could be involved in one of these children, since many of these women would be young women, more chance to have perhaps a premature baby or whatever the case might be, you are actually promoting further AFDC costs, and I think that is unfortunate.

I guess my whole reasoning, as I said at the beginning, in supporting this legislation is because I feel that this is discriminatory. If there are middle class or upper class women here who are able to afford and pay for, or at least somehow get the money, it would seem to be not only economically feasible or economically beneficial for the state to allow this to happen, but it also should be a moral, at least in my definition of moral, commitment of the state to provide free access or at least access equally to the system.

I hope you would vote against the motion to indefinitely postpone so that we might accept the Minority "Ought to Pass" Report.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Scarborough mentioned that this was one of the abortion bills and I suppose you have to classify it as an abortion bill, but it really is the first bill that we have had before us which did not deal directly with abortions and how abortions can be obtained and the words and the methods and the laws prescribing how you get to that point, because this bill is a completely different bill in that it deals with the state's concern and really a human concern, a fundamental human concern, and that is discrimination because a woman does not have the ability to pay for an abortion.

We have dealt favorably with the concerns of those who wish to circumscribe the legal medical procedure. We have dealt with viability, we have dealt with informed consent, we have dealt with parental notification, and all of these have been dealt with favorably by this House, presumably by the legislature. So, we have created through law a situation where the safeguards surrounding the commencement of this legal procedure are as stringent as we can make them.

After all this, the legal medical procedure, based on the free choice between a woman and her doctor, can go forward legally in the State of Maine. This bill, L. D. 1410, merely provides that the funds for persons otherwise eligible under Medicaid. The guidelines have already been set up, the screening has been done, these people have been determined to be needy people. Would we deny them the right to have this legal medical procedure arrived at after all of the possible concerns have been met, concerns that this House has decided were legal concerns? Would we then turn around and take away from them the privilege of going through with this procedure and having it paid for by the state if they can't afford it? If they have already been determined by Medicaid rules to not be able to afford it, is that fair? Is that the kind of fairness that this House, this legislature, wants to put forward today? I certainly hope not.

There is a great deal of information about the medical concerns or delays in abortion. I am prepared to go into that but I won't at this point in time. All I want you to think of right now is the fairness of it. That is the issue. It is a legal procedure, we have circumscribed it to the best of our ability. I am asking you, would you take it away from poor women? That is what you would be doing if you vote yes. Therefore, I urge you to vote no on the motion of the gentleman from Lewiston, Mr. Jalbert, that we indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Scarborough, Mr. Higgins, mentioned the word conscience. Occasionally, a bill comes before us which reminds me that at least I do have a conscience and this bill is one of them.

There is at least one sound that is more precious to me than the ring of a cash register, and that is the sound of a cry of a newborn baby. In the 33 years that I have served in this House, L. D. 1410 is the most hard-hearted attempt I have seen to place dollars and cents over human lives.

In 1977, the United States Supreme Court said that although we must tolerate the killing of unborn children until they are viable, we are under no obligation to pay for it and it is killing. In the legal sense, it is not murder but it is killing, and I don't want the taxpayers' money going for this.

It may be argued that it may be wrong to bring the child into the world if its parents are on poverty, but right to decide, before the fact, that a given person's life will not be worth living, nor can it delegate that choice to a private party. Many people, indeed, undoubtedly some members of this House, have overcome a poor economic background to lead self-fulfilling and productive lives.

If we adopted this "kill now, ask questions later" attitude, who would be next on the list? The ill, the old, the disturbed, the retarded, the handicapped? Who would come after that? Would this "final solution to the welfare problem" be applied to the unemployment problem as well?

What more inhumane statement could the State adopt than a public policy to say that it is cheaper to abort the children of the poor than to bring them up in welfare? This can have appeal only if we try to reduce human existence to a purely material level, only if we see one another, and ourselves, as nothing but systems of matter in motion. If we think of ourselves as something more than robots, we must reject this general idea, and L. D. 1410 along with it.

But the bottom line on this aspect of the issue is that if the proponents of abortion on demand are so interested in funding abortions for poor women, why don't they take their own money and pay for them instead of lobbying us to use the people's money for it? Why do they insist on

implicating the state in their own inhuman cost-benefit analysis approach to human reproduction?

Now, people will say that there is no reason why we should object to the taxpayers' money going to fund abortions because pacifists pay taxes that support defense programs and Christian Scientists pay taxes that support Medicare and Medicaid. But this response is inadequate on at least two counts.

First, it is clear that a majority of our people believe in defense programs and public health plans. It is simply a consequence of majority rule that some individuals end up paying for programs they oppose. But we are here today, as representatives of the people, to determine what the policy of this state will be on public funding of abortions. If we believe that the majority of our people are conscientiously opposed to such funding, that is a perfectly adequate reason to vote against it. The notion that minorities of conscientious objectors should not have a veto on public policy does not mean that a majority should not be able to prevent the enactment of laws to which they are conscientiously opposed.

Second, national defense can only be provided by the government. There is no way that private groups could successfully defend themselves against the Russians, the Chinese, or anyone else who might pose a threat to our collective existence. Furthermore, we have decided as a society that some health-care services are best administered by the government, largely because of its power to tax and the fact that we have payroll deductions for income tax purposes anyway.

Abortion funding is different in that it is a much smaller and more specialized activity than national defense or Medicare. There is no reason why individuals who believe in abortion can not contribute \$180,000 of their money to a pro-abortion organization, with the understanding that it will pay for abortions for poor women. Unlike the situations of national defense and Medicare, there is no reason why the government must assist in the process.

Some people will probably say that this issue has too much religious bias attached to it. But I don't care what religion you are, or how religious you are, or whether you are religious at all, there is no way that you can justify morally or philosophically putting a price tag on human life.

And that is precisely what this bill does. Just look at the title: "An Act Appropriating Funds for Abortion Procedures for Persons Otherwise Eligible Under Medicaid and to Effect Substantial Savings in the Costs of Government Services."

It makes a glittering promise of saving "at least \$4,000,000 per year in the escalating costs of government spending."

One would think that the people who are pushing this bill had only two things on their minds: abortion, and saving money and doing the one by means of the other.

If we let this one go by, the next step will be to cut off welfare to women who don't have abortions. Why not? It's the same idea. It's saving the taxpayers' money. And we're all for that. But, Mr. Speaker, I'm not interested in saving money at the cost of innocent human lives.

If we want to save money on AFDC, why don't we chase down the husbands who are living on AFDC. Make them pay.

Mr. Speaker and members of the House, my indignation at this bill is not confined to the notion of killing unborn children to save money. A true and honest effort would have been to ask for more money for sex education, and the general administrative costs of family planning services. But instead, we get one more abortion bill, and this is the biggest abortion bill I've seen since I've been here.

I hope my motion prevails.

The SPEAKER: The Chair recognizes the

gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: Abortions did not originate with the Supreme Court decision. Abortions did not originate in this decade or even in this century. Abortions have been performed in the State of Maine for many years more than the gentleman from Lewiston has served in our legislature. Abortions have always been available to the wealthy and generally denied to the poor.

I ask the good gentleman from Lewiston, what does he suggest for the victim of incest? What does he suggest for the victim of rape if she cannot afford an abortion? What does he suggest for the poor person with the unwanted pregnancy? I suggest that this has become necessary. This bill has become necessary to the evolution of medical practices and the financing of medical practice in our country and in our state.

I hope that you would vote to defeat the motion.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I think that this morning I can put my voting record on the line with any member of this House in voting for programs for poor people. I will put my record voting for poor women and poor families against anyone in this House, and if they want to challenge me this morning, I will be glad to do so.

I have always supported programs for those less fortunate than ourselves. I have supported AFDC payments. I have supported all kinds of programs to help those people. I am proud to say that today, even though some people in my community have said a few words that I have turned a little too liberal when it comes to the poor people of this State. Well, I don't think so. You know why, because I think it is right to help poor people. But today I would rather spend money to raise that child, rather than spend it on that mother to have an abortion, so that child could live in our world today.

I have known many poor children in my community without a father. One is a medical student at a western college and the other one is a captain in the Marine Corps in Okinawa or some Pacific Island—poor, but believe you me, they have made something of themselves. Killing unborn children is just an excuse for killing. I was going to say another word but I have been advised not to use that word on the floor of this House, so I will not say it.

I think this morning that we are talking about a very, very important issue. You know, I don't have to stand before you—I have all kinds of information here, I have all kinds of information that has been passed out. I don't need that to tell you what is right. I don't need that for the simple reason that we know that abortion is wrong. Abortion is killing a human being. Being poor is no excuse for killing, and being rich is no excuse for murder.

I can only ask you today to do what is right. I can ask you today because I know what is right. Giving a child a chance to live in this world is the most important thing that this legislature could do. That is important because each and every person, regardless of race and color and creed, we all have that constitutional right to live in this world. That is what made this country so great. Sometimes I think that certain groups are trying to destroy our heritage, but I know we will win because, you know, we here in Maine, our people are always the strongest when the going is the toughest.

I know today that if we authorize paying for killing of little babies, it is probably one of the greatest injustices that this legislature can ever do. I would pay dearly in my taxes to see that that child has the right to live. I would pay his mother and I would pay for his education through my taxes, because I know that is what is right.

I have heard so many people say to me, why

keep the child if he is not wanted?

They are poor. It is no disgrace to be poor, but it is a disgrace to kill human beings.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Barry.

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: To clarify the good gentleman from Wiscasset, Mr. Stetson, under current law, under current federal guidelines, through the Hyde Amendment Medicaid abortions are performed in the cases of rape, incest, life of the mother or severe long-lasting physical health damage to the mother. So, in the State of Maine abortions are performed for these reasons.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I had every intention of speaking on this issue today because what I see this issue as, is one medical rights—Medical rights.

You know, I had a conversation with a friend of mine last weekend. He suggested perhaps that I put in a bill whereby you would only get Medicaid payments if you could afford to pay your bill. That doesn't sound very logical. Well, I suggest that cutting poor women off from Medicaid payments is not very logical.

I am directing these comments—not that I expect I am going to get most of you people to listen to what I have to say, I just wanted to get them on the record because I happen to feel very strongly about the issue of medical rights and a person's availability to get to see a doctor and to see that it is paid for.

I had a very interesting conversation when I was running for election with a member of the clergy. We discussed this issue at quite some length. I brought up the fact that what happens to a woman when she can not get this particular abortion under safe conditions, what would happen if she wound up going to a butcher in some back alley and dying? His answer was, "that is irrelevant." My point is, that is precisely the issue. I am concerned about the life of the mother, I am concerned about what is going to happen to her if she is forced to go to some of these butchers in some of these back alleys and don't kid yourself, it happens, and that is death.

I would like to deal with another issue here that really bothers me. I feel we get often into debating the issues of theology. You know, we talk about when does life begin? When does the soul enter the human body? I think theologians debate that constantly. I really can't say, I am not about to, I am not a theologian. There are different points of view on that. Some say the soul enters the body at such and such a time; some say it enters the body upon birth. So, I really don't think this body should be in the business of trying to legislate a theological position. I am afraid that is what we do when we deal with this issue.

There is something else that I wanted to bring up too. The good gentleman from Lewiston talked about the majority of people favoring defense spending. There was a survey taken and announced on MTDM sometime last week in which it said that the majority of the people favor Medicaid funding for abortion purposes, roughly 70 percent. I think the survey was taken by Redbook.

Last, I am going to something very disgraceful, I am going to read a section from the Democratic Party Platform. In Chapter 8, Section 81, they support the right of all women, regardless of income status, to have medically safe abortion procedures. Now, I realize that is very disgraceful because, after all, you are not supposed to bring up something like this in the legislature. Politicians are never known to run on their platforms, always away from them. I have said that many many times before. But I think there is an indication that there is another sentiment out there that is not being listened to. That sentiment obviously voiced itself

within the political process.

I am really afraid that someday we will have a national health service in this country and we are going to start denying people their right to see a doctor and get the adequate medical care they need because we find some objection to the type of care that they need and seek. That bothers me.

I realize some of the things I have said today are not very popular, you are going to be very upset that I said them, but I had to say them, and as long as I am involved in this process, I am going to say them.

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

Mr. CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: In response to some of the things that my good friend and colleague Mr. Baker brought up, I wouldn't be at all ashamed to bring those things up and I commend you for doing that. I think we ought to bring everything out in the open. I think you should be very proud of yourself for doing that.

I talked to Commissioner Petit and I wrote up a letter here and I asked him to answer a few questions for me in regards to this particular issue. I just wanted to relay those things to you. Unfortunately, I didn't have enough time to have one placed on everyone's desk. My main concern for asking the commissioner for these particular questions was in direct reference to this bill. The first question was: When the Department of Human Services started funding elective abortions several years ago was there a substantial savings realized within the year?

The Commissioner's response was: When this Department started funding elective abortions, we did not realize "substantial" savings in either our AFDC or General Assistance programs.

Then I asked him another question: When the Department stopped funding elective abortions in 1977 in accordance with HEW regulations established by the Hyde Amendment, was there a substantial increase in costs of related government services within the year other than the ordinary rise in costs?

His response was: We experienced no "substantial" increase in our AFDC or General Assistance program costs when the Department ceased paying for elective abortions.

I asked him another question: What is the cost per year of one woman with one child receiving AFDC, food stamps and Medicaid?

The total state-federal cost per year for one year for one woman with one child was—for AFDC, \$2,340; for food stamps, \$1,260; and for Medicaid, \$1,140. Now, that is for one woman with one child.

Then I asked him, what is the percentage of federal funds involved in AFDC? What is the percentage of federal funds involved in food stamps and what is the percentage of federal funds involved in Medicaid?

The answers were: For AFDC, 69.74 percent; for food stamps, 100 percent of bonus stamp value; for Medicaid, 69.74 percent.

Since federal funding of abortions has been restricted to only those cases involving the life and health of the mother or rape or incest, I asked him if I was correct in assuming that the funds requested by this bill are entirely state funds.

The answer was, you are correct, that federal regulations restrict federal financial participation in funding of abortions performed where the life or health of the mother is at issue or rape or incest. The funding of abortions other than for those reasons listed above would require 100 percent state funds.

I don't want to get emotional about this, and I hope that I didn't. I just wanted to bring out to you some facts that I think you should have heard.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to deal with this fairness argument, if we could for a minute. Some of my conservative friends in the House argue that we have to pass this bill to be fair to the poor people. Well, I guess the only way I would consider it being fair to taxpayers, if you are going to use their money, is to fund everybody's abortion. I know a lot of middle income people who aren't eligible for Medicaid that don't have \$200 to get an abortion. So I don't understand this argument that the legislature or the state owes these people an abortion because they are poor. I will bet you there are many people here who can think of women in their communities who have four or five kids and a husband who works at the shoe shop or papermill. She can't scratch up \$200 or \$250 to get an abortion, so why should the state pay for poor people's abortions? I don't really buy that argument. If you want to be fair, I guess you would have to be in favor of funding everybody's abortion, whether they be middle income, low income or wealthy.

I am also interested in the arguments on the fairness issue. Let's talk about other things. I don't necessarily think everybody is equal. There are a lot of things wealthy women can do that poor women can't do, unfortunately, but that is the way it is. There are some people in this hall that can probably go to Florida for two weeks in the middle of the winter, there are some that can't.

The argument of fairness—I hear some of my more conservative friends on the Appropriations Committee talking about fairness. Well, we talk about issues of fairness every day, whether it be educational opportunity, employment opportunity, and I would suggest that if you check those people's voting records, they tend to come down on the conservative side of all those issues. So why all of a sudden on abortions it is so important for us to be fair and treat everybody equally?

You know as well as I do that the resources of society aren't divided up equally, and to make the argument that the state should fund abortions is really beyond my idea of what we should or shouldn't be doing in state government.

I hope you will vote for Mr. Jalbert's motion.

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

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: This is a very emotional issue, but I would like to say a few words here. When I watch the news on TV and I see that 270 people got killed in an accident, plane accident, that bothers me. When I see people get killed in the Middle East, that bothers me. Nothing is more upsetting to me than this whole idea of abortion. At least all these other people I have spoken about have at least had a chance. When you speak of abortions, you are talking about preventing lives, young babies that will never have a chance. But the courts have rules that that is all legal, so there is not very much I can say about that. I have to live with it.

Now we are talking about an entirely different situation, you are talking about something that I don't have to live with. We are finding excuses here to fund abortions. It is already funded by Medicaid to a certain degree, and now we are trying to find excuses why we should fund it some more. There were two reasons clearly stated here this morning, one was by Representative Baker, medical rights. Well, every woman right now who wants to have an abortion has the medical right to get one. The courts have said so. Just don't ask me to pay for it. That is all I am saying.

The second reason, we are talking about welfare here. The reasons stated why we should allow abortions are incest and rape, deformed children, and now we are adding a new one, to save money for welfare. I am just asking, when are we going to stop this or are we just going to keep on going?

I would hope that we would indefinitely postpone 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. 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 Portland, Mr. Baker.

Mr. BAKER: Mr. Speaker, just very briefly, I would like to address one point to the gentleman from Waterville. As you all know, I favor a national health insurance program, I believe both parties favor some kind of program, but we get that kind of program in which all our medical benefits are taken care of through a comprehensive insurance plan, I am afraid we have to do something to help poor people.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to the debate very carefully this morning, and although the economic arguments are valid arguments, I think the important ones still go beyond them.

The gentleman from Lewiston, in his prepared remarks, got into the killing syndrome, and while I regret that terminology I accept the fact that it is there, but I would state that I have pretty good information right here, it is in the New England Journal of Medicine and it is prepared by a Lawrence M. Burger, M.D., from the University of Washington, statistics studied very carefully, and I would quote:

"Denial of public monies for legal abortions will result in excess maternal deaths, no matter what alternatives a woman chooses." It is just as simple as that. "Mortality in pregnancy and childbirth is greater than a legal abortion, regardless of maternal age or race. Delay in obtaining legal abortion, means exposure to increased risk of death associated with advancing gestational age. For instance, there is a 50-fold increase in maternal deaths for abortions performed at 16 weeks as compared to 9 weeks." So it is very obvious that delay is very important. And for women who resort to illegal abortions, there is a 100-fold increase risk as compared to early legal abortions.

So, if you are talking about killing, let's balance it out a little bit.

I, too, am concerned with the life and health of the mother. I think that is important. I think we have progressed in our society to a point where the quality of life is important, and that is one of the reasons why I have always stood for free choice.

The gentleman from Lewiston mentioned the words 'abortion on demand.' I would point out to you that that is an incorrect combination of words. I have said it before and I will say it again—it is not abortion on demand, it is abortion of a woman in consultation with her physician.

He says, "Why insist on state involvement." We are not insisting on state involvement. Again and again and again I must say that it is a matter of choice. No one is being required to have an abortion. We are merely making it possible for someone to make that legal choice, and that is all that is being asked here, is that a woman who cannot afford it should not be required, if she chooses to have an abortion, to go somewhere other than a good, medical, legal procedure.

The point has been made that we should perform abortions for everybody. Well, that is a little bit ridiculous on its surface, because we don't perform appendectomies and a lot of other things for everybody.

We have decided in this country that we will

put guidelines around the eligibility for medical services, and those Medicaid guidelines are in place, as I said before.

I guess finally I have got to finish this because I realize it is not going to change many votes, probably none, but I am still talking about the fairness, and I guess the ultimate fairness, as I see it, is that those who honestly get up here and talk about opposing abortions as such, and they have no right to tell me whether or not I do oppose abortion, because they don't know and I have never had to make that decision, that is not the point. The point is, it is a legally accepted, free choice, and the bottom line should not be that someone else's ideas, such as those of the Representative from Westbrook, should be imposed upon others. The imposition of ideas is not the function of this legislature and we should never forget that as we attempt here to provide for poor women a legal procedure, and I certainly hope you defeat the motion to indefinitely postpone.

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

Mr. SIMON: Mr. Speaker and Members of the House: In response to the comments of the good gentleman from Farmington, Mr. Morton, it was predicted that after Congress adopted the Hyde Amendment, there would be a blood bath, that the back alley butchers would get into the action and the life and health of poor, pregnant women would be endangered. However, a study by the Center for Disease Control of the Department of Health, Education and Welfare, dated February 2, 1976, revealed that in the thirteen states studied, no abortion deaths had resulted from illegal abortions and no rise in complications related to abortions had been found. I think that that pretty much takes care of the life and health argument.

With respect to the fairness argument, there are many constitutional rights that we do not pay for people to exercise. If I believe that the gentleman from Wiscasset, Mr. Stetson, should be on the Supreme Court, I have a perfect right to say that, but neither this legislature nor the Congress of the United States has an obligation to pay for TV time for me to say that.

I think the fact that this particular right has been singled out for funding in order to save money gives the lie to the fairness argument. This is a cost effectiveness bill, it is a cost effectiveness bill pure and simple, and I hope that you will vote yes on Mr. Jalbert's motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I won't take very long, but there are some words that have been spoken before that can't be spoken here today, and I would like them to appear on the record and to have whatever influence on you they may.

First of all, I will like to quote the Honorable William G. Milliken, the Governor of Michigan, a man who has twice vetoed language which would prohibit a full-run equal access to abortions. This is what he had to say.

"Using Medicaid funds to reimburse abortion costs is comparable to using tax monies to protect any other legal right in society. Property rights are protected through public safety and law enforcement expenditures. The right to education is assured by funding our public schools. The right to necessary medical services is assured through the Medicaid and Medicare programs. How meaningful are these rights without funds to assure that individuals have access to them?"

"The Medicaid statute provides for federal and state sharing of the costs of necessary medical assistance to the needy; it includes various benefits in individual states. Opponents of such public funding for abortions argue that abortions are merely conveniences, that they are not medically necessary and should not therefore be funded. But, clearly, pregnancy is

a health condition that requires medical attention. Prenatal care and medically supervised delivery are necessary if the pregnancy is to be brought to term safely. If the pregnancy is to be safely terminated, an abortion should be performed by a skilled medical practitioner under sanitary conditions. Neither choice can be deemed more necessary than the other. Since Medicaid coverage includes reimbursement for full-term deliveries, failure to provide funding for legal abortions restricts the choice of the poor woman to bearing an unwanted child.

"Once the government decides to pay for medically necessary health services for the needy, it departs from its position of neutrality by deciding to fund or not to fund a particular health service. It would be wrong to require needy women to obtain abortions, and it is no more right to prohibit them from obtaining abortions."

Back in 1977, when the Supreme Court made a decision on the federal level to stop funding abortions other than to save the life of the mother and in cases where two physicians determine serious health effects would take place, and in cases of proven rape or incest, the Hyde Amendment, this is what the Supreme Court Justice Thurgood Marshall dissenting in that Supreme Court decision, had to say.

"The impact of the regulations restricting public financing of abortions for the indigent falls tragically upon those among us least able to help or defend themselves. As the Court well knows, these regulations inevitably will have the practical effect of preventing nearly all poor women from obtaining safe and legal abortions. . . . The enactments challenged here brutally coerce poor women to bear children whom society will scorn for every day of their lives. . . . I fear the Court's decisions will be an invitation to public officials, already under extraordinary pressure from well-financed and carefully orchestrated lobbying campaigns, to approve more such restrictions. The effect will be to relegate millions of people to lives of poverty and despair. When elected leaders cower before public pressure, this Court, more than ever, must not shirk its duty to enforce the Constitution for the benefit of the poor and powerless."

What about those public officials, what about me? Well, let me give you two more examples of what public officials on the federal level have done. The first statement I am going to read is that of Senator Edward Kennedy.

"In those cases of genuine medical necessity, the availability of abortions is equally important for all women—regardless of economic status. The Hyde Amendment," under which Maine operates, I might add; "applies only to the poor, the most powerless segment of our society. The Hyde Amendment would impose upon them a standard no other woman would have to live up to. We know what the effects will be on these women, thousands of medical complications," yes, thousands, and many deaths. This is a burden that most of the women in this country do not carry. It is a burden that Medicaid recipients should not carry."

I have told you what some fairly thoughtful people have had to say on this issue. I don't have much to add, just two quick thoughts—one is that they can only stop paying for them. Secondly, yes, Mr. Carter and Mr. Boudreau, life may not be fair but laws should be.

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

ROLL CALL

YEA — Aloupis, Barry, Beaulieu, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Call, Car-

rier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Cunningham, Curtis, Damren, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowle, Gavett, Gillis, Gwadosky, Hanson, Hickey, Hobbins, Hunter, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Paradis, Paul, Payne, Pearson, Peterson, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sherburne, Silsby, Simon, Smith, Soulas, Stover, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Violette, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY — Austin, Bachrach, Baker, Benoit, Berry, Bowden, Brannigan, Brenerman, Brown, K. L.; Bunker, Connolly, Cox, Davies, Davis, Dellert, Dow, Fenlason, Garsoe, Gould, Gowen, Hall, Higgins, Howe, Huber, Hughes, Hutchings, Jackson, Kiesman, Lougee, Lund, Masterton, Morton, Nelson, M.; Norris.

ABSENT — Gray, Immonen, Peltier, Sewall, Strout, Tarbell, Vose.

Yes, 103; No, 41; Absent, 7.

The SPEAKER: One hundred three having voted in the affirmative and forty-one in the negative, with seven being absent, the motion does prevail.

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

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

The SPEAKER: The gentleman from Old Town, Mr. Pearson, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill was indefinitely postponed. All those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Establish Special Retirement Provisions for CETA Employees" (Emergency) (S. P. 68) (L. D. 809) on which the Bill and accompanying papers were indefinitely postponed in the House on May 23, 1979.

Came from the Senate with that body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-201) in non-concurrence.

In the House: On motion of Mrs. Berube of Lewiston, the House voted to insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act Amending the Claim Period Provision of the Workers' Compensation Act" (H. P. 706) (L. D. 881) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-450) Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-450) in the House on May 23, 1979.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act to Provide a Grant to Commu-

nity Health Services, Inc., for a Long-term Care Demonstration Project" (H. P. 1087) (L. D. 1343) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-390) Report of the Committee on Health and Institutional Services was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-390) as amended by House Amendment "B" (H-455) thereto in the House on May 22, 1979.

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

In the House: On motion of Mrs. Prescott of Hampden, the House voted to insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act Pertaining to Motor Vehicles Passing Stopped School Buses" (H. P. 1041) (L. D. 1278) (S. "A" S-188 to H. "A" H-368) which was passed to be Enacted in the House on May 23, 1979.

Came from the Senate, Failing of Passage to be Enacted in non-concurrence.

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

By unanimous consent, ordered sent forthwith to the Senate.

Orders

Tabled Unassigned

On motion of Mr. Higgins of Scarborough, the following Joint Order: (H. P. 1435) (Cosponsors: Mr. Diamond of Windham, Senator Gill of Cumberland and Miss Brown of Bethel)

WHEREAS, ambulance services perform a vital and essential function, especially in rural communities of this State; and

WHEREAS, licensing standards for these services should be consistent and definite so as not to interrupt performance; and

WHEREAS, some ambulance services wishing to provide emergency care or transportation have been frustrated by changing standards for licensing; and

WHEREAS, the Revised Statutes, Title 32, section 73, authorizes the Department of Human Services, with the help of an advisory board, to adopt rules and regulations for licensing of ambulance services and ambulance personnel; and

WHEREAS, pursuant to a regulation, the department has entered into a relationship with Medical Care Development, Inc., a private entity, in order to implement other regulations, possibly including licensing regulations; and

WHEREAS, part of the relationship with Medical Care Development, Inc., involves the receipt of federal and state funds; now, therefore, be it

ORDERED, the Senate concurring, subject to the council's review and determinations hereinafter provided, that the Joint Standing Committee on Health and Institutional Services and the Joint Standing Committee on Appropriations and Financial Affairs, or any subcommittee or subcommittees which they may designate and which may include one non-member legislator to be designated by the unanimous vote of the chairpersons of those Joint Standing committees, shall study the present operations and programs of Medical Care Development, Inc., the feasibility of restructuring the present law relating to the licensing and testing of ambulance service and ambulance personnel to eliminate the uncertainty and confusion that results from constantly changing standards and shall study the necessity and propriety of delegating responsibility in this area to private sector entities or persons; and be it further

ORDERED, that the committees report their findings and recommendations, together

with all necessary implementing legislation in accordance with Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 109th Legislature; and be it further

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

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

The Order was read.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage.

Tabled Unassigned

On motion of Mrs. Kany of Waterville, the following Joint Order: (H. P. 1437) (Cosponsor: Senator Ault of Kennebec)

WHEREAS, the conflict of interest laws relating to state employees have been a subject of controversy; and

WHEREAS, these laws are vitally important to the integrity of State Government and to the interests and actions of potential, present and former state employees; and

WHEREAS, they raise complex questions on the interaction of the public and private sector and the necessary and appropriate safeguards of the valued reputation of Maine State Government; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that a Joint Select Committee on Government Ethics be directed to study possible changes in the statutes governing conflicts of interest for state employees, and to study in particular, the subject of the bill L. D. 1223, "An Act to Clarify Executive Conflict of Interest," as introduced in the First Regular Session of the 109th Legislature; and be it further

ORDERED, that the Joint Select Committee shall consist of 3 members of the Joint Standing Committee on State Government and 3 members of the Joint Standing Committee on Judiciary, one Senator and 2 Representatives from each committee, to be appointed by the President of the Senate, for Senators, and the Speaker of the House, for Representatives; and be it further

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

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to the Chairmen of the Joint Standing Committee on State Government and to the Chairmen of the Joint Standing Committee on Judiciary, and to the Commission on Governmental Ethics and Election Practices.

The Order was read.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage.

House Reports of Committees Ought Not to Pass

Mrs. Post from the Committee on Taxation on Bill "An Act to Relieve Resident Recipients of Maine State Retirement System Allowances from Maine State Income Tax on Those Allowances" (H. P. 324) (L. D. 405) reporting "Ought Not to Pass"

Mrs. Post from the Committee on Taxation on Bill "An Act to Reduce the Residency Requirement for Certain Disabled Veterans' Property Tax Exemptions from 10 to 2 Years" (H. P. 570) (L. D. 718) reporting "Ought Not to

Pass"

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Index the Maine Individual Income Tax Structure" (H. P. 769) (L. D. 975) 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. Fowle from the Committee on Marine Resources on Bill "An Act to Suspend the Marketing Activities of the Department of Marine Resources for Fiscal Year 1979-80" (H. P. 1244) (L. D. 1493) reporting "Leave to Withdraw"

Mrs. Huber from the Committee on Energy and Natural Resources on Bill "An Act to Create the Office of Appropriate Technology and Native Resources" (H. P. 1085) (L. D. 1465) reporting "Leave to Withdraw"

Mr. Kiesman from the Committee on Energy and Natural Resources on Bill "An Act to Establish the Aquifer Protection Act" (H. P. 521) (L. D. 664) reporting "Leave to Withdraw"

Mr. Carroll from the Committee on Transportation on Bill "An Act Concerning Rules and Regulations Governing the Inspection of Motor Vehicles" (H. P. 918) (L. D. 1123) reporting "Leave to Withdraw"

Mr. Carroll from the Committee on Transportation on Bill "An Act Providing Permanent Licensure of Automobile Inspection Mechanics" (H. P. 900) (L. D. 1205) reporting "Leave to Withdraw"

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Increase the Income Limitation for Eligibility under the Elderly Householders Tax and Rent Refund Act and Low Cost Drug Program" (H. P. 290) (L. D. 354) reporting "Leave to Withdraw"

Mr. Twitchell from the Committee on Taxation on Bill "An Act Exempting Solid Waste Fuel-burning Facilities from Certain Taxes" (H. P. 568) (L. D. 716) reporting "Leave to Withdraw"

Mr. Immonen from the Committee on Taxation on Bill "An Act to Adopt the Multistate Tax Compact" (H. P. 569) (L. D. 717) reporting "Leave to Withdraw"

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Provide a Homeowner State Income Tax Credit for Installation of Energy-saving Solar Devices" (H. P. 853) (L. D. 1053) reporting "Leave to Withdraw"

Mr. Cox from the Committee on Taxation on Bill "An Act to Amend the Jobs and Investment Tax Credit Law" (H. P. 1103) (L. D. 1387) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Taxation on Bill "An Act to Exempt Historical Societies and Museums from State Sales Tax" (H. P. 356) (L. D. 451) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Taxation on Bill "An Act Exempting Incorporated Non-profit Speech and Hearing Institutions from Sales Tax" (H. P. 112) (L. D. 120) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Marshall of Millinocket, Recessed until the sound of the gong.

After Recess 12:05 P.M.

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions" (H. P. 1051) (L. D. 1302)

Report was signed by the following members:

Mr. FARLEY of York — of the Senate.

Messrs. HALL of Sangerville

BERRY of Buxton

TIERNEY of Lisbon

STUDLEY of Berwick

Ms. BENOIT of South Portland

Mr. NADEAU of Lewiston

— of the House.

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

Report was signed by the following members:

Mr. PIERCE of Kennebec

— of the Senate.

Mr. GOULD of Old Town

Mrs. WENTWORTH of Wells

Ms. SMALL of Bath

Mrs. SEWALL of Newcastle

— of the House.

Reports were read.

On motion of Ms. Benoit of South Portland, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Later Today Assigned

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act Regarding Laws Relating to Town Lines" (H. P. 1281) (L. D. 1534)

Report was signed by the following members:

Messrs. REDMOND of Somerset

COTE of Androscoggin

EMERSON of Penobscot

— of the Senate.

Mr. DRINKWATER of Belfast

Mrs. WENTWORTH of Wells

Messrs. BRODEUX of Mount Desert

LaPLANTE of Sabattus

STOVER of West Bath

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-507) on same Bill.

Messrs. L. DUTREMBLE of Biddeford

McHENRY of Madawaska

NELSON of Roque Bluffs

McMAHON of Kennebunk

BROWN of Livermore Falls

— of the House.

Reports were read.

On motion of Mr. LaPlante of Sabattus, the Majority "Ought Not to Pass" Report was accepted.

On motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action whereby the Majority "Ought Not to Pass" Report was accepted.

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Create a Class of Security Guards with Limited Powers of Arrest" (H. P. 1030) (L. D. 1312)

Report was signed by the following members:

Messrs. SHUTE of Waldo

COTE of Androscoggin

FARLEY of York

— of the Senate.

Messrs. DELLERT of Gardiner

VIOLETTE of Van Buren

MAXWELL of Jay

DUDLEY of Enfield

McSWEENEY of Old Orchard Beach

— of the House.

Minority Report of the same Committee re-

porting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. CALL of Lewiston
SOULAS of Bangor
Ms. BROWN of Gorham
Mr. STOVER of West Bath
Miss GAVETT of Orono

— of the House.

Reports were read.

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

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

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late and I will be brief. This was my bill and it was put in to create a new class of security guard, one that could protect certain premises with the use of firearms and also have limited powers of arrest, which current security guards do not have. It would be an optional type of operation if a security company wished to have this type of security guard. He would just go through the training procedures and have firearms training for the individual and the person would be licensed and would then have limited powers of arrest to protect property like the Bangor International Airport, some of the ferries and places of that nature, which they currently do not have.

This would be strictly up to the company involved as to whether they wanted to enter into this procedure or not. They could continue on as they do and just have the plain security guard, who has no powers of arrest and carries firearms only with a license to carry a concealed weapon but has no firearms training as such, unless he chooses to do it voluntarily.

So this would be an optional type of mechanism. It would be something that would allow a better type of security guard, in my opinion and would allow someone to protect some of these premises which are required by federal law to have armed security guards with powers of arrest.

All the training cost would be borne by the company, there would be no cost to the State of Maine.

I would ask for a division on this particular motion.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. I will just give you the rational of the majority of the committee voting "ought not to pass". It was felt that this particular bill created a new class of officers with powers that we felt were in excess of what they needed and felt that this new class of officers was just not needed.

I would hope that you would vote to accept the "ought not to pass" report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Van Buren, Mr. Violette, that the 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.

Whereupon, Mr. Violette of Van Buren 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. All those desiring a roll call will vote yes; those opposed will vote no.

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

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

Mrs. KANY: Mr. Speaker, I would like to pose a question through the Chair to anyone

who may care to answer. That is, why couldn't these people be deputized? That is what we have done in Waterville with security officers at Colby College. I would just like to have someone answer that.

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

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

Mr. SILSBY: Mr. Speaker, in response to the gentlelady's question, they can be deputized at the present time. However, there is a springing up a—greater need for this type of individual today, and it is kind of an awkward thing to deputize a number of people such as needed at the Bangor International Airport or at the Bar Harbor Ferry Terminal, for example. They also can be constables, too, but they don't have the specialized training that the proponents of this legislation feel that they should have. And in that regard, I might say that the principal proponent is a security company. He is interested in better security service. He is not trying to capture the market. He is only interested in a voluntary type of program that will increase the service of this nature and will also make it more responsible to the public.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Van Buren, Mr. Violette, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, D.; Carroll, Carter, D.; Chonko, Cloutier, Cox, Cunningham, Curtis, Davies, Dellert, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Gould, Gowen, Gwadosky, Hall, Howe, Huber, Hughes, Jackson, Jacques, E.; Jacques, P.; Jalbert, Kane, Kany, Kelleher, Kiesman, Lancaster, Leighton, Lizotte, MacEachern, Mahany, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Paradis, Paul, Pearson, Prescott, Reeves, P.; Rolde, Sewall, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Wentworth, Wood, Wyman.

NAY — Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, A.; Bunker, Call, Carrier, Carter, F.; Conary, Damren, Davis, Dexter, Dow, Drinkwater, Fenlason, Fowlie, Garsoe, Gavett, Gillis, Hanson, Hickey, Higgins, Hobbins, Hunter, Hutchings, Joyce, LaPlante, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Martin, A.; Masterman, Masterton, Matthews, McMahon, McPherson, Nelson, A.; Nelson, N.; Norris, Payne, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Simon, Small, Smith, Soulas, Stetson, Stover, Studley, Torrey, Tozier, Whitemore.

ABSENT — Brown, K.L.; Brown, K.C.; Churchill, Connolly, Dudley, Gray, Immonen, Marshall, Peltier, Post, Sprowl, Strout, Tarbell, Vose.

Mr. Laffin of Westbrook was excused from voting pursuant to Joint Rule 10.

Yes, 73; No, 62; Absent, 14; Excused 1.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-two in the negative, with fourteen being absent and one excused, the motion does prevail.

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Consent Calendar

First Day

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

(H. P. 710) (L. D. 863) Bill "An Act Converting the Unorganized Township of Edmunds into the Town of Edmunds" (Emergency) Commit-

tee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-513)

(H. P. 206) (L. D. 254) Bill "An Act to Amend the Law Relating to the Maine Milk Tax Committee" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-514)

(H. P. 795) (L. D. 1002) Bill "An Act to Encourage Industrial Cogeneration and Small Power Production Facilities Using Renewable Sources of Energy" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-519)

(H. P. 1195) (L. D. 1472) Bill "An Act to Facilitate the Licensing of Small Hydroelectric Generating Facilities" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-520)

(H. P. 1248) (L. D. 1504) Bill "An Act to Revise and Correct Provisions of the Administrative Procedure Act" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-522)

(S. P. 243) (L. D. 692) Bill "An Act to Amend the Maine Consumer Credit Code" Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-225)

(S. P. 389) (L. D. 1200) Bill "An Act Relating to the Listing of Contracts Made by Real Estate Brokers and Salesmen" Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-224)

No objections being noted, the above items were ordered to appear on the Consent Calendar later in the day, 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. 797) (L. D. 967) Bill "An Act Concerning the Saco River Corridor Commission"

(H. P. 864) (L. D. 1071) Bill "An Act to Enable Consolidation of the State Water Discharge Licensing Program and the Federal National Pollution Discharge Elimination System Permit Program"

(H. P. 1317) (L. D. 1571) Bill "An Act to Strengthen the State's Capability to Assess Maine's Forest Resources"

(H. P. 800) (L. D. 996) Bill "An Act Providing for the Consideration of Solar Energy Requirements in Comprehensive Plans"

(H. P. 974) (L. D. 1242) Bill "An Act to Provide Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work" (C. "A" H-508)

(H. P. 1238) (L. D. 1491) Bill "An Act to Permit the Consideration of Solar Access Issues when Approving any Subdivision"

(H. P. 1019) (L. D. 1252) Bill "An Act to Establish at \$75,000 per Qualified Applicant, the Maximum Limit of Liability which an Insurer Must Assume under the Assigned Risk Motor Vehicle Insurance Statutes" (C. "A" H-510)

(H. P. 690) (L. D. 862) Bill "An Act Concerning the Maine Property Insurance Cancellation Control Act" (C. "A" H-509)

(H. P. 843) (L. D. 1045) Bill "An Act to Provide Fiscal Impact Statements" (C. "A" H-511)

(H. P. 857) (L. D. 1057) Bill "An Act to Provide Local Control of Winter Closing of Town Ways" (C. "A" H-512)

(S. P. 374) (L. D. 1154) Bill "An Act to Clarify the Statutory Requirements for Issuance of Maine Guides Licenses" (C. "A" S-214)

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

and sent up for concurrence.

Second Reader

Later Today Assigned

Bill "An Act Creating a State of Maine Trustees Advisory Board" (H. P. 1404) (L. D. 1617)

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

On motion of Mr. Wood of Sanford, tabled pending passages to be engrossed and later today assigned.

Passed to be Engrossed

Bill "An Act Providing for the Career Development Needs of Maine Citizens through the Establishment of a Career Education Consultant within the Department of Educational and Cultural Services" (S. P. 569) (L. D. 1635)

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

Second Reader

Later Today Assigned

Bill "An Act to Amend the School Finance Law" (H. P. 1433) (L. D. 1636)

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

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

Mr. MORTON: Mr. Speaker, I certainly would like an explanation of this. It is a rather lengthy bill and I don't know whether this is the right time or not, but I would like an explanation.

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

Bill "An Act to Increase the Term of Special Licenses under the Marine Resources Law" (S. P. 169) (L. D. 370) (C. "A" S-210)

Bill "An Act to Ensure the Prompt Decision of Cases Before the Workers' Compensation Commission" (H. P. 1380) (L. D. 1665) (C. "A" H-492)

Bill "An Act Pertaining to Solicitation by Law Enforcement Officers" (H. P. 1147), (L. D. 1409) (C. "A" H-495)

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

Second Reader

Later Today Assigned

Bill "An Act to Regulate Commercial White-water Outfitters" (S. P. 348) (L. D. 1094) (S. "A" S-227 and S. "B" S-229 to C. "A" S-215)

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

On motion of Mr. Austin of Bingham, tabled pending passage to be engrossed as amended and later today assigned.

Passed to Be Enacted

An Act to Correct Certain Obsolete References in Title 30 of the Maine Revised Statutes (S. P. 307) (L. D. 903) (C. "A" S-176)

An Act to Provide Reimbursement for Snow Removal on Accepted Ways (S. P. 311) (L. D. 906) (C. "A" S-192)

An Act to Authorize the Provision of Services to Developmentally Disabled Children (S. P. 377) (L. D. 1157) (H. "A" H-454 to C. "A" S-163)

An Act to Comply with the Federal Air Quality Standards in the Areas where the Air Quality Does not Presently Meet the Federal Standards (S. P. 425) (L. D. 1316)

An Act to Conform State Statutes to the Federal Food Stamp Program (S. P. 561) (L. D. 1619)

An Act Authorizing the State Museum Bureau to Procure a Replica of "The Maine Lobsterman" (S. P. 565) (L. D. 1625)

An Act Concerning Persons Exposed to Di-

ethylstilbestrol (H. P. 499) (L. D. 635) (C. "A" H-447)

An Act Concerning Setting of Electric Rates by the Public Utilities Commission (H. P. 913) (L. D. 1118) (C. "A" H-453)

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 Concerning Retirement for State Prison Employees" (H. P. 1138) (L. D. 1404) (C. "A" H-442)

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

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask for a division on this.

As I recall, this bill would increase the cost to the State Retirement Fund some \$50,000. I have been told ever since I have been here that the retirement fund is a ticking time-bomb, we haven't any money, and I just can't understand how this type of bill got this far.

I recall a story I read just the other day about a man who was interviewing for a job. He asked what kind of benefits they had and he said, well, the place I just came from had a lot better benefits than these. They said, why are you here? He said, because the firm I was with went bankrupt. I think maybe we ought to face up to that type of situation, so I would ask for a division on this, please.

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

Mr. FOWLIE: Mr. Speaker, Men and Women of the House: If I may, I would like to explain this bill for a few minutes.

This bill was heard at a public hearing. There was not opposition to the bill at the public hearing. What this bill does, it is concerning retirement for state prison guards.

The retirement at the Maine State Prison is 20 years, but to retire, one has to have attained the age of 50 in order to draw his retirement. Due to the retirement law, prison guards must continue to pay 7½ percent of their salary into the retirement system with no compensation for the extra years of service until he has attained the age of 50.

Under the present retirement system, a person who has attained age 50 and has 20 years of creditable service, his contribution to the system drops from 7½ to 6½ percent, and he also is entitled to an additional 2 percent credit for each additional year of service towards his final compensation for retirement.

The state police and marine resource wardens and game wardens have a 20 year retirement regardless of age. These departments are all allowed 2 percent additional retirement benefits for each year of service beyond the required amount of years' service to attain retirement.

Presently, the prison, as you all know, is having a great deal of difficulty in filling guard positions, and the present turnover rate at the Maine State Prison is 100 percent. The guards that this bill would affect are the supervisory positions and experienced officers, which are few and far between.

Persons starting work at age 25, I will state an example. A person starting work at the prison at the age of 25 would have his 20 years in at age 45. He would have to work 5 additional years, paying into the Maine State Retirement System and getting absolutely no benefits for it. This isn't really an incentive for the young people to come to work at the prison. They advertise a 20 year retirement, but when they go to work and find out it really is not a 20 year retirement, it could be up to as high as a 30 year retirement, that is really not an advantage.

As to the points that were brought up earlier about the fiscal note, it does have a fiscal note of \$50,000-some odd the first year and about the

same the next year. I believe the fiscal note is in error because it does not take into account the training of new guards because of the high turnover rate. Recruiting and training of new guards cost the state last year around a million dollars. Passage of this bill would allow guards that are experienced, and the greatest value to the prison, to stay on. This bill would also be a true incentive for attracting new guards.

Also, the fiscal note doesn't take into account the 100 percent turnover rate at this prison, and I spoke to the actuary, Mr. R. J. Towne, who did the evaluation on this bill. He based his evaluation on the average state turnover rate. He did not base that on the turnover rate at the prison, which is a hundred percent. He also felt, after a years evaluation, that it is possible this \$50,000 could be lower.

I would hope today that you would allow this bill to go on and be enacted.

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

Mr. HICKEY: Mr. Speaker and Members of the House: The warden at Thomaston Prison spoke in behalf of this bill. I think the one thing that impressed me and encouraged me to vote for it was the fact he told about how trying it was to acquire experienced men, how many years it took to train a man, and these people, by staying on two or three years, were very vital to his staff, especially in training and the things that they could hand on to the other people. To me, it seemed like a very good bill.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: This is one of the bills that I have always been against and I am still against. If you will notice the committee report, we put out a divided report, I was against passage of the bill.

I don't care what anyone says, there is no one that can make me believe that by changing their retirement plan it will make these people stay on as wardens in the prison. These people have their training and it isn't because of their retirement plan that they don't stay on. There are many other things that enter into it. There is no way you can make me believe it is because of their retirement plan that they won't stay on.

I really believe that the person that starts to work, and they tell me that they are starting to work there now as low as 18 and 19 years of age, I don't believe there are too many people at that age that are thinking of their retirement. If they are, I don't believe they even understand the State Retirement System to know what they are going to get after 20 years of service or when they reach age 50. They are not interested in that.

The bottom line, as far as I am concerned, the fiscal note says \$50,000 for each year, actually \$53,000 and some odd dollars each year, and this is for the two years, but that doesn't mean that it will stop there. Every year in the future it will continue to be that same amount, so it isn't only what is in here for the two fiscal years of the biennium, in the future it would still be the same thing, and that is why I am against this bill. We just don't have any money to pay it.

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

Mr. BOUDREAU: Mr. Speaker, I would like to pose a question through the Chair to Mr. Fowlie.

I have been told that this bill only dealt with a couple of people who are now presently in the system. Someone said two, three or four people and I don't know if that is true, but it seems that the fiscal note is excessive if that is the case. Could someone answer that question for me?

The SPEAKER: The gentleman from Waterville, Mr. Boudreau, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Rockland, Mr. Fowlie.

Mr. FOWLIE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, they based the valuation on all the state people working in the Maine State Prison, all that we're paying into the system. I had that concern also, I thought it was extremely high because presently it only affects two people working at the prison.

To respond a bit to Mr. Theriault about the people not leaving, I know for a fact that those people now, those two people, and soon to be three people, paying into the system, are getting absolutely nothing out of it. They will no longer be working at the prison and these are top supervisory people. We need these people there. Who is going to supervise these 18, 19 year-old people? You have to have someone with experience there.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentleman from Rumford, Mr. Theriault, this morning in connection with this bill. It is incorrect to say that personnel working under the circumstances that these personnel work are not getting anything. They are being supported by the state to the tune of greatly in excess of the average state worker as far as the retirement fund is concerned. For some of these positions, that goes up to 20, 25, and even 30 percent of their salaries that are being supported by the state.

I think you ought to look at it from this point of view. These people are getting very heavily supported by the state with respect to retirement and I seriously question whether expenditures of this kind are justified.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will heed the remarks of Mr. Morton about the state retirement system. I know that we have already dealt this session with a couple of bills dealing with the system and one of the comments I made last time I spoke was, I think if you compare the private sector and the public sector when it comes to retirement, you will find these people in the public sector aren't getting a bad deal at all.

I think if this involves two or three people, I think the remarks of the gentleman from Rumford are very appropriate, that we are putting money into this fund for the next biennium to the tune of \$100,000, it will be more in the following year. I think to spend that kind of money because we have two people at the state prison who find themselves in that particular predicament is not a very good avenue to pursue.

I hope you will follow the lead of Mr. Morton this morning.

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

Mr. GRAY: Mr. Speaker, Members of the House: I am sure the purpose of this bill is not to affect just two or three people. If it does, it is because of the unacceptable turnover that we are presently getting at the Maine State Prison.

Presently, an employee beginning work at the prison at age 20 will have earned his retirement benefits at age 40. However, he will not be able to draw his retirement until he reaches the age of 50. At this time, he will be entitled to half of his average final compensation. If he continues to work beyond the 20 years, say from age 40 to 50, he will still only receive half of his average final compensation upon retirement at age 50.

What is happening, of course, is that the present system encourages prison employees to resign after 20 years of employment, many-times at age 40, and go to work in the private sector. This bill will provide an additional 2 percent of his average final compensation for

each year of service after his initial 20 year period. It should be pointed out that if the employee works to age 55, he is eligible for 60 percent of his final compensation. This hasn't proven to entice the guards to stay on.

As of a couple of weeks ago, there were eleven vacancies in the guard force. Presently, they are trying to fill six newly authorized positions. There were two resignations that were effective, I believe, two Sundays ago. So, in reality, the prison guard force is down by some 19 positions. The prison population is at its maximum. Yet, the guard force is dangerously understaffed.

What is worse, their recruiting efforts have exhausted the eligible people who would otherwise be eligible for these positions in Knox, Lincoln and Waldo Counties. In fact, they are now trying to recruit in even more distant counties, such as Kennebec County and Sagadahoc County.

During the calendar years of 1977 and 1978, 139 guards were hired. During that same 24 month period, 124 left, so only 9 of the 124 were either transferred out of the security force for better paying jobs or retired from state service.

The 115 resignations or terminations during that two-year period cost the state nearly \$200,000 to recruit and train. Just think of that—nearly \$200,000 to recruit and train because of the turnover.

When the guard force is understaffed, overtime is required. The question then arises, how much of that combined \$1 million, plus cost in overtime, recruiting and training, etc., could have been eliminated if a better wage and retirement system could have been offered?

Some of the new recruits leave a lot to be desired. They cannot continue to be substituted by borderline personnel without paying the price of a serious lessening of security as well as the high cost of overtime and the high turnover rates.

Of the 105 guards, 52 or nearly half of the security force, have one year or less in time, and this is one of the problems. And those of you who have visited the prison, I am sure that one of the things that probably made an impression on you were the young and inexperienced guards.

The purpose of this bill, even though it falls far short of what the State Police receive in retirement, it is designed to help recruit and retain a competent guard force there at the Maine State Prison, and hopefully cut down on this present 100 percent turnover that we are getting in the guard force at the Maine State Prison.

Presently, the State Police can collect their retirement immediately upon 20 years of service, and I can assure you that I would much prefer being a State Police officer than I would a guard at the Maine State Prison.

I think this bill is the right approach in trying to correct a very serious problem, and I would hope today that you would give your vote of confidence to it.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: In order to rebut what the previous speaker has said, I don't think this bill would attack that problem at all. I had a fellow who came to work for me who had worked for the school department. I said, "In all fairness, I think I ought to warn you, we have no pension system in this concern that I represent, but the school department has a nice pension system and if you stick around, you will get a chance to collect it." He said, "With my luck, I will die when I am 59, I don't like the work." Therefore, I will come to work for you, which he did.

I visited the jail down there too, and I think they do have a lot of problems but the problem I thought was the low starting wage. This will be corrected somewhat through this pay bill that has just been passed. Also, the working

conditions, whether you like it or not, this bill would not attack that problem at all and I think what Mr. Theriault has said and I won't repeat what he said, he was right on target, and I move that we defeat its enactment."

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

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: The whole concept behind this bill was to encourage men to stay on and work longer at the job that they have some expertise in. The guards came and literally pleaded with the committee to allow them to work longer at a job that they were getting better at.

We questioned the appropriation on this bill and we got a relatively unsatisfactory answer, inasmuch as they have to presume that all the guards would withdraw at the same time and that is why you have a large appropriation.

This bill, as has been stated before, is to encourage men to stay on and work longer.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: In this bill here, we have an old adage that I think is quite appropriate, that is, being pennywise and pound foolish. We are talking about saving \$100,000 or a figure which, as Mrs. Nelson pointed out, is greatly inflated, I can assure you. By passing this bill, we are going to save a great deal of money in time and training and making our prison guard force much more efficient.

I would certainly urge you to pass this. It is a reasonable, acceptable measure and it should be passed at this point.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: If anyone can guarantee me that nobody would quit after we pass this bill, I would be the first one to vote for it, but I don't believe that is so.

The SPEAKER: The Chair will order a vote. The pending question is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Blodgett of Waldoboro 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. Those in favor will vote yes; those opposed will vote no.

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will hang to the vote that you have just made. I think probably one of the major problems we have in our retirement systems throughout the entire United States, including the Armed Forces and everywhere else, is where we have attempted to reduce retirement ages and increase retirement benefits to keep people staying on the jobs and ultimately we end up with our retirement system having real serious problems. I think the best example of that is the Armed Forces today. We have a retirement problem there that is beyond even the magnitude of the capability of the Congress or anybody else to come up with an answer to it and it was all done by reducing retirement ages and putting out inducements. I think we are working in the same direction. If we want to correct a problem down there, the thing to do is to correct it by increased wages and better working conditions. To use the retirement system is completely wrong.

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

Mrs. POST: Mr. Speaker, Ladies and Gen-

tleman of the House: I guess I would do just the opposite from Representative Birt and ask you to change your votes on this particular bill. I think unless you have been involved with some of the people who have worked as prison guards for over a period of years, that it is difficult to understand the kinds of constant pressures that these people work under. While I usually have not supported great changes in our retirement system, I think that that does not mean we have to be inflexible in our ability to deal with personnel problems in the state.

I would simply ask you to vote for passage of this bill.

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

ROLL CALL

YEA — Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brenerman, Brown, A.; Brown, K. L.; Carroll, Chonko, Connolly, Damren, Davies, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Elias, Fowlie, Gowen, Gray, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Hutchings, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, McKean, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Post, Prescott, Reeves, P.; Rolde, Sewall, Simon, Soulas, Studley, Tierney, Tozier, Tuttle, Twitchell, Vincent, Wentworth, Wood, Wyman, The Speaker.

NAY — Aloupis, Berry, Birt, Bordeaux, Boudreau, Bowden, Brodeur, Brown, D.; Bunker, Call, Carter, D.; Carter, F.; Cloutier, Conary, Cox, Cunningham, Curtis, Davis, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gwadosky, Higgins, Hunter, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McPherson, McSweeney, Morton, Nelson, A.; Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Stetson, Stover, Theriault, Torrey, Whittemore.

ABSENT — Brown, K. C.; Carrier, Churchill, Dudley, Huber, Immonen, Mahany, McMahon, Sprowl, Strout, Tarbell, Violette, Vose.

Yes, 78: No, 60: Absent, 13.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty in the negative, with thirteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

Mr. FOWLIE: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from Rockland, Mr. Fowlie, having voted on the prevailing side, now moves that the House reconsider its action whereby this Bill was passed to be enacted. Those in favor will say yes; those opposed will say no.

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

An Act to Provide for a Method of Arranging Voluntary Meetings Between Adoptees and Adoptive Parents and Natural Parents (H. P. 1190) (L. D. 1431) (C. "A" H-434)

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.

(Off Record Remarks)

On motion of Mr. Cloutier of South Portland, Recessed until two o'clock this afternoon.

After Recess
2:00 P.M.

The House was called to order by the Speaker.

Orders of the Day

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

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

Tabled—May 23, 1979 by Mr. McHenry of Madawaska.

Pending—Passage to be Enacted.

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 will vote yes; those opposed will vote no.

A vote of the House was taken.

109 having voted in the affirmative and none in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill, "An Act Concerning Eligibility Under the Second Injury Fund Under the Workers' Compensation Statutes" (H. P. 825) (L. D. 1026) (C. "A" H-451)

Tabled—May 23, 1979 by Mr. Wyman of Pittsfield.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed.

On motion of Mrs. Damren of Belgrade, the House reconsidered its action whereby this Bill was passed to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker, I would like to pose a question or two—this refers to a second injury fund? This bill has nothing to do with the second injury fund. I would like to know where the money would come from to increase payments to those who are disabled and I would like to know if reserve funds are set up for this. I would also like to know, if this involves state employees, if the money would come from the General Fund? I would like to have someone respond to those questions.

The SPEAKER: The gentleman from Belgrade, Mrs. Damren, has posed a series of questions through the Chair to anyone who may care to respond.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman's questions, I will say that this bill will provide, if you remember, we discussed this the other day, anyone who has been injured after a certain date will be provided — the people who were injured before the date was changed will be provided with the same compensation for disability as people who were injured after a certain date. I think it was 1972.

The gentleman from Bingham, Mr. Austin, has done some research on this and I am sure he would be glad to explain it further to elaborate on any points that I may have overlooked.

I think what we are talking about here in this particular legislation is just some simple justice for people who have been injured at a certain time, assuming the premise that just because a certain person is injured at a certain date, they ought not to be deprived of the same compensation. It costs them the same to live, the injury is just as serious and I don't know why the reason the legislature changed the law, but this will only protect those who were injured before the date when the law was changed.

In answer to the gentleman's inquiry as to who will pay for this, this is going to be paid for by employers through their insurance carriers. There is no question about that and nobody has been trying to hide that fact. It is, I think, self-evident that the employers are going to have to

pay for this. However, I would hasten to add that it is virtually impossible at this point to form any conjecture as to how many people will be applying for the increased compensation and, for this reason, the bureau and the commission has been unable to determine exactly what costs are going to be involved. I would assume that it is going to be minimal but I think Mr. Austin, will be glad to clarify that further.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps this bill was introduced concerning state employees who were injured. If so, then we need a fiscal note on this because it definitely has an impact on the State of Maine. Also, if it is going to concern all people who were injured before that date, this is a substantial sum of money and reserves are set up at the time an injury is settled by insurance companies, and if this is going to provide more money, then where is the money going to come from? How are they going to arrive at a different settlement than what was originally planned for on the lifetime of that person?

I think before we pass this bill, we should really consider what is being enacted here.

The SPEAKER: The gentleman from Belgrade, Mrs. Damren, has posed another series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Bingham, Mr. Austin.

Mr. AUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is true that there are four people in the State of Maine, who are state employees, that will be included in this new act. Since the state is a self-insurer, I would have to admit that in the state's fund this year there would have to be an increase to cover this.

I called many people in the insurance industry and I have talked with the insurance commissioner of the State of Maine, I have talked with the lawyer that works for the insurance commission in the Attorney General's Department, and he has assured me that there are no legal problems with this bill. If it is passed, the cost of the bill will be figured into this coming year's premium in the same manner that those people who have been hurt since 1972, that are totally disabled, their increase was adjusted and figured in this year's premium. Actually, there is no problem as far as where the money is coming from. It will have to come out of the increase.

However, what the bill does do, and I want to stress this, it treats people fairly. I do not think any person who was totally disabled prior to January 1, 1972, should be treated in a different manner than those who have been totally disabled since that day. Any person who was totally disabled prior to 1972 does not have the advantage of the inflationary clause in his settlement and this bill would correct that oversight.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker, Ladies and Gentlemen of the House: The answers that we have received on this don't seem strong enough to me to enact this and I would like to move to indefinitely postpone this bill and all accompanying papers.

Mr. Wyman of Pittsfield 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 pending question is on

the motion of the gentlewoman from Belgrade, Mrs. Damren, 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 — Alopis, Bordeaux, Boudreau, Bowden, Brown, K. L.; Bunker, Call, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Garsoe, Gavett, Gould, Gray, Hunter, Hutchings, Lancaster, Leighton, Leonard, Lewis, Marshall, Matthews, Morton, Nelson, A.; Payne, Peterson, Rollins, Roope, Sewall, Sherburne, Small, Sprowl, Stover, Studley, Torrey, Wentworth.

NAY — Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Carrier, Carroll, Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gillis, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Hughes, Jackson, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, LaPlante, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Silsby, Simon, Smith, Soulas, Theriault, Tierney, Tozier, Tuttle, Twitchell, Violette, Whittemore, Wood, Wyman, The Speaker.

ABSENT — Berry, Brown, K. C.; Carter, D.; Dudley, Gowen, Huber, Immonen, Jacques, E.; McMahon, Stetson, Strout, Tarbell, Vincent, Vose.

Yes, 39; No, 98; Absent, 14.

The SPEAKER: Thirty-nine having voted in the affirmative and ninety-eight in the negative with fourteen being absent, the motion did not prevail.

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

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

An Act to Establish a Marijuana Therapeutic Research Program (H. P. 523) (L. D. 665) (C. "A" H-332)

Tabled—May 23, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am going to make a comment that will save a very lengthy debate. When I first spoke on this matter, if you will recall correctly, I practically disassociated myself from being a representative for anyone but myself. I was deadly serious at the time. I had a great many people who spoke to me about this and I was also absent for a day, and while I had a few hours where I couldn't go anywhere and I couldn't see anybody, as a matter of fact, I couldn't talk to anybody, that just about drove me foolish, so I decided to make a few phone calls.

I called some experts in the field of cancer, eye problems, five out-of-state calls. I was amazed at the replies that I got from these people that I knew when I was told very definitely that this type of treatment—as I would say, an occasional weed to help somebody who is troubled with cancer—the therapeutic treatments of glaucoma helped them tremendously.

I decided when I got back to go one step further and went to a friend, who happens to be the Attorney General of the State, and I discussed it with him. He has a contact that is in the same area as mine and I didn't ask him to go too far afield but I wanted to know because it was the place both of us had contacted, and I wanted to see if he got the same reaction, it

probably is one of the best in the country, if not the world, and he wrote me the following, concerning L. D. 665 and he did it as a personal favor. This is from the honorable Richard Cohen, Attorney General of the State, addressed to me.

"You have requested my views on L. D. 665, An Act to Establish a Marijuana Therapeutic Research Program. While it is not necessarily my customary practice to comment on the element of desirability of pending legislation, I feel that it would be appropriate to share some of my thoughts with you." We discussed this since he gave me the letter.

"Although this office by no means conducted an exhaustive investigation on the subject, a member of my staff did seek the opinions of certain medical specialists located at one of the leading hospitals in Boston. Those tests indicated that marijuana was indeed useful in the treatment of both glaucoma and chemotherapy treatment in cancer patients. Since I have high regard for the views of this person who was contacted, I believe that enactment of L. D. 665 might well prove helpful to those people suffering from the ailments covered by the bill.

"Although, I initially had some reservations about the enforceability of the program, I have been informed that the bill is to be amended in a manner which will allow the Attorney General to ascertain illegal conduct on the part of the participant. If that amendment is adopted, I would have no reason to believe that the program would prevent insurmountable enforcement."

I took the last area that I read to you up with these people and they told me, to my pleasure, that the program was not being mistreated, it was being handled properly, by the proper people, in good course. With all that information, I would be less than honest if I didn't convey it to you people and tell you that I am withdrawing my opposition to this measure and hope the amendment that will be presented will pass and will go on its way and we can get home.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I am deeply appreciative of the remarks of Representative Jalbert and I think they are a tribute to his deep character and honesty.

On motion of Mr. Brodeur of Auburn, the rules were suspended for the purpose of reconsideration.

On motion of Mr. Leighton of Harrison, the House reconsidered its action whereby this Bill was passed to be engrossed.

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

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

House Amendment "B" to Committee Amendment "A" (H-525) was read by the Clerk.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: We debated this situation extensively before, and unless it is necessary, I won't bore you with that again today.

However, at the final enactment stage before, there were legitimate questions raised by Representative McMahon and Representative Wood with respect to Section 24-8, which involved the confidentiality of that section of the bill, which dictates that circumstances of the doctor-patient relationship. Fears were expressed that there was not sufficient ability for the proper law enforcement for officials to come and inspect the records. It was then moved to table and after that, I went to the Attorney General and asked him to look over that section, if he didn't feel that it was adequate and, number two, to give us his opinion, informally at least, of all of the bill, which has been

done.

We now have a committee amendment that has been adopted that would provide all the safeguards that the Attorney General sees fit to prevent any wrong doing under the program.

I might say, incidentally, that there were three additional states who, over the past weekend, have passed the bill, a similar bill. These states were Oregon, where the vote was unanimous in both the House and the Senate for passage; in Texas and Minnesota, where the vote was 123 to 6, and I assume that must be a unicameral House.

I won't say anymore unless someone has some questions.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I support the amendment from the good gentleman, because I do think that it does clarify the confidentiality section. However, I do have problems and have had problems with other parts of the bill, and because the issue of confidentiality was clarified, perhaps some of the other areas do need to be clarified as well.

I would like to go through some of the other sections of the bill that disturbs me, and if you would take a look at Page 1, number three of the amendment, under "Supply", you will see that it says that "the Commissioner shall contract with local law enforcement agencies for the receipt of marijuana." I don't think that it is clear there that the law enforcement agency can deliver the marijuana to the commissioner, or is it saying that the commissioner then would have to pick up the marijuana? I don't think that has been clarified. I think that might present a problem, because it further does not state that the commissioner or his designee may make such transactions, and because it does not say a designee, then you are putting the burden completely upon the commissioner.

If you will look at Section 3 on Page 3 of the amendment, you will see that it also says "A practitioner may prescribe to only those patients who are undergoing cancer chemotherapy or suffering from glaucoma and are in life-threatening, sense-threatening situations." Well, the word "sense-threatening" bothers me. If it is meant that you are suffering from glaucoma and you are in danger of losing your sight, then why doesn't it state that? Why does it put in the words "sense threatening?"

We all know that we have five senses, and some of us, of course, have six, but with our five senses, we are only talking in this area of the sense of sight. We have not addressed the question of taste, touch or smell. Does it mean then that if you have cancer of the mouth and it would jeopardize your tasting, then you are in a sense-threatening situation? I am not sure that that is clarified.

Under Section 2407, Page 3 of the amendment, it is saying that "The doctor can prescribe, the patient may possess and the state and the private pharmacy may possess and distribute." I am not sure that it is explaining what those limitations are, how much of the marijuana can be possessed, how much cannot.

I think that you ought to be voting for final enactment on this piece of legislation knowing exactly what you are getting into. And I would like you to know by reiterating my ten points of opposition to this bill.

The first one is the fact that we are dealing with a potent drug. There are 67 different chemical compounds that have virtually gone untested, and because they have, we don't know what long-term effects it may have on the body.

Number two of my objections. There were no doctors there at the public hearing complaining about the federal government's red tape in obtaining a quality drug. And because professionals were not present, I do not feel that there is a need to pass such a piece of legislation.

I would like to warn you further that the bill

will be back, and it will be back to add the words "other patients" and those other patients could be persons suffering from asthma, backache or what have you.

The next point, the one I made earlier, was the sense threatening concern that I have, and I don't feel that that definition has been clarified.

Next, the department does not have the ability, and they have claimed so, to analyze the drug. They do not have the expertise to do that. It may mean that it will have to be sent to the federal government for analysis, it may mean that the department will have to do it themselves. Either way, there is a question of whether or not we can obtain a quality drug if, indeed, the department does do the analysis.

Another point that I have to make in concern for the bill is the fact that we have young people who will be seeing parents, grandparents, uncles, aunts, or what have you, using this as good medicine for them. I am afraid that through that they can get the wrong impression, that the drug is, indeed, good for them also.

There has been no research done in Maine to determine whether or not there is sufficient need for such a piece of legislation, and we are, I feel, loosening the federal controls on a Schedule 2 drug, and I am afraid that can be dangerous.

We are giving immunity to those people who are involved in the dispensing and the analysis of this drug. I think that is setting a bad precedent.

So far as it can be determined, I feel that this bill was written for one individual and for NORML, which is the National Organization for the Reform of Marijuana Laws, and I am very concerned about that. I just simply want you to know what you are voting on this afternoon when you vote to enact this bill.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: It has been, indeed, a pleasure for me to sit beside the gentlelady from Hampden. She is a very nice looking individual, when I think of who I could have been sitting beside during this session, people like Representative Gould. It is too bad he is not here, but I indeed feel pleased to have had such an outstanding seatmate.

However, in this particular instance, I am going to have to disagree with many of the points that she has made. Just let me ask you to consider one thing. If you or a loved one visited a doctor or was in a hospital and a diagnosis was made and a prescription was written for 1.5 milligrams of Delta-9-THC, taken intravenously or taken as drops administered to the eyes, I don't think you would question it, but because we are talking about "marijuana, pot" it becomes a very emotional issue. The item that I just described to you, Delta-9-THC is the active ingredient which is found in marijuana and, quite frankly, it will be offered in many cases by the methods which I have described, intravenously or taken as drops.

I would like to address some of the major points that the Representative from Hampden made. First off, she calls this a "potent drug." I don't quarrel with that, but I would only ask, what about morphine, what about codeine, valium, countless others that we rely on from day to day as pain killers and other necessary drugs to alleviate bad situations healthwise?

The good Representative talked about federal government red tape and insinuated that perhaps there really isn't the red tape associated with trying to get this through the federal government, as has originally been pointed out. Let me just tell you that although the process is complicated and bureaucratically fouled up, no physician in Maine and only four physicians in the United States have been able to obtain government approval. The entire approval process takes 9 to 12 months, and it is just too lengthy

and complicated for a private physician with one or two patients who often die before approval is granted.

Representative Prescott talked about young people who will see others using the medicine. Again we are talking about a medicine, this material being used as a medicine, not as a drug, which every teenager or preteenager wishing to be taking off the shelf and saying, let's get our kicks from this. Again I go back to the other kinds of drugs which are currently and very commonly being used.

I would ask anyone to please tell me how this kind of medicine is going to find its way from the doctor's office or from the hospital shelf out to the streets?

Finally, the good Representative made the statement that the bill was written for one individual. Well, I really dispute that. I said before and I will say again that I am very pleased to be a cosponsor of this bill and I have heard many, many people talk about the beneficial effects of marijuana on cancer and on glaucoma. I don't buy the fact that it was written for one individual, it certainly was not. It was written for many individuals who are suffering from these dreaded diseases.

Finally, as Representative Leighton has indicated, I, too, wish to congratulate my good friend from Lewiston, Mr. Jalbert. I just wish that I had the kind of insight that he has and the kind of diligence that he has to take a bill like this that he so vigorously opposed and to do the kind of research which he did to change his mind and, again, I take my hat off to you, Mr. Jalbert.

Ladies and gentlemen, let's not let emotions get in the way of passing this very valuable piece of legislation. I urge you to please vote for enactment of this bill.

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

Mr. LEIGHTON: Mr. Speaker and Members of the House: I won't prolong the debate. It seems to me that the gentlelady from Hampden has told us that marijuana is stigmatized because of illegal social use. I think we need to remember that it also has a constructive use. Fire burns, it also can cook our food and warm our bodies.

She speaks of marijuana being available through the federal government. Well, the fact is that technically it is but the procedure is so cumbersome and complex that as of now there is not one single physician in the State of Maine who has ever gotten any marijuana from the federal government. Yet, I know and I think many of you know that many physicians have suggested to their patients that marijuana might be good in their situation. I think many of us know that chemotherapy patients are, in fact, using marijuana.

The good gentlelady from Hampden talks about controls. This bill, as far as I am concerned, introduces controls that heretofore have not existed. For example, now that patient who is getting the marijuana is buying it from a gangster on the street at black market prices in a possibly impure and dangerous strength.

I believe this bill is far from opening things up; it actually closes things up and ensures that marijuana will be used in a constructive way, legally.

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

Mr. GRAY: Mr. Speaker, I just have one question I would like to pose through the Chair that I haven't had addressed yet. What would be the source of supply?

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

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

Mr. DAVIES: Mr. Speaker and Members of the House: In response to Mr. Gray's question, I have a memo before me from Michael D.

Fulton, Director of the Office of Alcoholism and Drug Abuse Prevention here in the State of Maine, in which it says the National Institute of Drug Abuse has assured us that they would be able to supply the needs of a state the size of Maine and therefore we don't anticipate having to resort to confiscated marijuana, as provided in Section 2404 of Subsection 3. So I don't think we have any problem of where we are going to get it. The federal government has already indicated they are willing to supply us an adequate amount from their plantation in Mississippi that meets all of the specifications. It has been analyzed. It has been found to be pure, there are no impurities involved in it. So I don't think we have to worry about that.

I would also suggest that if anybody as conservative as Mr. Leighton or as liberal as I can support this bill, anybody in between can support this bill.

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 in favor of a roll call will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Harrison, Mr. Leighton, that House Amendment "B" to Committee Amendment "A" be adopted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Borda, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carroll, Carter, F.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fenslon, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, P.; Jalbert, Kane, Kany, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Norris, Paradis, Payne, Pearson, Peltier, Peterson, Post, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Soulas, Sprowl, Stetson, Stover, Studley, Theriault, Tierney, Torrey, Tozier, Twitchell, Violette, Wentworth, Whittemore, Wood, Wyman.

NAY—Blodgett, Carrier, Carter, D.; Curtis, Joyce, Laffin, LaPlante, Martin, A.; Nelson, N.; Paul, Prescott, Smith, Tuttle.

ABSENT—Berry, Brown, K.C.; Elias, Immonen, Jacques, E.; McMahon, Strout, Tarbell, Vincent, Vose.

Yes, 127; No, 13; Absent, 10.

The SPEAKER: One hundred twenty-seven having voted in the affirmative and thirteen in the negative, with ten being absent, the motion does prevail.

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

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

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

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" as Amended by Committee Amendment "A" (H-491) — Committee on Judiciary on Bill,

"An Act Relating to Access, Copying and Release of Medical Records" (H. P. 935) (L. D. 1165)

Tabled—May 23, 1979 by Mr. Hobbins of Saco.

Pending—Acceptance of Either Report.

On motion of Mr. Hobbins of Saco, tabled pending acceptance of either report and later today assigned.

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

Bill, "An Act Concerning Licenses Issued by the Department of Inland Fisheries and Wildlife" (H. P. 270) (L. D. 344) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-438) on May 17, 1979. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-438) and Senate Amendment "A" (S-216)

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

Pending—Further Consideration.

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

Mr. PAUL: Mr. Speaker, I have an amendment that is being prepared by our committee assistant. It is not ready at this time and I would appreciate it if somebody would table this for one day.

Whereupon, on motion of Mr. Dow of West Gardiner, tabled pending further consideration and tomorrow assigned.

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

Bill, "An Act to Permit Performing Arts Centers to Serve Alcoholic Beverages" (H. P. 252) (L. D. 297) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-60) and House Amendment "A" (H-69) on March 8, 1979 — In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-129)

Tabled—May 24, 1979 by Mr. Violette of Van Buren.

Pending—Further consideration.

On motion of Mr. Violette of Van Buren, tabled pending further consideration and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to Pass" — Minority (6) "Ought to Pass" as Amended by Committee Amendment "A" (H-493) — Committee on Health and Institutional Services on Bill, "An Act to Authorize the Administration of Medications by State Corrections Officials in Certain Cases" (H. P. 1025) (L. D. 1270)

Tabled—May 24, 1979 by Mr. Brennerman of Portland.

Pending—Motion of the same gentleman to Accept the Minority "Ought to Pass" as Amended Report.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-493) was read by the Clerk.

Mr. Norris of Brewer moved that Committee Amendment "A" be indefinitely postponed.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would object to the indefinite postponement of Committee Amendment "A," because that is what the position of the minority report is. The other is the original bill. The majority report is the original bill, which is what the good gentleman from Brewer, Mr. Norris, supports. It allows correctional officials to give inmates prescriptive and non-prescriptive medication.

The minority report, which he has just moved to indefinitely postpone, amends the bill to allow only nursing personnel or staff that has been trained to administer prescribed drugs. It also requires that the medical record will show

all of the medicine that has been administered and a brief synopsis of the inmate's response will also be recorded on the record of the inmate.

Now, the current law restricts the dispensation of medications by either nursing personnel or the staff that has been trained in dispensing medication. I have no problem if correctional officials administer over the counter medication. I do have a problem when correctional officials will be administering prescribed medication or drugs. Someone with no training could administer the wrong drug.

The department is concerned about maintaining a nurse. In short, it costs money to do that but they are already doing it now. There is no additional appropriation for such, and I am asking you, what do you sacrifice? I think the person who is administering drugs, not aspirin, not Bengay, but drugs, needs to have some type of training to do that.

The opponents will tell you that last session we gave the county jails or their deputies this authority and, yes, we did do that, but I think we made a big mistake. There have been a lot of problems with that law and in one county jail, a corrections officer didn't understand dosages because he wasn't trained. For example, two O.D. meant every other day; two I.D. meant four times a day. Now, an inmate nearly died because he had a drug four times a day and not once every two days. A trained individual would have known a dosage like that would have been too much.

I am concerned that a corrections officer probably will be getting into the area of administering psychotropic medications, and that is a mind altering drug, a very dangerous drug. It could lead to, perhaps, forced medication because an individual is acting out. Perhaps the correctional officer would call a doctor and say, we need something, prescribe something for this inmate because he is acting out. I am concerned about that and the minority report is a cautious approach and it deals only with non-prescriptive medication.

I urge you not to support the gentleman's motion to indefinitely postpone this because if you do, you will be allowing prescriptive medications to be administered by correction officials.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Hampden has explained it pretty much as it is except for the fact that the medications that would be given by the corrections official would be medications that have been set out by the professional. The clinic is open at the State Prison every day. It is open during the hours of the day. During the hours of the night, it is not open. This would simply provide a vehicle so that you wouldn't have to keep a nurse on duty 24 hours a day or a person who is trained in medicine. I see nothing wrong with the bill.

As far as the minority report, the bill means nothing if you accept the minority report because they can buy aspirin and Bengay in the commissary right now down at the prison, so that wouldn't help us at all and we might as well be honest, save the cost of printing, save the cost of putting it on the books and kill the bill outright.

If you do want to give a little responsibility and, as I say, it is not a question of the person who is untrained making up the dosage or setting out the dosage, that is done by the professional and then the person would simply take it in the middle of the night to the prisoner that required it.

I hope you would indefinitely postpone Committee Amendment "A".

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I think all of us, I am

sure, on the Health and Institutional Services Committee agreed on one portion of the bill, and that was having correctional officials dispense non-prescriptive drugs. There was just no problem there, as Representative Norris said. It is possible for the prisoners to buy aspirin, Roloids and whatever in the prison store right now. So, there is just no problem with having the officials dispense those.

However, I very definitely feel that there certainly can be a problem with the prescription drugs. In hospitals and nursing homes, only RN's or LPN's can dispense medicine. No one else can. An untrained person could make a mistake with the wrong medicine. He or she could take the wrong packet off the tray, could take the wrong dosage. That untrained person might not observe the reactions of the person to the medicine that a trained person in medication would notice.

Law suits could very easily result and, undoubtedly, lawsuits would result in improper medication. With the many medications that must be distributed in an institution, I feel that it is imperative that a nurse who has been trained in medication be responsible for administering prescription drugs. I feel that we should not create any more problems at our correctional institutions that we already have.

I urge you very strongly not to indefinitely postpone Committee Amendment "A," because I think it is important that trained nursing personnel continue to dispense prescription drugs.

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

Mr. CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to belay all the fears that you might have about the prescription drugs being dispensed through the correctional system, and being a member of the Health and Institutions Committee, and the Joint Select Committee on Corrections, I have looked into this bill also, just as the good Chairwoman has, Representative Prescott, and Mrs. MacBride.

I want to take you through a little sequence of what would happen if somebody had to take a prescribed drug. If a prisoner was in a cell and he had to have a prescribed drug at a prescribed hour, what would happen is, they would take that drug, a nurse would take that drug prescribed by the pharmacy, she would put it into a little package and if it said to dispense that drug to the prisoner at four o'clock in the morning, then a correctional official would bring that package to that prisoner, open that package, give the prescribed drug to the prisoner, watch him take the drug, make sure he orally took the drug, and then leave. The directions are given by the nurse and the directions are carried out by the correctional officer. This is now presently happening in the county jail system, it has worked quite well.

As far as people not knowing what to read, my goodness, I have been on codeine for the last three days and I have no medical background. Yet, I know when to take that drug because it says to take one every four hours.

But just to belay your fears, I think it is being blown out of proportion. The drugs are being prescribed, we are not trying to get rid of the nurses in the correctional institution, that has been confirmed by the Director of the Department of Corrections, Mr. Allen.

I hope that you would support the indefinite postponement of Committee Amendment "A".

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Brewer, Mr. Norris, that Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Prescott of Hampden 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 Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not vote to indefinitely postpone this Minority "Ought to Pass" Report.

Representative Cloutier spoke to the point that the medicine could be put in packages and could be distributed, so there would be no problem with understanding dosage. Well, that is fine, if that does happen but there is no guarantee that that does. That is not written into the legislation anywhere and I am not sure what one policy from one place to another might be, so that bothers me.

I would like you to note that the Pineland Consent Decree, which is costing the State of Maine, by the way, millions of dollars, does have some very important points in it and I would like to quote you some of those points that it does have. Now, the Pineland Consent Decree requires and I quote: "Only appropriately trained persons shall be allowed to administer drugs; injectable drugs shall be administered by an RN or an LPN." The decree requires that written policies or procedures that govern self-administration in handling of all drugs be developed by the pharmacist, the physician, the nurse or a professionally trained staff. This decree also requires that compounded packing, labeling and the dispensing of drugs be done by the pharmacist or under his direct supervision with proper controls and records. The decree requires a written policy, which I was bothered by, no written policy exists regarding the routine of drug administration including standardization of abbreviations indicating those dosages that I was so bothered by. It requires that medication, errors and drug reactions be recorded and reported immediately to the practitioner who ordered the drug. This is not a requirement in this bill.

I am wondering how an untrained person will be explaining to the resident the reason for the administration of this medication, the consequences of the medication. Will the medication be used as a punishment? We don't know that. Will it be used for convenience of the staff? Will it be used to substitute for programs or in quantities that interfere with the resident's habilitation?

The majority report will be what you have left if you indefinitely postponed this minority report and then you would have what I would call, a dangerous piece of legislation.

I urge you not to indefinitely postpone this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: This bill does not deal with injectable drugs, that is drugs that are injected, there is no way that a person could go to the cell. As it works in the prison now, as I understand it, if you go to the clinic and you are given your medicine, whatever it might be, a prescription medicine, you go back to your cell. There is nobody that observes you now. During the daytime hours when the professional hands you your two pills, whether it is valium or whatever it might be, you take the medicine and then you go. You don't hang around the clinic waiting for a reaction.

I understand the good lady's concern but there is one other concern here, and I hope the members of the Appropriations Committee are listening to me, because if you don't pass this bill and you don't indefinitely postpone this report, then you are going to have to put medical people on a 24 hour basis at the State

Prison, that is exactly what you are going to have to do. Maybe that is the right way to go, but don't think that this bill doesn't have implications.

This is the reason they came in and they said there were certain prescription medications that could very easily and safely be administered by the officials at night rather than keeping full-time medical personnel. If you want to keep full-time medical personnel, then don't vote to indefinitely postpone this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Brewer, Mr. Norris, that Committee Amendment "A" be indefinitely postponed.

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

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

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

ROLL CALL

YEA—Birt, Bordeaux, Boudreau, Bowden, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Cloutier, Conary, Connolly, Cox, Cunningham, Damren, Davis, Dexter, Drinkwater, Dudley, Dutremble, L.; Fenlason, Garsoe, Gillis, Gould, Gowen, Hall, Hickey, Hughes, Hunter, Huchings, Jackson, Jacques, P.; Kane, Kany, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, Matthews, McKean, Morton, Nelson, A.; Norris, Payne, Peterson, Reeves, J.; Reeves, P.; Roope, Sewall, Sherburne, Silsby, Soulas, Stetson, Studley, Theriault, Torrey, Tozier, Twitchell, Whittemore.

NAY—Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Carrier, Carroll, Carter, D.; Chonko, Churchill, Curtis, Davies, Dellert, Diamond, Doukas, Dow, Dutremble, D.; Fillmore, Fowlie, Gavett, Gray, Gwadosky, Hanson, Higgins, Hobbins, Howe, Joyce, Laffin, LaPlante, Lizotte, Locke, MacBride, Mahany, Marshall, Martin, A.; Masterman, Masterton, McHenry, McPherson, McSweeney, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Peltier, Post, Prescott, Roide, Rollins, Simon, Small, Sprowl, Stover, Tierney, Tuttle, Violette, Wentworth, Wood, Wyman.

ABSENT—Berry, Brown, K. C.; Elias, Huber, Immonen, Jacques, E.; Kelleher, MacEachern, Maxwell, McMahon, Smith, Strout, Tarbell, Vincent, Vose.

PAIRED—Jalbert-Michael.

Yes, 65; No, 68; Absent, 15; Paired, 2.

The SPEAKER: Sixty-five having voted in the affirmative and sixty-eight in the negative, with fifteen being absent and two paired, the motion does not prevail.

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

Bill Held

An Act Relating to State Participation in General Assistance Programs (H. P. 1356) (L. D. 1592) (H. "B" H-469)

In House, Passed to be Enacted on May 24, 1979.

Held at the request of Mr. Birt of East Millinocket.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have looked at this bill somewhat. I do have some reservations about it. I hope that you all might look at it, especially the municipal officials. I don't think it is quite as bad as the original bill was. At the pre-

sent time, Mr. Speaker, I am not going to hold it and move that it be released to the other body.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Unit Ownership Act" (S. P. 429) (L. D. 1377) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report.

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

Committee Amendment "A" (S-222) was read by the Clerk.

Senate Amendment "A" to Committee Amendment "A" (S-236) was read by the Clerk and adopted in concurrence.

Senate Amendment "A" (S-237) was read by the Clerk was adopted in concurrence and the Bill assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act Regarding Laws Relating to Town Lines" (H. P. 1281) (L. D. 1534) which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought Not to Pass" Report.

On motion of Mr. LaPlante of Sabattus, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act Creating A State of Maine Trustees Advisory Board." (H. P. 1404) (L. D. 1617) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Wood of Sanford offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-526) was read by the Clerk.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. Why does the emergency preamble have to be added to this bill?

The SPEAKER: The gentleman from Waterville, Mr. Boudreau, has posed a question through the Chair to anyone who may care to respond.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: The reason that we added the emergency was, when we heard this bill before our committee, we did not realize that their first meeting would be in September. This is for the Eastern State Fair, which is held in October, and their first meeting would be in September and in order for them to be able to meet, the bill would have to take effect before October.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter:

Bill "An Act to Amend the School Finance Law" (H. P. 1433) (L. D. 1636) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L. D. 1636, is not a long bill but it is an amendment to the School Finance Law. I think we are all interested in the School Finance Law. I would certainly hope that we could get an explanation of it, and I would particularly like to address a question—I wanted an explanation of the whole

bill and the thrust of it, but I would particularly like an explanation as to why we are attempting to change local leeway.

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to anyone who may care to respond.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I apologize to the gentleman and to members of the House for not being in my seat this morning and answering the questions.

The bill represents the majority report of the Interim Finance Commission that was set up by this legislature between the last session of the legislature and the present time to study the new School Finance Law. It is the belief of the Education Committee that this bill represents most all of the non-controversial items that were addressed before the legislature by that Finance Commission.

What the bill does, and I won't go into every aspect of the bill because I think some of the measures are simply housecleaning measures, although we would be prepared to answer any questions that anyone might have. The bill has basically three principal parts. It establishes legislative intent that the state's share of the basic cost of education will be at least 50 percent and then goes one step further and says that that state's share will in no case be less than it was in the year prior. Last year, the state's share was 53.4 percent, so that share will stay at least at that 53.4 percent for this year and presumably for coming years, if this intent section is not changed.

Then the bill deals with two funding issues. It addresses the issue of the so-called pay-in communities within SAD's. There are some communities within SAD's that, in effect, are treated as pay-in communities because of the cost-sharing formulas that exist within those SAD's. The Interim Finance Commission, as well as the Education Committee, felt that those towns, simply because of their cost sharing formulas, should not be penalized and therefore provides an appropriation of about \$780,000 to deal with pay-in communities within SAD's.

Then the final appropriation is \$1.1 million to raise the leeway total exposure under local leeway from the present 1.3 mills, or \$125, to 1.3 mills and \$135. The reason for that is, since the time of 1994 and also the new School Finance Act that was addressed by the last session of the legislature, the tradition, although it was never written into law until this particular piece of legislation, was that if a community was able and did take advantage of the local leeway provision, that on a state-wide basis, 40 percent of the local leeway expenditure would be picked up by the state and 60 percent of it would be picked up by the local communities.

Were we not to change the leeway provision to \$135 total exposure, the state's percentage would decrease to about 35 percent and the local share would be increased to about 65 percent. The committee felt that that was a legitimate issue, that these two funding questions were not controversial items insofar as the issues that they addressed. The only controversy in this legislation we believe, is whether there is money in the treasury to fund them.

Two weeks ago, the Education Committee had the House and Senate Chairmen of the Appropriations Committee come before our committee to discuss these very issues, to ask them for some guidance. There was another funding issue that we chose since that time not to address in this piece of legislation because it costs an additional \$1 million and because it could be controversial. The two Chairmen of the Appropriations Committee did not give any commitments to the Education Committee at that time as to whether they would recommend that this bill be funded, but at their suggestion, the committee chose the route of passing the

bill without all the non-controversial items with these two funding measures. Hopefully, the bill will go along its way and will lie on the Appropriations Table, where in the last days of this legislature, hopefully the Education Committee, working together with Appropriations and leadership, can see fit to fund both or neither of these funding provisions in the bill.

There are other issues that do not address funding questions, that don't require funding that are in this legislation, that the committee believes are not controversial. We would be glad to address any of those issues if anyone has questions.

I would also point out that there is a bill that Representative Bowden has introduced that also deals from another point of view with cost sharing formulas within community school districts. That bill came out of committee a week or a week and a half ago, it lies on the table unassigned at this point and when this bill goes through this body and the other body, it is then our intention to take that issue off the table, that issue was the controversial one, and to debate that issue on its own merits.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to commend the gentleman for an excellent explanation and I would also like to ask him another question.

Does the prospect of the other bill relative to community school districts anticipate an appropriation? And would he please give me again the change in percentages on the leeway?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed additional questions through the Chair to anyone who may care to respond.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: The bill that deals with the issue of community school districts, the cost sharing formula would require an appropriation of about \$131,000. The leeway, at present, under current Educational Finance Law, 40 percent on a statewide basis, 40 percent of the leeway provision is paid for with state funds; 60 percent is paid for with local funds. If we were not to change that through this legislation, the ratio would be about 35 percent state funds and about 65 percent local money.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I thought this question might be answered so I didn't ask it.

My L. D. doesn't appear to say what the total amount of money for general purpose aid to local schools is.

The SPEAKER: The gentleman from Brunswick, Mrs. Bachrach, has posed a question through the Chair to anyone who may care to respond.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: The answer to that question lies in the Part I Budget bill that came before this body. I don't have the bill before me right now but I believe that it is about \$321 million.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address, probably with some trepidation to what I am getting into, but I did have a call from a superintendent a short while ago and I would like to point out one other particular point in this legislation.

Under Section 4, Page 2, the cost of the state expenditure for teacher retirement benefits, he asked me if it was the intent in any way of the legislature to put this under the education schedule and if in any way it might result in a reduction in the amount of money that would go

to the towns. My answer to him was that that was a major policy decision, I am sure when it did come up there would be plenty of discussion on both sides.

The reason I explain this out, the Interim Finance Committee that studied this, there was some thinking that the teachers' retirement benefits should be included in the cost of education, so there will be a line in the budget as to just exactly what that amount of money is. I guess there was even some discussion of including it within local costs and raising the state's share to around 60 percent, which includes this. The decision by the Interim Finance Committee and the Education Committee agreed with it, that this not be done. In case anybody does happen to ask that question about teacher retirement, it is just an identity factor and if any future legislature decides to change it, I am sure there will be plenty of discussion.

Mr. Morton of Farmington was granted permission to speak a third time.

Mr. MORTON: Mr. Speaker, I would like to pose a question through the Chair to the Chairman of the Education Committee.

Has the Committee on Education set priorities with respect to the pay-in situation and/or leeway situation, do you put either one of those ahead of the other?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to anyone who may care to respond.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: The answer to that question is that we think both of these issues should stand or fall together, that the SAD question addresses certain communities that we feel have a legitimate problem and the leeway, our question addresses a lot larger group of communities that we also feel have a legitimate problem, but both of these questions should either be passed or killed together. That has been the thinking of the Education Committee up to this point.

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

The Chair laid before the House the following matter:

Bill, "An Act to Regulate Commercial Whitewater Outfitters." (S. P. 348) (L. D. 1094) (S "A" 227 and S "B" S-229 to C "A" S-215) which was tabled earlier in the day and later today assigned pending passage to be engrossed in concurrence.

On motion of Mr. Austin of Bingham, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-528) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Austin.

Mr. AUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to remove provisions permitting the use of dories and bateaus for commercial whitewater trips in rapidly flowing rivers. This would limit the type of commercial activities to rubber rafts, which are generally recognized as being reasonably safe. At the present time on the Kennebec River, there are three commercial white water outfitters. Only one of these uses dories anyway. He has already had one person, unfortunately, drown in one of these dories.

I want to confine the commercial operations at present to rubber rafts and perhaps sometime in the future we can amend the law, if it seems advisable, and include other forms of water craft.

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

Mr. BOUDREAU: Mr. Speaker, I would like to pose a question through the Chair. I don't understand what the gentleman means by commercial activity. Is he saying that all dories and bateaus will be exempted under this bill?

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

The Chair recognizes the gentleman from Bingham, Mr. Austin.

Mr. AUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: When I speak of commercial operators, there are presently people who, in the public interest, require that they commercially sell trips on the river and people can stop by and buy one of these trips. These are the people that I am referring to.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: It would seem to me that if I want to take either a dory or an inflatable rubber raft or so-called bateau, that it would be up to my own judgment. If I want to take that particular kind of craft down the river, if I had the proper equipment and a life jacket, I don't see why the legislature should decide for me which one of these three crafts I should take down the river and I would just like an explanation from the gentleman why we should pass this amendment.

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Austin.

Mr. AUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: According to this bill, this sport poses significant risks, particularly to those members of the public not skilled and knowledgeable. "Organized trips—many watercraft trips are organized and conducted by commercial operators who hold themselves out as possessing the skills and equipment necessary to navigate the waters with reasonable safety."

If a gentleman, like Mr. Boudreau, wants to get out there and float on a hollow log, that is his prerogative, but if he goes along to a commercial operator, I think we have the right to assume that they are operating in the public's interest.

The public interest requires the commercial operators who conduct these trips to utilize watercraft and equipment which is reasonably safe. Including without limitation, rules, restricting certain sections of the river and streams to be used by only certain types of designs of watercrafts, and they have stipulated that those crafts in the bill will be rubber rafts, dories and bateaus. I propose limiting that to only rubber rafts.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I question this amendment. As you know, a great deal of white-water is done out in the West, the Snake River and down through the Grand Canyon and some of the other areas of Colorado, and they use the dories in that area. The rubber rafts, which have sometimes four or five compartments, are very vulnerable to broken glass or sharp rocks and things like that and can be ripped open. They are particularly deadly when you lost two or three compartments and the compartments that have lost the air they fill up with water and they can wrap around the person. As long as they are whole, they are perfectly safe, but I really wonder why in the West, where you have far rougher rivers, that we have to ban these other two types of craft on Maine rivers.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I just think that this amendment is another classic case of

trying to protect ourselves from ourselves. I just don't think it is necessary and I haven't heard of that many problems on the Kennebec River with the kind of crafts that are being used there now. I don't know where this idea came from that we should start banning one craft in favor of another particular type of craft.

I would suggest that this problem isn't so great that we have to pass a law that says that we will only allow certain people in certain kinds of crafts to float on the rivers of Maine.

I hope that you will not adopt the amendment.

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

Mr. PAUL: Mr. Speaker and Members of the House: I rise in support of this bill. Basically I believe, although I tend to vote up here against regulations that I think are unnecessary, I do think this is an instance where regulation can be justified. An awful lot of instances every summer, fall, on these rivers, where lives are at stake, injuries do occur and on a very few occasions, a life is lost.

What this bill proposes to do is to require these commercial firms that run these rafts down these rivers to be licensed, to be qualified establishments, not fly-by-night organizations coming in from out-of-state to make a fast buck, but legitimate concerns. Most of these firms charge anywhere from \$30 to \$40 per individual per trip.

I was talking to a gentleman this morning who indicated that one of these outfitting firms has already put some 2,000 people down the river at this early stage of the year.

I hope you do go along with the bill but I am about to make a motion in regards to Mr. Austin's amendment. I do believe that it is unnecessary. Basically what we want to do is start with something and work our way towards improvement, and I think the majority on the committee felt that we were all pretty much unfamiliar with this whole business of white watering and we ought to go about it in a slow manner. Let's try it this summer. What we are requiring is that each boat that goes down has a licensed individual, each boat has first-aid equipment and each passenger on one of these boats wear a life jacket. So, we think this will go a long way in being a safety measure for the people of the State.

I would oppose this amendment because it has not been demonstrated to me that these dories and bateaus, which are really large wooden boats, and they are really safe, why they should be excluded from these rivers.

I would move the amendment be indefinitely postponed.

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

A vote of the House was taken.

59 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

Thereupon, Committee Amendment "A" as amended by Senate Amendments "A" and "B" thereto was adopted.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: For any of you that haven't figured this out yet, this is a bill, a special protectivism bill for two or three outfitters on the Kennebec River. I have some very grave problems with it. For one thing, there is no definition of whitewater here or rapidly flowing rivers. I can see where anyone who is engaged in boating for hire could be caught up in this and accused of being involved in whitewater operations.

The next item is a fee of \$250 a year annual. This started out with a proposal for something

in excess of \$1,000 a year. It has worked its way down to \$250 a year, but just what does this do for the public or for the industry that is being regulated? If you look on the back, I will tell you what it does. It requires that everyone use a life preserver, has a 50-foot line tied to each craft and it carries a first aid kit. There is nothing in there that does a great deal for the safety of the people that are involved.

It goes on to say that "Nothing in this section shall apply to the operation of canoes." If we are talking about protecting the public, you can put a canoe rental operation at the head of that whitewater and anybody that comes down the road, you can rent him a canoe, pass him a life preserver and a paddle and push him off. That is perfectly all right, but we are concerned about him being in a craft with a guide or under the control of some commercial operator here, we are worried about these people's safety, but we can put the guy out in this hollow log all right.

It was stated that the committee wanted to start with something and work it up. There may be some desirability for a bill of this type, but I don't believe that this is the bill. I think we had better back off from this and take another run at it about a year or so from now and maybe we can come up with a bill that will actually do some good about saving some lives in the whitewater. Let's look a little bit beyond whether we are doing this in a rubber raft or in a dory.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Our committee worked quite a while on this bill. This bill was designed to do something that nothing does now, and that is make whitewater rafting safer than it is today.

I don't agree with everything that Representative Paul from Sanford said, but we worked long and hard on this one bill.

Mr. Kiesman has brought up some very interesting facts. The fee was never going to be \$1,000. I pushed for \$500 personally, and I will tell you why. We believe that if somebody was seriously considering going into this business, \$500 would be a lot of money when you consider they charge \$50 or \$60 per person, per trip, and have as many as 10 people in a raft at one time. One of the outfitters makes four trips a week. You don't have to figure very hard to figure that that \$500 will be made up awful fast.

Well, the Senate didn't go along with that, so they came back with \$250. I will buy that. We wanted to make sure that when somebody came in here they were serious about getting into this business, they weren't coming in with any army surplus rafts.

He also addressed the problem of whitewater. Well, I am not extremely bright, but I do know what whitewater is when I see it, and we tried to address the problem of the severity of whitewater. We talked to Bill Peppard and Mickey Noble of Fish and Game, and they said it would be very difficult to determine, in their judgment, what was safe whitewater and what wasn't. They believed it should be left up to the outfitter, and I agree. He is supposed to be a responsible person. Most of them are registered guides. I think they are not going to take somebody down if they think it is very serious.

I would hate to see us kill this bill this year. Whitewater rafting is becoming a growing sport, it is growing more and more. It is a very serious problem. We tried to solve some of the problems with this bill. If we want to kill it, kill it, but it is going to come back and we are not doing anybody justice, and I mean that, by killing this bill now. We tried very hard to come out with something. We worked with Fish and Game as far as enforcement of the bill was concerned. Bill Peppard was very honest with us. He told us it was very hard to have somebody that could determine the safety of the rafts right now because they knew very little about

it.

Most of the outfitters themselves were at the hearing. They advocated this bill. They probably suggested the thousand dollars and we heard some controversy about them trying to keep other people from getting into the same business. Well, I don't think we should limit anybody from getting into business, but we should get people who are very sincere and dedicated to whitewater rafting and make it as safe as possible.

I don't think we should kill this bill today. If you have problems with it, I think you should address the problems in other ways, but I urge you not to kill this bill at this time because this summer is going to be a very busy time for these guys, and they do need something. There is nothing now. They can do whatever they want. They can take army surplus rafts, charge whatever they want, get their license for whatever it costs now, \$5 I believe, and take people down the river. If that is what you want, fine, kill this bill, but this bill at least puts some restrictions on them and requires some safety. It is up to you.

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

A vote of the House was taken.

20 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

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

The following Paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

A Joint Resolution (H. P. 1439) in memory of Dr. Wesley N. Wasgatt, one of Rockland's best loved doctors.

Presented by Mr. Fowlie of Rockland (Co-sponsors: Mr. Gray of Rockland, Mrs. Post of Owl's Head and Senator Collins of Knox)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

(H. P. 710) (L. D. 863) Bill "An Act Converting the Unorganized Township of Edmunds into the Town of Edmunds" (Emergency) (C. "A" H-513)

(H. P. 206) (L. D. 254) Bill "An Act to Amend the Law Relating to the Maine Milk Tax Committee" (C. "A" H-514)

(H. P. 795) (L. D. 1002) Bill "An Act to Encourage Industrial Cogeneration and Small Power Production Facilities Using Renewable Sources of Energy" (C. "A" H-519)

(H. P. 1195) (L. D. 1472) Bill "An Act to Facilitate the Licensing of Small Hydroelectric Generating Facilities" (C. "A" H-520)

(H. P. 1248) (L. D. 1504) Bill "An Act to Revise and Correct Provisions of the Administrative Procedure Act" (C. "A" H-522)

(S. P. 243) (L. D. 692) Bill "An Act to Amend the Maine Consumer Credit Code." (C. "A" S-225)

(S. P. 389) (L. D. 1200) Bill "An Act Relating to the Listing of Contracts Made by Real Estate Brokers and Salesmen" (C. "A" S-224)

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

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

Majority Report of the Committee on Energy

and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Establish a Silvicultural Review Board" (H. P. 1187) (L. D. 1486)

Report was signed by the following members:

Messrs. O'LEARY of Oxford
McBREAIRTY of Aroostook
— of the Senate.

Messrs. PELTIER of Houlton
KIESMAN of Fryeburg
DEXTER of Kingfield
AUSTIN of Bingham
Mrs. HUBER of Falmouth

— of the House.

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

Report was signed by the following members:

Messrs. MICHAEL of Auburn
BLODGETT of Waldoboro
DOUKAS of Waterville
HALL of Sangerville
JACQUES of Waterville

— of the House.

Reports were read.

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

Mr. BLODGETT: Mr. Speaker, I move the House accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Peltier.

Mr. PELTIER: Mr. Speaker, Ladies and Gentlemen of the House: This bill would create another board and let me briefly tell you what this board would be made up of—10 people, professors, economics, forest soils, etc. This is L. D. 1486. Also, it would be made up of a member of the Woods Labor Organization, which does not represent mill workers, and a tax assessor where 50 percent or more of the land is owned by a paper industry. In this listing of the people making up the board, there are three references to the paper industry. That would lead me to believe that this bill might be aimed at the paper industry.

Approximately half of our forest land in Maine is owned by people like us, not necessarily the forest industry. So any bill that is going to tell us how to run our forest is not necessarily going to include just one industry. It includes anybody in the woodworking industry or our own woodlots. There is a limitation of 1,000 acres. If you own less than that, you are exempt.

As an individual, I would like to say that if I owned a woodlot of less than 1,000 acres, I don't want any board telling me how to operate my little woodlot.

There should be a fiscal note here somewhere, because this board would receive \$40 a day, these college professors and so forth. And there is a sentence here that says "The Director, with the approval of the Commissioner of Conservation, may hire whatever competent professional personnel and other staff he deems necessary. He may obtain office goods, space and services as required." That sounds expensive.

You all remember the story of the goose that laid the golden egg. The goose got done in, and that is the end of that story.

I don't think the forest industry wants to kill the golden goose, wants to kill the forest. Therefore, Mr. Speaker, I move this bill and all its accompanying papers be indefinitely postponed.

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

Mr. MICHAEL: Mr. Speaker and Members of the House: I think my good friend, the good gentleman from Houlton, has his information a little bit inaccurate. This bill doesn't tell anybody to do anything. This Silvicultural Review Board would have the authority to collect information, which at this time we have no method of obtaining, on forest management practices

within the State of Maine.

The concern was voiced that the small woodlot owners didn't want to have any outside forces telling him how to cut his land, and this board would not have that authority. It would be advisory, but under no conditions would they be able to tell the landowner how to cut his land or anything like that. They could, of course, advise.

There was some criticism of the board's makeup. Well, there was ample opportunity, and it would still be open, by the way, for a rearrangement of the board's makeup itself. If there is a certain faction that you think is missing from being represented on that board, we would be glad to change that. That is not the important part. The important part is that the people of the State of Maine, those involved in the industry and those not directly involved, have an opportunity to look at the information on how our forests are being cut, how the lands are being managed.

Georgia Pacific recently, I believe they are in the process of moving their operation from the Northwestern Territories of Oregon and Washington and California back to Atlanta. Those forests there have been depleted, and it is estimated by a state study there that in the year 2,000 the timber cut in Georgia will be 20 percent less than it was in 1976. What we are talking about here is getting the information so that we can see if there are problems like that in the State of Maine here.

I certainly hope you will vote against the motion to indefinitely postpone this bill, send it down to the other end of the hall with a very large total in favor of the bill.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to agree with the gentleman from Houlton, Representative Peltier, on the indefinite postponement of this bill.

I would like to go back to a comment made by Representative Michael. He said that this bill does not tell anybody how to do anything. I suggest you get the bill out, L. D. 1486, and read the very first paragraph. "There is established a Silvicultural Review Board, within the Department of Conservation, which shall review silvicultural plans and determine reforestation needs. The purpose of the board shall be to assure, to the maximum extent feasible, that the forests of the State of Maine contain a distribution of age classed trees managed for sustained yield in order to secure an optimum economic return to the State and its people in terms of tax support, employment of citizens and use of forest products..."

They are requiring any land with over a thousand acres of land, timberland, to report any and all actions that they are now conducting or plan to take place in the future, and they will not proceed with those plans until this proposed board concurs and comes out with a decision to approve or disapprove. Well, this is a fine kettle of fish when the State of Maine starts coming down and telling industry where, what, how and when they are going to advance with their operations. Do you do it to the industry of textile, the shoe factories, the fish, the lobstermen? Certainly you don't. There are certain restrictions, yes, but you don't run down and tell them how they are going to run their business. I see no reason for the State of Maine to get into that kind of situation.

This bill will place unwarranted obstacles in the path of industry here in the State of Maine. It is a bill that has been heavily lobbied by an individual here in the halls of the State House since last January. It is a bill that was presented to me months ago in the hopes that I would sponsor it. Upon reading the bill, I found that I couldn't possibly have anything to do with it, because in my estimation, it is a monstrosity.

If you will read the bill, I am sure that you will see that it is aimed solely at the paper in-

dustry that has been the backbone of all industries within the State of Maine for all these many years. Here is the State of Maine stepping in and trying to run industries. The obvious effort of this bill and the group that offered this bill is to bring about specific controls over the paper industry and allied operations, and it all stems from a particular problem that the Maine Woodsmen's Association had down in Washington and Hancock counties about two years ago. This is a devious means of getting back at the paper companies. This is the only outlet that would allow them to place constraints on industry.

I urge you, ladies and gentlemen, to vote for the indefinite postponement of this bill and tell industry that they are being thought of.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Roope.

Mr. ROOPE: Mr. Speaker, is there a fiscal note with this bill or does there need to be one?

The Chair would advise the gentleman from Presque Isle, Mr. Roope, that a fiscal note is required on L. D. 1486 of \$131,125 the first year and \$141,500 the second year.

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

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I don't think you have seen the last of this type of a bill that is present here today. There probably will be a series of them until sooner or later we have better communications between different departments than what we have at present.

I sponsored a bill for the Governor, which will do a great deal of what this is going to do, and it came out with a unanimous "Ought to Pass". However, there are some parts of that bill that it doesn't cover. You pick up a paper, and I just happened to notice a little while ago in regards to a group meeting because of their frustrations of the spray program. I pick up another paper and I look in it and there are frustrations about the slash that has been cut. These things mean different things to different people, and I firmly believe that as long as the industry itself and we here are accepting monies to spray the land or do anything where the state money is involved, it is our duty to make this knowledge available to the people of all the State of Maine so they can be better informed.

This is done with atomic energy, with atomic plants as bills come before us from Natural Resources of this sort. It is being fought in many towns by the owners of the different atomic plants. I only say this, as long as we try to refrain and go on the theory that we are trying to tell the paper companies or anyone what to do, that is wrong. What we are trying to say is, that more and more information should be available to all the citizens in this state as long as there are tax dollars involved.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I do have to respond briefly to the statements of the gentleman from Calais. For some reason, people have got it in their head that this is a regulatory agency that we will be setting up. That is absolutely inaccurate. This agency will not be regulatory, it will be non-regulatory, it will be strictly advisory. That is very important.

As far as the fiscal note, I think that is a little bit high. We had another fiscal note that I thought the minority report was going to have sent out, which would be closer to \$90,000 in the second year and less than that the first year but, of course, that is still a lot of money. The question that you have to ask yourself is, what are the state's prime resources worth to you? Out of a \$2 billion budget, is \$100,000 a year worth it to insure that we have this resource available to us in the future?

The SPEAKER: The Chair will order a vote.

The pending question before the House is on the motion of the gentleman from Houlton, Mr. Peltier, 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. Michael of Auburn 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 gentleman from Yarmouth, Mr. Jackson.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Houlton, Mr. Peltier, 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, Barry, Berube, Birt, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Bunker, Call, Carrier, Carter, F.; Churchill, Cox, Cunningham, Davis, Dexter, Drinkwater, Fenlason, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Huber, Hunter, Hutchings, Kiesman, Laffin, Lancaster, Leighton, Lewis, Lougee, Lowe, MacBride, Marshall, Masterman, Matthews, Maxwell, McPherson, Morton, Nelson, N.; Norris, Paul, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Studley, Theriault, Torrey, Twitchell, Wentworth, Whitemore.

NAY — Baker, Beaulieu, Benoit, Blodgett, Brannigan, Brenerman, Brodeur, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Curtis, Davies, Dellert, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, P.; Joyce, Kane, Kelleher, LaPlante, Lizotte, Locke, MacEahern, Mahany, Martin, A.; McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Tierney, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Bachrach, Berry, Brown, K. C.; Conary, Damren, Dudley, Immonen, Kany, Leonard, Lund, Masterton, McMahon, Nelson, A.; Paradis, Stover, Strout, Tarbell, Tozier, Vincent.

PAIRED — Jackson-Jalbert.

Yes, 68; No, 61, Absent, 20; Paired, 2.

The SPEAKER: Sixty-eight having voted in the affirmative and sixty-one in the negative, with twenty being absent and two paired, the motion did prevail.

Sent up for concurrence.

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" on Bill "An Act to Promote Woodlot Co-operative Marketing" (H. P. 875) (L. D. 1082)

Report was signed by the following members:

Mr. O'LEARY of Oxford — of the Senate.

Mr. AUSTIN of Bingham
Mrs. HUBER of Falmouth
Messrs. BLODGETT of Waldoboro
DEXTER of Kingfield
DOUKAS of Portland
MICHAEL of Auburn
PELTIER of Houlton
HALL of Sangerville
JACQUES of Waterville

— 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:

Mr. MCBREAIRTY of Aroostook — of the Senate.
Mr. KIESMAN of Fryeburg — of the House.

Reports were read.

On motion of Mr. Blodgett of Waldoboro, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-516) on RESOLVE, Relating to the Provision of Mental Health Services for Children and Families" (H. P. 808) (L. D. 1011)

Report was signed by the following members:

Mr. NORRIS of Brewer
Mrs. PRESCOTT of Hampden
CURTIS of Milbridge
PAYNE of Portland
Mr. BRODEUR of Auburn

— of the House.

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

Report was signed by the following members:

Mr. CARPENTER of Aroostook
Mrs. GILL of Cumberland
Mr. HICHENS of York

— of the Senate.

Mrs. MacBRIDE of Presque Isle
Mr. MATTHEWS of Caribou

— of the House.

Reports were read.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought to Pass" Report.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I request a roll call on that motion.

We have had much conversation in the Health and Institutional Services Committee on mental health programs of all kinds. The members all recognize that a good overall program and plan is needed. The problem has been to find the right program.

This afternoon in committee, we rejected a community health program that we felt needed more study and hope for a well devised program for the next session of the legislature.

The present bill covers only a segment of the state and the mental health concerns of only a small section of the mental health problems.

We have had many problems with this bill in committee for a number of reasons. One of the reasons is that the department has had difficulty trying to decide whether to support it or not and we had difficulty getting an answer. In fact, just one minute ago, I had a note saying that the department finally had decided to be supportive of this bill but they have been very uncertain about it.

The mental health program in my area has not been supportive of this, in that they had found many problems with it and they feel that we do need a more general overall program for the state before we decide to go along with various segments of programs.

For this reason, I have voted this bill out, "Ought Not to Pass", and I urge you to vote against the "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 support the majority of the committee. There is a big concern with mental health service for adolescents and children and we are trying to

address this question through this bill.

There are numerous agencies that are dealing with troubled adolescents in northeastern Maine and approximately 21 of those agencies have long perceived the need for adolescents who cannot be treated in the community setting.

In response to this need, representatives from the state and community agencies, such as an Adolescent Task Force, have met regularly over the last year in order to develop a proposal which would address the problem. The problem, we feel, the majority of the committee that is, is serious, because there are numerous moderately and severely disturbed adolescents between the ages of 13 and 18. We are talking about adolescents who commit repeated offenses against others with or without drug and alcohol abuse. We are talking about adolescents severely turned off from life and dependent upon drugs and alcohol, adolescents not seriously delinquent but presenting management problems at home or in school or in the community, and we cannot deal with these people in an unstructured setting. There are adolescents who do not belong in jail or in the state hospitals with adults, nor do they belong in the correctional institutions with the hard-core delinquent youths. They act out in the loose structure of their homes or their communities or in most of the group homes that they are sent to. These youths need to learn communication, education, work and recreational skills that will permit them to facilitate their survival in their growth.

There is no facility for the mentally ill adolescent in Maine. Public and private hospitals cannot hold youth against their will unless they are adjudicated mentally ill. There is apparently, according to the PSRO's and the JCAH, standards as well as the mental health law.

We know about ELAM and supposedly that facility is able to get away with holding youth against their will because it is licensed as a drug rehab facility, but it doesn't come under the mental health law. AMHI has an in-patient service. However, the youths are not committed by the court and therefore, they can leave anytime they choose.

According to the Department of Mental Health and Corrections policy, all admissions to the unit must go through the community mental health centers and the involuntary commitment statute is the same for adolescents as it is for adults. In other words, the adolescent unit at AMHI is geared for the mentally ill adolescent rather than the character disordered adolescent.

This bill is a Resolve, it is not an act. It has the support of the Department of Mental Health and Corrections. The department was very concerned that they wanted the leadership role. The bill gives them the leadership role. If you will look at the amendment under the Resolve, it says that the department is the principal applicant. In conjunction with the Eastern Maine Medical Center, they will work to try to provide these in-patient services only for eastern Maine but statewide.

I think one of the concerns that Mrs. MacBride has is the fact that the department didn't wholeheartedly support the bill, and that is true. At the beginning, they did not. It was stated all three departments opposed the bill, and that was because of the inter-departmental committee, which is made up of the commissioner for each of these major departments.

I think another concern Mrs. MacBride has is the fact that if you have five agencies competing with one another, those that are most deserving may not receive the grants, but if that is a concern of others in this House, I would like you to know that annually there is \$4 billion available for grants from private foundations, and I don't think we would be stepping into anyone's corner.

I hope you will support the Majority Report.

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 the gentlewoman from Hampden, Mrs. Prescott.

If you intend to fund this the first year through grants, what do you do when the grants run out?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentlewoman from Hampden, Mrs. Prescott, who may respond if she so desires.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to answer the good gentleman, the Chairman of the Appropriations Committee, Mr. Pearson, who is concerned about going funding and he should be. The original appropriation on this bill asks for \$750,000; \$250,000 in one year and \$500,000 the next. If you will look at the amendment, there is no fiscal note on the bill. All that we want is to compete for the grant. We are asking for the legislature to say that, yes, we agree that there is a need in this area and that you can go out and seek grants and if you prevail, then yes, you can continue and provide the service. We are not coming back to the legislature, nor did we intend to if you were to give us \$750,000.

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.

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

Mr. MORTON: Mr. Speaker, I would like to pose a question through the Chair to the gentlewoman from Hampden, Mrs. Prescott.

I note that the amendment—this is following up her answer to Mr. Pearson's question—says that the program shall be developed in a specific geographic area with the assistance of state mental health institutes, mental health centers, other public agencies. My question is, does the Resolve require a fiscal note? She said it didn't have one, I understood that, but does it require one?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to the gentlewoman from Hampden, Mrs. Prescott, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. PRESCOTT: Mr. Speaker and Members of the House: I would like to answer the gentleman from Farmington, Mr. Morton. There is no fiscal note on this bill and it does not require any additional general fund dollars.

All we are asking for is the opportunity to apply for a grant, any of those that were mentioned, the gentleman mentioned, the institutes, community mental health centers, the private hospitals and the public and private agencies, allowing them to apply for grants.

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

ROLL CALL

YEA — Aloupis, Baker, Benoit, Birt, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Carrier, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Drinkwater, Dutremble, D.; Gavett, Gowen, Howe, Hughes, Joyce, Kane, Kelleher, Kiesman, Laffin, Lancaster, Locke, Lowe, MacEachern, Marshall, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Payne, Post, Prescott, Reeves, P.; Rolde, Rollins, Simon, Soulas, Sprowl, Tierney, Tuttle, Vose, Wood, Wyman.

NAY — Austin, Barry, Beaulieu, Berube, Bordeaux, Boudreau, Bowden, Brown, K.L.;

Bunk, Call, Carter, D.; Carter, F.; Chonko, Cunningham, Davis, Diamond, Doukas, Dow, Dutremble, L.; Elias, Fillmore, Fowlie, Garsoe, Gould, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hunter, Hutchings, Jacques, P.; Jalbert, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, MacBride, Mahany, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McPherson, Morton, Paul, Pearson, Peltier, Peterson, Reeves, J.; Roope, Sewall, Sherburne, Silsby, Small, Smith, Stetson, Studley, Torrey, Violette, Wentworth, Whittemore, The Speaker.

ABSENT — Bachrach, Berry, Brown, K.C.; Churchill, Conary, Damren, Dexter, Dudley, Fenlason, Gillis, Hobbins, Huber, Immonen, Jackson, Jacques, E.; Kany, Lund, Masterton, McMahon, Nelson, A.; Paradis, Stover, Strout, Tarbell, Theriault, Tozier, Twitchell, Vincent. Yes, 54; No, 69; Absent, 28.

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

Thereupon, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Revise Information Contained on Motor Vehicle Inspection Stickers" (H. P. 448) (L. D. 565).

Report was signed by the following members:

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

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

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

Report was signed by the following member:
Mr. JACQUES of Lewiston
— of the House.

Reports were read.

On motion of Mr. Carroll of Limerick, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-515) on Bill "An Act Relating to License Fees for Dogs" (H. P. 775) (L. D. 977).

Report was signed by the following members:

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

Messrs. SHERBURNE of Dexter
NELSON of New Sweden
TOZIER of Unity
ROOPE of Presque Isle
MAHANY of Easton
TORREY of Poland
MICHAEL of Auburn
WOOD of Sanford
Mrs. LOCKE of Sebec
— of the House.

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

Report was signed by the following member:
Mr. ROLLINS of Dixfield
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

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

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: You will notice that I am the only one on the "Ought Not to Pass" side, and I will try to give you some of my reasons.

We passed a leash law some sessions ago which I think takes care of the dog situation, especially in my area at least. I do not believe in equal rights for dogs, to begin with, and I have a soft spot in my heart for old Rover. My dog is on a leash and it has been planned parenthood as far as he is concerned. I really feel that we have enough laws of this sort and I would ask for a division.

The SPEAKER: The pending question is on the motion of the gentleman from Easton, Mr. Mahany, 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.

62 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

Committee Amendment "A" (H-515) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-521) on Bill "An Act to Permit Municipal Water Departments and Quasi-municipal Water Districts to Provide a Contingency Reserve" (H. P. 1132) (L. D. 1400)

Report was signed by the following members:

Messrs. DEVOE of Penobscot
COLLINS of Knox
Mrs. TRAFTON of Androscoggin
— of the Senate.
Messrs. DAVIES of Orono
VOSE of Eastport
Mrs. NELSON of Portland
Messrs. CUNNINGHAM of New Gloucester
REEVES of Newport
BROWN of Livermore Falls
LOWE of Winterport
— 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. BERRY of Buxton
McKEAN of Limestone
— of the House.

Reports were read.

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

Mr. DAVIES: Mr. Speaker, I move that the Majority "Ought to Pass" Report be accepted.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would love to agree with my committee chairman on this particular point but I cannot.

This is one of those type of bills that when you go home after the end of a session and the people look at you and say, what did you do for me today or what did you do to me today? This is the one that says, I will tell you what I did to you. I guaranteed that your water company is going to come in for a rate change, and that is exactly what you have done here. They look for excuses, as does every utility, to provide themselves with extra revenue on which to operate.

I had a lot of problems with this bill to start with. The problems became better when we came up with the committee amendment the first time which said that if the funding exceeded a certain level of this so called contingency fund, that the excess funds would be given back to those people who paid the funds in.

Then we came up with another amendment

and we killed that particular amendment in committee, which provided even more problems. Now we can go up to 5 percent of their yearly operating total, but there is no provision in here as to what happens when you exceed that 5 percent. Does that money go back to the municipality and to the people from whence it came? There are many charters under the water districts which say that the additional funding from the sinking fund goes back to the municipality. But what it fails to say is that in many water districts there is more than one municipality involved in that particular district, which means that you have a district gathering money from two or three municipalities but if there is additional funding going into the sinking fund, which is to go back to those people, it goes back to one municipality, and that is the municipality which has the water district. I didn't think that was fair to those people in the outlying towns who have to make use of that particular water district.

Admittedly, the Public Utilities Commission, at the hearing, said yes, you will have rate hearing, these people will want this additional percentage for their sinking funds. I, for one, do not want to go home and say, yes, I guaranteed that they are going to go before the Public Utilities Commission and ask for a rate hearing. I would rather not do that. I came down here on the premise of less taxes if we could have them, or no taxes, no additional taxes, and I think that we all did that by and large, because we know what inflation has done. I cannot, in all good conscience, vote for something that I know right now, as sure as I am standing here, is going to insure a raise in your water prices.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Limestone has raised some points in terms of what have we done or what would we be doing, or some such questions as that, but I think the question that is most meaningful is, what can we do to assist our people back home and in such a way it would be meaningful and realistic?

Throughout this session, we have dealt with a number of bills concerning the biggies, the giants, so to speak, Central Maine Power Company NET&T and so forth. We have dealt with those in our Committee on Public Utilities. It seems refreshing, for a change, to deal with the kind of utility that benefits all of us, and that is the local water district.

First of all, we are looking at those non-investor owned utilities and requesting that they be provided a small contingency so that they may be better prepared to deal with emergencies between rate cases.

The current situation is as follows: As emergencies arise, local water districts now have to borrow funds on short-term notes at high interest rates until such time that the amount is high enough to require long-term bond issues, again at high interest rates.

The contingency fund that is being asked for in this bill is designed to provide a fund up to 5 percent of the yearly revenues, and the total that will be allowed to accrue shall not be permitted to exceed 5 percent of the total annual operating revenues.

Because the contingency fund is designed for emergency purposes and thus may avoid the necessity of borrowing short-term money at high interest rates, the net result could, in effect, be a slight reduction in water costs.

Finally, the amendment to the bill provides the PUC with discretionary powers to permit the water district to maintain the contingency fund. In other words, the local water districts will not be given a blank check. The PUC will be the final authority which will determine whether or not this contingency fund is granted.

This was one of the first requests that I had

as an elected Representative to the legislature. It did not come from a large water district. In fact, it came from a couple of very small water districts who are experiencing very serious problems between rate cases, problems where they are running into emergency type situations and they just don't have the funds to deal with those emergencies.

Basically, this is a simple bill, I believe, which will give those local districts the opportunity to deal with emergency situations in a very meaningful and very realistic kind of way, and I urge your support for this piece of legislation.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend, Representative Brown, has hit the nail right on the head. If they have problems, whether it be an emergency or non-emergency, that they say they have, then they can very definitely come in front of the Public Utilities Commission and get a rate raise. I don't want to go out there and say here is a good option for you to go in and get a rate raise, and that is exactly what we are doing. You add this onto a complicated small problem they now have, and you have got a rate case pending. The commission told us, you are going to have about 13 to start with if we pass this bill. I have problems.

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

Mr. BROWN: Mr. Speaker, I really don't want to prolong this anymore than we have to, but who can predict that a reservoir is going to experience a leak? Who can predict that there is going to be a major or even minor problems from within the utility district? I think these are problems that are very realistic and I think they are problems that cannot be predicted. Therefore, we are simply asking for a means by which the districts can deal with these problems.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In the same light, who can predict when New England Tel and Tel is going to have an emergency? Who can predict when Bangor Hydro or CMP is going to have an emergency?

I served on the Public Utilities Committee for eight years and I respect that committee. I think if there is a committee in this legislature that works for the good of the people of the State of Maine, it is that particular committee, but I would urge you to heed the words of the gentleman from Limestone, Mr. McKean today, because I can remember over the years the number of bills coming in by the private water districts and the municipal water districts to do just what they are talking about. They want to circumvent my opinion, the processes that we all are familiar with, and that is going before the Public Utilities Commission to state what their emergencies are.

I would urge the House to support the good gentleman's position. If you want to do something to protect your people back home, in my humble opinion, do not give them a reserve account. That is the first thing you don't want to do, whether they are small, little water companies in a rural area or large water companies like the Portland Water District, take 5 percent of their capital and you are talking one big bunch of money. Take 5 percent of the City of Bangor or Lewiston and you are talking a lot of money.

The safe thing to do here this afternoon at 4:30 is to support the good gentleman's motion.

Mr. Speaker, is there a motion to indefinitely postpone?

The SPEAKER: The Chair would answer in the negative.

Mr. KELLEHER: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

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

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for the yeas and nays when the vote is taken.

Unless there is something I don't understand here, and occasionally there is, it would seem to me that this is a consumer's bill, or a "pay me now or pay me later with interest" bill.

I called my local water district manager on this bill. They are hardly large. I think they are still saving for their first hydrant. He indicated to me that every year consistently emergencies come up that haven't been built into the rate schedule. They have to be dealt with very quickly, and since they don't have the funds, they have to go to the bank and they have to borrow them and they have to pay interest and they have to introduce into the profit and loss statement an additional item that heretofore didn't appear, and that is interest. That is passed on to you and I as consumers.

I am in support of this bill and would urge you to oppose the motion to indefinitely postpone.

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

Mr. DAVIES: Mr. Speaker and Members of the House: When I took over as chairman of the Public Utilities Committee this session, I thought that probably I would run into a few controversies that would be rather hotly disputed both within the committee and on the floor of the House, but this is not the bill that I thought would do it. I thought this was a fairly simple proposal that we should be able to resolve without any difficulty, but the more we went into it, the more controversy it raised on the committee, the more difficulty we had in finally coming up with something.

I think the amendment you have before you pays close attention to those kinds of problems, those that have been raised by Mr. Kelleher and Mr. McKean that have been addressed by Mr. Brown and Mr. Leighton already. I would like to go through it one part at a time so that everyone here understands exactly what it does or doesn't do, so that you can make what I hope is a rational and informed decision on this bill.

First of all, the bill applies only to municipal or quasi-municipal water districts. It has nothing to do with profit-making water companies.

Secondly, it allows the PUC, it does not mandate that the contingency funds be established, but it allows the PUC, when sufficient evidence has been generated to show the contingency fund is just and reasonable, can approve such contingency fund.

The figure of 5 percent has been thrown around. I have received a note from Mr. Diamond, how much money was this going to generate for the City of Portland? This 5 percent is the maximum. It allows the PUC to judge the situation, the conditions that have been raised by the water districts, whether it is a broken main or they need to do some work on their reservoir or what, to decide what would be an appropriate amount of money in addition to their regular rates that they can collect to deal with this specific problem. It could be 1 percent, it could be 1½ percent, it could be up to 5 percent, depending on the seriousness of the problem.

I think that it does deal with a very specific problem of companies not being able to predict exactly what is going to happen to them from one rate case to the next. And as Mr. McKean said, you are going to get additional rate cases, but then we also expect the sun to rise tomorrow, and I think it is exactly related to that. The water companies are going to come in periodically for rate increases anyway.

As the commission explained when we were discussing this bill, they anticipate that most of these companies will wait until they are

coming in for a regular rate case anyway, unless it is a very serious problem that comes up and they have no other way of handling it. So I think that you are not going to get any large increase in the number of rate cases that are going to be taking place. They are going to come along normally anyway, and this will be just another provision that will be dealt with when the rate case comes in.

It does allow small water companies, such as the one that Mr. Brown has to deal with in Livermore Falls, to deal with a very specific problem that has come up, allow them to plan for it in their rates to cover the costs of those things in such a fashion that they are not going to go out and have to borrow the money, which is another alternative available to them, and then have to pay the customer's money out in interest payments on the money that they have borrowed.

It is not easy to say, yes, this is going to save us money or, yes, this is going to cost us money. It is an iffy situation and it depends a lot on the management and the responsibilities of the various water companies. But I do think that the problem is serious enough that it does require us to take some legislative action, and I think the proposal before you is very tightly controlled. It is not going to guarantee anybody any rate increase. They're going to have to justify it before the PUC, and they have already indicated their tendency towards skepticism in cases like this.

Every other utility in this state has some form of sinking fund or contingency fund that they can rely on. The only group that is left out are water districts, and this will take care of that problem for municipal and quasi-municipal water districts that do have serious problems.

I urge you to accept the Majority "Ought to Pass" Report.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend and chairman of the committee, an individual I normally agree with once in awhile, said exactly what I was thinking—it is iffy, and this iffy legislation can get us in trouble. It has in the past in many cases. I don't like iffy legislation, because I have heard people say, I told my water company, my water district, and they have told me this, but have you called your customers? See what they tell you. I think this is where the secret is. Being iffy, it could get my customers in trouble, and believe me, I represent a lot more customers than I do members of a water district.

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

Mr. DAVIES: Mr. Speaker and Members of the House: Almost everything we do in this body has a certain amount of 'if' involved in it. We try and look at all of the contingencies that could come up and try and plan for them, but when it comes right down to it. When we cast our vote here, there is always some risk in every action that we take, that some problem may develop.

I am willing to trust that the Public Utilities Commission, who have already indicated that they are skeptical about contingency funds in general and would consider them only on a case by case basis, will handle this thing with enough responsibility, will look into the specific matter that the company comes in and asks for the contingency fund for, so that they are not going to be passing out money to water companies just because they have come in and asks for the contingency fund for, so that they are not going to be passing out money to water companies just because they have come in and asked for it but because there is a real problem that does exist that has to be dealt with and can't be dealt with in a more efficient or less costly manner than via the contingency fund.

I urge you to take these 'ifs' into consider-

ation and still vote for the "Ought to Pass" Report.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think the Chairman of the Committee has outlined for you the technical aspects of the bill and the amendment and what it proposes to do.

I would like to explain to you why I supported this kind of legislation. At first appearance, it looks like we are creating a slush fund, but that is not what is really happening. These small water companies, which are quasi-municipal companies by their nature, are non-profit corporations. There is always a rate lag; that is, when the rates are approved for a water company, they are approving money that was already spent prior to the approval of the rate by the Public Utilities Commission. Therefore, these small companies are always in the position of borrowing money. They are borrowing money all the time in order to live until the next rate case comes up. The rate case is approved to pay back the borrowing that they have already done.

My thinking on this particular legislation was that if we can reduce much of that borrowing between rate cases by having this contingency reserve and these small companies are so small, many of them, that if they have a break in a two inch water main, it is a major catastrophe. If you live in a large city where they have 20 and 40 inch water mains, that doesn't mean too much, but to a small company, a two inch water main, being a major catastrophe financially, is quite significant. Therefore, having this small contingency reserve available to take care of that two inch water main break, I thought, would be a wise use of a reserve to prevent the necessity for borrowing money until the next rate case came up. In order to help these companies between rate cases to overcome this rate lag, I felt that I should support this legislation and I would urge this body to do the same.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We have heard debate here this afternoon alluding to the fact that there may be some serious problems within existing non-profit water districts. I don't know how many water districts there are in the state but I happen to know one of them, it is in my area.

I suspect that there are enough of them within the state that would probably serve to overtax an already overtaxed PUC Commission, everytime a rate case comes along, they come before Appropriations requesting more money and more staff because they are overworked and understaffed.

It is also my understanding that every non-profit water district in the State of Maine has been chartered through the legislative process and there is nothing in the laws of the state that prevents any district from amending its charter if it feels that it might have some serious problems to require a sinking fund.

I would urge you to heed the warnings expressed by the good gentlemen from Limestone and Bangor, not with one stroke of the pen to create sinking funds that will require the users to pay now for something that may or may not happen in the future. If there is a problem, let them come to the legislature to amend their charter.

In my area, we have just recently experienced a minor problem, which, incidentally, this could be an area that the committee might want to look into, a waterline was expanded for a particular industry and it required quite a number of dollars in capital outlay to build this. They did not have the advantage of a sinking fund but they had an agreement with the company, but the agreement was only valid as long

as the company utilized the water and the waterline. Lo and behold, with all of the pressures that we have for energy conservation, the company found a different way of using its facilities which required much less use of the water and, consequently, the cost for laying the line in was passed on to the remainder of the users in the commercial area of the district and they have just experienced a 400 percent increase in their water rates.

This is an area that I think deserves something to be worked and looked at, because corrective action certainly is needed. To create sinking funds all across the state, at the stroke of a pen, with one simple law, I think it is bad legislation and I would hope that you would all support the motion to indefinitely postpone.

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

Mr. DAVIES: Mr. Speaker, Members of the House: If this bill did what Mr. Carter has just suggested it did, I would not be here supporting it. If it immediately created contingency funds for all the municipal water districts in the State of Maine, I would have opposed this bill.

All this bill does is, it allows the companies to come into the Public Utilities Commission, whether during the regular rate hearing or other situations, and ask for it, and if the PUC feels that they have justified the specific need that they have asked for, they can grant a contingency fund for up to 5 percent of their operating costs. It all is premised on the company coming in and making a substantial case that they can't function without this contingency fund.

The PUC has indicated to us that they will be very strict in considering these matters. They are not going to frivolously pass them out but they are going to have to be justified on a very substantial basis. They have to meet the standard of $\text{jue\%} \div \text{onable}$ as well as the only possible way that they could handle this problem.

So, we are not creating a slush fund, a sinking fund or a contingency fund for every water district in the State of Maine. We are allowing them the option, if they have a serious enough problem that can't be handled in another manner, to come to the PUC and if the PUC approves, they will be granted a limited contingency fund. So, we are not creating a broad-brush sinking fund, we are merely allowing a local municipality, or the water district thereof, to come in if the problem is serious enough and ask for it.

I have faith enough in the PUC to handle this matter in the correct fashion. I don't think they are going to be passing out money. They have already indicated that they are rather skeptical about sinking funds for this type of case anyway. So, they are going to give it the most tough scrutiny that is possible. I don't think we are going to have water districts coming in and picking up these contingency funds at the drop of a hat. They are going to have to make a pretty substantial case for that.

I urge you not to indefinitely postpone this bill but to give it its first reading.

Mr. McKean of Limestone was granted permission to speak a third time.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I also have faith in the Public Utilities Commission and I have experienced that faith a number of times during our hearings and things that have happened. But I also remember the fate of the fuel adjustment charge in front of the Public Utilities Commission. I don't think it is fair for the people of this state to have to pay for mistakes made by somebody completely divorced from the people of this State. That is the reason I don't think the PUC should have the say so on whether or not we are going to add 5 percent or 3 percent or whatever percent to any contingency fund. I still have that memory of that fuel adjustment clause.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must

have the expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA — Austin, Baker, Beaulieu, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brenerman, Brodeur, Brown, A.; Brown, K.L.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Curtis, Dellert, Diamond, Dutremble, L.; Gould, Gowen, Gwadodsky, Hall, Hickey, Higgins, Hunter, Jacques, P.; Kany, Kelleher, Laffin, LaPlante, Lewis, Lizotte, MacEachern, Mahany, Marshall, Masterman, Matthews, Maxwell, McHenry, McKean, McPherson, Nadeau, Nelson, A.; Nelson, N.; Norris, Paul, Payne, Pearson, Peterson, Roope, Sewall, Sherburne, Silsby, Simon, Smith, Torrey, Whittemore, Wood, Wyman.

NAY — Aloupis, Bachrach, Barry, Benoit, Birt, Brannigan, Brown, D.; Carroll, Chonko, Cloutier, Conary, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dexter, Doukas, Dow, Drinkwater, Dutremble, D.; Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gray, Hanson, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Joyce, Kane, Kiesman, Lancaster, Leighton, Leonard, Locke, Lougee, Lowe, Lund, MacBride, Masterton, Michael, Mitchell, Morton, Nelson, M.; Paradis, Peltier, Post, Prescott, Reeves, J.; Rolde, Rollins, Small, Sprowl, Stetson, Studley, Tierney, Tuttle, Vose, Wentworth.

ABSENT — Berry, Brown, K.C.; Churchill, Dudley, Elias, Immonen, Jacques, E.; Jalbert, Martin, A.; McMahon, McSweeney, Reeves, P.; Soulas, Stover, Strout, Tarbell, Theriault, Tozier, Twitchell, Vincent, Violette, The Speaker.

Yes, 62; No, 67; Absent, 21.

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

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

Committee Amendment "A" (H-521) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Majority Report of the Committee on State Government on Bill "An Act Relating to Municipal and State Purchase of Products of Maine Farms and Fisheries" (H. P. 285) (L. D. 350) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to State Agency Purchase of Products of Maine Farms and Fisheries" (H. P. 1436) (L. D. 1638)

Report was signed by the following members:

Messrs. AULT of Kennebec
SUTTON of Oxford
MARTIN of Aroostook

— of the Senate.

Mr. BARRY of Fort Kent
Mrs. DAMREN of Belgrade
KANY of Waterville
Mr. CONARY of Oakland
Mrs. MASTERTON of Cape Elizabeth
Mr. PARADIS of Augusta
Mrs. REEVES of Pittston
BACHRACH of Brunswick

— 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. LANCASTER of Kittery
Ms. LUND of Augusta

— of the House.

Reports were read.

On motion of Mrs. Kany of Waterville, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act Relating to Access, Copying and Release of Medical Records" (H. P. 934) (L. D. 1165) which was tabled earlier in the day and later today assigned pending acceptance of either report.

On motion of Mr. Hobbins of Saco, the Minority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-491) was read by the Clerk.

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

House Amendment "B" to Committee Amendment "A" (H-530) was read by the Clerk.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: It is this time of year again when amendments come flying and we can't find anything. I would respectfully ask that the sponsor of this amendment to let us know what the amendment is about to do.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to answer the question. This amendment does simply one thing. It adds the word "immediate" to the access to medical records. Otherwise, the original bill said that you could have access after 48 hours and this says we can have "immediate" access to the medical records.

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

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

The Bill was assigned for second reading tomorrow.

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

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-517) on Bill "An Act to Amend the Tree Growth Tax Law" (H.P. 1115) (L. D. 1244)

Report was signed by the following members:

Ms. CLARK of Cumberland

— of the Senate.

Mrs. POST of Owl's Head
Messrs. BRENERMAN of Portland
LEONARD of Woolwich
KANE of South Portland
WOOD of Sanford
TWITCHELL of Norway

— of the House.

Minority Report of the same Committee Amendment "B" (H-518) on same Bill.

Report was signed by the following members:

Messrs. TEAGUE of Somerset
CHAPMAN of Sagadahoc

— of the Senate.

Messrs. CARTER of Bangor
MARSHALL of Millinocket
IMMONEN of West Paris
COX of Brewer

— of the House.

Reports were read.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of the Majority "Ought to Pass" Report.

Essentially, if you look at Committee

Amendment "A" and Committee Amendment "B", you will find that for the first four or five or actually seven pages, they are pretty much the same. If you still have it, you might want to take out the comparison sheet that was passed around last week before we went home. The first part of both amendments essentially makes changes to the present Tree Growth Law although it keeps the same formula in existence. It does mandate that both bills do ask that a management plan for Tree Growth be prepared by people who wish to put their land under Tree Growth, thereby hopefully decreasing the number of people who simply put their land into Tree Growth as a mechanism for avoiding taxes.

It does away with the mandatory classification of over 500 acres. Both bills, and I know there has been some comment on this this afternoon, but both bills say that land within 250 feet of high tide mark cannot be put into tree growth. Both bills, as I said again, have this provision in it. I would simply ask you, if you have problems with that provision, I understand that an amendment is in the process of being prepared, so I would ask you not to vote against the adoption of either one of these committee reports because that specific provision has been put in, but rather to deal with that issue when the amendment itself is presented.

Myself, I have to say that I have very mixed feelings over that 250 feet exemption.

Both bills say that the tax assessor can set growth rates by region, which is part of the formula for setting the value for Tree Growth land. Both bills set the discount factor at 10 percent in the statute until 1982 and it is now at 20 percent. Both bills set the stumpage value annually rather than biennially and then the difference comes.

The Committee Amendment "A" provides for reimbursement to towns of 100 percent of the tax shift. The tax shift comes when land has been valued at its full market value that was put into Tree Growth. That means that land, if it happened to be on the shore front, if it happened to be on the roadside, it could have been valued at anywhere from \$1,000 to \$500 to \$200 an acre, once it is under tree growth it has a much lower value and that can go anywhere from \$30 to \$50. It varies by county and it varies by the kind of wood which is actually land, that is set annually by formula.

In some instances, that tax shift is causing a severe problem in municipalities as 50 percent or even more of the land is put into Tree Growth and therefore, the residential homeowners have to pick up that tax shift.

The Majority Report is recommending that that shift be funded 100 percent and it is furthermore recommending that shift be funded not from the General Fund, as is presently the case, but be funded by a severance tax, which means a tax on wood as it is cut, an excise severance tax placed on cut wood. That would only be applicable to any landowner who cuts more than 500 cord per year. The 500 cord figure was set upon after discussion with the Bureau of Taxation, since it seemed as though to try to do it for a lesser amount than that would actually cost as much, if not more, to collect the tax than would be available from that tax itself.

So, the issue really, when you take a look at Committee Amendment "A" and Committee Amendment "B", boils down to two things. It boils down as (1) how much should your towns be reimbursed? What that means is, how much of a burden should be borne on this tax by the residential owners and how much of it should be reimbursed by the State?

We say 100 percent, and when we are talking about 100 percent, we are talking about comparing the tree growth value as to the undeveloped land value in each county. Even 100 percent isn't actually going to reimburse the town for the actual loss, because if you have land that happens to be on a road and if, in fact, it were taxed at its highest and best use, which

might be a house lot, then that might bring well, that would depend from town to town \$500, \$600, or \$1,000 an acre. The reimbursement the town will get, even under the 100 percent reimbursement formula, under the Majority Report, will be based on the undeveloped land value in that county which, at the present time, runs from about 100 to 140, I think is about the highest.

The second issue is, when reimbursement takes place, who should pay? The issue is whether we want the money to come out of the General Fund or whether it is more appropriate, in this instance, for people to pay back for those tax benefits which they have gotten for years and years and years, when they have the money and that is with the severance tax when the forest products are cut.

It seemed to us, as we have been trying to deal with this issue, that this issue was the closest we could come to solving the problem. We have tried to protect the residential people and the people in the communities by 100 percent reimbursement. We have tried to protect the small woodlot owner by setting a provision in it for the 500 cord. In its place, we have had a state-wide tax on severance tax, it goes into a dedicated fund and would be set just high enough to raise enough money to reimburse the towns from year to year.

I would urge that you accept Committee Amendment "A".

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would ask your attention, for a few minutes, regarding this tree growth bill and the establishment of an entire new tax here in the State of Maine.

This tax, and this is the objection I have, and the difference between the Majority Report of 7 and the Minority Report of 6 is the establishment of a special severance tax on the forest property owners here in the State of Maine.

First of all, the Subchapter which established the Maine Tree Growth Tax Law in Title 36 is 571, and under 572, it states the purpose of why we have a Tree Growth Tax Law. This is one question I always had as a Freshman, it was a very difficult topic for me to understand and I can appreciate how many of the Freshmen feel, so bear with me just a minute while I read this small statement of purpose for the tree growth here in the State of Maine.

"It has, for many years, been declared public policy of the State of Maine to tax all forest lands according to the productivity and thereby to encourage their operations on a sustained yield basis."

However, the present system of ad valorem taxation does not always accomplish that objective. It has caused inadequate taxation on some forest land and excessive taxation and forfeiture of other forest lands.

This Tree Growth Tax Law is meant to encourage the classification and maintenance of forest land here in the State of Maine. The two bills which are here before us today are similar in very many ways. They are similar in the first six instances. These six instances are an attempt to address a problem that Tree Growth has encountered, which is different from the purpose stated here. Because of the problems of ad valorem taxation, we have had a problem with the discrepancy in a problem resulting in the organized territories here in the state.

If you look under that sheet that was distributed the other day by Senator Teague and Representative Post stating the differences between those two, you will see six areas of agreement. Number one, this bill does tighten up the definition of forest land and it requires a sworn, substantiated statement that the land will be used primarily for the growth of trees for commercial purposes.

Number two, it makes the application of this law voluntary.

Now I might point out that when this law was first passed, the Tree Growth Taxation Law was first passed, it was made mandatory upon those landowners who owned 500 acres or more. Now, you may ask why. I did in committee. The reason was that at the time there were some landowners whose valuations at fair market value were less than would be the valuation under Tree Growth. However, due to certain circumstances inherent in the Tree Growth Law, it has retarded the valuation of tree growth land. An example of that might be the biennial setting of the stumpage rate which is herein corrected in both of these proposed methods. So, now they say, well let's make the application voluntary. Of course, they mandated you get into it because many large land owners wouldn't have been, but now they would request it because there is no longer an advantage to make it voluntary.

Number three, it excludes forest lands within 250 feet of salt water for the coastal people. Pray tell, what happens to the rest of the State of Maine?

Number four, it authorized the determination of average annual stumpage rate. It sets the stumpage rate, the value of the trees when they are cut. It sets up a regionalization of forest lands here in the state.

Number six, the last item, it reduces the discount rate from 20 percent to 10 percent. Now, all of that didn't make much sense to me and I suspect to many of you it doesn't make much sense either, but those six items that I have just listed are, in an honest attempt, included in both committee reports to address a problem that has arisen in the Tree Growth Tax Law. They are very similar.

However, they have gone on to include a new section, the establishment of a severance tax. I submit, ladies and gentlemen, this is a new tax and it is a new tax directed specifically at the forest owners in the State of Maine. That doesn't mean the paper companies, for those of you who had that in the back of your mind, they are included because, as we all know, they do own land in Maine but it also includes the other industries in the State which depend on forest products as a basis of their business. I submit that the inclusion of a severance tax is the same thing.

When we look at the statement of purpose in this bill, why do we have Tree Growth in Maine, that the inclusion of a severance tax now is like creating a tax incentive for lobstermen and then taxing them for every lobster that they catch. It is the same thing as establishing incentives to help potato farmers here in the State of Maine and then levying a tax on every peck of potatoes that is harvested. I submit that this proposed majority opinion report directly tends to refute the basic reason and rationale of the Tree Growth Tax that was established.

I would like to read to you a few other items that may be of interest to you in this very complex issue and I hope you will bear with me.

"The effect of such a severance tax is to cancel out the incentive granted by the Tree Growth Tax Law to forest land owners" which is a stated policy. It has been a stated policy in the State of Maine for many years. It makes no sense to grant an incentive under Tree Growth and then cancel it out by a severance tax. It makes no sense to grant a tax incentive and then recover that incentive with a costly administrative, as far as administrative purposes is concerned, to administer.

One thing that I would like to point out, and for those of you who operate on the constitutional basis or who are particularly interested in items that really fly in the face of reason, it is proposed that the severance tax be applied to forest lands both in the organized and the unorganized lands here in the State of Maine. Thus, they are levying a tax on forest landowners in the unorganized areas to pay for the incentive granted to forest landowners in the municipali-

ties. Now, if that doesn't smack of redistributing and putting a burden on the unorganized landowners to pay for reimbursements to the organized territories, I don't know what does.

Now both committee reports are honest attempts to correct very serious problems in the tree growth, but the solution that is recommended in the Majority Report is not going to help the situation. In my opinion, it is going to penalize a major industry here in the State of Maine and that industry is not only paper making but all types of forest harvesting.

Committee Amendment "A" constitutes an attack upon the entire woods industry at a time when it is in the interest of the State of Maine to develop employment and growth in the woods industry.

I know that this bill has been lobbied and many of you have lobbied on this. I haven't bothered to contact too many people on this, nor do I suspect many members of the Minority Report have, because we find it completely unacceptable. I hope that with a clear conscience you will look at this subject and say, are we ready and prepared to establish an entire new tax on organized and unorganized property owners to benefit the municipalities at 100 percent.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Tree Growth is a very dear issue to me, you might say. I have some considerable problems with this issue and I would like to explain Tree Growth as one thing. I guess the law exists on the books simply because there was a certain number of people here in Augusta, a few years back, that felt that forest land should be treated differently in our basic tax structure than other pieces of property in the State of Maine. With that one problem, I personally have a problem with it as well.

The gentleman from Millinocket says that there is discrimination between unorganized territories and organized territories by this bill.

Let me just digress for a moment and go back into Tree Growth. What is, first off, Tree Growth and what are we talking about when we say if you value land under Tree Growth? The Bureau of Taxation has the formulas. As they say, if you have forest land and you apply to the State of Maine, you can, if it is 10 acres or more, you can fall under a category, a special tax category, and we will value your land no more than the return that you can ultimately get off that land, that being the growth of the trees and the harvest of the trees. Well, the concept of that is a good one if you don't take into consideration all the rest of the land in the State of Maine and the fact that all the rest of the land in the State of Maine is being valued at fair market value.

The present figure, and correct me if I am wrong, I believe it is around \$26 an acre. That is what Tree Growth land is valued at in the State of Maine. We found that the average sale of timberland, this is raw timberland, for example, my county of Sagadahoc is \$140 per acre. You see the basic difference between the two right off. The average sale value, this is just sale value for timber, is far more than what it is being valued for if it falls into Tree Growth.

Then, number three, there is another category, and it is the very category which our tax structure is set up on, and it is fair market value of that land. Fair market value can be somewhat lower possibly than the average of sale value of timberland or it can be far in excess of that. A prime example of that would be the coastal property, the property on the ocean that could be valued at \$10,000 and \$20,000 per acre.

Now, we have attempted in one area to deal with that particular issue. We have taken 250 feet and said that is going to be excluded from

being included under the Tree Growth Law and cannot be sheltered as a result of that. I realize the conservationists say there is a problem with that, because ultimately you are going to force the development property. Well, that might be the case, but I don't really think ducking under a tax shelter is necessarily the answer.

We have a basic problem with our tax system. If, for example, in the State of Maine we can't grow trees on land and have those trees ultimately returned to the landowner, his cost for buying the land and maintaining the land, that is the basic problem with our tax structure. But fragmenting ourselves and going at it in a piece meal basis, as Tree Growth does, is not the answer. Because, for example, in the town of Westport Island, you are really causing a problem under this bill, under this law. You are taking the majority of the coastal land around the island that is on the ocean, you are sheltering it from taxation and you are shifting the burden in that municipality to the homeowners and not always the people that can pay. I can assure you, a goodly percentage of those people that have land under Tree Growth in Westport Island don't even live in the State of Maine. If they aren't holding it for speculative reasons, you tell me what they are holding it for, because they are not really interested in the trees that are growing. If they were interested in the trees that are growing, they would have a management plan. I submit there are very few that have that.

I stand here today, I am a tree farmer, an American tree farmer, I own 200 acres of land, I am not under Tree Growth and I wouldn't for the life of me ever be under it because I think that the old lady down the road, for example or the young couple up the road, have enough of a tax burden without me shifting all of my dollars on to them. If I can't make timber pay for itself, I will attack the basic tax system, I won't fragment it.

That is exactly what this is, a band aid approach to a problem we have throughout the State of Maine.

We all know that the tax system in the State of Maine, or the property tax, is regressive. This just proves it. But dealing with this one issue isn't the answer, because what we are doing with this particular issue is just putting it off onto somebody else that is probably less than able to speak for themselves.

My position on this bill is one of compromise because I am on Report "A" and that is a severance tax. I realize that probably it is going to be very difficult to ever get repeal of the Tree Growth Law in the State of Maine. I worked for the repeal of the Uniform Property Tax and I got 29 votes on an amendment I offered in this House, so I'm being a little bit more of a realist now, I realize that maybe that things aren't going to go the way I hope they will.

I supported the severance tax for one reason. If we are to give a break to people so they can grow trees and, one of the problems you have in harvesting timber, is that you have to finance that out of a long period of time, 15 or 20 years, before you can harvest on a continual basis. I am willing, as a member of the Taxation Committee, to say there is a forgiveness clause that we will forgive you that length of time on your taxes, but when the time comes and you can harvest your timber, you pay the piper.

Severance tax means that all of that deferred income to towns or the taxes being lost on a yearly basis can be reimbursed to the municipality. It only deals with part of the problem because, as I told you, there are three violations in a town right now that we can work on. We can work on Tree Growth value, we can work on raw timber value and we can work on just fair market value. This severance tax will reimburse the difference between the first two, and the third is not being taken into consideration here, and that could very easily be a problem. At least, the towns will get 100 percent of

the taxes lost between the Tree Growth value and the raw timberland value. That at least minimizes the burden that we are putting on other people for the sake of harvesting timber.

Harvesting timber is worthwhile. Obviously, it is something that the state depends upon. I would suggest that there are problems between the unorganized territory and the organized territory that Mr. Marshall didn't allude to.

We are, in fact, putting a lot of emphasis on the organized territory for the funding of education, for example. In the unorganized territory, if you are not familiar with the way we set up the taxes on the unorganized territory, they simply have a pool. If they require so many services, they pay for those services. It is a kind of user fee form of taxation, not true in the organized territories.

I guess if someone wants timber in this state to be harvested, they are going to have to deal either with the whole problem or they are going to have to rob Peter to pay Paul, and that is what this bill does. It takes some of the revenue from the unorganized territories and some of the revenue from the organized territories, where they are really making a bonanza, and puts back to the communities who are actually paying for it. I see nothing wrong with that.

It is a forced subsidy, and I don't think it is one that we should make because people are burdened by taxation and this kind of subsidy has no consideration of the ability of those other people, who are being forced to subsidize of their ability to pay.

We talk about the constitutional aspect and one problem that I had all along was the fact that if you have ten acres or more, you are, in fact, eligible for Tree Growth, and I, for the life of me, can't understand why 9 acres of trees aren't worth just as much per acre as 11, 12 or 500 are per acre under Tree Growth. So, if you have constitutional problems, I think it lies right there.

I guess that is all I have. I have burdened you enough with my rhetoric. I hope you will support the severance tax. I think it is a fair approach, it is not laying any burden unnecessarily upon anybody. What it does, in effect, is it means the people who are harvesting the forest products and ultimately selling them, and those people that are ultimately receiving the forest products and ultimately selling them, and those people that are ultimately receiving the forest products will, in fact, be paying for them. That seems to be an equitable approach.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The Tree Growth valuation method has indeed caused a burden on some communities. I think this burden is gradually diminishing as stumpage prices increase and as land values level off. There was a period a few years ago when land prices were increasing very rapidly, now they have more or less peaked but stumpage prices are still increasing, so I would expect that the problems of tax shifts that we have had will be diminishing as time goes on.

As I said, some communities have been very severely impacted by Tree Growth. However, Westport is not one of them. For example, the tax rate in Westport is .0103. I would ask you to compare that with the tax rate of Portland of .0279. Westport, obviously, is not hurting.

I don't want to take too much of your time at twenty-five minutes after five this afternoon, but I do want to express my opposition to the severance tax. This is a new tax and a completely new approach and another tax burden which will be imposed on the State of Maine. Personally, when I was running for re-election, I pledged no new taxes and this obviously is another tax and I, for one, am going to oppose it.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: Since I am the one

who represents Westport Island, I will tell you, I am going to vote for Committee Report "A".

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: There have been so many misstatements made by the good gentleman from Woolwich, my very good friend Mr. Leonard. There is no unburdensome tax which these property owners would have to bear. That is entirely wrong; that is entirely misleading.

I would like to tell you right now that in 1978, the valuations on Tree Growth land increased 34 percent; in 1979, between 20 and 24 percent. The inclusion of the discount factor here in both of these reports would add another 20 to 25 percent increase in the valuations and that alone, ladies and gentlemen, in two years, results in a tax of a valuation increase between 74 and 83 percent, and that does not include the new severance tax which is being proposed by Committee Amendment "A". Committee Amendment "A" would impose 40 cents to 60 cents per cord of wood. The only thing that can be said of Tree Growth today, ladies and gentlemen, is that it is working and it is working because it is keeping land in a natural state and for those businesses which require a volume of wood or wood products for their businesses, it is working.

The resulting problem has been a tax shift, which we are trying to address. I maintain that both Reports A and B, with those six provisions that I stated to you earlier, will address the problem, and in lieu of the comments of the gentleman from Bangor, Mr. Carter, I think that these are truly a fair, equitable attempt to solve the tax shift problem but not to destroy the concept and the rationale for Tree Growth and not to impugn the rationale of the Chase Law, which was passed, on which this whole thing was premised, which recognizes an inherent and basic difference in forced land and land use for the development for commercial purposes such as housing and other areas.

I would like to state that the Governor has pledged that his administration will oppose any new tax increase. Well, this is a clear tax increase as anything, and I urge you to vote against it.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This afternoon is probably everything you always wanted to know about trees and more and I can only say that this has been the situation from the Taxation Committee as we have struggled with this issue for about four months now and I guess you are only lucky that we came down to two reports.

Essentially, I would like to make clear that this bill is in no way contrary to the present principles and policies of Tree Growth. It is in no way contrary to that. We are not talking about advalorem taxation. Advalorem taxation is property taxation at its value. We are not talking about advalorem taxation.

There are several problems that were outlined to us by somebody from the University of Maine as far as property taxation or taxation of forest land. All of those problems are taken care of in a joint approach of using the present productivity formula for valuation as property taxes are concerned and then reimbursing the towns for the loss from the severance tax.

One problem was the parcel bias and what that means in some instances, is that either because of assessment practices or other practices, the value of land across the state is different. We have taken care of that as far as the buyers go anyway by having, as is in the present case the law, the state tax assessor set those values under a productivity formula.

Another problem with woodland taxation is the time bias, which means you levy annual property taxes on income producing property which yields revenues only at long time intervals. We are not talking about increasing sub-

stantially or going on to an annual tax on forest land as far as this value at that very time. We are talking about continuing to use the proper formula.

A third problem is that general property taxation or advalorem taxation strains the ability to pay principle, which should be present with good taxation. Taxing people through a severance tax to make up for the loss takes care of that problem of people who are trying to grow trees on an area which takes 20 or 30 years and then not having the income at the time before they actually cut that timber.

Another problem is the developmental pressures which were present on some of our forest lands before the Tree Growth Law was put into effect. We have not changed that and we have still substantially reduced the developmental pressures by taxing at \$30 to \$40 or, I guess in one instance, in one county, softwood goes up to \$100 an acre. That is presently in the law, presently under the system of Report A.

The final problem with property taxation on timberland is that there are great risks of forest ownership, because if you tax somebody at their current value throughout the whole time period while those trees are growing, you can have a catastrophe that takes place either because of insect infestation or fire and yet they are never able to reap the benefits of those taxes that they have actually paid. The system set out under Report A deals with that problem, in that they have the lower productivity value on what they pay taxes on year after year, and yet they only have to pay the severance tax when they actually harvest the wood.

Representative Carter mentioned that he feels, yes, that there has been a problem with as Tree Growth is concerned, but because of the formula and having that formula changed or different parts of that formula changed every year, that that will take care of that problem.

First of all, by having the formula changed every year, there are no guarantees that that is going to mean a higher value for the actual forest land. I think many instances can take place, we can be talking about market values, we can be talking about the capitalization rate, general interest rates on the whole national level, we can be talking about the severe infestation of budworm, many things which could actually decrease the value of forest land and decrease the amount of property tax that people would have to pay and increase the burden of residential property owners in those towns.

Even if it is true and the value of forest land, using the present formula, actually does go up, there is no problem with that in Committee Report A, because the severance tax is set specifically enough to reimburse the towns for their tax loss, and if there is little tax loss, the severance tax goes down. Even if the present formulas that we are both agreeing on do happen to increase the values, that automatically decreases the severance tax and the towns are guaranteed of their reimbursement and the residential property owners and actually even business property owners in those communities are guaranteed that they are not going to have to pick up the burden for the forest land owners totally.

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

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: As usual, my little small businessmen are caught right in the middle. It is a tax shift all right, it is shifted right onto small operators like myself.

I admit to having selfish reasons for being on my feet today because this will cost me \$4,000 more per year. It is just as simple as that. When I buy stumpage, this severance tax is going to be added on that. There is no other way out of it.

I will admit that I am Chairman of the Board in my little town and we have a problem, but it

looks to me like you are trying to get the big boys and the little small fellows I represent are getting stepped on once more. As far as 500 cord of wood being important, why not 490? It was mentioned about 9 acres and 10 acres. What is the difference between 490 cord and 500?

If you want to do something about people putting their land into Tree Growth to escape taxes, stiffen the penalties when they want to draw. Make it so stiff that they can't get out. There are other ways besides attacking the small businessman, who has just been faced with a 20 percent increase in Workmens' Comp.

If you want to kill these small operators, keep right on, keep right on with these practices. That is one sure way to do it. I don't expect that I will change one vote this late in the day, but at least I am on the Record.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to answer the good gentleman from Kingfield. He might be paying some sort of tax on the stumpage, but I would assume that he is not going to digest the particular wood he is harvesting, so I assume that he is going to pass that on to whoever is ultimately going to buy the wood from him.

One of the things that bothered me when they had the testimony on this, this is kind of like a user fee, it is a totally different approach to valuation than we are using in the area of taxation at the present time, and my thought was that the next step the paper companies, for example, will come in with or the small lumber companies or whatever, they will come in with a bill that says, well, I have a mill and that mill cost me a bundle to build and you are valuing it right now at its fair market value, but, you know, I can only get so much return from that mill so why don't we have a bill or law in that will allow my business or my lumber company, or whatever, to be valued based on the returns that I can receive from that.

I don't know if I have made my point clear but it is just one step beyond what we are right now. It is a totally different system. A business in the State of Maine, for example, the land it occupies, the building it occupies, is valued on fair market value, it isn't valued on what the occupant of that building can ultimately receive in return for his being there and offering a business or a service to the community. It is the same thing; it is identical. If you want to treat it that way, let's go to user fees throughout the State of Maine and then go for taxes on profit, but don't simply put a small bandaid on a major problem and that is exactly what this is.

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

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I can forgive my good friend from Woolwich. He doesn't understand the business that I am in and perhaps I don't understand his, but we have a set price which we have to deliver to the mill—one price and only one price. Out of that has got to come that severance tax.

I will admit that over a period of years this will level off. But in the meantime, don't forget, you have lost several good operators. We are just operating now on a thin margin due to all the rules and regulations which are placed upon us, including Workmens' Comp. Sure, down the road it will level off, but you can kill a lot of small guys during that process.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentlewoman 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.

A vote of the House was taken.

Mr. Kelleher of Bangor 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 gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: There have been a lot of differences and different opinions spoken here this afternoon. Some of them, according to my expertise and my living in the woods, are right and some aren't so right.

In the beginning, the Tree Growth Tax was one of the finest things that came along through the legislature. It served its purpose and it served it well but that was before the Uniform Property Tax, that was before all the towns like in the small areas like I serve, 13,000 in my district and many like Mr. Masterman's district, all through these small towns, as the state required the valuation to begin the change, it started in when valuation was \$6 to \$10 an acre, Tree Growth was set then at something like \$19 an acre—the town had a haven then, but as time went on, things began to change.

The little town of Wellington that I represent, as of last year when the town was required to go up to 70 percent on their valuation, already Tree Growth was set into the 100 percent and that meant there was around \$37 an acre. You know what happened? An \$11,000 tax shift, \$63 for every man, woman and child in that town because of the inequities that existed. Why? Because of the shift.

Who, pray tell, were the ones that made out from this. It wasn't the farmers. They felt this. It wasn't the houses that belonged to the people whether they were school teachers or whether they were elderly or whether they were young people. They felt this. One of the farmers was pretty teed off at me at the town meeting this spring. He saw his taxes go up over \$900. Now, I don't mind telling you that he probably needed to pay anyway because he was undertaxed before, but that tremendous change, that is at 70 percent, ladies and gentlemen, wait until they reach 100.

In the town of Sangerville, we have seen the request going last year from four, people wanting to get into Tree Growth, to this year, a town manager told me last week when we went to a Shrine Time, there were 27 people that have asked to get in under Tree Growth. Why? Because we had gone up 76 percent in our town and the Tree Growth had gone up to 44.

Mr. Marshall from Millinocket said a few things. He said the tree growth only went to 34 percent, but from what? From \$29 an acre the year before to 34 percent—let me ask you, ladies and gentlemen, what did the rest of the value of the land go to in that area? From \$8 to \$12 an acre to \$20 an acre back in 70 up to 100. Knock on any one of the real estate agent's doors and ask what you can buy a piece of land for, ask what you can buy a hundred or two hundred acres of any wood land there for, and I will guarantee you that you would have a hard time to buy any of it. I know because my son-in-law and my daughter just moved up there and went through this with 200 acres, a little less than 200 acres, it cost them around \$300 an acre—pretty good land.

My good friend, Mr. Dexter, let me say this to you my friends. I have worked in the woods and I am working in there now, not myself but my sons are. We have seen an increase in gasoline go up over 30 cents a gallon. We have seen the increase in equipment go up over 100 percent. I have seen the increase in labor go up. These things are inevitable. I have also seen the value of the timber we are cutting go up. So I think that part of the severance tax is not that bad to take, ladies and gentlemen. It is not a

new tax, because I asked, Mr. Marshall, before you get too cross-eyed at me. I asked the Governor how he would feel about this. He said if it was a tax shift he would have no problem with it, and that is what I am trying to get across to you people today.

You remember the inequities that we found in L. D. 1994? When that was passed in the last days of the legislature, we thought it was perfect. Then we found out it was wrong. The same thing has occurred, my friends, with the Tree Growth Tax. We thought it was without any rhyme or reason, and I was one of the ones that felt very much in love with it but that was before we had mandated to the towns to change the valuation. This is what we are talking about, inequities that continue to lie there.

Forty-four dollars an acre right now is what the land in Sangerville is valued at under the Tree Growth. Ask any man who owns land there if he is not making a dollar on it, because this very same weekend, just a little ways up the road from me, I was asking about this very same thing. This man said, "that don't bother me any because the value of the lumber is there to do it." Until we address this very problem, ladies and gentlemen, the inequities, I fear there is going to be a very troublesome time for me to want to continue to support a tax of a homestead nature, because I am not helping my people one iota as long as this inequity continues to exist.

I would only hope that you would think this through before you vote, because what we are trying to do is make the land itself, which you and I know has a tremendous potential, pay that so to leave the General Fund free to have an extra four or five hundred thousand more than it would have in 1981.

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

Mrs. Huber of Falmouth was excused from voting pursuant to Joint Rule 10.

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

Mr. DEXTER: Mr. Speaker, I request permission to pair my vote with Representative Twitchell; if he were here and voting, he would be voting yea and if I were voting, I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. MCPHERSON: Mr. Speaker, I would like permission to pair my vote with the gentleman from Mexico, Mr. Brown. If Mr. Brown were here, he would be voting yea and I would be voting nay.

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

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

ROLL CALL

YE — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Carroll, Chonko, Cloutier, Curtis, Davies, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Gavett, Gowen, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Hutchings, Jackson, Jacques, P.; Joyce, Kane, Kany, Kiesman, Laffin, Lancaster, LaPlante, Leonard, Lewis, Lizotte, Locke, Lund, MacEachern, Mahany, Masterman, Matthews, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Sewall, Simon, Small, Sprowl, Stetson, Tierney, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Birt, Boudreau, Brown, K.L.; Bunker, Call, Carrier, Carter, F.; Conary, Cunningham, Damren, Davis, Delbert, Fenlason, Garsoe, Gillis, Gould, Hanson, Hunter, Kelleher, Leighton, Lougee, Lowe, MacBride, Marshall, Masterton, Morton, Payne, Pearson, Peltier, Peterson, Rollins, Roope, Sherburne, Silsby, Smith, Studley, Torrey, Wentworth, Whitemore.

ABSENT — Berry, Carter, D.; Churchill, Connolly, Dudley, Fowle, Immonen, Jacques, E.; Martin, A.; McMahon, Soulas, Stover, Strout, Tarbell, Theriault, Tozier, Vincent.

PAIRED — Brown, K. C. McPherson; Cox-Jalbert; Dexter-Twitchell.

EXCUSED — Huber.

Yes, 86; No, 41; Absent, 17; Paired, 5; Excused, 1.

The SPEAKER: Eighty-six having voted in the affirmative and forty-one in the negative, with seventeen being absent, six paired and one excused, the motion did prevail.

Thereupon, the Bill read once. Committee Amendment "A" (H-517) was read by the Clerk.

Mr. Cox of Brewer offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-540) was read by the Clerk and adopted.

Mr. Garsoe of Cumberland offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-542) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: It is not my idea of how to do things, to be here after six o'clock at night offering an amendment to a bill that has been debated so thoroughly.

What this amendment would do would be to remove the shoreland exclusion. Right now, the bill, in its present form, says that the 250 foot shoreland zoning area would not any longer be eligible to go under the Tree Growth Law.

Now, if this law, as a matter of public policy, in my opinion, is to perform the intended function, I just can't see the benefit of permitting such an exclusion to take place.

I don't know what the correct posture for the State of Maine is on this taxation policy. My good friend from Woolwich has some very strong opinions on it. I am not exactly sure that we do have the situation wrapped up in a package that we can forget forever, but I would suggest that the legislation before you today takes quite a step towards eliminating at least part of the problem that is the reason the bill was before us in the first place. Communities are beginning to hurt because of the Tree Growth Tax Law set aside. You have taken a major step, in my opinion, you have tripled the reimbursement that is going back to the communities to relieve the problem that brought it here in the first place.

My suggestion is, if you feel like it today, this might be a way to say, we will leave these lands in for the time being. If the problem continues to grow, we can take another look at it, but I think it would be quite a severe disruption and a wrench to the whole concept that we have not only under Tree Growth but agriculture and open space property to now pull these out. If you feel that way, too, then this will sail right along. If you don't, we will probably have a debate.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I am probably not going to provide much leadership on this particular amendment, because I have grave feelings about it, but I do want people to know, as I have men-

tioned to Mr. Garsoe, that when we are talking about reimbursement to communities, we are talking about reimbursement as to what their tax loss is when we compare the Tree Growth valued land and the undeveloped value of the land in that particular community. That might mean comparing \$30 or \$40 an acre to what they could have gotten if the land were valued between \$100 and \$150 an acre. It varies by county. That will mean more money back to the towns. It will not reimburse those coastal communities for the loss that they will suffer if they had, in fact, gone in, taxed those lands on its ultimate and best use as shoreland. It won't reimburse them to that extent.

It comes down to a question of tax loss and at the same time, how much development pressure do you want to put on that particular shoreland area?

I just want people to know, when we are talking about reimbursement to any communities, including the coastal communities, we are talking about reimbursement to what they could have gotten if that land were valued, say, at \$100 or \$150 per foot shore frontage, which is presently the case now.

The SPEAKER: The Chair will order a vote. The pending motion is on adoption of House Amendment "B" to Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Leonard of Woolwich 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. 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 Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, on the 250 feet. One of the greatest problems we have with Tree Growth is this land that is being sheltered under Tree Growth that is on the coast of Maine.

I would assume that most people that are voting to reinstate the 250 feet or delete that part from the bill are pretty much in favor of conservation. I guess I would like to remind the House that conservation can be implemented on the local level, for example, by a moratorium on subdivision and a moratorium on construction, and I suggest that the same thing can be done in other towns if they don't want their coastal property developed.

Number two, the coast of Maine, and we have gained the recognition of having a rocky coast, the majority of the coast of Maine is pretty much barren territory, a lot of lava rock, obviously, a lot of ledge, a lot of sand and trees primarily on the coast of Maine, at least in the areas I have seen, don't really grow straight and true. Other problems, there is a lot of wind. Everytime we have a hurricane, I give you for example, on Birch Point, which is in West Bath, not too many years ago the fairly substantial timber value of pine was leveled by a hurricane. It never did reach maturity. I suggest that problem is going to continue unless we have a moratorium on hurricanes.

I think that conservation is fine; let's treat it head on. Let's not shelter properties under the Tree Growth when, in fact, and I suggest 'in fact' because it happens, people are buying land on the coast of Maine, in many cases not even from the State of Maine, and sheltering it under Tree Growth, with a very watered down program on swearing that they are going to be under Tree Growth, and what they're going to do to the property with the amendment Mr. Cox put on of "or"—it is really a small word, but it really did a lot. It is a shelter, and if those

people want to buy this land on speculation, let them pay the piper.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take just a few minutes to explain why I am going to support the good gentleman from Cumberland, Mr. Garsoe, in striking this. I did not like this inclusion in the first place, but, being a realist, I thought I might swallow that and go along with the Minority Report B rather than a minority of one.

I am not disputing the arguments of the good gentleman from Woolwich, Mr. Leonard, but what I am saying is that he is right in many of the arguments which he stated. The only trouble is, this bill only addresses the problems of the coast, it is strictly for the coast, the coast alone. It completely forgets that there is a Tree Growth problem in the rest of the State of Maine.

What about the land surrounding the numerous, thousands of lakes here in the State of Maine? It does not address that.

I submit that the inclusion of this is as special interest as could be. I will support the gentleman from Cumberland, Mr. Garsoe, and I would have supported it whether it was on Report B or Report A.

The question should not be stated "Why should they be granted an exemption, why should they remain with this protective cloak classification on their Tree Growth, but why should we just address the problem of the coast."

The SPEAKER: A roll call has been ordered. The pending question is on the adoption of House Amendment "B" to Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Barry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brodeur, Bunker, Call, Carroll, Carter, F.; Chonko, Conary, Cox, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Doukas, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Hunter, Hutchings, Jackson, Jacques, P.; Joyce, Kelleher, Klesman, Laffin, Lancaster, Leighton, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Morton, Nadeau, Nelson, A.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Sprowl, Studley, Tierney, Torrey, Tuttle, Violette, Wentworth, Whittemore, Wyman.

NAY — Baker, Beaulieu, Benoit, Brannigan, Brennerman, Brown, A.; Brown, K.L.; Cloutier, Diamond, Drinkwater, Kane, LaPlante, Leonard, Mitchell, Nelson, M.; Post, Prescott, Simon, Small, Stetson, Vose

ABSENT — Berry, Brown, D.; Brown, K.C.; Carrier, Carter, D.; Churchill, Connolly, Davies, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gray, Howe, Huber, Hughes, Immonen, Jacques, E.; Jalbert, Kany, MacEachern, Martin, A.; McMahon, Reeves, P.; Soulas, Stover, Strout, Tarbell, Theriault, Tozier, Twitchell, Vincent, Wood, The Speaker.

Yes, 94; No, 21; Absent, 35.

Ninety-four having voted in the affirmative and twenty-one in the negative, with thirty-five being absent, the motion does prevail.

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

The Bill was assigned for second reading tomorrow.

(Off Record Remarks)

On motion of Mr. Peterson of Caribou, ad-

journing until eight-thirty o'clock tomorrow morning.