

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

Friday, June 1, 1979

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

Prayer by the Reverend John Simpson, Director of Pastoral Services, Maine Medical Center, Portland.

Rev. SIMPSON: Father, we stand in thy presence knowing that thou art our creator and sustainer. Thou has called these Representatives into thy service in this world. As they deal with delicate issues, give them wisdom and understanding. As they deal with sensitive issues, give them insight which will be worthy of acceptance by the populous. As they deal with controversial issues, which could affect all of us in the matters of right and wrong, give them an extra measure of thy grace so that as they lead all of us in the ways which will upbuild and benefit our state, we will be the recipient of thy grace.

Work then thy mighty work through this one who leads these and has these do their mighty work. Might we all thank thee and praise thy name. This we pray through the name of thy Son, Jesus, the Christ. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
THE SENATE OF MAINE
Augusta

May 31, 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 on Bill, "An Act to Amend the Stream Alteration Act." (H. P. 267) (L. D. 385)

Sincerely,

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 31, 1979

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

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Concerning Arbitration Involving Municipal Fire and Police Departments." (H. P. 1191) (L. D. 1463):

Senators:

SUTTON of Oxford
TROTZKY of Penobscot
DANTON of York

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 31, 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 accepted the Minority Ought Not to Pass Report on RESOLVE, Authorizing Aiden Redding, Victorian Villa, Maplewood Lodge, Mildred DeCoster, the Per-

sonal Care Boarding Home Association, Inc., et al, to Bring Civil Action against the State of Maine. (S. P. 424) (L. D. 1310)

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 31, 1979

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

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Protect Management Personnel Where Unjustly Discharged or Involuntarily Retired," (H. P. 748) (L. D. 957):

Senators:

SUTTON of Oxford
LOVELL of York
PRAY of Penobscot

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Establish a Statutory Limit on County Expenditures during any One Fiscal Year" (S. P. 256) (L. D. 730)

Report was signed by the following members:

Mrs. NAJARIAN of Cumberland — of the Senate.
Mr. DIAMOND of Windham
Mrs. CHONKO of Topsham
Messrs. BOUDREAU of Waterville
JALBERT of Lewiston
KELLEHER of Bangor
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 — of the Senate.
Messrs. MORTON of Farmington
HIGGINS of Scarborough
CARTER of Winslow
SMITH of Mars Hill — 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 Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I move we accept the Minority "Ought to Pass" Report in concurrence.

Mr. Davies of Orono requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that the Minority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no. A vote of the House was taken.

62 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once and assigned for second reading the next legislative day.

Divided Report

Later Today Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime" (S. P. 2) (L. D. 2)

Report was signed by the following members:

Mr. FARLEY of York — of the Senate.
Messrs. MCSWEENEY of Old Orchard Beach
STOVER of West Bath
Miss GAVETT of Orono
Mr. SOULAS of Bangor
Ms. BROWN of Gorham
Mr. DELLERT of Gardiner — 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. COTE of Androscoggin
SHUTE of Waldo — of the Senate.

Messrs. CALL of Lewiston
MAXWELL of Jay
VIOLETTE of Van Buren — of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-257)

In the House: Reports were read.

On motion of Mr. Call of Lewiston, tabled pending acceptance of either Report and later today assigned.

Non-Concurrent Matter

Bill "An Act to Make Substantive Changes in the Forestry Statutes" (H. P. 1126) (L. D. 1396) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-428) in the House on May 17, 1979.

Came from the Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-428) as Amended by Senate Amendment "B" (S-254) thereto in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter
Tabled and Unassigned

Bill "An Act to Authorize Bond Issue in the Amount of \$22,000,000 for Highway and Bridge Improvements" (H. P. 1277) (L. D. 1529) which was Passed to be Engrossed in the House on May 15, 1979.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-269) in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending further consideration.

Non-Concurrent Matter

Bill "An Act to Incorporate Standards in the Motor Vehicle Inspection Law and to Provide for Legislative Review of Rules Promulgated to Implement the Inspection Program" (H. P. 1423) (L. D. 1628) which was Passed to be Enacted in the House on May 31, 1979.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-245) in non-concurrence.

In the House:

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

Mr. STROUT: Mr. Speaker, I haven't had a chance to review Senate Amendment "A" and if somebody could explain it in this body, I would appreciate it before we move this bill along.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: It was the consensus of opinion of a majority of the committee that met the other day that we had to come up with

a definition of a part-time and full-time station, inspection station. The reason is, we didn't want an individual opening a fly-by-night outfit across the street and using a part-time license to inspect one or two hours, or we didn't want, for instance, an automobile dealership opening what was called a part-time station and using it only to inspect his own vehicles. We wanted an inspection station open to the general public. This is the reason we had to stipulate, and a move to recede and concur is a good move.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter

An Act Establishing Mechanisms to Pinpoint Responsibility and Facilitate Coordination Between the Various Manpower Training and Economic Development Programs (H. P. 1418) (L. D. 1622) which was Indefinitely Postponed in the House on May 31, 1979.

Came from the Senate, Passed to be Enacted in non-concurrence.

In the House: On motion of Mrs. Berube of Lewiston, the House voted to adhere.

Messages and Documents

The following Communication:

COMMITTEE ON ELECTION LAWS
May 31, 1979

The Honorable John Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:

The Committee on Election Laws is pleased to report that it has completed all business placed before it by the First Regular Session of the 109th Legislature.

Bills received in Committee	40
Unanimous Reports	31
Ought to Pass	7
Ought Not to Pass	2
Leave to Withdraw	5
Ought to Pass as Amended	6
Ought to Pass in New Draft	1
Divided Reports	9
Recommitted	1

Respectfully,

S/Representative SHARON BENOIT
House Chairwoman

The Communication was read and ordered placed on file.

Orders

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: There is an order on the calendar this afternoon that I requested be on there. Due to some questions on it, I am not going to introduce it at this time but will introduce it at a later date.

An Expression of Legislative Sentiment (H. P. 1466) recognizing that:

Debra G. Labbe, of Augusta, has been selected as Valedictorian of Cony High School's Class of 1979

Presented by Mr. Paradis of Augusta

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

An Expression of Legislative Sentiment (H. P. 1467) recognizing that:

June 3, 1979, marks the 125th anniversary of the incorporation of the City of Rockland whose inhabitants will then be celebrating its proud heritage

Presented by Mr. Fowlie of Rockland (Co-sponsors: Mr. Gray of Rockland and Senator Collins of Knox)

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

Tabled Unassigned

On motion of Mr. Howe of South Portland, the following Joint Order: (H. P. 1468)

WHEREAS, several bills amending the Maine Revised Statutes, Title 32, chapter 28, hereinafter called the "bottle law", were introduced in the First Regular Session of the 109th Legislature, to wit:

L. D. 469 AN ACT to Improve the Efficiency and Operation of Redemption Centers for Returnable Containers.

L. D. 699 AN ACT to Increase the Handling Charge for Returnable Beverage Containers from 1¢ to 3¢ and to Provide for Prompt Reimbursement of this Charge to Dealers and Redemption Centers.

L. D. 793 AN ACT to Amend Returnable Beverage Container Statutes to Require Distributor Operation of Redemption Centers and to Require Refillable Containers.

L. D. 986 AN ACT to Encourage the Acceptance by Distributors of Beverage Containers.

L. D. 993 AN ACT to Provide Recycling and Conservation Use of Unredeemed Refunds on Beverage Containers.

L. D. 1141 AN ACT to Improve the Efficiency and Operation of Redemption Centers for Returnable Containers.

L. D. 1267 AN ACT to Amend the Returnable Beverage Container Statute to Provide for a 2¢ Handling Charge for Returnable Bottles.

WHEREAS, these bills raise important questions concerning the operation of the bottle law and deserve thorough, unhurried consideration by the Legislature; and

WHEREAS, insufficient time remains in this session for the Legislature to devote such attention to these bills and it would be premature to do so in any event for the reason that the bottle law may be repealed by the electorate in the November referendum; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council shall, through the Joint Standing Committee on Business Legislation, study the subject matter of these bills together with any other matters of policy or practice in this regard which it sees fit; and be it further

ORDERED, notwithstanding Joint Rule 18, that the Joint Standing Committee on Business Legislation shall complete this study no later than February 15, 1980 and submit to the Legislative Council within the same time period its findings and recommendations, including any suggested legislation; and be it further

ORDERED, that the Department of Agriculture shall provide any assistance deemed necessary by the committee in undertaking this study; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this order be transmitted forthwith to the agencies as notice of this directive.

The Order was read.

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

Mr. HOWE: Mr. Speaker and Members of the House: This is a study order from the Committee on Business Legislation regarding the so-called bottle bill, the bottle law. There are seven bills listed in the study order, and we are using the study order as a procedural device to carry over the issues in the seven bills that would have amended the bottle law, which we did not take any other action on. We did report three bills out favorably, which will be coming up as emergency enactors within the next day or two. The remaining seven bills which would amend the law, we are not going to take action on at this time for the reason stated in the order. This will insure that the issues taken up in these bills will be studied in the next session.

You will see that these seven bills have been given "Leave to Withdraw" on items 5-10 through 5-15 on the "Leave to Withdraw" reports on the next page.

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

House Reports of Committees Ought Not to Pass

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Revise the Charter of the York Sewer District" (H. P. 676) (L. D. 832) reporting "Ought Not to Pass"

Mr. Cox from the Committee on Taxation on Bill "An Act to Increase the Property Tax Exemption for Houses of Religious Worship" (H. P. 167) (L. D. 190) 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. Hobbins from the Committee on Judiciary on Bill "An Act Concerning Child Abuse and Neglect" (H. P. 602) (L. D. 775) reporting "Leave to Withdraw"

Mr. Hobbins from the Committee on Judiciary on Bill "An Act Establishing the Children and Family Services and Child Protection Act of 1979" (H. P. 1384) (L. D. 1607) reporting "Leave to Withdraw"

Mr. Hobbins from the Committee on Judiciary on Bill "An Act Regarding Abuse and Neglect Custody, Proceedings and Termination of Parental Rights" (H. P. 954) (L. D. 1239) reporting "Leave to Withdraw"

Mr. Vose from the Committee on Public Utilities on Bill "An Act to Increase the Membership of the Gardiner Water District to Six" (H. P. 284) (L. D. 362) reporting "Leave to Withdraw"

Mr. Cunningham from the Committee on Public Utilities on Bill "An Act Relating to Motor Carrier Rates Subject to the Jurisdiction of the Public Utilities Commission" (H. P. 255) (L. D. 300) reporting "Leave to Withdraw"

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Deregulate Intrastate Trucking" (H. P. 1069) (L. D. 1321) reporting "Leave to Withdraw"

Mr. Brenerman from the Committee on Taxation on Bill "An Act Providing for Revisions in the Maine Individual Income Tax Law" (H. P. 917) (L. D. 1135) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Increase the Handling Charge for Returnable Beverage Containers from 1¢ to 3¢ and to Provide for Prompt Reimbursement of this Charge to Dealers and Redemption Centers" (H. P. 454) (L. D. 699) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Amend Returnable Beverage Container Statutes to Require Distributor Operation of Redemption Centers and to Require Refillable Containers" (H. P. 639) (L. D. 793) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Improve the Efficiency and Operation of Redemption Centers for Returnable Containers" (H. P. 366) (L. D. 469) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Encourage the Acceptance by Distributors of Beverage Containers" (H. P. 786) (L. D. 986) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Provide Recycling and Conservation Use of Unredeemed Refunds on Beverage Containers" (H. P. 781) (L. D. 993)

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Improve the Efficiency and Operation of Redemption Centers for Returnable Containers" (H. P. 928) (L. D. 1141) reporting "Leave to Withdraw"

Mr. Jackson from the Committee on Business Legislation on Bill "An Act to Extend Warrant Protection to Purchasers of Used Cars" (H. P. 785) (L. D. 985) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act Concerning Group Medical Coverage for Families of Disabled Employees" (H. P. 822) (L. D. 1022) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Amend Provisions of the Charter of the Gardiner Water District Relating to Trustees and Funding" (H. P. 712) (L. D. 885) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Extend the Territory of the Gardiner Water District and to Enlarge the Board of Trustees" (H. P. 1461) (L. D. 1653)

Mrs. Beaulieu from the Committee on Education on Bill "An Act to Form the Boggy Brook Vocational School" (Emergency) (H. P. 1124) (L. D. 1473) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize the Citizens of Hancock County to Vote on the Matter of Converting Vocational Region #5 to a Vocational Center" (H. P. 1463) (L. D. 1655)

Reports were read and accepted, the New Drafts read once and assigned for second reading, Monday, June 4.

Ought to Pass with Committee Amendment

Mr. Brenerman from the Committee on Taxation on Bill "An Act to Exempt Certain Bulk Feed Bodies from the Sales Tax" (H. P. 573) (L. D. 721) reporting "Ought to Pass" as amended by Committee Amendment "A" (H. 600)

Report was read and accepted, and the Bill read once. Committee Amendment "A" was read and adopted and the Bill assigned for second reading, Monday, June 4.

Ought to Pass

Pursuant to Joint Order H. P. 1400

Mr. Brenerman from the Committee on Taxation on Bill "An Act Establishing the Municipal Cost Component for the Unorganized Territories" (Emergency) (H. P. 1465) (L. D. 1656) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1400)

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

By unanimous consent, ordered sent forthwith to the Senate.

Ought to Pass

Pursuant to Joint Order H. P. 135

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1979 (Emergency) (H. P. 1460) (L. D. 1652) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 135)

Report was read and accepted, the Resolve read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-589) on Bill "An Act Relating to Potato Quality" (H. P. 993) (L. D. 1230)

Report was signed by the following members:

Messrs. MARTIN of Aroostook
HICHENS of York

— of the Senate.

Messrs. TORREY of Poland
SHERBURNE of Dexter
NELSON of New Sweden
WOOD of Sanford

Mrs. LOCKE of Sebek

Messrs. MICHAEL of Auburn
ROOPE of Presque Isle
MAHANY of Easton
TOZIER of Unity

— of the House.

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

Report was signed by the following members:

Mr. CARPENTER of Aroostook

— of the Senate.

Mr. ROLLINS of Dixfield

— of the House.

Reports were read.

On motion of Mr. Mahany of Easton, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-589) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report

Six Members of the Committee on Energy and Natural Resources on Bill "An Act for Expression of Public Sentiment on the Dickey-Lincoln Hydroelectric Power Project by Referendum" (H. P. 798) (L. D. 992) report in Report "A" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. TROTZKY of Penobscot

McBREAIRTY of Aroostook

— of the Senate.

Mr. AUSTIN of Bingham

Mrs. HUBER of Falmouth

Messrs. KIESMAN of Fryeburg

DEXTER of Kingfield

— of the House.

Four Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-586)

Report was signed by the following members:

Mr. O'LEARY of Oxford

— of the Senate.

Messrs. BLODGETT of Waldoboro

MICHAEL of Auburn

HALL of Sangerville

— of the House.

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass"

Report was signed by the following members:

Messrs. JACQUES of Waterville

DOUKAS of Portland

— of the House.

Report were read.

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

Mr. BLODGETT: Mr. Speaker, I move that Report B, as amended by Committee Amendment "A" be accepted.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This measure that is before us today is my bill, cosponsored by three other members of this body.

The bill would call for a public referendum for an expression of public sentiment of the Maine people on the Dickey-Lincoln question. The bill was initially designed to provide that referendum opportunity for the Maine people this fall, the fall of 1979, and it was our understanding at the time that we placed the bill into the hopper that the final environmental impact study by the Army Corps of Engineers would be completed sometime this summer.

The significance of the environmental impact study is that not until that study is completed finally will Congress, which is the body which would be appropriating nearly a billion dollars to build Dickey-Lincoln, be in a position to even appropriate those funds.

It recently has come to our attention, as of several weeks ago, that the environmental

impact study, the final one, will not be available this summer. In fact, it looks as though the earliest it will be available is the summer of 1981. Therefore, a referendum, even an advisory referendum, at this time, in 1979, would have very little impact on Congress and very little sense for us here in the State of Maine, and for that reason, I think it would be best to postpone a referendum question and a referendum issue until such time that the issue is really timely and it would have some effect one way or the other on the outcome of this question. That means not until the Congress probably of 1982, three years hence.

For that reason, I move the indefinite postponement of this bill, all its accompanying papers, and I thank you all very much.

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

Mr. DAVIES: Mr. Speaker and Members of the House: The motion that the good gentleman from Waldoboro, Mr. Blodgett, made was to accept this bill with the amendment that I suggested at the committee hearing on the bill.

The issue of Dickey-Lincoln has been kicked around for a long time, and I am sure that at least one of the sponsors of this bill intended to publicly embarrass those supporters of Dickey-Lincoln by putting this matter before us with an attempt to get the people in the State of Maine to vote on the single issue of whether or not we should build the Dickey-Lincoln Hydro-Electric Power Plant.

As chairman of the Energy Committee during the last session and being the chairman of the Public Utilities Committee in this session, I have had to deal with the subject of energy, where we are going to get our power and how we make decisions on which routes we are going to take in the future. The approach that was proposed in the bill that Mr. Tarbell presented is totally ridiculous. The reason why this state and this country are in the energy problems that we have today is because we are always making decisions in a vacuum, in isolation. We are taking one issue and we are holding it up and we are saying, are you for or are you against Dickey-Lincoln or are you for or against nuclear power or coal or oil or any other source of energy that we have available to us? The reason why that is so foolish is because any project that could be suggested is going to have some problems. If you are dealing with just that issue, you can always find enough people who will say, I am opposed to a coal plant because there are environmental problems with it. We don't know whether we are going to have an adequate supply of coal available to us and what about the environmental laws?

Well, the same issue can be raised on nuclear power or Dickey-Lincoln, Passamaquoddy or any other project that might be considered, because any project, absolutely any project, is going to have disadvantages to it. We all should recognize the fact that when we make decisions on our energy future, we are going to have to take those in consideration. We are going to have to balance out the disadvantages with the advantages.

The approach that was suggested in the bill that Mr. Tarbell presented goes totally counter to the idea of evaluating all of our alternatives, one against the other. Look at the disadvantages of each of them and the advantages of each of them and ask the people of the State of Maine or the policymakers, such as ourselves, to evaluate those and see which ones have greater disadvantages than others and which ones have advantages which are more significant than others.

By evaluating them in a vacuum, one at a time, absolutely every energy project that would be proposed would be defeated by the voters. The result is, when we get down the road a ways, when our current generating capacity is not sufficient to cover the demands for electricity in the State, where do we turn? If the voters have disapproved Dickey-Lincoln

where do we turn? If the voters disapproved a nuclear power plant and they disapproved a coal plant and they disapproved Passamaquoddy, where do we turn? The small hydro is nice but we probably can't generate any more than maybe 15 percent extra electricity than what we are currently generating right now. Where are we going to turn to? Where are we going to get that electricity from?

By taking the approach that Mr. Tarbell has suggested, he is guaranteeing that we will have chaos in our energy future. I know some of the arguments that are going to come up because they came up at the public hearings. Mrs. Huber very straight forwardly suggested that by doing it the way that I have suggested in the Committee Amendment, that we are comparing apples and oranges. I disagree with her on that and I said so at the time.

The reason why I disagree with that approach, even though it is theoretically a rational approach, is that this being an advisory referendum is not setting state policy, we are not making a determination of how we are going to go forward in our energy future. We are taking a survey, we are gathering the opinions of our constituents as to which direction they would like us to go if we have to make that decision.

Right now, we don't need an extra power plant in the state, but somewhere down the road, we are going to need an additional source of electricity. Judging from the reaction that people have had to various proposals, we need to gather from our constituents some idea of the direction that they would like us, the policymakers in the state, to move in. You don't get that holding up an issue one at a time and say, are you for or against it, because as I said earlier, the people are invariably going to vote against any single project that is put forward and that is not fair to anyone.

So, I propose that we place the three realistic alternatives which we have hard data on, the hydroelectric facility on the St. John River, a proposal for a coal facility such as has been suggested for Sears Island or additional nuclear plants that has been suggested, though temporarily sidetracked, for the Richmond area. Those are the three realistic alternatives the State of Maine has available to it for generation of significant quantities of electricity in the future. There is a lot of controversy about each one of these, they all have disadvantages, they all have advantages.

The time has come for us to give the citizens of the State of Maine some credit for their ability to sort out the alternatives and decide which one, in their own eyes, is the one that they would most like to see the State of Maine pursue. So, the way that I presented it is to put these three issues on the ballot at the same time and to allow the various groups in the State of Maine who have interest in one or more of these projects to bring forward their information about what is good with the project they support, what is wrong with the project they oppose. Let the people discuss these issues in open meetings, utilizing the newspapers and the media, town meetings, all the various ways that we discuss issues in the state before we make a decision. Then put the issue on the ballot during the 1980 Presidential election, so that we get the largest possible turnout in the State of Maine, so that we can ask the citizens, the voters of the State of Maine to render a decision on which direction they think we should go in. It won't lock us into a definite position, it won't say that we have to go with that route but it shows the policymakers, the legislators, the Governor, the Office of Energy Resources, the Public Utilities Commission, the various agencies that are required to make the decision on some aspects of this, the information about what the people of the State of Maine would like to see done.

I have faith in the people to render a wise decision. I think they can evaluate the various po-

sitions on it and can make a decision that is based on the facts and based on their own concerns. The only way we are going to be able to do that is by rejecting the proposal Mr. Tarbell has made to vote on an item, one at a time, but to vote on these three realistic alternatives at the same time and let the people decide.

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

Mrs. HUBER: Mr. Speaker and Members of the House: Inasmuch as my fruit salad has been called into question this afternoon, I would like to respond briefly to the good gentleman from Orono, who has worked extensively in the area of power and energy for the state and certainly much of what he says is true.

However, I think it is important to bear in mind the distinction which he does not make and which I feel is a valid one between publicly funded sources of energy and privately funded sources. Certainly, that is a very basic distinction between anything that our utilities put into place and a project such as Dickey-Lincoln which is funded with federal funds. In both those areas, it seems to me, there are different ways of getting to a decision. Certainly, what the people of Maine have to say on the Dickey-Lincoln project, although advisory in nature, it would have a tremendous impact.

I believe our Governor has stated that he would be bound by the results of such a referendum and I think that is a very reasonable attitude for a politician to take. I further think the process under which our private utilities come, that of the public hearing in front of the Public Utilities Commission, which is our body, set up to make the determinations that the gentleman would ask the voters to make, makes sense in that area. So, there is a very definite distinction between a Dickey-Lincoln and a privately funded project such as a Maine Yankee.

The second point I would briefly bring to your attention is that although I have mixed feelings about a referendum because I think it is a very complex subject but one that people would, in fact, be able to give us some good advice on, given information and education that would take place, when I found that the environmental impact statement was, in fact, going to be delayed a good two years beyond when we had originally thought, all I could think of at that point was our Senior Senator, Senator Muskie, and his constant admonition to environmentalists and people who have been opposed to Dickey-Lincoln. That admonition has been over the many, many last few years, probably five or six years, "hold your fire until the environmental impact statement is in. Don't go off half cocked and don't make a decision before you have the facts on which to base that decision." I haven't always agreed with Senator Muskie but I think he gave us some good advice and I think it is a valid reason for delaying such a referendum until such time that it would, in fact, be based on the facts.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: On this bill of Dickey-Lincoln, I have neither come out for or opposed. It has not been proven to me that Dickey-Lincoln is a viable project. It has not been proven to me that it is not. I have had great pressure put on me from the people down in my district who are proponents of the Dickey-Lincoln to come out and take a stand on it. I can't take stand on it till I am convinced one way or the other. So far, all I have received is conflicting information from both sides.

The environmental impact statements that have been released time and time again, the Corps of Engineers released statements, time and time again, and they are all in conflict with each other. The Corps of Engineers says one thing one time and then the next time they release something it says something else. The National Resources Council, I don't believe they know anymore about it than I do and no

one has been proving to me that it is a viable project or that it is not. I can't support anything that I can't believe in. I think that the public is so confused right now between Dickey-Lincoln, a nuclear program and your coal fire furnaces and so forth that they don't know. If this goes out to a vote, they won't know whether they are voting on a ballot or filling out a TV survey.

So, I urge you, let's indefinitely postpone this bill and get it out of the way.

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

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: If you look on your calendar, you will see that there are three committee reports from our committee on there. Report "A" is "Ought Not to Pass" and you could read that as Leave to Withdraw as Mr. Tarbell requested.

Report "B" is the report, as amended, which gives you these several choices.

There is another report and that is Report "C" at the very bottom there. That gives you the single choice, should Dickey-Lincoln be built? What I want to do here is figure out if we have three reports, first of all, I would like to address the question, do we want a referendum? If we get past that, then I think we can address the question, do we want to have Report "B" with all the choices or do we want to just ask about Dickey-Lincoln? So, I am going to confine my comments right now to do we want a referendum? I think we do.

The sponsors of these two bills asked 'Leave to Withdraw' because they said the final report will not be due in time. If we had this referendum in 1980, we wouldn't get the report until perhaps 1981 or 1982; thus, we wouldn't be able to make a careful decision. Well, I submit to you that we do have the information to do this. We have had many, many reports come out, as Mr. Gillis noted, and the last one, as a matter of fact, even had "final report" written right on the cover, but the "final" was scratched out and was sent back for a couple more studies. These studies could go on and on forever. As a matter of fact, I think it is one of the favorite stalling tactics that opponents of the program use. They asked for more and more study reports.

I would also like to point out that Senator Cohen didn't wait for the final reports to come out before he decided to oppose Dickey-Lincoln, he made up his mind without them. I submit that the voters of this state will also have more than enough information to make up their minds on this project. Therefore, I am kind of glad Mr. Tarbell made the motion to postpone because now we can decide whether we want a referendum and if you do decide you want a referendum, I will come back and we will discuss Report "B" and Report "C".

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am in sort of an awkward position on this bill as one of the cosponsors. When I was first asked to cosponsor the original bill, being the cautious conservative type that I am, I saw that there were possibly some political implications here, so I contacted Senator Muskie's office because the Senator, of course, is the only member of our congressional delegation now on record as favoring the Dickey-Lincoln project. I didn't speak to the Senator directly but I did speak to one of his staff people who did talk to the Senator and, since his name has been raised in the debate, I would report that he did say that he felt that the environmental impact statement should be finished before there was a vote, and also that this should go out at a general election, not a special election, but an election where the most voters would be voting.

I remember reporting this information about the environmental impact statements to Mr. Gardner of the Natural Resources Council who,

at that time, supported the bill as is and I should state also that I am a member of the Natural Resources Council and his statement was, well, the impact statement is almost finished. Apparently there has been a change of attitude there.

I guess where my quandry really comes in is that in Report "B", which I certainly feel is a good idea but one that was not available to me when I first became the sponsor, I, too, have faced the frustration of people telling me we don't want nuclear, we don't want Dickey-Lincoln and then the question comes, what do you want? I think, if we are going to have a referendum out to the people, maybe we should find out what they do want.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: One of the reasons that I guess the Army Corps of Engineers Environmental Impact Study has been postponed and delayed once again is the requirement that whatever timberland and whatever acres of land might be taken by the Dickey-Lincoln project and also the acres that are cut off from use from the impoundment area from the large lake that would be created, there has to be an offsetting Fisheries and Wildlife Mitigation Acquisition of Land. In other words, somewhere between 150,000 to 200,000 of acres, somewhere up in northern Maine, have got to be acquired for the public use of Fisheries and Wildlife land to offset that land which will be taken and used by the construction of Dickey-Lincoln. So, now we are not only talking about the loss of the land that Dickey-Lincoln will require, but we are also talking about the acquisition of an equal amount of acres, somewhere between 150,000 to 200,000 acres, to be taken and set up specially for Mitigation of Wildlife and Fisheries Impact that Dickey-Lincoln will have on the fisheries and wildlife of this area. It is an offsetting preserve in other words.

This pushes the report back, I guess, and they are going to have to study the impact that that mitigation acquisition of land is going to take and what that is going to do. It seems very clear that that report is not going to be available for some time to come.

If you are interested in a general election referendum, I would submit to you that 1980 is not the time. The first time that it would be possible even to fund the dollars for Dickey-Lincoln, if the Maine people were given the opportunity to vote on it and did approve it and it did go through and Congress did want to fund it, would be the Congress of 1982. That is the general election year of 1982.

I would also like to raise a couple of other points while I am on my feet. Dickey-Lincoln is peak power. I think most people in the House understand that. Its peak power would provide somewhere in the vicinity of three percent of the annual needs of all of New England for peak power only.

It seems clear that what we are going to need here in Maine is base power. To propose an amendment that says, do you want Dickey-Lincoln peak power or do you want coal, which would be base power, or do you want nuclear, which would be base power, which for all practical reasons is out of the realm of possibility, I think, now in the State of Maine, is, I think, equally ludicrous. It would seem to me that there are other alternatives that should be suggested as well that aren't even suggested if you want to hold a multiple choice referendum out to the people.

The alternatives of a small scale hydro, which we are working on in the legislature and across the state, something that is neglected. The use of alternative of wood for supplemental sources, which basically Dickey-Lincoln would be, supplemental peak power, not base, the possibility of pump storage alternatives, which I understand we have two or three of those alternatives in the state, the possibility of

tidal power. We have a bill in now that would set up a small scale tidal power project in Half-Moon Cove Bay off Washington County. If that proved feasible, it might be very feasible to build a very large scale tidal power project or a series of small scale power projects. It would be a little more than peak power, they would approach the intermediate to base power range and zone. The other alternatives of solar and wind is alternative supplemental sources. If you want to have a full scale referendum, multiple choice question for the people of Maine, if you really think that is good public policy, then I submit to you that Report "B" hardly meets up to that kind of a standard.

I would submit to Mr. Doukas, with all his sincerity on this issue, that does think that a referendum would be very advisable and good state policy, that in light of the environmental impact study and the new evidence that will be presented on the Mitigation Wildlife Acquisition of Land, that 1979, 1980, and 1981 are not the years for a referendum if we were genuinely interested in having some voice to the people on this issue. So, I do hope that you go along with the motion to indefinitely postpone.

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

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: As a cosponsor of this legislation, I would just like to mention that I will not discuss the merits of whether or not Dickey Dam should be built, I would just like to point out that when I do make a decision, I like to have all the facts and all the information available. Since they are not all available, I would like to wait until the final environmental impact statement, and I also strongly feel that the citizens in my community, my district, feel likewise, and that is why I am going to be voting to indefinitely postpone the bill.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to share with you a little experience that makes me actually much prefer relying upon the good common sense of the people of Maine than upon any study which the Army Engineers might come forth with. The reason that I say that is, last summer, I was invited to participate in the economic workshop, which basically was sponsored by the Army Engineers, on what they should include in an economic feasibility study for the Cobscook Bay Tidal Power Project and I will tell you, it was a real experience.

I kind of wanted to go because I thought I could meet all the fancy economists from the Boston area and all those people you hear about and read about in the papers and I went down there, a few of us Maine people along with primarily all those Boston and New York experts, and they started talking about what they were going to do and what should be included. They were saying, of course, the Cobscook Bay Tidal Power Project would be basically an earthen dam structure and we know that would last about 100 years. They were comparing it completely with what they had learned in their expertise on the Dickey-Lincoln Project and I said, well you know, maybe out on the edge of Cobscook Bay, there might be a little different environmental circumstances, we are talking about the ocean and not a river. They said, oh yes, maybe we should think in terms of a different life span for the project and a few other things like that. I couldn't believe it.

I had been included, I don't know why, I have a lot of economic expertise, maybe somebody just likes the kind of questions that sometimes I ask but whatever, I just thought I would mention that, since Representative Tarbell and Representative Barry, both of whom I respect, and I can understand them wanting to know everything possible about the issue, but I would just say that if I were you, I would rely a little bit more on Maine common sense and a little bit less on any report from any Army engi-

neers.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: This is obviously a very emotional issue, it has been for a long time. We have gone through the pros and cons of the economic benefits and the losses from the flooding and the lands that would be locked off and don't forget the lousewort, we went with the lousewort for quite a while, and it has become a very emotional issue. Even now, there are new issues that keep coming up and coming up on this and obviously the facts are not all in.

In regard to a referendum, a grocery list referendum here, I would submit that if we send out a referendum to the voters at this point in time and they make a selection on the basis of the information presently available, whatever becomes the majority selection, the voters are going to expect something to start taking place and right about now. They are going to be very unhappy if the will of the voters is not accepted and action taken on it very soon thereafter, because not much question, we do have an energy problem here in the state.

I would submit that this, with the lack of information that is available at the present time so a real good basis for judgment can be given to the voters, this is a rather unwise action to take, to send out a grocery list type of referendum.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I will be very brief but I do want to correct a couple of inaccuracies that have been made here on the floor.

Mr. Tarbell, when he last spoke, said that all the power that would be coming from Dickey-Lincoln would be peaking power, there would be no base load power. In fact, he is incorrect on that. Not a majority, but perhaps a significant minority of the power that would be generated at Dickey-Lincoln would be base load power and all of this base load power, 100 percent of it, is to be set aside for use in the State of Maine. The State of Maine will also receive 44 percent of the total power, whether it is base load, intermediate or peaking power that would be generated by Dickey-Lincoln, just to correct that.

Mrs. Huber, when she was talking about the dichotomy between public funding and private funding of power projects, failed to look beyond the initial source of the money as to who is actually paying for it. Whether a project is a public power authority built by the federal government or a private power project that is built by Central Maine Power Company, the people who are going to pay for that ultimately are going to be the ratepayers, you, your constituents and myself. It is coming out of our pockets. Whether it's done through a public agency or a private agency, it is going to be you and me who pays for it.

To harken back to the public hearing on this and a discussion that Mrs. Huber and I had at the time of the hearing, she raised the issue that the environmental impact statement that was raised by another member of the committee, to which I responded that it was pretty well accepted by most parties that the environmental impact statement that we most recently saw, that Mr. Doukas mentioned, having the word 'final' crossed out, is not going to be significantly different from the final impact statement that will be issued whenever. We are not going to learn any significant new information. We have most of this right now in our hands and I think the people of the State of Maine are perfectly capable of evaluating this information, because I think we have some organizations in the state on all sides of all these issues, whether vested interests are getting that information out, whether it is the Natural Resources Council and their opposition to

Dickey-Lincoln — I am not sure what they support, I hope they support something — the Maine Citizens for Dickey-Lincoln, who are in favor of that, the Safe Power for Maine and Sensible Maine Power, who are in opposition to a nuclear power plant, the staff of the Public Utilities Commission, which is in opposition to a coal plant, the Economic Resources Council of the State of Maine, which is in favor of a coal plant or nuclear plant.

There are a lot of parties in the state who have been collecting information on these various proposals. They have it in their hands, they are more than interested in making it available to people in the sort of situation where the people can be educated, not in throwing out red herrings, which tends to be the way we deal with issues in a vacuum, but in public debate, one versus the other, with rational spokesmen from all points of view coming together in a public forum to debate them to lay those facts out before the people and let the people make a decision, because I think they will make a wise one.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: A thought keeps crossing my mind as I am listening to the debate and the thought is, what is the hurry for setting up this referendum?

I applaud what Mr. Davies has given us in terms of facts and figures about the different alternatives that we have. However, I note that the date that is given for the referendum is 1980, and I would submit that if we are going to prepare a constitutional amendment and we are going to list the questions that we should vote on, we should do it as close as possible to the actual date of the referendum. Therefore, I should think that next session of the legislature would be the proper time to introduce this and to have us pass it.

I urge you to support Mr. Tarbell's motion to indefinitely postpone this matter.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: A thought keeps crossing my mind as well. I think I would like to put the cards right on the table. I think I would like to suggest that we take the politics out of this issue, because that is exactly what I think is occurring.

Isn't it a coincidence that the decision to withdraw these two bills dealing with the public referendum on Dickey-Lincoln comes shortly after the Three Mile Island incident and people's discontent with the nuclear power industry? Coincidence? Maybe, I don't think so.

Is it a coincidence that Senator Cohen and Representative Snowe and Representative Emery are on record opposing the Dickey-Lincoln Power Project, that is what I think it is coming down to. I feel that it is political and not necessarily in the best interest of the people of Maine. I feel if our Representatives and Senator in Congress have information enough available for them to make a determination against the project, that we should give the people of Maine enough credit and believe that they can make a valid determination one way or another.

The voters are not ignorant. This issue has been in the forefront of Maine politics for many years. The press has printed hundreds and hundreds of articles in reference to all these energy policies. I feel that the people of Maine are informed and I feel that they are concerned and I feel that they want to make a final determination on the direction that this state will take and this country will take on some form of energy platform for our future. It is an important issue, it is an issue people want to get involved in, and I feel that this legislature should give them the courtesy to speak.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I agree wholeheartedly with the premise of the previous speaker but not his conclusion. I think this is a political deal and I think it is a kind of a waste of time. I don't think there is anything very constructive about any advisory referendums that I have seen. I think their motivation is either usually political or is a means of dodging an issue that the legislature would rather not face.

Representative Davies indicated that he thought at least one of the sponsors has the motive, the embarrassment of the proponents of Dickey. If that is true, then that would be the wrong reason to sponsor the bill. Conversely, it would be wrong to offer amendments that in turn would do the same thing to the other guy, especially when the interest of the taxpayers might be in not spending money on useless ballots and a useless election.

I think the best interest of the Democrats, the Republicans, Independents and taxpayers would be served by indefinitely postponing this ridiculous bill and getting on to something a little bit more constructive.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: As we can see, this is certainly a very complex matter. I do hope that we will wait until all the facts are in and vote to indefinitely postpone this bill and all its accompanying papers.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: One quick point, in answer to my good friend Mr. Leighton that this referendum would cost nothing. Every election we have a group of referendums submitted to the people and inclusion of one more question on the ballot is absolutely no cost to the taxpayer. I just wanted to clear up that point.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I realize that we are anxious to get out. The reason I got up to speak is simply this, I favor Report "B" based on a questionnaire that I sent out to my own constituents. I sent out a questionnaire in which I asked them, "which energy options or policies they would favor" to get an indication of the type of policies they would favor, just as a reading. This is some of the sampling of the response I have been getting, not just people checking off the things I proposed but letters, comments and suggestions. This shows me that the public is ready to vote on the questions of what policies we are going to make in the field of energy. Let's give them the opportunity.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bangor, Mr. Tarbell, 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, Birt, Boudreau, Boudreau, Bowden, Brannigan, Brown, D.; Bunker, Call, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Diamond, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Hanson, Howe, Huber, Hunter, Hutchings, Jackson, Kany, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Mar-

shall, Masterman, Masterton, Matthews, Maxwell, McMahon, McPherson, Morton, Nelson, A.; Nelson, M.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Tozier, Twitshell, Wentworth, Whittmore.

NAY — Bachrach, Baker, Beaulieu, Benoit, Berube, Blodgett, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowle, Gowen, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbins, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kelleher, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Berry, Brown, K. L.; Carrier, Churchill, Gould, Immonen, Laffin, Norris, Small, Tierney.

Yes, 74; No, 67; Absent, 10.

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

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

Mr. TARBELL: Mr. Speaker, having voted on the prevailing side, I now move we reconsider and I urge all of you to vote against me.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I would request the yeas and nays.

I hope that the people who came in after the debate took place and were simply here to vote on the issue realize that we are not voting for or against Dickey-Lincoln but whether or not we should have a referendum. The subject matter on that referendum is still a matter that is up to us to decide if we should approve that.

I think it would be most appropriate for us to keep this bill alive and decide, first of all, whether we want to have referendum or not. Once that decision has been made, we should decide exactly how we want that referendum to be worded, whether it should be one issue, three issues, four issues, perhaps we want to put Passamaquoddy on there. I think it is a matter of such significant importance to the future of the State of Maine, where we are going to get our electrical energy in the future, and it is a matter of such importance to the people that they should have a right to say in it, that I would urge you to vote to reconsider so we can decide exactly how we are to word a referendum question for the people to vote on. I do think it is a matter of such great importance for all the people in the State of Maine that we do give them the option to vote on something, so I urge you to vote to reconsider.

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

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out that this may be the most useful referendum we have available to us and I will tell you why. Governor Brennan has said that if this proposal goes to the people and does not pass, he would accept the judgment of the people and would not push for Dickey-Lincoln any longer. If you are against this project and you would like to see it downed, this is the only way you are going to get it downed. As long as our Representatives in Washington don't agree and as long as Senator Muskie pushes for it, we are going to have Dickey-Lincoln. If you don't want Dickey-Lincoln, what you should do is send this to the people, see it defeated and see the end of the project there, that is the only way you are going to see it defeated.

So, I would hope that you would send this to the people, it is not useless. If you are against

the project, this referendum is the way to kill it and I guess we are going to be on the same side, if that is the case.

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

Mr. TARBELL: Mr. Speaker and Members of the House: I hope you will oppose the motion to reconsider and put this bill to rest at this time. The reason for having a public referendum on the question of Dickey-Lincoln and the reason for the bill being placed in, is to put the people on record so they would have some influence and some say over our Governor, who has a tacit, negative veto or a veto over a public works project like this, so it has some influence on our Governor and has some influence on the Congress of the United States. It is Congress that would have to appropriate the \$1 billion, more or less, to build such a public works project.

If we are going to have a referendum, let's have the referendum at the time that it is going to have the impact, a general referendum in 1979 or 1980 and the issue does not come up until 1982 for a vote of appropriating funds. The Governor of the state, whoever she or he may be, and the Congress of the United States, whatever it may be in 1982, can simply say that without that final environmental impact study, a referendum that is a year or two or three years old is dismissed, it is outdated, it is obsolete, it didn't have all the information and we have gone through worthless endeavor and occupation here. So, for that reason, I would hope that at the appropriate time this matter will be appropriate, it is not now, so I hope you will oppose the motion to reconsider.

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. Tarbell, that the House reconsider its action whereby this Bill was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowle, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Barry, Berube, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gray, Hanson, Higgins, Huber, Hunter, Hutchings, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Twitchell, Wentworth, Whittemore.

ABSENT — Berry, Carrier, Churchill, Gould, Immonen, Laffin, Norris, Small, Soulas.

Yes, 72; No, 70; Absent, 9.

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

The pending question now before the House is on the motion of the gentleman from Bangor, Mr. Tarbell, that this bill be indefinitely postponed. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Tarbell 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 pending question before the House is on the motion of the gentleman from Bangor, Mr. Tarbell, that this Bill 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, D.; Brown, K. L.; Bunker, Call, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gray, Hanson, Higgins, Howe, Huber, Hunter, Hutchings, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Twitchell, Wentworth, Whittemore.

NAY — Bachrach, Baker, Beaulieu, Benoit, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowle, Gowen, Gwadosky, Hall, Hickey, Hobbins, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Strout, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Berry, Carrier, Carroll, Churchill, Gould, Immonen, Laffin, Norris, Small.

Yes, 71; No, 71; Absent, 9.

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

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

Committee Amendment "A" (H-586) was read by the Clerk and adopted and the Bill assigned for second reading Monday, June 4th.

Consent Calendar

First Day

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

(H. P. 926) (L. D. 1140) Bill "An Act to Transfer the Cost of Witness Fees for Superior Court from County Budget to the State" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-582)

(H. P. 1445) (L. D. 1644) Bill "An Act to Provide Compensation and Benefits Agreed to by the State and Council 74, American Federation of State, County and Municipal Employees, (AFSCME) for Employees in the Institutional Services Bargaining Unit" (Emergency) Com-

mittee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 764) (L. D. 972) RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-587)

(H. P. 723) (L. D. 910) Bill "An Act Relating to Funding and Support for Alcoholism Treatment and Rehabilitation Centers" Committee on Taxation reporting "Ought to Pass"

(H. P. 1162) (L. D. 1427) Bill "An Act Concerning Driver's Education for the Physically Disabled" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-590)

(H. P. 750) (L. D. 958) Bill "An Act Relating to the Identification and the Hazards of Chemicals in the Workplace" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-598)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 1, 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. 925) (L. D. 1134) Bill "An Act to Provide Loans for Family Farms" (C. "A" H-584)

On the objection of Mr. Wood of Sanford, was removed from the Consent Calendar.

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

Committee Amendment "A" (H-584) was read by the Clerk and adopted and the Bill assigned for second reading Monday, June 4th.

(S. P. 86) (L. D. 171) Bill "An Act to Abolish the Legislative Council" (C. "A" S-247)

(S. P. 465) (L. D. 1499) Bill "An Act to Regulate the Sales of Franchises" (C. "A" S-251)

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

Passed to Be Engrossed

Amended Bills

Bill "An Act to Consolidate the Mining and Rehabilitation of Land into the Site Location of Development Statutes" (H. P. 1239) (L. D. 1543) (C. "A" H-555)

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

Bill "An Act to Amend the Campaign Finance Law" (S. P. 78) (L. D. 167) (C. "A" S-250)

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

Mr. Rolde of York offered House Amendment "A" (H-595) and moved its adoption.

House Amendment "A" (H-595) was read by the Clerk.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment to "An Act to Amend the Campaign Finance Law" deals with the Commission on Governmental Ethics in the question of sending out reports to candidates and it was designed to fit in with the bill. It is basically my bill, which the "Ought Not to Pass" Report was accepted the other day.

I have talked to the chairmen of the committee, both of them, and they feel that this amendment can be offered to the bill that you now have before you. What it does is, it says the Commissioner would send a report at least seven days prior to the filing date and if they didn't send that, the amount of time that you would have to file would be increased by the amount of time beyond the seven days that they sent it to you.

The bill also deals with what you might call

new candidates, candidates who have come in to fill a vacancy, and it specifies that reports would be sent to them. I hope you accept this amendment.

Thereupon, House Amendment "A" was adopted.

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

Passed to be Enacted Emergency Measure

An Act Altering the Organization and Governance of Community School Districts (H. P. 1081) (L. D. 1517) (C. "A" H-498)

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

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

Mr. TARBELL: Mr. Speaker, Members of the House: We have a lot of enactors up for today and I wonder if someone from the Education Committee could just briefly give a good explanation of this measure?

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: In response to the gentleman's question, the bill reorganizes the whole section of the law, the education law, that deals with the governance of community school districts. Most of the items that are included in the legislation are items that already appear in current law but it puts them into one section of the law and clarifies some of the language.

The bill deals with cost-sharing formulas, deals with the question of vacancies on school committees, it deals with the elections for secretaries of community school committees, it clarifies the definition of full-time employees and it makes provision for the use of elections and adoption of budgets at the budget meeting. It doesn't seem to me that there is anything that is very controversial with this bill, except I do believe there is one member of the legislature who may have an amendment to offer to it to clarify one provision.

On motion of Mr. LaPlante of Sabattus, under suspension of the rules, the House reconsidered its action whereby the bill was passed to be engrossed.

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

House Amendment "A" (H-597) was read by the Clerk.

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

Mr. BLODGETT: Mr. Speaker, I would like to ask the sponsor of the amendment if he would mind explaining this.

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

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: If you will look on Page 6, Section 5, which deals with employment limitations, it would now read, "no member of the school district committee nor a member of his household nor the spouse of a member of the committee shall be employed as full-time employees of the school operated by the district."

I hope this answers this and if there are any other questions, I would be happy to answer them.

If you want, I will read it again, "No member of the school district committee," and it reads exactly the same as you see it in the original bill, except it adds, "nor any member of his household," within that same house, and the reason for that is that we tend to disenfranchise married people but not those that necessarily live together.

Also, there have been problems where a person living at home serves on the school committee and a member of the household works full time, and you cannot deal with personnel problems. Therefore, in this manner, it

would address that problem. I ran this to all the members of the school committee prior to presenting this amendment and they were all in favor of the amendment.

Thereupon, House Amendment "A" was adopted.

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

Emergency Measure

An Act to Amend the Unit Ownership Act (S. P. 429) (L. D. 1377) (S. "A" S-236 to C. "A" S-222)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I didn't notice this bill as it was going through, although the good gentleman from Portland, Mr. Connolly, did give an explanation the other day and something caught my ear and I checked into it a little further in the engrossed copy here, and it bothered me and I wondered if this was a change in the law — it is my understanding that it is but I wanted to get his input as to why it was, if, in fact, it is.

The first section, where it talks about contribution from the General Fund says that it is the intent of the legislature to provide at least 50 percent of the cost of education and that is in the general law now. Then it goes on to say, "or a percentage no less than provided in the year prior to the year of allocation, whichever is greatest." I guess I have a problem with that. If it is a change in the law, it would seem to me that that would perhaps restrict or at least damper at least my particular feelings towards increasing the obligation of the state over a period of years. In other words, if we wanted to put in 53 percent this year, I know then that I am committing the legislature to putting in at least 53 percent next year and thereafter, whereas now we might, if we got into tight budgetary times, put in 53 percent this year and 52 percent next year. We always have that flexibility. I wonder if this isn't going to seriously hamper the flexibility of the legislature in dealing with the school funding problems.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I don't think that it seriously dampers the flexibility that the legislature has to change how much the state will contribute to education.

When the recommendations came from the Interim Finance Commission, it was the recommendation of the Finance Commission that that 50 percent be 55 percent, and the rest of the language that is in here, which is new language, the percentage that is greater, whichever is greater, that is new language in the School Finance Law.

The committee wrestled with that question for a long time, and it finally agreed that we shouldn't make a commitment beyond the commitment of the previous year. This particular year, the state commitment is 53.4 percent. We think it is important to keep the intent in the legislation that the state contribute at least half the cost of education, the basic cost of education. We reduced the 55 percent to 50 per-

cent.

But next year, if the legislature, for financial reasons or other consideration, felt that it wanted to put less than 53.4 percent into its share for education costs, then this particular section of the legislation could very easily be amended. But we see this as a statement of intent so that the communities will be able to see clearly, at least at this stage in the game, how much of a percentage contribution at least the state is willing to make as its part of meeting the basic cost of education.

Again, it could be changed if financial or other considerations enter into the picture in future years.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Not to belabor this, but I just want to point out, I had a very difficult time finally signing this bill out because of this particular question. The Finance Commission originally recommended a 55 percent figure. As some of you might remember, at one point in our state law, it was stated that the intent of the education law was to have the state go to 60 percent. And we, as a matter of fact, in practicality, have been at 55 percent, and the current 53 percent actually represents a withdrawal from the figure.

I was going to sign out my own report keeping in the 55 percent figure, but I finally agreed to compromise at 50 percent. So I hope you will go along with that.

The SPEAKER: The pending question is on passage to be enacted. 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.

126 having voted in the affirmative and 9 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1979 (H. P. 1424) (L. D. 1631)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission (H. P. 380) (L. D. 487) (S. "A" S-244 to C. "A" H-321)

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

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

Mr. MORTON: Mr. Speaker and Members of the House: I am opposed to this non-lapsing dedicated revenue account for the Public Utilities Commission and I move indefinite postponement.

The SPEAKER: The gentleman from Farmington, Mr. Morton, has moved that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. DAVIES: Mr. Speaker and Members of the House: We debated this issue a number of weeks ago and we have gone through a couple of problems that have developed that we have had to add some amendments to correct the

problem that we hadn't anticipated to make sure that the Appropriations Committee will have full review over the monies that will be generated by this bill.

What this bill does is, it generates \$150,000 in an assessment on public utilities to help cover the costs that are being incurred by the passage of several federal energy laws, the Public Utilities Regulatory Policies Act and the National Energy Act. It has created a large amount of additional work that the Public Utilities Commission is going to have to do, and we felt that this was an appropriate way to cover those costs. It will fund four positions that will be under the control of the Appropriations Committee. These four positions will be responsible for handling this large additional workload that has been created by the federal government.

The reason why we have chosen an assessment approach is based on the philosophy that those people who benefit from regulation should be the people who pay for it. In this case, the people in the State of Maine are going to be benefitting from the changes that have come about from the federal laws being passed, as well as actions that this legislature has taken, and we felt that it would be inappropriate for someone who lives in the territory served by Bangor Hydro-Electric to be paying for regulation of Central Maine Power Company, or for people who lived in the area of the Portland Water District paying for the regulation of the Orono-Veazie District. So via this assessment, which would be a very minimal fee on the utilities, we will cover these additional costs that are being generated without forcing people who are not going to benefit from the regulation of other utilities from having to pay for that.

That is the reason why this bill has gone through. It has had good support in both this House and the other House, and I hope you will not vote to indefinitely postpone.

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

Mr. MORTON: Mr. Speaker and Members of the House: I think it is only fit that I tell you why I am opposed to this. It provides for an automatic increase in utility rates. It provides for dedicated revenues for the Public Utilities Commission. Both of those areas, I think are things that this legislature is generally opposed to, I certainly am opposed to, and I hope the majority of you are and urge you to vote for indefinite postponement.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I did hesitate to speak on this today because I spoke on it several weeks ago.

This issue is one which I feel looks bad in the eyes of the public. The common citizen, who pays his light bill, is wondering, is the commission in bed with the power companies? I think when you put this assessment bill through, you will then tell the people, yes, we are going to put them in bed together.

I would urge that you oppose this bill, that you vote for indefinite postponement.

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

Mr. DAVIES: Mr. Speaker and Members of the House: Mr. Cunningham raised the same argument at the public hearing and during the work sessions on this bill. I would point out to you that 17 other states use a procedure similar to this to pay for part or all of the costs of regulation of utilities, and two of those states, New York and Wisconsin, have a reputation of being very strongly consumer oriented, and many of the others have a fairly good rating as being consumer oriented. So I think the idea that this is going to put the utilities and the regulators in bed together just doesn't bear up if you examined the situations where this same procedure

is utilized in other states.

I hope you will not take this red herring to heart, I hope you will ignore it and not vote to indefinitely postpone the bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: An awful lot of people that I represent don't think this commission does them any good anyway and should be done away with. They certainly wouldn't want to give them any more money to play around with.

Now, I would be opposed to the bill, and I have been opposed to the bill since the very beginning, and I am also opposed to any other bill that puts more people on the state's payroll. The population of Maine, since I have been in this House, has changed very little, it is still less than a million people and the same people are paying the bills. Every time we come down here and add people to the payroll, I don't care if it is in Fish and Game or Public Utilities or what have you, the people I represent have to pay this. They are smart enough to know, if you take it out of their hip pocket or side pocket or their right hand or their left hand, it is coming from them.

They are not too satisfied with the Public Utilities Commission and they think the power companies would use them better than the Public Utilities does. So, I am very definitely in favor of this being indefinitely postponed.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Generally speaking, I am not one of those who favors a great deal of regulation, as I am sure many of you know. However, I do serve on the Public Utilities Committee and listened very carefully when the bill was being heard.

You may recall that there were a couple of different choices that we had at its first reading. One was the one that is before us now and another one would have required that all of the costs of the Public Utilities Commission would be borne by the public utilities. That very much would affect the argument that Mr. Cunningham and Mr. Morton are using as far as the utilities being in bed with the commission.

However, if you look at the Statement of Fact on Committee Amendment "A", you will see that the intent of this amendment is to provide revenues necessary to fulfill the obligations of the PUC under the National Energy Act. The National Energy Act will require lengthy hearings to implement the policies, rules and regulations of the Department of Energy, including the Public Utilities Regulatory Policies Act, and it seems to me then, if the Public Utilities Commission is going to be asked to provide more and more responsibilities to carry out their duties, the money is going to have to come from somewhere and I certainly don't want it to come from the ratepayers.

This seemed to be a reasonable compromise as far as the utilities were concerned. I know that we were all generally happy with it, with the exception of a few, and I would urge you very strongly to oppose the indefinite postponement motion.

Mr. Davies of Orono was granted permission to speak a third time.

Mr. DAVIES: Mr. Speaker and Members of the House: As Mr. Brown has pointed out, these costs have been passed on to us. The federal government has acted, those responsibilities have been passed on to the Public Utilities Commission in the State. Those costs are going to have to be paid some way. We have a choice of two ways. We can go through the Appropriations Committee and appropriate additional monies so that they can handle these responsibilities. What happens there is, the people who are going to benefit from it are going to be paying through their taxes.

In this circumstance, with a partial funding

to cover these costs through an assessment, the people who are going to benefit from whatever regulatory actions are taking place because of these two laws are going to be the people who are going to benefit from it.

The money is going to come out of Maine people somehow, whether it is through the rates or through their taxes. I think this is the most appropriate way, because it gets towards the idea that those people who benefit from regulations should be the people who are paying for it.

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

A vote of the House was taken.

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

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

A vote of the House was taken, and more than one-fifth of the members present 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 Farmington, Mr. Morton, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bordeaux, Boudreau, Bowden, Brown, K. L.; Bunker, Call, Carter, F.; Conary, Cunningham, Damren, Davis, Dexter, Drinkwater, Dudley, Dutremble, L.; Garsoe, Gavett, Hanson, Higgins, Hunter, Hutchings, Jackson, Kelleher, Kiesman, Lancaster, Leighton, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Martin, A.; Masterman, Matthews, McMahon, McPherson, Morton, Nelson, A.; Nelson, N.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

NAY — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Carroll, Carter, D.; Chonko, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fillmore, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Leonard, Lizotte, MacEachern, Mahany, Marshall, Masterton, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Berry, Carrier, Churchill, Cloutier, Dellert, Fenlason, Gould, Gray, Huber, Immonen, Jalbert, Laffin, LaPlante, Norris, Peltier, Small, Soulas, Strout.

Yes, 60; No, 73; Absent, 18.

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

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

By unanimous consent, ordered sent forthwith.

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

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

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

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

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

Enactor Tabled and Assigned

An Act to Strengthen the Procedures for Prosecuting Operating Under the Influence Cases and Strengthen the Penalties for First Offenses (H. P. 934) (L. D. 1166) (C. "A" H-484)

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

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and assigned for Monday, June 4.

An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation (H. P. 956) (L. D. 1222) (C. "A" H-501)

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

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move indefinite postponement of this bill and all its accompanying papers.

My reason for doing this is because I have been told by the superintendent of insurance, the Labor Committee has been told, but I guess they refuse to listen. They would rather create another addition to the Insurance Bureau, I guess, another line of bureaucrats.

This bill would require that the superintendent give us, on all bills dealing with workmen's comp, an impact statement whenever requested, but it doesn't say in the bill who is going to request it. Is it going to be the lobbyists? To me, this is a lobbyist's paradise right here.

At the end of it it says, "No legislative committee shall take any action with respect to any bill described in this chapter dealing with workmen's compensation unless they review of the entire statement." To me, this is a lobbyist's paradise.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L. D. 1222, is a bill that I sponsored. I hope that won't hurt it too much. I sponsored this bill on behalf of the Associated Industries of Maine. I hope that doesn't come as too much of a shock to you either.

What this bill will do is require that the Bureau of Insurance submit premium impact statements for certain workers' compensation legislation. At the present time, much of the workers' comp legislation that we have coming before the Labor Committee, and we have had a number of bills come before our committee, are bills which were initiated by business and bills which were initiated by labor. It is difficult to project and estimate what the impact is going to be on the workers' compensation premiums. And the reason that the Associated Industries thought that that is why I consented to sponsor this bill on their behalf, because we believe that if the businessmen in this state, and business women, are going to be paying the increased cost of workers' compensation insurance and premiums, then they have every right to know what the impact is going to be when we start passing legislation to increase benefits in this state.

Some of you may be surprised that I would take that particular tact. I am not opposed to workers' compensation legislation, but the

people who have got to pay the bills, the business community, ought to have every right to have an understanding of what impact that is going to have on them. I think that this information is not provided at the present time.

As far as what Representative McHenry said about the superintendent saying that he would have to have another staff person to handle this, he did not make that clear to the committee.

I would remind you that the bill has been amended, and if you will notice the amendment, it has a filing number of H-501, the only thing this bill will do now is just note the percentage increase or decrease in premiums, a minimal amount of information, and will also say that this must be provided within 30 Legislative days—the original bill said 30 days and we made it 30 Legislative days.

What will happen, ladies and gentlemen, if the bureau doesn't supply this information to the committee, the legislation is going to die, and ought to die, because if the Bureau of Insurance, which ought to have this information, can't supply it and let us know what the impact is going to be on the people who have to pay the bills, then I don't think the legislation ought to pass.

I hope you will defeat the motion so that we might pass this.

I would also remind you, as much as I respect the gentleman from Madawaska, he is my friend, fellow Democrat, I think he was the only person on the committee, maybe along with one other person, to oppose this. The overwhelming majority of the committee supported the bill, bipartisan support, which is extremely unique for the Labor Committee, and I hope that you will oppose the pending motion.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I want you all to know that the other day Mr. Wyman and I took a picture with the Governor on a labor bill and we will have 151 copies signed by 'Jack and Paul' at the end of the session to give to all of you. This bill is just another example that Mr. Wyman has finally seen the light and I hope you will vote with him today. I will be following his light all the way.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Wyman saw the light a long time ago, probably I haven't. He did tell you, if the commissioner of insurance does not report to us the effect within 30 days, that legislation is dead.

We are the lawmakers, not the bureaucrats, and now you are saying the bureaucrats are going to decide whether we are going to pass a law or not. That is what you are doing.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Madawaska, Mr. McHenry, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

25 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

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

An Act to Require that Insurance Coverage for Out-patient Community Mental Health Services be Provided in Group Health Care Policies and Contracts (H. P. 1121) (L. D. 1390) (S. "A" S-240 and S. "B" S-246 to C. "A" H-496)

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.

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

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

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

Mr. MORTON: Mr. Speaker and Members of the House: I noticed the title of this bill, Solicitation by Law Enforcement Officers. I seem to recall having seen that title in the 108th and the 107th and the 106th and it was killed each time. Perhaps this one does something a little different, but I think just to get the debate started. Mr. Speaker, I am going to move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves that this Bill be indefinitely postponed.

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

Mr. HOWE: Mr. Speaker and Members of the House: I assure Mr. Morton that he has gotten the debate started.

This is a bill I submitted to amend an act which we passed in the first session of the 108th. I don't recall that such a title came through the legislature prior to the first session of the 108th, but then I wasn't here.

The Law Enforcement Solicitation Act was originally enacted since I have been here, and it was a response to some real problems whereby agents of law enforcement associations, to wit, the State Troopers Association in particular, were accused of strong arming, if you will, people mostly in business for solicitations, contributions for some sort of fund, whatever they use those funds for.

The potential abuse, I think, comes about because law enforcement officers have particular status in the community and there was always the threat that if one did not come up with a few dollars or maybe more than a few dollars, that perhaps their property wouldn't be as well protected. That was the problem and it was very real.

So, the legislation wisely enacted the Law Enforcement Solicitation Act, which really cut them off, at the knees, to prevent law enforcement officers or their agents from soliciting funds for the benevolent association or for the widow's fund or for their lobbyist or new uniforms or whatever. But there was one exception made in that law at the time which we felt by creating this exception wasn't lead to any abuse, and that exception appears in Committee Amendment "A" to L. D. 1409, and you will find that under filing number H-495, Subsection 1, entitled "Admissions" is present law and Subsection 2, Advertising, is what is proposed by this bill. The Committee Amendment is all you ought to look at, because it replaces the bill.

The present law permits law enforcement officers, agencies or associations from running advertisements posted in a public place or immediate to a particular event, so long as the tickets would be sold through the normal ticket outlets, but that the law enforcement agents, officers or associates or other agents would in no way themselves solicit the public either in person, by telephone or by letter. That is present law.

The bill proposes to permit law enforcement officers, agencies or associations to offer for sale, either by subscription or otherwise, a magazine or newspaper, which they would publish, or advertisements in that magazine or newsletter, if the sale or the offer for sale is made by advertisements posted in a public place or media, advertising in a newspaper, on radio or television, or by printed forms contained in the magazine or newspaper. But then the amendment goes on to say that no person shall initiate contact with the general public in person, by telephone or by letter.

There are several law enforcement associations, and I think the State Troopers Associa-

tion is among them, and the Chiefs of Police Association, that would like to publish their own newsletter, publications, not exclusively for their members but largely for their members, and in order to pay for these, they would like to solicit advertisements and subscriptions. Typical of the kind of advertising they might seek would be Smith and Western Company, which manufactures side arms, or some radio communication company which might sell police radios, but they can't do that now without violating the law. I think this exception to the law won't take us back to the days when the local cop on the beat would come into the corner store and say, listen, we are having our annual fund drive, how about \$150, we think that would be about right for a store of this size. By the way, you remember that we give you good protection, don't you? That kind of thing isn't going to be permitted under this exception and I think it is perfectly safe and isn't going to open up the door to the kinds of abuses we saw prior to the 108th.

Just one other thing. As far as the history of this, this is precisely the same as the bill which I sponsored in the last session, which was enacted by both houses and was vetoed by Governor Longley, and on St. Patrick's Day of 1978, I failed to get the two-thirds vote to override, but I hope you will pass it here today.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have always been opposed to this sort of thing and I still am. I don't know how the solicitation is going to be made or how these ads are going to get into the magazines or the papers, but the point remains that when that is printed and the ads appear, then you have got an opportunity to say to one business or another, how come you didn't advertise? Your friend down the road did. The very fact that these tax supported people, officers of the law, sworn to uphold the law, have the opportunity to draw conclusions for what you do or what you don't do in that business world is, to my way of thinking, something that we should not condone here in this legislature. We have failed to condone it before and I hope we will fail to condone it today. It is a bad practice; we should not be involved in it.

I urge you to vote to indefinitely postpone.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I recall this legislation in the 108th. It came about basically, for those members who were not here, as the result of a bill put on the Charitable Solicitations Act, which was intended to address a problem of professional solicitors and the underhandedness that had occurred on many occasions regarding this.

As a result of that Charitable Solicitations Act, one of which I cosponsored, was granted 'leave to withdraw' in lieu of other legislation which dealt with that, which did finally pass.

The police were involved in this. It was not my intention as the sponsor of that legislation to include the magazines of the Police Association. If you will look at the committee amendment, as has been pointed out before, it prohibits the initiating of the contact by any member of the association or any law enforcement official by either telephone, letter or other means.

Now, what has happened as a result of that legislation which was passed in the 108th is that the magazine can no longer accept contributions and it cannot sustain itself by its own dues. If an individual wants to solicit in a police magazine, as is the case here and what this is intended to do, then I think they ought to have the option of doing that and not be precluded by the Solicitations Act which we passed in the 108th.

I think perhaps a lot of this fear over this bill stems from distrust of the police, or not want-

ing to put the police in a position, whether directly or indirectly, of putting the arm on members of the community. Well, I think, my own personal opinion, that would not happen. If you happen to hold to that belief, fine and dandy, but I might remind you, and this has happened before, the ability to solicit an ad in a police magazine has been offered and has in vogue in the past, and it was only because of this law that preempted it. It certainly was not intended on my part or on the part of many of the other sponsors of that Charitable Solicitations Act, the bill that was finally passed, to do that.

I do hope you will vote against my very good friend and learned colleague from Farmington, Mr. Morton, I think errs in his judgment on this and I hope you will vote against the motion to indefinitely postpone.

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

A vote of the House was taken.

Whereupon, Mr. Morton of Farmington requested a roll call vote.

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

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

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

ROLL CALL

YEA — Bachrach, Blodgett, Brown, K. L.; Bunker, Call, Carroll, Carter, F.; Cunningham, Damren, Dellert, Dexter, Drinkwater, Dudley, Dutremble, L.; Fenlason, Garsoe, Gray, Hughes, Hunter, Kiesman, Lancaster, Leighton, Lewis, Lougee, Lund, MacBride, Martin, A.; Masterman, Matthews, Morton, Nelson, A.; Paradis, Pearson, Rollins, Roope, Smith, Stover, Torrey, Twitchell, Wentworth.

NAY — Aloupis, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brown, A.; Brown, D.; Brown, K.C.; Carter, D.; Cloutier, Conary, Connolly, Cox, Curtis, Davies, Davis, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fillmore, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hutchings, Jackson, Jacques, P.; Kane, Kany, Kelleher, LaPlante, Lizotte, Locke, Lowe, MacEachern, Mahany, Marshall, Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paul, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Sewall, Sherburne, Silsby, Simon, Sprowl, Strout, Tarbell, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Whittemore, Wood, Wyman, The Speaker.

ABSENT — Austin, Berry, Brodeur, Carrier, Chonko, Churchill, Gould, Immonen, Jacques, E.; Jalbert, Joyce, Laffin, Leonard, McSweeney, Norris, Payne, Peterson, Rolde, Small, Soulas, Stetson, Studley, Tozier.

Yes, 40; No, 88; Absent, 23.

The SPEAKER: Forty having voted in the affirmative and eighty-eight in the negative, with twenty-three being absent, the motion does not prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

An Act Concerning Limited Decrees for Al-

imony (H. P. 1168) (L. D. 1443) (C. "A" H-490)

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

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would appreciate it if the sponsor or someone on the Judiciary Committee could please explain this bill as now amended before we vote.

The SPEAKER: The Chair recognizes the gentleman from New Castle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker and Members of the House: To explain the bill, it changes in the alimony section, where it says that the court may at any time alter or amend or suspend the decree for alimony or a specific sum when it appears that justice requires it. It adds a phrase, except that a court may not increase the alimony if the original decree prohibits an increase. The rest of the bill just spells out what is already available in law. The reason that we put that in there is to help lawyers for instance, who don't often handle divorce cases and perhaps aren't aware of all the options that might be there and to help people perhaps who are doing their divorces per se.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: If you haven't looked at this bill, it is really the amendment now, House Amendment 490. I am not a lawyer, but I certainly have talked to enough of them in the past week trying to understand this bill and I am not certain of all the ramifications of the bill. But my initial reaction to it was one of deep concern and it still is.

The amendment does deal with alimony and, as Representative Sewall has stated, the law now says that the court may at any time alter, amend or suspend the decree for alimony or a specific sum when it appears that justice requires it. The amendment adds a new section which says, "except that court may not increase the alimony if the original decree prohibits an increase." This is the section that I really have a problem with.

Divorces are oftentimes bitter and very emotional. They are not pleasant experiences. I am concerned about the man or a woman, because in Maine Law the judge may grant alimony to either a man or a woman, that either a man or a woman might sign a divorce decree under great duress which would prohibit any future increases in alimony.

I sincerely believe that many women, and perhaps men, often do not understand exactly what the conditions of a divorce decree might be. Furthermore, I am not at all sure that this is always due to the inability of that person to understand. Not wanting to cast any aspersions on lawyers, especially in this body, I am, however, certain that many women agree to a settlement only to find out at a later date that the settlement for alimony was not quite what they thought it was. I know this happens. I don't know whose fault it is, but I think oftentimes things are not very well explained.

I am concerned about the party who would sign an alimony agreement under duress, strain and perhaps even desperation. I am not only referring to divorces that involve large alimony payments. Let me give you an example. Take the couple that has been married for say 25 years. The marriage falters and ends up in divorce. Suppose this woman never had any higher education or maybe she has even had some but never worked. She is granted alimony, she goes to school and some way attains skills to find employment and does get a job. At a later date, suppose this woman develops a condition, an illness, disability, which prevents her from working. In such a case, if she had signed a decree prohibiting any increase in alimony, she could not go back to the court and plead her case. Now, I am not saying she should necessarily get more alimony, but the

judge should be the one to determine that; that is the way the law stands now.

As a matter of fact, in the State of Maine judges are very conservative. I am sure if you look at the paper and read the divorces, you will find that very rarely is alimony even granted. I am not opposed to that. I don't believe that women or men should receive alimony if they can take care of themselves or if they do not need it. However, manytimes there are circumstances when alimony is, indeed, needed and should be granted.

The other section of the bill that Representative Sewall alluded to, I really don't understand it, I tried. I understand it to the best of my legal ability, but not having much legal background, it is difficult. She says that it is to clarify something that is already in the law for those lawyers who don't very often practice divorce cases. Well, maybe that is why so many men and/or women don't understand things when they get divorced and they sign settlements. I think if it is in the law, lawyers ought to read the law and they ought to understand it as it is now.

In conclusion, if you haven't guessed, I feel very strongly about this issue. I believe the laws that we have on the books at the present time have served us well for many years and we do not need to change it.

I do feel compelled to add a footnote. As most of you probably know, I am divorced and have been for quite some time. However, I receive no alimony, I never have, I never intend to, so this bill will not affect me in any way.

Mr. Speaker, I ask for the indefinite postponement of this Bill and all its accompanying papers.

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, moves the indefinite postponement of this Bill and all its accompanying papers.

The Chair recognizes the gentlewoman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker and Members of the House: I have had a long history of working on the divorce laws, not from the position of a woman's side or a man's side. The law is written for everyone, it is not suppose to be written to favor one party or another party, and I don't think this bill favors one party or another party, and I particularly want to address something to my friend Mr. Laffin, who said that this was just going to help women and he didn't know whether he could sign it out, although it was 12 to 1 out of the committee in favor of the bill. I just want to show him, see, it wasn't that way, I told you it wasn't and it isn't.

What the purpose of the bill is, is to offer another alternative. No one has to agree to this. The judge doesn't have to decree this. Let me tell you what the bill doesn't do. It isn't going to change the inequities in divorce law. There is always someone in a divorce, I agree, it is an emotional time and a difficult thing—this isn't going to change someone feeling they got the raw end of the deal, this isn't going to change that. This is going to offer an option that might give somebody a break if they can get into a limited divorce decree which is, in essence, like a settlement. You can already have a binding agreement. This allows someone, the paying person, perhaps to be able to pay over a period of time, which you can already do, but allows them to deduct it as alimony, which gives them a small tax advantage. But you can already enter into a settlement, which is fine, and this simply would allow someone to be able, in the situation where they agreed or the judge agreed, and the judge will look them over, it allows them to enter into this kind of agreement. It isn't going to settle all the inequities. There might be something happen under this section that will be inequitable. There are things that happen that way all the time.

Under the law we have now, which is constantly changing every session, it hasn't been static, and I would just hope that you would

allow some people to use this option if they wanted to. I doubt there is going to be anymore abuse under this than there is under any other law, and I would hope that you would oppose the motion to indefinitely postpone. And when the vote is taken, I do request a roll call, Mr. Speaker.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I also am an expert on divorce; I got one last August. I would like to say to you, my particular divorce decree was what I considered a final decree. Within the decree, I had the statement made that there would be no future action to raise the alimony settlement. I came up with a final alimony payment of a little bit in the future.

The particular bill that we have right now as amended offers me somewhat of a protection, because without that, I am not protected, without that, within five years, three years, four years, I may even become remarried, I may even be trying to support another family, and if I come up with halfway decent job, my ex-spouse can take me back to court and ask for additional alimony, based on the fact that my income is a little higher than it used to be, and there is a chance that she could get it, whether the divorce was her fault, my fault, or whoever's fault it might be. But this particular bill does offer me somewhat of a protection.

I know a lot of you say, oh, it could never happen to me. Well, my good friends, 20 years ago I said that same thing, but it can happen, and you would like to have a little protection also, whether you be the man involved or the woman involved, whichever way the judgment is made. This bill gives you a slight amount of protection, and I hope you don't indefinitely postpone it.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: Under ordinary circumstances, I suppose I would agree with something where it would be final, but divorce is an entirely different situation, a situation where people are often put under a great deal of stress and strain, and oftentimes I think it is the woman who bears the brunt of that. She is the one that has to go to the lawyer—maybe not financially—maybe she has for years up until that point. She is the one that has to get a lawyer and, believe me, they are very difficult to understand sometimes. Sometimes they tell you this and you find out later that wasn't quite the way it was.

I do not think that any man or woman should be tied down or committed to a certain agreement under those circumstances. It is a very difficult time and I think the law is just fine the way it is. They should have that option. Remember, the law, it says now that alimony may be decreased, Mr. McKean. So you may go back into court and request that the alimony be decreased. But let me point out that this amendment does not allow that. It says, "except that a court may not increase the alimony if the original decree prohibits an increase." It says nothing about the courts decreasing it. Does that mean that they could have an agreement but that the man or the woman who is paying the alimony can go back to court and ask for a decrease? That doesn't sound very fair to me.

I hope that you will leave the law the way it is. This needs to be given a lot more thought.

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

Mr. SIMON: Mr. Speaker and Members of the House: The gentlelady from South Portland, Ms. Benoit, has brought up the prospect of an unconscionable contract, in effect, that would be made between two parties who are dissolving marriage, and I would respectfully suggest, although I am not a member of that so heavily baited profession, that an unconsciona-

ble contract is not enforceable and we all have to make decisions under stress from time to time, and that Mrs. Sewall's bill is a good-faith attempt to bring our law in line with the fact that 90 percent of American divorces are uncontested and that more and more of them are being dealt with by means of separation agreements, which makes the process less hateful, less full of pressure.

I hope that you will vote against the pending motion for indefinite postponement and support the bill of the gentlelady from Newcastle, Mrs. Sewall.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from South Portland, Ms. Benoit, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; will vote no.

ROLL CALL

YEA — Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Carroll, Cloutier, Connolly, Cox, Davies, Gowen, Howe, Kane, Kany, Locke, Mitchell, Nelson, M.; Nelson, N.; Post, Prescott, Reeves, P.; Tierney, Tuttle, Violette, Wood, Wyman.

NAY — Aloupis, Austin, Bachrach, Birt, Bordeaux, Boudreau, Bowden, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Bunker, Call, Carter, D.; Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowle, Garsoe, Gavett, Gillis, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques E.; Jacques, P.; Joyce, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Morton, Nadeau, Nelson, A.; Paradis, Paul, Payne, Pearson, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Tozier, Vincent, Vose, Wentworth, Whitemore.

ABSENT — Berry, Brown, K. L.; Carrier, Chonko, Churchill, Gould, Immonen, Jalbert, Kelleher, Laffin, MacEachern, Norris, Rolde, Small, Soulas, Twitchell.

Yes, 29; No, 105; Absent, 16.

The SPEAKER: Twenty-nine having voted in the affirmative and one hundred five in the negative, with sixteen being absent, the motion does not prevail.

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

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

The SPEAKER: The gentleman from Limestone, Mr. McKean, moves that we reconsider our action whereby the House failed to indefinitely postpone. All those in favor of reconsideration will say yes; those opposed will say no.

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

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

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

Was reported by the Committee on En-

grossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Tabled and Assigned

An Act Relating to the Employment of Minors and Overtime Pay (H. P. 1214) (L. D. 1520) (C. "A" H-494)

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

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

Mr. ROOPE: Mr. Speaker, I move this be tabled for one legislative day.

Whereupon, Mr. Wyman from Pittsfield requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Presque Isle, Mr. Roope, that this matter be tabled pending passage to be enacted and assigned for Monday, June 4. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

An Act to Require Financial Institutions Either to Pay Taxes from Mortgage Escrow Accounts or to Pay Interest on Escrowed Sums (H. P. 1426) (L. D. 1633)

An Act Concerning the Financial Responsibility Laws (S. P. 132) (L. D. 309) (C. "A" S-232)

An Act to Increase the Funds for the Displaced Homemakers Program (H. P. 779) (L. D. 981) (C. "A" H-432)

An Act to Ensure the Prompt Decision of Cases Before the Workers' Compensation Commission (H. P. 1380) (L. D. 1605) (C. "A" H-492)

An Act to Provide that SAD's May Contract for High School Education for its Students with any Other Approved School (S. P. 242) (L. D. 691) (C. "A" S-231)

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

An Act to Clarify the Disqualification Provisions of the Employment Security Law (H. P. 821) (L. D. 1028)

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move the indefinite postponement of this bill and all its accompanying papers and I ask that when the vote is taken, it be taken by the yeas and nays, and I would speak briefly to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill is one that we debated the other day which will require that anyone who has voluntarily quit or been discharged for misconduct, in order to requalify to draw unemployment, will have to work for an insured employer.

I have talked with many of you since the debate on this particular bill, and I think there are a number of people who did not understand the full ramifications of this legislation. I think if we are going to take action on it and change our position, that we need to do it now.

I am not opposed, and I think a close scrutiny of the Legislative Record and the record of the Labor Committee will prove beyond any shadow of a doubt that I and the other members of the Labor Committee are certainly not opposed to doing something to tighten up our unemployment laws. We have already passed

legislation, some of it sponsored by the good gentleman from Woolwich, Mr. Leonard, which will do just that, and I supported that legislation.

We have a bill that is on the Unassigned Table that I strongly support. That came out of the Labor Committee with a very solid vote which will tighten up the unemployment laws. But I think, ladies and gentlemen, that before we act too hastily, we ought to be very discriminating when we decide what bills we are going to support and which ones we are going to oppose in this particular area. I don't think there is anyone in this House and, as a matter of fact, I have become quite concerned, to put it mildly, when people raise this great specter of people who oppose certain legislation as being for unemployment as a way of life or being for putting people on unemployment, being opposed to trying to do something to get at the abuse. That is certainly not the case.

I think that all of us agree that we need to do something. The question then becomes what? This particular bill is the wrong approach. What it will say in essence, and I will try to make this as simple and as clearly understood as I can, that if an employee is working for an uninsured employer, an employer who does not pay into the unemployment system and he becomes unemployed through action of his own but, nevertheless, he becomes unemployed, and he may have earned the required amount, which is four times the weekly benefit amount, I believe, under the current law, as a result of a change we made in the last session, he will not be able to collect unemployment, because when he goes to the unemployment office, they will tell him that he has worked, no matter how much money he has earned, for an employer who wasn't insured.

I can understand the argument, and people are going to make it this afternoon, they are going to stand up as soon as I sit down and they are going to say, well, we don't think that anybody should be collecting from the system that hasn't paid into it. Well, no employees pay into the system. I hope that everyone understands that. There is not one employee who pays into the unemployment system. Employers pay into the unemployment system, and my basic premise is this, we ought not to penalize the unemployed employee because the employer has opted or is exempted from paying into the unemployment fund; it is that simple; that is really the basic issue. If you really believe that an employee, who has been out there and working and may have worked for months and is unemployed, if you believe he should not be able to collect unemployment because his employer was not insured, then you vote for this bill and you will guarantee that that will not be the case.

However, if you believe that the determination on a person's eligibility for unemployment ought to be whether or not he has earned the required amount to qualify, then you will oppose the bill.

I think what we are talking about, ladies and gentlemen, very simply is a case of elemental justice, it boils down to that. I don't think anyone is saying that we don't want to get at the abuse. We can develop some legislation and we could have amended this bill, we could have done that. We have other bills and you will see the 12 week suitability bill when it comes off the Unassigned Table. It is a bill that will do a lot more to get at the unemployment abuse than this bill will ever hope to do.

Let's not be shortsighted. Let's not say, well, the people are clamoring for some kind of action so let's vote for anything, it doesn't make any difference what it is. Let's be a little prudent, let's exercise good judgment, exercise a little compassion, because for every person that you are getting who is abusing the system, and we don't know how many there are, there is a perception but we don't know the numbers, no one has told me how many people

are actually qualifying for unemployment that shouldn't be, for every person we get, there will be three who will be deprived of unemployment who deserve it.

I hope you will support the motion to indefinitely postpone.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Wyman has made a great speech, but there is a basic problem, a flaw in his speech and I will try to convey a message to you as best I can.

One thing is, you have an Employment Security Commission, you have an employment security fund. It is an insurance that is paid for, and we went through this the other day, by the employers. They generate the monies for this fund and this fund is used in the event that an employee inadvertently has to draw on it—fine. Well, the employer who is paying in, has, in fact, been paying in for those employees in his firm and it is protection for his employees that in the event they are laid off, or for whatever reason they become unemployed, they are protected.

If we open the fund up to people who are not paying in, then we are taking away from those people that are laboring for an employer who is legitimately operating in the marketplace and pricing his goods accordingly or lowering the wages of his employees accordingly in order that he can generate enough monies to go into this fund and protect his employees.

I would assume in the marketplace that an employer who is not paying into the insurance fund has that money left over to either pass on to the people he generating goods for or services for or to pass that money on to the employee who is, in fact, working for him, and maybe he is a ripoff artist, maybe you are right, Mr. Wyman. I think we have to go out after that one and treat him head on rather than just simply putting a loophole in the law and letting a loophole remain in the law so that everybody can take advantage of the system. It is like buying an insurance policy. If I buy one and I say that my wife is going to be the beneficiary, I don't mean that Mr. Wyman is going to be the beneficiary. It is as simple as that.

We have to preserve the integrity of the fund and the integrity of the fund will be preserved by allowing those people who legitimately, through their labors, generate monies to go into that fund so in the event they become unemployed, they can draw on it. It is as simple as that. I hope you will vote against the indefinite postponement motion.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to relate a couple of stories to you in regard to this loophole that exists in the current law. We had a member of the Labor Commission come to the hearing and testify that people do abuse it, they realize there is abuse. They don't know exactly how much because they have no way, at the present time, to record these people who are applying from an uncovered employer.

An incident was related to us where a person called up on Monday and found that he did not qualify for compensation and he asked, what did he have to do to qualify? He said, you have to earn \$600. So Wednesday, the same person came back and said he had earned \$600 painting his brother-in-law's house or somebody's house.

I would also like to relate to you a personal experience.

A friend of mine called me one day and said that he had been denied unemployment compensation because it was found that he had voluntarily quit from his position. He went through the appeals process. He found out that he had to earn a certain amount of money before he would requalify. I said to him, tell

them you chopped some wood for you father-in-law or something and you earned the \$500 or whatever the amount was. He said, I can't do that because I would be ripping off the system. So, you see, we don't know exactly how many people are ripping off the system, but the loophole is there and I don't know how many people take advantage of it but it is there, I am aware of it and a lot of people are aware of it.

This bill would close that loophole, would prevent that kind of advice from being handed around. Therefore, we should oppose the indefinite postponement and pass this bill on its way to prevent that loophole from being misused.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: It is a little bit amazing to me and a little bit surprising that Mr. Cunningham would suggest on the record that he urged someone or recommended to someone that they just say they worked for somebody without actually earning the amount. I thought that Mr. Cunningham believed in the integrity of the system but apparently, judging from his remarks, he does not. I would never make a recommendation to anybody that they go ahead and say that they had paid in when they didn't. Sorry to hear you say that.

I would suggest, however, that I do not believe that there ought to be people who are not paying into the system. If that is the basis of the opposition's argument, and I gather that it is, that nobody should be drawing from the system that hasn't paid in, I won't quarrel with that at all. As a matter of fact, I would support a bill. If Mr. Leonard wants to put in a bill, I will cosponsor it with him to require all employer to pay into the unemployment system, no free riders, no free lunch. We heard that argument earlier on another issue. I believe in that, but what I do not believe is that when you give the employer a break by exempting him from paying into the unemployment, that you make the employee pay the consequences for giving a break to the employer. That makes no sense. It doesn't even make any common sense. If you want to amend the laws saying "to preserve the integrity of the fund" and to make sure that nobody is getting a free ride. We are not giving employees a free ride, Mr. Leonard, we are giving employers a free ride. We are exempting the employers. We are saying you don't have to pay it, and I am not saying that some of those exemptions aren't justified, apparently someone felt they were because they were passed into law, but what you are saying is that we ought to penalize the employee for giving a break to the employer, and that just makes no sense.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I will remind you that this bill only refers to people who either quit their jobs or are fired for misconduct. Anyone who is laid off, absolutely is entitled to draw employment insurance from the unemployment fund and that is what it was set up for.

I think Mr. Wyman should tell you that not only are there employers who pay into the unemployment insurance fund but there are also certain employers, and they are some of the biggest ones we have in this state, who are self-insured. For example, hospitals and municipalities pay unemployment insurance to their people out of their own self-insurance.

Take for example, a person working in any of your communities and that person was fired for misconduct or he quit just because he didn't want to work. That person, now, under the present law, could go off and he could chop wood or paint a house or do something like that for any individual. That person could then go to the commission and say, I have earned and could prove it. I am talking about an honest person who would prove that he had earned the amount of money that is necessary for him to

earn. But do you know who he collects the unemployment insurance from? From your municipality. Your municipality is going to get billed to pay while this person collects his unemployment insurance, or the hospital in your town or any one of these groups that happens to be self-insured.

This bill not only is a protection for those places but also to protect the fund itself, which I told you the other day is \$31.4 million in the hole right now. That is what we owe the federal government, and it is very important that we tighten the loopholes, that we make it absolutely possible for everybody who legitimately deserves this money, and nobody believes that stronger than I, that these people certainly should be allowed to collect this money when it is their due but not if they are fired for misconduct or they quit.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: Funny, after listening to the debate in the committee and the debate on the floor, how much it is changed, but I would like to agree with the good gentleman from Pittsfield, Mr. Wyman, in his comments. I think he addressed the issues very fairly and very correctly.

As most people know, or most members of the Labor Committee know, I am quite concerned with the problems and the inequities of the present unemployment laws, but I feel that this bill is not the answer and will not solve the problems.

I would hope that you would vote for the indefinite postponement of this bill and all its accompanying papers.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: We are in debt by \$36 million, but we had legislation where we were trying to get the employers to put back the money by putting a penalty on them in order to force them to pay, but the same people that are for this today were against that bill. The same people who were for giving a break to the musicians, so they would not pay unemployment insurance for musicians, they are the same people that are for this bill. They are the ones who want to give breaks to all types of employment and they will give them breaks left and right. Then they will say the fund is in the hole. Well, the fund is in the hole because of a recession, a bad recession we had, that is no one's fault.

I told Mrs. Lewis that if we keep on this way, the way I understand the federal government guidelines, if we don't do something, really do something to repay this, then we are going to be in trouble and we are going to have to pay interest on it. She said, "I don't care."

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I could probably stand here and debate with Mr. Wyman or anyone for ten minutes but, you know, I am probably not going to change Mr. Baker's mind on this bill, I am probably not going to change Mr. Wyman's mind, I am probably not going to change Mr. McHenry's mind, so I wish we could vote.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: We heard the other day that the fund is really pretty much stable now, it is only \$36 million in the hole and we are in pretty good shape so don't worry about it. I don't know if you heard the news this week, but we have borrowed more money from the federal government to replenish the non-existence of funds in our Employment Security Fund right now. If you want to help tighten the fund up so that it is there and the monies are there eventually when somebody legitimately has to draw

on those funds, this is a good way of doing it.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to change anyone's mind, I want you to vote the same way you did the other day.

I think the chairman of the committee misunderstood a little bit of what I described to him in my own personal experience. This man that I alluded to had chopped wood, had earned money chopping wood, and he was told he had to earn a certain amount and I indicated to him that if he had been self-employed under the system now, you can show you have earned \$500 worth of services or whatever the amount was, I don't recall what it was, then you could qualify, and that is exactly what the loophole is and that is what the commissioners did tell us at the hearing, that this loophole exists and the person can be self-employed. If he voluntarily quits, he can be self-employed and paint a house or chop wood and can requalify, that is the way the law is now. That is what the loophole is.

I don't believe that we should rip off that system any more than this person did, but I did suggest to him that the loophole is there.

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 is on the motion of the gentleman from Pittsfield, Mr. Wyman, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Carroll, Carter, D.; Cloutier, Connolly, Cox, Davies, Doukas, Dow, Dutremble, D.; Dutremble, L.; Hall, Hickey, Hobbins, Howe, Hughes, Jacques, P.; Kany, Locke, Mahany, Martin, A.; McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Pearson, Prescott, Reeves, P.; Simon, Theriault, Tierney, Tuttle, Violette, Wyman, The Speaker.

NAY — Alopis, Austin, Barry, Berube, Birt, Bordeaux, Boudreau, Bowden, Bunker, Call, Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Diamond, Drinkwater, Dudley, Fenlason, Fillmore, Fowle, Garsoe, Gavett, Gillis, Gowen, Gray, Gwadosky, Hanson, Higgins, Huber, Hunter, Hutchings, Jackson, Kane, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, Maxwell, McMahon, McPherson, Morton, Nelson, A.; Paul, Payne, Peltier, Peterson, Post, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Tozier, Vose, Wentworth, Whittemore, Wood.

ABSENT — Berry, Brown, K. L.; Carrier, Chonko, Churchill, Elias, Gould, Immonen, Jacques, E.; Jalbert, Joyce, Laffin, MacEachern, Norris, Rolde, Silsby, Small, Soulas, Strout, Twitchell, Vincent.

Yes, 50; No, 80; Absent 21.

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

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

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

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

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.

Tabled and Assigned

An Act to Permit Performing Arts Centers to Serve Alcoholic Beverages (H. P. 252) (L. D. 297) (H. "A" H-69; C. "A" H-60)

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

On motion of Mr. Tarbell of Bangor, tabled pending passage to be enacted and assigned for Monday, June 4.

An Act to Establish at \$100,000 per Qualified Applicant, the Maximum Limit of Liability which an Insurer Must Assume under the Assigned Risk Motor Vehicle Insurance Statutes (H. P. 1019) (L. D. 1252) (C. "A" H-510)

An Act to Amend Financial Institutions and Credit Union Laws (S. P. 450) (L. D. 1413) (C. "A" S-223)

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

Enactor Reconsidered

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

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

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

On 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 "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-593) was read by the Clerk.

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

Mr. DAVIES: Mr. Speaker and Members of the House: Just so no one thinks I am trying to slip anything through here, there was a problem that developed that Central Maine Power Company identified. They are in the process of revitalizing a dam in the Topsham-Brunswick area and if this bill were enacted without the amendment I am offering, we might cause some problems with their carrying out that project. So we are exempting that specific project which is underway so that they will not run into a problem. This will allow them, where they have already received the Federal Energy Regulatory Commission license, to be exempted.

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

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

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

An Act to Amend the Laws Relating to Criminal History Record Information (H. P. 1425) (L. D. 1632) (S. "A" S-238)

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.

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

The following Communications:

THE SENATE OF MAINE

Augusta

May 31, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Provide a Grant to Community Health Services, Inc., Long-term Care Demonstration Projects," (H. P. 1087) (L. D. 1343):

Sensors:

PIERCE of Kennebec

PERKINS of Hancock

COTE of Androscoggin

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

THE SENATE OF MAINE

Augusta

May 31, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Relating to Resident State Police Troopers," (H. P. 841) (L. D. 1069):

Sensors:

SHUTE of Waldo

PIERCE of Kennebec

CONLEY of Cumberland

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

THE SENATE OF MAINE

Augusta

May 31, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill," (H. P. 1193) (L. D. 1444):

Sensors:

DEVOE of Penobscot

EMERSON of Penobscot

FARLEY of York

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

THE SENATE OF MAINE

Augusta

May 31, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of

Conference on Bill, "An Act to Assist School Administrative Units in Addressing Problems Associated with Alcohol, Tobacco and Drug Use and Abuse," (S. P. 209) (L. D. 582):

Sensors:

GILL of Cumberland

TROTZKY of Penobscot

NAJARIAN of Cumberland

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

THE SENATE OF MAINE

Augusta

May 31, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Establish Specific Retirement Provisions for CETA Employees," (S. P. 268) (L. D. 809):

Sensors:

LOVELL of York

SILVERMAN of Washington

CLARK of Cumberland

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

Passed to be Enacted Emergency Measure

An Act Establishing the Municipal Cost Component for the Unorganized Territories (H. P. 1465) (L. D. 1656)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Orders of the Day

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

RESOLVE, to Study the Need for an Environmental Health Program (Emergency) (H. P. 1422) (L. D. 1627)

Tabled—May 31 (Till Later Today) by Mrs. Kany of Waterville.

Pending—Motion of Mr. Laffin of Westbrook to reconsider failing of Final Passage.

Thereupon, the House reconsidered its action whereby the Resolve failed of final passage.

On motion of Mrs. Masterton of Cape Elizabeth, under suspension of the rules, the House reconsidered its action whereby the Resolve was passed to be engrossed.

The same gentlewoman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-591) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, could we have an explanation of this?

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker and Members of the House: This House Amendment merely removes the emergency preamble of the bill. This redraft had a unanimous "ought to pass" out of committee. We did not intend

for it to be an emergency bill, and somehow or another, the emergency got put on because it is a Resolve and it had a preamble.

Thereupon, House Amendment "A" was adopted.

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

Reference was made to (H. P. 1191) (L. D. 1463) Bill "An Act Concerning Arbitration Involving Municipal Fire and Police Departments"

In reference to the action of the House on Tuesday, May 22, 1979 whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as conferees:

Messrs. TUTTLE of Sanford
NADEAU of Lewiston
McMAHON of Kennebunk

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1979 (Emergency) (H. P. 1416) (L. D. 1620) (H. "A" H-487)

Tabled—May 30, 1979 by Mr. LaPlante of Sabattus.

Pending—Final Passage.

On motion of Mr. Blodgett of Waldoboro, under suspension of the rules, the House reconsidered its action whereby the Resolve was passed to be engrossed.

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

On motion of the same gentleman, House Amendment "A" was indefinitely postponed.

The Resolve was passed to be engrossed in non-concurrence and sent up for concurrence.

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

Bill, "An Act to Determine What Environmental Laws Apply to Radioactive Waste Materials" (H. P. 799) (L. D. 1004) — In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-549) on May 30, 1979. — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-549) as amended by Senate Amendment "A" (S-258) thereto.

Tabled—May 31, 1979 by Mr. Rolde of York.

Pending—Further Consideration.

On motion of Mr. Blodgett of Waldoboro, the House voted to insist.

(Off Record Remarks)

On motion of Mr. D. Dutremble of Biddeford, adjourned until Monday, June 1, at nine o'clock in the morning.