

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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HOUSE

Monday, June 4, 1979

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

Prayer by Representative Edward J. Kane of South Portland.

Representative KANE: Let us appreciate the diversity in this House and help us remember, God, that the opinions of those with whom we disagree are held as sincerely as our own. Amen.

The members stood for the Pledge of Allegiance to the Flag.

The journal of the previous session was read and approved.

Papers from the Senate

The following Joint Order, an Expression of Legislative Sentiment:

The Town of Yarmouth has been selected to receive the National Arbor Day Foundation's Tree City U.S.A. Award for 1979 (S. P. 590)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

The following Joint Order, an Expression of Legislative Sentiment:

The City of Portland has been selected to receive the National Arbor Day Foundation's Tree City U.S.A. Award for 1979 (S. P. 588)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

The following Joint Order, an Expression of Legislative Sentiment:

The Maine Army National Guard has been ranked No. 1 in the nation and is now the best organization of its kind among the 50 states and the District of Columbia, the Virgin Islands and Puerto Rico (S. P. 589)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Reports of Committees

Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Amend the Returnable Beverage Container Statute to Provide for a 2¢ Handling Charge for Returnable Bottles" (S. P. 411) (L. D. 1267)

Report of the Committee on Election Laws reporting "Leave to Withdraw" on Bill "An Act to Require Candidates for Nomination by Primary Petition to File Petitions by April 1st of Election Year" (S. P. 6) (L. D. 6)

Came from the Senate with the Reports read and accepted.

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

(Off Record Remarks)

On Motion of Mr. Nelson of New Sweden, Recessed until the sound of the gong.

After Recess

10:55 A.M.

The House was called to order by the Speaker.

By unanimous consent, the rules were suspended for the purpose of allowing Legislators to remove their jackets.

Ought to Pass in New Draft

Report of the Committee on Transportation on Bill "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1980, and June 20, 1981" (Emergency) (S. P. 490) (L. D. 1527) reporting "Ought to Pass" in New Draft (S. P. 586) (L. D. 1651)

Came from the Senate with the Report read and accepted and the New Draft Passed to be Engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading later in the day's session.

Ought to Pass in New Draft

Report of the Committee on State Government on Bill "An Act to Permit the Maine State Housing Authority to Issue Bonds Backed by the Moral Obligation of the State" (S. P. 476) (L. D. 1451) reporting "Ought to Pass" in New Draft under New Title, Bill "An Act to Permit the Maine State Housing Authority to Issue Certain Bonds not Backed by the Moral Obligation of the State and to Raise the Authority's Bonding Limit" (S. P. 585) (L. D. 1648)

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

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed in concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-255) on Bill "An Act Coordinating Regional and Intercity Public Transportation Programs" (Emergency) (S. P. 495) (L. D. 1556)

Report was signed by the following members:

Messrs. EMERSON of Penobscot
O'LEARY of Oxford
USHER of Cumberland

— of the Senate.

Messrs. McPHERSON of Eliot
JACQUES of Lewiston
ELIAS of Madison
STROUT of Corinth

Mrs. HUTCHINGS of Lincolnville

Messrs. BROWN of Mexico
McKEAN of Limestone
CARROLL of Limerick

— 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. LOUGEE of Island Falls
HUNTER of Benton

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-255)

In the House: Reports were read.

On motion of Mr. Carroll of Limerick, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-255) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended in concurrence.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-260) on Bill "An Act to Establish an Office of Deafness and Communication Disorders" (S. P. 407) (L. D. 1265)

Report was signed by the following members:

Messrs. CARPENTER of Aroostook

HICHENS of York
Mrs. GILL of Cumberland

— of the Senate.

Messrs. BRODEUR of Auburn
NORRIS of Brewer
MATTHEWS of Caribou

Mrs. PRESCOTT of Hampden
Mr. CLOUTIER of South Portland
Mrs. CURTIS of Milbridge
Mr. BRENERMAN of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-261) on same Bill.

Report was signed by the following members:

Mrs. PAYNE of Portland
MacBRIDE of Presque Isle

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-260)

In the House: Reports were read.

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

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

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: As one with a slight hearing loss myself, this bill is important to me personally. I urge you to support the Minority Report.

Those with hearing disabilities do need, want and deserve an office, as the blind do, to coordinate the services available to them to learn accurately what their needs are and to serve as an information center and clearing house.

The original bill asked for a complete full-grown office with extensive equipment, including nine tele-communicators and quite a large staff. Representative MacBride and I feel that Amendment "B" is a more realistic start for a new enterprise, with a much more realistic budget. It provides for an executive and a part-time clerk, both able to communicate with the deaf, to register those who have communication difficulties to find their special needs by using a questionnaire and to answer their questions and to report on all of this in order to have facts on which to possibly expand later on.

We believe that help for the deaf has a better chance now, this year, with a modest request than demanding an entire desired program from the very beginning.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote to accept the Majority "Ought to Pass" Report, because the Minority Report, which has been signed by the two ladies does gut the bill and it cuts out the advocacy and it does not provide the office with enough responsibility to make it worth the appropriations that are on the bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Prescott of Hampden requested a roll call vote.

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

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

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will accept the Majority Report this morning, because I would like to tell you that if your doctor told you today that you were going to become blind,

I would like to ask you what you would do. You would become frustrated, first of all, but you could go to some place for help. You could go to the Division of Eye Care, and there you would be referred to one of five regions in the state, one that would be near your residence. You would learn Braille, you would become rehabilitated and you would be mainstreamed and you would live a normal life.

But if you were born deaf or you suddenly became deaf somewhere along in your lifetime, you would have the same frustrations but you would have no place to go without the majority report.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: Under this amendment which Mrs. Payne and I are sponsoring, you also do have a place to go. However, it is starting slowly with a program and then developing as time goes on.

Under the majority report, the fiscal note is about \$49,000. The fiscal note under the amendment which we have is a little less than \$16,000. Those are both first year figures, and we do feel that it is getting a start and then later the program can be added to.

I do hope you will vote against the majority report.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: In the minority report, there is only \$20,000 on the bill. I don't believe that is enough to really do much of anything except have two people sit in an office. There is not even enough money for the travel account. So if you are going to vote against the majority report, you might as well kill the whole bill.

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

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Higgins, Hobbins, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Masterton, Matthews, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Post, Prescott, Reeves P.; Rolde, Rollins, Soulas, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Austin, Berry, Birt, Bordeaux, Brown, D.; Bunker, Call, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gray, Hanson, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, McMahon, McPherson, Morton, Nelson, A.; Payne, Pearson, Peltier, Peterson, Reeves, J.; Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Wentworth, Whittemore.

ABSENT — Bowden, Brown, K. L.; Brown K. C.; Gould, Howe, Huber, Sewall, Simon, Strout, Theriault, Vincent.

Yes, 79; No, 61; Absent, 11.

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

Thereupon, the Bill was read once. Commit-

tee Amendment "A" (S-260) was read by the Clerk and adopted. Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended in concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act to Appropriate Money for Public Fish Piers, Airports, and other Improvements and to Authorize General Fund Bond Issue in the Amount of \$11,810,000" (S. P. 487) (L. D. 1549)

Report was signed by the following members:

Messrs. USHER of Cumberland
EMERSON of Penobscot
O'LEARY of Oxford

— of the Senate.

Mrs. HUTCHINGS of Lincolnville

Messrs. STROUT of Corinth
HUNTER of Benton
JACQUES of Lewiston
BROWN of Mexico
McPHERSON of Madison
McKEAN of Limestone
ELIAS of Madison
CARROLL of Limerick

— of the House.

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

Report was signed by the following member:
Mr. LOUGEE of Island Falls

— of the Senate.

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

In the House: Reports were Read.

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

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

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: The reason I am opposed to this, we just passed through the House here a \$70,000 study order on cargo ports. This bill just takes into consideration a few areas and it doesn't cover the whole coast, which I think we should be looking at.

One of the deepest seawater ports we have is up further than what this bill covers. Also, I don't think we should be getting into the fish pier business. Number two, this goes mostly all to one area. Therefore, I call for the yeas and nays when we vote on this.

The SPEAKER: 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 Limerick, Mr. Carroll, that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Davis, Dellert, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Garsoe, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Hughes, Hunter, Hutchings, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Lizotte, Locke, Lowe, Lund, MacEachern, Mahany, Martin, A.; Masterton,

Matthews, Maxwell, McHenry, McKean, Mc Mahon, McPherson, McSweeney, Michael Mitchell, Morton, Nadeau, Nelson, M.; Nelson N.; Norris, Paradis, Paul, Payne, Pearson Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Silsby, Soulas, Tarbell, Theriault, Tierney Tozier, Tuttle, Twitchell, Vose, Wentworth Wood, Wyman, The Speaker.

NAY — Austin, Barry, Bunker, Call, Churchill, Cunningham, Damren, Dexter, Fillmore, Gavett, Gray, Immonen, Kiesman, Leighton, Leonard, Lewis, Lougee, MacBride, Marshall, Masterman, Nelson, A.; Peltier, Peterson, Rollins, Roope, Sherburne, Smith, Sprowl, Stetson, Stover, Studley, Torrey, Whittemore.

ABSENT — Brown, K.L.; Brown, K.C.; Carrier, Gould, Huber, Sewall, Simon, Small, Strout, Vincent, Violette.

Yes, 107; No, 33; Absent, 11.

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

Thereupon, the Bill was read once. Under suspension of the rules, the Bill was read the second time and passed to be engrossed in concurrence.

Divided Report Tabled and Assigned

Seven members of the Committee on Appropriations and Financial Affairs on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval. (S. P. 96) (L. D. 182) report in Report "A" that the same "Ought to Pass"

Report was signed by the following members:

Messrs. HUBER of Cumberland
PERKINS of Hancock

— of the Senate.

Messrs. MORTON of Farmington
HIGGINS of Scarborough
SMITH of Mars Hill
BOUDREAU of Waterville
JALBERT of Lewiston

— of the House.

Three members of the same Committee on the same Resolution report in Report "B" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Limit the Amount of State Expenditures During any Fiscal Year" (S. P. 579) (L. D. 1641)

Report was signed by the following members:

Mrs. NAJARIAN of Cumberland

— of the Senate.

Mrs. CHONKO of Topsham
Mr. CARTER of Winslow

— of the House.

Three members of the same Committee on same Resolution report in Report "C" that the same "Ought to Pass" in New Draft under New Title RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made without Voter Approval (S. P. 580) (L. D. 1640)

Report was signed by the following members:

Messrs. PEARSON of Old Town
KELLEHER of Bangor
DIAMOND of Windham

— of the House.

Came from the Senate with Report "A" Read and Accepted and the Bill (S. P. 96) (L. D. 182) passed to be engrossed.

In the House: Reports were read.

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

Non-Concurrent Matter

Bill "An Act to Allow Dealers to Restrict the Hours during which they will Accept Returnable Beverage Containers" (H. P. 69) (L. D. 75)

which was passed to be engrossed as amended by Committee Amendment "A" (H-574) in the House on May 31, 1979.

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-574) as amended by Senate Amendment "A" (S-277) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Adopt the Uniform Child Custody Jurisdiction Act" (H. P. 1456) (L. D. 1649) which was passed to be engrossed in the House on May 31, 1979.

Came from the Senate, passed to be engrossed as amended by Senate Amendments "A" (S-276) and "B" (S-287) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Increase the Dollar Amount of an Accident that Must be Reported from \$200 to \$500" (H. P. 636) (L. D. 797) (C. "A" H-404) which was passed to be enacted in the House on May 30, 1979.

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-404) as amended by Senate Amendment "C" (S-265) thereto in non-concurrence.

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

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Housing Assistance Allocation" (H. P. 402) (L. D. 508) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-503) Report of the Committee on State Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-503) in the House on May 24, 1979.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-504) Report of the Committee on State Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-504) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions" (H. P. 768) (L. D. 855) which was passed to be engrossed as Amended by House Amendment "A" (H-560) in the House on May 30, 1979.

Came from the Senate, with that Body having Adhered to its former action whereby the Bill was passed to be engrossed as Amended by Senate Amendment "A" (S-226) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Encourage the University of Maine Law School to Offer Extension and Evening Programs for Part-time Students" (H. P. 1237) (L. D. 1495) on which the Minority "Ought to Pass" Report of the Committee on Education was Read and Accepted and the Bill passed to be engrossed in the House on May 31, 1979.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Education Read and Accepted in non-concurrence.

In the House:

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill we had in here last week and I think it is a great bill, no matter who the sponsor might be.

I move that we insist and ask for a Committee of Conference, and I want to speak about that.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that the House insist and ask for a Committee of Conference.

The gentleman may proceed.

Mr. CARRIER: Mr. Speaker and Members of the House: You will notice by the report that the other body chose to accept the "ought not to pass" report. I am very surprised about that because I had talked to quite a few of the nice people over there and somehow or other they gave me their word or they seemed extremely interested in supporting this bill. What actually happened over there, I don't know, because I wasn't here. Some of us have to work for a living, so I had to meet my obligation that particular day, and I do have conflicting reports.

Anyway, one thing was, there was no roll call, and that is one of the things I like about roll calls, particularly in the other body, it puts the blame where it should be.

I am not going to repeat what I said last week. I just want to reaffirm some of the convictions that I have had. One of the things that have happened since the bill left this House, I have found out that there is an awful sneaky way to do things around here, sneaky ways which I have known for a number of years, but these are the sneakiest of the sneakies. What has happened here, the professors, especially the Dean from the Law School, the Acting Dean and others, have, for a period of a couple of weeks, got hold of the alumni, many of the alumni people that went to the Law School, and tried to undermine the bill itself, the intent and the goodness that there might be in it.

As a result of it, many alumni have been contacted and what bothers me is the fact that they have used some of these people. They have used some of the alumni within these halls and within the complex of state government over here, and they have used them to their advantages to try to kill this bill. I resent that very much. I was going to go to the Governor's Office because one of the people that works in the Executive Department was used by these people. I think if we do pay somebody in the Executive Department or any other department in this state, they should work for the interest of the state and not for any individuals on the outside. I don't think they can play this dual role. I object to this very much. I haven't objected to the Governor's Office yet, but I will. When we pay certain individuals the amount of \$19,094.40 a year to do a certain job around here, and the job is not to lobby these bills—they can lobby the Governor's bills, that is what they are paid for, but I don't think they have the right as such to go around and lobby against individual bills or against individuals. I submit to you that this is wrong, and this has been admitted.

Many people have been used, aides on committees that belong to the alumni, they have been used to lobby against this bill. Another thing that is very hard to digest is the fact that some in the other body who have been recipients of a legal education, their kids have been recipients of a legal education, and they have been recipients of many other things that the state gives; yet, they take all these goodies that the state gives to them but you try to get one little piece for the individual that needs to real bad and they are in there fighting against it. These same individuals not only have been recipients of the goodness of the law school but they have been recipients of alcoholic programs, and when you put in a bill to help the alcoholic, they have had all these goodies and

they don't want anybody else to have it. This is what bothers me. This is the type of people you are dealing with.

This is not a political issue to me. It can turn out to be a political issue, but the way that people have voted in this House, it is a good message and I don't see why 83 people in this House should be controlled by 17 people in the other House. I don't think that number is right. I do believe a letter was read in there which involved my name and involved some of the beautiful courses they were going to give, which was unnecessary.

I say to you, in case you haven't seen it, this is the ultimate in some of the courses that they offer down there and I don't say it in criticism. I just say that there should be quality somewhere.

I only asked them to offer legal courses for the people that want to take there courses. The fact is, ladies and gentleman, for those of you haven't seen it, I asked for good legal courses, but for those who haven't seen it, in yesterday's paper, "The University of Maine offers three beautiful courses in Yoga." Now, how important can Yoga be compared to good, mental, stimulating courses? This is what it says, and I only picked two words out of it — one says it makes your mind flexible and the other says it helps your meditation. Here is one for educators in this body, and I haven't had time to look at it and I probably wouldn't understand what it means anyway. It also says, "Each class includes meditation pranayama," whatever that is. This is what they offer. We try to get good legal courses and we can't get them, but this is what they offer instead.

To top it all, ladies and gentlemen, they must think that they live in a world of ecstasy, because these courses are going to be presented in the Dance Studio of the University of Maine in Portland. How foolish can we be? We can't even get decent courses and here they are wasting all their energy on this kind of stuff.

I submit to you that this is a good bill. I hope we insist and have a committee of conference. I have hopes, like everybody else has. Maybe I am looking through colored glasses, but I would like you to support my motion.

Thereupon, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Establish a Maine Labor Relations Law" (H. P. 1269) (L. D. 1551) on which the Majority "Ought to Pass" as Amended by Committee Amendment "A" (H-538) Report of the Committee on Labor was read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-538) as Amended by House Amendment "A" (H-570) thereto in the House on May 31, 1979.

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

In the House: The House voted to adhere.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Access, Copying and Release of Medical Records" (H. P. 935) (L. D. 1165) on which the Minority "Ought to Pass" as Amended by Committee Amendment "A" (H-491) Report of the Committee on Judiciary was read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-491) as Amended by House Amendment "B" (H-530) thereto in the House on May 30, 1979.

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

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

Messages and Documents

The following Communication: (H. P. 1475)
State of Maine
EXECUTIVE DEPARTMENT
Division of Community Service
Augusta, Maine

May 31, 1979

Members of the 109th Legislature
State House

Augusta, Maine 04333

Dear Legislators:

I am submitting herewith the Division of Community Services' "Report to the Legislature on the Home Winterization Program" for distribution.

This report is made pursuant to the requirements of 22 M.R.S.A. § 5204.

Respectfully submitted,
S/TIMOTHY P. WILSON
Director

The Communication was read and ordered placed on file and sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1464) recognizing that:

James Angelosante, who graduated from West Point in the class of 1979, was the first person from Old Orchard High School to complete training at the Military Academy

Presented by Mr. McSweeney of Old Orchard Beach.

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

An Expression of Legislative Sentiment (H. P. 1472) recognizing that:

The Town of Farmington has been selected to receive the National Arbor Day Foundation's Tree City U.S.A. Award for 1979

Presented by Mr. Morton of Farmington

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

Tabled Unassigned

On motion of Mrs. Berube of Lewiston, the following Joint Order: (H. P. 1474)

WHEREAS, the Office of CETA Planning and Coordination was created to establish a program of comprehensive manpower services; and

WHEREAS, the U. S. Department of Labor indicated that inadequate monitoring and lack of managerial expertise has led to serious problems with this program; and

WHEREAS, current CETA organization includes government involvement incorporating many levels of bureaucracy, including Balance of State CETA, Other Prime Sponsors, county or city program agents, county commissioners and State Manpower Services Council; and

WHEREAS, these problems are hindering the effective delivery of manpower training and employment throughout the State; and

WHEREAS, the Department of Manpower Affairs was established to achieve the most effective utilization of the manpower resources in the State; and

WHEREAS, there may be a more efficient and unified method to deliver CETA planning and coordination services and manpower services throughout the State; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Audit and Program Review shall study:

1. The effectiveness of the Office of CETA Planning and Coordination, including its cost-effectiveness;
2. The delivery of services provided by Office of CETA Planning and coordination; and
3. The feasibility and desirability of transferring the function of the Office of CETA Planning and Coordination to the Department of Manpower Affairs to provide a unified delivery system for maximum utilization of the state's

manpower resources; and be it further

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

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

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

The Order was read.

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

On motion of Mr. Tierney of Lisbon Falls, the Chair laid before the House the twenty-third tabled and Unassigned Matter:

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) — In House, Passed to be Engrossed on May 15, 1979.

— In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-269).

Tabled—June 1, by Mr. Tierney of Lisbon. Pending—Further Consideration.

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

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

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

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

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves that the House recede and concur.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I hope this House will accept the motion of the gentleman from Lisbon Falls, Mr. Tierney, because I am deeply convinced, morally and spiritually convinced, that this \$22 million bond issue is right on target. We need this. There is a very grave consequence ahead if we don't pass this. The \$22 million was the least amount that we could afford to ask for. We asked for just what we actually need, and that is \$22 million.

There is \$98.3 million of federal money that are going to lapse and go into the United States Congress General Fund unless we pass this bond issue in the amount of \$22 million.

You know just as well as I do that the need is there, that the bridges are in deplorable condition. We could be sued for millions and millions of dollars if they could prove that we were negligent, and all they would need to do is look at the record and see that you cut this bond issue in half and they could say we were certainly negligent, because they were told on the floor of the House that the bridges were in deplorable condition, that our highways are deteriorating and we are in a very deteriorating situation.

I hear people say we cannot afford this, we cannot afford it because of the interest. I want to point out to you that the inflationary spiral is 10 to 15 percent, and we expect these bonds will go anywhere from 5 to 5½ to 5¾ percent. Don't stand up there and tell me that the highway program can't afford to float these bonds, because if you have been paying attention to the previous speakers in the past, there is a spiral of the highway bond issues. We have been retiring \$11.7 million annually.

Ladies and gentleman, the state government bond issue and the highway bond issue should be separated. We are talking about a highway

bond issue. We have a very good fiscal record in the Highway Department, we have an outstanding man down there, and we cannot play around. This is no game playing, this is the God's honest fact—we need \$22 million, not half of it. Let's not play games; let's stick to our former action.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I missed the conversion session where Mr. Carroll got his spiritual guidance that he shared with us this morning as being the reason why we should go along with this bond issue. I do see reasons why, indeed, we should not be endorsing a doubling of highway borrowing. I am sure as we vote here this morning, as he has pointed out to us, we do realize that we are dealing with only one aspect of our highway biennial budget.

This budget, as approved by the Governor, calls for an increase of \$22 million in spending. I say \$22 million because the figure we have been using of \$33 million does include the usual \$11 million that we authorize and retire each biennium for the highway bond account.

Keeping to the narrow question before us today, we are being asked by Governor Brennan to double borrowing for highways. What rationale does he offer us as a reason to go along with this imprudence? It seems that candidate Joe Brennan made a campaign promise not to raise taxes during his term as Governor. That was his campaign promise, and I suggest that the way to keep that campaign promise, and I suggest that the way to keep that campaign promise would be to trim spending, not increase borrowing.

The Governor says that in light of his promise, raising taxes would hurt the people's faith in the political process. I insist that if there is any faith left, it would be severely injured by the prospect of a Governor who wants to increase spending by the device of borrowing and then take credit for no tax increase at that time. I want Mr. Carroll of Limerick to know that we have been told by people in the administration that there is no way that they would go along with this increased borrowing if they weren't sure that down the line somewhere there was going to be a device to increase funding. So, I challenge the statement that we can willy-nilly go about doubling borrowing with no thought of repaying. As long as we are dealing with dedicated funds, it would be obvious, I think, since \$22 million in new funds is being asked for, that down the road there certainly is going to be a chance to pay the piper.

There can be no two ways about it. If the Governor was concerned about his campaign promises, he should have cut spending. That is what most people expected. They certainly didn't expect him to raise \$11 million new dollars in registration fees and another \$11 million new dollars by increased borrowing. You can't have your cake and eat it too, not even a Governor, especially a Governor.

I am going to quote from the Lewiston Daily Sun of last June, less than a year ago, quoting the Governor: "I cannot support and will actively oppose an increase in the Maine gas tax or in any other tax. Despite our obvious needs in highways, I believe that the people of Maine, and across the country, have reached their paying capacities. If it takes more money from the people, no matter how you say it, I am opposed. The pay-as-you-go approach, as supported by the Good Roads Association, is a sound one. Maine must continue as aggressive road and bridge improvement program within the limits of existing money."

That doesn't sound like increased spending, does it? But, on the other hand, if, as it seems, the Governor has been convinced that the needs of our bridges and highways are so critical that he must approve new and increased funds, I submit he owes it to the legislature to consult. This he has refused to do. On the few

occasions he has met with leadership ostensibly to discuss this matter, he has stifled any possibility of consultation by the statement that he is locked into this plan and no other.

If there is one quality needed by those who serve in elective office, it is flexibility. I don't mean pliability and I don't mean indecisiveness and I don't mean lack of direction. By flexibility, I mean the ability to modify one's course of action in light of events and conditions encountered, I mean a flexibility that enables one to reach a desired objective through intelligent reaction to the legitimate views of those with whom he must work. That flexibility is what has been lacking on the Governor's part. He has oblied his freedom of choice, his freedom of action, and ours by adhering to campaign utterances that were unwise, uninformed and probably discounted by most who heard them.

Here today you and I are being asked to endorse a contrived course of action in an attempt to live up to promises made when conditions were vastly different. I have heard nothing that convinces me we should adhere to \$22 million. On the other hand, there are compelling arguments to vote to recede and concur.

After almost eight years during which the state of Maine substantially increase its bonded indebtedness by borrowing more each biennium than it paid back, we have recently experienced a gradual decline. We are finally beginning to get away from the ever-increasing debt. Now, this hasn't been true of the Highway Department. Up until now, we have traditionally been rolling over just about what we paid back. The General Fund is now beginning to take a downward trend. Now we are being asked to reverse the trend in the Highway Department and offset it.

Let us continue and accelerate this concept of paying off more than we borrow. We certainly have seen what permissiveness in government borrowing has done to other governments. Let's keep closer to the concept of "do without" or "pay as you go." I object to the blandishment of "ride now and pay later."

A vote to adhere today would be an adherence to an unwise and unreasonable course of action and would place the bonding of even \$11 million in jeopardy.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I don't know why they are making this highway bond issue partisan. I don't understand why. All you have to do is look around your town and see what is happening.

As far as Mr. Garsoe's area, I imagine it is well taken care of, because they have spent more money there than they have spent in the whole state. What I can't understand is why? We are going to retire our bond issue next year. It will be twice as much as we will be putting into the bond, and I don't understand why we should not issue this bond at this time.

We are blaming the Governor for this. Our ex-Governor has done absolutely nothing and this is why we are in this situation today. All you have to do is look around, look around in the Department of Transportation. Our trucks are deteriorating, our highways, our bridges.

They say two years ago we found money. So, we did find money, we took the hurricane money. Let me tell you one thing right now, if we ever have a hurricane and it destroys some of our bridges, we are going to be in real trouble.

I hope you do not go along with the gentleman from Cumberland, Mr. Garsoe, on this motion.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Again, in what I hope will be a brief reply to my good friend from Cumberland, Mr. Garsoe, I am not surprised that on June 4 he stands and tries to undo the results of

what the voters tried to do and did do last November when they elevated to the highest office of this state Governor Brennan. I can understand his frustration, but what I can't understand is what has to have been one of the most skillfully contrived bits of rhetorical sophistry ever to be exhibited on the floor of this House.

What the good gentleman from Cumberland stated in his rather grandiose fashion at one point was that the Governor should trim spending, he should not raise taxes, but then he calls for something called flexibility in discussion. And basically his real problem is that the Governor is keeping his word, and that really bothers him. He has to stand on the floor of the House to try to make that presentation. Well, I think the Governor is absolutely right on the money, and despite what the good gentleman implied, the Maine Good Roads Association also agrees, they have supported completely the Governor's program.

Let's take a look at the issue we are debating today, which is not registration, not a gas tax increase, nothing else, it is basically bonding, a \$22 million bond issue. If you want to know what bond issue is going to go for, it was outlined to us last January, 1979, there are no games being played. What we are talking is highway and bridge bonding, \$22 million of bonding which generates almost \$100 million of total funds which will multiply through our economy time and time again.

What is that money going to be used for, ladies and gentlemen, it is going to be used for permanent construction projects, bridges that were built during the Depression by the WPA that haven't been fixed since that time; highways, curves that have to be taken care of, permanent responsibilities, things that we as public officials have a right and responsibility to take care of to protect the lives and safety of the men and women of this state. Yet, instead, as the good gentleman from Lewiston, Mr. Jacques, points out, we have the whole ballgame turned into some sort of political, partisan battle in an attempt for one side to try to embarrass the other, and it doesn't make any sense.

We know that Commissioner Mallar is a hundred percent behind this \$22 million issue to the extent that he is telling us if you can't go \$22 million, it doesn't make any sense to even bother with \$11 million at all because you are only going to do the job in such a partial manner that it belies the responsibility of this legislature to do anything at all.

Let's not forget what we are trying to do, let's not forget the basic principle of bonding. The basic principle of bonding is that you should spread the cost of the project out over the entire use of the project, and that is what we are doing with the bond issue. And when you are in a highly inflationary rate, it makes a lot of sense to do that, because it is a responsible way to go and it puts the cost on the back of all the people who are going to use that product over the life of the bond. That is the way we ought to go, that is why we ought to adhere; \$22 million is needed for every single man and woman in this state, every small business that uses the roads to get its products to market, to get its raw material to the factory. Our economy thrives on our ability to have a good and safe roads system.

Ladies and gentlemen, I request the yeas and nays.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland,

Mr. Garsoe, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA — Alopis, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, F.; Churchill, Canary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gowen, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, 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, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Wentworth, Whittemore.

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

ABSENT — Berry, Gould, Sewall, Strout, Vincent.

PAIRED — Gray-Simon.

Yes, 66; No, 78; Absent, 5.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-eight in the negative, with five being absent, the motion does prevail.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committees

Leave to Withdraw

Mr. Nelson from the Committee on Marine Resources on Bill "An Act to Establish a Marine Resources Development Commission" (H. P. 980) (L. D. 1212) reporting "Leave to Withdraw"

Mr. Leighton from the Committee on Education on Bill "An Act to Create a Special Commission to Revise the Procedures for Teacher Certification" (Emergency) (H. P. 1022) (L. D. 1263) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Prohibit Unreasonable and Unjust Fuel Charges from Being Passed on to Consumers" (H. P. 1333) (L. D. 1580) reporting "Leave to Withdraw"

Report was read.

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

Tabled and Assigned

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Clarify the Powers and Authority of Nonprofit Hospital Associations to Give or Deny Participating Hospital Status Under their Hospitalization Plans" (H. P. 209) (L. D. 256) reporting "Leave to Withdraw"

Report was read.

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

Tabled and Assigned

Mr. Brannigan from the Committee on Business Legislation on Bill "An Act to Prohibit the Administration of Lie Detector Tests to Employment Applicants" (H. P. 873) (L. D. 1065) reporting "Leave to Withdraw"

Report was read.

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

Miss Aloupis from the Committee on Business Legislation on Bill "An Act to Correct Certain Abuses in the Motor Vehicle Repair Business" (H. P. 964) (L. D. 1208) reporting "Leave to Withdraw"

Mr. Michael from the Committee on Energy and Natural Resources on Bill "An Act Relating to Definition of 'Subdivision' under the Subdivision and Land Use Regulation Laws" (H. P. 662) (L. D. 822) reporting "Leave to Withdraw"

Mr. Nelson from the Committee on Local and County Government on Bill "An Act to Abolish the Ogunquit Village Corporation" (H. P. 631) (L. D. 782) reporting "Leave to Withdraw"

Mr. L. Dutremble from the Committee on Local and County Government on Bill "An Act to Allow for the Implementation of an Optional County-manager Form of County Government" (H. P. 1062) (L. D. 1357) reporting "Leave to Withdraw"

Mr. Connolly from the Committee on Education on Bill "An Act to Provide for the Withdrawal of a Unit from a School Administrative District" (H. P. 1268) (L. D. 1550) reporting "Leave to Withdraw"

Mr. Carrier from the Committee on Judiciary on Bill "An Act to Limit the Liability of Hang-gliding" (H. P. 395) (L. D. 503) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Hobbins from the Committee on Judiciary on Bill "An Act to Extend the Liability Limitations for Ski Areas to Cross-country Ski Areas" (H. P. 305) (L. D. 401) reporting "Leave to Withdraw"

Reports were read.

On motion of Mr. Hobbins of Saco, tabled pending acceptance of the Committee Report and tomorrow assigned.

Mr. Cloutier from the Joint Select Committee on Correctional Institutions on Bill "An Act to Authorize a Bond Issue in the Amount of \$6,500,000 for Acquisition or Construction of Regional Jail Facilities" (H. P. 972) (L. D. 1241) reporting "Leave to Withdraw"

Report was read.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I simply want to comment on these bills because I think it is appropriate to tell the House what is happening with correctional legislation represented by these three bills.

We are giving a 'leave to withdraw' and it is one that is truly without prejudice, because all three of these bills offer very viable solutions to the problems, especially of the county jails, which we will be facing in the next year or two to come.

The Corrections Committee has, this year, dealt with emergency legislation to provide funds for the opening of a center at Stevens School in Hallowell, for the opening of another center in the northern part of the state, and progress is being made there. The center in Hallowell is now open, they moved in last week, so that some of the immediate tensions

have been relieved in terms of space for inmates.

But the long-term question of dealing with the inadequacies of our facilities, long-term questions which are being pressed upon us not only by the humanity of the situation but by court cases which are in progress, those concerns are still with us. The financial situation of the state at this point, together with the lack of time to develop the long-range approach to those questions, has made it seem desirable to have the committee work through the rest of this year and report to the next session on what the long-range solution ought to be.

We are giving 'leave to withdraw' on these three bills, but something has to be done and will be done and will be reported to this session in the next session of the legislature.

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

Mr. Cloutier from the Joint Select Committee on Correctional Institutions on Bill "An Act to Create Incentives to Improve County Jails and the Correctional Systems" (H. P. 336) (L. D. 435) reporting "Leave to Withdraw"

Mr. Cloutier from the Joint Select Committee on Correctional Institutions on Bill "An Act to Provide Funds to County Jails to Enable them to Meet Mandated Standards" (Emergency) (H. P. 1012) (L. D. 1172) reporting "Leave to Withdraw"

Mrs. Kany from the Committee on State Government on Bill "An Act Relating to a Portion of the Bed of the Penobscot River" (H. P. 528) (L. D. 650) reporting "Leave to Withdraw"

Mrs. Wentworth from the Committee on Local and County Government on Bill "An Act to Establish Self-Governing Provisions for Penobscot County" (H. P. 563) (L. D. 727) reporting "Leave to Withdraw"

Mr. Nelson from the Committee on Local and County Government on Bill "An Act to Establish Self-Governing Provisions for Cumberland County" (H. P. 509) (L. D. 637) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

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

Ought Not to Pass

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Exempt from the Maine Income Tax All Disability Payments Under the State Retirement System" (H. P. 1102) (L. D. 1361) reporting "Ought Not to Pass"

Mrs. Post from the Committee on Taxation on Bill "An Act to Repeal the Sales Tax on Fuel Oil and to Enact in its Place an Excise Tax on Fuel Consumed in Industrial and Manufacturing Establishments" (H. P. 615) (L. D. 756) reporting "Ought Not to Pass"

Mr. Cox from the Committee on Taxation on Bill "An Act Relating to Exempting from the Maine Sales and Use Tax Fuel Used for the Generation of Electricity" (H. P. 358) (L. D. 453) reporting "Ought Not to Pass"

Mr. Carter from the Committee on Taxation on Bill "An Act to Decrease Municipal Liabilities for Forest Fire Liabilities" (H. P. 510) (L. D. 626) reporting "Ought Not to Pass"

Mr. Marshall from the Committee on Taxation on Bill "An Act to Provide for a 15% Excise Tax Exemption for any Motor Vehicle Manufactured in 1979 or Later which Achieves 25 Miles Per Gallon or Greater Gas Economy" (H. P. 907) (L. D. 1125) reporting "Ought Not to Pass"

Pursuant to Joint Rule 22, were placed in the legislative files without further action and sent up for concurrence.

Leave to Withdraw

Mr. Marshall from the Committee on Taxa-

tion on Bill "An Act to Exempt from the Sales Tax Sales to Nonprofit Public Residential Drug Treatment Centers" (H. P. 425) (L. D. 520) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Taxation on Bill "An Act to Provide an Investment Tax Credit for Farmers and Fishermen" (H. P. 1037) (L. D. 1299) reporting "Leave to Withdraw"

Mr. Wood from the Committee on Taxation on Bill "An Act to Provide an Investment Tax Credit" (H. P. 1106) (L. D. 1360) reporting "Leave to Withdraw"

Mr. Immonen from the Committee on Taxation on Bill "An Act to Provide a Maine Earned Income Credit for Taxpayers with Low Income" (H. P. 1039) (L. D. 1274) reporting "Leave to Withdraw"

Mr. Cox from the Committee on Taxation on Bill "An Act to Exempt the Young Men's Christian Association and the Young Women's Christian Association from the Sales Tax" (H. P. 384) (L. D. 491) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Sprowl from the Committee on Business Legislation on Bill "An Act Restructuring the Oil Burner Men's Licensing Board and Providing for the Testing of Energy-related Equipment" (H. P. 1180) (L. D. 1536) reporting "Ought to Pass" in New Draft (H. P. 1476) (L. D. 1662)

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

Mr. Leighton from the Committee on Education on Bill "An Act to Correct Subsidy Index Discrimination" (H. P. 428) (L. D. 545) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Shift Local Leeway Payments to a Current Year Basis" (H. P. 1477) (L. D. 1663)

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

Mrs. Kany from the Committee on State Government on Bill "An Act to Clarify the Administration of the Department of Manpower Affairs" (H. P. 1247) (L. D. 1547) reporting "Ought to Pass" in New Draft (H. P. 1470) (L. D. 1658)

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

Ought to Pass in New Draft

Mr. Conary from the Committee on State Government on Bill "An Act to Clarify the Rights and Responsibilities of Institutions to Dispose of Abandoned and Unclaimed Personal Property" (H. P. 1053) (L. D. 1304) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify the Manner of Disposing of Abandoned Property in the Hands of State Institutions" (H. P. 1471) (L. D. 1659)

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

Ought to Pass

Pursuant to Joint Order H. P. 1444

Mr. LaPlante from the Committee on Local and County Government on Bill "An Act Extending the Time for Apportionment of County Taxes to June in the Year 1979" (Emergency)

(H. P. 1473) (L. D. 1660) reporting "Ought to Pass" pursuant to Joint Order (H. P. 1444)

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.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-599) on Bill "An Act Relating to Unemployment Compensation Benefits for Persons Collecting Workers' Compensation" (H. P. 819) (L. D. 1027)

Report was signed by the following members:

Messrs. LOVELL of York
SUTTON of Oxford

— of the Senate.

Messrs. CUNNINGHAM of New Gloucester
WYMAN of Pittsfield
Mrs. MARTIN of Brunswick
Messrs. TUTTLE of Sanford
FILLMORE of Freeport
Mrs. BEAULIEU of Portland
Messrs. DEXTER of Kingfield
BAKER of Portland
Mrs. LEWIS of Auburn

— of the House.

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

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Mr. McHENRY of Madawaska

— of the House.

Reports were read.

On motion of Mr. Wyman of Pittsfield, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-599) was read by the Clerk and adopted. Under suspension of the rules, the Bill was read and the second time, passed to be engrossed as amended and sent up for concurrence.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Provide for the Licensing of Denturists" (H. P. 1365) (L. D. 1598)

Report was signed by the following members:

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

— of the Senate.

Mr. BRODEUR of Auburn
Mrs. PAYNE of Portland
Mr. MATTHEWS of Caribou
Mrs. MacBRIDE of Presque Isle
Messrs. CLOUTIER of South Portland
BRENERMAN of Portland
Mrs. CURTIS of Milbridge

— of the House.

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

Report was signed by the following member:

Mrs. PRESCOTT of Hampden

— of the House.

Reports were read.

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

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This is a bill that I presented to this House, this is the third time. During this time, two other states have adopted, one by referendum. The people in this state would adopt it by

referendum if someone would care to amend it.

This bill is known as the denturist bill, allowing denturists to practice in the State of Maine. They now practice in all the Canadian Provinces around us, and they fast are going to be practicing in all the states in the United States. In the area where I come from, we need them.

I have observed these people and I have teeth in my mouth made by these people. I am sure they make better teeth because they sit the person in the chair, they know whether he is a black man or a white man, light complected or dark, male or female, and as the teeth are being made for people now, they are made in the back room and they send a form and they don't have any idea what the person looks like that is going to wear these teeth.

Another thing, this bill doesn't say you must go to one of these, it says you 'may.' It merely give them permission.

There is some fear that they are going to murder people and cause cancer and I heard these sae cries not that many years ago in these very hallowed halls when we wanted to let osteopaths come in to practice in Maine. We were one of the first states, and I am quite sure it was the second state, to let osteopaths practice. Only Minnesota supercedes us, and they have got a school there. Today, in the rural areas of Maine, that is about the only kind of a physician you can get, an osteopath. It is fast getting that way for dentists in rural Maine where I come from.

I see no harm in you people in the cities having these people, because they are not going to drag people in by the coattails, they are going to have to go there by their own free will. This is one of the very few bills that has been before this legislature that doesn't tell them they have to do something or they have got to pay a tax or they have got to have something forced upon them that they don't want. This lets people do something of their own free will.

This bill that is before us is almost identical, with the exception of two of three words, as the one just passed recently in Florida and signed by the Florida Governor. The only difference in this bill, it says that they have to get a certificate from a M.D. or a dentist before a denturist can put teeth in their mouths. In Florida, they got their certificate and it was good anytime, three or four years hence. My bill says that this certificate will be good for 21 days. In other words, after the doctor inspects their mouth and says it is fit for teeth, they have 21 days to get the teeth. That is debatable — you can have it more or less. I just thought if some doctor examined your mouth, there should be a time limit of when he could build the teeth. In Florida, you can be examined by a doctor today and two years later go into a denturist and get your teeth.

If we accept the minority report and refuse the motion before the House now to accept the majority report, if we would vote that down and accept the minority report, it is open for amendments and discussion.

Someday we are going to have denturists in Maine, even if I don't live to do it, because it is the trend of this nation, it is the trend of the world, it is in Germany and all foreign countries, it is all over Canada, and Canada has some very good educational programs there, and this bill even sets up the educational program.

I am awful sorry, at this late in the session, to take as much of your time, which I seldom do, I seldom have to talk this long, but it was a bill that took a lot of time and I wanted to wait to see what Florida did there so I could have an exact bill that was suitable to Florida. It is very similar to one that was passed by referendum in one of the western states, very, very similar, but this bill before you today is exactly the same as Florida, with the exception of the 21 days.

I won't take anymore time, but I will have a few words in rebuttal. I do hope that if this has

to be killed, we will let the butchers in the other body do it, that we will at least have the good sense to say that we went along with what some of the people in Maine wanted and we will be on record as doing so.

I hope this morning you will be kind enough to vote down the majority report.

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

A vote of the House was taken.

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

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

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

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: I would like to tell you briefly why the 11 or 12 members of the committee voted "ought not to pass" on this particular bill.

Two years ago, we passed a law that authorized denturists to practice under the supervision of a dentist, and we asked the Board of Dentistry to promulgate rules and regulations for the practice of dentistry in the state, and that included education programs and an examination for denturists. The Board of Dentistry has done that. The educational requirements are almost ready to go, and they have worked on the examination, it is a series of slides which the person who wants to be a denturist would look at and answer true or false questions upon. Also, they would have to work on a set of dentures and they would have to be okayed by the Board of Dentistry.

At the same time, the University of Maine at Bangor has received a grant for \$50,000 from HEW to study the need for a School of Denture Technology in Maine and also, at the same time, they would do a market analysis and a review of the alternatives to the profession of dentistry in Maine. This report should be available this summer. In other words, what I am saying is that we should allow the present law to work and we shouldn't have to pass the bill that is before us.

The original need for denturism as a profession stem from both economic reasons and also the reason of the availability of dentists in rural areas. However, I think things have changed, as far as we can see. Dentists are allowed to advertise now and, at the same time, there are programs offering low-cost dentures to people in the State of Maine. But the most important factor for providing dentures in rural areas and providing dental health in rural areas is that HEW offers a national dental health course and dentists are sent to rural areas of any state that applies.

In the State of Maine presently, we have 12 dentists practicing in rural areas. All an area has to do is apply to HEW, have a consumer to dentist ratio of 4,000 to 1, and they probably will receive a dentist from HEW who will come and in many cases stay in the State of Maine and practice in rural areas.

Thirdly, there is no guarantee that any denturist would locate in a rural area. It seems to us that it would not be cost effective for a specialist of that type to locate in a rural area just because there aren't enough mouths to put dentures in. Once a denturist has filled those mouths, there wouldn't be any reason for anybody to come back if the job was well done. So we just couldn't see how a denturist could make a living in a rural area. So what would happen, the denturist would come to Portland

and Bangor and Lewiston, and that would be no help to the people that Mr. Dudley wants to help.

Also, there is no guarantee that a denturist working on his own or on her own, with the office costs, would charge any less than a dentist would for the cost of dentures.

In the future, I think we see denturism as a profession similar to a physician extender or a nurse practitioner, where the denturist locates in a rural area under the supervision of a dentist who is in another area. So I think we don't need this bill at the present time, and I hope that the House votes for the "Ought Not to Pass" Report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I promised you a few words in rebuttal.

It is very easy for a man from Portland to get up and speak against a piece of legislation of this nature. Obviously, he has a dentist that lives next door, or some dentist is going to pull a lot of teeth out if he doesn't go along.

First, let me tell you that we did have them there and the law drove them out. As a matter of fact, one is practicing, a fellow by the name of Bates, across the line from Presque Isle now, and he has them signed ahead to September now making teeth for people in my area. They have to go to Canada and stay overnight and it costs a lot of money to go to Canada, with lodging and so forth, it makes their teeth very expensive.

As for these dentists that are now stalling, they were stalling two years ago, four years ago and six years ago and they are still stalling. When this bill came, they testified that they would do something by July. Last year they were going to do something by September. In other words, until this bill is killed, they are going to do something right away, but as soon as this bill is killed, that is the last you hear of them.

That is no place to inspect denturists anyway, the dentists, because that is like asking the fox to watch the chickens. They don't do it in other states, they don't do it in Canada, and these are not the proper people to oversee this. They have their input when they pass the certificate to have teeth made, they get paid for that and the MD gets a chance to make the certificate and he gets paid for that, the office call and the certificate. At that point, they should be free from it. They have said the man's mouth is free to have teeth and the dentist shouldn't have anymore worry.

These people from the cities, like Mr. Brennerman, I can understand his fright that there might be one set up in town and hurt some of his friends that are dentists, but we need them in our area. We had them in our area and one of them got fined \$5,000, and let me tell you, the people in that area paid 50 cents in prescription and \$1 to pay the fine by circulating a paper. He did serve some time because he was making teeth down cellar. I suspect there are a few around still making teeth like prohibition days, looking through a peephole to see who was out there and you would get your teeth. It is not the proper way.

One other thing that makes me feel so strongly on this. A lot of the dear old souls that I have known in my area are deceased now because of no teeth. Without false teeth, believe me, I am not a physician, but I am told by one of the very prominent M.D.'s in my area that without teeth they have indigestion. I am not going to give you the medical term, I don't know it, it is too big a word for me to say anyway and my vocabulary is very small. But in simple language, without teeth, they have indigestion. A young person can take bisodol or maybe Alka Seltzer and be cured, but older people, sometimes when they get indigestion, they are deceased before they have time to get to a doctor to get relief. A lot of these dear old souls have passed

away while I have been trying to pass this bill in the House so that they could have teeth in my area. They had the money to pay a denturist but they couldn't even get an appointment with a dentist.

In some cases, it wasn't money, it was a question of just getting to a dentist. If they give you an appointment for next January and you are already 90 years old, it may not be any good to you.

I do hope that you will be kind enough on this roll call not to be afraid of the dentists back home pulling out all your teeth because he is already booked ahead until September, I bet you, when the kids go back to school. He already is going to get a \$25 award for every set of teeth that he writes a certificate for anyway. Under this bill he is going to have to give a certificate for the person saying his mouth is already for teeth, and he gets a \$25 rake off for that, and it seems to me that should be sufficient. Once the person gets this, they can go to a denturist if they want, but the bill doesn't say they 'must.' They can go where they want to to get their teeth made.

I hope you will consider the people in Maine, in my area at least. They are intelligent enough to know where they want to get their teeth. They want to get them bad enough now that they are driving to Canada to get them, and I hope you don't force these old people to do that any longer.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I won't take much of your time this morning, but I did sign the bill out "ought to pass" and I did it because the law that we passed last session has not delivered the services that we were promised. There is no denturist working under the direct supervision of any dentist in the State of Maine, as we thought would happen.

There is no test at this point in time available. We do have a promise that there will be one coming forth, but we haven't seen the test. There has been a grant, as Mr. Brennerman has mentioned, from HEW, that is the \$50,000 which will study the feasibility of a denturist school. We all know the answer to that question before it is studied — it is not feasible for a denturist school in the State of Maine. If it isn't feasible to have a school for our doctors, then it isn't feasible for a school for our dental auxiliaries.

The Board of Dental Examiners presently under this current law are totally controlled by dentists. That is what is the concern, because there is a conflict of interest in that.

There was a dentist from Ellsworth who did appear before the committee. He has been a dentist for 22 years, and he did support the bill.

I think that it is wrong to expect persons to simply do without dentures. According to the American Dental Association, the cost for denture care, it places this health service beyond the reach of too many Maine people. They are not just the elderly people that we are talking about, but those middle income people, such as myself and many of you here in this House. Their own figures show that those who have the greatest need for dentures simply cannot afford them, and I think that we should help those people, and there is a freedom of choice with the denturist bill.

I don't know if you know it or not, but the average fee that is paid at the commercial laboratories for a complete set of upper and lower dentures is approximately \$150, with prices rarely exceeding \$200. For this fee, the lab technician will furnish the material and the labor, and then the dentures are retailed by the dentist at a price averaging \$600 to \$700. This is a 400 to 500 percent markup, and that is extraordinary and it is too expensive for too many Maine people to afford.

There is an even greater injustice to the exorbitant markup that is charged on denture re-

pairs, many of which are performed by that lab technician without significant time spent by the dentist, and he is charging you for the retail price again.

Clearly, this is wrong and, clearly, something should be done about it, and I think that this is the only feasible way we are going to solve our present problem, and that is why I supported the bill.

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

ROLL CALL

YEA — Aloupis, Bachrach, Birt, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Bunker, Call, Carter, F., Chonko, Cloutier, Cunningham, Damren, Dellert, Diamond, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Garsoe, Gavett, Gray, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Joyce, Kane, Lewis, Lizotte, Locke, MacBride, Mahany, Masterman, Masterton, Matthews, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Payne, Pearson, Peltier, Peterson, Post, Rolde, Silsby, Soulas, Sprowl, Tuttle, Wentworth, Whittemore, Wood.

NAY — Austin, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Bordeaux, Brown, A.; Brown, K. C.; Carrier, Carroll, Carter, D.; Churchill, Conary, Connolly, Cox, Curtis, Davies, Davis, Dexter, Doukas, Dow, Dudley, Fenlason, Fillmore, Gillis, Gowen, Hall, Hutchings, Jacques, E.; Jacques, P.; Jalbert, Kany, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lougee, Lowe, Lund, MacEachern, Marshall, Martin, A.; Maxwell, McHenry, McKean, McPherson, Nelson, A.; Paul, Prescott, Reeves, J.; Reeves, P.; Rollins, Roope, Sherburne, Small, Smith, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitchell, Violette, Vose, Wyman, The Speaker.

ABSENT — Boudreau, Gould, Sewall, Simon, Strout, Vincent.

Yes, 71; No, 74; Absent, 6.

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

Thereupon, the Minority "Ought to Pass" Report was 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.

Divided Report

Majority Report of the Committee on Energy and Natural Resources on RESOLVE, Authorizing and Directing the State Director of the Bureau of Public Lands to Convey the Interest of the State in Certain Island in Muscongus Bay" (H. P. 566) (L. D. 712)

Report was signed by the following members:

Signed:

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

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

— 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. McBREAIRTY of Aroostook — of the Senate.

Messrs. PELTIER of Houlton
KIESMAN of Fryeburg
— of the House.

Reports were read.

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

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

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not accept the Majority "Ought to Pass" Report and I will tell you why. It is going to take a minute, but I am sure you want to make an informed decision on this matter because it is something that has great significance and will establish a very, very dangerous precedent. I will go through it just as quickly as I can. I could be much more detailed on it, but I will cover it as quickly as I can.

Prior to the time that Maine became a state, was a territory of Massachusetts, Massachusetts had title to the particular islands in question. I am sure that you have looked at the L. D. We are speaking about Five Islands and Muscongus Bay, the total sum of seven and a half acres and they are presently claimed by five people who reside out-of-state and one that resides in Maine. In the Act of Separation from Massachusetts in 1819, Maine acquired title to part of the Massachusetts' lands and in 1853, they acquired title to the rest of it that was not in private ownership.

In 1913, Maine passed a statute that said that there would be no more islands that belonged to the people of Maine sold, they would remain in public ownership. In 1973, the Coastal Islands Registry Act was passed to identify the islands that still belonged to the State of Maine and to check title on those that were claimed.

I would back up a little bit. In 1963, the town of Raymond looked out into the bay and they saw five islands out there that were not on the tax rolls and they decided that they ought to get them on the tax rolls. So, a selectman of Raymond came into the state and talked to someone, who he talked to is not known, there is no record of the conversations, there is no record to back any of it up, and he went to back Raymond and said he was informed that the town could go ahead and take possession of the islands and dispose of them. So, the town of Raymond put the islands up for sale and they were purchased by bid and a deed was given to the new owners.

Here is the very interesting part. You hear talk about quit claims deeds, these people didn't even get a quit claim deed to those islands, they got a release deed. We have heard talk in the committee about the fact that the people who bought these islands bought them in good faith and they assumed that they had good titles. Well, I will tell you, they didn't even get a quit claim deed on them. The town didn't even have enough confidence in what they were doing to give a quit claim and back it up in their own town action. They gave a release deed, which is the same as a bill of sale, they could have written it on the back of an old cigarette package and had the same force in law.

These seven and a half acres of islands, Five Islands total, sold for little less than \$3,000. Now, the Coastal Registry Act started checking the claims of titles to islands after 1973. They honored all deeds, even though they might be questionable, they were dated prior to 1913. If there was any deed, even if they were quit claim deeds or presumably even a release deed, the state, prior to 1913, when the law passed, said that no more islands would be sold, the state has honored those. But anyone who had a deed that was dated after 1973, which is when the Registry Act was passed, the state looked into it. If the people who had a deed could trace back to a legitimate deed, be it even just a quit claim, prior to 1913, the state

honored them. In the case of these Five Islands, there is no record to show that anyone ever laid claim to these Five Islands and obtained any kind of deed prior to the time that the town of Raymond took it upon themselves to take possession and dispose of them.

When the individuals who had a release deed on these islands were questioned by the state as to their clear title, they stated what they thought what they had done was all in good faith and it was perfectly proper and the town had all the right in the world to do it.

I submit to you that anyone who obtains a release deed for someone they were gambling that what they got they would get to keep in some manner or another.

There have been a number of islands that were brought in, the titles were brought in or the deeds were brought in, that were little more than written on the back of a cigarette package. Somebody looked out in the bay and said, hey, give me a deed to that island so I can go in and lay a claim to it. There were a number of islands that had just exactly that kind of a claim laid to it.

To date, the state has reviewed approximately 350 islands that have claims on them for deeds of one sort or another, 20 have been found invalid of those 350. That shows that the state is doing pretty well and being pretty good about honoring any legitimate claims.

I couldn't sum this up any better than use a statement that came from Mr. Lee Schepps, the Director of the Bureau of Public Lands, which has been involved in this from the very beginning, all these public lands, and I think you all know the job that they have done, but I would sum it up by his words.

"I can appreciate the feelings of the people named in this bill. Over the passage of time, since 1963, they may have become to believe that they actually owned these islands, but the point of law is absolutely clear and has been since 1913 and before. These islands belong to the people of the State of Maine. A title search by the town or by these purchasers would have shown that the islands belong to the state and that they never belonged to the town of Raymond. This situation really represents an unfortunate but not a highly unusual situation where somebody has not checked to see what they were buying. If the legislature sees fit to surrender these five islands, it will undermine the intent of the existing law and the Coastal Islands Registry project. Other persons who have registered islands on a basis of a relatively recent quit claim deed from someone who doesn't own the property will want to avail themselves to the same precedent. Even the unregistered islands can be registered in the future on the basis of similar quit claim deeds, for there is no deadline in the registration. This could result even in the loss of unregistered islands. Put in the simplest terms, this bill will open the door for the loss of more state owned islands, not by direct sale to raise money for the state but by validating quit claim deeds that conveyed no legal title whatsoever in the first place, actually, a gift from the state. The enactment of this bill will be an extremely unhappy precedent. It runs counter to the policy of the state established in 1913 and still in effect today, that the few acres of coastal islands remaining in public ownership should be reserved by the state for public use an enjoyment."

I urge you to vote against this bill.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: We have here a case of some land which, for centuries, since back almost to the time of the settlement of the Pilgrims, that was granted through a grant by the King to a party. Eventually, the land became the properties of the town. As time went on, the land was disputed by various parties and the land just got lost in this, but at no time did the state gain control, at least no one at the time

understood this.

For this reason, the selectmen of the town of Raymond did go to the state officials and spoke orally with them back in 1963 and the state disclaimed any control or any authority over these islands. For that reason, the town went ahead and sold these islands and the people since that time have continued to pay good taxes and would hope that they could control these or own these islands. They are all very small, we are only talking about islands of a quarter of an acre or a half an acre or so and it is certainly not any great loss to the state in doing so.

The Islands Registry Act, which Mr. Kiesman spoke of, goes back to 1973, when the state came along and said, if you can't prove that you own this, then the state automatically owns it. I think that is the bad precedent that may be established, that the state is saying, we are going to take over all the land that can't be proven it belongs to the individual parties.

I would urge you to go ahead and take the Majority Report, "Ought to Pass."

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

A vote of the House was taken.

Mr. Kiesman of Fryeburg requested a roll call.

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

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

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

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Boudreau, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Carroll, Carter, D.; Chonko, Cloutier, Conary, Connolly, Davies, Dellert, Dexter, Diamond, Doukas, Dow, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, Leighton, Leonard, Locke, Lund, MacEachern, Mahany, Masterton, Matthews, Maxwell, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Post, Prescott, Reeves, P.; Rolde, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Wood, Wyman.

NAY — Birt, Bowden, Bunker, Call, Carrier, Carter, F.; Cox, Curtis, Damren, Davis, Drinkwater, Gavett, Gray, Hanson, Higgins, Hunter, Immonen, Kiesman, Laffin, Lancaster, LaPlante, Lewis, Lougee, Lowe, MacBride, Martin, A.; Masterman, McHenry, McPherson, Morton, Nelson, A.; Payne, Pearson, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Torrey, Wentworth, Whittemore.

ABSENT — Berry, Brown, K. L.; Churchill, Cunningham, Gillis, Gould, Jalbert, Lizotte, Marshall, Sewall, Simon, Soulas, Strout, Vincent.

Yes, 87; No, 49; Absent, 14.

The SPEAKER: Eighty-seven having voted in the affirmative and forty-nine in the negative, with fourteen being absent, the motion does not prevail.

The Resolve was read once. Under suspension of the rules, the Resolve was read a second

time, passed to be engrossed and sent up for concurrence.

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-613) Bill "An Act to Reestablish the Boundary Line Between Winslow and China" (H. P. 834) (L. D. 1031)

Report was signed by the following members:

Mr. EMERSON of Penobscot
— of the Senate.

Messrs. McMAHON of Kennebec
BROWN of Livermore Falls
STOVER of West Bath
DRINKWATER of Belfast

Mrs. WENTWORTH of Wells
Mr. BORDEAUX of Mount Desert

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-614) on same Bill.

Report was signed by the following members:

Messrs. COTE of Androscoggin
REDMOND of Somerset

— of the Senate.

Messrs. L. DUTREMBLE of Biddeford
McHENRY of Madawaska
NELSON of Roque Bluffs
LaPLANTE of Sabattus

— of the House.

Reports were read.

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

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

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you vote against this report so I can offer Report "A" and I would request a division.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, just to support the gentleman from Benton, Mr. Hunter, I was one of the signers of the Majority "Ought to Pass" Report "A" and I would like just briefly to explain to you why. I signed that report because Amendment "A" defines the boundary as the brook and the outer edge of Mud Pond. The outer edge of Mud Pond and the brook are natural boundaries and in the art of surveying, natural monumentation supersedes man-made monumentation. Basically, that is what we are talking about. We have heard an awful lot of debate on this bill in committee. We spent many, many hours trying to resolve the questions. Very simply, Amendment "A" describes the boundary line in accordance with natural features or natural monumentation.

Amendment "B" describes the boundary by man-made monumentation. I would request that you defeat the motion that is before you now so we can go on and pass Amendment "A".

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: We did have some long hearings on this. I have all this that I can go through if you wish. We have two court cases, one by Judge Marden and one by Judge Dufresne. One case is in 1950's and one in 1960's and they both agree with where Committee Amendment "B" places the boundaries.

I also have photographs of markers, boundary markers, that were in existence and have now disappeared. We went to China and Winslow and viewed another monument that had had an attempt made to destroy it. Fortunately, they couldn't remove this steel pin that was jammed in the ledge but on the concrete that was around that steel pin had been busted and

the pieces of concrete had been scattered all over.

The original town line, where it passes at the range line, it was moved to the outer edge of Mud Pond and never in the historical records, even the ones from Massachusetts, describe the edge of Mud Pond, only the easterly edge of Mud Pond.

We viewed the areas, Committee Amendment "B" has the proper indications in footage or rods that can be resurveyed and the markers can be replaced where they were when the photographs were taken before the markers were destroyed and also when the markers disappeared.

So, we have to believe in two things, first, two court decisions, the second thing is whether we acknowledge warranty deeds over quit claim deeds. Now, the two court cases are guaranteeing the ownership of land under a quit claim deed, so if you believe that warranty deeds are the official deed to the ownership of a property, Committee Amendment "B" is what you will go with.

If you feel that quit claim deeds supersede warranty deeds, then you will have to go with Committee Amendment "A".

After all the material that we have here and the descriptions in Committee Amendment "B", I will repeat, go along with the two court cases and go along with warranty deeds.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not go along with Committee Amendment "B". I was a signer of Report "A", like the gentleman from Livermore Falls. I felt as he does, and that was one of the reasons why I signed Report "A".

We had two conflicting questions before our committee. The individual rights, the personalities involved, were the subject of the court cases that Representative LaPlante referred to. To be sure, that was one issue. However, the issue that we were asked to decide was the proper place for the boundary between the two towns.

The two were rather inextricably intertwined and that was unfortunate, because sometimes it made it difficult for us in the committee to determine whose interests were being served by whom and for what purpose. But if you can sort out in your mind the two issues and think only about the proper placing of the boundary, then I submit you will want to vote for Report "A".

The court cases that the gentleman from Sabattus spoke of were incidental to the question of where the boundary historically was and should be. Report "A" goes to that question and Committee Report "A" is in accord with the language in the Massachusetts documents that were presented to us, much more so than Report "B". So I would hope, since this will be as difficult a vote for you, I am sure, because of the inconclusive nature of this question as it was for us, but those of us who signed the Majority Report, I think, all feel as Representative Brown and I have described and we hope that you will concur with the Majority Report.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to commend the committee for spending many hours and diligently working on this problem in trying to come up with a solution that would please everybody. Sometimes this is a goal that cannot be achieved no matter how hard you try and I suspect this is the case in this issue.

Briefly, let me try to outline to you the problem with this dispute. I first became aware of it when I was first elected to office as First Selectman and Chairman of the Board of the town of Winslow back in 1963. The problem actually involves both communities paying taxes to both communities. No one is sure where the bounda-

ries should be. This creates quite a problem for the landowners involved.

There was also a dispute between landowners and the dispute ended up in the courts, naturally. In the first case, it was heard by Justice Harold Marden and the second case was heard by Chief Justice Armand Dufresne. I would like to briefly read from the excerpts in the case that appeared before Justice Dufresne.

It is an excerpt from Book 1616, Page 130, and I will read as follows: "In this case, the proof is full that the individual line between China and Winslow, as existed and now exists on the face of the earth, is, as contended by the plaintiff, on the easterly line of Lot 96, away from and to the east of Mud Pond, more properly identified by monuments marked Y and Z on plaintiff's exhibit one." The easterly line of Lot 96 is actually the range line, which the gentleman from Sabattus, Mr. LaPlante has referred to.

Off and on since these two cases have been heard, many attempts have been made by the officials of Winslow, and more specifically the town council members, to try to resolve the dispute between the two communities and thereby solve the problem for the landowners involved. The town of Winslow, through which several solicitors over the past years, and several town engineers, has spent untold amount of hours and time and money trying to solve the problems. The area in dispute involved approximately 40 or 50 acres and, strangely enough, it was discovered by one of the engineers working on this case, that back in February, 1799, a certain Mr. Blish acquired land to satisfy his claim amounting to 160 acres; yet, this same gentleman, and I use the word loosely, sold the same piece of land in July of 1815, just 15 years later, but instead of selling the 160 acres, he sold 200 acres more or less. This is all documented. I have the old documents here in front of me, if anybody cares to look at them. This transaction could very well be the cause of the entire dispute, someone selling more land than he rightfully owned.

In any case, the town of Winslow, as I said previously, tried many avenues to settle this problem, but all failed. The last recommendation from our town solicitor was to recommend that we appeal to the Superior Court for an independent commission to resolve the problem, and when the council inquired as to how much this might cost, we were told it could run as high as \$15,000. Now, needless to say, this was too much for the town to absorb. So in January of this year, the town council passed a Resolution, a unanimous Resolution, had two separate readings, asking me to submit this description of the boundary lines, based on the court's decision, to the 109th Legislature to reestablish the Winslow-China boundary line. Now, this description is in Report "B" and it is based on the findings of the Superior Court. I would hope that you would go along with the motion to accept Report "B".

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. LaPlante said about the concrete marker. Well, that is a pretty good sign that was not the original because they were all made out of granite.

As far as the court decision which he mentioned, all the surveying and everything was done, and this was between two private individuals, not the towns, the towns didn't have anything to do with it at all.

In this bill as written, as Mr. Carter said, was presented by the Winslow Council. Now China had no input, naturally, in this bill.

As he said, the boundary lines that are being used in this bill were taken from a 1962 court decision involving two individuals and not the two towns. The judge, Judge Dufresne, used the lines that were drawn by a surveyor hired and paid for by one of the individuals involved, which was done for their own private use. The

judge made it very clear that he was not trying to set the town lines with his decision.

The two towns got together and hired a surveyor by the name of Wood. He went in there and surveyed it and I guess they were to pay equally. They both paid equally for the surveying, but when it came time to place the markers, Winslow backed off from it and China ended up without anything.

Then Winslow hired a Richard Day to come in and do some work for them and inspect records and so forth. He was there and he testified in support of China. He said that there was no doubt as to the location of the town line, that it was the same as contended by the town of China.

I have a document here which was signed between the two towns, the selectmen of the towns in 1898. This is what China claims to be the town line now but Winslow wants to change it.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to remind the previous speaker that the granite marker is the one that has disappeared.

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: Originally that marker was in the brook and when the Highway Department rebuilt the road, I have been told, it was destroyed somehow or other. How this other one got there, I don't know, and nobody else does.

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

A vote of the House was taken.

Mr. Tarbell of Bangor requested a roll call vote.

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

A vote of the House was taken, and more than one-fifth of the members present 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 Sabattus, Mr. LaPlante, that the House accept the Minority "Ought to Pass" Report. All those in favor of that motion will vote yes; those opposed will vote no.

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

Mr. DAVIS: Mr. Speaker, I would like to pair my vote with the gentleman from Waterville, Mr. Boudreau. If he were here, he would be voting yes; if I were voting, I would be voting no.

ROLL CALL

YEA — Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Doukas, Dow, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, 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, Theriault, Tierney, Tuttle, Twitchell, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Birt, Bordeaux, Bowden,

Brown, D.; Brown, K. L.; Bunker, Carter, F.; Cunningham, Damren, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gray, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Norris, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Stetson, Stover, Studley, Tarbell, Torrey, Tozier, Wentworth, Whitemore.

ABSENT — Gould, Sewall, Simon, Soulas, Sprowl, Strout, Vincent.

PAIRED — Boudreau-Davis.

Yes, 81; No, 61; Paired, 2.

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

Thereupon, the Bill read once. Committee Amendment "B" (H 614) was read by the Clerk and adopted.

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.

(Off Record Remarks)

On motion of Mr. Cunningham of New Gloucester, recessed until two thirty o'clock in the afternoon.

After Recess 2:30 P. M.

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-611) on Bill "An Act Relating to Lending Institutions and Selection of Title Attorneys" (H. P. 332) (L. D. 431)

Report was signed by the following members:

Mr. AULT of Kennebec
Ms. CLARK of Cumberland — of the Senate.

Miss BROWN of Bethel
Messrs. D. DUTREMBLE of Biddeford

LIZOTTE of Biddeford

Miss ALOUPIS of Bangor

Mr. HOWE of South Portland

— of the House.

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

Report was signed by the following members:

Mr. CHAPMAN of Sagadahoc

— of the Senate.

Messrs. WHITEMORE of Skowhegan

SPROWL of Hope

GWADOSKY of Fairfield

JACKSON of Yarmouth

BRANNIGAN of Portland

— of the House.

Reports were read.

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

Mr. HOWE: Mr. Speaker and Members of the House: I move the House accept the Majority "Ought to Pass" Report.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I really hope you won't do that. I hope you will take the "Ought Not to Pass" Report.

This is a bill that we have seen before in here and basically it addresses a problem of some, and there are very few now, attorneys in the state who would like to do title work for banks. Many of the banks have their own title attor-

neys or have a list of title attorneys that they presently use. This would say that the banks had to use anyone that came along but they could set up requirements to bar out certain ones.

The problem with the bill is that, one, the problem doesn't exist to a very large degree; two, if the problem does exist, it is basically a problem of the attorneys, it doesn't affect the consumers at all. In fact, the consumers are going to be hurt if it is enacted and the bill is passed.

Well, I think what we should do is look at what actually happens here. You buy a house, you go into the bank. The bank requires a title search so that they know what kind of a title is on the house. They are loaning money on it and they need to know whether the house is safe to loan money on.

If we pass the bill, the bank for, one thing, very quickly are going to require title insurance. Now, the title insurance is not required and not widely used in the state. It is fairly expensive. The closing costs on a house in this state at this point are quite low and very reasonable, certainly, compared to other states. If you move in title insurance, then you are going to have higher closing costs, it is going to cost more to close on a house, and you are generally hurting the consumer because the price goes up. The whole aim of the bill is to protect attorneys who do trial work, there are attorneys who do title work, there are attorneys who do divorce work and various things like this. What is happening generally is, an attorney, let's say, who does trial work and maybe is a pretty good trial attorney hits kind of a hungry spell and he hasn't got much work to do and he thinks it would be nice if the local bank would give him a little title work to do. Well, title work is pretty specialized and if he screws up on one of these things, it is going to cost the bank money and probably everybody money. If we pass the bill, this would say that the banks had to accept any attorney who came in and applied to do title work for them.

There is an amendment that would be offered on the bill and the amendment would turn around and say, okay, the banks can put that certain requirement. But what you are going to see happen is, the banks will set up a series of requirements and they will say, okay, if you are going to do title work for this particular bank, you are going to meet these ten points; you are going to carry so much insurance; you are going to do such and such. Using these things, the banks can pretty much block anyone they want to anyway. I think we are better to leave it open now. This is a very, very small problem within the state, it only happens in a couple of places. It has generally been taken care of. I think to pass the bill, we are getting into the area of, if it is not broken, don't try and fix it, and if we try and fix it, we are just going to screw it up and it is going to make things worse rather than better.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: As you can see this is a divided report out of the committee and it has bipartisan support on both behalfs. I will get involved in it because it is my bill. I submitted this bill to the legislature, I believe, three or four years ago the first time and it was defeated in the other body, and this year an individual came to me and asked me if I knew someone who would want to sponsor this piece of legislation and I said I would be happy to since I had already done it once before and I thought it was a pretty good piece of legislation.

The first thing that I would like to address that Representative Jackson mentioned was that it happens in a very limited area. That is not necessarily the case. I have gotten a lot of phone calls from Aroostook County. I have gotten calls from Penobscot, Franklin County, people who are involved with this and feel it is

really a discrimination on lawyers.

I would like to take a minute, if I could, and explain to you the way it happens. The way it used to happen, I think, all over the state of Maine and now just perhaps, if you call those four counties, and Hancock, I would have to include those five counties, a small area.

It used to be that if I went into the bank and said I want to borrow some money to finance a home that I am going to purchase, they would say to me, we have to have a title search done on that property and the firm of XYZ does our title search and you will hire firm XYZ. Now, I may have a friend or a relation or maybe he is not even a friend of any sort, but perhaps I have someone who is an attorney who does work for me as a lawyer. I could not hire that individual to do it for me whether he charges more or less or wouldn't charge me anything. I don't think that is fair, because quite often what happens is that that particular firm of XYZ is the only firm that they allow to do title searches, it is also perhaps the firm that represents the bank in all their legal dealings with the public in general. Perhaps the senior partner of the firm of XYZ happens to be on the Board of Directors of the savings bank in question. I don't think that is right and I don't think it is fair. I am the individual, you are the individual that is paying for that title search and you should be able to say who is going to do it.

Now, the bill says, the amended version, and it is one sheet, filing number H-611, simply says, if you are going to hire someone, if the bank is going to require you to have title search done on your house or your property, then you can have the choice of who that person is going to be, provided that they have adequate liability insurance and we are leaving it at "adequate," we are not going to set the amount, or such other provisions, written provisions, mind you, that the bank feels necessary to protect its own interests. That is not asking for an awful lot, because I will tell you right now, there are banks in the greater Portland area who are doing just that and it is unfortunate that we have to write this into legislation, but the banks seem to be a little bit slow to move in some parts of the state. There are a lot of attorneys out there who are competent and qualified to do title searches. We are not talking about major brain surgery here. A lot of these places have paralegals who go out and do title searches.

I will give you a couple of examples of the abuses that are faced in this particular piece of legislation. Several years ago, I went to buy a parcel of land. I didn't borrow the money but I had to have a title search done on it. So, I paid someone to do a title search on that property out of my own pocket. When I went to borrow money to build the house, I had to pay to have someone else do the title search, and someone had already done it. That is the kind of thing that can happen.

Also, there was a fellow at the hearing in Bangor and he testified that he worked for a law firm in Bangor that did title searches, and I don't even know the name of the bank and that is not important, but the firm that he worked for did the title searches for that particular bank. Now, he left the employment of that law firm and went out on his own. After he went out on his own, several of his clients had to go back to borrow money and said they wanted this person to do their title searches. They said no, he was unqualified, and yet he had been doing title searches for the bank under the employment of the large firm for years prior to that.

The third abuse that I give you I had a call on from a lady from Portland. She said, you know, when I went in to sign the papers, I should have looked, I should have looked better at my title search but I didn't. The attorney that did the title search did not tell me that I had an easement across my property. I had a driveway that was not really a driveway at all, it was a road to a back piece of property that is going to

be developed and I don't have any recourse. Now, that is not to say that this particular attorney was acting in maljudgment, he didn't do anything wrong. The point is that he was only reporting to the bank that the land in question did not have any outstanding debts on it, the title was clear. This particular individual had a clear title, but there was an easement on there that made a difference to that woman and there was no way that she would have bought that land, at least paying that much money for it, if she had known that her front driveway was going to be a road to a development.

She went back to the lawyer and said, you know, what is the story? He said, you know, I work for the bank and I made my report to the bank, you should have read the disclosure. He was right, she should have read the disclosure, but the point is, that had that lawyer been working for that lady under her employment, the chances are that he would have said to her, look, you have got a problem here. Did you know that this is an easement across your land? She went back to him and tried to get him to give her some advice and the guy said to her, I am sorry, but, we can't handle the case, you are going to have to hire another attorney because we represent the people who own the land in the back that is subject of the criticism.

It just seems to me that this really is not asking for an awful lot. It is giving some people some flexibility. It really is a consumer bill, I know the attorneys have been lobbying for it and that is their prerogative. When I put the bill in three or four years ago, I didn't have anybody lobbying it and if they want to join this time, they can.

What it boils down to, is the attorneys that are on the 'in' and the attorneys that are on the 'out.' If you are on the 'in', you sure as heck don't want any young whippersnapper of an attorney coming along and saying, I can do title searches as good as you. I think it is going to keep the cost of it down.

As far as there being mandatory title insurance, I don't see that happening at all. The bill makes no mention of that now. It was in the original bill, it has been amended out. There is no way there we want to increase the cost of closing costs with title insurance, this doesn't say that. Very simply it says, "such other written policies as the bank may deem necessary." If the bank wants to write on there that if you don't select their attorney, that your attorney will have to have title insurance, then so be it. That is a problem we can handle later on. I don't think it is one that is really going to come. So, I hope today you would support the Majority "Ought to Pass" Report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly endorse the gentleman's remarks from Scarborough. There was a lending institution in the City of Bangor that I am aware of, if you wanted to go through them on a title search in buying piece of property, you had to use their attorney. You couldn't use anybody else's and their attorney or attorneys, as someone once aptly described them at home as people who represent we the people, meaning a very narrow group of individuals who had control over a particular bank that handled at least a third if not more of all the mortgages in the city, but we, the people, would not allow anyone who had a competent attorney to represent them. You had to take from the select list. Mind you, you are paying the cost of it, but you could not hire your own attorney.

I wholeheartedly endorse the comments of Mr. Higgins here this afternoon. I think it is needed and I think you would be doing more for the consumers in my community and your own respective communities if you adopt the position here today.

The SPEAKER: The pending question is on the motion of the gentleman from Portland,

Mr. Howe, that the House accept the Majority "Ought to Pass" Report. All in favor of that motion will vote yes; those opposed will be voting no.

A vote of the House was taken.

Mr. Jackson of Yarmouth requested a roll call vote.

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

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Again, a great deal of what we have heard today is not even addressed to this bill. As far as the question of how good the a title or how bad a title is, that isn't even addressed in the bill. If the attorney doesn't do a proper job in searching the title, whether he is the bank attorney or your own private attorney, both you and the bank are stuck.

The bank is lending you the money; therefore, the bank wants to know that the title is good.

Under this bill you still won't have the choice of picking any attorney you want, because the bank is allowed, under the bill to set up whatever they want to in requirements for the attorney that will be working for them. I would just stress to you that this isn't a consumer's bill, this is a lawyer's bill and it is basically set up so that all lawyers will have open chance at it. The end result is going to be that you are going to see title insurance and you are going to pay \$150 or so more every time you buy a house. I don't think that is a consumer's bill.

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

ROLL CALL

YEA — Alopis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Bowden, Brennerman, Brown, A.; Brown, D.; Brown, K. C.; Carroll, Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Davies, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gillis, Gould, Gowen, Hall, Hanson, Hickey, Higgins, Howe, Hughes, Hunter, Hutchings, Immonen, Jacques, P.; Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lizotte, Locke, Lougee, Lowe, Lund, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, M.; Paradis, Paul, Payne, Pearson, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sherburne, Small, Soulas, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tuttle, Violette, Wentworth, Wood, Wyman.

NAY — Austin, Bordeaux, Brannigan, Brodeur, Brown, K. L.; Bunker, Call, Cunningham, Curtis, Damren, Davis, Dellert, Garsoe, Gavett, Gwadosky, Jackson, Lewis, MacBride, Masterman, Masterton, Matthews, Nelson, A.; Norris, Peterson, Roope, Smith, Sprowl, Tozier, Twitchell, Whitemore.

ABSENT — Carrier, Carter, D.; Churchill, Dudley, Dutremble, D.; Gray, Hobbins, Huber, Jacques, E.; Jalbert, Joyce, Laffin, Leonard, Michael, Nelson, N.; Sewall, Silsby, Simon, Stetson, Strout, Vincent, Vose.

Yes, 98; No, 30; Absent, 22.

The SPEAKER: Ninety-eight having voted in the affirmative and thirty in the negative, with twenty-two being absent, the motion does pre-

vail.

The Bill was read once. Committee Amendment "A" (H-611) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-609) on Bill "An Act to Amend the Municipal Public Employees Labor Relations Act" (H. P. 1095) (L. D. 1345)

Report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate.
Messrs. WYMAN of Pittsfield
BAKER of Portland
Mrs. BEAULIEU of Portland
Mr. McHENRY of Madawaska
Mrs. MARTIN of Brunswick
Mr. TUTTLE of Sanford — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-610) on same Bill.

Report was signed by the following members:

Messrs. SUTTON of Oxford
LOVELL of York — of the Senate.
Messrs. CUNNINGHAM of New Gloucester
FILLMORE of Freeport
Mrs. LEWIS of Auburn
Mr. DEXTER of Kingfield — of the House.

Reports were read.

On motion of Mr. Wyman of Pittsfield, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-609) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-607) on Bill "An Act to Restrict the Use of Dealer Plates" (H. P. 406) (L. D. 510)

Report was signed by the following members:

Messrs. USHER of Cumberland
O'LEARY of Oxford
EMERSON of Penobscot — of the Senate.
Mrs. HUTCHINGS of Lincolnville
Messrs. McKEAN of Limestone
CARROLL of Limerick
STROUT of Corinth
LOUGEE of Island Falls
ELIAS of Madison
BROWN of Mexico — 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. JACQUES of Lewiston
McPHERSON of Eliot
HUNTER of Benton — of the House.

Reports were read.

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

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

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

Mr. MORTON: Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would certainly hope that you would not indefinitely postpone this bill. This is a good bill. I think I would like to preface my remarks by reading an advertisement that appeared in a local newspaper. Due to 35 percent increase in sales, the deal-making man is looking for experienced salespeople for expanding sales force. We offer free demo plates. But what this doesn't say is that someone has to make up for the difference in the money that you save by using demo plates.

Now, the primary benefit of dealer plates is a tax savings. A vehicle with dealer plates is not subject to excise tax or is not subject to sales tax and, at the present time, there are approximately 12,000 dealer plates issued by the Division of Motor Vehicle to about 900 new car dealers and around 300 used car dealers; that is 12,000 versus 1200 dealers. Somewhere along the line, we have to "guesstimate" a little bit about what the tax loss is to the municipalities and to the state. I think for the purpose of this, we came up with, I believe, very conservative figures.

New car dealers use the dealer plates primarily for new vehicles; used car dealers use dealer plates for vehicles that are around three years old or less. This, again, we are just "guesstimating" because we have to come up with some set of rational figures somehow and, again, I believe they are very conservative.

Every dealer plate is used for one vehicle only for an entire year. The average cost of a vehicle, and this is figuring new and used vehicles, is around \$4,170, this is an average, it may be a little higher now because of the increase in the prices lately. Approximately 5,000 dealer plates are presently used, and I still think it is conservative, for personal and nonbusiness use. Using the assumptions that we have so far, L. D. 510, with the Committee Amendment, would generate annually an additional \$500,000 to municipalities and \$1,042,500 in sales tax revenues for the state.

Unlike Maine, most other states restrict the use of dealer vehicle plates. In 20 states, dealer plates cannot be used for personal or non-business use. In 9 other states, personal use of vehicles with dealer plates is restricted to dealers and employees only. Immediate families of the dealers and manufacturers cannot use dealer plates in these states. Maine, therefore, is one of the most liberal states with respect to use of dealer plates.

If you have driven down a highway within the towns of this state, I will give you a good example — the past few weeks, I have stopped in Brewer on the way home and I noticed one residence within that city where there are five vehicles with five dealer plates sitting in the dooryard. And from one of the neighbors who knows the family, they say, oh yes, this has been going on for years. You stop and think, the family and the children are using these vehicles, using the ways of that particular town, and not one cent of excise tax has been paid on these vehicles, not one cent of state sales tax has been paid on the vehicles. Someone has to make up that money.

The present law which we have on the books now pertaining to dealer plates, and get this, was written by the Dealers Association. I wish I could write some laws for me. I could make myself wealthy very suddenly, I do believe. Under the present law, a dealer receives three dealer plates for the first 10 vehicles sold and one dealer plate for every 10 additional vehicles sold but this is what is 'not' said — if the inventory goes down during the year, then he still retains possession of the plates, even though the inventory went down. So, here is a dealer who has maybe 25 cars to sell and he may have 30 or 40 dealer plates, and that can happen and it does happen. I used to work for an automobile dealer, that is the reason I know.

I enjoyed the use of a dealer plate but I think it is time we tightened up.

Maine law, as it relates to dealer plates, provides a substantial fringe benefit to dealers, employees of dealers and the family members of dealers. Unlike electric utilities, which provide reduced rates for electricity to utility employees, for which the utility pays the bill, motor vehicle dealers provide a fringe benefit that the public funds by means of increased taxes.

I think it is time the law was tightened up. I have even had dealers themselves tell me, yes, it is time that it was tightened up. I had one dealer that approached me in the hallway and you know what he told me, he wanted to know what business it was of ours if their families use these dealer plates? That is exactly what he asked me. What business is it of yours? I asked him, well, why should they? He told me, because they are privileged people, that is exactly what the man told me right down in the halls of the State Office Building — they are privileged people. My good friends, I don't think they are privileged, I think every citizen of this state is privileged but the citizens pay for this fringe benefit.

Therefore, I would hope that you would accept the "Ought to Pass" Report.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman said he used to work for a dealer. Well, I used to be a dealer and was one for 25 years or more. My family has been in the business since 1912. There were a few errors in the information that he set forth.

First of all, with respect to the very dramatic ad that he read at the beginning of his oration, this bill wouldn't do anything about that at all, because any sales person who goes to work for a dealership, under this law that is presently on the books and under this bill that you have before you, would still be allowed to have a dealer plate and go and try to sell an automobile, that is what he is hired for. He puts the dealer plate on automobiles, one today, a different one tomorrow and he goes to try to sell the car. In fact, that is why dealer plates were originated.

Back in the good old days, we didn't have all these taxes to be concerned about. It didn't make any difference how many automobiles were sold as far as the tax revenues of the community were concerned because we didn't have an excise tax, that came on with some of the more modern ideas. I don't necessarily deplore it, because it was the best way to get at the automobile as a piece of property. The fact still remains that the dealer must demonstrate more than one car and the inconvenience of registering day after day after day to both the dealer and the Secretary of State in order to move a registration from one car to another, I think you all see would be relatively insurmountable and quite inefficient; hence, dealer plates. That is why they got started, it had nothing to do with taxes.

There is no question but what today there are taxes in connection with the ownership of automobiles. I would point out to you that that ownership creates the excise tax and just as soon as that automobile is sold, it does get excise taxed by the town, so the town does get the excise tax on it once. The next year, it gets it the second time around.

The gentleman has laid out a tremendously expensive list of things that happen to the town if you don't pass this bill and how you are going to help it if you do pass it. I wonder if anybody has looked at the amendment. The amendment says that nothing will change in the present law except that there will be one special plate. I don't know what it is going to look like, whether it is going to look like the legislative plate only be colored purple or what the situation is going to be, but it is going to be one special plate for

the family use of the dealer.

One member of the committee told me that, oh well, you can beat that law all right, all you have to do is sell your wife a share of stock, then she will be the dealer. Maybe that is true but is not true with respect to the General Motors contract and I don't know whether it is true with respect to some of the others. But the point remains that this particular person, maybe the wife of the dealer or the family members of the dealers, would have this special plate.

If you look at the amendment, it says that if she drives any other vehicle with a dealer plate on it, she is violating the law, if it is your wife. I submit that that is pretty ridiculous. If I go home at night from this legislature and I have a dealer plate on and I am tired and I don't want to go down to the grocery store and I can't send my wife out in the car that I came home in with a dealer plate on it down to the grocery store, it is ridiculous to say that I can't do that, but that is what this bill says.

The present law does allow three plates plus one for each ten sales and I would point that out. The gentleman mentioned inventory. Sure, we may inventory 30 or 40 cars at one time. In the course of a year, we hope to sell 300 or 400. You have to put that plate on more than one automobile.

I understand the place this came from, it was from the Maine Municipal Association, and I don't blame them for trying to get more taxes, but I want you to remember that the biggest single tax collecting agency in the State of Maine for sales tax is the automobile dealers, the biggest single one. They send more tax money from the sales tax into this state than any other group. They don't need anymore harassment.

I certainly deplore the situation that the gentleman of Limestone said about three or five cars in one yard in his bailiwick. Well, I have been in the business for a long time. I had three children and one wife, that is four and I make five, and never in my life, were there five vehicles from my dealership being used that way. If you have some bad apples in the barrel, let's go after them. The laws are presently on the books, we don't need this bill. I hope you will indefinitely postpone it.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would submit that if everyone in the dealerships was like my friend Mr. Morton, we wouldn't need this type of legislation, but the problem is, they are not all that way. This is where the problem lies.

As far as the L. D. itself and the Committee Amendment, it's going to allow the family to have one plate, that is very good. That is more than you or I or other people in other types of business are allowed. We have to go and excise our cars and we have to pay the sales tax on it. In this particular business, they will be allowed to have one plate that they can use for personal business. If he wants to have two or three cars from the dealership sitting at home, that is the business of the dealer, and if they want to put springs on that plate and attach it to any one of those three cars, that, again, is their business, because the car is not registered, it is not excised. If he wants to take his particular car home that night, or even the salesman, yes, they can do that. We have allowed for that in the bill.

All we have done is tighten up. I think what they used to tell us was, you can't enforce it. Why don't you enforce what you have now and you can do the job. Well, we have nothing to enforce right now, because right now, everybody that is in the immediate family can have a car with a dealer plate and this is where the problem lies. As far as incorporating, we have an amendment which is being prepared and will be out tomorrow which takes care of the incorporation portion of it too.

Let's not indefinitely postpone this bill.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I really think this is a punitive type of bill. We have all kinds of businesses in this state and, in many cases, families run these businesses.

I have a lot of friends that are in the restaurant business and the whole family eats at the restaurant and they don't pay anything. I guess you could stand here and argue that the cost of their food is passed on to their customers. It is getting a little bit ridiculous when we start picking out one particular kind of business, start saying there are three or four cars in the driveway that belong to the family, I really think we have more important things to do here, so I hope we can get this issue over with and will indefinitely postpone it.

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

A vote of the House was taken.

62 having voted in the affirmative and 43 in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act to Create an Office of Housing Affairs" (H. P. 962) (L. D. 1240) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide an Executive Department Focus for Housing Affairs" (H. P. 1469) (L. D. 1657)

Report was signed by the following members:

Ms. LUND of Augusta
Mrs. BACHRACH of Brunswick
MASTERTON of Cape Elizabeth
KANY of Waterville
REEVES of Pittston
Messrs. PARADIS of Augusta
BARRY of Fort Kent

— 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. AULT of Kennebec
SUTTON of Oxford
MARTIN of Aroostook

— of the Senate.

Mr. LANCASTER of Kittery
Mrs. DAMREN of Belgrade
Mr. CONARY of Oakland

— of the House.

Reports were read.

On motion of Mrs. Kany of Waterville, the Majority "Ought to Pass" Report was accepted and the Bill read once.

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-605) on Bill "An Act to Amend Certain Provisions of the Employment Security Law" (H. P. 1096) (L. D. 1449)

Report was signed by the following members:

Messrs. SUTTON of Oxford
LOVELL of York
PRAY of Penobscot

— of the Senate.

Messrs. DEXTER of Kingfield
WYMAN of Pittsfield
Mrs. BEAULIEU of Portland
Messrs. TUTTLE of Sanford
BAKER of Portland

Mrs. LEWIS of Auburn
Messrs. CUNNINGHAM of New Gloucester
FILLMORE of Freeport
Mrs. MARTIN of Brunswick

— of the House

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-606) on same Bill.

Report was signed by the following member:
Mr. MCHENRY of Madawaska

— of the House.

Reports were read.

The Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-605) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 948) (L. D. 1181) Bill "An Act to Establish a Solid Waste Management Subsidy for Municipalities" Committee on Energy and Natural Resources reporting "Ought to Pass"

On the objection of Mr. Tierney of Lisbon Falls, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(H. P. 921) (L. D. 1163) Bill "An Act to Encourage the use of Solid Waste as a Fuel Source" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-602)

(H. P. 836) (L. D. 1068) Bill "An Act to Revise the Van Buren Light and Power District Charter" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-604)

(H. P. 152) (L. D. 191) Bill "An Act Concerning Repossession of Consumer Goods from a Consumer in Default Under a Consumer Credit Transaction" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-615)

(H. P. 1179) (L. D. 1535) Bill "An Act to Amend the Maine Traveler Information Services Law" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-619)

(S. P. 363) (L. D. 1110) Bill "An Act to Clarify the Regionalization of Special Education" Committee on Education reporting "Ought to Pass"

(S. P. 345) (L. D. 1059) Bill "An Act to Amend the Life Insurance Provisions Regarding Justices and Judges" Committee on Business Legislation reporting "Ought to Pass"

(S. P. 468) (L. D. 1479) Bill "An Act Relating to the Protection of Ground Water" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-256)

(S. P. 443) (L. D. 1381) Bill "An Act to Increase Real Estate Broker and Salesman License and Examination Fees and to Eliminate Ambiguities" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-262)

No objections having been noted, under suspension of the rules, the above items were assigned to Consent Calendar, Second Day.

No objections have been noted to the Consent Calendar Second Day, under suspension of the rules, the Senate Papers were passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

Consent Calendar

Second Day

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

(H. P. 723) (L. D. 910) Bill "An Act Relating to Funding and Support for Alcoholism Treatment and Rehabilitation Centers"

(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)

(H. P. 1162) (L. D. 1427) Bill "An Act Concerning Driver's Education for the Physically Disabled" (C. "A" H-590)

(H. P. 750) (L. D. 958) Bill "An Act Relating to the Identification and the Hazards of Chemicals in the Workplace" (C. "A" H-598)

(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" (C. "A" H-582)

(H. P. 764) (L. D. 72) RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency) (C. "A" H-587)

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

Second Reader**Indefinitely Postponed**

Bill "An Act to Establish a Statutory Limit on County Expenditures during any One Fiscal Year" (S. P. 256) (L. D. 730)

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

On motion of Mr. LaPlante of Sabattus, the Bill and all its accompanying papers were indefinitely postponed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Passed to be Engrossed

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)

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)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1979 (Emergency) (H. P. 1460) (L. D. 1652)

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

Later Today Assigned

Bill "An Act to Exempt Certain Bulk Feed Bodies from the Sales Tax" (H. P. 573) (L. D. 721) (C. "A" H-600)

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

On motion of Mr. Brennerman of Portland, the House reconsidered its action whereby Committee Amendment "A" was adopted, and further moved that this be tabled pending adoption of Committee Amendment "A" and later today assigned.

Amended Bills

Bill "An Act Relating to Potato Quality" (H. P. 993) (L. D. 1230) (C. "A" H-589)

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

Bill "An Act to Provide Loans for Family Farms" (H. P. 925) (L. D. 1134) (C. "A" H-584)

Was reported by the Committee on Bills in

the Second Reading and read the second time.

On motion of Mr. Wood of Sanford, 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" (H-616) to Committee Amendment "A" (H-584) was read by the Clerk and adopted.

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

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

Later Today Assigned

Bill "An Act for Expression of Public Sentiment on the Dickey-Lincoln Hydroelectric Power Project by Referendum" (H. P. 798) (L. D. 992) (C. "A" H-586)

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

On motion of Mr. McHenry of Madawaska, 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-623) was read by the Clerk.

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

Mr. MARSHALL: Mr. Speaker, I appreciate the time that we are working under, but I would appreciate an explanation of the amendment that the gentleman from Madawaska is offering.

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

Mr. McHENRY: Mr. Speaker, all this does is explain that after the adoption of this bill—a November referendum, that is all it is.

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

Mr. DOUKAS: Mr. Speaker, I have another amendment I am working on for this, so I would like to table it until later today's session.

Whereupon, on motion of Mr. Nadeau of Lewiston, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and later today assigned.

**Passed to be Enacted
Emergency Measure**

An Act Creating a State of Maine Trustees Advisory Board (H. P. 1404) (L. D. 1617) (H. "A" H-526)

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. 124 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Amend the Standard Nonforfeiture Law (H. P. 726) (L. D. 913) (C. "A" H-550)

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 Relating to License Fees for Dogs (H. P. 775) (L. D. 977) (C. "A" H-515)

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

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

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

The SPEAKER: The gentleman from Lewis-

ton, Mr. Call, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I will be extremely brief. We have debated this before. I hope that you don't indefinitely postpone the bill. If we fail to indefinitely postpone, I am going to add an amendment that clarifies the bill.

This bill is an attempt by the Committee on Agriculture to come to grips with the problem of overpopulation of dogs. We have worked on it all session and we feel that it is a good compromise. I think if you talked with your town officials, you would find them to be in agreement with the bill, and I would hope that you would not indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I support the statement of the gentleman from Sanford, Mr. Wood.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I would just like to urge that you follow Mr. Wood's suggestion, because we have just taken dog sections out of a couple other bills because of this one already being in.

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

50 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

On motion of Mr. Wood of Sanford, 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-617) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, could we just have a brief explanation of these matters when they are being added, please?

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

Mr. WOOD: Mr. Speaker, this amendment puts an effective date on it. There was no effective date when we passed out the bill and we did not want it to interfere with this year's license fees for those people who have already paid, so we set the beginning date as of January 1 or next year.

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 Concerning Licenses Issued by the Department of Inland Fisheries and Wildlife (H. P. 270) (L. D. 344) (H. "A" H-554; C. "A" H-438)

An Act to Establish a Marijuana Therapeutic Research Program (H. P. 523) (L. D. 665) (H. "B" H-525 to C. "A" H-332)

An Act to Clarify and Amend the Investment Provisions of the Maine Insurance Code. (H. P. 621) (L. D. 778) (C. "A" H-552)

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

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 Authorize the Bureau of Public Lands to Lease Lands in the Intertidal Zone Adjacent to Permanent Structures (H. P. 842) (L. D. 1044) (C. "A" H-544)

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

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I initially had this set aside to gather some more information. I have received information on the bill and I do not wish to hold the bill any further.

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

An Act to Provide for the Issuance of a Warning for Operating an Unregistered Motor Vehicle within one Month of the Expiration of Registration. (H. P. 858) (L. D. 1058)

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

An Act to Facilitate Absentee Voting in Foreign Jurisdictions (H. P. 905) (L. D. 1126) (C. "A" H-537)

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 Relating to Withdrawal Penalties under the Tree Growth Tax Law (H. P. 1003) (L. D. 1237) (H. "A" H-485 to C. "A" H-476)

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, I, too, have received further information and I withdraw my objection to this item.

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

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

An Act to Require Disclosure of Certain Information to Prospective Purchasers of Life Insurance (H. P. 1276) (L. D. 1555) (C. "A" H-551)

An Act to Improve the Administration of the Second Injury Fund under the Workers' Compensation Laws (H. P. 1260) (L. D. 1521) (C. "A" H-533)

An Act to Redefine the Term "Political Committee" Under the Election Laws (H. P. 1332) (L. D. 1579) (C. "A" H-547)

An Act Relating to State Agency Purchase of Products of Maine Farms and Fisheries (H. P. 1436) (L. D. 1638)

An Act to Clarify Equivalent Instruction as an Alternative to Compulsory Education (H. P. 1440) (L. D. 1642)

An Act to Regulate the Distribution, Labeling and Sale of Plant and Soil Amendments (H. P. 1441) (L. D. 1643)

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

An Act Concerning the Saco River Corridor Commission (H. P. 797) (L. D. 967)

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think somewhere since 1973 or 1974, the State Legislature, in its wisdom, has contributed money to the Saco River Corridor Commission. Be that wise or

not, we, in this session, have again, through a similar request through an L. D. have provided money to the Saco River Commission. But this L. D. here right now, ladies and gentlemen, would take it from a private and special law, the commission, and make it a public law, and I believe if we do that today, then the next session of the Legislature will not be refunding a portion of it, we will be funding the total operation of the commission.

I respect the people in the Saco River Corridor area and I can understand their desires for the state to take over the total operation of this commission, but I think it would be imprudent for us to do that. Let them come in as they have in the past with their special L. D. asking for assistance from the state on a contributing factor at 20 or 25 percent, but I don't believe that the State of Maine should be funding this at 100 percent. If you do, if you want to pass it, then I would suggest that those of us who are on the Penobscot River Valley, those of us in Washington County with the Dennys River Bar, the Machias, the Androscoggin, Kennebec. We could have our own commissions and we would be in with similar requests.

I think it would be improper for this legislature to support this bill at this time, and I move for the indefinite postponement of this bill and all its accompanying papers, and I request the yeas and nays.

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

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

Mr. KEISMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to explain this to you, and I think Mr. Kelleher already knows the answer but I will explain it to him too.

To give you a little bit of background, because a great part of Mr. Kelleher's comments were not addressed to the legislation that is before us, the Saco River Corridor Commission was established by the legislature and when it was established, the original specified that the commission would come back to the legislature for its funding requirements. This was done for two years, and then the legislature, leadership, told the commission that they would have to raise funds in their own area to support it at least 50 percent, and that was done and that is what has been done in the past.

The commission comes to the state for a portion of their funding every year, and they are funded on the Part I Budget, not by an L. D.

The reason for this request to put the Saco River Corridor Commission into law, the act in the public law, is because like any major piece of legislation like the Saco River Corridor Act, it required some corrections, it required some amendments, and when these amendments were made, they were of a far-reaching nature, the nature of the act, because it spreads across quite a few disciplines in land use actions and some of these amendments were made in public law.

The original act was passed special and private law, and I am sure most of you people know that the special and private laws are not annotated, they are not updated, and we wound up with part of the act in public law and part of it in special and private law, and it makes it impossible, or practically impossible, for any land use developer or any attorney, for that matter, to identify and locate the changes that have been made in the law over the years.

There are some other changes in the act proposed. It is because of just changing the title of the law from special and private to public that the whole law was reprinted. There are a few small changes made in it to clean it up. One of them is in 952, Subsection 9, at the time the act was passed, there were not very good identifications of where the hundred year flood level arrived at on the land and the flood of 1936 was used at that guide, because that was the best

identification there was. Since that time, there have been some actual surveys on the land by the U. S. Corps of Engineers and the amendment there was to allow— it stated: "Or any other state or federal agency which would allow the commission to use the best available information in their considerations of where the hundred year flood level was."

Another one was in Home Occupation or Enterprise. At the present time, the way the law was written, it does not allow for variance in case someone comes in with a request for home occupation, and this merely puts home occupation under performance standards so that variances can be granted and make it a little bit more common sense in its implementation.

One major change that took place is in the Biddeford-Saco area, that is the commercial area, and the performance standard is the overall standard and it requires that all buildings be set back 30 feet from any accepted road. When someone comes in for a permit in the corridor in the Biddeford-Saco are in almost every case it requires a variance hearing to allow variance so they can put the addition in the same line with the existing building. It made absolutely no sense to require a hearing and a variance on every request that was made in the Biddeford-Saco area.

These are the substantive changes in it. It has nothing to do with funding whatever. It doesn't change a thing, and if this is defeated, it still won't change anything. We will still have the same identical thing, except these small changes that I have enumerated would not go into effect and it would be just that much more difficult on the people that are trying to accomplish some activities within the Saco Corridor.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, 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, Barry, Berry, Berube, Brown, K. L.; Call, Carter, D.; Curtis, Dow, Dudley, Fenlason, Gillis, Hall, Hickey, Jacques, P.; Jalbert, Kelleher, Lowe, Martin, A.; Masterman, Maxwell, McHenry, McKean, Peterson, Prescott, Smith, Soulas, Tozier, Twitcheil, Whittemore.

NAY — Aloupis, Baker, Beaulieu, Benoit, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brenerman, Brodeur, Brown, D.; Brown, K. C.; Bunker, Carroll, Carter, F.; Cloutier, Connolly, Cox, Cunningham, Davies, Davis, Deller, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gavett, Gould, Gowen, Gray, Gwadodsky, Hanson, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Locke, Lougee, Lund, MacBride, MacEachern, Mahany, Marshall, Masterton, Matthews, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Post, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sherburne, Silsby, Simon, Small, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tuttle, Vose, Wentworth, Wood, Wymann.

ABSENT — Austin, Bordeaux, Brown, A.; Carrier, Chonko, Churchill, Conary, Damren,

Garsoe, Jacques, E.; Laffin, Leonard, Nelson, N.; Sewall, Sprowl, Strout, Vincent, Violette.

Yes, 30; No, 102; Absent, 18.

The SPEAKER: Thirty having voted in the affirmative and one hundred two 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.

An Act to Clarify the Requirements Relating to Campaign Reports and Finances (H. P. 1050) (L. D. 1301) (C. "A" H-545)

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

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.

Finally Passed

RESOLVE, Relating to a Report on a Single Source for Funding of and Reporting by Residential Programs for Youth (H. P. 951) (L. D. 1220) (C. "A" H-535)

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

Orders of the Day

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

SENATE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (S-249) — Committee on Labor on Bill, "An Act to Clarify the Liability of Employers Under the Workers' Compensation Act" (S. P. 338) (L. D. 999) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-249)

Tabled—May 31 (Till Later Today) by Mr. Wyman of Pittsfield.

Pending—Motion of Mr. McHenry of Madawaska to Accept the Majority "Ought Not to Pass" Report.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: The pending motion is to accept the "ought not to pass" report. That report was signed by myself. However, we have an amendment that I would like to offer for your consideration, and if you would defeat the pending "ought not to pass" report motion, then we would be in a position to accept the "ought to pass" and I would have an opportunity to present my amendment. So I hope you will defeat the pending motion.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Madawaska, Mr. McHenry, that the Majority "Ought Not to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

3 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-249) was read by the Clerk.

On motion of Mr. Wyman of Pittsfield, Committee Amendment "A" was indefinitely postponed in non-concurrence.

Under suspension of the rules, the Bill was read the second time.

Mr. Wyman of Pittsfield offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-596) was read by the Clerk and adopted.

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

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

Bill, "An Act to Revise the Inland Fisheries and Wildlife Laws" (S. P. 573) (L. D. 1637)

Pending—Passage to be Engrossed (Set aside by Mr. Paul of Sanford)

Mr. Fowlie of Rockland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-558) was read by the Clerk.

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

Mr. FOWLIE: Mr. Speaker, Men and Women of the House: What this amendment does it removes only six words. They are, "and only salmon in tidal waters." The Department of Marine Resources and the Marine Resources Committee feel that these words should be deleted because the salmon are regulated by the Salmon Commission. The Salmon Commission has regulations already specifying that Jigging is illegal.

For those of you who are not familiar with the Salmon Commission, there are three members on the Salmon Commission, there is one public member, the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife, who also is the permanent Chairman of the Commission. Last year, the Marine Resources Committee revised our laws and we took out all conflicting laws with the Salmon Commission. I hope today we will accept the amendment.

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

Mr. PAUL: Mr. Speaker and Members of the House: The good gentleman from Rockland Mr. Fowlie, presents an amendment to our Fish and Game Revision Bill which, if you are not familiar with it, is a 130 page document that we have been working on since January. I am a member of the Subcommittee, there are four of us on that committee who dealt with this bill and tried to straighten out the bill so it would do what the original intent was, and that was to make no substantive changes in existing law.

The policy of the commission was that we would not be receptive to any amendments, any proposals by anybody. The Sportsmen Alliance of Maine had a few areas they wanted to change in the law, the Guild's Association, they had some things that they would like to see changed and we told them that we were not receptive to any changes. We wanted any changes to be done by the proper procedure, by public hearing, and this is why I rise in opposition to this amendment.

I would just take a minute and address this issue about the Atlantic Salmon. I have talked to the Acting Chairman of the Atlantic Salmon Commission just this afternoon. He is not aware of this amendment. It has not been brought to his attention. The amendment would delete a position of the existing statute that prohibits the jigging of Atlantic Salmon.

If I can refresh your memory, those of you living in the areas, the Kenduskeag Stream in Bangor, Bond Brook out here, remember last year they had a big problem with people going down there and even some people I think were using clubs, you know this Atlantic Salmon is a magnificent fish. We thought that we ought to have a law on the books that would prohibit somebody from taking a hook and throwing it in the water and jerking and hooking the fish and bringing it aboard. These fish come up there, often times the water is very warm, and they are very immobile and they are stationary and they tend to group. It is very easy to catch one of these fish by jigging. I just think before we start monkeying around with the laws, we ought to go through the proper process and that is through the Atlantic Salmon Commission that have the authority to issue regulations, they have issued regulations closing some of these brooks because of that very problem.

I would hope that you would support the motion to indefinitely postpone.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain this a little more simply if I can. Mr. Paul got into it a little bit more.

What this amendment will do is remove any salmon in tidal waters, from the present biennial now.

Now, we have overlapping powers here between the Sea and Shore wardens and the Inland Fisheries and Game wardens. Now, the Atlantic Salmon is a very valuable resource, the State of Maine is probably going to be one other leaders on the East Coast, we are going to be the envy as far as salmon goes. My main object is to protect the salmon. Now, the Inland Fisheries and Game wardens have made three quarters of the arrests in the abuse of this jigging here. So, I think they should be able to keep the power and the Shore Fisheries wardens should have the power also. I don't think this is a conflict. I think it is just overlapping of powers. If you take it away from the Inland Fisheries wardens, you are going to take away three quarters of the enforcement.

So, I hope that you won't go along with this amendment, it is a bad amendment, with all due respect to Mr. Fowlie. I don't know what the reason is, but let's leave it just the way it is and protect the Atlantic Salmon.

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

Mr. BOWDEN: Mr. Speaker, Ladies and Gentlemen of the House: Contrary to what you have just heard, there is a problem of concurrent jurisdiction between the Department of Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission. There is a section of the law which exists now which specifies that the Atlantic Salmon Commission will have full jurisdiction over salmon in tidal waters. We are talking about tidal waters, we are not talking about inland waters.

Two years ago, as Mr. Fowlie said, the Marine Resources laws were all revised and references that continue this conflict of jurisdiction were all stricken from those sections of the law. It is my opinion, and I think the opinion of others, that the Atlantic Salmon Commission is supposed to have jurisdiction in these matters, they ought to be allowed to have jurisdiction and there is no reason to continue this overlapping situation.

I would urge you to support this amendment.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: Just one short sentence, L. D. 1637 is exactly the same now as the law now reads, it doesn't make any change and, for printing time only, please vote for indefinite postponement of this amendment.

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

Mr. FOWLIE: Mr. Speaker, Men and Women of the House: There is one point I would like to bring up. The Inland Fisheries and Game have already made some agreements and changes. Section 7152, Subsection 1, 7177, Subsection 1, and three other sections, they have changed. All these relate to the provisions in the draft that gave Inland Fisheries and Game the right to regulate certain activities in tidal waters. The committee agreed to change all of them. So, this isn't a substantial change, if it is, the other changes they made were substantial also.

So, I hope you would vote against the motion to indefinitely postpone.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up again. I must emphasize that we are not arguing that the Atlantic Salmon Commission has jurisdiction but you have to remember ju-

isdiction is fine, but are the three members of that commission going to go out and enforce this law? I doubt it very much, it falls on the wardens. Do you want to tie their hands or don't you? That is what it is. If you want to tie their hands, go for this amendment. If you want them to go out there and enforce the law, kill this amendment and let's go on with the bill the way it is.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question.

The Sea Run Salmon Commission can use either inland wardens or sea and shore wardens, I believe?

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

Mrs. POST: Mr. Speaker and Members of the House: It is my understanding that both the Inland Fisheries and Wildlife wardens and the Marine Resources wardens are able to enforce the regulations of the Atlantic Commission.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who may answer.

Does the revised document repeal any resolves that were passed in the past dealing with Atlantic Salmon?

The SPEAKER: The gentleman from Winslow, Mr. Carter, poses a question through the Chair to any member who may care to respond.

The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: In answer to the question, no it doesn't. We have an errors bill that is coming out and that does have some repeals in it, but this one does not have any repeals in it.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I move the indefinite postponement of this Amendment.

The SPEAKER: The pending question is the motion of the gentleman from Caribou, Mr. Peterson, that the House indefinitely postpone House Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Fowlie of Rockland requested a roll call vote.

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

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I guess that we could spend the morning on a disagreement of lines between towns, the only thing that is any more confusing to people is the fight between Inland Fisheries and Wildlife and Marine Resources area. Since my seatmate has told me that the issue still does not seem very clear, I would like to try again.

Atlantic Salmon are by in large regulated by the Atlantic Salmon Commission. On that Commission is the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources and a third individual. That is done because, just the same as we have bills sometimes, which might have shared jurisdictions between committees, the salmon goes across the jurisdictional areas that those two different commissioners regulate. So, to have a consistent method of managing that species

and protecting that species, the Atlantic Fisheries Commission does, in fact, promulgate regulations. They have the ability to promulgate regulations doing away with jigging. A problem has come up that from time to time, either the Marine Resources Committee or the Inland Fisheries and Wildlife Committee have enacted into their statutes of their respective departments, prohibitions of one kind or another dealing with Atlantic Salmon.

In this instance, what you have is, you have a section of the statute in the Inland Fisheries and Wildlife laws trying to tell what can take place in the Marine Resources jurisdiction. We also, on the Marine Resources Committee, did a complete revision last year. We were very careful to take out of our statutes all instances where we were trying to get into the business of Inland Fisheries and Wildlife.

What the amendment that Representative Fowlie is presenting today is really asking that Inland Fisheries and Wildlife do the same thing and that when you get into problems of cross management and very close jurisdiction, that you let the commission take care of those issues. It has absolutely nothing to do with who is going to enforce the laws, because both the wardens in the Marine Resources Department and the wardens in the Inland Fisheries and Wildlife are able to enforce the laws of the Salmon Commission. Essentially, what we are doing is, we are asking that Inland Fisheries and Wildlife laws not have references to things that either can or cannot take place in tidal waters because that really is not the area which they are supposed to be concerned.

As far as changes that were made, it is my understanding this type of instance came up in several other instances in the revision that has been presented and all of those other instances were accepted by the Inland Fisheries and Wildlife. For some reason, in this particular instance, they don't want to seem to give up their jurisdiction. It does make sense and I would simply ask you to vote against the motion to indefinitely postpone the amendment.

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

Mr. BOWDEN: Mr. Speaker, Ladies and Gentlemen of the House: I would just add that if it hasn't been pointed out already, I was informed this morning that in April of this year, the Salmon Commission passed a regulation which prohibits jigging for salmon in either tidal or fresh water. So, the regulation that is necessary to address this problem already exists.

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

Mr. DOW: Mr. Speaker, Men and Women of the House: I have nothing against the amendment, there is nothing wrong with it, the only thing that I am saying is that we have 130 pages to print. Now, is not the time to change that amendment. We can do it at any time.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone on the Committee through the Chair.

At the present time, no license is required for tidal waters. What will happen concerning the law on salmon in the tidal waters?

The SPEAKER: The gentleman from Wells, Mrs. Wentworth, poses a question through the Chair to any member who cares to respond.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: It would still be illegal to jig salmon if the commission has ruled against that, which they have. There is some conflict here as to where the tidal waters, where the jurisdiction would run, if you leave it with the Fish and Game and there were some other problems with this.

I would also point out here, that this amendment was on the floor Friday. The Committee has been aware of it. There has been talk of it through staff and all. So, it isn't a new idea that suddenly sprung on the horizon for us all.

I hope you will not vote to indefinitely postpone.

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

Mr. PAUL: Mr. Speaker and Members of the House: I would like to repeat myself again and overemphasize the fact that in principle, this amendment, although I have problems with the amendment and its merits or demerits is wrong because we are allowing amendments to a bill, when the committee itself agreed in committee that we would not accept any amendments whatsoever to the bill. We told the Sportsmen's Alliance of Maine, they had proposals far times more legitimate than what Mr. Fowlie has. We told them no, we said the practice of the committee would be that we would be accepting no amendments. The same thing for the guides and on and on. In principle, I believe that this is wrong.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I see nothing wrong with this amendment, but I do see something wrong with the Committee on Inland Fisheries and Wildlife telling this branch of the legislature or the other branch of the legislature that they can't amend something that the Committee on Inland Fisheries and Wildlife do. The process around here is for committees to recommend to the both branches and then for us to make the final decision. So, you can do what you want to with the Sportsmen's Alliance, but I would advise you to let this body do what they can do with the majority vote.

Now, the jurisdictional thing in this is explained very easily. They mentioned the Kenduskeag Stream. That was taken care of by the Inland Fisheries wardens because that comes under that jurisdiction. That is not in tidal water. Kenduskeag stream is not tidal water. The brook they mentioned is not tidal water. Tidal water is the area in the Penobscot River from the Dam down and it is under the jurisdiction of the Atlantic Sea Run Commission. So, this is plainly a jump in jurisdiction, I can see, between one department and another.

I would hope that you would not indefinitely postpone this amendment.

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

Mrs. KANY: Mr. Speaker and Members of the House: I have never gotten up on a bill that had anything to do with Fisheries and Wildlife and I hope never to again. I am sure you do too.

The only reason that I am up is that I can't resist asking, what kind of a precedent this would be? Does this mean if we can put an amendment on a bill like this, we could do this to the Appropriations Bill?

The SPEAKER: The Chair answers in the affirmative.

A roll call has been ordered. The pending question is on the motion of the gentleman from Caribou, Mr. Peterson, that the House indefinitely postpone House Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Barry, Beaulieu, Berry, Blodgett, Boudreau, Brodeur, Brown, D.; Brown, K. C.; Call, Carroll, Churchill, Cloutier, Conary, Cox, Cunningham, Curtis, Damren, Davies, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Elias, Fenslon, Gillis, Hall, Hobbins, Hughes, Jacques, P.; Kany, LaPlante, Leighton, Lewis, Lund, MacBride, MacEachern, Mahany, Masterman, Matthews, Maxwell, McHenry, McMahon, Michael, Mitchell, Nadeau, Nelson, A.; Paul, Pearson, Peterson, Reeves, J.; Reeves, P.; Roope, Simon, Smith, Theriault, Tierney,

Tozier, Tuttle, Twitchell, Violette, Vose, Wood, Wyman.

NAY — Aloupis, Bachrach, Baker, Benoit, Berube, Birt, Bordeaux, Bowden, Brannigan, Brennerman, Brown, A.; Brown, K. L.; Bunker, Carter, D.; Carter, F.; Chonko, Dellert, Dutremble, D.; Dutremble, L.; Fillmore, Fowle, Garsoe, Gavett, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Howe, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane, Kiesman, Lancaster, Lizotte, Locke, Lougee, Lowe, Marshall, Martin, A.; Masterton, McKean, McPherson, McSweeney, Morton, Nelson, M.; Norris, Paradis, Payne, Peltier, Post, Prescott, Rolde, Rollins, Sherburne, Silsby, Small, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Wentworth, Whittemore.

ABSENT — Carrier, Huber, Jacques, E.; Jalbert, Kelleher, Laffin, Leonard, Nelson, N.; Sewall, Strout, Vincent.

Yes, 68; No, 71; Absent, 11.

The SPEAKER: Sixty-eight having voted in the affirmative, seventy-one in the negative, with eleven being absent, the motion to indefinitely postpone does not prevail.

Thereupon, House Amendment "A" was adopted.

The Bill, was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence. By unanimous consent ordered sent forthwith to the Senate.

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

Bill, "An Act to Amend the Law Relating to the State Board of Social Worker Registration" (H. P. 1018) (L. D. 1251)

Pending—Passage to be Engrossed (Set aside by Mr. Brannigan of Portland.)

Mr. Brannigan of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-592) was read by the Clerk.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: The House Amendment is 592. This is the issue that we dealt with last week dealing with social work designees, social workers in nursing homes. The amendment that I am offering is a compromise amendment, which was originally drawn up some time ago by the Committee on Aging, the Bureau of Elderly, which is part of the Department of Human Services, and other members of the Department of Human Services. This was an amendment which was presented to our committee originally but was later withdrawn because it was felt there was not a lot of support for it in the committee. It is true, because it is a compromise.

Originally, members of the committee and others, those in the social work profession, felt that they wanted to hold out for the highest standard of professional licensing dealing with nursing homes. The vote last week let it be known that wasn't what was going to happen and that supervision of those designated in nursing homes by the highest licensed social workers would not take place.

What this amendment does, this amendment says that those designees, those people that are pointed out in nursing homes, will, by 1982, receive the lowest level of licensing as social workers. There are three levels, and it allows them to receive it if they have worked in a nursing home as a designee for four years. They also can receive it if they have had the other qualifications for an ordinary associate social worker, which are either two years' experience in social work and a bachelor's degree or just six years' experience in any social work-related field.

This amendment would say that by 1982, social service designees, those who are taking care of the feeling areas of people in nursing homes, those taking care of their activity

levels, those who are looking into whether they should stay or whether they can move back out into the community, those people will receive at least some experience, hopefully some training in the areas of social work.

This amendment will remove the objections that we had that it will cost the department money. The \$60,000 or so that was objectionable last week in the original bill will no longer be there.

This also will give the department the time to work on their plans in the next two years and, if this conflicts in some way, they can work on that in the next session.

There are many of you that after the last debate said I made you feel guilty. I am sorry for that if I made you feel guilty. I would like to make people feel guilty, I hope people can hear me, at least I don't intend to do that, I also don't intend to play upon people's emotions, but I do feel that the elderly deserve some training in the people who deal with their feelings, with their activity level and should not be left up to any particular designee with no training, or only health training, and so forth.

I would ask you to accept this compromise, which, as I say, was originally drawn up by the Committee on Aging, the Bureau of Elderly and the department which now has the support, in compromise, of the members of the committee who hold for professional licensing and the backing of social workers. It is a compromise and I hope you will vote for it.

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

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I ask for a division on this and hope that you will vote against acceptance of House Amendment "A".

The Department of Human Services has advised us that in the ensuing year, with a report to come out Labor Day of 1980, they will be studying the intermediate care facilities for adults, and in this, this question will be addressed.

This amendment implements this to 1982. I think it would be preferable for us to let them conduct their study, come back to us with a recommendation Labor Day of 1980, which would be within the year, addressing this situation.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that House Amendment "A" be adopted. 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 54 having voted in the negative, the motion did not prevail.

Mr. MacEachern of Lincoln requested a roll call vote on passage to be engrossed.

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 passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA — Aloupis, Austin, Barry, Benoit, Berube, Birt, Bowden, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Carroll, Churchill, Curtis, Davis, Dellert, Diamond, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Gavett, Gillis, Gould, Hall, Hickey,

Howe, Huber, Hunter, Immonen, Jackson, Jacques, P.; Kelleher, Kiesman, LaPlante, Leighton, Lewis, Locke, Lougee, Lowe, MacBride, MacEachern, Mahany, Masterton, Matthews, Maxwell, McHenry, McKean, Morton, Nadeau, Nelson, M.; Norris, Paul, Peltier, Peterson, Reeves, J.; Roope, Sherburne, Small, Smith, Soulas, Stover, Studley, Tarbell, Violette, Vose, Wentworth, Whittemore, Wood, Wyman.

NAY — Bachrach, Baker, Blodgett, Bordeaux, Boudreau, Brannigan, Brennerman, Brodeur, Brown, K. C.; Call, Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Cunningham, Damren, Davies, Dexter, Doukas, Drinkwater, Fowle, Garsoe, Gray, Hanson, Higgins, Hobbs, Hughes, Hutchings, Joyce, Kane, Lancaster, Lund, Marshall, Martin, A.; Martin, J.; Masterman, McSweeney, Michael, Mitchell, Paradis, Payne, Pearson, Post, Prescott, Reeves, P.; Rollins, Simon, Sprowl, Stetson, Theriault, Tierney, Torrey, Tuttle, Twitchell.

ABSENT — Beaulieu, Berry, Carrier, Carter, D.; Dudley, Gowen, Jacques, E.; Jalbert, Kany, Laffin, Leonard, McMahon, Nelson, A.; Nelson, N.; Rolde, Sewall, Silsby, Strout, Tozier, Vincent.

PAIRED — Gwadosky-Lizotte.

Yes, 72; No, 55; Absent, 21; Paired 2.

The SPEAKER: Seventy-two having voted in the affirmative and fifty-five in the negative, with 21 being absent and two paired, the motion does prevail.

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

Bill, "An Act Authorizing the Maine Bureau of Rehabilitation to Provide for Sheltered Workshop Employment for Severely Handicapped Residents of the State of Maine" (S. P. 361) (L. D. 1108) (C. "A" S-235)

Pending—Passage to be Engrossed (Set aside by Mr. Pearson of Old Town.)

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer. How much money does this cost and how many people would be affected?

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

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

Mrs. PRESCOTT: Mr. Speaker, I will answer the gentleman's question. As amended, the bill would pass \$218,000 for the biennium and it would affect and help 50 people in a workshop situation. The figure was arrived at by taking \$2,500 and multiplying it times the 50.

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

Mr. PEARSON: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

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

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

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 Old Town, Mr. Pearson, that this Bill be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Berry, Birt, Blodgett, Bordeaux, Boudreau, Brennerman, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Call,

Carter, F.; Conary, Cox, Cunningham, Damren, Davis, Dellert, Diamond, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Gwadosky, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Joyce, Kiesman, Lancaster, LaPlante, Leighton, Lougee, MacEachern, Martin, A.; Masterman, Masterton, Nadeau, Paul, Payne, Pearson, Peltier, Peterson, Prescott, Reeves J.; Rollins, Roope, Sherburne, Small, Smith, Stetson, Stover, Studley, Theriault, Tozier, Twitchell, Vose, Whittemore.

NAY — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Bowden, Brannigan, Brodeur, Bunker, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Curtis, Davies, Dexter, Doukas, Dow, Dutremble, D.; Elias, Fowlie, Hall, Hobbins, Howe, Hughes, Kane, Kelleher, Leonard, Lewis, Locke, Lowe, Lund, MacBride, Mahany, Marshall, Matthews, Maxwell, McHenry, McSweeney, Michael, Mitchell, Morton, Nelson, M.; Norris, Paradis, Post, Reeves, P.; Silsby, Simon, Soulas, Sprowl, Tarbell, Tierney, Tuttle, Violette, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Carrier, Dudley, Dutremble, L.; Gowen, Jacques, E.; Jalbert, Kany, Laffin, Lizotte, McKean, McMahon, McPherson, Nelson, A.; Nelson, N.; Rolde, Sewall, Strout, Torrey, Vincent.

Yes, 69; No, 63; Absent 19.

The SPEAKER: Sixty-nine having voted in the affirmative and sixty-three in the negative, with nineteen being absent, the motion does prevail.

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

Mr. BRENERMAN: Mr. Speaker, having voted in the prevailing side, I move that we reconsider our action and further move that this be tabled until later in today's session.

Whereupon, Mrs. Prescott of Hampden requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brenerman, that this matter be tabled pending his motion to reconsider and later today assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brenerman, that this matter be tabled until later in today's session pending his motion to reconsider. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Blodgett, Bordeaux, Brannigan, Brenerman, Carroll, Churchill, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fowlie, Hall, Hughes, Kane, Kany, Kelleher, LaPlante, Leonard, Lewis, Locke, MacBride, Mahany, Martin, A.; Matthews, McHenry, McSweeney, Michael, Mitchell, Morton, Nelson, M.; Norris, Paradis, Paul, Pearson, Peterson, Post, Reeves, P.; Silsby, Simon, Smith, Soulas, Violette, Wood, Wyman.

NAY — Aloupis, Austin, Berry, Berube, Birt, Boudreau, Bowden, Brodeur, Brown, A.; Brown, D., Brown, K. L.; Brown, K. C.; Bunker, Call, Carter, D.; Chonko, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore,

Garsoe, Gavett, Gillis, Gould, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Joyce, Kiesman, Lancaster, Leighton, Lougee, Lowe, Lund, MacEachern, Marshall, Masterman, Masterton, Maxwell, McKean, Nadeau, Payne, Peltier, Prescott, Reeves, J.; Rollins, Roope, Sherburne, Small, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vose, Wentworth, Whittemore.

ABSENT — Carrier, Carter, F.; Dudley, Gowen, Jacques, E.; Jalbert, Laffin, Lizotte, McMahon, McPherson, Nelson, A.; Nelson, N.; Rolde, Sewall, Strout, Torrey, Vincent.

Yes, 59; No, 74; Absent, 17.

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

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

Mr. BRENERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Considering this bill didn't get too much debate and maybe the members don't understand exactly what this money would do, I thought I would explain why we should reconsider this vote.

The \$125,000 would be used to subsidize jobs for severely disabled people who have multiple handicaps yet are capable of working in sheltered workshops which provide rehabilitative jobs to handicapped people. These jobs will be provided at private non-profit sheltered workshops where otherwise unemployable disabled people would have an opportunity to work.

The reason that these people would be helped by this would be that the jobs would build self-esteem in these particular. They would help the people function adequately in the community. The jobs would have a therapeutic affect upon the people that would get jobs and the people would learn how to live on a day-to-day basis in the community.

I think over the long run, by spending this money now, it is possible to save money in the future, because these people would be working and paying taxes as opposed to having to live at Pineland, which costs \$17,000 a year per person, or living in a subsidized boarding home where the state would have to provide the subsidy.

I think that the expenditure of the money would be helpful. It is unfortunate that the Chairman of the Appropriations Committee has decided that this bill is not important enough to be placed on the Appropriations Table and fight with all the other bills that are there, but I think it is an important bill for the handicapped people of the State of Maine and I wish that the House would reconsider its vote.

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: This is a very compassionate bill, but I voted against it in committee for just the reasons that Mr. Brenerman spoke of. I think that a bill that involves this much money for that few people has no chance on the Appropriations Table this year, and to give those people, in the meantime, the hope of such a thing is not compassionate, it is cruel.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to see us give it a chance on the Appropriations Table, because I feel this is an awfully important bill. I have seen some of the work that can be done with severely handicapped people, and I know that with the proper guidance, they can perform jobs that nobody would dream that they would be able to do.

I hope that we will reconsider this bill today.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I first originally moved to indefinitely postpone this bill be-

cause, as Mrs. Payne said, I think that we can do better with the amount of money we are spending, \$200,000 in the biennium for 50 people. I don't think that is very cost-effective.

I am sort of running this by you because I want to see exactly how you react to this sort of a situation. You have got to make some hard decisions at one time or another. It is not easy to make that kind of a motion on this kind of a bill, but if you want to set up another demonstration project, another pilot project, if you want to fund it at \$200,000 to benefit 50 people, then you have to make that as a conscious decision.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very brief, and I appreciate the quandry that the good chairman of the Appropriations Committee is in and the members of this committee. I would hope, though, that these bills that have come out of Health and Institutions, that is the reason, of course, that we don't send every single money bill to the Appropriations Committee, we hope that the priority of needs can be addressed and then that they all go to the table and then those people who have the final say will determine what lives and what dies.

We did, of course, have a roomful of people, as you do down in Appropriations sometimes, folks in wheelchairs and on respirators and so forth and so on who would like to have a chance to relate to the real world, this is what we are talking about, and because of the federal restrictions in SSI and Medicare, a lot of these people can't do it because if they do they lose all of their support. So this money would make up the difference for these few.

Now, if you happened to watch 60 Minutes a week ago Sunday night, there is a definite push, a hard push at the federal level and I, as you know, was gone a couple of days last week and we were talking about SSI payments and Medicare, Medicaid, hospital care containment and the rate that everything is escalating, but there are a group of these people that can, given the opportunity, relate to the real world and can function in the real world and can hold jobs down if we will give them a chance to do it.

I would plead with you today to put this bill on the table with the rest of the bills, realizing that the chances are slim, that money is tight, but it is awfully hard to tell these people who have worked themselves from complete immobility, with no hope, no chance for the future at all, other than to stay on the taxpayers' rolls the rest of their lives, given the right opportunity, a great percentage of them could get off.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mr. Brenerman, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brenerman, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Bordeaux, Brannigan, Brenerman, Brodeur, Brown, A.;

Bunker, Carroll, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Dexter, Doukas, Dutremble, D.; Dutremble L.; Elias, Gavett, Gowen, Gwadnosky, Hobbins, Howe, Hughes, Kane, Leonard, Lewis, Locke, Lougee, Lund, MacBride, Mahany, Martin, A.; Matthews, Maxwell, McHenry, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Norris, Paradis, Peterson, Post, Reeves, P.; Roope, Silsby, Simon, Soulas, Tarbell, Tuttle, Violette, Wood, Wyman.

NAY — Austin, Berry, Blodgett, Boudreau, Bowden, Brown, D.; Brown, K. L.; Brown, K. C.; Call, Carter, D.; Carter, F.; Chonko, Conary, Cunningham, Damren, Davis, Diamond, Drinkwater, Fenlason, Fillmore, Garsoe, Gillis, Gould, Gray, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Joyce, Kiesman, Lancaster, LaPlante, Leighton, Lowe, MacEachern, Marshall, Masterman, Masterton, McKean, McPherson, McSweeney, Paul, Payne, Pearson, Peltier, Prescott, Reeves, J.; Rollins, Sherburne, Small, Smith, Sprowl, Stetson, Stover, Studley, Theriault, Tierney, Torrey, Tozier, Twitchell, Vose, Wentworth, Whitemore.

ABSENT — Carrier, Churchill, Dow, Dudley, Fowlie, Hall, Jacques, E.; Jalbert, Kany, Kelleher, Laffin, Lizotte, McMahon, Nelson, A.; Nelson, N.; Rolde, Sewall, Strout, Vincent.

Yes, 63; No, 68; Absent 19.

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

Sent up for concurrence.

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

Bill, "An Act Regarding Laws Relating to Town Lines" (H. P. 1281) (L. D. 1534) (C. "A" H-507)

Pending—Passage to be Engrossed (Set aside by Mr. Gillis of Calais).

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: Just a few words before we vote on this. This is a bill relating to town lines, we heard quite a bit on town lines earlier today. I talked with the manager of one of our towns some two hours ago and he was concerned about the bill and he was concerned about it the other day, and I would just like to leave with you some of his concerns and some of mine when it passed before our committee.

One thing, on the face page of your L. D. 1534, it says, "Boundary lines between municipalities shall be perambulated once every five years to determine whether the boundary location is apparent within five meters." I was talking with a surveyor who was interested in this bill Friday, I believe it was, that we had a conference call on, three of us with him. I have talked with other people who are involved and I have asked the question—to perambulate something, you are walking over it, and it says on Page 2 of the bill, and I think Item 6 would probably cover it the quickest, under "Deficiencies". If the boundary location is in doubt because of obstructions to visibility between monuments occurring since the last perambulation. The manager of one of my towns said to me today, and other people have said the same thing, there would be some question if there were any town lines in the State of Maine, some that have been done recently, that could be perambulated without a survey, number one, it probably would be very difficult to find the monuments or the markers and, number two, you probably couldn't see down the line anyway and as for what this provides for here in Item 6 on Page 2, Sub-item 6, you would have to get this. It would seem in most cases anyway, they would have to do this.

I know we had quite a time on a situation that we had to get it resolved and I believe it is

going to be resolved now to settle this type of thing. One of my managers did say today that he felt this might very well, at this place in time, start up some anomosity, possibly, in more of these boundary suits like we have had this year and undoubtedly in other years and he felt that this was unnecessary because we have a law already that allows them to do this, except they haven't done it, I will freely admit to that.

It would seem that if we could possibly do it under the old law, it probably would be the thing to do, because we wouldn't start any problems between towns. Another thing that he did mention is that you do have property owners and a lot of the property owners their land is designated to go to the town line and he was wondering if maybe we might not get ourselves or get the towns into litigation.

I believe there was another item that has been straightened out with an amendment to it, and that would be Item 8 and I believe the amendment takes care of that. The expense of erecting monuments shall be borne equally by each municipality once you have been able to accomplish that.

I was going to make a motion for indefinite postponement, but I decided against it and I promised the sponsor of the bill that I wouldn't, but I did want to make sure I got my points out, especially the ones that my manager felt rather strongly about.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this bill, Mr. Speaker. I had a problem with the bill in reference to Section 8 on Page 2, which gave the board of registration the authority, if a dispute arose between a surveyor and a town or city, that section has been removed from the bill and other than that, my city and town managers and selectmen find nothing wrong with this. They believe they can live with the bill.

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

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

Bill, "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H. P. 982) (L. D. 1162) — In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-466) on May 23, 1979. — In Senate, Bill and Accompanying Papers Indefinitely Postponed.

Tabled—May 30, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mr. Kane of South Portland, the House voted to insist.

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

An Act to Regulate Commercial Whitewater Outfitters (Emergency) (S. P. 34) (L. D. 1094) (S. "A" S-227 and S. "B" S-229 to C. "A" S-215)

Tabled—May 31, 1979 by Mr. MacEachern of Lincoln.

Pending—Motion of Mr. Paul of Sanford to Reconsider Failing of Passage to be Enacted (Roll Call ordered).

Mr. Paul of Sanford, was granted permission to withdraw his motion to reconsider whereby the Bill failed passage to be enacted. Sent to the Senate.

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

Bill, "An Act Requiring Certain Consumer Agreements to be Written so that they are Readable and Understandable" (H. P. 1427) (L. D. 1634)

Tabled—May 31, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

Mr. Howe of South Portland offered House

Amendment "A" and moved its adoption.

House Amendment "A" (H-612) was read by the Clerk.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: This bill requires that certain types of contracts between financial institutions and other lenders and their customers be written in plain English.

It has unanimous support out of the committee, but what the amendment does is change the enforcement of this act from the Bureau of Banking to the Bureau of Consumer Protection at the request of the department. It has the support of the financial institutions who would be affected by it.

The other thing it does is to provide for a modest fee for the forms so the bill would not need a fiscal note.

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

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

Bill, "An Act Relating to Membership of Treasurer of State on Boards" (H. P. 1449) (L. D. 1647)

Tabled—May 31, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

Mrs. Kany offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-601) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Could we have an explanation of House Amendment "B," please?

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

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "B" actually corrects some typing errors which came out of Legislative Research and onto the original bill. Normally, as you know, if the printing errors are just in the printed L. D., we do not have to have an amendment to make the correction, but since they were actual typing errors in the original, that is why it is necessary to present this amendment.

Thereupon, House Amendment "B" was adopted.

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

Mr. TARBELL: Mr. Speaker and Members of the House: Thank you, Mrs. Kany, for the explanation of that housekeeping measure.

It is my understanding that when this bill first came into the House, there were two different reports and the report that we have adopted does or does not give the state treasurer voting rights or voting powers—what is the difference between those, what do we have and why?

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

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: Unfortunately, both L. D. 1646 and L. D. 1647, which we adopted, do have the same type of typing errors within them and, in fact, if you look at the statements of fact, they would be misleading. Unfortunately, this has never happened before in our experience with Legislative Research. The statements of facts are almost identical in that they state that the treasurer would be made a voting member of a number of boards on which he is not now a member, but the truth of the matter is it would

not be necessary to call attention to that, because the body of the change in the statute would make it clear that in one bill, L. D. 1647, which we adopted, the treasurer would be a non-voting member of all of the boards other than the municipal bond banks. In L. D. 1646, the treasurer would have been a voting member.

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

Mr. TARBELL: Mr. Speaker, I would like to pose another question through the Chair.

Why is it we have adopted the position that there should be a non-voting member of treasury and ex officio member of these boards? Wouldn't it be wiser for the treasurer to be a voting member in establishing and carry out state policies?

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed another question through the Chair to anyone who may care to respond.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up so often, but I think there is a very valid reason why the House made the excellent choice that it did make, to choose to have the treasurer be a non-voting member of boards which deal with fiscal matters. The reason is that the treasurer, in the actual definition of a treasurer, has a trust function in which it should represent the entire state on fiscal matters. I do think that there might even be an incompatibility of officers if we decided to have our state treasurer be a voting member of such boards of the Maine State Housing Authority, among many others, in which the board is called upon to have other trustee type functions which might be slightly incompatible with representing the best interests of the state fiscally.

For instance, in the Maine State Housing Authority, the commissioners are suppose to develop, to a degree, some housing policies. There might be a slight bit of incompatibility with what would be best for the state fiscally with developing housing authority and policy for the state. That is one example.

Another example would be with the Veterans Small Business Loan Authority. One of the functions of that particular authority is to develop economically some of the small businesses of the state and to help the veterans. I think it might be a slight incompatibility of officers to have that state treasurer of ours, who must oversee our fiscal matters, have to vote on some things in which the charge might be a little bit different, and it is for that reason, Representative Tarbell, that I think the House chose very wisely when it made the decision to make the treasurer a non-voting member.

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

Mrs. DAMREN: Mr. Speaker, could we have the committee reports on L. D. 1646 and 1647 read—I think the one accepted was a Minority Report?

Thereupon, the Committee Reports were read by the Clerk.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be engrossed as amended by House Amendment "B". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 40 in the negative, the Bill was passed to be engrossed as amended by House Amendment "B" and sent up for concurrence.

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

Bill, "An Act to Increase the Good Time Deduction" (H. P. 1058) (L. D. 1308) — In House, House Insisted on Acceptance of Report "B" "Ought to Pass" as amended by Committee Amendment "B" (H-437) and Bill passed to be

engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" (H-486) thereto and asked for a Committee of Conference on May 30. — In Senate, Senate Adhered to Acceptance of Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-436) and Bill passed to be engrossed as amended by Committee Amendment "A".

Tabled—May 31, 1979 by Mr. Fowlie of Rockland.

Pending—Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and tomorrow assigned.

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

Bill, "An Act Relating to the Acquisition and Ownership of Real Property by Aliens and Businesses of Foreign Countries" (H. P. 976) (L. D. 1261) — In House, Majority "Ought to Pass" as amended by Committee Amendment "A" (H-548) Report accepted and Bill passed to be engrossed as amended by Committee Amendment "A" on May 30. — In Senate, Minority "Ought Not to Pass" Report accepted. Tabled—May 31, 1979 by Mr. Hall of Sangerville.

Pending—Further Consideration.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to insist on our former action and ask for a Committee of Conference.

Perhaps not too many of you people are familiar with the bill in regard to acquisition and ownership of real property by aliens and businesses of foreign countries. The title is a lot different from what I really want to speak to in regard to philosophies. Sometimes titles often fool you.

As I go through the greatest part of my district, the greatest part of my seatmates' districts, Mr. Masterman, Mrs. Locke, and many people through this central part of Maine, even in Skowhegan and Unity, I am reminded as I go over that land, how many years people have owned that land and how hard they have had to work to keep it in their own name. For instance, my own land, I have had a list of mortgages against it about that long over the seven years that it has been owned by my family. First it would be mine, then my father's, my grandfather's, then the Federal Landbank, then it would be mine and the town's, or my father's and the town's, so you acquire tremendous love for that land. You walk over it, as I have, for many, many days and many many years and each time you step on that ground, echoes come back to you from the years past, from what has been before us.

I see another change that makes me fear the future. Here we are a great nation and many of our dollars are going out of the country and into foreign hands and those same dollars have a tendency to come back and haunt us and they haunt us in many different ways. One of the ways that I am concerned about is my land that I love so much, that which is left which can be purchased, is being bought up, put in parcels and bought up foreign aliens, by Arabians, Italians, and there are instances already taking place in the State of Maine. I could recite you two cases.

There is a town in Surry, Maine, where 6500 acres of land has been accrued and bought by a foreigner, an Italian. There was a bill put in here a little while ago to bypass the local authority to cut the size of that land from 40 acres of development down to 20. There is a reason for that.

I will give you another instance on the coast of our beautiful state. There is a motel which was started by a schoolteacher quite a few years ago, and he worked very hard for it. As it progressed, he thought he would have some-

thing pretty good for his children and the banker brought out a representative one day, it was an interpreter for a foreign concern. He said this gentleman here would be interested in buying our motel. Well, they transferred back and forth, the former schoolteacher had about \$500,000 in it and he wasn't prepared to sell too quick because he wanted to hand it down to his children, so he said \$10 million dollars. The banker quoted to the foreigner and he said, "Tell him I will buy it."

In that instance itself, it was his prerogative, but my concern is, in my district or in farming area, what will happen for the children of my grandchildren in years to come? We must remember the constant number of dollars going out there is no place that they can invest so strongly as they can back here in competition with the people who came in from out-of-state to buy our land.

So, it was through my work with the co-op back home in the farmland that people began to fear this because they have heard of this in other states. True, at present, foreigners have only bought up less than 3 percent of our land, farmland, but that, my dear folks, represents over 800,000 acres in Missouri, Louisiana, Arkansas, Oregon. There was another instance in Maine that was put together for nearly \$40 million but because a certain bill didn't go through the legislature here three years ago, it went by the wayside, so because of that and because of what I fear might happen in the future, that is how this bill happened to come before us.

The philosophy that I want to impress upon you people here, little did I realize the complications that this bill would run into, but I think we have overcome the majority of those complications, so now I hope we could insist on our former action and sent it on its way back to the other body.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would agree with Mr. Hall a hundred percent. I have watched this all over the country and I have watched these Arabs come here and buy the stuff with the money that we pay them for the darn oil they sell us.

Thereupon, the House voted to insist and ask for a Committee of Conference.

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

Bill, "An Act to Authorize the Administration of Medications by State Corrections Officials in Certain Cases" (H. P. 1025) (L. D. 1270) — In House, Minority "Ought to Pass" as amended by Committee Amendment "A" (H-493) Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" on May 30. — In Senate, Majority "Ought to Pass" Report accepted and the Bill passed to be engrossed.

Tabled—May 31, 1979 by Mr. Brenerman of Portland.

Pending—Motion of the same gentleman to Adhere.

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

Mr. BRODEUR: Mr. Speaker, Members of the House: I move that the House recede and concur.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you won't recede and concur so we can adhere on this bill. I think if we pass this bill without the amendment, and that is what we would be doing if we receded and concurred, then we would be further eroding our medical care in our state institutions at the Maine State Prison.

I think we are having problems enough now with the staffing, the turnover is so great with the guards at the State Prison, I recall Representative Fowlie, last week, mentioning that

there was a 100 percent turnover with guards. Now, if you are going to allow the correction officials to administer medications, with such a turnover, I think we would be setting a dangerous precedent and I hope that you don't do it.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: This is a bill put in by the department in order to try to save some money. What would happen under the administration of medication is, the prescription medication would be prescribed by a doctor, the nurse would package this. Presently, nurses work at three correctional institutions from 6:00 p.m. to 6:00 a.m. and the nurses, for those medications which have to be administered that night, would package this in a sealed package with the inmate's name on it and when the inmate is to take the medication. The correctional official would see that the inmate took the medication at the time it was to be administered and if he refused the medicine, then the guard would notify the nurse the next morning or if it was noted that he would have to take the medication, the guard would notify the nurse at that time.

The other alternative would be to provide six nurses to work night shifts at the three institutions and that would cost \$75,000.

Another alternative, if this one would not be followed, is that all the correctional officials would have to be trained, that would be about 360 officials, meaning about 20 to 35 hours of training each.

If a selected group of officials would be trained, then they would be locked in to the night shift and I think that would cause more problems than it would solve.

These people who are sentenced to these institutions are sentenced there because they are healthy minded people in the sense that they are not sentenced to a mental health institution.

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

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: If you do not vote to recede and concur, if you vote to adhere, you might just as well throw the whole bill out, because if you adhere, you simply have a bill to have a nurse handing out the correctional officials handing out what the inmates can buy at the commissary anyway.

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

A vote of the House was taken.

Mrs. Prescott of Hampden requested a roll call.

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

A vote of the House was taken, and more than one-fifth of the members present having expressed 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 Auburn, Mr. Brodeur, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Barry, Beaulieu, Berry, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Call, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Cox, Cunningham, Damren, Davies, Davis, Dellert, Diamond, Doukas, Dow, Drinkwater, Dutremble, L.;

Elias, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Hughes, Hunter, Jackson, Jalbert, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Locke, Lougee, Lund, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McKean, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Norris, Paul, Payne, Pearson, Peterson, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Silsby, Simon, Small, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Twichell, Violette, Vose, Wentworth, Whitemore, Wyman.

NAY — Austin, Baker, Benoit, Boudreau, Brenerman, Connolly, Curtis, Fowlie, Howe, Lowe, MacBride, MacEachern, McHenry, Paradis, Post, Sherburne, Tuttle, Wood.

ABSENT — Bunker, Carrier, Conary, Dexter, Dudley, Dutremble, D.; Huber, Hutchings, Immonen, Jacques, E.; Jacques, P.; Joyce, Laffin, Leonard, Lizotte, McPherson, Nelson, N.; Peltier, Sewall, Smith, Strout, Vincent.

Yes, 110; No, 18; Absent, 22.

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

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

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

The House had taken a complete turn on the way we voted on this bill last week and I think perhaps it is because it is not clear how you have voted.

What has happened is, you moved and voted to recede and concur to agree with the other body and by doing that, you have taken the amendment off the bill and now you will be allowing the correction's officials in the institutions to be administering prescriptive medications, which is what the amendment would not do. So, we do not want to recede and concur and I hope you will change your vote.

It has been mentioned by the Representative from Auburn, Mr. Brodeur, that the nurse would be packaging the medication and would be giving it to the correction's officials and therefore we wouldn't have to worry about the distribution. But it does not state that in the bill and that is my concern.

He also raised the issue that we would need six additional nurses and that would cost us \$75,000. Well, the department has been doing this all along and they haven't come in to ask for any additional appropriations, and I do not believe that the \$75,000 is necessary.

I think all of you in this House know that whenever the department does not approve of a bill, then they submit an appropriation in order to try to kill it. I think that is precisely what has happened at this point. Without the amendment, we are not going to be addressing the total health problem with our institutions, and back in 1976, this legislature appointed a committee of legislators, as well as those people from the medical profession. They asked this committee to look into this exact question that we are addressing here today. The committee looked at the question and decided that we did, indeed, have a problem and that we were not addressing the total health of the inmates in our institutions. Those recommendations were to provide total health services for our inmates. We are not providing that. For those people in our institutions, we need to provide health services, and if we are going to allow correction officials to administer prescriptive medication, I think we should be very careful. As I stated last week, we allowed this two years ago for our county jails and that has presented numerous problems.

I would hope that with the overcrowding situation we have in the state prison, correctional center, that we do not allow ourselves to get into this situation, so I hope that you will reconsider your vote and vote to adhere on the motion.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I do think it is important that we reconsider our action. The prisoners at the state prison are still the responsibility of the state. I do not think we can afford to have lawsuits, I don't feel that we can afford to have any more problems than we have there. I think it is important that we have a nurse who would be administering prescription drugs so that we don't have mistakes that we can't afford.

I do hope that you will vote to reconsider.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Hampden, Mrs. Prescott, that the House reconsider its action whereby it voted to recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 74 in the negative, the motion did prevail.

Sent up for concurrence.

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

SENATE DIVIDED REPORT — Majority (7) "Ought to Pass" — Minority (5) "Ought Not to Pass" — Committee on Legal Affairs on Bill, "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime" (S. P. 2) (L. D. 2) — In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-257)

Tabled—June 1 (Till Later Today) by Mr. Call of Lewiston.

Pending—Acceptance of Either Report.

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

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

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

Miss BROWN: Mr. Speaker, I can't seem to locate the amendment on this bill. Could someone please explain what it does?

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: All the amendment does is make it an emergency, puts an emergency clause on the bill. That is all the Senate Amendment does.

Thereupon, the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

Reference was made to (H. P. 748) (L. D. 957) Bill "An Act to Protect Management Personnel Where Unjustly Discharged or Involuntarily Retired"

In reference to the action of the House on Wednesday, May 23, 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. THERIAULT of Rumford
BAKER of Portland
GRAY of Rockland

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

Consent Calendar First Day

(H. P. 530) (L. D. 651) Bill "An Act Concerning the Rate of Return on the Investment Factor under the Railroad Excise Tax" Committee on Taxation reporting "Ought to Pass" as Amended by Committee Amendment "A"

(H-622)

No objection having been noted, under suspension of the rules, the above item was assigned to Consent Calendar, Second Day.

No objections having been noted to the Consent Calendar Second Day, under suspension of the rules, the House Paper was passed to be engrossed and sent up for concurrence.

Later Today Assigned

(H. P. 849) (L. D. 1049) Bill "An Act to Allow Municipalities to Levy a User Charge in Place of Taxes for Service Provided State and County Owned Property" Committee on Taxation reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-621)

On the objection of Mrs. Post of Owl's Head, was removed from the Consent Calendar.

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

Committee Amendment "A" (H-621) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: We have an amendment that is being prepared for this and it needs to go on to the Committee Amendment, so I would ask that this be tabled until later in today's session pending adoption.

On motion of Mr. Tierney of Lisbon Falls, tabled pending adoption of Committee Amendment "A" and later today assigned.

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

Bill, "An Act to Allow Direct Purchase by Citizens of Certain Bonds" (S. P. 459) (L. D. 1373) (C. "A" S-194)

Tabled—May 31, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and tomorrow assigned.

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

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)

Tabled—June 1, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Enacted.

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

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

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

Tabled—June 1, 1979 by Mr. Roope of Presque Isle.

Pending—Passage to be Enacted.

On motion of Mr. Wyman of Pittsfield, under suspension of the rules, the House reconsidered its action where the Bill was passed to be engrossed.

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

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

House Amendment "A" (H-634) to Committee Amendment "A" (H-494) was read by the Clerk.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment will strike out Section 3 of the Committee Amendment, which is essentially L. D. 1520. This deals with agriculture employment of minors, and if you will notice, I would like to call your

attention to Committee Amendment "A" to L. D. 1520—what we have done in this bill is put in the exemption to agriculture, the exemption of planting, cultivating, harvesting of field crops or other agriculture employment not in direct contact with hazardous machinery or hazardous substances.

It was the feeling of the committee after testimony on this bill that we really ought to do something about young people who are employed around in hazardous occupations, but we want to make very sure that we were not, in the process, hurting the small farmer, especially the potato farmer in Aroostook County, who we all know during the potato season employs juveniles for the purpose of harvesting their crops. We believe the way the Committee Amendment is worded, it will accomplish that purpose, while, at the same time, making sure the young people who are working around the processing and the packaging machinery in some of these larger agriculture businesses in the state will not be permitted to do so.

There have been injuries that have been sustained by young people who have been under age, who have been working, not in harvesting the field crops but in factory-like conditions. This is something that I don't think any of us want to see and I think it is a loophole in the agriculture exemption that is being used by certain employers in our state to really exploit young people for low wages and have young people working around hazardous machinery and substances. So, the Committee Amendment deals with that particular issue and I think it addresses it in a fair, laudatory manner.

Section 3 of the Committee Amendment will be exempt under the House Amendment. If you will notice the House Amendment, Section 3, which deals with minors under the age of 18, that section is going to be taken out completely, so we are no longer talking about any state regulations which are going to be stricter than federal regulations. The federal government right now stipulates the age of 16 as being the age under which children may not be employed in hazardous occupations. So, we took out Section 3, because making it 18 years of age is inconsistent with the federal regulations.

I hope with the House Amendment you will be able to support this bill as amended by the Committee Amendment.

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

Mr. ROOPE: Mr. Speaker, Ladies and Gentlemen of the House: This L. D. 1520, in my mind, affects the small farmer more severely than it does any other aspect of the agricultural business in this state.

Under this bill, under the amendment, it brings agriculture under child labor provisions that has never been there before. Agriculture business has never been under there before and it is more stringent than the fair labor standards with the federal law now. Under the federal law, previous provisions to the State of Maine have been subject to the Federal Labor Standards Act from 1938 with respect to employment of minors, when only those farmers employing 500 days of farm labor per quarter have been covered. This, in effect, will take the law and put it on top of the small farmer and will affect the potato industry, in effect, that the field operations, the planting, cultivating and harvesting are exempted, but it does not exempt the potato storage, does not exempt the farm shop situation.

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

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

Mr. Roope of Presque Isle moved that this bill and all its accompanying papers be indefinitely postponed and requested a roll call.

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

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

tlemen of the House: I do believe that the House Amendment will remove the objection which the gentleman from Presque Isle, Mr. Roope, has to the bill, at least the objection he stated to me. I think the gentleman is misled when he presumes that the adoption of this Committee Amendment to this bill will prohibit the potato farmer in Aroostook County or the farmer anywhere else in this state, from employing young people in any other agricultural activity other than the planting, harvesting or the cultivating of field crops. That is not the case.

If you will notice very carefully the amendment, I hope the gentleman has the amendment before him, if you will notice it, it says, the planting, cultivating or harvesting of field crops or other agricultural employment, which is not in direct contact with hazardous machinery or hazardous substance—the Bureau of Labor is going to be determining what is direct contact with the hazardous machinery or hazardous substances. The reason that we put that in the bill and the reason we had the amendment worded as we did, is because we do not want to hamstring any farmer in this state, especially those who rely on the potato crop in the northern part of our state. That is not the interest of the committee and, by the way, the committee unanimously supported this amendment.

If the Bureau of Labor determines upon investigation, upon complaint, that young person from working in that particular job, in that particular position. It does not say that young people are not going to be able to work in potato houses or do a lot of other things.

Being relatively ignorant of the profession, I am not sure what else they do, but all of these activities if it is not hazardous, that is going to be determined by the bureau.

I think that there certainly is enough leeway and enough latitude in this particular bill, at is has been worded, to protect the farmer that Mr. Roope wants to protect and that I also have an interest in protecting. But we do not want to permit our young people to work in packaging houses and processing plants when they could not do so if it were not under the general agricultural exemption. Young people under age cannot work in factories, cannot work in plants, cannot work in mills, so why should they be permitted to work around hazardous machinery or hazardous chemicals when they can't in any other area except agriculture.

So, I think it is misleading to say it is going to put any sort of a straight jacket on the farmer because it is not intended to and the way it is worded, it will not.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that Mr. Wyman is asking us to buy a pig in a poke. He is asking us to accept an amendment that says that somebody else is going to determine whether your spray that you put on the potato fields in Aroostook County is hazardous. He is asking us to let somebody else decide whether or not when you go into a potato house and you get sprayed so that you won't spread any disease if that might be hazardous.

Mr. Wyman seems to be telling you that if you work on a harvester and you are near a harvester and you are a young person, somebody else is going to determine whether that is hazardous or not. I don't think that is right.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I think that the amendment that the good gentleman from Pittsfield has mentioned and would like to explain clarifies a lot of the problems that the gentleman from Presque Isle thought we would have. It is definitely sure that we have to have some regulations for minors that are working on hazardous machines. I think it is very well

taken care of with the amendment and I think that it doesn't overstep what the federal regulations are. I think we can get along very nicely with the amendment.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I agree wholeheartedly with the Chairman of the Agriculture Committee, Mr. Mahany. I think that if you follow him on this issue, you are not going to go too far wrong.

As far as my good friend from Old Town, Mr. Pearson, he knows full well that every single day we pass bills and legislation requiring our administration to define in general terms what we promulgate. Most of the time they do a pretty good job, sometimes they don't, and when they don't, we can go after them.

There is nothing wrong with this bill because, ladies and gentlemen, I can tell you from personal experience, I am not speaking as majority leader here, but when a young person comes walking into my office and his or her body has been mangled, as has happened in the last six months, because they were working in a factory, now, it may be under the general term of agriculture but, ladies and gentlemen, when a 15-year-old kid is working on a conveyor belt, that is a factory, that kid comes in with a mangled arm that is never going to be right again, I will tell you, ladies and gentlemen, you know you need bills like this, because there are people who are abusing the agricultural exemption in this state and every single person in this House knows it.

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

Mr. ROOPE: Mr. Speaker, Ladies and Gentlemen of the House: As I quoted in my talk earlier, these factories, so-called, under the agriculture exemption, are already under regulation run by the federal law. It says right here and I will quote again, "But only these farmers employing 500 days of farm labor per quarter are covered under the federal law." These people are already covered. We are working with perishable products in Aroostook County and the state as a whole. We are working with young men, young women, who make up a large portion of our work force, part-time for these farmers in Aroostook County on weekends, in their potato storages and these types of things and I agree with Representative Pearson, we are buying a pig in a poke because we do not know what they are going to call hazardous and what not.

Again, I urge you to support my motion to indefinitely postpone.

Mr. Roope of Presque Isle requested a roll call vote.

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

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would be very disappointed if I thought we voted on this out of the misunderstanding of what the bill and the committee amendment does. The gentleman from Old Town, Mr. Pearson, stated that we ought not to be regulating the field harvester or the spraying of crops and so forth. I agree with him totally and if you read the amendment, he will find all activity regardless of whether it is hazardous or not is concerned, the planting, the cultivating or the harvesting of field crops, and all field crops and anything to do with that is totally exempt from this bill, totally exempt. The only thing we are talking about is hazardous

machinery. We are not talking about anything that takes place out in the field.

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

Mr. TORREY: Mr. Speaker, Men and Women of the House: I beg to differ with the good gentleman from Pittsfield, Mr. Wyman. As I read the amendment it says hazardous machinery or hazardous substances. I think Representative Pearson from Old Town might have been referring to things such as that.

I support indefinite postponement of this bill. I think the federal regulations and the liability insurance coverage takes care of the present situation.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I serve on the Agriculture Committee and, as part of that service, I also served on the Food and Farmland Study Commission that discussed the problems that farmers are having through the state. Often times we have heard this complaint about the problem with labor laws and child labor laws and all this and the need to reduce those laws and to allow more labor by young people in the field and etc.

It is interesting to note that last week when we made our final recommendations, when we came right down to it and this commission is made up of a lot of people that are in the field of agriculture that are practitioners in that field, when we came right down to it, we came to the conclusion that yes, those laws should be, in some instances, relaxed a little, but when it came to working with hazardous materials or hazardous equipment that they should be strong. I think that is what this amendment is trying to do, it is trying to make those laws consistent with federal laws and take care of some problems that we have.

If you read the amendment, it says the planting, cultivating or harvesting of field crops or other agricultural employment, not in direct contact with hazardous machinery or hazardous substances is exempt. I think this is what we should be doing. I know that from my experience on the Food and Farmland Study Commission, this is what the farmers in the state have been talking about. They do not want to see our youth hurt, but they want to see them employed.

I would urge you not to kill this bill.

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

ROLL CALL

YEA — Aloupis, Austin, Barry, Birt, Borda, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Conary, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Garsoe, Gavett, Gillis, Gould, Hanson, Higgins, Huber, Hunter, Hutchings, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McKean, Morton, Nelson, A.; Payne, Pearson, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Tozier, Twitchell, Violette, Wentworth.

NAY — Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Cunningham, Davies, Doukas, Dow, Elias, Fillmore, Fowlie, Gowen, Gray, Gwadnosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Norris, Paradis, Paul, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Theri-

ault, Tierney, Tuttle, Vose, Wood, Wyman, The Speaker.

ABSENT — Carrier, Churchill, Diamond, Dudley, Dutremble, D.; Dutremble, L.; Immonen, Jacques, E.; Laffin, Lizotte, McPherson, Nelson, N.; Peltier, Sewall, Strout, Vincent, Whittemore.

Yes, 66; No, 68; Absent, 17.

The SPEAKER: Sixty-six having voted in the affirmative, sixty-eight in the negative with seventeen being absent, the motion does not prevail.

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

Bill Held

Bill, "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)

—In House, House Adhered to Indefinite Postponement on June 1, 1979.

HELD at the request of Mrs. Kany of Waterville.

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

Mrs. KANY: Mr. Speaker, I move we reconsider whereby we adhere to indefinite postponement.

Mrs. Berube requested a Division on the motion to reconsider.

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House reconsider its action whereby it voted to adhere. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Kany of Waterville requested a roll call vote.

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

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

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to reconsider the motion today because this brief little bill with the long little title does two things in two small sentences. One is, it states that we of the legislative branch, the policy makers, really would require a focus for manpower training and economic development policy. Secondly, it does one other thing, it requires the very autonomous Maine Development Foundation, which is financed half by public funds to keep the Governor and the State Development Office current on its activities. Presently, it only has to report at the end of the year, and if they are funded with public funds, I don't think it is too much to ask in one little sentence that they keep us apprised of what they are doing.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to vote not to reconsider. For the simple reason, ladies and gentlemen that this bill is a redraft of the original 887 and last week, by executive order, the very same thing was set up. I am afraid that were we to enact this bill today, it would be part of permanent government.

I would like to add also, that when the original bill was heard in committee, there was discussion because it set up the advisory arm of the Office of State CETA, I believe, it is called the State Employment and Training Council and it set them up as this advisory board. The redraft made no mention of this. However, in

reading the executive order, which was signed and passed last week, three of the paragraphs in the executive order are verbatim with the original L. D. I feel that we could do without it at this time.

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

Mrs. KANY: Mr. Speaker and Members of the House: The original bill, which four of us here in the House sponsored, would have made the State Employment and Training Council be an advisor to the Governor and be the coordinator, the official coordinator. At that time Representative Berube, with her grand experience as Chairperson of the Performance Audit Committee, requested of our committee that we not put that into statute. Consequently, our unanimous committee report is just, basically, a brief sentence requiring that the Governor, as he sees fit, have some sort of coordinator. It is so brief, just because we did listen to Representative Berube. I don't think it is too much to ask you to pass this little bill today.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mrs. Kany, that the House reconsider its action whereby it voted to adhere. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Blodgett, Boudreau, Brannigan, Brown, A.; Carroll, Cloutier, Conary, Cox, Davies, Dellert, Doukas, Dow, Elias, Fillmore, Fowlie, Gowen, Gwadosky, Hall, Howe, Hughes, Kane, Kany, Leighton, Lund, Maxwell, McHenry, Michael, Mitchell, Nadeau, Nelson, M.; Prescott, Reeves, P.; Rolde, Simon, Tierney, Tuttle, Violette, Vose, Wyman.

NAY — Aloupis, Austin, Berube, Birt, Bordeaux, Bowden, Brenerman, Brodeur, Brown, D.; Brown, K. C.; Bunker, Call, Carter, F.; Chonko, Cunningham, Curtis, Damren, Davis, Dexter, Drinkwater, Fenlason, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Hickey, Higgins, Hobbins, Huber, Hunter, Hutchings, Jackson, Jacques, P.; Jalbert, Joyce, Kiesman, Lancaster, LaPlante, Leonard, Lewis, Locke, Lougee, Lowe, MacBride, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, McKean, McMahon, McSweeney, Morton, Nelson, A.; Norris, Paradis, Paul, Payne, Pearson, Post, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Torrey, Tozier, Twitchell, Wentworth, Wood.

ABSENT — Carrier, Carter, D.; Churchill, Connolly, Diamond, Dudley, Dutremble, D.; Dutremble, L.; Immonen, Jacques, E.; Kelleher, Laffin, Lizotte, MacEachern, McPherson, Nelson, N.; Peltier, Peterson, Sewall, Strout, Vincent, Whittemore.

Yes, 45; No, 83; Absent, 2.

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

Sent up for concurrence.

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

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)

Tabled—June 1, 1979 by Mr. Tarbell of Bangor.

Pending—Passage to be Enacted.

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

The Chair laid before the House the following matter:

Bill "An Act to Exempt Certain Bulk Feed Bodies from Sales Tax" (H. P. 573) (L. D. 721) (C. "A" H-600) which was tabled earlier in the

day and later today assigned pending adoption of Committee Amendment "A".

On motion of Mr. Brenerman of Portland, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Allow Municipalities to Levy a User Charge In Place of Taxes for Service Provided State and County Owned Property" (H. P. 849) (L. D. 1049) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

Mrs. Post of Owl's Head offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-638) to Committee Amendment "A" was read by the Clerk.

Mrs. POST: Mr. Speaker, Members of the House: In figuring the value of tax exempt property in a particular community, we exempted state or state-aid highways and this simply adds another phrase which also exempts from that valuation such things as road weigh stations and right to weigh to go along those highways.

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

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

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act for Expression of Public Sentiment on the Dickey-Lincoln Hydroelectric Power Project by Referendum" (H. P. 798) (L. D. 992) (C. "A" H-586) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" to Committee Amendment "A".

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Actually, we have three amendments floating here before us, House Amendment "A" is the first one of three. House Amendment "A" is offered by Mr. McHenry. The other day we debated this at length. I moved the indefinite postponement of my own bill; that was not granted by the House.

If we are to have a bill that goes out of this House, I would think it would be wise for us to make an improvement in it. The amendment proposed, pending before us now by Mr. McHenry, simply changes the referendum date in the bill to make sure that both of the two paragraphs that refer to the date are the same, which would be 1980. One paragraph says 1979 and another says 1980, and this will make both of them 1980. After we adopt this, I would like to propose a further Amendment to the Committee Amendment, which elaborates further on Mr. Davies' report.

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

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 move the indefinite postponement of Committee Amendment "A" as amended by House Amendment "A" thereto.

If we can do this, I have another House Amendment "A" which I would like to present to this bill, which I think makes it a much better bill.

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

A vote of the House was taken.

Mr. Doukas of Portland 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 that one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: I think the bill, as originally written by Mr. Tarbell, was much better than the version that we currently have before us and I would like to return it to that version. It is pretty upsetting right now to the average voter who looks at it and it really won't tell us anything at all about Dickey-Lincoln. I think it was a mistake to put it out that way and a couple of the members of the committee felt that way with me when we had Report C put out last Friday.

I mentioned last Friday that I didn't want to speak about the different reports. I wanted first to figure out whether we wanted to have a referendum or not and apparently we did. So at this point, I think we have to differentiate between the two reports. I would like to see the question go on the ballot as a simple Dickey-Lincoln question and that is it.

Therefore, I hope you support me in this motion to indefinitely postpone the Committee Amendment.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I think this matter was pretty well debated the other day and I disagree with the good gentleman from Portland, Mr. Doukas, I think the issue is much better served if we deal with the real alternative sources of electricity for Maine's future rather than just for Dickey-Lincoln, but I hope you won't indefinitely postpone it.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Portland, Mr. Doukas, that Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Hanson.

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

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

ROLL CALL

YEA — Bachrach, Barry, Benoit, Birt, Blodgett, Brannigan, Dellert, Doukas, Garsoe, Gowen, Gwadosky, Huber, Hunter, Jacques, P.; Kane, Kany, Leonard, Marshall, Martin, A.; Masterton, Nadeau, Nelson, M.; Norris, Stetson, Tuttle.

NAY — Aloupis, Austin, Baker, Beaulieu, Berry, Berube, Bordeaux, Boudreau, Bowden, Brenerman, Brodeur, Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Dow, Drinkwater, Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gould, Gray, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Hutchings, Jackson, Jalbert, Joyce, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Morton, Nelson, A.; Paradis,

Paul, Payne, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitchell, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Brown, A.; Carrier, Churchill, Diamond, Dudley, Dutremble, D.; Dutremble, L.; Immonen, Jacques, E.; Laffin, McPherson, Nelson, N.; Peltier, Peterson, Sewall, Strout, Vincent, Whittemore.

PAIRED — Hanson-Lizotte.

Yes, 25; No, 106; Absent, 18; Paired, 2.

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

Mr. Tarbell of Bangor offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" (H-627) to Committee Amendment "A" was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I think you know from last week that I am really not in favor of my own bill in any arrangement. But if we are going to send it out of here in a referendum form and we are going to put it in the form of a multiple choice question and set forth the vast array of energy resource alternatives that the people of Maine might have to select, I think we could improve a little bit upon that which Mr. Davies offered us last week.

The Committee Amendment offered by Mr. Davies, which we accepted had three alternatives: Dickey-Lincoln Hydro, another nuclear plant, or a coal-fired steam generation system. This amendment that I am offering to the Committee Amendment would add an additional seven alternatives to it. It would add large scale tidal power projects; a system of small scale tidal power projects; development of lowhead hydro facilities; wood fire steam generating facilities; development of solar systems and finally, as the tenth, the development of wind systems.

Furthermore, the bill goes forth and says the voter could select up to four of these alternatives out of ten. So really what we are conducting here, if this measure passes in this form, and it seems to be the policy that the House wants to adopt, is a very sophisticated referendum gallop poll on energy resource alternatives throughout the State of Maine.

So, I do urge you, if we are going to put this thing out in some form, I urge us to at least put the vast array of resources before the electorate.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak very favorably on the Tarbell variant on the Davies' amendment. I have been considering this amendment since it came across my desk earlier today, and the more I look at it, the more I realize perhaps we have here the kernel of a good idea. I would like to see us unanimously support this idea and send it to the other body and see how they treat it.

Whereas a couple of the items on here, I think, are a little bit speculative right now, certainly we are not going to generate any large amount of electricity from wind and probably we would generate a lot more from the hot air that we produce in this body. I think it is fair to put these all on the ballot. I am sure the people in the state are going to welcome the education that the various groups and individuals that have a particular interest in any of these ten items will certainly give us an opportunity to be educated on whether or not they are going to work. My own personal opinion is that wind is not going to help us out too much. Solar is very good for heating houses and hot water, but it is not going to generate electricity in the very

near future.

The people are able to be educated, they are smart enough to make good decisions on this, so I urge you to support the amendment that Mr. Tarbell has offered.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think we have succeeded in playing games with this bill long enough. The House succeeded last week in embarrassing Mr. Tarbell, that he was voting against his own bill, and the press thought that was pretty funny and they wrote it up, so now Mr. Tarbell has come back with an amendment that has 10 alternatives of what we could do about energy and Mr. Davies, in his flamboyant style is going to support that and send it over to the other body. I suggest that we have better things to do.

Mr. SPEAKER: The motion is out of order.

The pending question is adoption of House Amendment "B" to Committee Amendment "A".

Mr. Violette of Van Buren requested a Division on adoption of House Amendment "B" to Committee Amendment "A".

Mr. Marshall of Bangor requested a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Austin, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Brown, K. C.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Connolly, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Fenlason, Fowle, Garsoe, Gillis, Gould, Gowen, Gray, Gwadosky, Hickey, Howe, Huber, Hughes, Hunter, Hutchings, Jacques, P.; Jalbert, Joyce, Kany, Kiesman, Lancaster, LaPlante, Leighton, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Masterman, Matthews, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Norris, Paradis, Paul, Payne, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sherburne, Small, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vose, Wentworth, Wood, Wyman.

NAY — Bachrach, Barry, Bordeaux, Boudreau, Brown, D.; Brown, K. L.; Chonko, Cloutier, Conary, Cox, Curtis, Fillmore, Gavett, Hanson, Hobbins, Jackson, Kane, Leonard, Lewis, Marshall, Martin, A.; Masterton, McMahon, Pearson, Silsby, Simon, Smith, Violette.

ABSENT — Brown, A.; Carrier, Churchill, Diamond, Dudley, Dutremble, D.; Dutremble, L.; Elias, Hall, Higgins, Immonen, Jacques, E.; Kelleher, Laffin, Lizotte, McPherson, Nelson, N.; Peltier, Peterson, Sewall, Strout, Vincent, Whittemore.

Yes, 99; No, 28, Absent, 23.

The SPEAKER: Ninety-nine having voted in the affirmative, twenty-eight in the negative with twenty-three being absent, House "B" to Committee "A" is adopted.

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

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I just voted against that ridiculous amendment we just passed because the bill, as it was reported out, was at least tolerable. Now, instead of three choices, we are going to have ten. Among those ten choices there are three things here which I would just like to point out and one of the reasons I am going to vote against this bill.

I voted for a referendum, an advisory referendum on the reduction of the House and here again, we see another example of an advisory referendum. There is one big difference here, ladies and gentlemen, and that is, once this referendum is held, what alternative is there for the House? We have absolutely no jurisdiction over the Dickey-Lincoln project, that is a project which was funded by the United States Congress. We have no jurisdiction authority, I am sure that I wouldn't vote to allocate \$1 billion of state funds for construction of such a project.

Number two, there is an alternative, nuclear generating facilities. Well, I don't believe we are authorized in building any generating facilities here in the state. I think if I am not mistaken that current law prohibits any further construction pending the waste disposal problem and solution.

Third, a coal fired steam generating facility. Now, if the people should vote now out of ten, if this should be the majority, what impact does that have on the legislature, absolutely none. This whole bill is a testing ground for political reasons, one way or another. I don't particularly enjoy being involved. This offers nothing, no solution whatsoever. This is a hodge-podge of confusion. I would strongly urge my fellow legislators to support a motion for indefinite postponement.

The coal fired steam generating facility is one of the third alternatives that is being considered, should be handled by a private investment and certainly not be a state run program, which is the only logical alternative that I could draw from an advisory referendum.

I urge you to indefinitely postpone.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I would like to give Mr. Marshall the one very good reason why we would have an advisory referendum and how it would have some bearing on the legislature in the State of Maine. Right now, we are faced with a very serious energy problem and none of us can really sit down and say honestly to anyone or the others of us, I know what my constituents want in the way of energy, in what direction this state should be pursuing. That is a real serious problem because we are policymakers. The Governor is a policymaker, the Public Utilities Committee makes policy on energy, the Board of Environmental Protection will be making some policies on energy, the Office of Energy Resources will be making some decisions on energy policy, as will private enterprises and citizens in the state.

All the advisory referendum will do is give us the information that all of us seem to be looking around for. What is it that our constituents want us to do? None of us feel very secure in our own sense of direction that we should be moving in.

This gives the people of our state, our constituents, an opportunity to voice their opinion in a set format so that the answers of one person can be compared to the answers of another person anywhere else in the state. We are asking the same questions of all the people in the state. It is not going to lock us into any pattern. It is obvious, as Mr. Marshall indicated, some of these developments are going to be done by private enterprise, as well they should be. But it does give the policymakers some

idea of the direction in which the people, who have to live with these projects, would like us to go and while it can't lock us into anything, it can give us the knowledge that we all seek so that when it comes time for us to render decisions, whether it is we in the legislature or the Public Utilities Commission or the Governor or anyone else who has responsibilities, some knowledge as to what the people in the State of Maine think on the various issues before us. I think the amendment that Mr. Tarbell has offered gives us all of the questions that might possibly ever want to know about energy and more. I think the people of the State of Maine are educable, they are capable of making good decisions if we give them the facts. We certainly have given them plenty of alternatives. I think we ought to pass it.

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

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: I strongly concur with the good gentleman from Waterville, Mr. Boudreau. I move this bill and all accompanying papers be indefinitely postponed.

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

Mrs. HUBER: Mr. Speaker, Men and Women of the House: A question through the Chair please and that is to Mr. Davies if he cares to answer.

I just wondered if he read the newspaper poll that was run in the Portland Press Herald or the Sunday Telegram, I can't remember which on what Maine people wanted to see for new sources of energy. Perhaps if he did, he would care to comment. It didn't cost us anything, as I recall.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would have to disagree with my friend, Mr. Marshall, for just one little bit and that is, he says this referendum would have no effect on the legislature. Well, I submit to you that it would have a very definite effect on the legislature. I did quite a bit of research on this in my district during the weekend and there is nobody in my district that knows what an advisory referendum is. They look upon a referendum as something that the legislature sends out to them and says, what do you want? You tell us what you want and that is what we are going to give you and that is what they expect from us, and I submit to you that if you send something like this out and you get back the answer you can't fulfill or something that is not in the best interest of the state, based on the current information and the information changes pretty rapidly in the energy field today, just witness Three Mile, as an example, and I submit that it would have a very definite effect on the legislature. I think it would be one of the most unwise thing we could do is to send out something like this that has no substance and no effect.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to the gentleman from Millinocket, Mr. Marshall, and the implication that he made that the original bill to have a referendum on the Dickey-Lincoln project was somehow frivolous. I am speaking as one of the co-sponsors of the House bill and I would also remind this body that there was another bill at the same time for an advisory referendum on Dickey-Lincoln, which was presented by a member of the other body, who was a staff member of Senate Cohen's office. So, I think the original intention was far from frivolous. I do feel there has been a change of attitude, which has made people want to draw back from this mainly, as I think it was stated very definitely the other day by the gentleman from Bangor, Mr. Tarbell, the fact that the environmental impact statement was not completed and that perhaps

the people of Maine should not be asked to give an opinion on this project until the environmental impact statement is completed, despite the fact that three of our four congressional members have already taken an opinion as opposed to that project.

I do feel, as I stated in the debate the other day, that there is a great deal of confusion, people say they are against this, they are against that. The comeback is, what do you want? That is what we are asking now in the bill. The gentleman from Bangor has broadened what we are asking, and I hope you will go along with the bill.

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

Mr. JACKSON: Mr. Speaker and Members of the House: I would recommend that the Energy Committee possibly direct a bill through leadership with a price tag on it to have the Secretary of State produce a booklet in one million copies, one for each citizen of the state, describing in less than 50 pages each of these sources of power and giving a thumbnail sketch and devoting the first chapter to describing what an advisory referendum is.

The SPEAKER: The pending question is on the motion of the gentleman from Fort Kent, Mr. Barry, 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 Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, just a point of information. I would like to pose a question to the gentleman in the far corner, Mr. Tarbell. Now that we have added his amendment to the bill, I am curious as to why he was voting against it on the last vote?

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

The Chair recognizes the gentleman from Kennebunkport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, I would like to pair my vote with the gentleman from Biddeford, Mr. Lizotte. If he were here, he would be voting nay and I would be voting yea.

ROLL CALL

YEA — Alopis, Austin, Bachrach, Barry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Cloutier, Conary, Cox, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Hall, Higgins, Howe, Huber, Hunter, Hutchings, Jackson, Jacques, P.; Kane, Kiesman, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Masterman, Masterton, Matthews, McMahon, Morton, Nelson, A.; Norris, Paul, Payne, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Tozier, Twitchell, Wentworth.

NAY — Baker, Beaulieu, Benoit, Berry, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Carter, D., Chonko, Connolly, Davies, Doukas, Dow, Elias, Gowen, Gray, Gwadosky, Hickey, Hobbins, Hughes, Joyce, Kany, Lancaster, LaPlante, Locke, MacEachern, Maxwell, McHenry, McKean, Mc-

Sweeney, Michael, Mitchell, Nadeau, Nelson, M.; Pearson, Post, Reeves, P.; Rolde, Theriault, Tierney, Tuttle, Violette, Vose, Wood, Wyman.

ABSENT — Carrier, Churchill, Diamond, Dudley, Dutremble, D.; Dutremble, L.; Fowlie, Immonen, Jacques, E.; Jalbert, Kelleher, Laffin, Martin, A.; McPherson, Nelson, N.; Paradis, Peltier, Peterson, Prescott, Sewall, Simon, Strout, Vincent, Whittemore.

PAIRED — Hanson-Lizotte.

Yes, 76; No, 48; Absent, 24; Paired, 2.

The SPEAKER: Seventy-six having voted in the affirmative and forty-eight in the negative, with twenty-four being absent and two paired, the motion does prevail.

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

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

The SPEAKER: The gentleman from Fort Kent, Mr. Barry, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill was indefinitely postponed. All those in favor will say yes; those opposed will say nay.

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

Sent up for concurrence.

The following paper was taken up out of order by unanimous consent:

An Act Extending the Time for Apportionment of County Taxes to June in the Year 1979 (H. P. 1473) (L. D. 1660)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-620) on Bill "An Act Amending the Law Relating to Elevators and Tramways" (H. P. 692) (L. D. 870)

Report was signed by the following members:

Messrs. AULT of Kennebec
CHAPMAN of Sagadahoc
— of the Senate.

Messrs. JACKSON of Yarmouth
BRANNIGAN of Portland
HOWE of South Portland
WHITTEMORE of Skowhegan
SPROWL of Hope
D. DUTREMBLE of Biddeford
Miss BROWN of Bethel

— of the House.

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

Report was signed by the following members:

Ms. CLARK of Cumberland
— of the Senate.
Messrs. GWADOSKY of Fairfield
LIZOTTE of Biddeford
Miss ALOUPIS of Bangor

— of the House.

Reports were read.

On motion of Mr. Howe of South Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-620) was read by the Clerk.

Miss Brown of Bethel offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-628) was read by the Clerk.

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

Mr. GWADOSKY: Mr. Speaker, I wonder if we could have an explanation of this. It is going by a little fast for me.

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

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: What my bill does is combine cross-country skiing, downhill skiing. The cross-country bill was Representative Mitchell's, and on the bottom of that, because of the liability, they included hand gliding, which was the bill heard in Judiciary and they sent to Business Legislation, combined all three bills in a committee report.

What my amendment does is amend it so that the hang gliding liability is not in a situation where the person is receiving compensation for the use of their property. It is just any property for the sport to be performed on.

On motion of Mr. Tierney of Lisbon Falls, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-618) on Bill "An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act" (H. P. 754) (L. D. 960)

Report was signed by the following members:

Mr. COTE of Androscoggin — of the Senate.

Messrs. McMAHON of Kennebunk
L. DUTREMBLE of Biddeford
BROWN of Livermore Falls
LaPLANTE of Sabattus
NELSON of Roque Bluffs
DRINKWATER of Belfast

Mrs. WENTWORTH of Wells — 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. EMERSON of Penobscot
REDMOND of Somerset — of the Senate.

Messrs. STOVER of West Bath
McHENRY of Madawaska
BORDEAUX of Mount Desert — of the House.

Reports were read.

On motion of Mr. LaPlante of Sabattus, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-618) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" on Bill "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1980, and June 30, 1981" (H. P. 1359) (L. D. 1595)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
USHER of Cumberland
REDMOND of Somerset — of the Senate.

Messrs. MASTERMAN of Milo
PETERSON of Caribou
DOW of West Gardiner
TOZIER of Unity
MacEACHERN of Lincoln
GILLIS of Calais

JACQUES of Waterville
VOSE of Eastport
CHURCHILL of Orland

— of the House.

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

Report was signed by the following member:
Mr. PAUL of Sanford — of the House.

Reports were read.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Creating a Division of Industrial Training" (Emergency) (H. P. 540) (L. D. 671)

Report was signed by the following members:

Mrs. GILL of Cumberland
Mr. MINKOWSKY of Androscoggin — of the Senate.

Mr. FENLASON of Danforth
Mrs. LEWIS of Auburn
Mr. CONNOLLY of Portland
Mrs. BEAULIEU of Portland
Mr. DAVIS of Monmouth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1478) (L. D. 1665) on same Bill.

Report was signed by the following members:

Mr. TROTZKY of Penobscot — of the Senate.

Messrs. BIRT of East Millinocket
ROLDE of York
LEIGHTON of Harrison
Mrs. GOWEN of Standish
Mrs. LOCKE of Sebec

— of the House.

Reports were read.

On motion of Mr. Connolly of Portland, tabled pending acceptance of either Report and tomorrow assigned.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Encourage Free and Open Competition in Insurance Funded Repairs" (H. P. 874) (L. D. 1064)

Report was signed by the following members:

Mr. CHAPMAN of Sagadahoc
Ms. CLARK of Cumberland — of the Senate.

Messrs. JACKSON of Yarmouth
BRANNIGAN of Portland
SPROWL of Hope
WHITTEMORE of Skowhegan
LIZOTTE of Biddeford
HOWE of South Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-626) on same Bill.

Report was signed by the following members:

Messrs. D. DUTREMBLE of Biddeford
GWADOSKY of Fairfield
Miss ALOUPIS of Bangor — of the House.

Reports were read.

Mr. Howe of South Portland moved that the Majority "Ought Not to Pass" Report be accepted.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-624) on Bill "An Act to Provide Funds for Side-by-side School as a Demonstration Project for Alternative Education Programs" (Emergency) (H. P. 1125) (L. D. 1397)

Report was signed by the following members:

Messrs. MINKOWSKY of Androscoggin
TROTZKY of Penobscot
Mrs. GILL of Cumberland — of the Senate.

Mr. CONNOLLY of Portland
Mrs. BEAULIEU of Portland
Messrs. BIRT of East Millinocket
FENLASON of Danforth
Mrs. LEWIS of Auburn
GOWEN of Standish
LOCKE of Sebec
Mr. ROLDE of York

— 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. LEIGHTON of Harrison
DAVIS of Monmouth — of the House.

Reports were read.

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

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

By unanimous consent, the following paper appearing on Supplement No. 4 was taken up out of order:

On motion of Mr. Pearson of Old Town, the following Joint Order: (H. P. 1485) (Cosponsor: Senator Huber of Cumberland)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill for funding of a training program for Pratt and Whitney employees.

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

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

Mr. BERRY: Mr. Speaker, having voted on the prevailing side on Senate Paper 2, L. D. 2, Bill "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime," I ask for reconsideration and ask that you all vote against me.

The SPEAKER: The gentleman from Buxton, Mr. Berry, having voted on the prevailing side, now moves that the House reconsider its action whereby this Bill was indefinitely postponed. 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.

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

Mr. MORTON: Mr. Speaker, having voted on the prevailing side on House Paper 406, L. D. 510, Bill "An Act to Restrict the Use of Dealer Plates, I move we reconsider and hope you all vote against me.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves that the House reconsider its action whereby this Bill was indefinitely postponed.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope at this time that you would reconsider this bill.

I see my friends outside in the lobby have been very busy on this particular matter. If I had a vested interest in the automobile business, I can tell you, I would be very interested

in it. However, since I don't have a vested interest in this business and since there are many of you here in this House that don't have a vested interest in this particular interest, I guess you would call us a lobbyist for the guy back home, the guy doesn't have a vested interest in that particular business.

I just can't understand how we can stand by and see a special class of citizens, I mean a special class of citizens by being those who are family members of an automobile dealer, be he new or be he a used dealer, who can have as many automobiles from that particular dealership in the dooryard as they want without having to pay excise tax and without having to pay state sales tax on that particular group of vehicles. Don't you wish that all of you had that same privilege and don't you wish that the people back home had this privilege?

Since we are the spokesmen for those particular people, we know that there is a fragrant loophole now in the law which exists, and that is a law that was written by a special interest group, which gave this special privilege to these people. And I think now the people back home would like us to plug that particular loophole. The question is, should a family of a dealer be able to have these three or four automobiles tax free within his particular yard for the personal use of his family, or should he have to go out like anybody else in business, purchase an automobile for family use, pay the excise tax and register that particular vehicle? If you own a grocery store, you do that; if you own any business, you do it. If you work in a factory you do it. Why this special privilege?

It was alluded to the fact, well, the wife may be on missions for the particular dealer, maybe it is a business mission. Fine, we agreed that this could happen, and within the bill there is a place set aside for that family who is in that particular predicament. Not only that, they can use that one plate on a vehicle, the kids can use it, the wife can use it, and so I have to ask, gee, what more do you want? I think what I have to ask is this, why is it necessary for there to be anymore than one plate for the personal use of the family? Why should there be? I can't understand it.

If you want a family car and you are a dealer, then fine, purchase one. You are going to get it at dealer's cost, which means you are paying the sales tax on a lesser cost than the average citizen is going to have to pay, so you are getting a break right there. Why should there be any use for anymore than one plate within that family?

I would hope that you would reconsider this bill. In fact, I hope so, so severely, I would like the yeas and nays on this, Mr. Speaker.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill was discussed in great length here this morning, and I do hope that you do not vote to reconsider. I have always held the highest regard for each and every individual member in this body, and because of the motion made by a member of this body who himself has been in the automobile business, I don't want it to be reflected on my vote or the vote of any of you here for any selfish motive on his part or, for that matter, for any one of us dealing with any one particular piece of legislation.

This bill was thoroughly discussed by members of the Transportation Committee and by a gentleman that I have the highest esteem for in this House who happens to be in this particular business. I would urge that we heed the gentleman's remarks here this late afternoon, as we did earlier this morning, and soundly defeat this bill.

I oppose the reconsideration motion and I hope the majority of you in this House do the same.

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

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

Whereupon, Mr. Morton of Farmington requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that this matter be tabled pending the motion of Mr. Morton of Farmington to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

(Off Record Remarks)

On motion of Mrs. Beaulieu of Portland, adjourned until eight thirty o'clock tomorrow morning.