

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

Tuesday, June 5, 1979

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

Prayer by the Reverend Ronald Beinema of the First Congregational Church of Falmouth.

Rev. BEINEMA: Gracious God and parent of us all, be present with all the members of this House of Representatives as they seek to enact laws that will promote order and establish justice for all the people of the State of Maine. Remind each one that they are representatives elected not to positions of privilege but to positions of responsibility and trust, empowered to act on behalf of the best interests of all, the poor and the wealthy, the strong and the weak, the learned and the undereducated, male and female, young and old. We do thank you, God, for a system of government built upon laws and not upon the dictates of a few powerful people. We thank you, God, for legislators who take pride in the quality of their work and the integrity of their labor, for those who show the courage of their convictions and also a compassionate heart.

God, be above us to uphold us, beneath us to uplift us, behind us to restrain us, ahead to encourage us and be within us to inspire us in whatever is true, whatever is honorable, whatever is just, whatever is pure, whatever is lovely, whatever is gracious. If there is any excellence, if there is anything worthy of praise, help us to think about these things and the God of Peace will be with you. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Resolution (S. P. 591)
JOINT RESOLUTION CONCERNING
PUBLIC CONFIDENCE
IN THE SAFETY OF NUCLEAR POWER
GENERATION IN MAINE

WHEREAS, the conflicting reports in the media regarding the events which took place at the Three Mile Island Nuclear Plant and the honest disagreement among experts as to the amount of radiation that may be harmful, have created concerns in the minds of a large segment of the public regarding the safety of nuclear generating facilities and the relative dangers of living in close proximity to them; and

WHEREAS, the technology involved in the production of nuclear power is making it difficult for citizens to make evaluations regarding their own safety and that of their children; and

WHEREAS, these factors have contributed to an erosion of public confidence in the safety of nuclear power generation as well as in State and Federal government programs to monitor and determine safe levels of radioactive emissions; and

WHEREAS, a high level of public confidence is essential to the efficient operation of both public utilities and various levels of government; now, therefore, be it

RESOLVED: That the Bureau of Health Engineering in cooperation with the Bureau of Civil Emergency Preparedness be urgently requested to prepare and disseminate a publication to be available on request, that explains in layman's language what are considered to be safe levels of radioactive emissions from the Maine Yankee Atomic Power Plant, what emissions have historically been, how the State and Federal Government monitor and regulate these emissions, and what the relative probabilities of risk of harm from this source are along with other significant and comparative data on natural and man-made radiation hazards; and be it further

RESOLVED: That in order for the State of Maine to be capable of monitoring radioactive emissions in whatever locations might be indicated by public concern and that these bureaus

are further requested to study the adoption of whatever procedures or purchases of equipment are necessary to maintain the highest degree of public safety in this regard and in so doing to call upon the resources and expertise of other governmental agencies; and be it further

RESOLVED: That suitable copies of this resolution be sent forthwith to the Bureau of Health Engineering and the Bureau of Civil Emergency Preparedness.

Came from the Senate read and adopted.

In the House, was read and adopted in concurrence.

Reports of Committees

Ought Not to Pass

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Relating to Games of Chance" (S. P. 142) (L. D. 318)

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Permit Security Brokers to Serve on the Board of Directors of Banks" (S. P. 308) (L. D. 896)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Amend the Subdivision Law to Allow Consideration of Cumulative Impact Costs to the Community from Gradual Development" (S. P. 350) (L. D. 1098)

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

Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Relating to a Health Benefits Program for State Employees" (S. P. 513) (L. D. 1574)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Concerning the Salary of Attorney General" (S. P. 482) (L. D. 1484)

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Establish Self-governing Provisions for Androscoggin County" (S. P. 478) (L. D. 1538)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Exempt Solid Waste Used as a Fuel from the Sales Tax" (S. P. 211) (L. D. 584)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Extend the New Jobs Credit Provisions under Statutes relating to Taxation" (S. P. 369) (L. D. 1149)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Establish a Higher Education Tax Deferred Savings Plan and Other Tax Benefits for Parents and Students" (S. P. 461) (L. D. 1421)

Came from the Senate with the Reports read and accepted.

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

Ought to Pass in New Draft

Committee on Public Utilities on Bill "An Act to Increase the Borrowing Capacity of the Richmond Utilities District" (Emergency) (S. P. 180) (L. D. 410) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Revise the Charter of the Richmond Utilities District" (S. P. 587) (L. D. 1654)

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 Bill was read a second time and passed to be engrossed in concurrence.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" on Bill "An Act to Appropriate Money to the Northeastern Research Foundation, Inc." (S. P. 170) (L. D. 377)

Report was signed by the following members:

Messrs. SILVERMAN of Washington
CHAPMAN of Sagadahoc
SHUTE of Waldo

— of the Senate.

Messrs. NELSON of Roque Bluffs
FOWLE of Rockland
KIESMAN of Fryeburg
BLODGETT of Waldoboro
BUNKER of Gouldsboro

Ms. SMALL of Bath

Messrs. JACKSON of Yarmouth
BOWDEN of Brooklyn
HANSON of Kennebunkport

— of the House.

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

Report was signed by the following member:

Mrs. POST of Owl's Head

— of the House.

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

In the House: Reports were read.

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

Mr. WOOD: Mr. Speaker, I do have a question on this bill. I was wondering, in our concern for appropriations, how much is being appropriated and how many people will directly be benefitted by this appropriation?

Thereupon, the Bill and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence. (Later Reconsidered)

Non-Concurrent Matter

Bill "An Act to Prohibit Drinking in Public Under the Criminal Code" (H. P. 562) (L. D. 709) on which the Minority "Ought Not to Pass" Report of the Committee on Judiciary was Read and Accepted in the House on May 23, 1979.

Came from the Senate with the Majority "Ought to Pass" as Amended by Committee Amendment "A" (H-489) Report of the Committee on Judiciary Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-489) in non-concurrence.

In the House: The House voted to adhere.

Non-Concurrent Matter

Bill "An Act Altering the Organization and Governance of Community School Districts" (H. P. 1081) (L. D. 1517) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-498) and House Amendment "A" (H-597) in the House on June 1, 1979.

Came from the Senate with the Body having Adhered to its former action whereby the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (H-498) in non-concurrence.

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

Non-Concurrent Matter

Later Today Assigned

An Act to Increase the Funds for the Displaced Homemakers Program (H. P. 779) (L. D. 981) (C. "A" H-432) which was Passed to be Enacted in the House on June 1, 1979.

Came from the Senate indefinitely postponed in non-concurrence.

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

Messages and Documents

The following Communications:

State of Maine
DEPARTMENT OF AUDIT
Augusta, Maine 04333

June 4, 1979

To Governor Joseph E. Brennan and Members of the One Hundred and Ninth Legislature

In compliance with statutory requirements, I submit herewith the 59th Annual Report of the State Auditor for the fiscal year ended June 30, 1978.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc. during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1978 has been fairly presented in conformity and with generally accepted accounting principles applied on a consistent basis.

Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1978 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the Staff of the Department of Audit for their continued loyalty and devotion to duty and to the State officials for their cooperation with this department.

Respectfully submitted,
S/GEORGE J. RAINVILLE
State Auditor

The Communication was read and with accompanying Report ordered placed on file.

COMMITTEE ON PUBLIC UTILITIES

June 1, 1979

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

Dear Speaker Martin:

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

| | |
|-----------------------------|----|
| Bills received in Committee | 62 |
| Unanimous Reports | 49 |
| Ought to Pass | 6 |
| Ought to Pass as Amended | 15 |
| Ought to Pass in New Draft | 1 |
| Ought Not to Pass | 13 |
| Leave to Withdraw | 14 |
| Divided Reports | 12 |
| Bills held in Committee | 1 |

Respectfully yours,
S/Rep. RICHARD DAVIES
House Chairman

Was read and ordered placed on file.

COMMITTEE ON AGRICULTURE

June 4, 1979

The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Agriculture is pleased to report that it has completed all business placed before it by the First Regular Session of the

| | |
|-----------------------------|----|
| 109th Legislature. | |
| Bills received in Committee | 41 |
| Unanimous Reports | 34 |
| Ought to Pass | 7 |
| Ought to Pass as Amended | 10 |
| Ought to Pass in New Draft | 1 |
| Ought Not to Pass | 1 |
| Leave to Withdraw | 15 |
| Divided Reports | 7 |
| Bills held in Committee | 0 |

Respectfully yours,
S/LUMAN P. MAHANY
House Chairman

Was read and ordered placed on file.

COMMITTEE ON MARINE RESOURCES

June 4, 1979

Rep. John L. Martin, Speaker
Maine House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin,

The Joint Standing Committee on Marine Resources is pleased to report that it has completed all business placed before it by the first regular session of the 109th Maine Legislature.

| | |
|--------------------------------|----|
| Total number of bills received | 38 |
| Unanimous reports | 34 |
| Ought to Pass | 1 |
| Ought to Pass as Amended | 15 |
| Leave to Withdraw | 17 |
| Ought Not to Pass | 1 |
| Divided reports | 4 |

Sincerely,
S/GARY W. FOWLIE
House Chairman

Was read and ordered placed on file.

June 4, 1979

Rep. John L. Martin
Speaker
Maine House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin,

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

| | |
|---------------------------------|---|
| Total number of bills received: | 3 |
| Unanimous reports: | 3 |
| Leave to Withdraw | 3 |

Sincerely,
S/STEPHEN T. HUGHES
House Chairman

Was read and ordered placed on file.

COMMITTEE ON TRANSPORTATION

June 1, 1979

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

Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Transportation has completed all business placed before it by the First Regular Session of the 109th Legislature.

| | |
|----------------------------|----|
| Total Number of Bills | 94 |
| Unanimous Reports | 74 |
| Leave to Withdraw | 26 |
| Ought Not to Pass | 10 |
| Ought to Pass | 13 |
| Ought to Pass as Amended | 23 |
| Ought to Pass in New Draft | 2 |
| Divided Reports | 20 |
| Bills Recommended | 2 |

Respectfully,
S/GEORGE A. CARROLL
House Chairman

Was read and ordered placed on file.

COMMITTEE ON LEGAL AFFAIRS

Honorable John Martin
Speaker of the House
House Chamber
Augusta, Maine 04333

Dear Speaker Martin,

It is with pleasure that I report to you that the Committee on Legal Affairs has completed all actions necessary on the business placed before it by the One Hundred and Ninth Legislature.

| | |
|--------------------------|----|
| Total Bills Received | 74 |
| Unanimous Reports | |
| Leave to Withdraw | 5 |
| Ought Not to Pass | 8 |
| Ought to Pass | 19 |
| Ought to Pass as Amended | 17 |
| Referrals | 2 |
| Divided Reports | 23 |
| Total Amendments | 24 |

Sincerely,
S/PAUL E. VIOLETTE
Representative

Was read and ordered placed on file.

Petitions, Bills and Resolves
Requiring Reference

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

Energy and Natural Resources

Bill "An Act to Regulate Cone Burner Incineration for the Disposal of Municipal Solid Waste" (H. P. 1480) (L. D. 1672) (Presented by Mr. Peterson of Caribou) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

An Expression of Legislative Sentiment (H. P. 1486) recognizing that:

Friday, June 29, 1979 marks the 50th wedding anniversary of Lloyd W. and Annie Marcho, of Carmel.

Presented by Mr. Reeves of Newport (Cosponsor: Senator Emerson of Penobscot)

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

An Expression of Legislative Sentiment (H. P. 1487) recognizing that:

Herman and Helena Anderson of New Sweden, who were married on September 11, 1909, will observe their 70th wedding anniversary on July 29, 1979

Presented by Mr. Nelson of New Sweden (Cosponsor: Senator McBreairey of Aroostook)

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

An Expression of Legislative Sentiment (H. P. 1488) recognizing that:

Thomas Melendy, a Rockland High School senior was selected as a Presidential Scholar from among more than 3,000,000 graduating seniors throughout the country

Presented by Mr. Fowlie of Rockland

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

Tabled Unassigned

On Motion of Mr. Birt of East Millinocket, the following Joint Order (H. P. 1489): (Cosponsors: Mrs. Beaulieu of Portland)

Emergency preamble. WHEREAS, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

WHEREAS, vocational education at the secondary school level has become a vital part of local educational programs; and

WHEREAS, vocational education programs have grown and received strong support in many areas of the State; and

WHEREAS, some areas have nevertheless experienced problems involving the governance and administration of vocational programs; and

WHEREAS, these problems have resulted in the introduction of a variety of bills containing proposed solutions; and

WHEREAS, testimony was presented that the magnitude of the questions raised by these bills calls for a careful response based on a thorough study; now, therefore, be it

ORDERED, the Senate concurring, that a joint select committee to study secondary vocational education is created, composed of 15 members, as follows:

1. Three superintendents appointed by the Maine Superintendents Association, one each from a vocational center, a vocational region and a school sending students to a vocational center;

2. Two directors appointed by the Maine Association of Vocational Education Administrators, one each from a vocational center and a vocational region;

3. Two faculty members appointed by the Maine Vocational Association, one each from a vocational center and a vocational region;

4. One industrial arts teacher appointed by the Maine Association of Industrial Education;

5. One vocational guidance counselor appointed by the Maine Guidance Association;

6. One member of the State Board of Education appointed by the chairman of the State Board of Education;

7. Two members of the Joint Standing Committee on Education appointed by the chairmen of the committee;

8. One state plan advisory committee member appointed by the State Board of Education;

9. One member of a local school committee or board of directors appointed by the Maine State School Board's Association; and

10. One active craft committee member appointed by the Maine Advisory Council on Vocational Education; and be it further

ORDERED, that all appointments to the committee shall be subject to approval of the President of the Senate and the Speaker of the House of Representatives; and be it further

ORDERED, subject to the Legislative Council's review and determinations hereinafter provided, that the committee shall conduct a comprehensive review of the laws relating to both vocational regions and vocational centers and any legislation introduced in the First Regular Session of the 109th Legislature which did not receive approval, review the areas where vocational schools are not operating and 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 membership of this committee shall be constituted not more than 30 days following the passage of this order and shall be reported to the Commissioner of Educational and Cultural Services; and be it further

ORDERED, that within 30 days thereafter the Commissioner of Educational and Cultural Services shall call a meeting of the appointed members, at which meeting the members shall organize and elect their chairman and vice-chairman, and that the members of the committee shall receive \$25 per diem plus actual expenses in relation to each meeting attended; and be it further

ORDERED, that there shall be allocated from the Legislative Account a sum of \$7,000 for the per diem and expenses of the committee; and be it further

ORDERED, that upon passage of this order in concurrence a copy of this order shall be sent to the Speaker of the House, to the President of the Senate and to the Commissioner of Educational and Cultural Services, and that upon appointment of the committee, a copy of this order shall be sent to each member of the committee.

The Order was read.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passage.

House Reports of Committees Leave to Withdraw

Mr. Connolly from the Committee on Education on Bill "An Act Concerning Expulsion of Disruptive Pupils from School" (H. P. 369) (L. D. 477) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mrs. Beaulieu from the Committee on Education on Bill "An Act to Provide an Alternative to Compulsory School Attendance" (H. P. 788) (L. D. 988) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Laws Relating to School Attendance" (H. P. 1479) (L. D. 1666)

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. 135

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1979" (Emergency) (H. P. 1481) (L. D. 1668) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 135)

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

Ought to Pass

Pursuant to Joint Order H. P. 135

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1979" (Emergency) (H. P. 1482) (L. D. 1669) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 135)

Report was read and accepted and the Resolve read once.

The SPEAKER: Is there objection to giving this Resolve its second reading at this time?

The Chair hears objection.

Thereupon, the Resolve was assigned for second reading later in the day.

Ought to Pass

Pursuant to Joint Order H. P. 135

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1979 (Emergency) (H. P. 1483) (L. D. 1670) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 135)

Report was read and accepted, the Resolve read once and assigned for second reading, later in the day.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife on Bill "An Act to Increase the Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs" (H. P. 1373) (L. D. 1600) reporting "Ought to Pass" in New Draft (H. P. 1484) (L. D. 1671)

Report was signed by the following members:

Mr. REDMOND of Somerset

— of the Senate.

Messrs. GILLIS of Calais
MacEACHERN of Lincoln
TOZIER of Unity
DOW of West Gardiner
JACQUES of Waterville
VOSE of Eastport
CHURCHILL of Orland

PETERSON of Caribou
MASTERMAN of Milo

— 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. PIERCE of Kennebec
USHER of Cumberland

— of the Senate.

Mr. PAUL of Sanford

— of the House.

Reports were read.

Mr. Dow of West Gardiner moved that the Majority "Ought to Pass" Report be accepted.

(Off Record Remarks)

All matters acted upon, with the exception of L. D. 377, were ordered sent forth to the Senate.

On motion of Mr. Twitchell of Norway,
Recessed until the sound of the gong.

After Recess

10:25 A.M.

The House was called to order by the Speaker.

The SPEAKER: The Chair would now call your attention to where we were at the time of the recess, Divided Report, Report of the Committee on Fisheries and Wildlife on Bill "An Act to Increase the Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs" (H. P. 1373) (L. D. 1600).

The pending question is the motion of the gentleman from West Gardiner, Mr. Dow, that the House accept the Majority "Ought to Pass" Report.

On motion of Mr. Paul of Sanford, tabled pending the motion of Mr. Dow of West Gardiner to accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act to Repeal the Control of Milk Prices at the Wholesale and Retail Levels" (H. P. 1346) (L. D. 1587)

Report was signed by the following members:

Messrs. CARPENTER of Aroostook
HICHENS of York

— of the Senate.

Messrs. TOZIER of Unity
TORREY of Poland
SHERBURNE of Dexter
NELSON of New Sweden
ROOPE of Presque Isle
Mrs. LOCKE of Sebec
Messrs. MICHAEL of Auburn
ROLLINS of Dixfield

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-625) on same Bill.

Report was signed by the following members:

Mr. MARTIN of Aroostook

— of the Senate.

Messrs. MAHANY of Easton
WOOD of Sanford

— of the House.

Reports were read.

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

Mr. MAHANY: Mr. Speaker and Members of the House: I move we accept the Minority "Ought to Pass" Report as amended by Committee Amendment "A".

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

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

tllemen of the House: I rise today as someone who is not unfamiliar with the problems that are facing our agricultural community, and I also rise as someone that is not unfamiliar with the art of milking a cow. If need be, I could go out and milk a cow, and it is for those very reasons, my familiarity with the agricultural community and the support of it in the past, that I rise to urge you to go along with the motion of the gentleman from Easton, Mr. Mahany, to accept the "Ought to Pass" Report on this bill.

I can assure you that my decision to sign this bill out "Ought to Pass" was not an easy one. The farm lobby is extremely active and can be, at times, extremely impressive in mounting your arguments against this bill, but I also feel that I represent the farming community and can see a different viewpoint that I would like to share with you this morning on this bill.

The Milk Commission that we are debating today was formed over 40 years ago and it was formed in the time of the Great Depression. It was formed out of a legitimate need, but it was not formed to protect the status quo, because if you look at the number of dairies and the number of farms that have gone out since the inception of the Milk Commission, you will realize that that didn't stop those farms from going out or stop those dairies from going out. They went out because of market conditions. So I think in this day and age, what was formed for a legitimate need, what was formed for a beneficial good, is no longer necessary, and I think in this period of time, we should look at the commission and decide whether we should keep it.

I would argue that there are several points that led to my decision to support this bill, and I would like to review those with you.

First, there is the issue of price fixing. I think we all feel that we live in a capitalistic society, which is based on the free enterprise, and that free enterprise words unencumbered by the state, so I think when we decide for the state to intervene, there should be some overriding reasons. There is no other commodity in this state that is protected that the state intervenes on. We don't intervene on eggs, apples, potatoes, but we do on milk. The only other item that we try to regulate in terms of price is electricity and your public utilities. In those instances, we are dealing with a monopoly, something completely different. So I think in order for the state to impose the price fixing authority, there has to be some overwhelming evidence of need, and I just don't think that evidence is there when it comes to the price of milk.

I don't think we have any problems with the flow of milk, I don't think we have any problems with the quality of milk. These things are decided by other factors, other agencies of state government. So I do not see the need for the state to interfere with our economic system and impose price fixing, and that is what we are doing.

I find it very interesting that those same people that argue against government regulation, that argue in favor of the free enterprise system, stop short when it comes to the Maine Milk Commission, and somehow it is perfectly all right then to impose price fixing. So, I think you really have to look hard and ask yourself, is there some overriding need for the state to impose itself on the milk market and impose prices. The answer that I come up with is, no, I don't think the need is there, I don't think the justification is there, not in this day and age. Possibly during the Depression there was that need, but that need has a long time ago been met.

Then there is the question, who really benefits? Do the consumers benefit, do the farmers benefit, do the dairies benefit? I will not argue that if we do away with the price fixing powers that consumers will pay less, I don't think we can prove that. I don't think that is what the free enterprise system is about, so I will not go

into that, but I will go into the question of, do the farmers really benefit? And keep in mind that this bill does not eliminate the power of the commission to set prices at the farm level, so we are having some intervention in the system in that respect.

We have two classes of farmers in this state, those that serve on the Boston market and those that serve on the Maine market, and I would argue that those people that serve on the Boston market, they pay the same price for feed, they pay the same price for cattle, they pay the same property taxes as those people that are on the Maine market, but when it comes to prices, the people on the Maine market are treated differently. We have continued to discriminate against those people on the Boston market. Now, you might argue, well, why don't they get onto the Maine market, but if any of you have gone into the intricate details of the Maine market, you will realize that through politics and through the setup of that market, people cannot get on it that easily, so there were a number of farmers at the hearing and who have contacted me to talk about this bill, and these farmers were on the Boston market and these farmers would like to see the Maine Milk Commission, the retail pricing done away with.

I think if you argue that this bill is anti-farmer, you are not talking to all the farmers in this state, and I don't think if you tell the farmers that this bill still protects them, then they are not hearing, they are only hearing what they want to hear.

I think the third concern that I have is over the future of Maine farming. For two years, I have served on the Maine Farm and Foodland Study Commission. We have been going around the state trying to find ways to preserve our farmland. If I was convinced that if we kept the price fixing authority, the Maine Milk Commission, that farmland would be preserved, I would be the first person to sign that jacket out "ought not to pass". If it meant that I had to pay two or three cents a quart more for milk to preserve farmland, I am willing to do that, but I don't think that is the case. I don't think that you can prove to me that if we do away with the Maine Milk Commission price fixing authority that farmers are going to go under. I think if you look into states that have done this, farms have not suffered. Farms are going to suffer because of the natural flow of things, the natural economy. Those things are natural, we are not going to be able to arrest that, and the Maine Milk Commission hasn't been able to arrest it since its creation and it won't if we continue to keep it.

I think if you argue that there is going to be havoc in our farm community, if you can prove it to me, I would be the first one to agree with you, but I would argue that even if keeping the Maine Milk Commission pricing authority we could preserve our farmland, that is not our decision to make, that is the decision of the people of Maine to make. That is why I am supporting this bill. I think it is time to allow the citizens of the state to have their say on this issue.

I have only been around here for two terms and each term we have dealt with this issue. Representative Mahany has been around longer than I, and he assures me that we have also dealt with the issues when I wasn't here. This issue will not go away and it is time to let the people of the state decide if they feel the need for the price fixing authority of the Maine Milk Commission to stay intact or not.

There were some that argue that this is a copout, to send it out to referendum, or this is a dangerous practice to send a bill out for the people to judge. I think it is ironic that in this day and age we are at that stage, because if you consider at the turn of the Century, when the progressives in this country were on the ascendancy, one of the issues they fought for was referendums and initiatives, take it out of the

closed body of state government and let the people decide. I think to now say it is a copout to allow this issue to be decided by the people is extremely ironic and I would say is wrong-minded. We allow many issues to go out to the people. We allow the very Constitution which we are all governed by to go out to the people. I think this is the type of issue that will be around and haunt us for years and years, until the people decide.

I can understand the issue; I think the people back in my district can understand the issue, and I don't see anything that prevents or says that the Maine Milk Commission should not stay in the glare of the public scrutiny. So, I would argue today that this bill should go out and be voted on.

I know that when I go back home, if this is passed, I am going to go out through my district and explain this issue, and I very well could be urging them to keep the Maine Milk Commission and the pricing authority, because I think there is an argument and a case to be made for it, but I think it is in terms of farmland preservation, I think it is in terms of the price of milk and what the difference is going to be if we do away with it, but I think the form to argue that in is before the people and not here. This issue is not going to go away; it should be decided on by the people.

I would urge you, if you have listened to my speech, and if you are convinced in your own minds that the Milk Commission is a good thing and price fixing authority is a good thing, then vote against the motion, vote against the minority report, but if you have any doubt, as I have many doubts, I am not convinced one way or the other, then I would urge you to vote for this bill so that those doubts can be expressed, so that we can do some research, so that we can have some debate and decide the true benefits of the commission once and for all. I would urge you to vote for the minority report.

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

MR. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I commend the gentleman from Sanford, Representative Wood, for an excellent presentation. He certainly is able to eloquently explain his side of the issue.

I will attempt to state my position and give a few facts as to why I think we should oppose this minority report. It is unfortunate that this issue is coming to us in the last days of our session when we have so many other important and critical issues to face but, nevertheless, it is here and we have to deal with it this morning.

The Committee Amendment that has gone onto the bill, in effect, is the bill and it states, "shall it go out to referendum and let the people decide whether they want to repeal the wholesale and retail price fixing of milk"? I certainly oppose that. On that issue alone, I don't feel that the people, the citizens of the State of Maine, understand the issue and all its ramifications that well to make a honest and good decision. I question how many members in this House really understand the complex and controversial issue of milk price fixing. Are we sure, is everyone certain in their minds how we should vote on it and how they can explain it to any of their constituents back home? I think here we have the opportunity to hear the pros and cons, we are the responsible people to make the judgment. I don't think an issue like this should go to referendum.

As far as the Milk Commission itself, it has served as a stabilizing influence on the milk marketing procedures. It has provided an ample supply of excellent quality milk to the consumers of Maine at a fair and reasonable price. It is also active as the deterrent for bringing milk from outside of Maine, either in bulk or in process form. We can't enact any laws or regulations to restraint of trade, therefore, this measure maybe was intended to that affect but it has acted to protect the Maine

dairy farm industry. Milk is a highly perishable food, and it is a food, it has been defined by some as nature's most nearly perfect food.

We have this supply and it fluctuates due to the nature of the dairy cow. Her physiological system works to secrete and produce milk daily. It has to be removed from that cow and it has to go to market within two days from the farm. There is no way that we can hold milk on the farm or even in the dairy plants more than two days at a time. The market situation if today's consumer wants is that most of the milk is purchased at the market on, say, Thursday, Friday or Saturday, so the demand is high that there be an adequate supply of this milk for these stores on those days. After Saturday, that milk is still coming from the cow on the farm and it has to go somewhere. It has to go to making dairy products and so we can't control that production of milk and we can't hold it that long to continue an orderly process.

The price fixing has enabled us to have an orderly, stable price protection in Maine to protect the dairy farmers and the dairy industry. I think the dairy industry is really an essential part of our agricultural economy, along with apples, poultry and potatoes. We need to do anything we can to keep that in a sound, economic position.

I think I have taken time enough. I know we have limited time for debate on these issues and there are others that may want to speak. I hope you will vote no on this minority report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have always been opposed to the price fixing of milk in the State of Maine, up until I saw what this legislature did to the small storeowners of this state. Not one member of this House has said one word within the first ten months the bottle bill went into effect. Prices of soda rose three times and no one said one word.

I also know that we, as individuals, should preserve what we have. I liked it when my good friend from Sanford, Mr. Wood, said that he was in favor of issues going out to the public. I am also very proud to state here this morning that my good friend from Sanford opposed a very important issue of mine to send out to the people, as the Governor of this state would have opposed it, so, I say to you this morning, it is important that we protect what we have. I usually vote to send things out to the people. Two years ago, I would have voted for this, but not today.

While I was shopping at one of the stores that claimed to have lower prices for milk, I looked around and in the morning I was at the shopping center in my city and I bought a little Cool Whip thing for 53 cents, so, I happened to remember the price. Usually if I want something, I don't care what the price is, I buy it — but while I was looking at the same store, I saw the same thing for 85 cents and that is about a 40 percent increase. Consequently, what they are advertising and what they want you to buy is their milk but they don't tell you how much you spend for other things. I think that is too bad because we like to do what we can for the people and we try to help them.

This morning, when we can stand up here and we can say what is good for a certain industry that we are not familiar with, and I don't think everyone in this House knows too much about farming, we have individuals who are and there are individuals who aren't like myself, I don't know the first thing about them. I do know that when we have a principle, that the farms are going out of business, that we are losing them, and if we can do something to keep them, then we should.

If our paper mills in our cities was being run down, something was going wrong and we had a chance to make a law up here, I would be up here trying to persuade you people to keep that mill going and do whatever we could. Give

them a tax break, do anything we could. That is all I am saying this morning, and I think that it would be an injustice to the farmers of this state if we tried to infringe upon the price fixing. Basically, I do not believe in that concept, but this morning I believe that if we as individuals are going to be responsive to keep what we have, then we should. If we are not going to, then we should be up here complaining every time we present a law and that industry increases a price two or three times within ten months.

Therefore, I would urge the members of this House to certainly not agree with my very good friend from Sanford.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this bill because I believe that in considering the Governor's proposal regarding the milk commission, it behooves every legislator to give a great deal of thought to the probable impact of such action that he may have on the dairymen, the processor and the consumer.

The Maine Dairy Industry is the fourth largest agriculture industry in the state, after potatoes, eggs and broilers. It is the most stable income producer among all farm commodities.

The welfare of more than 5000 Maine families depends upon the dairy industry in this state, an industry which generates over \$70 million of income for Maine people each year and with an overall financial impact on the State's economy of about \$420 million annually. For the most part, this is money that stays in Maine to support labor, farm machinery dealers, feed, seed, and fertilizer industry. The State's approximately 1125 dairy farmers are among the prime taxpayers in many rural Maine communities. That is a fact we should recognize.

The Maine Milk Commission has the authority to establish minimum producer, wholesaler and retail milk prices in the state. The Commission is also charged with assuring that Maine consumers have at all times, and in all parts of the state, an adequate supply of high quality milk.

The best evidence of the Commission's success is provided by the state's consumers themselves. In 1977, the per capita milk consumption in Maine amounted to 170 quarts more than any other state in the union. This would lead one to believe that something is obviously right with the milk industry in Maine.

A number of adverse effects would follow the Milk Commission's loss of its resale pricing authority, but from the dairy farmer's viewpoint, the most serious threat is that the milk blend price for all farmers in Maine could be lowered. This is, because without the Commission regulating milk sales in Maine, the market would once again be near chaos.

The Maine Milk Commission plays a key role in assuring that inasmuch as possible, decisions affecting the State's Dairy Industry are made in Maine by Maine people, in the interest of all. Without the Commission, many of these decisions would be made elsewhere and not always in Maine's best interest.

There would be a number of negative results following the abolishment of the Milk Commission's resale pricing authority.

One of the first results might appear to be positive. That is for a brief time after the Commission lost its pricing authority, milk prices may drop. But, at the same time, without competition, a destructive price war would get underway as the huge multi-state supermarket chains and the chain milk outlets (the jug stores) battled for control of the milk market in Maine.

Once the multi-state supermarket combined and jug stores gained near monopoly, milk prices in the state would move up to and possibly beyond what they would have been under the Maine Milk Commission control. In the

meantime, milk marketing in Maine would be near chaos.

The price of milk produced and consumed in Maine, instead of being overseen by Maine consumers of the Milk Commission, acting in the best interest of all Maine people, would be controlled by multi-state supermarket combines and the Washington bureaucrats.

There should be no mistake about the fact that if Maine does not oversee the milk marketing system within the state itself, as it has for going on 45 years, outside interests will.

The real question is, who will do it, a consumer group, as in Maine now, or some outside interests? Think about it!

The kind of cut-throat competition following such a move could lead to the closing down of several milk processing plants in the state, thus depriving many Maine farmers of their in-state market entirely.

Without the milk commission, many people living in the more rural parts of the state would be lucky to obtain milk at all at a reasonable cost.

Already at some chain supermarkets in New Hampshire, the only whole milk available is the store's own brand. Small, independent and rural stores obviously can't afford to stock their own brand of milk.

Without the milk commission setting minimum prices, the milk processors who remain in business after the price wars are over and who have contracts with the chains will be reluctant to make milk deliveries to the state's small communities. Out-of-state processors will be even more unlikely to make such deliveries.

It's simply cheaper and more profitable to serve only the larger retail market areas. Assuming milk is brought into rural areas, it will be done so at an enormous price increase, which the consumers will have to pay if they want fresh milk. The reason, of course, is the economy and higher profits.

The very existence of the small neighborhood and rural stores will very definitely be threatened if milk price controls are ended, for the multi-state and national combines would then be in a position to use milk as a price leader.

As Governor's Brennan's proposal is now before us, it is essential that we give every consideration to the protection of the consumer in the State of Maine.

I urge you not to support the present motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The Maine Milk Commission was created in the late 30's because the processors, at that time, were in default in payments to the farmers and the concept of the commission in the 30's, I believe, was a good one, to protect the Maine farmers in this state. But in the last 15 years, in my humble opinion, I think the Maine Milk Commission has done nothing but protect the processors, that is the major dairies in this state.

Arguments have been presented here time and time again, and will probably be presented here this morning, that if, in fact, we do away with the price fixing powers of the Maine Milk Commission at the resale level, a number of farmers will go out of business. I honestly don't believe it nor can I accept that theory, but since 1940, let me tell you, many, many, many small dairies in this state, the processors, have gone out of business and where was the noble effort of the Maine Milk Commission in the late 40's and 50's? I will tell you where they were, they are not marching to the tunes of the farmers, in my humble opinion, and one thing for certain, they are not marching to the tune of the consumers of this state.

Don't be misled by the arguments that will be presented here this morning that if, in fact, we do away with the Maine Milk Commission's powers at this particular level, that there will be no milk for Maine people. That is complete

and utter nonsense, and the very people that stand up here and tell you that, I sincerely believe, in the back of their minds, they know it to be so.

The argument here this morning is, shall this bill go out to referendum? Mr. Torrey stated that Maine people are perhaps not well informed, that perhaps we in this House are not well enough informed — don't buy that argument either.

I was in this body when they sent public power out to the people of the State of Maine to have the Maine Public Power Authority. I didn't then nor do I now support public power for the State of Maine if the State of Maine is doing it. If it is up to the federal government, that is fine but the people of Maine made an honest judgment on their part. Thousands of people went out and responded to the question that was placed on the ballot, and don't be worried about the Maine people not being able to respond to this bill if it has an opportunity to go out. Believe me when I tell you they would respond; they have about as much public confidence in the Maine Milk Commission as I have, and that is zero most of the time, because the Maine Milk Commission, in the last five or six years, have been speaking for the major dairies, not for your constituents or mine, and they publically whipped the poor little farmer into submission by saying, go down there, you are going to have to testify because you are in trouble, your milk will not be sold. Half of the milk, 45 to 50 percent of the Maine milk is sold out-of-state to begin with. Don't be worried about any scare tactics in this body, any red herrings that might develop that the farmers are going out of business.

I would never support a bill in this session or any other session that would completely eliminate the Maine Milk Commission because I want to protect the Maine farmer, but you want to know something else, I want to protect the Maine consumer as well. For too many years now, the Maine Milk Commission, in my opinion, has been end running in providing protection for the major processors in this state and don't let them kid you when they say otherwise.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I guess I would have to concur with the good gentleman from Bangor, Mr. Kelleher. It appears that we have a situation now in Maine which I think is inconsistent with what we thought the role of government should be and that is to promote effective competition and not to stifle it. Yet, the retention of the Maine Milk Commission retail, wholesale price fixing power, as we have now, has done just that, a spiteful competition, and it has really discouraged healthy competition in the industry level.

The Maine Legislature has many times attempted, since I have been here and times before, to address this issue. The good gentleman from Bangor, Mr. Kelleher, surely remembers six years ago when we had a bill before the legislature and he referred to it as a 'powdered milk bill' and I, being a very naive Freshman legislator, voted for that bill thinking it would solve our problems because it was sold to us as a bill that maybe was a compromise to the existing system and structure that we have today.

The experiment that we have Maine with such powdered milk bills has not proven successful. In fact, if you would look at some of the studies that the Maine Milk Commission has done, they have done their own price studies and they have presented them many times to different hearings. It is confirmed, the fact that I think does exist, that milk can be purchased in neighboring states at an amount less than we pay for it here. In fact, in the State of New Hampshire, it has been shown that you can purchase milk for 11 cents, at an average, less for a half gallon and 33 cents per gallon

less.

Under the Governor's bill, Maine farmers will be protected. The price paid to Maine farmers will still continue to be established by the Maine Milk Commission. The Maine milk industry, as a whole, will survive and prosper, as the milk industry in other states which have abolished retail price fixing powers has. We have seen this.

I need only remind my colleagues of the cries of impending disaster in the State of New Hampshire just 10 years ago, when they decontrolled milk, when they enacted a statute somewhat to the one we have here. Our New Hampshire neighbors are prospering and enjoying much lower wholesale and retail market prices than are available here in Maine under our present system.

I feel that the time has come to take the necessary last step to ensure fair treatment to the Maine consumers and to remove government from the marketplace, to eliminate the resale and wholesale price fixing power of the Maine Milk Commission.

I urge you today to support 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: I was hoping the way the bill started to be debated this morning that it would not be necessary for me to be on my feet, but I have been on my feet for six years on this bill and I think it is time I got up again.

I think I will take the arguments in the reverse order of which they have just been presented.

The gentleman from Bangor, Mr. Kelleher, has given us his humble opinion. I never knew the gentleman from Bangor to be humble about anything, but as long as he has an opinion, I am glad that it is humble.

I am not going to give you an opinion, I am going to give you some facts about this. It is not my opinion. The gentleman said it was his opinion that the Milk Commission has been set up to protect and had been protecting the major dairies. Well, I am not sure of that. One of the major dairies had been in some trouble, in fact, we had a lot of concern about one of the major dairies in Portland the last time around and they, this year, had enough of a problem so they moved over to support getting rid of the Maine Milk Commission. Obviously that dairy wasn't being helped by the Maine Milk Commission. Their problems dealt with their marketing practices and had nothing to do with setting the prices of milk, unfortunately.

The gentleman said he doesn't think the farmers will go out of business. Some of them will, maybe that is not a bad thing. Some of them have been going out of business, farms have been consolidated. All business is growing and it is necessary to have some size these days to succeed, but I want you to know a fact, ladies and gentlemen, that it was established six years ago and it has never been refuted on this floor since nor can it be, and that is that the experts that have been brought in by the people who want to do away with the Maine Milk Commission have agreed that the total number of dollars coming to farmers in the State of Maine for the milk that they produce would be reduced if the Maine Milk Commission is eliminated. It is just as simple as that.

The gentleman from Sanford spoke about the fact that he had a lot of farmers coming to him because they weren't getting as much on the Boston market as the farmers who sold through the commission that the instate dairies were getting, that is true, they are not getting as much.

How long has it been the principle of this great State of Maine and this nation of ours that we level everything down to the lowest common denominator. They do that in Communist China, but I am not sure we want to do it here.

Farmers who sell on the Maine Market get more money for their milk because more of it goes into fluid milk for human consumption, right out of the bucket, right out of the can, right out of the container, and that is why they get more money for it because it is Class 1 milk, a much higher percentage of it, so I am not for great leveling.

Let me tell you what the worst thing is that is going to happen out of this. The dairies will survive all right, the big ones, but you know what is going to happen, they are going to be buying their milk out of the State of Maine. You probably will get a New England order and that will bring in all the excess capacity for milk production that exists in New York State and some of the other states just outside of New England. So, you are going to have a flood of Class 2 milk. The dairies are going to be forced by economics to buy it on this market, they will no longer be able to buy it on the Maine market.

It is great to talk about holding prices for farmers in Maine, but if you don't hold prices for the distributors, you are not going to be able to hold prices for the farmers, because no matter how high the prices, if you can't sell it, it doesn't make any difference. That is exactly what is going to happen, so some of these farmers will go down, these smaller ones, the marginal ones.

Well, if the gentleman from Sanford is sincere, if he says it will keep one farmer in business to maintain the Maine Milk Commission, then he better vote against his own motion.

One more thing I want to touch on is how people talk about prices. You know, we constantly are hammered with New Hampshire and how great it is if you are going to buy milk if you live in New Hampshire. Well, you realize, ladies and gentlemen, that the only container that is true that is universally less expensive in New Hampshire, and I am not even sure if that, is the gallon container. Statistic after statistic can be shown to you to prove to you that the half gallons, which happens to be the one I buy, the quarts, the chocolate, the skim, the nofat, all of these in anything less than a gallon container, in many instances, sell for much more money in New Hampshire than it does in the State of Maine. So, it is a myth to continue to say that the price of milk is going to be cheaper just because you go for this bill. It just is not going to be true.

If you are going to believe this siren song, that this is a consumer bill and the consumers all over the state are going to benefit, I say, don't believe that one, because the only place that could possibly happen will be along that great interstate corridor, I-95, the Turnpike, where you can get fast service with big trucks off that interstate. They will get their gallons, truckloads of gallons, and they will be pumping that up for less money, but it won't happen up in Farmington, Maine or up in Rangeley or up in Dover-Foxcroft or down in Bar Harbor, that is not where it is going to happen. There, your prices are going to be higher. If you want to do what is right this morning and you really want to protect the farmers of this State of Maine, kill this one and let's get on and kill the bill.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I think the first thing we must do is realize that this bill affects the retail and wholesale or dealer end of the process — only. The farmer should continue to be as he is now — protected. I have said it before from the floor of this House and now repeat, that the farmer has to have this protection because he never has had and doesn't now have any bargaining power. This applies especially to milk as milk is the most perishable of all the products the farmer produces.

I produced and sold milk before a Milk Commission was ever thought of. In the Bath area there was, at the time, approximately 30 farmers who produced all the milk necessary to

meet the needs of the City of Bath. This milk was produced by farmers who lived within a six mile radius of Bath. Whenever it was felt that the price of milk should be adjusted we (the Producer-Dealers) used to meet in the local Grange Hall, discuss the merits of the various proposals, take a vote as to what course to take and then proceed accordingly. The first so-called strictly milk dealers — concerns that bought all their milk — didn't arrive in Bath until 1928. By 1932, there was three of these dealers in the Bath area — Oakhurst, H. P. Hood, and Granite Farm which is now Old Tavern. However, 90 percent of the milk consumed in the City of Bath in 1932 was purchased from producer-dealers or the small farmers. These producer-dealers produced a minimum of 100 quarts daily and the larger of them produced between 200 and 300 quarts.

Now in October 1929, we had a collapse of the stock market followed by the worst depression in the history of this nation. The bottom dropped out of all business. The milk business was no exception. As customers became harder to get and also to hold, competition became very keen. We small producer-dealers didn't fear each other but we did fear the big three — Oakhurst, Hood and Old Tavern. Milk was selling at that time for 12 cents a quart retail and none of us little fellows had any money to fall back on. So our main fear — and I say our because I was a producer-dealer at that time — was that the big three with their resources would be able to cut the price of milk below cost and hold it there until we all went out of business. Therefore, when this idea of a commission, with the authority to enforce a minimum price, was conceived, we supported it as the apparatus that would preserve the small dealer. So much for history.

Now, some 35 years later, we can survey the results for they are crystal clear. Today in the Bath area, there are left only the big three that the Milk Commission was going to save us from. The rest of us are all gone. The small farmer is a thing of the past.

In the Town of West Bath, there is one farmer left producing milk for a dairy; he lives in Woolwich. So what I am saying is that the Milk Commission has not protected the small farmer. He has not protected the small dealer, for they are gone. What the commission is doing now, and has been doing for some time, it is guaranteeing the big dealers that are left a margin of profit at the expense of the consumer.

During this session, a bill came before this House that I opposed. It had to do with liquor and was called a merchandising bill. As a result of that piece of legislation, the Liquor Commission can now run sales on various items. But here we have milk, the most perfect food known to man, and we cannot run sales on that produce — why? Because it might increase consumption? Well, for your information, it would.

When I was in business, we delivered milk every day and we had customers that might be buying three quarts of milk a day, so I would tell them that if they would buy four quarts a day, I would give them a 20 percent discount. After all, they would be getting that extra quart for 4 cents a quart. You bet your life it increased consumption, and the beneficiaries of that policy were the children of that family.

However, I will consent, my only motive wasn't to help out the children in the neighborhood, it was also financial, because say I was producing 300 quarts a day and I had 100 quarts left, I took that 100 quarts home and I had to do something else with it, make butter, cottage cheese, feed it to the calves, the net result was that I would be getting 5 or 6 cents a quart for the milk and still could get 10 or 12 cents. So, I had an incentive to merchandise my product, huckster it, or whatever you want to call it. The dealer today has no incentive, because if he has milk left over, he doesn't take a loss, he just

passes that on to the poor farmer and pays him less money; they call it class 2 prices.

Well, the farmer today, instead of getting 12 or 13 cents a quart for all his milk, gets 7 to 8 cents for some of it. So the result is, as I said before, the dealer today is inflated from the marketplace as we know it. He has absolutely no incentive to get out there and actually merchandise his product. So for a better name, as someone else has said, we will call it a consumer bill.

I say to you, whose side are you on, the kids in your neighborhood or the milk dealers? You know it and I know it, that times change. When the Milk Commission was created, it might have been a good idea. After 35 years, it has been proven to be a poor idea.

I believe in the free enterprise system. It is that system that has made this country the envy of the world. Let's vote yes on the motion before the House and let the milk dealers re-enter the system.

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

MR. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: There is one thing that I have observed about dairymen and that is, they are more interested in "udders" than they are in themselves.

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

MRS. LOCKE: Mr. Speaker and Members of the House: Just to correct one thing that Representative Stover said about small dairies. I have about 14 producers in my area, about half on the Maine market and half on the Boston market. One of those could be considered a large producer, the rest of them are small. As far as dairies go, I don't think that Footman, Oakhurst, or Pleasant Hill can compare with Cumberland Farms.

Dairy farmers work long and hard for a small margin of profit to produce one of our most nutritious basic foods, milk. Dairy farmers as a whole cannot stand very much of a loss in the small profit they are now realizing.

If we are truly concerned for the welfare of our farmers, I would think that we would take into consideration how they feel about this bill. I guarantee you that if you just listen to them, those who produce the milk, you will find that they don't like this bill, they don't feel that they are going to be protected by this bill.

I wonder how many of us here can say we fully understand the ins and outs of the Maine milk industry? I will bet not many of us can say that we do understand it fully or maybe even just a little bit.

If this issue goes to referendum, there is a chance that it would pass, and if this happens and the public then finds out that they made a mistake, how are we going to rectify it? Once a dairy farmer goes out of business and houses are built on their land, it is highly unlikely that the farmland is going to be recaptured, the use of dairy farming or any other type of farming. I don't believe that anyone is going to choose to start a dairy farm from scratch, with all of the hard work, high amount of capital you need to start and to operate and the small amount of profit that one realizes.

I would just like to cite a case in point. One of my most failed dairy farmers in my area, not the largest, but I guess you might consider him a medium sized farmer, his wife told me that her son wanted to and still wants to take over the family farm but her husband, the father, is trying to discourage him. He said he doesn't want him to break his back and work long hours for very little monetary profits and very little appreciation.

I would also like to speak to you just as a homemaker, because I am interested in keeping our dairy industry as it is. I don't want it to change, because when I go to the supermarket — I noticed last winter when I went to the produce department and I picked up a head of lettuce that had doubled in price, took it home and

had to weed off half of the outside leaves because they weren't worth anything, so I switched to another type of lettuce, I bought Romaine lettuce or Boston lettuce, and it wasn't long before those doubled in price. So then I decided maybe we wouldn't have so many salads. I would have more vegetables, then I noticed that the vegetables were disappearing from the frozen food department. I couldn't even find canned asparagus at one time.

When I wheeled my cart up to the dairy case, I never had any doubt that I was going to find all the milk that I wanted, that the quality was going to be the same in the Winter as it was in the Summer and that the price is not going to double. It might have gone up 2 cents a gallon, it might have gone down 2 cents a gallon, it might have gone up 4 cents a gallon, but I wasn't afraid of what I was going to find.

I think that we have a chance to say 'yes' to our Maine farmers. That is what they want us to do. They want us to kill this bill. Let's say yes, we appreciate your hard work and, yes, we appreciate your product, let's vote not to pass this bill. Let's not vote for the motion "ought to pass" so we can vote for the motion "ought not to pass".

THE SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

MR. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I am in a rather unique position this morning because I came down here with the idea that I would do away with the Milk Commission; that was nine years ago. One day I went to a hearing up to the Civic Center. I saw the tears in the eyes of the farmers up there when they thought they were going to lose their Milk Commission and they really believed that they needed it. I changed my mind then. In fact, I did cosponsor a bill to do away with the Milk Commission to start with — I should have mentioned this before, but I cosponsored a bill with Tom LaPointe to do away with the Milk Commission, but after I had seen the tears in the eyes of those farmers and they really believed that they needed a Milk Commission, I changed my mind. I didn't believe that I knew more than all of the farmers that were in that room that day.

So, I would move for indefinite postponement of this bill and all accompanying papers and ask for the yeas and nays.

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

MR. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: We have had a lot of debate on this issue this morning, mostly for putting it out to referendum. The people of this legislature have had the opportunity to have a lot of material on the workings of the Maine Milk Commission and I still doubt that very many understand, even now, the complexity of the milk marketing system in this country. It is one of the most complex systems of any product in our nation. We are talking about putting it out to referendum, to people who have not had that chance, not had the information available to them. I think this would be shirking the duties. The people elected us to come down here and make their decisions, make decisions for them, and when a complex situation comes up, we dump it right back on to the people who sent us down here.

But to get on to the bill — this is a bad bill, it is a poorly written bill. In the first place, it says it will protect the farmer. There is no way that this bill can protect the farmer. We can legislate that the commission will have the power to set the price that the dealer has to pay the farmer, but there is no way that we can legislate that the dealer has to buy the milk from the farmer. The dealer can go anywhere he wants for milk.

We have also heard it said that the Maine Milk Commission has protected the dealer. Ladies and gentlemen, at our hearing, Old Tavern Farms, that has been mentioned here

this morning, which is the dairy that came out in support of this bill, gave us a balance sheet for two years of their operation, 1976 and 1977. I would give you the best year, which was 1977. Old Tavern Farms claimed to be the largest half-pint dealer in the state. I believe they said they did more half-pint business than any other three dairies put together. They claimed to be one of the more efficient dairies. When the Milk Commission compiles their figures to set these prices, they use the more efficient dairies. I believe that Mr. Leonard said the figures of Old Tavern Farm were used. In 1977, Old Tavern Farms did a gross business of \$3,638,469. This is a pretty whopping big business. Usually in any business, the bottom line is what counts. They claim to be one of the more efficient dairies. When we get down to the bottom line, he gave us his net income before taxes, \$4,756; provision for income tax, none; net income after taxes of \$4,756 on \$3 million worth of business. I would think the Milk Commission had done a very poor job protecting this man.

It was said that the Milk Commission was formed so that the prices would be set at a level where the dealers would be able to pay the farmers.

I would just like to step back one step to 1976 on this dairy business. In 1976, they did over \$3 million worth of business and they came out with a \$19,296 loss. In 1977, they made \$4,756. I would say if this man became just a little bit more efficient he could sell his milk just a little bit cheaper, and probably there would be a lot of farmers in that area that didn't get paid or somebody would have to go without being paid.

Mr. Wood said that he could milk a cow, and I have heard Mr. Wood say that he used to ride around the farm with his father. I would not question the fact that he could milk a cow, but I think that maybe he would find that if he milked very many cows, that some of nature's most perfect food comes in some darn mean packages.

When we speak of the Milk Commission setting a price for the processors, they set that price at the lowest possible figure, which is supposed to be 2 cents on a quart margin. The price of milk in the store, we consider milk one of the better foods, one of the more nutritious foods and at the minimum price of \$1.86 a gallon, this milk figures at under 22 cents a pound. I would defy anybody to walk up and down the aisles of a supermarket and find other products of equal value at 22 cents a pound that they can take home, pour out of the container and consume with absolutely no preparation.

I think milk is a good buy and I think our consumers feel this way. I think they conduct their own referendum every day, they are buying more milk in the State of Maine per capita than any other state in the nation. When we compare the price of milk to the price of pop, with coke at \$1.10 a half gallon, milk at 95 or 96 cents a half gallon, I think that maybe milk would weigh pretty heavy in that balance. So I would urge you to vote against the motion that is here today. For one thing, I would like to say right now, the farmers in Maine are in a good position right now to go out of business.

We have an excellent farmer in the Lisbon area that has had an auction this year, sold all of his cows. It was a father and son operation, a good size operation, and he was at our hearing and I asked him if the situation in the Maine Milk Commission had anything to do with his selling his cows and he said it did. Now, this wasn't a fly-by-night farmer, this was one of the top farmers in the state. He had been named, a few years ago, as the outstanding farmer in the State of Maine.

There is a farm in Dexter that is a father and son outfit, that were they to go out of business, we would realize for the first time in our lives that we could go out of business and come out with a whole hide, so to speak. When these farmers go out of business, most of them do

have rented land, if I were to go out of business, I certainly would drop the rented land. I wouldn't keep that up, 150 acres of land that is nice and green today will be growing up to bushes 10 years from now.

The SPEAKER: The Chair recognizes the gentlewoman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the Milk Commission and to support milk pricing. I represent several small dairy farmers in Waldo County and my district, they support milk pricing. They tell me they can't continue without it.

At the hearing at the Civic Center, and I sat on the committee as a member of the Audit and Program Review, the auditorium was filled with farmers who, almost without exception, expressed their feelings very vehemently, as Representative Hobbins can attest, in support of price setting.

The loss of more dairy farmers not only would be disastrous to the Maine economy but to the consumer of milk and dairy products as well. With the loss of more milk-producing farms, there would be a shortage of milk in Maine, which would result in milk having to be imported from out of the state and eventually a higher price in the stores because of transportation costs and other factors.

I would urge you to indefinitely postpone this bill and all accompanying papers.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel that I should support the motion to indefinitely postpone. There are no wealthy farmers in my area, so that shows me that this thing, that they are not getting rich.

I definitely would be opposed to the referendum, because there are bigger votes in the cities and the city people are led to believe that by doing away with this they might get their milk cheaper, and that might be so one year, but at the end of five years, I am sure it would be more.

There is a problem of distribution in the small towns. Let me tell you, you already know that I represent towns like Lee, Springfield, Prentiss and Drew, Passadumkeag, Lowell and many of these little towns, well, when the time comes for distribution, in the City of Portland they probably could save a little money, but when you come to distribute milk areas and with miles of distance and the price of gasoline and transportation today, the area that I represent would be hurt drastically by this bill. So I do hope that you use good judgment and indefinitely postpone this bill and you would be doing the right thing.

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 Dixfield, Mr. Rollins, 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—Aloupis, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carter, F.; Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Diamond, Dow, Drinkwater, Dudley, Dutremble, L.; Elias, Fenlason, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hanson, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Jalbert, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leon-

ard, Lewis, Locke, Lougee, Lowe, MacBride, Masterman, Masterton, Matthews, Maxwell, McHenry, McPherson, Michael, Mitchell, Morton, Nelson, A.; Nelson, M.; Payne, Pearson, Peltier, Peterson, Reeves, J.; Reeves, P.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitshell, Violette, Vose, Wentworth, Whittemore, Wyman.

NAY—Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brennerman, Carter, D.; Chonko, Cloutier, Connolly, Cox, Davies, Doukas, Dutremble, D.; Fillmore, Fowle, Hickey, Higgins, Hobbins, Howe, Jacques, E.; Joyce, Kane, Kany, Kelleher, Lund, MacEachern, Mahany, Marshall, Martin, A.; McKean, McMahon, McSweeney, Nadeau, Nelson, N.; Norris, Paradis, Paul, Post, Prescott, Rolde, Simon, Stover, Tuttle, Vincent, Wood.

ABSENT—Brodeur, Hall, Lizotte, Sewall, Soulas.

EXCUSED—Carroll.

Mr. Carroll of Limerick was excused pursuant to Joint Rule 10.

Yes, 94; No, 50; Absent, 5; Excused, 1.

The SPEAKER: Ninety-four having voted in the affirmative and fifty in the negative, with five being absent and one excused, the motion does prevail.

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:

(S. P. 318) (L. D. 948) Bill "An Act to Provide for Outside Audit of County Budgets" Committee on Local and County Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-270)

(S. P. 251) (L. D. 697) Bill "An Act to Eliminate the Licensing and Reporting Requirements by the Owners of Diesel Powered Noncommercial Vehicles who Purchase only Fuel upon which Fuel Tax has been Paid" Committee on Taxation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-272)

(S. P. 337) (L. D. 998) Bill "An Act to Reclassify Certain Surface Waters and Revise Water Standards" Committee on Energy and Natural Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-273)

(S. P. 466) (L. D. 1528) Bill "An Act to Establish and Protect the Rights of Recipients of Mental Health Services" Committee on Health and Institutional Services reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-274)

(H. P. 17) (L. D. 34) Bill "An Act to Remove the Town of Medford from the Maine Forestry District" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-635)

(H. P. 1002) (L. D. 1236) Bill "An Act to Provide Reimbursement of Sales Tax on Depreciable Machinery and Equipment Used in Aquaculture" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-630)

(H. P. 1261) (L. D. 1512) Bill "An Act to Remove Wallagrass Plantation from the Maine Forestry District" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-633)

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

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

Second Reader**Later Today Assigned**

Bill "An Act to Establish a Solid Waste Management Subsidy for Municipalities" (H. P. 948) (L. D. 1181)

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

On motion of Mr. Blodgett of Waldoboro, tabled pending passage to be engrossed and later today assigned.

Tabled and Assigned

Bill "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1980, and June 30, 1981" (Emergency) (S. P. 586) (L. D. 1651)

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

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

Mr. STROUT: Mr. Speaker, I would pose a question to the Chair. As we don't know at this time what our funding is going to be at, I think maybe it would be wise if we tabled this until later or for a day, so we could have a chance to look this budget over.

If this is to be amended, it would have to be amended at this time, is that correct?

The SPEAKER: The Chair would answer in the affirmative.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and tomorrow assigned.

Tabled and Assigned

Bill "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for Fiscal Years Ending June 30, 1980, and June 30, 1981" (H. P. 1359) (L. D. 1595)

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

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

Mr. PAUL: Mr. Speaker and Members of the House: With the Fish and Game license increase pending, I believe it would be wise to hold off on the appropriation until such time as that measure has been decided. I would ask somebody to table this.

Thereupon, on motion of Mr. Garsoe of Cumberland, tabled pending passage to be engrossed and tomorrow assigned.

Later Today Assigned

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) (C. "A" H-618)

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

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

Passed to Be Enacted**Emergency Measure**

An Act to Permit Store Owners to Limit the Number of Containers they will Accept from a Single Person or Group at One Time (H. P. 66) (L. D. 74) (C. "A" H-573)

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. 126 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.

Emergency Measure

An Act Concerning Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park (H. P. 134) (L. D. 145) (C. "A" H-557)

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 11 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Incorporate Standards in the Motor Vehicle Inspection Law and to Provide for Legislative Review of Rules Promulgated to Implement the Inspection Program (H. P. 1423) (L. D. 1628) (S. "A" S-245)

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. 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Enactor
Reconsidered**

An Act Creating the Cornish Water District (H. P. 1457) (L. D. 1650)

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

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

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

House Amendment "A" (H-643) was read by the Clerk.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to correct a couple of errors in the document and I hope you will all go along with this and give this emergency passage.

Thereupon, House Amendment "A" was adopted, the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

Finally Passed**Emergency Measure**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1979 (H. P. 1447) (L. D. 1645)

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. 131 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Emergency Measure

An Act Relating to Determination of Refund Values on Beverage Containers (H. P. 623) (L. D. 765) (C. "A" H-572)

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. 129 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 Engrossed

An Act to Amend the Standard Valuation Law (H. P. 728) (L. D. 915) (C. "A" H-578)

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

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

Mr. BOWDEN: Mr. Speaker, could we have a brief explanation of this?

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

Mr. HOWE: Mr. Speaker and Members of the House: In response to the gentleman's question about L. D. 915 as amended by Committee Amendment "A", this is a bill that was passed out of the Committee on Business Legislation and is part of the insurance laws of the state.

In the most simplistic explanation, which is the most I am able to give you, this has to do with the superintendent of insurance powers of reviewing the reserve liabilities held by insurance companies. The law requires that insurance companies hold certain amounts of assets and reserves over and above what they feel they are going to need to pay claims to make sure they are solvent and that their policyholders are protected. This makes some technical changes in the law along the lines of the New York State insurance code, which is one of the best and toughest in the nation. This was put in by industry representatives but with the committee amendment is also supported by the insurance regulators in the state, and the committee felt quite confident that this was a prudent move.

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

**Enactor
Reconsidered**

An Act Concerning Abuse Between Family or Household Members (H. P. 910) (L. D. 1133) (C. "A" H-571)

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

On motion of Mr. Morton of Farmington, under suspension of the rules, the House reconsidered its action whereby the Bill was Passed to be engrossed.

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

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

House Amendment "A" to Committee Amendment "A" (H-641) was read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I realize that this is the good gentleman from Farmington, Mr. Morton's bill, and I wish he would afford us an explanation of his House Amendment.

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

Mr. MORTON: Mr. Speaker and Members of the House: I am very happy to explain this. The bill received a great deal of attention by the Judiciary Committee. They did an excellent job on it. In the course of doing that, they attempted to get information from various sources, judges, professional people other than those in the legal profession, and the Attorney General, and the Attorney General did reply. Unfortunately, his letter came in after the bill had been engrossed. In fact, it was dated yesterday. He pointed out that under Paragraph C in Section 1331, the language contained the words 'offensive contact' and his words are that the criminal code, 17-A, M. R. S. A. 207, utilizes the phrase 'offensive physical contact'. The language in Paragraph C should also use that phrase, at least for the sake of consistency, and I completely agree.

You will also note that Paragraph D, which followed C has been omitted, and the Attorney General's remark in connection with Paragraph D was that it was his belief that the language of this provision is vague and there is serious question whether it would withstand constitutional scrutiny. Therefore, we have completely eliminated it.

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

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

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

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

An Act to Regulate the Sale of Business Opportunities (S. P. 465) (L. D. 1499) (C. "A" S-251)

An Act Concerning Remedies under the Unfair Trade Practices Statutes (H. P. 121) (L. D. 138) (C. "A" H-575)

An Act to Amend the Law Relating to the Maine Milk Tax Committee (H. P. 206) (L. D. 254) (H. "A" H-564 to C. "A" H-514)

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 Concerning the Profession of Public Accountancy (H. P. 234) (L. D. 280) (C. "A" H-497)

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: In the profession of public accounting, we have rather a strange situation where there are two groups that are licensed to perform exactly the same function in our society, these two groups being the CPA's and the PA's.

Since 1974, there has been no further registration of PA's, but L. D. 280 would reopen the registration of the class of accountants, and Committee Amendment "A", which is now the bill, adds some rather stringent standards which the PA's must meet, or, more specifically, they must meet the same education and experience requirements as the CPA's and, in addition, must pass parts one and two of the CPA examination plus a separate written examination, which I assume would be up to the Maine Board of Accountancy. This additional examination would cover the areas of auditing theory commercial law. What we would have here, however, would be two different standards for entering into the profession, those who can pass all of the CPA examination and those who can pass only part of the CPA examination and, to me, this just doesn't make sense. I maintain that if it is in the best interest of our society that those who serve the public in the field of accountancy and meet certain professional standards, there should be only one set of professional standards for entering into this profession.

Committee Amendment "A" does represent a compromise between the CPA's and the PA's. Unfortunately, in my opinion, it does not really meet the needs of either group and for this reason, I am going to vote against L. D. 280.

The Speaker, I would request the yeas and nays.

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

Mr. HOWE: Mr. Speaker and Members of the House: Just briefly, this is one of two bills which came out unanimously from the Committee on Business Legislation dealing with accountants. One was supported by certified public accountants and the other was supported by the remaining group of an extinct species known as public accountants by virtue of the fact that the law a few years ago said that they could be no more. I think it was a classic example of a professional group, occupational group, shrouding themselves with state law to fend off competition, if you will. I think it is within the legitimate powers of the government to protect people from unlicensed quacks, but I think the

bill we have before use certainly won't permit public accountants without a great deal of training and experience out into the field. We have made the requirement to become a public accountant much tougher. They are not as tough as what it takes to become a certified public accountant, but I submit that people in business know the difference between a CPA and a PA and are going to shop wisely.

Most of the CPA's, I think, work for the major accountancy firms, such as Ernst and Ernst and Peat, Marwick Mitchell & Co., those folks, and they generally deal with the larger corporations, the multi-nationals, and I think it is in the public interest to provide that public accountants to be available more often than not for the small businesses and I think at somewhat lesser fees.

At the point that these two bills left committee, they were the result of a compromise between the two groups; that compromise began to fall apart but the position of the committee has not, and I hope you will pass this bill along today.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: The purpose beyond L. D. 280 was to restore the testing and licensing of new public accountants, which had been cut off in 1974. This is a sound public policy which will allow small businessmen through the state to determine for themselves the kind of services they need to fulfill their accounting problems. Without such change, public accountants will remain a dying class and eventually CPA's will have a monopoly in this area.

Within the State of Maine, almost 25 percent of all licensed CPA's practice with the so-called big 8 accounting firms, such as, Arthur Young, Ernst and Ernst, Peat, Marwick and Mitchell and others who are more interested in serving multi-national corporations than Maine businessmen.

In this regard, it is important to note that 10 years ago, public accountants outnumbered CPA's by a 2 to 1 ratio, whereas, at present, there are 50 percent more CPA's.

In response to concerns over professional standards and quality of service, the Committee Amendment substantially upgrades the educational requirements applicable to public accountants and ensures that they are fully compatible to those now required of CPA's. Thus, under the committee amendment, new applicants for a licensed public accountant would have to show they had received a Bachelor's Degree from a recognized college or university, plus two years' experience or a Master's Degree, plus one year's experience. It also requires that these applicants pass the two most difficult parts of the National CPA, parts one and two of the examination of accounting practices. The additional change now urged on this floor to deprive new public accountants of the ability to attest financial statements only serves to promote a monopoly on the part of CPA's, whose fees tend to be higher and whose offices tend to be less accessible to small business people.

It has been claimed that only CPA's are qualified to undertake such complex work; if so, how have we survived to this point in time when current law clearly authorizes both public accountants and CPA's to do this work? The CPA, obviously, resents any competition whatsoever and they are not prepared to let the marketplace work at its will. They are intent on either destroying public accountants through attrition or through depriving them needed tools to serve those who freely and voluntarily seek their help.

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

A vote of the House was taken, and more

than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Brown, A.; Brown, K. C.; Bunker, Call, Carroll, Carter, D.; Chonko, Churchill, Cox, Damren, Davies, Dellert, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gavett, Gowen, Gray, Gwadosky, Hanson, Hickey, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kany, Kelleher, Laffin, Lancaster, LaPlante, Leonard, Lewis, Lizotte, Locke, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paul, Pearson, Peterson, Reeves, J.; Reeves, P.; Sherburne, Silsby, Simon, Small, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tozier, Twitchell, Violette, Vose, Wentworth, Whittemore, Wood.

NAY—Austin, Berry, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Carrier, Carter, F.; Cloutier, Conary, Connolly, Cunningham, Curtis, Davis, Dexter, Dudley, Fenlason, Garsoe, Gillis, Gould, Hobbins, Hunter, Immonen, Kane, Kiesman, Leighton, Lougee, Lowe, Marshall, Morton, Paradis, Payne, Peltier, Post, Prescott, Rolde, Rollins, Roope, Smith, Tierney, Torrey, Tuttle.

ABSENT—Brodeur, Hall, Higgins, Norris, Sewall, Soulas, Stetson, Vincent, Wyman.

Yes, 97; No, 44; Absent, 9.

The SPEAKER: Ninety-seven having voted in the affirmative and forty-four in the negative with nine being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act Concerning Notice of Right to Cure Defaults under the Consumer Credit Code (H. P. 333) (L. D. 432) (C. "A" H-577)

An Act to Make Certain Changes in the Manufactured Housing Act (H. P. 787) (L. D. 987) (C. "A" H-576)

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

Tabled and Assigned

An Act to Provide for Staggered Registration for Motor Trucks (H. P. 767) (L. D. 970) (C. "A" H-565)

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

On motion by Mr. Carroll of Limerick, tabled pending passage to be enacted and tomorrow assigned.

An Act Authorizing a Study to Determine the Feasibility of Establishing a System of Youth Hostels (H. P. 1000) (L. D. 1235) (C. "A" H-527)

An Act to Make Substantive Changes in the Forestry Statutes (H. P. 1126) (L. D. 1396) (S. "B" S-254 to C. "A" H-428)

An Act Concerning Maine's Maternal and Child Health Care Program (H. P. 1128) (L. D. 1505) (C. "A" H-566)

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 Permit Municipal Water Departments and Quasi-municipal Water Districts to Provide a Contingency Reserve (H. P. 1132) (L. D. 1400) (H. "A" H-581 to C. "A" H-521)

Was reported by the Committee on En-

grossed Bills as truly and strictly engrossed.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Enactment of this legislation is going to provide two things: (1) it is going to provide that any water company who goes in for a rate change can add 3 percent of the total operating budget to the rate change as their contingency fund; (2) those water districts who are now on the borderline of having sufficient rationale for a rate change, with this 3 percent now, they will have sufficient rationale and, in effect, will go in for the rate change. We have heard that already at the hearing. Therefore, since the bottom line is that the ratepayer again is going to end up paying the additional bill, I would request the yeas and nays on this, Mr. Speaker.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: When the good gentleman from Limestone, Mr. McKean, indicated that he was going to ask for a roll call, I guess I didn't realize he was going to speak in such a manner as to discourage passage of this bill.

I do think, then, it is important to mention just very briefly some of the more important aspects of the bill.

One of the biggest problems facing all of us today is the roaring rate of inflation. This bill, in its own small way, is one manner in which we can help our water districts back home deal with inflation.

The current situation is as follows, when emergency situations arise with our local water districts, those districts must then go out and borrow short-term money at high interest rates. This is done until such time when the amount reaches a proportion that the issuance of a long-term bond issue is required, again at high interest rates. This does not leave the water districts in a very good situation with respect to local banks as they are making these loans.

Very simply, I think the crux of this bill is, as the good gentleman described it, the bottom line, because I think if water districts can effectively deal with these emergencies on a year-to-year basis and not have to borrow money and not have to pass on high interest rates to the ratepayers, then I think we have, indeed, done our local water districts and our constituents a good turn.

Two points that are very important, one is that we are talking about noninvestor-owned water districts, we are talking about noninvestor owned. I think that is the most important point that I can make about this bill. The second point that I wish to make, and the last, is that this contingency reserve is a small reserve and it is one that must be approved by the Public Utilities Commission. So we are still leaving the final decision in the hands of the PUC. It is not going to be automatic, it is going to be left in the hands of the PUC, and I urge you to vote in favor of the bill.

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

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

The SPEAKER: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Bachrach, Benoit, Birt, Blodgett, Bordeaux, Brannigan, Brennerman, Brown, D.; Brown, K. C.; Call, Carroll, Carter, F.; Churchill, Cox, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowle, Garsoe,

Gavett, Gillis, Gould, Gray, Gwadosky, Hanson, Hickey, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalburt, Joyce, Kane, Kiesman, Lancaster, Leighton, Leonard, Lizotte, Locke, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterton, Matthew, McMahon, McPherson, Michael, Mitchell, Morton, Nelson, M.; Nelson, N.; Paul, Peltier, Post, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sherburne, Simon, Small, Stover, Studley, Tarbell, Theriault, Torrey, Tuttle, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY—Austin, Baker, Barry, Beaulieu, Berry, Berube, Boudreau, Bowden, Brown, A.; Brown, K. L.; Bunker, Carter, D.; Cloutier, Connolly, Curtis, Diamond, Dow, Gowen, Higgins, Jacques, E.; Kany, Kelleher, Laffin, LaPlante, Lewis, Lougee, MacEachern, Masterman, Maxwell, McHenry, McKean, McSweeney, Nadeau, Nelson, A.; Payne, Peterson, Reeves, P.; Smith, Strout, Tozier, Twitchell.

ABSENT—Brodeur, Carrier, Chonko, Conary, Hall, Hobbins, Jacques, P.; Norris, Paradis, Pearson, Sewall, Silsby, Soulas, Sprowl, Stetson, Tierney, Vincent.

Yes, 93; No, 41; Absent, 17.

The SPEAKER: Ninety-three having voted in the affirmative and forty-one in the negative, with seventeen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act Relating to the Marketing of Potatoes (H. P. 1315) (L. D. 1569) (C. "A" H-559)

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.

On motion of Mr. Blodgett of Waldoboro, under suspension of the rules, the House reconsidered its action whereby an Act to Make Substantive Changes in the Forestry Statutes (H. P. 1126) (L. D. 1396) (S. "B" S-254 to C. "A" H-428) was passed to be enacted.

On further motion of the same gentleman, tabled pending passage to be enacted and tomorrow assigned.

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

Mr. FOWLE: Mr. Speaker, Ladies and Gentlemen of the House: I move that we reconsider our action whereby Bill "An Act to Appropriate Money to the Northeastern Research Foundation, Inc." (S. P. 170) (L. D. 377) was indefinitely postponed.

I would like to explain briefly this bill again. This was a 12 to 1 report out of the committee, one member of the committee in opposition to the bill. Maine is now buying \$1.3 million annually of internationally respected marine research in the gulf of Maine for \$150,000.

Bigelow Laboratory, which is what we are discussing here, can add easily at least three more top oceanographers at no added expense to the state; thus, Maine could be getting about \$1.55 million of marine research per year at 10 percent the amount.

Bigelow research, in the typical, physical and chemical and biological environment of Maine's coastal waters in the gulf of Maine, is very important if we hope to understand the coastal, environmental and pollution issues, as well as the national influxation of management issues of fisheries. The need to study environment where fish live is very important. Agriculture studies the crop themselves, the soil characteristics, chemical fertilizers, insects, genetics and so on; so does forestry. Why is it the fisheries think we can make progress by studying only the fish? Bigelow provides us in Maine with the potential of doing a proper job very inexpensively.

Bigelow can and will provide strong cooper-

ative support to the Department of Marine Resources, researching shrimp, red tide, temperature characteristics and fisheries issue. Also, Bigelow can bring to Maine, at no cost, top visiting scientists with national and international respect to carry on marine research off the gulf of Maine.

Bigelow can and does bring sea-going oceanographic vessels into the state that otherwise would not be here if it wasn't for the Bigelow Laboratory. Because of Bigelow's presence in Maine, there is a possibility of a large research vessel being based in Maine at least three months out of the year. Aside from the research capability, this also would be a great economic impact to the Boothbay region.

Bigelow's almost unique status, because it can attract some of the best oceanographers in the state and there are very few places like Bigelow in the state, there are only three or four.

I would also like to tell you that Bigelow's state appropriation is about 4 percent of the department's total budget and about 12 percent of the total research budget. So, I feel that we are getting a lot for Bigelow for the money we are paying.

Some of the research programs that are going on that Bigelow is proposing this year for 1979 through 1980 will be assessment of intertidal seaweed resources on the coast of Maine, and this is very important because lobsters live in the seaweed when they are young and over-harvesting of seaweed could hurt our lobster resource, and this isn't presently going on.

Also, they are doing a study of herring in the George's Bank, and something that we are all familiar with that we hear a lot about on the news, the flats are being closed because of red tide and Bigelow is doing work in conjunction with Department of Marine Resources on red tide.

Bigelow does work on oil spills, which doesn't just affect the fishing industry, and Bigelow Laboratory will initiate new programs to provide basic information necessary for the monitoring of pollution along the Maine coast. We need to know the amount of fresh water flowing out of acturaries into the coastal system. This is a route that pollution, such as land fertilizers, pesticides, heavy metal carbocarbons and radio active waste into the waters. The laboratory will measure the concentration of pollutions into these waters.

So, I would just like to sum it up that Bigelow has been a great asset to the state, has brought new people into the state, new money and the department feels strongly that they should continue in the state.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Just to show that this is definitely a non-partisan issue, I would ask you to vote against reconsideration.

For those of you who think of Bigelow only in terms of a mountain, and because I have had a couple of people ask me what the Marine Resources Committee is doing with issues that had to do with mountains, I would like to explain a little bit about what Bigelow is and what that means in terms of Northeastern Research Foundation.

In about 1973, the federal government moved out of the research laboratory down in Boothbay and that left some buildings vacant at that time. That happened to coincide at the same time with an individual, Mr. Yench, who wanted to leave his position as Director of the University of Massachusetts Marine Research Station, so at that time they were urged to come to Maine and L. D. 2240 was passed, which made an appropriation directly to what is now known as the Bigelow Laboratory. I think that was probably an appropriate action for the state to take at that time. However, things and times have changed since then.

The Department of Marine Resources has

very greatly increased its capacity to undertake marine research and, in fact, last year a Joint Select Committee on Research was set up and it was comprised of individuals, fishermen, D & R scientists and the scientists from outside the Marine Resources Department. It drew up a five year research plan on what they saw as their priorities for research to take place within the marine area within the state — well, it ended up three years. As a result of that, it happens to be on your desk today on your Part II budget on Page 20, a substantial increase in the amount of money for marine research was put into the Department of Marine Resources.

Now, the committee had originally asked for a \$700,000 appropriations. After a great deal of discussion, the committee felt that that was the amount that was necessary to carry on the kind of research that the state needed to manage its resources. These are the priorities of fisherman and those legislators who are involved in that committee.

We also requested in that \$700,000 that several centers be set up along the coast of Maine to both help individuals as they try to deal with the state in terms of getting their licenses, getting information, and to have those centers available for their extension agents to work out of to bring the research closer to the fishing community. As that budget was pared down even further in the Governor's office, as is always the case, it was pared down to about a \$200,000 amount. While that has been very helpful in allowing Maine to meet its needs over the next few years, it is not going to be enough to do all of the things that the committee felt should be done.

The Marine Resource Centers, which were particularly important in bringing research and the extension closer to the industry, were cut out altogether.

What is being asked for in this particular bill is \$100,000, or actually would fund \$100,000 of salaries, and with the 44 percent overhead that the Bigelow Laboratory has, it would come up to approximately \$140,000. We are talking about \$140,000 now, in addition to what is already in the budget, the Department of Marine Resources budget, going to a private organization; this is a private organization for marine research.

In addition to that, they will get, in any event, whatever happens to this particular bill, the continued use of the buildings down at the Boothbay facility. They will also continue to get approximately \$48,000 worth of rent and services within that building, so the State of Maine will continue, no matter what happens with this particular bill, to make a contribution.

I think the question is, should the state continue to fund a nonprofit organization pass the point in which we gave it money when it was needed to start?

Bigelow has several other resources at its disposal at this point. In fact, in 1978, it got money from the Office of Naval Research, the Energy Research Development Administration, the Food and Drug Administration, Health, Education and Welfare, National Aeronautics and Space Administration, National Fisheries Service, Energy Resources Company, State Planning, National Science Foundation, DEP, New England Regional Commission, Center for Natural Areas, Nation Oceanic and Atmospheric Administration, Taxon—that is not taxation, I want to say, that is Taxon, whatever that is—Woodshole, Oceanographic Institute, National Oceanic Data Center, miscellaneous and the grants from the State of Maine. It will get, in 1979, some money that was not available to them in 1978 from Fish and Wildlife Service, University of National Institute of Health.

I know that we are all faced now with making difficult decisions, and I think that is probably one of the reasons why this bill came out of

committee in the last days of the session where I ended up voting against it. It has probably been my own experience of what the Taxation Committee has gone through. We have had a lot of bills before us, a lot of good bills and a lot of those bills were killed, and we did it because we felt the need to start setting priorities, and I think it behooves every one of us, no matter what our own personal area is, and marine resources is an area very close to me, but sometimes we have to say no. We did that yesterday, though I didn't happen to agree with it, on a bill which had about the same amount of money, and we were talking about sheltered workshops for handicapped adults.

I just find it very difficult, when we have already said to the fishermen that we can't give them enough money to fund the research that they think has the highest priority, there was not enough money to fund the centers to bring the extension and research closer to them, and, in fact, when we couldn't even afford to give them \$10,000 to help fight the federal bureaucracy in talking about quotas, to say yes, we can turn around and support the money for this organization. I think Bigelow is valuable, I think they ought to stay in Maine, I think we are giving them that incentive with the buildings and the other money which is in the budget. I think it is time they stand on their own two feet.

In closing, I would like to mention, in terms of talking about some of the kinds of things that they do. When they get this money, if you take a look at what it says in L. D. 337, it says the funds that will be appropriated under this section shall be paid over to the Bigelow Laboratory, provided the laboratory will provide a detailed accounting of its expenditure of those funds to the department. We are not requiring anything; it is not on a contract basis where we say, you go and do this and in return we will give you the money. We give them the money and they use it as sort of seed money in the magic money game for their principal investigators to go out and get grants and different kinds of projects.

We are talking about a detailed accounting of the expenditure of these funds to the department. What we mean is, we find out how much each salary was, and last year when we got that accounting, some of the salaries were in the range of \$30,000 to \$40,000.

In taking a look at Bigelow Laboratory for ocean scientist annual report, I don't want to read all of these projects that they do, but some of the individuals which will be getting money from the state, their scientific contributions during that year included patterns of distribution of estuarine organisms and their response to a catastrophic decrease in solidity, the effects of a tropical storm, Agnes, in the Chesapeake Bay estuary system—that is Chesapeake Bay, definitely not Maine—deep sea metabolism in the eastern tropical North Pacific Ocean, oceanic sound scattering predictions, a general reduction and analysis of MESA, New York bite biological program data. I think the institution is valid, I think that the whole country needs it, I think it is more appropriate that we not give it a block grant but that this funding come out of the other resources which are available, and at the present time we can continue until our space needs overcome that to give them the space we have available down in the Boothbay area and the money within the VMR budget to care for that space.

I would ask you not to reconsider and, Mr. Speaker, I would ask for the yeas and nays.

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

Mr. JACKSON: Mr. Speaker and Members of the House: It is hard to get everything here that Mrs. Post has covered, but I would like to put a little different light on the whole thing.

There are two or three cold water marine labs, there is one in Canada at St. Andrews, there is one at Montock Point and of course

there is the Woodshole Oceanographic Lab. This particular facility in Boothbay Harbor is Maine's outlet to the cold water of the Gulf of Maine and the research that is done there.

When we funded this originally, in 1973, and brought the scientists in to this, we set up the funding and we put them into the space that was empty at that point so that they could use it. I, personally, feel they have done a great deal for the state and particularly for the area and for the fisheries.

Mrs. Post mentioned a number of areas that fisheries need help in, and Bigelow Laboratory provides possibly the greatest help in long-term research, very, very high quality research.

The department's needs for research, I totally agree with, and both of these should be on the Appropriations Table, and I personally would stress the department's needs first, but I think that this should be considered, should be on the table to be considered.

The department tends to deal with the day-to-day working problems that the fisherman faces. Bigelow tends to go into much more long-term things.

There is need for state money. Mrs. Post, again, outlined a great deal of where their grants come from, but these are grants and they have to be sought, they are actively competed for, and the state interest and the state money helps Bigelow in getting these grants. They are bringing well over a million dollars in jobs and fringe benefits into the Boothbay Harbor area, and they are bringing a good deal, I suppose, if you consider it for the whole state, more than that into the whole state.

This is federal money, much of what they are getting is federal and private money, I might add, that is going to go somewhere. If Maine doesn't get it through Bigelow, it is going to end up at Montock, it is going to end up in Woodshole, it is going to end up somewhere else, and this gives us an active way to seek these funds and to seek this research and bring this very high quality type of research into the state.

I hope you will support this and that we can put it on the Appropriations Table and let it compete on that basis.

Again, I totally agree with Mrs. Post and her assessment that this is a needed thing in the state and it is a great asset to the state. It is the kind of business that we need in the state and the kind of business we have encouraged to come into the state. I hope you will vote for it.

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I haven't spoken much this session, but I feel that I have to get up and defend this bill. I do hope that you will vote to reconsider it.

I think the committee report speaks for itself. I think we know where our priorities are and, as Representative Post has said, I think we know where her priorities are, because I think she mentioned a few of them when she was talking about not reconsidering this bill.

This money, this \$150,000, would generate grants from other areas. It will generate about \$1,127,000 this year.

Representative Post read off the organizations that contribute to the grant and the contracts, and I am sure that they would not put this money into Bigelow if Bigelow was not doing a good job. It helps not only the people who work there, but it helps every fisherman along the Maine coast, and that involves quite a few people, I can assure you.

I do hope that you vote to reconsider this and, as Representative Jackson said, pass the bill and let it take its chances on the Appropriations Table.

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 in favor of 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 Rockland, Mr. Fowlie, 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, Austin, Bachrach, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brodeur, Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carroll, Carter, D.; Connolly, Cox, Damren, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Duttremble, D.; Elias, Fenlason, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Howe, Huber, Hunter, Huchings, Immonen, Jackson, Jacques, P.; Kany, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Lowe, Lund, MacBride, Marshall, Martin, A.; Masterton, Matthews, Maxwell, McHenry, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paul, Payne, Pearson, Peterson, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sherburne, Silsby, Simon, Small, Smith, Soulas, Stover, Strout, Torrey, Tozier, Violette, Vose, Wentworth.

NAY — Baker, Barry, Beaulieu, Brannigan, Brenerman, Brown, A.; Brown, K. C.; Carter, F.; Chonko, Cloutier, Conary, Cunningham, Curtis, Davies, Duttremble, L.; Fillmore, Hobbins, Hughes, Jacques, E.; Jalbert, Joyce, Kane, Kelleher, Leonard, Locke, Lougee, MacEachern, Mahany, Masterman, McKean, McMahon, McSweeney, Nelson, A.; Paradis, Post, Studley, Theriault, Tierney, Twitchell, Wood, Wyman.

ABSENT — Berry, Boudreau, Churchill, Hall, Peltier, Reeves, P.; Sewall, Sprowl, Stetson, Tarbell, Tuttle, Vincent, Whittemore.

Yes, 96; No, 41; Absent, 13.

The SPEAKER: Ninety-six having voted in the affirmative and forty-one in the negative, with thirteen being absent, the motion does prevail.

The pending question now before the House is on the indefinite postponement of this Bill and all its accompanying papers in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

The following Communication:

THE SENATE OF MAINE

Augusta

June 4, 1979

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

The Senate today voted to Adhere to its former action on Bill, An Act to Authorize Bond Issue in the Amount of \$22,000,000 for Highway and Bridge Improvements. (H. P. 1277) (L. D. 1529)

Sincerely,

S/ May M. Ross
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE

Augusta

June 4, 1979

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

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass report on Bill, An Act to Promote Woodlot Cooperative Marketing. (H. P. 875) (L. D. 1082)

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

An Expression of Legislative Sentiment recognizing that:

Steven Cameron of Winslow High School has been selected male "Teenager of the Year" and awarded a college scholarship by the Waterville Lodge #905, BPOE, for his outstanding academic achievement, participation in extracurricular activities and all-around school citizenship (S. P. 595)

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

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

Non-Concurrent Matter

Bill "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime" (S. P. 2) (L. D. 2) on which the Minority "Ought Not to Pass" Report of the Committee on Legal Affairs was read and accepted in the House on June 4, 1979.

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought to Pass" Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-257) and asked for a Committee of Conference in non-concurrence.

In the House: The House voted to insist and join in a Committee of Conference.

Bill "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H. P. 982) (L. D. 1162) on which the House insisted on its former action whereby the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-466) Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-466) in the House on June 4, 1979.

Came from the Senate with that Body having insisted on its former action whereby the Bill and Accompanying Papers were Indefinitely Postponed and asked for a Committee of Conference in non-concurrence.

In the House: The House voted to insist and join in a Committee of Conference.

By unanimous consent, the two preceding matters were ordered sent forthwith to the Senate.

(Off Record Remarks)

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such mat-

ters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

(Off Record Remarks)

On motion of Mr. MacEachern of Lincoln, Recessed until two-thirty o'clock in the afternoon.

After Recess

2:30 P.M.

The House was called to order by the Speaker.

Orders of the Day

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

SENATE DIVIDED REPORT — Report "A" (7) "Ought to Pass" — Report "B" (3) "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 "C" (3) "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) 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) — In Senate, Report "A" read and accepted and the Bill passed to be engrossed.

Tabled—June 4, 1979 by Mr. Tierney of Lisbon.

Pending—Acceptance of Any Report.

On motion of Mr. Tierney of Lisbon Falls, pending acceptance of any Report and later today assigned.

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

Bill, "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Assistance Allocation" (H. P. 402) (L. D. 508) — In House, passed to be engrossed as amended by Committee Amendment "A" (H-503) (Majority Report) on May 23. — In Senate, passed to be engrossed as amended by Committee Amendment "B" (H-504) (Minority Report) on May 29.

Tabled—June 4, 1979 by Mr. Tierney of Lisbon.

Pending—Further Consideration.

The House voted to insist and ask for a Committee of Conference.

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

Bill, "An Act Relating to Access, Copying and Release of Medical Records" (H. P. 935) (L. D. 1165) — In House, passed to be engrossed as amended by Committee Amendment "A" (H-491) as amended by House Amendment "B" (H-530) thereto (Minority Report) on May 30. — In Senate, Majority "Ought Not to Pass" Report Accepted.

Tabled—June 4, 1979 by Mr. Tierney of Lisbon.

Pending—Further Consideration.

On motion of Mr. Hobbins of Saco, tabled pending further consideration and tomorrow assigned.

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

HOUSE REPORT — "Leave to Withdraw" — Committee on Public Utilities on Bill, "An Act to Prohibit Unreasonable and Unjust Fuel Charges from Being Passed on to Consumers" (Emergency) (H. P. 1333) (L. D. 1580)

Tabled—June 4, 1979 by Mr. Tierney of Lisbon.

Pending—Acceptance of the Committee Report.

On motion of Mr. Davies of Orono, tabled pending acceptance of the Committee Report and tomorrow assigned.

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

HOUSE REPORT — "Leave to Withdraw" — 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)

Tabled—June 4, 1979 by Mr. Tierney of Lisbon.

Pending—Acceptance of the Committee Report.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending acceptance of the Committee Report.

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

HOUSE REPORT — "Leave to Withdraw" — 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)

Tabled—June 4, 1979 by Mr. Tierney of Lisbon.

Pending—Acceptance of the Committee Report.

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

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

HOUSE REPORT — "Leave to Withdraw" — 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)

Tabled—June 4, 1979 by Mr. Hobbins of Saco.

Pending—Acceptance of the Committee Report.

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

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

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—June 4, 1979 by Mr. Tierney of Lisbon.

Pending—Further Consideration.

Mr. Hobbins of Saco moved that the Bill be tabled for one legislative day.

Whereupon, Mr. Garsoe of Cumberland requested a vote.

The SPEAKER: The pending question is on the motion of Mr. Hobbins of Saco, that this matter be tabled pending further consideration and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

23 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to recede and concur.

The Chair laid before the House the ninth 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—June 4, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

On motion by Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.

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

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

Tabled—June 4, 1979 by Mr. Brenerman of Portland.

Pending—Adoption of Committee Amendment "A" (H-600)

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

House Amendment "A" to Committee Amendment "A" (H-631) 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 and sent up for concurrence.

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

Bill, "An Act Amending the Law Relating to Elevators and Tramways" (H. P. 692) (L. D. 870)

Tabled—June 4, 1979 by Mr. Tierney of Lisbon.

Pending—Adoption of House Amendment "A" (H-628) to Committee Amendment "A" (H-620)

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

Mr. HOWE: Mr. Speaker, the gentlewoman from Bethel, Miss Brown, I think can thank the gentleman from Lisbon Falls, Mr. Tierney, for tabling this bill yesterday, because she had presented an amendment without approaching any member of the committee, as far as I knew, and my first inclination was to move to kill the amendment, not knowing what it was. But I have had a chance to review it with John Hull, the counsel to the Judiciary Committee, and this is kind of an involved situation where several bills generally relating to who is liable in a law suit resulting from injuries in a sports situation, skiing or hand gliding and so forth, and different bills are working their way through two different committees and this amendment, I think, does combine the two bills in a reasonable fashion. It has to do with who is liable when somebody is hand gliding on the property of another person when the owner of the property is not being compensated.

Generally, the direction of the law has been moving in, thanks to the legislature, if you are involved in a sport on Farmer Jones' back porch, Farmer Jones isn't going to be held responsible if you get hurt. You kind of take the risk into your own hands. Whereas, if you are going to a location where you pay someone to use their property, to wit, a ski area, you have some expectation that the area has been groomed and that you would be a little safer than you would be on a mountainside or the back 40. So the liability on the property owner is a little less.

I think this amendment, therefore, is consistent with other actions the legislature is taking and I would support her amendment.

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

Committee Amendment "A" to Committee Amendment "A" thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" in New Draft (H. P. 1478) (L. D. 1665) — Committee on Education on Bill, "An Act Creating a Division of Industrial Training" (Emergency) (H. P. 540) (L. D. 671)

Tabled—June 4, 1979 by Mr. Connolly of Portland.

Pending—Acceptance of either Report.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: There was a major problem in this bill as it had come out of committee for those who wanted to see the bill passed. For those of us who were against the bill this morning we were willing to recommit the bill to committee. However, this afternoon, at a workshop session of the committee, we agreed to allow the sponsor to draft a House Amendment to the bill. That amendment is not ready yet and would be presented tomorrow, so we would appreciate it if we could accept the "ought to pass" report.

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

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

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-626) — Committee on Business Legislation on Bill "An Act to Encourage Free and Open Competition in Insurance Funded Repairs" (H. P. 874) (L. D. 1064)

Tabled—June 4, 1979 by Mr. Howe of South Portland.

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

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I wonder if we could reject the "ought not to pass" report and instead accept the "ought to pass" report. I do have an amendment that someone has gone to get for me and I would like to present it at second reader tomorrow. If at that time you feel that the amendment does not cover the concerns of some members of the committee, then perhaps at that point we could kill the bill, but I think it has some good in it.

Thereupon, Mr. Howe of South Portland requested permission to withdraw his motion to accept the Majority "Ought Not to Pass" Report, which was granted.

On motion of Mrs. Berube of Lewiston, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-626) was read by the Clerk.

On motion of Mrs. Berube of Lewiston, Committee Amendment "A" was indefinitely postponed.

On motion of Mrs. Berube of Lewiston, Committee Amendment "A" was indefinitely postponed.

The Bill was assigned for second reading tomorrow.

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

HOUSE DIVIDED REPORT — Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-624) — Minority (2) "Ought Not to Pass" — Committee on Education 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)

Tabled—June 4, 1979 by Mr. Connolly of Portland.

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

Thereupon, the Majority "Ought to Pass"

Report was accepted and the Bill read once. Committee Amendment "A" (H-624) was read by the Clerk.

Mr. Connolly of Portland offered House Amendment "A" to Committee Amendment "A" (H-649) was read by the Clerk.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as you can see, came out of the Education Committee with a pretty lopsided report in favor of the bill. I received a call last night from a lady from Portland who was interested in the passage of this bill. It seems that this school has been operating now for about a year and it was funded through CETA. I asked her why, in fact, the City of Portland wouldn't want to fund this program if, in fact, it was a valuable program for the City of Portland and for those students who could take advantage of it, and all she could tell me was that the City of Portland didn't want to fund it and she thought the legislature should fund it. I just thought I should bring that to your attention today before we accept the amendment.

There is not a whole lot of money on the bill, but I really don't know what kind of precedent it sets for us to start funding this kind of program in any city, whether it be Waterville, Bangor, Portland or Lewiston, and I just hope you keep an eye on the bill as it goes through the process.

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

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: It pains me to be at odds with my chief, the distinguished House Chairman of Education, Representative Connolly, and to be on the short end of this lopsided report, but I would like at this time to move the indefinite postponement of this bill and all its accompanying papers and ask for the yeas and nays and speak to my motion.

This bill concerns itself with the Side-by-side School in Representative Connolly's Portland district and this is his bill. The school is neither fish nor foul in the sense that it is not a properly accredited private school or part of a properly accredited public school system. They are all Portland students involved, as I understand, except one from South Portland.

The original bill was quite accurate in its Statement of Fact, in that it simply said that the purpose of the bill is to provide funds for the Side-by-side School, and educational program for school dropouts.

The Statement of Fact on the Committee Amendment says, "The purpose of this bill is to provide for a demonstration project for alternative education programs." Either way, it amounts to an additional alternative education allocation from the state to the City of Portland in the amount of approximately \$40,000.

Side-by-side was founded in 1978 and has had a total of 25 students. It currently has 13 students. In 1978, the Positive Action Committee of the Portland public schools gave them \$1,000. Total funding since the inception of the school has been \$1,605.54. Unless I am mistaken, contrary to the information that Representative Boudreau has, I don't think there has been any CETA money involved.

In the 1979-80 budget year, the Portland School Committee has refused to give them a penny or to enter into contractual relationships with them.

This is not a pilot program, at least not in my understanding of what constitutes a pilot program. The concept of alternative education is well established in Maine law, and I don't know of a single school district or local unit that doesn't have an alternative education program.

At the hearing, we heard from the proponents of the bill, some of the students, the parents, but there was no one there from the

Portland School Committee. Subsequently, Superintendent Reynolds from Portland was asked to come to one of our work sessions, and I asked him a number of questions that I thought went right to the heart of the matter. I asked him, would he say that the Portland School Committee, the governing body for education in the City of Portland, had rejected either a contractual relationship or a funding relationship with Side-by-side? He indicated that was true. I asked him if Portland had an alternative education program, and his answer was, yes, they do, as a matter of fact, they have three different alternative programs.

I asked him how their program stacked up with the programs in the rest of the state. He said that they had as good a program as any in the state. He rethought and said he thought they had the best. I asked him then if he had his druthers as Portland Superintendent of Schools, would he rather that alternative education was addressed through the public school system or through a private system, and he indicated that he would rather have it through the public school system.

He then described to us Portland's alternative education programs that exist now. They have three different programs, one is called Prep, with 60-some students, which is the usual approach to alternative education and addresses itself, as I understand it, to the same type of students that would go to Side-by-side.

They then have what they call the Young Adult Learning Program, where classes begin after 5 p.m. so that the student can work during the day and go to school at night.

Then they have what they call the In-town Learning Center, which is a very loose thing, where people of all ages can go and do what they want pretty much at their own pace.

I asked Superintendent Reynolds why the Portland School Committee had rejected Side-by-side, and he cited a number of questions that they had, which included legal liability, is it a private school and if so does it set up precedent of local government establishing private schools? Who governs it, who makes the policy, who maintains health and building standards, who employs the teachers, are they to be certified? Does the school match what is perceived as what should happen in such a school?

All the members of the committee received a letter, which is addressed to Senator Troitzky, from June Fitzpatrick, who is with the Community Counseling Center, which is the leading advocate of the Side-by-side School, and which also embraces child and family services, unmarried parent services, the Travelers Aid Society, Portland Fraternity, South Portland Family Services Association, all of whom are very much in favor of this but none of whom have volunteered any of their funding. And to read just a little bit of this letter, she says:

"Dear Senator Troitzky: Thank you for your sympathetic presentation of the Side-by-side issue at the work session today. I cannot stress strongly enough the importance of an appropriation to continue the Side-by-side program. There was evidence at the meeting today, anxiety about dollars is preventing the various factions involved from communicating clearly with each other. I fear that if it is left to the Portland School Department at this point to decide the fate of Side-by-side, then the program will die. If given a choice, the school department would prefer to fund an alternative they have originated themselves."

So, here in a letter from the leading proponent, other than Representative Connolly, the Side-by-side School is the most damning indictment of this bill that I could ever show you.

Pure and simple, Portland has addressed alternative education. In their wisdom, or lack thereof, the Portland School Committee has decided it did not want to incorporate Side-by-side in their program or to fund anything they had to offer. So the proponents of Side-by-side have jumped over their local school board to

come to the state for money that, if granted, would be in addition to Portland's already granted allocation for alternative education, which will give something to Portland that the rest of the administrative units won't get to enjoy.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: Representative Leighton was right, that this is another one of those issues on which he and I disagree. I just hope that the results on this particular vote are the same as they usually have been in the past.

I don't know if Representative Leighton attended the same work session that he referred to when Superintendent Reynolds from Portland came before the committee, if that was the same work session that I attended.

I don't know where to begin in response to the remarks of Representative Leighton. There are a great number of inaccuracies in the statements that he has presented to you. I would like to begin, though, by saying that this piece of legislation would set up a two-year demonstration project for an alternative education program for kids who have dropped out of school, would serve kids between the ages of 13 and 17.

The original bill requested an appropriation of \$35,000 for each of the two years of the pilot project. The Committee Amendment to the bill cuts that appropriation from \$35,000 each year to \$19,000 for the first year and \$21,000 for the second year. We arrived at that figure by basing it on the amount that the state would normally send to the local school administrative unit were those kids who had dropped out of school still in school. So in effect the money that is called for in this bill would be found in the education budget that was passed by this legislature should those kids not have dropped out of school in the first place.

The Side-by-side program that is referred to in the legislation is quite distinct and quite unique, quite different from all the other kinds of alternative programs to which Representative Leighton referred. It is the only full-time alternative education program that exists anywhere in the state, to my knowledge. It is quite different from the Prep program to which he refers, because the Prep program deals primarily with special education students, and it is different from the Young Adult Learning program and the In-town Learning Center in that they deal primarily with part-time situations and for kids in the evening.

Many of you who have been in the legislature in sessions previous to this understand that the Education Committee, in the last two sessions, has developed a series of bills that deal with the encouragement and the establishment of alternative education programs for kids who have dropped out of school. Even as a result of some of those progressive pieces of legislation which have been turned into law, there still exists a large number of kids across the state who have dropped out of school, who would like to receive an educational experience, ultimately get their high school diploma, but for one reason or another, those particular needs are not being met. It is the intention of this legislation that this unique type of program, which has been characterized, I think very unfairly as a Portland piece of legislation, can be used as a model for other school systems across the state. It would be my hope that this legislature would pass the bill along its way today, allow it to lie on the Appropriations Table and then stand with all the other priorities that have come not only from the Education Committee but from the other committees of this legislature.

It is not a Portland piece of legislation in the sense that that term is used on this legislative floor in an attempt to kill the bills. It just so happens that the City of Portland does have the largest number of dropouts in the State and

that this particular program exists in Portland, but it is unique to the entire state of Maine.

I am not the primary sponsor of this legislation. I am a cosponsor of this legislation, but I do have a deep interest in it. It does happen that this school exists within the boundaries of my legislative district, but that is not the reason why I sponsored the legislation and I think that those of you who have known my experience on the Education Committee in dealing with alternative education programs and the problems of dropouts from school will understand that is my motivation for the bill and not the fact that this particular school happens to exist in the City of Portland.

I would hope that this House today would look at the Committee Report, an 11 to 2 "Ought to Pass" Report, and would allow this bill to go along its way. Mr. Speaker, if it hasn't yet been requested, I would ask for the yeas and nays.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: It isn't pleasant to have to oppose the bill that we have before us, because my good friend and chairman of the Education Committee did sponsor it. When our philosophies clash, I feel it our duty to give you another look at the story.

We have here a young group of people, ages 14 to 18, who have had an opportunity to participate in alternative programs in the City of Portland but have not seen fit to do so. They sought something still further. Apparently, they have found it. I think one of the reasons that they seem a little more happy in this environment is that there are only 13 of them at present. There have been, as Mr. Leighton pointed out, 25, but currently there are 13. The thing that they pointed out at our meeting, they now were "with someone who cared". I believe this is right, I believe they are with someone who cares about their destiny.

There is no doubt that they need attention and a feeling that someone in our society does have feelings for them. However, I do not feel that it is the function of the Department of Education and Cultural Services to accept this responsibility would lie with the Department of Human Services.

As asserted at the hearing, the Portland School Department is aloof to the idea of working with Side-by-side. The Portland School Department is afraid of the legal implications of working with this group. The Portland School Department will not, as pointed out before, give them any funds. However, we must admit they did give them some antiquated text books.

As was reported by the leader of this school there are these young people with the problem of adjusting to regular school activities. Being in a small number, such as they are, they are able to be dealt with more on an individual basis. The class instruction is very informal, as has been pointed out to us. In fact, they are allowed to smoke in class, which I believe would be a first in any of our Maine Schools.

It boils down to this, if the city of Portland sees fit to provide such a program, that is fine, but for us to finance this arrangement is clearly not right. If the Portland School Department had asked for assistance in establishing such a unit, again it might have more validity, but they did not. Ladies and gentlemen, when the Portland School Department did not see fit to finance this program, it certainly is not the function of the State of Maine.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: During my time in this body, I have been called many things but never the Representative from Portland. I am the sponsor of this bill, not Representative Connolly. I would like to tell you why it is of interest far more broad than that of the Portland delegation. One, we have set a policy in the State of Maine that we want our young people, 17 and

under, to stay in school. We have created certain exceptions. We have also found that some students simply cannot or will not stay in a traditional classroom setting.

Now, those people who represent schools as small as Belgrade or Vassalboro, or Windsor or Harrison or Monmouth are not large enough to support within their own school boundaries, perhaps, an alternative school. Portland is a big city and you have mentioned several alternative programs in the City of Portland. I am looking at this bill as an eye to what we can do in the future of surrounding communities, if this works out, can go in together to offer some sort of alternative for the kids from the smaller towns as well.

If you will look at the Committee Amendment, which certainly replaces the bill, you are guaranteed all sorts of fiscal responsibility. There will be interim reports, there will be final reports to the legislature and to the Commissioner of Education.

The key sentence is this, "This evaluation shall include, but not be limited to, the quality of the educational services provided and the applicability of the program to other administrative units."

We have a serious problem in Maine. We have an opportunity, for a very small amount of money, to see this school continue for two more sessions, with the commissioner evaluating and reporting back to us and perhaps we can save this money is to tell these kids to drop out of school. I hope you will vote against the indefinite postponement of this bill.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: As I interpret the remarks of the gentlelady from Vassalboro, this legislature is now being asked to sit as a fine new school board to review the policies and the budgets of this one special school in Portland. I would like to ask the gentlelady from Vassalboro, is it true that the students at this school, age 13 to 17 or 18, are permitted to smoke in class? Because as a member of this school board, I cannot support it.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I have never visited the Side-by-side school and I probably wouldn't know anything about it prior to the previous speakers, except that I got a call one day from a woman in my district, an elderly, poor woman who couldn't attend the hearing because she is quite ill with emphysema, but she wanted to tell her legislator what she knew of it. She has two granddaughters who were, from everything she told me, the classic dropouts. They had been through all of the programs available whatever there are in Portland, and I don't know a great deal about them, and they ended up on the streets and they were smoking dope and they didn't care about much of anything in life. Somehow, they got steered into this Side-by-side school and she just was very persuasive with me that it had made a tremendous difference in their lives. They were interested in arithmetic, which amazed her, they came to visit Grammy and they were really interested in the things they were doing in school. I don't know whether they smoke there—they smoke in the Maine Senate where we pass laws. We are supposed to set an example up here too. I don't know, if they are going to be smoking out on the street corners anyway, I think I would rather have them smoking in a classroom where they might be interested in learning about a little arithmetic, so I don't find that issue very persuasive one way or the other.

I guess I get up and stand in support of this bill, because through all of the things that we do here and all of the programs that are all over the state, I have some evidence that this small program is working, is doing some good

for some people out there and I would like to see the bill passed.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Let me talk to you as a former member of the Portland School Committee. I was there urging the original \$1000 that the school committee gave to this school, simply because I was one of those that truly and definitely believed that we had to find alternatives for the kids who were dropping out, totally dropping out.

This school was begun in an untraditional way. A social agency decided to try it to see if they could reintroduce some kids into some form of educational setting that they could abide by, because apparently my own school system wasn't doing it very well.

Yes, it is true, Portland has outstanding programs for dropouts, but they are not meeting the needs of all, they never will, but here is another group of young people that we have found a setting their needs can be met.

I challenge the comments made by several other speakers who said that the department, the Portland School Department, is against this school. It is not the school department, ladies and gentlemen, the issues that are being raised, and some of them are legitimate, are being raised by the school board, and the amended version of the bill takes care of some of those issues that they raised.

It is impossible for a superintendent of schools, no matter how strongly he feels about the validity of a program, to keep going and turning to this program which you cannot have the cooperation of the school committee. That is why the bill came to this legislature, to see if we could begin, by legislation, by statute, to address the issues that the school committee was raising, like liability, accreditation by the department of this school. This is going to be done.

Let me also tell you that there was no hesitancy on the part of the Portland School department to refer the kids to the school when they couldn't handle them and that did happen. The superintendent told us that his principals in the field were, indeed, referring students to that setting as a potential alternative for them. We were also promised by the superintendent that no more would they be counting the kids as part of their daily attendance rolls.

Our committee received letters from a variety of social agencies who support, who are asking us to keep this school, this program, operational because they see it as a potential alternative for a kind of kid. Now, never will this state or will the educational institutions of this state be able to take care of all the children in this state, but we have something that over a year has proved to work. Why not let it work. As for the smoking issue, what a smoke screen. If they can smoke in the lavs and in the hallways and in the stairwells of existing schools where the rules forbid it, then I ask you what is wrong with stepping aside if you want to have a cigarette in a setting in an alternative school?

What is being forgotten by too many here, or potentially being forgotten, and I hope you will support this bill, is the perspective that this project could serve as a model for other communities.

We have a dropout problem in the state. I hope you realize that up to this year we never had figures on just how extensive the dropout problem was, and that is because the Education Committee, for the past four years, has been banging their heads against the walls and finally prevailing in adopting, by statute, laws to begin to deal with dropouts.

The school happens to be in the City of Portland. I sometimes wish that I lived in Bangor, because I would be fighting just as hard for this, or that I lived in Wells, and I would be fighting just as hard for this. The fact of where the school is should be immaterial.

If you honestly feel that we have a responsibility to try to educate as many young people who desire an education, and if we have to find alternative means other than the four-wall type of structure that we know of as a school, then you have got to support this type of project. I feel if we can help 25, 13 or 130 students, the \$20,000 some-odd we are asking for is very, very minimal.

I want to make it straight for the record, Superintendent Reynolds never said he opposed this alternative method of trying to help our young people. His problem is with his school board at this point, because they were raising issues and questions. We feel we have addressed those in the new draft. I ask you not to indefinitely postpone this bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I feel I must rise today to answer some of the questions of the gentlady from Portland by the way of Eagle Lake, and in the 110th probably the gentlady from Bangor.

I am not going to ask your support for this school in my community. I would fail the eye test if I went face to face with any member of this body and asked them to support this. Superintendent Reynolds might have had his doubts, but I don't—watch my light.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I am sorry that I have to speak on this because I know that we want to curtail speeches, but I want to speak to you as a teacher from Portland, maybe that is a conflict, but I have taught in Portland for six years. I teach in a low income area and, believe me, we have problems, we have a lot of problems. Maybe it is unfortunate but it is true that the cities usually do have more problems than you in the smaller communities of the State of Maine do, or if you do have problems, you don't have as many. You are very fortunate, but we do have a lot of problems and we do have a lot of children that fall between the cracks. For one reason or another, they just don't fit into one of the alternative schools.

As Representative Mitchell has stated, this may be a project or a demonstration that we can successfully carry off in the City of Portland and eventually use it as a model for other communities throughout the state. I think we have to continue to give it a chance to work and to prove that it can work.

What do you want to do with these kids? These kids have all kinds of problems. I have taught in the elementary school, I have taught in the secondary school, I have seen them all, they have got a lot of problems, and if you don't keep them in some sort of a school or an educational setup, where are they going to go? They are going to go to the streets, and they are going to get in trouble and then eventually, if they don't have the educational qualifications that they need, we will be supporting them. Maybe they can draw unemployment, maybe they will be on welfare, and God knows what else.

I had the same calls last night that Representative Howe had, except I had an additional one from the parent of one child who attends the Side-by-side school from outside of the City of Portland and the child happens to be from my City of South Portland. Her mother said that she had one child who had graduated from high school, another that had graduated from college, but this one child, she had had all kinds of problems with. Her husband has been dead for two years, and she just could not keep the child in school. They had offered her all kinds of alternatives. The child is now attending Side-by-side, gets up in the morning, even takes a bus from South Portland into Portland, goes to school, enjoys it and comes home.

I know you don't like to do things for one city, but it is important. It is important that we see

what we can do for every child. As Mrs. Beaulieu says, perhaps we will never be able to help them all but let's help what we can. Please don't vote to indefinitely postpone this measure.

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

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I started out being in favor of this bill but now I find out this is kind of a smoke screen and if this is going to be a model school, a model school for the State of Maine, heaven help us, that is all I can say.

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

Mr. CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: Heaven help the kids and everybody in this House who have to live with the fact that these kids, if they are refused one more time, may become suicidal, because I talked to a lady on the phone who told me that two of the kids that she has in this school were suicidal.

If you are going to talk dollars and cents as opposed to somebody's life, then fine; I am not that kind of person. I will say one thing right now—two parents, they both told me and we all know about feelings and we all know about self image, and when kids are ready to go down the tube and there is nobody else there to help them but us, everyone of us here in the House, then I suggest, ladies and gentlemen, that we take a good hard look at ourselves. Take a good hard look at the kids and where they are going to be five years from now and ten years from now and ask ourselves when we see them laying on the streets was I responsible for that?

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: After that emotional outcry, I can't help but think that the City of Portland and the City of South Portland have seen fit not to put in one dime towards this project. Where is their conscience? Why don't they do it for themselves? Why do they come to Augusta and ask us to set up this school in the City of Portland for a handful of children? Why don't they do it themselves?

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I don't rise in an emotional plea, but I would just like to point out one thing, that perhaps Mr. Stetson doesn't understand about the school finance law. At least understand this one thing, Mr. Stetson—money that is called for in this bill is not the entire appropriation that it would take to run the school. It is just the amount of pupil subsidy that would normally go from the state to that local unit were that kid still in school. The only way that this bill will save you money is to keep kids out of school. That is the only way any money is going to be saved. If the kids who are in school already, this money would be part of the educational finance law. This bill would require that there be a local appropriation in addition to the money that was called for in the bill. In other words, the school would not be able to operate without the cooperation of the community.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to talk about the money issue here. We, as I understood it, would be raising about \$625 per pupil. If we multiplied \$625 by 13, we certainly wouldn't be getting \$19,000 or \$21,000.

There was an estimate that they might pick up 30 pupils; that is how the figure of \$19,000 and \$21,000 came about. It would be an excessive amount of money compared to the average per pupil cost today if the same number of pupils are attending now continue to attend.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to point out that the number 30 was what Superintendent Reynolds seemed to feel he had in his school system, the number of students that he feels should be going to the school and that is how we got the number 30.

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

Mr. Davis of Monmouth moved the indefinite postponement of the bill and all accompanying papers.

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

A vote of the House was taken.

Thereupon, Mr. Connolly of Portland 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 pending question is on the motion of the gentleman from Monmouth, Mr. Davis, that this Bill and all its accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carter, D.; Carter F.; Conary, Connolly, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gould, Gray, Gwadosky, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Jalbert, Joyce, Kiesman, Lancaster, Leighton, Leonard, Lizotte, Lougee, Lowe, Lund, MacBride, Matthews, McKean, McPherson, McSweeney, Morton, Nelson, A.; Nelson, N.; Payne, Pearson, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Strout, Studley, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

NAY — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Cloutier, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fowlie, Gowen, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, E.; Kane, Kany, Kelleher, Laffin, LaPlante, Lewis, Locke, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McHenry, Michael, Mitchell, Nadeau, Nelson, M.; Norris, Paradis, Paul, Post, Prescott, Reeves, P.; Simon, Soulas, Tarbell, Theriault, Tierney, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Berry, Birt, Carrier, Churchill, Dudley, Gillis, Hall, McMahon, Rolde, Sewall, Stover, Vincent.

Yes, 73; No, 66; Absent, 12.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-six in the negative, with twelve being absent, the motion does prevail.

Sent up for concurrence. (Later Reconsidered)

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

Bill, "An Act to Restrict the Use of Dealer Plates" (H. P. 406) (L. D. 510)

Tabled—June 4, 1979 by Mr. Tierney of Lisbon.

Pending—Motion of Mr. Morton of Farmington to Reconsider Indefinite Postponement.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would reconsider this legislative document here today. This is addressing the problem of dealer plates and yesterday, through a little misunderstanding, the motion to indefinitely postpone was made and passed. It was a misunderstanding as to what we were going to do with this. I would hope you would reconsider and give our committee a chance to work out the problems of this, because after we have reconsidered, we are going to request that this be tabled for one more day.

Thereupon, the House reconsidered its action whereby the bill was indefinitely postponed.

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

A vote of the House was taken.

19 having voted in the affirmative and 85 in the negative, the motion did not prevail.

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

Committee Amendment "A" (H-607) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(Off Record Remarks)

Mr. Pearson of Old Town was granted unanimous consent to address the House.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I think the Representative from Limestone, Mr. McKean, has done an outstanding job of trying to keep Loring Air Force Base open. He appeared before the Appropriations Committee a couple of times appealing for funds to save Loring, which, if it were closed, would mean a tremendous loss to the economy of northern Maine not to mention the whole state. I think a great deal of the credit goes to him. (Applause)

On motion of Mr. Tierney of Lisbon Falls, the Chair laid before the House the fifth tabled and unassigned matter:

HOUSE DIVIDED REPORT — Majority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-344) — Minority (4) "Ought Not to Pass" — Committee on Labor on Bill, "An Act to Define Suitable Work After the First Twelve Consecutive Weeks of Unemployment" (H. P. 823) (L. D. 1023)

Tabled—May 10, 1979 by Mr. Tierney of Lisbon.

Pending—Motion of Mr. Wyman of Pittsfield to Accept the Majority "Ought to Pass" Report.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: The actions of the good gentleman from Pittsfield, the Chairman of my Committee reminds me of the action of a very famous British Prime Minister, J. Ramsey MacDonald. MacDonald was Labor Prime Minister of Britain, and in the early 30's he dissolved the labor party's government to form a coalition with the Tories and that is precisely what the good gentleman from Pittsfield has done.

On the surface of it, this bill looks like a fairly decent bill, but it is directed primarily at the building trades of this state to force them into a lower paying occupation. On the face of that, I would like to move indefinite postponement of the bill and all its accompanying papers.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that the good gentleman from Cumberland, Mr. Garose, caught that when I was referred to as a Tory, especial-

ly an anti-labor Tory.

This particular bill, L. D. 1023, is a bill that was presented by the gentleman from Rockland, Mr. Gray, and is a bill which will redefine eligibility for unemployment for people who have been unemployed for more than 12 consecutive weeks. It will require that after 12 consecutive weeks, if a person—and I would like to read directly from the Committee Amendment, which I think is extremely important, I would call your attention to it, it has a filing number of H-344.

I would like to read the entire amendment so that you would know exactly what you are voting on. "In determining whether or not work is suitable for an individual after the first 12 consecutive weeks of unemployment, the Commission" — and this is extremely important — "The Commission shall consider the degree of risk involved to his health, his safety and morals, his physical fitness, his prior earnings, his length of unemployment and prospects for securing local work in his customary occupation and the distance of available work from his residence." Now, notwithstanding all of that, "The individual's prior earnings shall not be considered with respect to an offer of or referral to an otherwise suitable job," in other words, if it meets the above mentioned criteria, "which pays wages equal to or exceeding the average weekly wage in the State of Maine."

Now, contrary to what some believe who oppose this bill, this bill is not going to automatically force anyone who is unemployed to take a job which pays substantially less than their customary occupation, because the commission will be required to consider the person's prospects for getting their old job back. But, if a person has been unemployed for 12 weeks or more and there is no prospect, the word isn't even immediate, not even any long-range prospect of getting a job or getting their old job back, it may have been a union job, it may have been a high paying job, but if there is no prospect for getting that back and he met all the other criteria, then that person ought to be forced to go to work. If they are offered a job that pays the average weekly wage, they ought to go to work.

Now, I did not presume, when I was appointed by the Speaker to be Chairman of the Labor Committee, that I would agree with organized labor on every single bill and on every single issue. We part company on this particular bill. I do not believe that it is designed to hurt the trade unions, I don't think it is designed to hurt anybody. What it is designed to do is answer the public's yearning and the public's concern that people would rather draw unemployment than be gainfully employed. Now, that may sound like strange rhetoric coming from me, but I happen to believe it. I happen to believe that a bill which has suitable safeguards, which I believe, if you read the amendment, there are adequate safeguards so that nobody at the end of 12 weeks is going to automatically be forced to take a job, there is a lot of consideration to be made but if those considerations are not made, then those persons ought to have to take the job.

If you don't believe, ladies and gentlemen, that the public is concerned about this issue, then I would challenge you to go door to door in your district and ask them if they think there is abuse in the unemployment system in this state, and I am sure that most of them will answer, as most of my constituents have, yes, there is considerable abuse and the legislature ought to address it. This bill is designed to address it.

I want to commend the good gentleman from Rockland, Mr. Gray, we don't often agree on labor issues; as a matter of fact, we very seldom do, but I agree with him on this particular issue.

Mr. Speaker, I ask that when the vote is taken, it be taken with the yeas and nays.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: All I can say is "hal-lelujah."

Mr. Wyman and I got into a little debate last session about a bill that was very similar to this, that I sponsored and I think we lost the bill in the House at that time by about 10 votes. I see this afternoon where Mr. Wyman is now supporting the bill. There have been some changes made to it, but there is no question that it is a good bill and I hope that everyone will support the gentleman from Pittsfield.

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

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

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

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Davies, Dutremble, D.; Jalbert, Joyce, Kany, Kelleher, Laffin, Mahany, McHenry, McSweeney, Paradis, Reeves, P.; Tierney, Tuttle, Violette.

NAY — Aloupis, Austin, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Churchill, Cloutier, Conary, Cox, Cunningham, Curtis, Damren, Davis, Delert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, L.; Elias, Fenslason, Fillmore, Fowlie, Garsoe, Gavett, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Kane, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, MacEachern, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McKean, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Strout, Studley, Tarbell, Theriault, Torrey, Tozier, Twitchell, Vose, Wentworth, Whittemore, Wood, Wyman.

ABSENT — Berry, Brown, K.L.; Carrier, Chonko, Connolly, Dudley, Gillis, Hall, Locke, McMahon, Rolde, Sewall, Stetson, Stover, Vincent.

Yes, 20; No, 115; Absent, 15.

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

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

Committee Amendment "A" (H-344) 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.

(House at Ease)

(Off Record Remarks)

The House was called to order by the Speaker.

Reference was made to (H. P. 982) (L. D. 1162) Bill "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property"

In reference to the action of the House on Tuesday, June 5, 1979 whereby it Insisted and joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Mrs. POST of Owl's Head
Mr. RENERMAN of Portland
Mr. MARSHALL of Millinocket

Reference was made to (S. P. 2) (L. D. 2) Bill "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime"

In reference to the action of the House on Tuesday, June 5, 1979, whereby it Insisted and joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Mr. VIOLETTE of Van Buren
Mr. BERRY of Buxton
Mr. SPROWL of Hope

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

Divided Report

Six members of the Committee on State Government on Bill "An Act to Increase the Salaries of the Constitutional Officers and the State Auditor by \$5,000" (Emergency) (H. P. 131) (L. D. 142) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-636)

Report was signed by the following members:

Mr. AULT of Kennebec — of the Senate.
Mrs. DAMREN of Belgrade
Ms. LUND of Augusta
Messrs. LANCASTER of Kittery
PARADIS of Augusta
CONARY of Oakland — of the House.

Five members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-637).

Report was signed by the following members:

Mr. SUTTON of Oxford — of the Senate.
Mrs. REEVES of Pittston
KANY of Waterville
MASTERTON of Cape Elizabeth
BACHRACH of Brunswick — of the House.

One member of the same Committee on the same Bill reports in Report "C" that the same "Ought Not to Pass"

Report was signed by the following member:
Mr. BARRY of Fort Kent — of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.
Mrs. KANY: Mr. Speaker, I move that we accept Report B.

Mr. Garsoe of Cumberland requested a vote.

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

Mrs. DAMREN: Mr. Speaker and Members of the House: I hope that you won't accept Report B and will accept Report A, the majority report. About the only difference is the date it would become effective, the changes in salaries. One would put it off until the 110th Legislature and Report A would make it effective 90 days after the end of the session.

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

Mrs. KANY: Mr. Speaker and Members of the House: Report A and Report B both call for the same increases in the salaries of the constitutional officers. Presently, the Attorney General makes \$25,500; the Secretary of State and Auditor each make \$20,000; the Treasurer of State, \$18,000. Those particular salaries would go up to \$32,500 for an Attorney General; Secretary of State, \$25,000; State Auditor, \$25,000

and Treasurer of State, \$25,000. Both Report A and Report B call for those salaries.

The effective date on Report A would immediately after the session ends, the 90 days, the normal time when our laws go into effect. Report B, which is the motion that I made, would make effective the changes in the constitutional salaries beginning with those persons first elected by the 110th legislature. My thinking, and the thinking of those who signed this report with me, which was meant to be a compromise, by the way, was that people who ran for those offices knew the amount of the salary that that office had with it. We thought that it would be best not to raise those salaries during the term of the officers, but instead so that people could know what they would be for the next session of the legislature, and that was plenty of time to increase those salaries.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It is very hard for me to believe today that we, as individuals, can stand up here and want to give these people a \$5,000 increase for the simple reason that we never have any problem getting the people to serve in these positions. Yet, it was just a short time ago that there were members in this House that didn't even want to pay state employees the minimum wage, and here you want to give them a \$5,000 increase. I certainly hope the intelligence of the members of this House is above some of the others on the mentality that they had on not even wanting to pay the minimum wage.

Therefore, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that we do not indefinitely postpone this bill, Report B. I think we ought to bear in mind that the qualification for Attorney General is that he be a lawyer and that the qualification for the State Auditor is that he should be an accountant. I think that you will all agree that in order to attract viable candidates for at least these two offices, we have to have salaries that are remotely competitive with the real world.

I am sure that you would not want to have a political hat without the proper qualifications as state auditor, and certainly not as our attorney general.

I would urge you not to indefinitely postpone this report.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I think I have established my credentials by voting for employees' raises beyond any doubts by my compatriot, Mr. Laffin. I hesitated to give such big raises, too, but the only thing that swayed my vote in the direction of agreeing with the next session, not in this session, to allow these people to have more money is because all of them are working in a situation where they make less money than some of the people who are working under them. This seems to be an undesirable situation.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, 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. Laffin of Westbrook 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 Westbrook, Mr. Laffin, 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 — Aloupis, Barry, Beaulieu, Berube, Blodgett, Bordeaux, Brodeur, Brown, A.; Bunker, Carroll, Churchill, Cloutier, Connolly, Dexter, Diamond, Dutremble, D.; Dutremble, L.; Fowlie, Gavett, Higgins, Hunter, Hutchings, Jacques, P.; Kane, Laffin, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Martin, A.; McHenry, Nadeau, Nelson, A.; Nelson, N.; Pearson, Post, Prescott, Reeves, P.; Rollins, Silsby, Sprowl, Tozier, Twitchell, Wood.

NAY — Austin, Bachrach, Baker, Benoit, Birt, Boudreau, Bowden, Brannigan, Brennerman, Brown, D.; Brown, K. C.; Call, Carter, D.; Carter, F.; Chonko, Conary, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Doukas, Dow, Drinkwater, Elias, Fenlason, Fillmore, Garsoe, Gould, Gowen, Gray, Gwadsky, Hanson, Hickey, Hobbins, Howe, Hughes, Immonen, Jackson, Jacques, E.; Jalbert, Joyce, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Locke, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Matthews, Maxwell, McKean, McPherson, McSweeney, Micheal, Mitchell, Morton, Nelson, M.; Norris, Paradis, Paul, Payne, Peterson, Reeves, J.; Roope, Sherburne, Simon, Small, Smith, Stetson, Studley, Tarbell, Theriault, Tierney, Torrey, Tuttle, Violette, Vose, Wentworth, Whittemore, Wyman.

ABSENT — Berry, Brown, K. L.; Carrier, Dudley, Gillis, Hall, Huber, McMahon, Peltier, Rolde, Sewall, Soulas, Stover, Strout, Vincent. Yes, 46; No, 89; Absent, 15.

The SPEAKER: Forty-six having voted in the affirmative and eighty-nine in the negative, with fifteen being absent, the motion does not prevail.

The question now before the House is on the motion of the gentlewoman from Waterville, Mrs. Kany, that Report B be accepted. All those in favor will vote yes; those opposed will vote no.

54 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

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

Mr. BIRT: Mr. Speaker, I now move we accept Report A.

Whereupon, Mrs. Bachrach of Brunswick requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Millinocket, Mr. Birt, that Report A be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Bill was read once. Committee Amendment "A" (H-636) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the 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 to Establish a Solid Waste Management Subsidy for Municipalities" (H. P. 948) (L. D. 1181) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Blodgett of Waldoboro offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-648) was read by the Clerk and adopted.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I kind of have been watching this bill go through, and while I don't have any particular problem with the concept behind it of trying to help municipalities and regional waste people combat the cost, I just wonder if perhaps the sponsor or a member of the committee could tell us the reason why we need to set up another bureaucracy with three people and some sort of subsidy index. It kind of looks like a mini L. D. 1994 to me. If you will read through the language, we are going to set up a 50 percent subsidy index if the money is there and if it is not, it is going to be prorated.

I don't know, I guess my concern with the matter is, I feel that we could better benefit local communities by not setting up a bureaucracy and having people run around checking whether the costs are, in fact, operational or administrative or whatever the costs might be, and then they are going to be subsidized. I guess I would submit that maybe we would be better off if we would take the appropriation that is on here and put that money into revenue sharing and just send it back to the communities without setting up another bureaucracy over there in the DEP.

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

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that we are establishing any new bureaucracy. There certainly is no question here but that this is a completely new area to try to give some assistance to the towns, but I think that this may be pointed out in the statement of fact, which would suggest there that the state is now going to accept some of the responsibility for its going ahead in the past several years mandating certain requirements of the towns in the area of solid waste management.

In this line, we would put our money where our mouth is. We would help the towns that were willing to subscribe to the requirements of the state and the federal government to operate some sort of solid waste management program which would be acceptable.

On the other hand, if we just put it into revenue sharing, I think most of us appreciate the fact that this could be used for anything else but what it was intended to do. This certainly would not be the first time.

There are certain requirements, and I think that you have found these on the second page, of things that must be done in order to be eligible, those areas which would be paid for. By having some sort of requirements, I think the state can ensure that the proper management shall be done, and this will be done without a large bureaucracy, as it will simply be taking the audited figures that we do receive on an annual basis.

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

Mr. HIGGINS: Mr. Speaker, I am sorry to belabor the issue, but could I ask if we have any idea of what the full annual cost is? It seems to me, the way the amendment was drafted, it was so that only one payment was due in 1980-81, and that payment is going to be \$506,300. I don't know how the committee or Mr. Blodgett came up with the figures, but is that a full year or are we going to have to come in every session and determine what the subsidy index is going to be and how much money we have available and then extend the date every year, like we do with the educational funding? I am really not trying to be facetious on the matter, I don't know, I just have real concerns.

When we have revenue sharing every year,

the Maine Municipal comes in here and asks to put more money in that. We have got general assistance and they ask us to put more money in that, and those aren't adequately funded, and now we turn around and want to start something that really, to me, it would seem like \$500,000 to the local communities out there, and they all have to comply, it isn't like there are just a few, every community out there has got to comply with these laws. So I would think it would make a lot more sense if we just took this money, if it is there, and put it into revenue sharing in some existing program. It isn't like there is just one or two communities that are doing this thing and we want to reward them. Everyone is supposed to; granted, a lot of them are being a little lackadaisical about it, but in the long run, they are supposed to be getting involved. I guess my one big concern is, how many dollars are supposed to be in for one year, full year?

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: The \$500,000 figure, which is expressed here is the maximum exposure that the state would have, if all the present towns that are in compliance were to come in and would be just for the latter three quarters of that time. However, on an annual basis, after that, if every town were in compliance, it would mean, at the 50 per cent level, \$2 million.

To say that all towns are going to be in, yes, possibly sometime in the future, this is the sort of thing that we hope would encourage them to be in compliance, because right now they are not. They are certainly dragging their heels and they are screeching and hollering all the way in order to be brought into compliance. I think this is the sort of thing that we need to give the towns that incentive to encourage them to do what the law prescribes.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I think solid waste management in this state is probably one of the most misunderstood and mixed up messes that the municipalities have at the present time to deal with. Nobody seems to know which way to go. It is very costly. We have been told by many of the experts that we are better to go underground with landfills. We have later been told by some of the ground water specialists that we are going to be getting into a lot of ground water problems if we go to the underground method. Consequently, there have been no clear directives to the municipalities on which way to really go as far as solid waste disposal is concerned.

I really stand to concur with the gentleman from Scarborough, Mr. Higgins, on this issue. I think that as you look at the fiscal note, you will see there is funding for an accountant, a clerk typist and an Environmental Services Specialist II. Really what this is going to do, I think, is to bring to regulatory agencies that much closer to the communities, and if you think solid waste disposal is costing the municipalities a lot of money now, wait until the regulatory agencies have an opportunity to get a better handle on what the towns may be doing or may not be doing. Believe me, I know the towns that I represent and many, many other towns throughout the state are facing a very serious problem in trying to deal with this issue. I think to try to address it through this bill, while it looks good on the surface from the standpoint of reimbursing municipalities 50-50 for the cost of maintenance, I am sure that it looks good, it looked good to me when I first looked at it, but as I think about it more, I think it is going to complicate the matter more. I think it is going to make it more complex and certainly much more costly, and I would urge that you not support this bill.

The SPEAKER: The Chair recognizes the

gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am reluctant to get into this debate, I just want to share with you the fact that last evening I met with for and a half hours with the towns people of the Town of Canaan, and they have really gotten themselves into a bad, bad situation and it is not their fault. They have been making efforts to try to comply with state regulations which have been promulgated by the Department of Environmental Protection to handle their solid waste problem and it has been very difficult.

I think this is a good bill and I think this bill will provide the incentive and will provide the encouragement to towns, such as the Town of Canaan, which are having increasing difficulty trying to figure out what the state is requiring of them. I wish you could have been there and heard what I heard from these local people. They are totally frustrated and trying to do the best job they can, but they just keep running up against a brick wall constantly, and I hope you will support this bill.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Lancaster.

Mr. LANCASTER: Mr. Speaker and Members of the House: I am very familiar with this bill, it is a good bill, and I would urge you all to support. If you want to pass a bill that will reflect back to your local tax rate, this is one of them.

The town that I represent, it costs \$185,000 a year for solid waste, which is a mandate which is sent down to us from the legislature. DEP has complete knowledge of every town in the state, the facilities they have and what is needed.

I would urge you all to vote for this particular bill.

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

A vote of the House was taken.

86 having voted in the affirmative and 12 having voted in the negative, the Bill was passed to be engrossed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to 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) (C. "A" H-618) which was tabled earlier in the day pending passage to be engrossed as amended.

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

Mr. LAPLANTE: Mr. Speaker, Research ran into a problem with the language and it is only going now to the printers. I would hope that someone would table this for one day.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed as amended and tomorrow assigned.

The following papers appearing on Supplement No. 5 were taken up out of order by unanimous consent:

The following Communications:
THE SENATE OF MAINE
Augusta

June 5, 1979

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

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass report on 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)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

THE SENATE OF MAINE

Augusta

June 5, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Majority Ought Not to Pass report on 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)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

THE SENATE OF MAINE

Augusta

June 5, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass report on Bill, "An Act to Establish A Maine Labor Relations Law." (H. P. 1269) (L. D. 1551)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

An Expression of Legislative Sentiment recognizing that:

Katherine Armstrong of Messalonskee High School has been selected female "Teenager of the Year" and awarded a college scholarship by the Waterville Lodge #905, BPOE, for her outstanding academic achievement, participation in extracurricular activities and all-around school citizenship. (S. P. 599)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

An Expression of Legislative Sentiment recognizing that:

Joanna Marie Kaserman of Gorham is Second Honors student of the 1979 graduating class of Gorham High School (S. P. 598)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

An Expression of Legislative Sentiment recognizing that:

Laurel Jean Cole, of Gorham, is First Honors Student of the 1979 graduating class of Gorham High School (S. P. 597)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

An Expression of Legislative Sentiment recognizing that:

the highest honor students from Bonny Eagle High School are: Laura Bleakney of Hollis, Mark O'Brien of North Windham and Pamela Worster of Gorham (S. P. 596)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Funding and Support for Alcoholism Treatment and Rehabilitation

Centers" (H. P. 732) (L. D. 910) which was passed to be engrossed in the House on June 4, 1979.

Came from the Senate with the Bill and accompanying papers Indefinitely postponed in non-concurrence.

In the House:

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

Mrs. POST: Mr. Speaker, I move that we adhere.

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

Mr. BOUDREAU: Mr. Speaker, I move that we recede and concur and would like to speak to my motion.

The SPEAKER: The gentleman from Waterville, Mr. Boudreau, moves that we recede and concur.

The gentleman may proceed.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This bill requires that all funds for alcoholism treatment, rehabilitation, education, etc., be taken from the revenues we get from liquor sales. As you know, we really already do that because all the revenue we get from liquor goes into the General Fund and we take money from the General Fund to fund these programs.

You might have a particular affinity to this kind of a bill, using the argument that, well, if we sell liquor we should use the proceeds from it directly to help people who have a problem with alcohol. But you could probably use that argument for everything we do. The Bureau of Taxation collects taxes. Should we do the same thing for them? Should some of the money we get, some of the money that they collect, be used to fund the administration of their program directly? It is just a flim-flam way of abusing the appropriations process, and I think the present system is working fine.

This idea of taking money from liquor sales has been brought up here before, but all the money is now put into the General Fund and the programs we fund, the money is taken from there to fund them. I just don't understand why we should change that whole process around and do it for this particular program.

I hope you will recede and concur with the other body.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I know from the hearing that we had when several legislators came and testified, we could end up with a relatively long debate this afternoon.

At this point, I would like to ask you to vote against the recede and concur motion on a division and adhere and see whether in fact we do have to spend a lot of time or whether it can be settled relatively quickly. I would hope that you would vote at this particular point against the recede and concur motion.

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

Mr. MARSHALL: Mr. Speaker, to echo the wise words of the gentlelady from Owl's Head, Mrs. Post, on behalf of myself and the other cosponsor of this measure, I would also wish that we could move to adhere and avoid any debate at this point in time, because I guarantee you, there will be much debate in explaining the ramifications of this bill, which I fear Mr. Boudreau does not understand.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Marshall continually votes on these liquor bills the opposite that I vote, and that is fine, he has a right to vote the way he votes and I have a right to vote the way I vote, but if you would just read the bill, there is no amendment on it. It just says that state funds for support of alcoholism shall be directly charged against current state liquor revenue—state liquor revenues.

The money from liquor revenues is going into the General Fund now. We are taking the money from the General Fund, like we do for other programs and we are funding them. There is no reason to set up a special account here where you would have to take the money for this particular program or that program, whether it be alcohol or anything else, drug abuse, and take it directly for a particular revenue source and allocate it to that program. Just leave the money in the General Fund and we can fund the program from there, like we have been doing all along.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I do apologize for having probably created this.

The only people that testified against this at the public hearing were the National Association of Brewers, and it was a half-hearted approach because they didn't see what the bill did either. But believe me, the bill does something. It does two things—one is a structural change and the other is a philosophical outlook. There is no fiscal impact on this bill, as provided for by the information by the Bureau of Taxation, and having talked to Mr. Scribner, there is no administrative change involved in this bill.

If I could have your attention just for a minute, I will try and explain in a hundred words or less, exactly what this bill does and hope that that will suffice the amount of debate which I hope it will take to send this through adherence to the other body.

The bill requires that currently, right now, all money from liquor generated revenues go into the General Fund. At that point in time, the state spends that money on various programs. Included among those, as an example, is the ODAP program, the Office of Alcohol and Drug Abuse Prevention.

Now, what I propose to do through this bill, cosponsored by the gentleman from Pittsfield, Mr. Wyman, the gentleman from Rockland, Mr. Gray, and the gentlelady from Brunswick, Mrs. Martin, is to change this concept. We are not dedicating any money, we are not dedicating a portion, we are not dedicating a set amount, a percentage or anything of that nature, we are simply asking that the money be set aside in that what programs the state decide to do through the legislative process that we now go through, we are not changing that, that that money be held accountable to the liquor generated problems by liquor generated revenues.

The basic concept here is simple. I believe, the cosponsors believe, the supporters of this bill believe that liquor generated problems should be paid for by liquor generated taxes, not the sales tax, not the corporate tax, not the income tax or any other tax. And the best way to do it without costing any money and recognizing this inherent concept is through this bill. I submit it is a very good bill and I urge you to vote to adhere.

Mr. Speaker, I request a roll call vote.

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

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I guess I am a bit surprised at Representative Boudreau's opposition to this bill, because this body dedicating fines to the Maine Criminal Justice Academy, and in this instance, we really are not talking about dedicating money at all. All we are talking about is the bookkeeping mechanism that when in fact you have liquor revenues and they are shown as a

gain to the state, that before you show that gain, you take into consideration the amount that is spent for our treatment programs. That is all we are talking about, not dedicated revenue. It is just trying to give an accurate picture on how much money the state makes through its sale of alcohol.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think Mrs. Post is very effective. I got a note a few minutes ago on that bill that she mentioned, and someone said it sounds directly in opposition to the comments you made on that particular bill. I think if you will read the record, I was in my seat for that particular bill.

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

ROLL CALL

YEA — Aloupis, Bachrach, Boudreau, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Call, Carter, D.; Conary, Davis, Dellert, Dexter, Doukas, Fenlason, Fillmore, Gavett, Gould, Higgins, Howe, Huber, Jacques, E.; Jacques, P.; Jalbert, Kelleher, Kiesman, Leonard, Lewis, MacEachern, Mahany, Masterton, McKean, Morton, Nelson, A.; Paul, rayne, Pearson, Peterson, Reeves, J.; Roope, Simon, Small, Stetson, Studley, Tozier, Twitcheil, Violette, Wentworth.

NAY — Austin, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, K. C.; Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Diamond, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elais, Fowlie, Garsoe, Gray, Gwadodsky, Hanson, Hickey, Hobbins, Hughes, Hunter, Huchings, Immonen, Jackson, Joyce, Kane, Kany, Laffin, Lancaster, LaPlante, Leighton, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Post, Prescott, Reeves, P.; Rollins, Sherburne, Silsby, Smith, Sprowl, Tarbell, Theriault, Tierney, Torrey, Tuttle, Vose, Whittemore, Wood, Wyman.

ABSENT — Berry, Carrier, Carroll, Gillis, Gowen, Hall, McMahon, McPherson, Peltier, Rolde, Sewall, Soulas, Stover, Strout, Vincent. Yes, 48; No, 87; Absent, 15.

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

Thereupon, the House voted to adhere.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Provide for the Licensing of Denturists" (H. P. 1365) (L. D. 1598) on which the Minority "Ought to Pass" Report of the Committee on Health and Institutional Services was read and accepted and the Bill passed to be engrossed in the House on June 4, 1979.

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

In the House: On motion of Mr. Dudley of Enfield, the House voted to recede from its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, tabled pending passage to be engrossed and tomorrow assigned.

Passed to Be Engrossed

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1979 (Emergency) (H. P. 1482) (L. D. 1669)

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

Mr. Cunningham of New Gloucester offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-556) was read by the Clerk.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: Some people have said that what I am attempting to do is perhaps grandstand or perhaps try to be a hero. I don't really feel that what I am trying to do is a heroic act. As a matter of fact, actually, I would prefer to be in concurrence with the majority of the Cumberland County delegation in the passage of this resolve for the laying of the taxes. However, during the discussions in the many meetings that we had, I felt that we were raising our taxes above the recommendations of the commissioners in excess of what we should be doing.

On many occasions, I spoke against this; on many occasions, I voted against this. However, I must admit that on those occasions I was in the minority for the most part, but I had to draw the line on one aspect of our budget which I found was unacceptable. When the removal of the food stamp addition of \$29,664 was taken out of the Cumberland County budget, this apparently was considered an open door for the addition of many human service projects, many increases in human services, increases in excess of what the commissioners had recommended to the delegation.

I am not opposed to reasonable increases, and the taxpayers of Cumberland County are not opposed to reasonable increases, but I feel that using this open door or this blank space, filling it up with a direct property tax on the people, represents a little bit of irresponsibility on our part. For that reason, I feel that as a minority I should oppose that which I perceive to be an irresponsible act on the part of the delegation. In other words, I would consider it a check and balance that I am offering today.

Last year, the taxes upon the people of Cumberland County were \$2,546,429. The L. D., as printed before you, L. D. 1669, raises over and above last year's tax by the amount of \$83,780, to a new total of \$2,630,209. This is the raise that the delegation put in the L. D.

The Commissioners had requested an increase of \$50,200, or a total amount that we would be taxing the people on their property taxes of \$2,596,629.

You probably heard of the DC amendment. Well, now before you is the GC amendment, and I hope this amendment will have a little better chance than the DC amendment.

The amendment I propose would raise the taxes over last year in the amount of \$52,750, which is much closer to the recommendation of the commissioners, being \$2,550 over that recommended by the commissioners. It is a reduction in the increase called for in the L. D. of \$31,030, which I call a proper decrease because of the offset of the \$29,664 food stamp additional that had been included in this part of the budget in previous years but is no longer in this part of the Cumberland County budget.

You may ask how I did this. I went through each of the agencies listed in the L. D. and I averaged between what was budgeted in the L. D., the 1979 proposed budget, and that which was proposed by the commissioners, and I split the difference so that in many instances you will find a direct halfway relationship. It is not half way in every particular instance.

You may ask the question, can these different agencies afford this kind of cut or this kind of a reduction in their increase? I would like to remind you that by looking at Council of Government figures for each of these agencies and determining what the gross budget for each agency was, and then looking at the 1979 L. D.,

which is before you, I found that the highest percentage that Cumberland County contributed to these agencies was 9 percent. Many agencies we fund only 2, 3 or 4 percent; in some instances it is a decimal of a percent of that agency's gross budget.

In this day and age when we are asking the people of the United States to accept a 7 percent increase in their wages, and then we turn around and inflate the dollar 10 or 11 percent so that they actually have a net loss in wages of 2, 3 or 4 percent, then it is unreasonable to ask these different agencies in the budget to accept a lesser percent increase? I think not.

I don't want to bore you with a lot of figures. I believe the concept has merit, it does not undermine the necessary funds that any agency needs. It restores the budget to a comparable budget to that which we are accustomed to having on our property taxes in Cumberland County. It reduces a large increase; therefore, I ask for your support of this amendment.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I would hope for the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Portland, Mrs. Nelson, moves the indefinite postponement of House Amendment "A".

The gentleman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: The total budget of Cumberland County, the total budget was an increase of 4.8 percent over 1978; the entire budget was less than 5 percent larger this year than last year.

I appreciate Representative Cunningham's good effort to try to hone it down further, I appreciate that, and he worked very hard at it. However, so did the nine members of the subcommittee of Human Services who met three full days to hear every single one of those people who came before them on this budget.

Let it be known that the commissioners had no hearings on the human services budget; they simply put a figure down, and those nine people worked for three days going over it line by line, that they had every person come before them and explain the reasons for their budget figures.

Let's talk a little bit about what this means as far as the taxpayer is concerned—.0007.72 is the proposed budget as the commissioners had it. All the increases that the majority of the delegation of Cumberland County have put before us, you here, raises that mill rate to .0007.8; it only went up one tenth of one percent. We are not asking for the moon, not at all. We are asking you to accept the majority of the Cumberland County wishes to let us make our own decision to protect our country, which includes one-fifth of the entire population of the State of Maine, and write and pass and help pass our own budget.

I do hope that you will indefinitely postpone this amendment, and I ask for the yeas and nays.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: We can be here a very, very, very long time debating amendments to the county budgets, so let's let this thing go to a division and see what the ball game is. We have all been around here long enough to know when people are trying to play games. We know the majority of the delegation of Cumberland County voted for the budget the way it is, so let's get this show on the road and have a vote.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mrs. Nelson, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 21

having voted in the negative, the motion did prevail.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1979 (Emergency) (H. P. 1483) (L. D. 1670)

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

On motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act to Appropriate Money to the Northeastern Research Foundation, Inc.," (S. P. 170) (L. D. 377)

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

On motion of Mrs. Mitchell of Vassalboro, the Chair laid before the House the second tabled and unassigned matter:

Bill, "An Act Converting Lakeville Plantation from the Maine Forestry District" (H. P. 1309) (L. D. 1563)

Tabled—April 20, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

Mr. Dudley of Enfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-242) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Majority (10) "Ought to Pass" in New Draft (H. P. 1484) (L. D. 1671) — Minority (3) "Ought Not to Pass" — Committee on Fisheries and Wildlife on Bill "An Act to Increase the Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs" (H. P.) 1373) (L. D. 1600) which was tabled earlier in the day pending the motion of Mr. Dow of West Gardiner to accept the Majority Report.

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

Mr. PAUL: Mr. Speaker and Members of the House: This is the famous license increase bill proposed for fish and game. The pending motion, of course, is to accept the Majority "Ought to Pass" Report. I intend to speak briefly on it because I am sure we will have further debate on it.

I rise in opposition to the motion to accept the Majority Report, and I would just like to give you a few reasons why I believe we should not pass this bill.

Number one, I maintain, as many others do, that this bill is not necessary at this time. The people in the Bureau of Finance have stated unequivocally that this bill is not necessary this year, and I believe with some belt tightening gestures on the part of the administration over there, we will be able to get through this next fiscal year without this bill.

The figures that the department give project a deficit by next July of approximately \$150,000. A couple of the alternatives, and I don't run the department and it is not up to me to decide where we go if this bill doesn't pass, but I bring to your attention the fact that in this next budget we have, in the way of capital expenditures, requests for some 40 to 50 new vehicles, these are replacement vehicles, at an approximate cost of \$350,000. I would suggest that maybe this administration could take another look at that request in light of these austere times.

Also, in the personal services account — you know, one thing that has been troubling me is

the amount of money that is spent on research, the reams and reams of studies that come out and often times conflict with one another. I guess that is not only true of a problem in other bureaus in the state, and agencies. We spent about \$244,000 this last year for planning, to have the department rush into this session with this crisis — we need more money. What happened to that quarter of a million dollars that we spent for planning? Why didn't we know about this earlier? What were those five or six people doing over there? Is this fiscal accountability?

This bill would certainly make Maine a leader. It would put us at the top of the list of the highest Fish and Game license fees in the entire New England states and compared to some of the Quebec Provinces, higher than many of them. Sure, we would be the leader. We are really socking it to our residents. You know, they all face the same budgetary problems that we are all seeing, and what a way to start a new administration off, going up almost 50 per cent on their licenses.

I would close by indicating that I, for one, have not been very happy with the way the budget was handled in our committee. You know what happened? We had two bills scheduled for that day, one was the license bill and the other was the appropriation bill. The license bill went first. We had a lot of testimony on that, it took an awful long time, and then the appropriation bill came up and the sponsor indicated that it was his bill and presented the L. D. to us, then sat down. Nobody from the department got up. They didn't justify one single penny.

Now, we have all been through the county budget process. Think back just a short period of time to how we scrutinized those budgets, how we worked them over and I know that I can go back to my people in my district and look them in the eye and say honestly that this represents a sound fiscal plan for the next biennium. I can't do this with this fish and game budget.

I would hope that you would vote against the motion to accept the Majority "Ought to Pass" Report so that we can send the message on this issue that we want some fiscal responsibility in this department. We have the appropriations still pending before us, we still have some time left. There is nothing preventing us from sitting down with the new administration, which I hoped we could have done such a long time ago, but the obvious problem was the appointive procedure and the nomination and confirmation procedure.

Think about this bill before you vote on it.

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

A vote of the House was taken.

Whereupon, Mr. Dow of West Gardiner 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 West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I will try to give you two or three reasons, and I know that probably all the talking in the world probably won't make any difference, but we have had a chance to look over the budget, we have had a chance to look over the license increase — I don't know where the figure of 50 per cent comes in, it is a \$3 across the board increase. There is no question in my mind, and apparently needed at this

time.

I think probably Representative Paul will agree that some time down the road, we are going to need a license increase or some funds for the department.

I hope to present a study order to this House for a committee to do some studying on the long-range plan, because I too, and I don't think anybody else on the committee, would agree that we need more license increases; we just can't stand them either, so we have got to do something, as I said, on a long-term plan. It has got to be looked into, but for a temporary solution, we also need this \$3 across the board.

I hope that you do not vote for the indefinite postponement and for once, just once, pay attention to some of our committee members.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: With respect to the good Representative Paul's remarks about 35 new vehicles, you will remember, under the last Governor's administration, there was nothing bought and those vehicles are worn out.

The department has had a serious financial situation. Inflation, especially the gasoline and the new contract has taken its toll. The surplus the department always had will be gone by 1980. As it is now, even if this increase is passed, the department will be forced to delay the much needed repairs. They must cut capital equipment expenditures and not fill positions to stay solvent.

The department operates with dedicated revenue from license sales, and in the past, the rate of inflation was much slower and a modest every four or five years was all that was needed to take care of the increased costs.

There are no monies available from the General Fund to help the department defray the costs of inflation. The Commissioner of Finance stated at the hearing that this request for an increase is urgently needed to keep the department solvent.

I realize that a long-term solution will be needed in the future, because increases in license fees every year to meet inflation is not possible or desirable. The added revenues of this L. D. will give the department and the legislature time to come up with some long-term solutions to the financial problems of our Fish and Wildlife Department. Regardless of how you shift or transfer the monies, this does not manufacture new money and the Commissioner of Finance testified that this was not responsible handling of the department's funds. But even if this was feasible, the fact remains that the department will be broke in early 1981.

Remember, to operate the department responsibly, it must have operating funds or a checkbook balance of at least \$500,000.

The **SPEAKER**: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I don't get on my feet very often, but I think this is one time I should.

When this proposal came to our committee, I didn't like the way it was presented because it was a 40 per cent and a 10 per cent — 40 per cent for natives and 10 per cent for the out-of-staters, and that didn't seem fair or equitable.

After a great deal of work, as Mr. Dow stated, we finally explained to the department that we wanted all licenses covered and not just a certain few to continue to make it fair and equitable. So we arrived at a \$3 across the board raise in license revenue.

The MSEA contract that was just negotiated stripped the department of \$700,000. This coming year, the contract will be up for negotiation again, and in their budget they had another \$700,000 figure which I questioned and I asked Mr. Brazier if this wasn't inflated and wouldn't \$350,000 be a more reasonable figure. He said that I could be right.

We took all these things into consideration and cut here and there and wherever we

thought we could. The wardens we have in the field, I believe it is 131 at the present time, 6 under what we should have, and one thing I would like to leave with you before you vote on this— Mr. Paul said we could wait, but if you consider for a minute how these licenses are printed, the licenses which are coming up for next year, which we have to buy, have to be printed now. We can't wait until next year. These licenses have to be printed. So, actually, we are targeting in on next year. Those are the licenses you will be buying at the increase.

I think with the economy the way it is, this is probably one of the best buys you have today.

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

Mr. MacEachern: Mr. Speaker, Ladies and Gentlemen of the House: As two or three speakers before have said, we have done a lot of work on this bill. I don't think anybody on the committee favors increasing the fees. As a matter of fact, when they laid this on us in the committee, I was very outspoken to the extent that I would never vote for any increase, but I have been convinced that the need is there. There are a lot of reasons for it.

The department has been operating for over 6 months with an acting commissioner, who had no authority to do anything, he was just keeping the store, you might say. At the same time, the finance officer in the department was sick and he was away from his job for several months. This is the reason for the lateness of this thing being laid on us. They finally got a new finance officer and he got things figured out.

There are a lot of reasons for it— four years ago, there was an increase in the fees; there hasn't been one since. But there has been an 8 percent per year inflation factor that has built up over the last four years, which goes to over 30 per cent. The price of gasoline and vehicles and so forth, we all know what has happened to that over this period; yet, the revenues to the department have remained almost constant. They have gone up a little, but when we increased the non-residents the last time, we lost approximately 30 per cent of the sales in numbers, although we gained a few dollars in revenue.

If we don't pass this thing now, the alternatives are to lay off game wardens, and I don't think anybody in this House would like to see any game wardens laid off. In fact, I would like to see more than what we have now.

Mention has been made by Mr. Paul that there was mismanagement within the department. I am not sure that I don't agree with him, there is probably some mismanagement, but it is the fault of the situation at the time. We had an acting commissioner who has no authority to take any major policy steps. We do now have a new commissioner, who has just been sworn in, as I understand, and we have high hopes that he is going to take care of some of this mismanagement, but he can't do it tomorrow. He has got to have time, and if we wait on the license increase until next January, it is just not going to work, because it wouldn't be implemented until January of 1981. By that time, the department predicts that they will be \$1.3 million in the red, and they can't write paychecks for game wardens without money in the bank. This bill would put that money in the bank.

I don't like it, I don't think any member of the committee likes it, but if you want to see the department operate and operate efficiently over the rest of this biennium, I would urge you to vote for this bill.

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

Mr. Churchill: Mr. Speaker, Ladies and Gentlemen of the House: I was probably the first one to oppose any increases this session on Fisheries and Wildlife, but I have been convinced that there is no other means right now for them to survive, because the licenses would

have to be printed before next January and they need money for the next biennium. Not only that, but I don't think a person in the State of Maine could get anymore enjoyment out of his money, if he really wants to participate in the outdoor sports, if you figure \$11, this increase will go from \$7.50 to \$11 on a resident hunting license and if you are a really avid sportsman, or fishing, either one, you can participate in this sport every day of the year if you want to. I don't see any other means where you can go out and spend less money and get more enjoyment than you can out of that amount of money. It is only a few cents a day.

Not only that, but we have been promised, we were promised at the confirmation hearing, that our new commissioner would do everything in his power to try to conserve and find means of a better operating department, and I have faith in him that he will do this. At least we should let him prove it.

I certainly hope that you folks will go along and support this increase at this time.

The last session, we had a bill in here to take money from the General Fund to give to this department for work that they do in other departments, shoreland zoning and this type of DEP work, and all this sort. I think it was for \$120,000. I may be off on that, but it was voted down. They do various services for other departments and they should be reimbursed.

Sportsmen are very much opposed to taking money from the General Fund to support the Fish and Game Department. They want to keep it dedicated funds.

In my area, I had just one person say that they would be opposed to this. I have never had a telephone call, never had a letter or single thing on this item, and I think if you go out and talk to your sportsmen in your area, you will find that there is no one who wants to undedicate the funds on Fisheries and Wildlife. I was here when this was tried a few sessions back, and they want to keep it dedicated. If you want to keep going, and the department right now operating with nine less personnel than they were the last time, a year ago. As fast as they retire, they are not replacing them, and I certainly believe that you folks should support this piece of legislation.

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

Mrs. Lewis: Mr. Speaker, Ladies and Gentlemen of the House: I realize that our behavior in this body should not be under the threat of what might happen in another body, but inasmuch as this is an increase in taxes, I am wondering if this isn't something that we can expect a gubernatorial veto on, and from the looks of the lights that I saw, I don't see the votes to override it.

I also might say that if the department can just wait awhile, there is quite a lot of money that is going to be coming in from the lottery for the moose.

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

Mr. Gillis: Mr. Speaker, Ladies and Gentlemen of the House: In response to the comment made to the gentlady from Auburn, we can't wait on the money from the moose because we don't know what sales we are going to have. We don't know what the revenues will be from that.

In respect to the license increase fee, about a week ago, I was present at a meeting in Grand Lake Stream with some guides and hunters on an entirely different matter, but during the meeting I brought up this point of the license increase, and to a man, they understood it; they didn't like it, we don't like it, but they understood the reason for it and they accepted it.

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

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Birt, Boudreau, Brennerman, Brown, A.; Brown, K. C.; Carter, F.; Chonko, Churchill, Cloutier, Connolly, Davis, Davis, Dellert, Doukas, Dow, Drinkwater, Fenlason, Fillmore, Gavett, Gillis, Gould, Gowen, Hickey, Howe, Hutchings, Immonen, Jackson, Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Leighton, Lizotte, Locke, MacBride, MacEachern, Marshall, Masterman, Masterton, Matthews, Maxwell, McKean, Mitchell, Morton, Nelson, A.; Nelson, M.; Norris, Paradis, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, P.; Roope, Simon, Small, Stetson, Theriault, Tierney, Torrey, Tozier, Violette, Vose, Wentworth, Wood.

NAY — Aloupis, Austin, Barry, Benoit, Berry, Berube, Blodgett, Bowden, Brodeur, Brown, D.; Brown, K. L.; Bunker, Carroll, Carter, D.; Conary, Cox, Cunningham, Curtis, Damren, Diamond, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Garsoe, Gray, Gwadsky, Hanson, Higgins, Hobbins, Huber, Hughes, Hunter, Jacques E.; Jalbert, Laffin, Lancaster, LaPlante, Leonard, Lewis, Lougee, Lowe, Lund, Mahany, Martin, A.; McHenry, McPherson, McSweeney, Michael, Nadeau, Nelson, N.; Paul, Reeves, J.; Rollins, Sherburne, Silsby, Smith, Sprowl, Studley, Tarbell, Tuttle, Twitchell, Whittemore, Wyman.

ABSENT — Bordeaux, Brannigan, Call, Carrier, Dexter, Dudley, Hall, McMahon, Rolde, Sewall, Soulas, Stover, Strout, Vincent.

Yes, 72; No, 64; Absent, 14.

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

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

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

Mr. Connolly: Mr. Speaker, I move we reconsider our action of earlier in the day whereby 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) was indefinitely postponed.

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

Mr. Leighton: Mr. Speaker, I would like to ask for the yeas and nays and speak briefly to the motion.

I don't want to prolong this debate, we certainly debated it enough before, but I only got up once and I would like to take the opportunity, now that reconsideration has been moved, to make a couple of points.

First of all, the debate seemed to me to be generating into a question of the desirability of alternative education or the desirability of having alternative education. That shouldn't be the debate at all. Alternative education, as far as I am concerned, is completely desirable and exists in every school district that I know of.

The gentlady from Vassalboro indicated in her talk that this was a problem that was somehow peculiar to Portland. In my own school district, Oxford Hills, we have an alternative education program that has existed for some time. In the neighboring school district of Lake Region School District, they have a very successful alternative education program. The one beyond that in New Gloucester has a very successful alternative education program. In each situation, there is a combination of local and state money involved. In the case of Portland, which also has a fine alternative education program, the question is, in the face of a negative attitude of the local school authorities, should we give additional information to the City of Portland for their program that doesn't go to programs in the rest of the state?

I won't prolong it further, but I do hope that you vote against the motion to reconsider and I

would like the yeas and nays.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I gave this bill a lot of thought in committee and I guess probably I came up with several reasons why I thought it was a worthwhile project to take a look at. One of the things I have long recognized is that some of your larger communities are faced with much different problems than what they have in the smaller communities. I can't imagine a need for a program like this in the area that I come from. In the first place, we wouldn't have enough students to warrant it.

In a city like Portland, they run into several things. The first thing, it becomes a dumping ground for many people who go there. There has always been a tendency to flock to the largest cities. That is probably one of the major problems that New York City has had for many years, faced with all of the social programs that develop by people who just drift into the city. I think this is true in the Portland situation. This could be one of the reasons for supporting a bill of this type.

The presentation that was made by this program seemed to indicate that it was a very innovative program and the people who were in it had a good deal of dedication to what they wanted to do. I did feel that the attitude of the students who were there that spoke on it, it was doing them some good.

I think if we don't face up to trying to do something on programs of this type, with these people at school age, in later years it will cost us a good deal more.

I hope you will support the motion to reconsider on this and then possibly we can give it a favorable vote and see if we can't work something out.

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 gentleman from Cumberland, Mr. Connolly, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor of reconsideration will vote yes; those opposed will vote no.

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

Mrs. PAYNE: Mr. Speaker, I would like to pair my vote with Representative Brannigan. If he were here, he would be voting yea and I would be voting nay.

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

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

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

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

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berrube, Birt, Blodgett, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fowlie, Gowen, Gray, Gwadosky, Hobbins, Howe, Huber, Hughes, Hutchings, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, LaPlante, Leonard, Lewis, Lizotte, Locke, Lund, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McHenry, McKean, Michael, Mitchell, Nadeau, Nelson,

M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Reeves, P.; Sherburne, Silsby, Simon, Theriault, Tierney, Torrey, Tozier, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Austin, Bordeaux, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, D.; Carter, F.; Conary, Cunningham, Damren, Davis, Delert, Drinkwater, Dutremble, L.; Fillmore, Garsoe, Gavett, Gillis, Hanson, Hickey, Higgins, Hunter, Immonen, Jackson, Jalbert, Joyce, Kiesman, Laffin, Lancaster, Leighton, Lougee, Lowe, MacBride, Marshall, Matthews, McPherson, McSweeney, Morton, Nelson, A.; Peltier, Peterson, Reeves, J.; Rollins, Roope, Smith, Sprowl, Stetson, Studley, Tarbell, Twitshell, Wentworth, Whittemore.

ABSENT — Call, Churchill, Dexter, Dudley, Masterman, McMahon, Prescott, Sewall, Small, Soulas, Stover, Strout, Vincent.

PAIRED — Boudreau-Hall, Carrier-Gould, Fenlason-Rolde.

Yes, 77; No, 53; Absent, 13; Paired, 8.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty-three in the negative, with thirteen being absent and eight paired, the motion does prevail.

The question now before the House is on indefinite postponement. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT — Report "A" (7) "Ought to Pass" — Report B (3) "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 "C" (3) "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) — 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) — In Senate, Report A read and accepted and the Bill passed to be engrossed — which was tabled earlier in the day pending acceptance of any Report.

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

Mr. CARTER: Mr. Speaker, I move we accept Report B.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that the House accept Report B in non-concurrence.

The gentleman may proceed.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the signers of Report B and, briefly, what Report B does, it includes several of the provisions that are in Report A and Report C, with the major exception being that Report B is a statutory bill in lieu of a constitutional amendment. However, it would require a three-quarters vote of both branches of the legislature to exceed expenditures of the prior year, over and above the cost of living or the personal income indices.

I would hope that you would vote to adopt Report B and I would request a division.

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

Mr. MORTON: Mr. Speaker, Ladies and

Gentlemen of the House: Report B does exactly the same thing that everyone has been talking about for a long time, and that is the statutory approach to this limiting. A statutory approach, as we all know, is a nothing bill, so if you want to vote for this, go to it, but I trust that you will turn this down for at least an opportunity to vote for a constitutional approach that will mean something.

I don't want to debate at any great length, we debated this at some length last fall. For those Freshmen who are here and didn't participate in that debate, what we are talking about is real control or no control. You must realize that we passed statutes here in May that took away action that we did in February, right in the same session. We pass statutes every session which do away with what was taken for granted at the end of the previous session. So if you really are interested in long term and real limitation of expenses, you will not go for this report.

I won't say anymore about it; we will see how the lights come out.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: If I could just reiterate a little bit on what the good gentleman from Farmington, Mr. Morton, said, I would just remind the members of the House that to put it in the statutes is not going to preclude this legislature from passing in the Appropriations Act a section that will, in effect, wipe out everything that this does, whether it says three quarters, seven eighths, ninety-nine per cent of a hundred and twenty per cent of those voting. All we have to do is just pass in the Appropriations Act a section that eliminates either the three-quarters provision to make it two-thirds, so that when the budget is passed, we have automatically eliminated the statutory limit. Or, just pass a separate L. D. with an emergency provision on it and we can eliminate it at any time.

If we want to get down to the real crux of spending limitation, you either want it, and if you want it, you want it in the Constitution. If not, then you don't need statutory, because there is no way that you can effectively limit statutory, because there is no way that you can effectively limit state spending with statutory language. It isn't any more than passing the budget. The budget, if you will, is a spending limit, and the next session when you come up here, you are going to pass another budget and it is going to be bigger than the last one, and you don't need any statutory language that is going to try to fool the people back home into believing that we have done something effective up here, because we haven't. This is not doing anything to protect those people.

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

Mr. ROOPE: Mr. Speaker, could we have the Clerk read the Committee Report, please?

Thereupon, the Report was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Yesterday, I started out quite badly and it continued on all day. Today, I got the treatment by some who would proclaim themselves to be artists at the game. Yesterday the action made me decide within myself, don't get mad but get even. Today I am mad and I am going to get even. I will do it my own way because I am an expert at it. I was taught well many, many years ago, before I even got here. For those experts that think they are smart, I would have sat in this chair until five o'clock the day after tomorrow.

This bill here is a sham, this report, it is nothing, and that is what you want—nothing.

I am not going to waste too much time, but I am going to tell you something right now, the people in this state are sick of our arrogance,

they are sick of our over spending, they are sick of our over budgeting, and, as a matter of fact, they are sick of us, and I don't blame them.

I am going to tell you something and it is no threat, it is a promise—refuse us a chance to have the majority report passed, and I guarantee you, when you do that and you pass a monstrosity like this, you have got Proposition 13 by petition on your hands, or a proximity thereof—make no mistake about that. We could talk forever and ever, but those are the cold, hard, turkey facts, and I am giving that back to the turkeys that think they are experts.

Mr. Higgins of Scarborough 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 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 Winslow, Mr. Carter, that Report B be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Baker, Beaulieu, Benoit, Brenerman, Carter, D.; Chonko, Cloutier, Connolly, Cox, Davies, Dutremble, D.; Elias, Gwadosky, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Kany, LaPlante, Lizotte, Locke, MacEachern, Michael, Mitchell, Nadeau, Nelson, M.; Norris, Paradis, Post, Reeves, P.; Tierney, Tozier, Tuttle, Violette, Wood, The Speaker.

NAY — Aloupis, Barry, Berube, Birt, Blodgett, Boudreau, Bowden, Brodeur, Brown, A.; Brown, K.L.; Brown, K.C.; Bunker, Carroll, Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Diamond, Doukas, Drinkwater, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Jackson, Jalbert, Joyce, Kane, Kelleher, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lurid, MacBride, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Morton, Nelson, A.; Nelson, N.; Paul, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Simon, Smith, Sprowl, Stetson, Studley, Tarbell, Theriault, Torrey, Twitchell, Vose, Wentworth, Whittemore, Wyman.

ABSENT — Berry, Bordeaux, Brannigan, Brown, D.; Call, Carrier, Churchill, Dexter, Dow, Fowlie, Hall, Immonen, McMahon, Rolde, Sewall, Small, Soulas, Stover, Strout, Vincent.

Yes, 39; No, 91; Absent, 21.

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

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

Mr. PEARSON: Mr. Speaker, I move we accept Report C and would speak briefly to my motion.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that Report C be accepted in non-concurrence.

The gentleman may proceed.

Mr. SPEAKER: Mr. Speaker, Ladies and Gentlemen of the House: Those of you who were here last year will remember that we spent some time in a special session dealing with this same topic that we are talking about today. I would be frank with you in telling you that I was troubled with it last year, I am troubled with it now. I am not sure of what is the right answer.

I signed out Report C, which includes a constitutional spending limit on everything, on dedicated revenues as well as the General Fund. I would include, because all the money is from the people of the state, Fisheries and Wildlife, Marine Resources, Transportation and the General Fund. It seems to me that if you are going to do it, if you decide to do it, you ought to do it for them all or you ought not to do it at all.

A little while ago, about a month ago, I guess it was, I spent some time at a National Legislative Conference in Tallahassee, and the topic that was assigned to the panel that I was on was constitutional spending limits that had been enacted by states all over the country. One of the gentlemen that was there was the Republican Senate Appropriations Chairman from the State of Utah, and he made a number of telling remarks and he is going to be conducting another conference in about a week in Denver, which I won't be at, but he said that in the State of Utah when they had enacted constitutional spending, they did it with quite some fervor and were hoping for the very best, and I do too.

One of the problems that they ran into there, and I hope you will give this some thought, I have tried to give it some thought, I am not sure that I have addressed it completely, is the problem with fiscal notes on constitutional spending limitations. He said that in Utah, he told me in a private conversation and told all of us in our committee, that one of the things that happened there, and I hope will not happen here, but I want you to be aware of it, is that when the constitutional limit was put on in the State of Utah, the departments, the bureaucracy in the state was able to control how much money was spent with fiscal notes, and this is the way they did it.

If they liked the bill, the bill was apt to have a low fiscal note on it, or they would say there isn't any money required, and then the next year they would come back in and say, well, we miscalculated and we need more money.

If they did not like the bill, one of the things they did, they found out in Utah was, the fiscal note would be very high.

We have had a number of cases this year, this session of that sort of problem. I hope that it won't happen on this and I want you to go into it being very well aware that while I favor the bill, I don't have all the answers.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think the good gentleman from Old Town, Mr. Pearson, has really portrayed to you the issue and the problems he has faced as chairman of the committee, and all of us on the committee have grappled with this issue once before last session.

I think it is significant that we note that on the committee with 13 people, at least 10 of them are in favor of a constitutional amendment to limit state spending. That is a definite movement from what we saw last fall with the unfortunate incident that we saw go on here just prior to election. I guess what I am afraid is going to happen, and I think it is probably in the back of all our minds and probably in the front of some people's minds because they would like to see this thing killed and they would like to see it killed by getting it in non-concurrence and I really don't want to see that happen, that is why I am going to vote against my good chairman's motion today, because I think we should adopt Report A, the majority report. It has been adopted in the other body, and I know there are a lot of people here who have problems with dedicated revenue, and I have problems with dedicated revenue, but I think we really ought to face facts. If we want constitutional limit on state spending, we have got to adopt Report A. It has been adopted in the other body; it is the simplest approach.

Last fall when we were here, there were all kinds of people talking about it is too complex, we don't need that stuff in the Constitution, we just don't want to even face the issue because we can't understand it, and if we can't understand it, it can't be written exactly in legal terms and all the lawyers got involved, then we don't want to talk about it anymore and we don't want that stuff in the Constitution.

So I submit to you, if you are really sincere about wanting something in the Constitution to limit state spending and you really want to go back home and tell your people that you have done something for them, not to them, then we would accept Report A, defeat this motion and accept Report A. It is the simplest form, we are talking about just general revenue, general fund sources of expenditures, and that is the bulk of what we deal with in the committee every single day.

I would also submit to you that we ought to consider starting small, small in the sense that we don't need a whole bunch of exclusions and every other thing that is in that bill, the complexity thing, it just keeps coming back to me. There are a whole bunch of people that were concerned about complexity. Well, if you are concerned about complexity but you really want a limit on state spending, then you have got to defeat this motion and go with Report A. Let's start with something that is workable—try it. If we have problems, at least we haven't fouled up the whole process of dedicated revenues and undedicated revenues and spruce budworm and milk tax and everything else. But if you are really sincere, I would implore you to defeat this motion and get on with the simplest thing and let's crawl before we run and let's adopt Committee Amendment "A".

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: If I ever heard of a less enthusiastic speech for a constitutional amendment in my life, I heard it from my good friend from Scarborough, Mr. Higgins. Maybe he is just tired, but he is saying that we need something simple, we have got to have something general, we have got to start small, and remember, he is saying start small, it must mean he has another constitutional amendment in his mind down the road somewhere.

Ladies and gentlemen, we are talking about an amendment to our Constitution. That is a very important, very serious step, and Mr. Higgins is talking about the things that come to his committee. He says, well, we are talking about the bulk of things that come to my legislative committee—we are talking about an amendment to our Constitution, ladies and gentlemen, a very important and very important and very significant item. It is not something you are going to run out to the people every six months or every two years if you have something wrong with it.

Now, let me tell you why I am going to vote for this report. I guess the best way for me to do it would be for me to go back and get my good friend from Nobleboro, Mr. Palmer's speech from the special session, because he and I agreed entirely on one point, that if you are going to have a constitutional spending limitation, you have got to have it on everything, because a gas tax is just as much a tax as a sales tax, and if you are going to do it, you have got to do it right. So let's do it, let them get off the hook; let's not worry about the highway fees; we have got to put them in there—blueberries, sardines, potatoes, milk tax. A tax is a tax, ladies and gentlemen, if you believe in it. Mr. Higgins really believes in it, he is going to vote for this amendment.

I will tell you, I am not going to vote for any constitutional amendment, for sure, unless we have that in it. We have got to have everything in it if we are going to have it or we are not going to have anything at all.

I want you to vote with me and Mr. Kelleher

and Mr. Pearson, Mr. Diamond, they have signed out a good report.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if the good gentleman from Lisbon Falls is confused. He keeps telling about a tax is a tax is a tax. This is a limit on spending, not a limit on taxes. That is what we are talking about here today. We are not talking about something that failed last year; we are talking about something that ought to pass today. I think we ought to go with the majority report, Report A.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: One reason that I signed out Report C is because I want to include all the dedicated revenue, all the revenues in the state, all the General Fund revenues and all the dedicated revenues, and knowing my good friend from Wiscasset, Mr. Stetson, as I think I do, and he is a conscientious, conservative member of this House, if he wants to vote for a constitutional spending limitation, as I want to vote for it, I want to include every single agency that gets any dedicated revenue whatsoever. There is no difference between the highway budget, which is many millions of dollars, than there is between the General Fund or the General Appropriations Bill, which is many, many millions of dollars.

The people who are in this House today that serve on the Appropriations Committee, that want to put a spending limitation through constitutionally, if they want to do it sincerely, they want to do it for every one of them, not half-heartedly. If you go to Report A, you are going half-heartedly. You are not listening to that voter in Lewiston that Mr. Jalbert is talking about, or the voter in Old Town that Mr. Pearson is talking about, or the voters in Bangor. They want a limitation on every one of them, and I suggest that this House accept Report C, because that is exactly what you are going to give your voters back home, just what they want. They want to put a ceiling here because they have had it up to here, and if you want to serve your own consciences and if you honestly want to support a constitutional amendment, do it for all, but don't do it half-heartedly.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Anybody in this House that can't see this game plan, there is something wrong somewhere.

I want a constitutional amendment, and I don't want the game plan that was all cooked up, B, C and A. I am going to cross up the experts here, I am going with Mr. Kelleher, and I am asking some friends of mine who have sent me notes to go with Mr. Kelleher. I want that corner there to go with Mr. Kelleher and Mr. Pearson and the six others, and I am asking my colleagues that I supported with Report A to go too — let's have a little fun. It's late — early to me. I will be going to bed in about an hour anyway. I haven't got a ride home, will probably walk home, get a little more tired and might get a little sleep, but I have been dying for this afternoon, I have been dying for this moment particularly. They have outsmarted themselves.

Some people can be so smart, so brilliant, that they are going to con themselves — themselves — and don't forget that the record is there. Quote from one, I will go with Report C. I am going with Report C; I can always do business with Eddie Kelleher and we can do business over on the other side. But one thing is certain, we knock the deal off. Report B is gonzo. Now we have got it either way, A or C. Yes, we are going to get something. It might be amended a little bit; it might not, I don't know.

But I am not going to turn around and say if I can't have my cake I don't want anything. I am a peace-loving citizen. I like to stick my nose in sometimes when the experts are just blinking their eyes a little bit, and they don't blink fast enough and I have got their stockings in my pocket and their shoes are still on, and their shoelaces are tied, and that is exactly what has happened just now.

I am going with Report C, and I am asking the Republicans that signed Report A to go with the Democrats that signed Report C. I am going with them lock, stock and barrel.

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

Mr. GARSOE: Mr. Speaker and Members of the House: The gentleman from Lewiston beat me to my feet earlier. I am glad he did, because I had intended to suggest that if Mr. Higgins speech indeed was low key, at least it smoked out a couple of the high decibel operators. I think Mr. Jalbert has put it very well. He has faked them right out of their shoes and now let's see if they mean this 91 decibel type of rhetoric, and we are going to be watching down the road too, because I think they have stepped into a real curve ball delivered by the 20 game winner from Lewiston.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair if I could, because it has been stated in debate a couple of times that this particular bill does, in fact, include dedicated revenues, such as the sardine tax and the blueberry tax and potato tax and the milk tax, and I thought that it did too, but looking on page 2 under E, it states that an exclusion is expenditures of the proceeds of state-levied taxes on owners of products and resources used to promote or protect such products and resources. It looks as though these things, and maybe the spruce budworm, are not in fact included in the bill which includes dedicated revenue. I am wondering if that is the intent and if in fact this bill might need an amendment at some future time.

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

Mr. JALBERT: Mr. Speaker, I am delighted to answer that question. Now that we are having a feast, we are all peace-loving citizens, we are all lovey-dovey, when we get to that thing, we can discuss it among ourselves — everybody is together now. We can discuss it among ourselves and I am sure that we will satisfy the spruce budworm, Hollis Wyman's blueberries — we are all together, we are friends, we are buddies, we love one another. We can discuss this thing.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think that may be fine in terms of what people end up voting for, but it may muddy what the vote actually means, because some people may be voting for the bill thinking that it does not include those particular agencies. I don't know that the vote means anything one way or the other, but it seems to me that that issue at least is not clear at this particular point.

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

Mr. HOWE: Mr. Speaker and Members of the House: I am an opponent of a constitutional spending limit, and I am not afraid to say it. I wasn't afraid to say it before in the special session when we dealt with this issue, because I was on the front page of the Portland paper saying I was an opponent of the constitutional spending limit and for some very strongly held reasons both philosophical and practical, and I will go into them in more detail if the thing gets to final enactment. Would someone take Mr. Garsoe an Excedrin?

One thing I would like to point out — by the

way, I would welcome Proposition 13 before I would take a constitutional spending limit, for the reason that Proposition 13 gets to the tax that I think people are most worried about, and that is the property tax. If we put a cap, however, on state expenditures, I think what are we going to be doing is going just in the opposite direction of what people are most concerned about, and that is pushing more and more of the burden onto the property tax. That is why I think the gentleman from Nobleboro, Mr. Palmer, a former of this body, who was a proponent of a constitutional spending limit, as I recall, felt it should apply to all levels of government so that burden didn't get shoved onto the property tax more and more.

Just one comment and I will hold my fire for final enactment, if it gets that far, and that is, if dedicated revenues are not included, I think you have got a constitutional spending limit big enough to drive the whole state budget through, because if you think you have got dedicated revenue accounts now, there will be more and more of them and it will just be a tremendous loophole around a limit on the General Fund.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I may or may not be a high decibel operator, I guess history will have to determine that, but I can assure you of one thing, I want everyone in this House to know exactly what I said, and I am going to have to repeat it, because evidently some of you weren't listening as closely as perhaps you should have, or perhaps you got carried away in the rhetoric and didn't hear the substance. I want Mr. Jalbert and Mr. Garsoe especially to listen.

I said I have a lot of trouble with the constitutional limitation concept, but if we are going to have any kind, we have got to include everything, and I agree with that. So the first thing we have to do is decide what is going to be in it so that we know what we are voting on, for or against, and then we will deal with that issue later.

So I urge you again to support this report and then we will deal with the issue of whether we should have it at all, but first you have got to make sure that everything is in it.

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

Mrs. KANY: Mr. Speaker and Members of the House: Here I always thought the Appropriations Committee really consisted of the best and the brightest. What I want to know from some members of the Appropriations Committee, who support constitutional limitation, why they don't think they are capable of making good expenditures decisions, and yet the Transportation Committee is with the highway fund and the Fisheries and Wildlife Committee is with their fund — just for fun.

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

Mr. JALBERT: Mr. Speaker, first I would like to make a comment that those legislators that see this as a cap to spending, apparently must feel either incapable or unwilling to explain the legislature's recommendations to their constituents.

I see this limitation as a yardstick for legislative spending and as a valuable tool to make the legislature explain its recommendations to the satisfaction of the people it represents.

I assure the gentleman from Lisbon Falls, Mr. Tierney, that I heard him very loud and very, very, very clear, and that is why I switched to go with my very dear friend Mr. Kelleher, my chairman, Mr. Pearson, and my very dear young friend, Mr. Diamond. We can take care of the situation as we go along. We have got ten joining us.

As I said, and I repeat myself because I am so happy, we are all friends.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the

gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard the good gentleman from Scarborough, Representative Higgins, say that we should start small and go easy. You have heard the good gentleman from Lewiston, Mr. Jalbert, whom I don't often disagree with but I do in this case, state that we ought to have some fun. You have heard the good gentleman from Lisbon Falls, Mr. Tierney, state that the constitutional route is a very complex one, and it most certainly is.

The report that you defeated earlier, Report B, included, as I stated previously, everything that is contained in Report A or C, except that mine was a statutory approach. The reason that I chose the statutory approach is because of the complexity of the issue. Once you amend the Constitution, ladies and gentlemen, it is rather permanent, it is very difficult to retreat if we have made any error. And as long as I have served in this branch, I have never seen a legislature that has not had to pass an omnibus bill shortly after the next session began.

We have no guarantees that what we have in Report C or Report A will not require changes, but once it is in the Constitution, it is going to be very, very difficult to change.

I would hope that you would vote against the adoption of Report C.

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 Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have heard the speeches that were made this afternoon and I certainly appreciate them, and I understand where the gentleman from Lewiston is coming from, I understand where the gentleman from South Portland is coming from. I think he was right up front. He said he was opposed to a constitutional amendment. I believe him and I expect that is the way he is going to vote.

I heard the gentleman from Lisbon Falls, in his first speech he really was pretty strong for a constitutional amendment. I didn't quite catch the innuendo that there might be something wrong with a constitutional amendment, but he certainly made that clear the second time around.

I think probably that everyone today should vote for whether they think it should include everything or whether you should have a constitutional amendment on the General Fund only on this next vote. I don't have much doubt about which way it is going to go, but all I am saying is, as I stand here on the fifth day of June, at 6:32, I hope everyone who I see vote for a constitutional amendment and vote for this Report that is coming up next, will also be voting for a constitutional amendment on final enactment.

As the gentleman from Lewiston says, it will probably be changed a little bit, we are all friendly, we can work together, but I certainly hope that those who are voting today for a constitutional amendment will be willing to vote for one when it is slightly changed as it comes down the road in some form or another.

Frankly, I am going to vote for the simpler bill this afternoon, or at least vote against this one, because I think the simpler bill is a better bill. This is a good one, the other one is better, but be that as it may, if this one fails, I will be voting for it on final enactment.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: One quick comment.

It seems to have been insinuated that anyone that voted for Report B is somehow involved in trying to scuttle the concept altogether. For the record, as far as I am concerned, during my campaign, I specifically and publicly opposed a constitutional limit and strongly proposed a statutory one. I maintained that position during the special session when it was being debated up here. I was up here, was interviewed by the press and was quoted publicly as saying that once more. I maintain that position. I hope that we could have passed Report B. It failed; I cannot vote for this report or any other report that deals with the constitution.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that the House accept Report C in non-concurrence. 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 good gentleman from Biddeford, Dennis Dutremble. If he were here, he would be voting yes and I would be voting no.

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

Miss ALOUPIS: Mr. Speaker, I wish to pair my vote with the gentleman from Biddeford, Mr. Lucien Dutremble. If he were here, he would be voting yes; I would be voting no.

ROLL CALL

YEA—Austin, Barry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, K. L.; Brown, K. C.; Bunker, Carroll, Carter, F.; Cloutier, Conary, Cunningham, Damren, Davis, Dellert, Diamond, Drinkwater, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gray, Hickey, Huber, Hutchings, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kany, Kelleher, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, MacBride, Marshall, Martin, A.; Masterman, Matthews, McKean, McPherson, McSweeney, Michael, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Rollins, Roope, Silsby, Simon, Smith, Sprowl, Stetson, Studley, Tarbell, Theriault, Tierney, Tozier, Twitchell, Vose, Whitemore, Wood.

NAY—Bachrach, Baker, Beaulieu, Benoit, Berry, Brennerman, Brodeur, Carter, D.; Chonko, Connolly, Cox, Curtis, Davies, Doukas, Dow, Elias, Gould, Gowen, Gwadosky, Hobins, Howe, Hughes, Hunter, Kane, Kiesman, LaPlante, Lizotte, Lund, MacEachern, Mahany, Masterton, Maxwell, McHenry, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Reeves, J.; Reeves, P.; Sherburne, Torrey, Tuttle, Violette, Wentworth, Wyman, The Speaker.

ABSENT—Brannigan, Brown, D.; Call, Carrier, Churchill, Dexter, Dudley, Hall, Immonen, McMahon, Rolde, Sewall, Small, Soulas, Stover, Strout, Vincent.

PAIRED—Aloupis, Dutremble, L.; Dutremble D., Hanson.

Yes, 81; No, 49; Absent, 17; Paired, 4.

The SPEAKER: Eighty-one having voted in be affirmative and forty-nine in the negative, with seventeen being absent and four paired, the motion does prevail.

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

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

Non-Concurrent Matter

Bill "An Act to Amend the Unit Ownership Act" (S. P. 429) (L. D. 1377) (S. "A" S-236 to C. "A" S-222) which was passed to be Enacted in the House on June 1, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-222) as amended by Senate

Amendments "A" (S-236) and "B" (S-302) thereto in non-concurrence.

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

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith.

(Off Record Remarks)

On motion of Mr. Baker of Portland, adjourned until eight-thirty o'clock tomorrow morning.