

# 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

Wednesday, June 13, 1979

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

Prayer by Reverend Howell Lind of the Winthrop Street Universalist Church, Augusta.

Rev. LIND: Oh God of our determined efforts, we pause at the beginning of this session to invoke the blessings of life upon these men and women who labor to fulfill the work set before them. In their endeavors to do the highest and best for the people of this great state of ours, grant to them the wisdom, the insight, the sustaining awareness that behind the papers and the documents are the human lives of the people whom they will affect through their work.

May these servants of the people never forget the fact that it is human living, its quality and direction, which they are influencing through their gathering today.

May they approach such a responsibility with compassion, understanding and wisdom. In the spirit of service as this body gathers and to the service of others do we invoke the blessings of God upon their efforts. Amen.

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

(Off Record Remarks)

The Journal of the previous session was read and approved.

The following Enactor was taken up out of order by unanimous consent:

An Act to Revise the Inland Fisheries and Wildlife Laws (S. P. 573) (L. D. 1637) (S. "A" S-306)

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.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mrs. Locke of Sebec,  
Recessed until the sound of the gong.

After Recess  
10:15 a.m.

The House was called to order by the Speaker.

## Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Establish Special Retirement Provisions for CETA Employees" (S. P. 268) (L. D. 809) ask leave to report: that the House recede from Indefinite Postponement, Read and Adopt Committee of Conference Amendment "A" (H-704) attached herewith; and Pass the Bill to be Engrossed, as Amended by Committee of Conference Amendment "A" (H-704) in non-concurrence.

That the Senate recede from Passage to be Engrossed as Amended by Committee Amendment "A" (S-201), recede from adoption of Committee Amendment "A" (S-201) and Indefinitely Postpone.

Committee Amendment "A" (S-201), Read and Adopt Committee of Conference Amendment "A" (H-704) and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-704) in concurrence.

(Signed)

Mrs. BERUBE of Lewiston  
Messrs. PAUL of Sanford  
GARSOE of Cumberland

—of the House.

Messrs. LOVELL of York

SILVERMAN of Washington  
Ms. CLARK of Cumberland —of the Senate.

The Report was Read.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: As you recall, we had been told that failure to pass this prior to July 1 would mean that we were not in compliance with the new federal regulations pertaining to CETA. Some of us were concerned that we would be eroding the state retirement fund, as well as leaving the general fund open for prime sponsors to dip in, in case of shortfalls or other problems, as this has happened before, as you are aware.

The new Committee of Conference Report specifically says that under no circumstances will employer contributions to the retirement fund come anywhere else but from CETA funding. The employer, as you know, is the state or the county or the municipality, and they will pay on an ongoing basis for their enrollee's contribution and then be reimbursed by the prime sponsor — in the case of the state, the Office of State Planning in coordination with CETA, and they will then recoup their costs.

Failure to enact this will definitely not jeopardize \$50 million-odd CETA funding coming into the State of Maine. We verified this. What it will do is, it will not enable the state to pick up CETA enrollees, and it is estimated that about 120 might be picked up by the state and perhaps 700-odd in public service, including municipalities and counties, so I thought you should be aware of what this did.

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

Mr. PAUL: Mr. Speaker and Members of the House: I also was a member of the Conference Committee on this bill and I am not going to vote for the report this morning, because I am not satisfied that the amendment would solve any of the problems that I had with the bill.

I would like to bring to your attention a memo that I just had placed on my desk this morning from Mr. Blodgett, who is the Executive Director of the Maine State Retirement System. I would like to quote from a section of that memorandum: "The amendment, under Section IA, deleting the second sentence in that paragraph, I think would defeat the purpose that the CETA people are trying to accomplish."

I am against the amendment, I think we debated this the other day and I think you all understand what this bill is, and when the vote is taken, I would request the yeas and nays.

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

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

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

Mrs. BERUBE: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask Mr. Paul what date that memo was? I haven't had a copy.

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, has posed a question through the Chair to the gentleman from Sanford, Mr. Paul, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. PAUL: Mr. Speaker and Members of the House: The memo is dated June 11th. I had a discussion with Mr. Blodgett last Friday, presented the amendment to him, and asked him if he would examine the document and make an analysis as to whether or not this would affect the retirement system. I do apologize, the

memorandum has not been distributed. As I say, it was just placed on my desk, I found it this morning.

The SPEAKER: A roll call has been ordered. The pending question before the House is on acceptance of the Committee of Conference Report. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL

YEA—Baker, Beaulieu, Benoit, Birt, Bordeaux, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Churchill, Connolly, Cunningham, Damren, Davies, Diamond, Doukas, Dow, Drinkwater, Dudley, Elias, Fenslasson, Fillmore, Fowlie, Garsoe, Gould, Gwadnosky, Hall, Hanson, Hobbins, Howe, Hughes, Hunter, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Lizotte, Locke, Lowe, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Matthews, Maxwell, McKean, McMahon, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Paradis, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sherburne, Silsby, Simon, Stetson, Theriault, Tierney, Torrey, Tozier, Twitchell, Vincent, Vose, Wentworth, Whitemore, Wyman.

NAY—Aloupis, Austin, Bachrach, Barry, Berry, Berube, Blodgett, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Chonko, Curtis, Davis, Dellert, Dexter, Dutremble, D.; Dutremble, L.; Gavett, Gillis, Gray, Hickey, Higgins, Huber, Hutchings, Immonen, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lougee, Lund, McBride, Masterman, McHenry, Nelson, N.; Paul, Roope, Sewall, Small, Smith, Sprowl, Stover, Strout, Studley, Tarbell, Tuttle, Wood.

ABSENT—Carroll, Cloutier, Conary, Cox, Gowen, Laffin, McSweeney, Nelson, M.; Norris, Post, Soulas, Violette.

Yes, 81; No, 57; Absent, 12.

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

The House receded from indefinite postponement.

Conference Committee Amendment "A" (H-704) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

## Papers from the Senate

The following Communication:

THE SENATE OF MAINE  
Augusta

June 8, 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 Relating to Access, Copying and Release of Medical Records." (H. P. 935) (L. D. 1165)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Orders, Expressions of Legislative Sentiment recognizing that:

Julie Mason, of Augusta, has been selected as salutatorian of the class of 1979 at Cony High School (S. P. 619)

Bill Williams Jr., the son of Mr. and Mrs. Bill Williams Sr. of Poland and a member of Boy Scout Troop 125, has achieved the high honor and distinction of Eagle Scout (S. P. 620)

Came from the Senate read and passed.

In the House, were read and passed in concurrence.

The following Joint Resolution: (S. P. 622)

**JOINT RESOLUTION  
COMMEMORATING THE  
TENTH ANNIVERSARY  
OF**

**THE APOLLO 11  
MOON LANDING**

WHEREAS, it is highly appropriate for us at this time to commemorate the phenomenal achievements of our space program as exemplified in this year's celebration of the Tenth Anniversary of the Apollo 11 Moon Landing. Acknowledged as one of the greatest achievements of recorded history, the Apollo 11 Moon Landing was a feat of monumental proportions that displayed the very best of America's scientific genius and captured the imagination of thousands upon thousands of the earth's inhabitants; and

WHEREAS, the Apollo 11 Moon Landing dramatically played out a scenario that was fictionalized in science fiction, envisioned by countless farsighted scientists and conceived by the most brilliant minds in America's space program. On Sunday, July 20, 1969, the Apollo 11 Flight Commander, civilian test pilot Neil A. Armstrong, became the first man to set foot upon the moon and spoke the immortal words, "That's one small step for man, one giant leap for mankind;"

WHEREAS, the three representatives of humanity who made this historic venture included Commander Armstrong and Air Force Colonel Edwin E. Aldrin, Jr., on the moon and Air Force Lieutenant Colonel Michael Collins, who commanded the Service Module that orbited the moon for thirty-one revolutions. In landing on the moon and returning safely home, these three men proved for all time the reality of lunar landings for humanity and opened the way for further documentation of the vast sea of knowledge that exists between our world and whatever unknown vistas there are beyond our current comprehension; and

WHEREAS, in achieving this great plateau in our knowledge of space exploration, the Apollo 11 landing on the moon remains a hallmark of incredible dimensions for the future of the world as we know it today. Whatever the future may hold, whatever worlds may exist beyond our own, the Apollo 11 Moon Landing points like a beacon to the future of our entire civilization; now, therefore, be it

RESOLVED: That We, the Members of the 109th Legislature on behalf of the People of Maine and our nation of states take this opportunity to celebrate the anniversary of this event and honor the visionary individuals who made it a reality; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith to the National Aeronautics and Space Administration and to Commander Neil A. Armstrong, Colonel Edwin E. Aldrin, Jr. and Lieutenant Colonel Michael Collins.

Came from the Senate read and adopted.

In the House: Was read and adopted in concurrence.

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill, "An Act Relating to State-municipal Revenue Sharing" (S. P. 157) (L. D. 332)

Report was signed by the following members:

Mr. HUBER of Cumberland

—of the Senate.

Messrs. JALBERT of Lewiston  
DIAMOND of Windham  
HIGGINS of Scarborough  
SMITH of Mars Hill  
KELLEHER of Bangor  
PEARSON of Old Town

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-340) on same Bill.

Report was signed by the following members:

Mr. PERKINS of Hancock

Mrs. NAJARIAN of Cumberland

—of the Senate.

Messrs. CARTER of Winslow

MORTON of Farmington

BOUDREAU of Waterville

—of the House.

Came from the Senate with the Minority "Ought to Pass" as Amended, Report was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-340)

In the House: Reports were read.

The Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**Non-Concurrent Matter**

Bill, "An Act to Establish Energy Efficiency Building Performance Standards for the State of Maine" (H. P. 522) (L. D. 666) which was passed to be engrossed as amended by Committee Amendment "A" (H-536) as amended by House Amendment "A" (H-678) thereto in the House on June 7, 1979.

Came from the Senate passed to be engrossed as amended as Committee Amendment "A" (H-536) as amended by Senate Amendment "D" (S-348) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

**Non-Concurrent Matter**

Bill, "An Act to Encourage Pilot Projects using Solid Waste for Energy Production" (H. P. 876) (L. D. 1081) (C. "A" H-654) which was passed to be Enacted in the House on June 7, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-654) as amended by Senate Amendment "A" (S-346) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

**Non-Concurrent Matter**

Bill, "An Act to Amend the Tree Growth Tax Law" (H. P. 1115) (L. D. 1244) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-517) Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-517) as amended by House Amendment "D" (H-689) thereto in the House on June 7, 1979.

Came from the Senate with that Body having Adhered to its former action whereby the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-518) Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-518) as amended by Senate Amendment "A" (S-301) thereto in non-concurrence.

In the House:

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

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

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 ask that you oppose the motion to recede and concur on this particular bill so we then could vote to adhere.

The kind of position that we are in now when we are talking about this bill, there are several problems that would arise if we were to recede and concur and this bill finally faced enactment.

As you will see, it does call for 50 percent reimbursement to towns under Tree Growth Law. Unfortunately, when that particular amendment was put on, the fiscal note was not changed and it still has the original \$500,000 per year appropriation in the bill itself. That is grossly underfunded, because according to the information given to us by the Bureau of Taxation, it would take about \$700,000 each year to fund the 50 percent reimbursement.

The provisions for prorating reimbursements has been taken out of this bill so the situation we would be facing next year is an underfunded bill with no provisions for prorating if there is not enough money in that particular fund and then facing an additional appropriation.

As you remember, when we had a bill previously, that this House did in fact pass, we had both the proration feature in it and had some specific actions that the legislature was to take if, in fact, there was not money appropriated for the second year of the biennium.

The additional problem is that there is no grandfathering clause in this particular bill and so a large number of towns would, in fact, get less money under this particular bill than they are getting presently. I think the figure is somewhere around 200 towns and would actually get less money than they are getting now if we did in fact recede and concur.

Another problem is a technical problem which has not actually been resolved. I have to say that this problem would have occurred in either bill, but if we had been able to deal with these a little bit earlier, we might have been able to solve it. This particular bill takes out the mandatory coverage of all parcels of land which are over 500 acres, and it says that you do not have to be under Tree Growth if you have more than 500 acres of land.

The spruce budworm tax is very closely tied into the mandatory coverage under tree growth and the spruce budworm tax is levied on those people who have over 500 acres who are mandatorily in tree growth.

The bill sought to solve that problem by saying if you were under the mandatory classification in 1979, then you would be continued to be liable for the spruce budworm tax, even though you might choose to get out of tree growth. Unfortunately, it did that by reference to a section of statute which has been amended or repealed by the Forestry District Revision Bill, so we would have a conflict of statutes there and it is unclear at this point whether the grandfathering in of people who, in fact, might have to still pay the spruce budworm tax even though they were not mandatory classified, would, in effect, be valid.

So, at this point, I am fully aware of the problems that we are facing, the problems that towns face in trying to deal with the issue of tree growth. This bill does not solve those problems and I think the legislature has to come to the understanding that we have not solved the problem of tree growth this year. It is an issue that for better or worse we are going to be faced with next year, and to pass an underfunded bill in which a large number of towns get actually less money than they are getting now and a bill that may, in fact, present real problems for us as far as who is going to be liable for that spruce budworm tax is not the way to go about it.

I would ask you to vote against the recede and concur motion.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you will vote to recede and concur with the other body in this case. It is true that there are some problems in the present bill. We haven't resolved all

of the problems. It is not a perfect bill but it does ameliorate the situation that the towns are faced with. The real problem of tree growth is the fact of the tax shift from the timberlands to the residential owners. This bill, as it comes to us from the Senate, addresses that problem in two ways. It does increase the reimbursement up to \$500,000 a year, but primarily it changes the formula so that there will be less of a shift. In the years to come, there should be an even less shift annually, because recognition is given of the annual change in the tree growth rates. So, although it is not the final, perfect solution, it will go along way toward addressing the present problem.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope at this time you would adhere. If you represent 13 towns, as I do, you would find it quite difficult to explain to some of your towns why they are going to get more and to the rest why they are getting less. I can't very well do that. To just give you an illustration — the town of Shirley now gets \$3,020.38. Under the new law, they would get \$463.89. Blanchard now gets \$2,526.81. With the new law, as the Senate would like to have us buy it, it would be \$1,324.89. This goes all the way down. I have only two towns that get more and the rest get less. I can't buy something like that, it isn't fair.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: This committee report that is now before us was the Minority Report that came out of the Committee on Taxation with six individuals voting for it. It is, if you recall, the same formula, the same recommendations, as the Majority Report, which the Representative from Owl's Head, Mrs. Post, supported, with one difference, and that difference was that to achieve the 100 percent reimbursement figure, she had concocted a new tax called a severance tax. Well, that has not been accepted by the other body. In pursuing that idea, she came up and established or came to a compromise, which I agreed with, to try and address that problem, and that has been rejected by the other body. The question before us now is the minority report, which I signed in the first place. I submit to you, ladies and gentlemen, that we not pack up our marbles and go home because we can't get what we want.

The gentleman from Bangor, Mr. Carter, has told you very well the problems or the incidents which have led to this problem, and that has been a shift change, a tax shift, in the municipalities. What we have tried to do is to address that tax shift, which has caused the problems, which brought this thing before us today.

There have been several changes in the formula proposed and they have been proposed both in the majority and the minority reports; those have not changed. I think that rather than to kill everything, go home and not even address this issue to begin with, it would be a serious mistake. We are, in a good conscious effort, trying to address a problem of the tax shift and, I think that this measure has done that very well. I will repeat to you, ladies and gentlemen, it is the same measure that has been supported by the majority members of the committee, minus the severance tax.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: First of all, this bill, as it is presently in the Senate, and which we are being asked to recede and concur, is not the same bill as it came out with the minority report from the committee because, in fact, what the other body did is to make a decision at one point instead of reimbursing 35 percent with \$500,000 a year — lo and behold, we can reimburse 50 percent of your tax loss which, as I have already said, is not true. So, this bill is not as it even

came out with a minority report. It is not presently as it came out from the majority report, because we recommended going up to 100 percent reimbursement and this, in fact, only maintains it at 50 percent reimbursement. There is not an increase in money available to the towns under this bill. The same amount of money is appropriated, \$500,000 per year, and that is what is presently in the Part I Budget. So there is no increase in reimbursement to the towns.

Whether or not the annual changes that we are talking about will mean an increase or decrease in valuation will really depend, to a large extent, on exactly what the market conditions are. We anticipated the stumpage rates may, in fact, go up, but the opposite could happen if we have some real problems with spruce budworm and people try to get rid of some of the forest products that they have. So, the annual changes do not necessarily mean that they aren't going to be guaranteed an increase in the amount of the taxable value of their land under tree growth.

I want to point out again, a large number of towns are going to be getting less money under this proposal than they were getting before, it is just a matter of changing things around. I don't have time, obviously, to go through the list, but we are talking about towns like Brunswick, Freeport, Avon, Easton, Kingfield, New Sharon, Amherst, Osborn Plantation, Stonington, Belgrade, Gardiner, and the list is about 15 pages long. We have the towns that are getting less money than what they were getting under the present law.

I don't think that a little bit of fooling around with the formula and shifting money from one town to another is the way to really deal with this problem. It is one that is not going to go away, it is one that the legislature is going to have to deal with, and this kind of action in the last days of the session is not the way to treat it.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would point out, and I ask you to remember this fact, that the report before us also calls for a management program, which we do not currently have. I think that management program helps to address also, along with the formula change, it helps to address some of the problems which have arisen.

I do think that this proposal is very logical, very acceptable and every precept in this, everything this report stands for, has been accepted by at least every member of that committee at one time or another. In some regards, they would have gone further with the establishment of the severance tax. Beyond that, the criteria that was laid down in Committee Report "B" is identical to that of Report "A", which was accepted in this body.

I request 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.

Mrs. Huber of Falmouth was excused from voting pursuant to Joint Rule 10.

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

#### ROLL CALL

YEA—Aloupis, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, D.; Carter, F.; Conary, Cox, Cunningham, Curtis, Damren, Davis, Dellert,

Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Hunter, Hutchings, Immonen, Kany, Lancaster, Leighton, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterton, Matthews, McMahon, McPherson, Nelson, A.; Nelson, N.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Smith, Soulas, Sprowl, Stetson, Stover, Tarbell, Torrey, Wentworth, Whittemore.

NAY—Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Chonko, Churchill, Connolly, Davies, Diamond, Doukas, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fowle, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kelleher, Kiesman, LaPlante, Leonard, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Masterman, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Norris, Paradis, Paul, Post, Prescott, Reeves, P.; Rolde, Sewall, Simon, Small, Strout, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT—Cloutier, Dow, Gowen, Laffin, Morton, Pearson.

Yes, 64; No, 80; Absent, 6; Excused, 1.

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

Thereupon, the House voted to adhere. By unanimous consent ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

Bill, "An Act Relating to Nonprofit Hospital or Medical Service Organizations" (S. P. 357) (L. D. 1105) (C. "A" S-286) which was passed to be Enacted in the House on June 8, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-286) as amended by Senate Amendment "A" (S-347) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

#### Non-Concurrent Matter

Bill, "An Act to Restrict the Use of Dealer Plates" (H. P. 406) (L. D. 510) which was passed to be engrossed as amended by Committee Amendment "A" (H-607) in the House on June 7, 1979.

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-607) as amended by Senate Amendment "A" (S-338) thereto in non-concurrence.

In the House:

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to move to recede and concur, but I do have a few statements I would like to make, short ones.

Senate Amendment "A" (S-338) is exactly the same, word for word, as House Amendment "B" (H-644) which was not put onto the bill. Representative Morton and I, along with Mr. Hood of the Car Dealers Association, House Chairman George Carroll, agreed on the bill with the Committee Amendment only. It took a lot of understanding and a lot of compromise on all of our parts. Senate Amendment "A" eliminates that part of the bill, and this is under the guise of removing superfluous language, by the way, which prohibits the use of the dealer tags by anyone in the family. And what is sickening, in effect, it allows a tax-free privilege paid for by the property taxpayers of your communities. I abhor this action, but I am

also a realist and I know that without this amendment, the bill dies at the other end of the hall.

My friends, the other end of this hall has ignored the desires of our citizens and listened to a few selfish special interest people who flaunt this tax privilege in front of all of you.

This legislature must let it be known on the record, that we charge the Secretary of State's Office with carefully analyzing and issuing the dealer's tags only on a strict, as needed basis, even if it takes a change in the promulgated rules to further limit the number of tags which are allowed to each dealership.

Thereupon, on motion of Mr. McKean of Limestone, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

#### Non-Concurrent Matter

Bill, "An Act Relating to Dental Health" (S. P. 330) (L. D. 964) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on June 7, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-291) as amended by Senate Amendment "A" (S-345) thereto in non-concurrence.

In the House:

Mr. Carrier of Westbrook moved that the House adhere.

Mr. Tarbell of Bangor moved that the House recede and concur.

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

Mr. CARRIER: Mr. Speaker and Members of the House: Very briefly, this is the fluoride bill that we talked about last Thursday and overwhelmingly we voted to indefinitely postpone the bill 80 to 60. I hope this morning that you will vote the same way and help us to kill this bill. In order to do so, we have to defeat the motion made to recede and concur.

The only difference in the bill is, and they have done this to gain time, they held it in the other body last Friday and they did put on an amendment which doesn't amount to hardly anything, if anything, which changes the 30-day limit to 60 days and this is not the crux of the bill. The crux of the bill is, my community and others have voted continuously against fluoride. We want the same opportunity to do so again, and under the present law we can do it.

I do hope that you vote against the motion to recede and concur so we can adhere, and I request a roll call on the motion to recede and concur.

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 and having expressed a desire for a roll call, a roll call was ordered.

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

#### ROLL CALL

YEA—Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Brannigan, Brenerman, Brodeur, Chonko, Connolly, Davies, Dellert, Doukas, Dow, Fenlason, Garsoe, Gavett, Gillis, Hall, Hobbins, Huber, Hughes, Joyce, Kane, Kany, Lizotte, Lowe, MacBride, Marshall, Masterman, Masterton, Matthews, McPherson, McSweeney, Mitchell, Morton, Nelson, M.; Norris, Paradis, Payne, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Stetson, Tarbell, Tierney, Tuttle, Violette, Vose, Whittemore.  
NAY—Austin, Barry, Berry, Birt, Blodgett, Bordeaux, Bowden, Brown, A.; Brown, D.;

Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Conary, Cox, Cunningham, Curtis, Damren, Davis, Dexter, Diamond, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gould, Gray, Gwadosky, Hanson, Hickey, Higgins, Howe, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Locke, Lougee, Lund, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McMahon, Michael, Nadeau, Nelson, A.; Nelson, N.; Paul, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stover, Strout, Studley, Theriault, Tozier, Twitchell, Vincent, Wentworth, Wood.

ABSENT—Boudreau, Cloutier, Gowen, Jalbert, Laffin, Peterson, Wyman.

Yes, 57; No, 86; Absent, 5.

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

Thereupon, on motion of Mr. Carrier of Westbrook, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

Bill, "An Act to Recodify and Resolve Minor Administrative Problems in the Forestry Statutes; and Reorganize the Maine Forestry District" (H. P. 1127) (L. D. 1498) which was passed to be engrossed as amended by Committee Amendment "A" (H-671) in the House on June 7, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-671) and Senate Amendment "B" (S-351) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

#### Non-Concurrent Matter

Bill, "An Act to Provide Loans for Family Farms" (H. P. 925) (L. D. 1134) which was passed to be Enacted in the House on June 7, 1979.

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

In the House:

Mr. Mahany of Easton moved that the House insist.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been going through here without much debate. I would just like to explain it briefly and I am going to ask for a roll call. I think it is probably one of the best bills that we have had in Agriculture this year, and it tried to deal with the problem of saving our family farms that are fast disappearing. It is a program to provide guaranteed loans to them. We have worked with the department, we have worked with the State Treasurer and we have worked with the Maine Guarantee Authority to come up with this compromise. It is agreeable to all of those people and the banks are also supporting it. I fail to understand why the other body took this action.

I would urge you to vote to insist and I would ask for a roll call.

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

All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mahany, that the House insist. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Bunker, Call, Carroll, Carter, D.; Chonko, Churchill, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Dellert, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gould, Gray, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McKean, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Payne, Pearson, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Soulas, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY—Brown, K. L.; Carter, F.; Davis, Dexter, Garsoe, Immonen, Jackson, Leighton, Matthews, Nelson, A.; Smith, Stetson.

ABSENT—Boudreau, Carrier, Cloutier, Dow, Dudley, Gowen, Hall, Jalbert, Laffin, Masterman, Norris, Peterson.

Yes, 127; No, 12; Absent, 12.

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

#### Non-Concurrent Matter

##### Later Today Assigned

Bill, "An Act to Increase 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) on which the Majority "Ought to Pass" in New Draft (H. P. 1484) (L. D. 1671) Report of the Committee on Fisheries and Wildlife was read and accepted and the New Draft passed to be engrossed as amended by House Amendment "B" (H-666) in the House on June 6, 1979.

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

In the House: On motion of Mr. MacEachern of Lincoln, tabled pending further consideration and later today assigned.

#### Non-Concurrent Matter

Bill, "An Act to Abolish the Legislative Council" (S. P. 86) (L. D. 171) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on June 7, 1979.

Came from the Senate passed to be enacted in non-concurrence.

In the House: The House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

#### Messages and Documents

The following Communication:

OFFICE OF THE GOVERNOR

Augusta, Maine 04333

June 11, 1979

To: The Honorable Members of the Senate and the House of Representatives of the 109th Legislature:

I am returning, without my signature or approval, H. P. 1375 — L. D. 1601, "An Act to Clarify the Provisions Relating to Hearings on Juvenile Crimes and to Establish an Experimental Program for Education and Counseling of Juveniles."

While I recognize that this legislation represents a good faith attempt to rectify some of the problems with an earlier proposal on the same topic, H. P. 18 — L. D. 35, "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances," L. D. 1601 suffers from practical, constitutional and moral disabilities which preclude my assent.

First, and paramount, among my objections is the fact that under that portion of Section 2 designated as "§ 3310-A (4)" the parents of juvenile offenders must participate fully in the educational program mandated by the Act.

If the parents do not agree to participate, or if they undertake but do not complete the program, then their child's court records automatically become public.

Under this Act, if the parents of a thirteen year old boy who has been adjudicated for a minor offense refuse to participate, then the child's mistake will be forever a matter of public record, open for all to see and to publicize.

Because of circumstances utterly beyond his control — since the child can hardly be expected to be able to compel his parents' attendance at an educational session — the youth will be punished.

Thus, the child suffers for the delinquency of the parents.

The sins of the parents are visited on their children.

Such a result is a mockery of justice.

Second, I believe that this legislation is constitutionally unsound.

The release of the names and records of juvenile offenders for public scrutiny in all likelihood would be construed by courts to comprise a penalty against the defendant.

Yet, this punishment would be available, according to Section 3, only in two juvenile courts, to be designated by the Chief Justice.

In all the other parts of the State, the juvenile offender would not be subject to this type of very real and very serious penalty.

Thus, the juveniles residing in the two districts would be deprived of the equal protection of the laws in violation of the Constitution of the United States and the State of Maine.

The same conduct, in two different districts, would automatically result in exposure to different penalties.

Such a result is inconsistent with American principles of justice.

Third, this legislation presents a number of practical problems.

There is no appropriation appended to this Act, even though it mandates a new educational program involving both State and local employees, without indicating what current programs are to be cut by the Department and the municipalities.

Inevitably, a practical problem will likewise arise in administration of records, in the absence of any mechanism for the clerks of court to know which juveniles, and their parents, successfully completed the course, and which did not.

Finally, by far the greatest practical problem with legislation of this sort is the same as existed with L. D. 35: despite the worthy intentions of the proponents, this act would be, in my judgment, counterproductive.

It would likely lead to more juvenile crime, not less.

And that would be a disservice to both our youth and our communities.

I respectfully request that you sustain my veto on this measure.

Yours truly,  
S/JOSEPH E. BRENNAN  
Governor

The Communication was read and ordered placed on file.

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

The following Communication:  
COMMITTEE ON EDUCATION

June 7, 1979

The Honorable John Martin  
Speaker of the House  
State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Education 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	105
Unanimous Reports	85
Ought to Pass	4
Ought to Pass as Amended	21
Ought to Pass in New Draft	7
Ought Not to Pass	19
Leave to Withdraw	33
Referred to Another Committee	1
Divided Reports	20

Respectfully yours,

S/Rep. LAURENCE E. CONNOLLY, Jr.  
House Chairman

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves  
Requiring Reference

Bill, "An Act to Authorize Bond Issue in the Amount of \$16,500,000 for Highway and Bridge Improvements" (H. P. 1560) (L. D. 1684) (Presented by Mr. Carroll of Limerick) (Cosponsor: Mr. McPherson of Eliot)

Committee on Transportation was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

On motion of Mrs. Mitchell of Vassalboro, the following Order:

ORDERED, that the Clerk of the House be authorized to furnish 100 15¢ postage stamps for each member of the House for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State

The Order was read.

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

Mr. SPROWL: Mr. Speaker, I would like to make a motion to indefinitely postpone this order. I don't think there is any need of this additional expense, so I move that this Order be Indefinitely Postponed.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Hope, Mr. Sprowl, that this Order be indefinitely postponed. 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 77 having voted in the negative, the motion did not prevail.

Thereupon, Mr. Sprowl of Hope requested a roll call on passage.

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 passage of the Order. All those in favor of this Order receiving passage will vote yes; those opposed will vote no.

ROLL CALL

YEA—Austin, Bachrach, Baker, Beaulieu,

Benoit, Berry, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Bunker, Call, Carroll, Chonko, Churchill, Cloutier, Conary, Connolly, Davies, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble L.; Elias, Fenlason, Fowlie, Gillis, Gould, Gray, Gwadosky, Hickey, Hobbins, Howe, Hughes, Hunter, Jacques, E.; Jacques, P.; Joyce, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Peltier, Peterson, Reeves, P.; Rolde, Rollins, Silsby, Simon, Soulas, Strout, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Whittemore, Wood, Wyman, The Speaker.

NAY—Aloupis, Barry, Berube, Birt, Borda, Brown, D.; Brown, K.C.; Carter, D.; Carter, F.; Cox, Cunningham, Curtis, Damren, Davis, Dellert, Dudley, Fillmore, Garsoe, Gavett, Hanson, Higgins, Huber, Hutchings, Immonen, Jackson, Kane, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, MacBride, McPherson, Morton, Nelson, A.; Payne, Reeves, J.; Roope, Sewall, Sherburne, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Wentworth.

ABSENT—Brown, K.L.; Carrier, Dow, Gowen, Hall, Jalbert, Laffin, Post, Prescott.

Yes, 92; No, 50; Absent, 9.

The SPEAKER: Ninety-two having voted in the affirmative and fifty in the negative, with nine being absent, the Order receives passage.

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

On motion of Mr. Wyman of Pittsfield, the following Joint Order (H. P. 1562)

ORDERED, the Senate concurring, that "An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation" (H. P. 956) (L. D. 1222) to be recalled from the Governor's desk to the House.

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

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 1558) recognizing that:

Saturday, July 28, 1979, marks the 50th wedding anniversary of Willis and Lana May Getchell of Newport

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

Was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1559) recognizing that:

The Winslow High School girls softball team has won the State Class "A" softball championship for 1979, its 2nd championship in 3 years

Presented by Mr. Carter of Winslow (Cosponsor: Mr. Boudreau of Waterville.)

Was read and passed and sent up for concurrence.

House Reports of Committees

Ought to Pass in New Draft

Mr. Birt from the Committee on Education on Bill "An Act to Clarify the Education Law" (Emergency) (H. P. 930) (L. D. 1168) reporting "Ought to Pass" in New Draft (H. P. 1534) (L. D. 1683)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read a second time.

Mr. MacEachern of Lincoln offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-711) was read by the Clerk and adopted.

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

Mr. GARSOE: Mr. Speaker, in view of the sudden appearance of this bill, and I am sure it is a fine bill, could we have just a brief explanation of what it does?

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

Mr. MacEACHERN: Mr. Speaker and Members of the House: It is a very simple amendment. Presently, the ceiling that can be paid to school district board members is \$10 per meeting, which is a little unrealistic in this day and age. What my amendment does is change the figure so that it reads not less than \$10 nor more than \$25 per meeting. It also provides that the towns in the various districts would have to vote before they could increase their pay. Briefly, that is what it is.

Thereupon, the New Draft was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Emergency Measure Later Today Assigned

An Act to Increase the Expenses for Legislators, to Increase the Compensation for the Attorney General, Justices, Judges and District Attorneys and to Appropriate Funds for the Probate Court System Study (S. P. 617) (L. D. 1679)

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

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and later today assigned.

#### Passed to be Enacted Emergency Measure

An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1980 and June 30, 1981 (H. P. 1265) (L. D. 1514) (C. "A" H-695)

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. 128 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Later Today Assigned

An Act Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss Due to Amendment of the Uniform Commercial Code (H. P. 335) (L. D. 434) (S. "A" S-343) to (C. "A" H-222)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and later today assigned.

#### Emergency Measure

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

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. 134 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.

#### Emergency Measure

An Act Establishing Expenditure Limits for Federal Funds Expended by State Departments and Agencies for the Fiscal Year Ending June 30, 1980 (S. P. 616) (L. D. 1678)

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

#### Emergency Measure

An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine (S. P. 581) (L. D. 1639) (S. "B" S-328 as amended by S. "A" S-332; S. "B" S-334; S. "D" S-336 and H. "C" H-705)

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. 128 voted in favor of same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1979 (H. P. 1500) (L. D. 1674)

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

Mr. LaPlante of Sabattus 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 Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, I would rise to ask the members of the House to vote against this bill. I am a member of the Androscoggin County delegation and I am one who always supports the majority will of county delegations, whether it be my own county or other counties, but I think in this case, the majority will has not had its chance to work its will on this budget.

The last time our delegation met was in early March and the budget is just now appearing before us. Since the last action taken at that meeting, there have been a number of changes in the budget, all of which have been done through the petition process and without the benefit of full scale debate and a lively exchange of ideas. A number of things that were done in meetings of the committee have been changed through that petition process, I object to that process.

Secondly, and even more important, are restrictions which were voted by the delegation to be placed on certain appropriation items in this budget, which have not been incorporated in the budget through someone's oversight.

For those two reasons, it is my contention that the Androscoggin County budget does not represent the majority will of the delegation; therefore, I support the move for a roll call and ask that you vote against the budget.

The SPEAKER: A roll call has been ordered. The pending question is on final passage. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Austin, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Borwn, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble,

L.; Elias, Fenlason, Garsoe, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Kane, Kelleher, Kiesman, Lancaster, Leighton, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Silsby, Simon, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Whittemore, Wood, Wyman.

NAY—Aloupis, Bachrach, Berry, Bordeaux, Bowden, Connolly, Dellert, Fillmore, Fowlie, Gavett, Howe, Hughes, Joyce, LaPlante, Leonard, McHenry, Michael, Nelson, A.; Post, Roope, Small, Tarbell, Vincent.

ABSENT—Dudley, Higgins, Hobbins, Huber, Kany, Laffin.

Yes, 121; No, 23; Absent, 6.

The SPEAKER: One hundred twenty-one having voted in the affirmative and twenty-three in the negative, with six being absent, the Resolve is finally passed.

Signed by the Speaker and sent to the Senate.

#### Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1979 (H. P. 1509) (L. D. 1675) (H. "B" H-691)

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

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the York County Delegation and I usually do what the majority of the delegation wants to do, although this time I cannot.

I presented an amendment to the York County budget two or three days ago and 38 of you were gracious enough to go along with the amendment. I would hope that today you could stick with me and I would invite 8 or 10 more to come along with us if you could find a way.

Just very briefly, what I would hope to do is hold up passage of the York County budget so that it could go to the other end of the hall and be amended with an amendment identical or very similar to the one that I presented the other day. If that could happen, when that comes back, I will wholeheartedly support the York County budget, and I would ask all of you that have supported me to support passage if it gets amended.

At this point, I would appreciate it if you would stick with me and let's hold this budget up. It is not going to hurt one thing to hold it up for two or three hours and it can be amended very quickly, very simply, get it back in here and then it can pass.

The SPEAKER: The Chair will order a vote. The pending question is on final passage. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

122 having voted in the affirmative and 13 having voted in the negative, the Resolve was finally passed.

Signed by the Speaker and sent to the Senate.

Mr. Kelleher of Bangor was granted unanimous consent to address the House.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have a bill that was moved by Representative Jalbert and I appreciate him doing it this morning. What is going to happen is, I know the bill is going to come back in non-concurrence, meaning that the

other body is not going to accept it. Not only is my bill going to come back, but I believe that a number of others are going to be coming back here, and what I am saying is, there is 24 hours left of the session and I am not going to hold up anybody in this House trying to fight sending this bill back again, because that happens to be what the process it about.

I would hope that if any of you see some of your bills coming back, it is just an exercise in futility trying to send them back over to the other body at this time in the session. I hope you will follow suit.

Mr. Garsoe of Cumberland was granted unanimous consent to address the House.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I know inadvertently the gentleman from Bangor, Mr. Kelleher, perhaps misspoke himself when he alluded to the fact that it would be the other body that would be doing in his bill. Leadership did in his bill, bipartisan leadership took the reluctant step that has resulted in just what he has described to you, and I just hope this won't be a cause for exacerbating relationships between the two bodies.

#### (Off Record Remarks)

#### Passed to be Enacted

An Act Amending the Law Relating to Elevators and Tramways (H. P. 692) (L. D. 870) (H. "A" H-628 to C. "A" H-620)

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

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I don't plan to ask for a division or a roll call, but I would like to comment very briefly, for the record, on the enactment of this bill.

This bill is actually a very much watered down version of the original bill which came before our Committee on Business Legislation and was one which met with quite a lot of opposition from some of the members of the committee in its original form.

The purposes of this bill aren't actually indicative of the title. The purpose of this bill was to change the liability from a ski area, a ski operator, to the skier, and cross-country skiing and hand gliding were also included under this transfer of liability, since these are done to a great extent now at ski areas.

I was personally opposed to this changing of liability because I felt it was eroding the responsibility of a ski area, it was eroding his obligation to keep up and maintain a safe place to ski. I also felt it was a very dangerous precedent for us to be allowing certain exemptions, such as rocks, bare spots, stumps and trees. These are just a few of a long list of exemptions which were asked for by the ski areas so in case you were skiing on a trail and you happened to hit a rock or a tree or a stump protruding in the ski trail, you had to accept responsibility for hitting that because that was a inherent danger of a sport which you participated in. The bill has now been amended to eliminate most all objections, and although I had planned to offer an amendment, I feel the bill is now harmless without that laundry list of exemptions, but I hope, for those of us who are seeking and are fortunate enough to go back in the 110th Legislature, that we take a very hard look at these requests. They scrutinize them as closely as possible.

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

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) (H. "A" H-669)

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

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

Mr. LEIGHTON: Mr. Speaker, my questions have been answered and I no longer have any concern.

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

#### Enactor

#### Indefinitely Postponed

An Act to Increase the Gain Time Deduction (H. P. 1058) (L. D. 1308) (C. "A" H-436)

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

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

Mr. CARRIER: Mr. Speaker and Members of the House: I do hope you pay very strict attention to this bill. I am sure that most of you have read it, read the endorsements and everything else, but I am very strongly opposed to it and ask that this Bill and all its accompanying papers be indefinitely postponed.

Thereupon, Mr. Simon of Lewiston requested a roll call vote.

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

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

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: This is one of the times, although the reasons for it are not the same, this is one of the times that I agree with Representative Carrier. I was surprised he got up to make the motion. I was going to get up to make the motion myself.

We have been trying and trying, since the day this legislature came into session, to work out an acceptable compromise. There have been people who have served only as obstructionists on this entire issue and it is now the position of those of us who were supporting this legislation that what we have now before us, which is all that we can hope to achieve in this session, is not near enough and not enough of a compromise to make the legislation worthwhile.

For some of those people who are sitting around me who seem to be confused, I support the motion of indefinite postponement.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I think we have witnessed the perfect display of sour grapes on the part of the gentleman from Portland, Mr. Connolly.

Originally, this bill came before our committee. They wanted to increase the good time by two days. Good time is given to prison inmates simply for abiding by the rules, they don't have to do anything to earn this good time. They can sit in their cells and play poker or while away their time, and just so long as they are good boys, they would get up to 12 days off. At the same time, they wanted to increase the meritorious time. Meritorious time or gain time must be earned. The committee saw fit to increase the gain time, or that time that would have to be earned, by one day.

Presently, they would get, if this bill passed, 10 days good time, plus 3 days meritorious time. It was the feeling of the committee that this is the direction to go. This would give them an opportunity to earn this good time by doing extra work.

I think it has been proven over and over again that if it is not worth working for, it is not worth having. I think we have got too many people now trying to get something for nothing.

I would urge you not to indefinitely postpone this bill, that we allow this increase in meritorious time by one day and perhaps if this works out, another year we can improve on this. But I think, and so does the rest of the committee, that this is the proper direction to go in.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: Just for the record, the principle of people in prison being able to get time off for working, which is what Mr. Gray says was the concept behind the legislation before us, is something that I have no problem with and I agree completely. The problem, however, is that there are about 500 inmates in Thomaston and there are just over 100 jobs that would be available. Consequently, you would have a situation in the prison where there would be four or five hundred inmates competing for a hundred jobs. If you can imagine what would result in the prison as a result of that competition and what would occur, that is the reason for killing this legislation. It is not at all a matter of sour grapes. The original bill was an attempt to work out something that was acceptable, and I would hope that you would support Representative Carrier's motion to indefinitely postpone.

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

#### ROLL CALL

YEA—Aloupis, Austin, Bachrach, Baker, Beaulieu, Birt, Benoit, Blodgett, Bordeaux, Brannigan, Brennerman, Bordeur, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Carrier, Carroll, Chonko, Churchill, Conary, Connolly, Cox, Davies, Davis, Dellert, Dexter, Diamond, Dow, Dutremble, D.; Dutremble, L.; Fenselson, Fillmore, Fowlie, Gavett, Gould, Gowen, Gwadosky, Hall, Hanson, Hickey, Howe, Huber, Hughes, Jackson, Joyce, Kane, Kiesman, LaPlante, Leighton, Lewis, Locke, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterton, Matthews, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nelson, A.; Nelson, N.; Norris, Paradis, Paul, Post, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Soulas, Sprowl, Strout, Studley, Tarbell, Theriault, Tierney, Tozier, Twitchell, Vincent, Violette, Vose, Wentworth, Whittmore, Wood, Wyman.

NAY—Barry, Berube, Bowden, Call, Carter, D.; Carter, F.; Cloutier, Cunningham, Curtis, Damren, Drinkwater, Dudley, Garsoe, Gillis, Gray, Higgins, Hunter, Hutchings, Immonen, Jacques, E.; Jalbert, Kany, Leonard, Lizotte, Lougee, Lowe, Marshall, Maxwell, McHenry, Morton, Nadeau, Nelson, M.; Payne, Pearson, Peterson, Simon, Small, Smith, Stetson, Stover, Torrey, Tuttle.

ABSENT—Berry, Boudreau, Bunker, Doukas, Elias, Hobbins, Jacques, P.; Kelleher, Laffin, Lancaster, Masterman, Peltier, Prescott.

Yes, 95; No, 42; Absent, 13.

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

Sent up for concurrence.

By unanimous consent, ordered sent forthwith.

An Act to Amend the Municipal Public Employees Labor Relations Act (H. P. 1095) (L. D. 1345) (C. "B" H-610)

An Act to Remove Restrictions on Eligibility under the Elderly Householders Tax and Rent Refund Act based on Marital Status (H. P. 24) (L. D. 41) (H. "A" H-700 to C. "A" H-653)

An Act to Revise the Physical Therapist Practice Act (S. P. 593) (L. D. 1664) (S. "A" S-330)

An Act to Regulate Commercial Whitewater Outfitters (S. P. 348) (L. D. 1094) (S. "B" S-229; S. "D" S-316; S. "E" S-317 to C. "A" S-215)

An Act Relating to Resident State Police Troopers (H. P. 841) (L. D. 1069) (Conf. Comm. "A" S-333)

An Act to Establish a Protection and Advocacy System for the Developmentally Disabled of the State of Maine. (S. P. 358) (L. D. 1106) (C. "A" S-305)

An Act to Amend Certain Provisions of the Employment Security Law (H. P. 1096) (L. D. 1449) (S. "A" S-326 to C. "A" H-605)

An Act to Provide for Environmental Education (H. P. 1182) (L. D. 1434) (C. "A" H-676)

An Act Restructuring the Oil Burner Men's Licensing Board and Providing for the Testing of Energy-related Equipment (H. P. 1476) (L. D. 1662) (S. "A" S-303)

An Act to Require that all Public Employees be Paid at Least the Federal Minimum Wage (H. P. 435) (L. D. 552) (S. "B" S-329 to C. "A" H-238; H. "A" H-258)

An Act to Amend the Law Relating to the State Board of Social Worker Registration (H. P. 1018) (L. D. 1251) (H. "B" H-683)

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

An Act Relating to the Reporting of Use and Trafficking of Drugs in Maine Schools (S. P. 469) (L. D. 1417) (S. "A" S-320 to C. "A" S-293)

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

The SPEAKER: The Chair recognizes the gentleman from Standish, Mrs. Gowen.

Mrs. GOWEN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that this bill would not be enacted today. My reason is, I think it is a dangerous bill. I would encourage reporting children that could very possibly be the innocent ones and the guilty ones would get away and I don't remember how it came out of the Education Committee, but I am very much against it.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rather regret having to oppose Mrs. Gowen on this. I think I probably should explain the other side of it to at least bring the picture out in the open.

We have discussed this quite extensively and passed it with fairly good votes both times. I realize where some of the opposition does come from, but I do think that there is a need to at least try to do something. As I have pointed out both times I have discussed this, the principals in the state did ask for some legislation that would give them some capability of finding out where the drug problems were in the schools. From everything that I have heard, there is a need for it. I think the people who came down and spoke are people that I have a great deal of respect for, and I would like to see this bill passed and at least give it a try.

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

Mr. CONNOLLY: Mr. Speaker, in response to Representative Birt's remarks, I think that the people in the committee and in this legislature, on both sides of this issue, agree that there is a problem and that it needs to be addressed, but in this particular piece of legislation will only give a false sense of security or a false sense that something is going to be done to deal with the problem.

I would ask for a roll call, Mr. Speaker. I don't think that we can debate the issue any further. I am sure how the vote is going to turn out, as it has the last three or four times that we have voted on it, but I would ask for a roll call and hope that this time you will vote with Representative Gowen to kill the bill.

The SPEAKER: A roll call has been request-

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

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

The SPEAKER: The pending question is on passage to be enacted. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Austin, Barry, Birt, Blodgett, Brown, D.; Brown, K.C.; Bunker, Carrier, Carroll, Carter, D.; Carter, F.; Cloutier, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fillmore, Fowlie, Garsoe, Gavett, Gould, Gray, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Kane, Kiesman, Lancaster, LaPlante, Leighton, Lizotte, Lougee, Lowe, MacBride, Marshall, Masterman, Matthews, McHenry, McKean, McSweeney, Nadeau, Nelson, A.; Nelson, N.; Norris, Paul, Payne, Pearson, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sherburne, Simon, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Theriault, Tuttle, Twitchell, Vose, Whittemore, Wyman.

NAY—Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Call, Chonko, Connolly, Cox, Davies, Diamond, Doukas, Elias, Fenlason, Gillis, Gowen, Gwadosky, Hall, Hickey, Howe, Huber, Hughes, Jalbert, Kany, Lewis, Locke, Lund, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McMahon, McPherson, Michael, Mitchell, Morton, Nelson, M.; Paradis, Post, Reeves, P.; Rolde, Sewall, Soulas, Tarbell, Tierney, Torrey, Tozier, Vincent, Viollette, Wentworth, Wood, The Speaker.

ABSENT—Berry, Boudreau, Churchill, Dexter, Dow, Hobbins, Jacques, P.; Joyce, Kelleher, Laffin, Leonard, Peltier, Silsby. Yes, 77; No, 61; Absent, 13.

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

Signed by the Speaker and sent to the Senate.

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

Mr. JALBERT: Mr. Speaker, of all the people to get up and take up time, and I assure you I want to head for 39 Orestis Way, but I have got to get up—I can't, I voted on the other side.

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

Mr. NADEAU: Mr. Speaker, out of courtesy, having voted on the prevailing side, I move we reconsider our action.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I don't know if you people are aware of what this bill is. The only way I can read this bill here is, this starts courses for school pigeoning.

Secondly, I will tell you one thing right now, you don't know the problem that we have got in our schools. I wish you would heed the words of the gentleman from Portland, Mr. Connolly. I am not going to name the community, but there is a city in this state, a fifth and sixth grade school, they want to close that school. You may not believe me, but the students who are not on drugs in the school go to other children and say, "Please don't tell anybody that I am not on drugs." They are afraid to have it known that they are not on drugs because they are afraid of what might happen to them.

Last week, in another city that could very well be close to mine, if it is not mine, somebody just fell right off the chair, gone. Now, the

day is coming fast and it may come at the very next session, we are going to have to spend a lot of money and a lot of time addressing this problem. This is an abominable problem. It is a very, very serious problem.

I urge you to vote to reconsider so a motion can be made again to indefinitely postpone this bill. If you knew some things that I have heard and I am not easily scared but these things did make me afraid. It did make me leery. I don't want to take too much time and I do hope that you will move to reconsider so we can make another motion along the lines of Mrs. Gowen.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to go along with Representative Jalbert today. I don't have the bill in front of me, my desk is too much of a mess for me to find it but if I remember this bill correctly, a teacher may arbitrarily decide, if that teacher wishes to report, it is not required, if I remember the bill correctly, and yet the teacher is then granted immunity. I don't know if I like that. I think if you require a teacher to report and then they are granted immunity, that would be one thing, but to be able to arbitrarily make that decision, and then be granted immunity—I can't believe it. I hope that you vote to reconsider.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I don't know that I exactly understand the thinking of the two previous speakers as far as what direction they are coming. This bill came in as a much stronger bill, but the bill that we presently have before us allows a teacher who, in good faith, feels that there is some problems or somebody is trafficking in drugs in schools, if that teacher reports it to one of the supervisors, the principal, they will be immune from civil suit. I think the major thing we did is to eliminate the civil suit. The criminal liability for perjury or anything of that nature has not been touched.

I really do not believe that this bill is harmful. I hope you do not reconsider.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I know this bill has been debated and debated and debated. Believe me, as previous testimony has stated, there is a horrendous problem in the schools. If you want to do absolutely nothing about it, if you want to let it go just the way it is going, just exactly the way it is going now, with no holdback, no effort to do anything about it, then vote to reconsider this bill. If you want to make a small effort, one small effort to try and do something about it, then vote against reconsideration.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would be delighted if there was a bill that strolled in here to vote for \$1 million to address the program. This is the wrong way of doing it.

In answer to my very dear friend from East Millinocket, Mr. Birt, I might tell him that any teacher that does not report now is as guilty as the kids, it is as simple as that.

As to the other comments made, I think this is the wrong way to approach it, that is all. We are going to have to face this thing, we are going to have to face it with money, we are going to have to face it with the agencies involved, getting together is going to be a long, tedious problem. I recognize the fact that we have a horrendous problem. I want to address it and address it in the proper way, and this is not the way.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Nadeau, that the House reconsider its action whereby this bill was passed to be enacted. All those in favor of that motion will

vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Diamond of Windham 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 and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Nadeau, that the House reconsider its action whereby this bill was passed to be enacted. All those in favor of that motion vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Bordeaux, Bowden, Brannigan, Brenerman, Brodeur, Brown, K.L.; Brown, K.C.; Call, Carroll, Chonko, Connolly, Davies, Dexter, Diamond, Doukas, Dow, Elias, Gillis, Gowen, Gwadosky, Hall, Hickey, Hobbs, Howe, Huber, Hughes, Jacques, P.; Jalbert, Kany, LaPlante, Lewis, Locke, Lund, MacEachern, Mahany, Masterton, Maxwell, McMahon, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Paradis, Paul, Post, Reeves, P.; Rolde, Sewall, Simon, Tarbell, Tierney, Torrey, Tozier, Vincent, Violette, Wentworth, Wood, Wyman, The Speaker.

NAY—Austin, Barry, Birt, Blodgett, Brown, A.; Brown, D.; Bunker, Carrier, Carter, D.; Carter, F.; Churchill, Cloutier, Conary, Cox, Cunningham, Curtis, Damren, Davis, Dellert, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gould, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Joyce, Kane, Kiesman, Lancaster, Leighton, Lizotte, Lougee, Lowe, MacBride, Marshall, Martin, A.; Masterman, Matthews, McHenry, McKean, McPherson, McSweeney, Nelson, A.; Nelson, N.; Norris, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sherburne, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tuttle, Twitchell, Vose.

ABSENT—Berry, Boudreau, Gray, Kelleher, Laffin, Leonard, Silsby, Theriault, Whittemore.

Yes, 66; No, 76; Absent, 9.

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

An Act to Separate Ogunquit Village Corporation from the Town of Wells (H. P. 753) (L. D. 959) (C. "A" S-319 to C. "A" H-660)

An Act Concerning Revisions in the Maine Juvenile Code and Maine Criminal Code (S. P. 592) (L. D. 1661)

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 Establish a Maine Council on Families and Children, County Councils for Families and Children and a State Office for Children and Families (H. P. 1254) (L. D. 1554) (S. "A" S-314 and S. "B" S-323 to C. "A" H-567)

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

The SPEAKER: Does the gentlewoman from Lewiston, Mrs. Berube, still wish to consider this item?

Mrs. BERUBE: Mr. Speaker, my concern was mainly that a bill that we had defeated earlier in the session was included in the Committee Amendment. However, since you assure us that it will not be coming back to us I will withdraw my objection.

Thereupon, the Bill was passed to be en-

acted, signed by the Speaker and sent to the Senate.

An Act to Upgrade, Construct and Maintain Court Facilities (H. P. 1519) (L. D. 1677)

An Act to Provide for the Registration and Protection of Trademarks (S. P. 43) (L. D. 29) (C. "A" S-294)

An Act Concerning the Accountancy Statutes (S. P. 175) (L. D. 367) (H. "A" H-680; C. "A" S-233)

An Act to Increase the Reimbursement Rate to Residential Child Care Facilities (S. P. 303) (L. D. 893) (C. "A" S-341)

An Act to Make the Attorney General's Explanations of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters (H. P. 183) (L. D. 235) (S. "B" S-342 to C. "A" H-336)

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.

#### Later Today Assigned

An Act to Provide More Adequate Compensation to Municipal Clerks and Municipalities for Certain Duties Performed for the State (H. P. 191) (L. D. 240) (C. "A" H-694)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and later today assigned.

An Act to Determine What Environmental Laws Apply to Radioactive Waste Materials (H. P. 799) (L. D. 1004) (S. "B" S-331 to C. "A" H-549)

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 to Provide for County Self-government (H. P. 831) (L. D. 1038) (H. "A" H-701 to C. "A" H-659)

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

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: Due to the way that this bill has been amended and due to the fact that I have serious concerns about the principles about one person, one vote, as the way this bill has been amended, I would like to ask for a roll call.

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 Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have troubles with this bill. The bill, in its original form, as it came out of committee, was acceptable to me, despite my shortcomings about the concept. But as the bill is now amended, it takes away the will of the majority by providing that a minority group of the population within the county, or any county, can actually subvert the will of the majority. To me, this flies directly into the face of our U.S. Supreme Court ruling on the one man, one vote concept.

You have heard me before, those of you that are members of former legislatures, you have heard me before fight to see my county districted so that it would represent the one man, one vote concept. Most of the counties in the state, I think all of them, are now in that cate-

gory. The last one that I believe finally got its districts was Washington County.

The amendment that we now have on this bill is completely unacceptable to me. In view of that fact, I would move that this bill and all its accompanying papers be indefinitely postponed and I request the yeas and nays.

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 Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: This bill represents six months worth of work by the Local and County Government Committee. I want to take some time to explain the process that we went through so that there will be no misunderstanding on how we reached the point we are at now.

First, you will recall there were several bills introduced this session that pertained to county government in one form or another. I introduced one of them. It became obvious to the members of the Local and County Government Committee, after we heard these bills, that we already had on the books in Title 30, Chapter 11, a new law enacted last session which purported to give counties the ability to form a charter commission, adopt a charter, and then if the voters in the county approve, to be governed by the terms of that charter—that is already on the books now. The Local and County Government Committee felt that rather than to introduce a whole new concept at the present time in county government, that we would try to amend the existing law to make it do that which it was intended to do when it was passed by the 108th Legislature.

Accordingly, those of us that had other bills withdrew them, at least in my case and became completely supportive of what really is a committee bill right now, which is what is before us.

The bill before us makes several changes in the existing law. I would ask you through this debate to keep in mind that there is already on the books a law, we are seeking to amend it, to make it provide a greater degree of county home rule. The changes that we are proposing in the bill before us really are in three areas.

First, we would amend the present law to allow for budget home rule that is not allowed in the present law. If a county adopts a charter which provides for it, and if a majority of the people in that county vote to adopt such a charter, provided that that budget authority would be subject to recall by a majority vote of the towns within the county.

The previous speaker alluded to an amendment and this is the amendment, what I am dwelling on right now. We did amend the bill to satisfy objections from other quarters, but the committee was comfortable with the amendment because it completes the tasks that we want to complete by making the present law work. It would simply allow a majority of the towns or cities, a majority of the municipalities within the county, to disapprove the budget, to recall it by vote of their legislative body. Once that is done, the county government, under a charter, could only operate at 80 percent of the previous year's budget until such time as a budget was approved.

The second major change is, the bill requires the inclusion in the charter commission of a county official, a municipal official and a legislator to go along with the six elected non-partisan public members of a charter commission. That is a minor change to the existing law which presently does provide for a nine member charter commission. We are not chan-

ging the number, we are simply requiring that the three appointed members be representative of the groups that I just mentioned.

Finally, we have changed, this is, I think, a very desirable thing—we have changed the present law, all of the references to county elections to state elections, the reasons for that being, if a charter question is put before the people, we feel that the maximum number of people in that county should vote on it and that can only be assured to be done at a state election. So, the bill before you amends the present law throughout by requiring county charter questions to be placed before the voters at state elections.

I hope you will give serious consideration to this bill. I have talked to many of you privately about it. It has received very favorable readings in both bodies thus far. It is not anything experimental, it is simply trying to amend the present law, what we have on the books now, to do the whole job.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: This has not only been worked on for six months, it has been worked on for four and a half years. A study committee during the Longley Administration made a complete study, a 110 page document. In 1977, we amended a law at that time from my committee and we worked on it then and have been working on it ever since. I don't believe that we will ever, ever find a change in this area that will be suitable to everybody, because we all dislike the manner in which we approve the budgets now and that is apparent with all the problems we have had here on the floor and in our committee this year.

For the first time, we the Local and County Government Committee, have had public hearings on budgets. Believe me, we have heard it from the pit to the top about counties. We have counties that the BCP areas have plugged themselves into state merit systems and after the delegation gives them raises, they are giving themselves raises behind the delegation, without the approval of the delegation, and we found out that this is not actually legal. We have found some counties that have ignored all the safety rules and regulations and this year wanted all the money to redo the state house according to the statutes. When we asked them how long it was that the laws have been on the books that you had to do this, they said "ten years", so they refused to do it even though the delegation requested them.

We have areas where they pay a clerk \$19,000 a year because the county commissioners do not want to lose their salaries. Ladies and gentlemen, you pay a clerk \$400 a week, he is more than a clerk, he is an administrator, but there is a loophole in the law there also.

A number of things, hundreds of things, that we have problems with in counties, we will never be satisfied how we are going to change county government and how we are going to give them local control until we are willing enough to do it, cut the umbilical cord. Let it be at the county to handle the problems.

Now, we saw two budgets here today, where people in the areas of their own county objected to it. They have serious problems with the budget, I have serious problems with my budget, but the old system up here on counties is, you scratch my back and I will scratch yours, don't disturb my county and I won't disturb yours. We are not doing the taxpayers the proper justice under a system like this.

Now, if you handle your budget at your local area, your public hearings will be in the immediate area where your taxpayers can attend, not up here in January when the delegation meets in Augusta and people from York, Aroostook, Piscataquis and all other areas, Waldo, that are far removed from Augusta, these taxpayers cannot attend public hearings and again, we are doing an injustice to the taxpay-

ers of the state.

Certainly this law is not perfect. I doubt that any of our laws on the books are perfect. What this committee has attempted to do is plug into the charter law that we have on the books. The other way we have to go is individual charters on the statutes for 16 counties, if you want to change your counties. We had three bills to do that this year. I would take one complete volume, ladies and gentlemen, one complete volume to take care of that. Now, if you want to save the taxpayers some money, do it by charter at the local area. If you are talking about hundreds of thousands of hours in publications, you are talking about it right here. This is very serious. The committee has worked many years on this. This committee, this year, gave it much thought, it was not a unanimous feeling, it was a unanimous vote, none of us are completely happy with the entire bill but we have to make a decision this year, ladies and gentlemen, if we are going to do justice to the taxpayers of this state. I believe that now is the time that we have to cut the umbilical cord and go to the local area and give the taxpayers a break.

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

Mr. E. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I think all you people know what county government is, you have been through it, and those that have been here many years know what it is all about, but you are not doing just this under this law that you are putting in now.

The bill was a two page bill, they come out with an amendment that is five pages, plus another amendment that they put on. This thing would set up another district. Can you imagine what the city clerks and the town clerks would be confronted with having more districts than we have now. I don't know, we might set up some more districts after we get out of here, before this is all over. You are going to have maybe 24 to 30 people taking part in this budget.

Right now, you have good representation, you have members from each town represented on this and the majority, like my city, is represented by six members and a quarter of another one, I think, that are represented on this budget at the present time. Then it comes back here to Augusta and has a public hearing. We have public hearings back home, we have many of them. Can you imagine what these people are going to do with 24 to 30 people participating in this thing? They think it is going to run better, I don't believe so. I hope that you do indefinitely postpone this bill.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I must rise to rebut the comments of the previous speaker. What he said is not contained in this bill at all. It was contained and was the subject of other bills that our committee considered all of which have been withdrawn. I would like to go through his comments one at a time.

First of all, the districts he talks about, presently each of Maine's counties, by law, has three commissioners, and all except Washington are elected from districts, presumably Washington will also adopt districting soon. We have passed a bill through here to allow that.

The county government bill that is before you would allow a county that "wished" to adopt a charter to expand the three, five or seven; that is all. That is the only change in districts that the bill contains. There are no districts for a budget committee; there is no budget committee in fact.

I want to emphasize to you that the decision making would be on the local level. A county, in a charter, if it wished to, if it was workable, could adopt a budget committee, it is not prohibited from doing so, but neither would it have to do so.

This bill contains the maximum amount of local decision making, as the chairman of our committee indicated the proper place for these decisions to be made. There are also two safeguards built into the bill, two requirements for referendums, which, according to our amendments, would be held at state elections rather than special county elections, as the law now provides, to allow for a maximum number of people to participate.

So, please don't be misled by erroneous, however well intended, statements that speakers might make on this floor, the bill that is before us does not do some of the things that it has been described as doing.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We hear some of our colleagues explain the theory of reform. I ask you in all sincerity, where can we get reform out of minority government or minority rule? I ask you to look around you. This country is great because it is run by the majority. No minority can disrupt and frustrate the will of the majority. Look at every other country in the world where do you have government by minority, and where do they go, and what happens?

You heard me state originally that the concept in the committee amendment I could buy, reluctantly, yes, but I could buy that, there was some element of reform. The amendment said specifically "majority of the population of the county." Now, this is government by majority rule, but the amendment strikes that out. It says majority of the municipalities in the county. The municipalities could represent a minority of the population. If the majority wants to put in a certain project in the county, it can be effectively frustrated by the minority. When the minority does exert its rights, then the county will have to operate at 80 percent of the budget—excellent way to frustrate progress and good government. If this is what you want, then vote against my motion.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I guess the frustration is on the gentleman from Winslow.

We have put checks and balances in this bill all the way through, it is permissive legislation. Once this law passes, you don't have to do it. If delegations in individual counties are concerned about county government and wish to reform it, then they would be active in their own local charter at public hearings, and plug into the charter what they are concerned with, because that will be voted on by the majority of the people. That charter will be the rule that you will abide by. The minority won't be able to plug in what they want on the charter because they won't have the votes and they will have to live by the charter. The will of the majority may condemn the minority and the minority will have to live with it. So, it is not governed by minority, only if you as delegation members are willing to do your homework in your county can your charter be effective.

Just remember, this is not mandated, this is permissive legislation, it is up to you, once you are in your own local county, how active you intend to be and how much homework you are willing to do.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Winslow, Mr. Carter, 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.

#### ROLL CALL

YEA—Aloupis, Austin, Baker, Benoit, Berry, Berube, Birt, Blodgett, Brennerman, Call, Carrier, Carter, D.; Connolly, Curtis, Damren, Du Tremble, D.; Elias, Fowle, Gillis, Gwadosky, Hall, Hickey, Howe, Huber, Hughes, Hunter, Jacques, E.; Jalbert, Kane, Kelleher, Lewis,

Mahany, Masterton, Nelson, M.; Paradis, Paul, Pearson, Sherburne, Silsby, Simon, Soulas, Sprowl, Tarbell, Torrey, Vincent, Violette.

NAY—Bachrach, Barry, Beaulieu, Bordeaux, Boudreau, Bowden, Brannigan, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Carroll, Carter, F.; Chonko, Churchill, Cloutier, Conary, Cox, Cunningham, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gould, Gowen, Gray, Hanson, Higgins, Hobbs, Hutchings, Immonen, Jackson, Joyce, Kany, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lizotte, Locke, Lowe, MacBride, MacEachern, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, N.; Norris, Payne, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sewall, Small, Smith, Stetson, Stover, Strout, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vose, Wentworth, Wood.

ABSENT—Dudley, Jacques, P.; Laffin, Lougee, Lund, Whittemore, Wyman.

Yes, 46; No, 97; Absent, 7.

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

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

#### ROLL CALL

YEA—Barry, Beaulieu, Bordeaux, Boudreau, Bowden, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Carter, F.; Chonko, Churchill, Conary, Cox, Cunningham, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, L.; Fillmore, Garsoe, Gavett, Gould, Gowen, Gray, Hanson, Higgins, Hobbs, Hutchings, Immonen, Jackson, Jacques, P.; Joyce, Kany, Kiesman, Lancaster, LaPlante, Leighton, Lizotte, Locke, Lowe, MacBride, MacEachern, Marshall, Masterman, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, N.; Norris, Payne, Peterson, Post, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Small, Smith, Soulas, Stetson, Stover, Strout, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vose, Wentworth, Wood.

NAY—Aloupis, Austin, Baker, Benoit, Berry, Berube, Birt, Blodgett, Brannigan, Breneman, Call, Carrier, Carroll, Carter, D.; Cloutier, Connolly, Curtis, Damren, Dutremble, D.; Elias, Fenlason, Fowlie, Gillis, Gwadosky, Hall, Hickey, Howe, Huber, Hughes, Hunter, Jacques, E.; Jalbert, Kane, Kelleher, Leonard, Lewis, Martin, A.; Masterton, Nelson, M.; Paradis, Paul, Pearson, Silsby, Simon, Sprowl, Tarbell, Torrey, Vincent, Violette.

ABSENT—Bachrach, Dudley, Laffin, Lougee, Lund, Mahany, Maxwell, Peltier, Reeves, P.; Whittemore, Wyman.

Yes, 90; No, 49; Absent, 11.

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

Signed by the Speaker and sent to the Senate.

An Act to Provide a State Income Tax Credit for Installation of Renewable Energy Systems (H. P. 851) (L. D. 1051) (H. "A" H-697 to C. "A" H-687)

An Act Relating to Potato Quality (H. P. 993) (L. D. 1230) (H. "A" H-681 to C. "A" H-589)

An Act Providing for Administrative Changes in Maine Tax Law (H. P. 1068) (L. D. 1326) (C. "A" H-702)

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; H. "A" H-670)

An Act to Provide for Licensing of Bottle Clubs (H. P. 469) (L. D. 576) (H. "D" H-675)

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

An Act Relating to Lending Institutions and Selection of Title Attorneys (H. P. 332) (L. D. 431) (S. "A" S-310 to C. "A" H-611)

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, this bill doesn't have a price tag of \$50,000 or \$100,000 and it can't go down to the other end of the hall and quietly die there only saluted by the lily on Mrs. Nelson's desk. I hope that we can do it in right here. It is a bill that has no price tag, as I said, but the price tag will be borne by the consumers of the State of Maine. It will be borne by people who buy houses, because they will probably have to pay more. It is the trumpet that sounds the entrance of title insurance, in my estimation. It is a particular bill that is aimed at a one interest and it doesn't really help them very much because there is a loophole in the bill that allows the banks to still set up barriers to what attorneys will be used.

I move the indefinite postponement of this bill and all accompanying papers. I hope you will all support it.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to perhaps respond to the good gentleman from Yarmouth, Mr. Jackson's concerns.

You recall the other day we debated this bill and very simply what it says is that if you go to buy a house and the bank requires you to have a title search done, you can choose your own attorney provided that they have adequate liability insurance and such other written requirements as the bank may deem necessary to protect its own interest. That doesn't seem like an awfully lot to me.

I expressed to you the other day the problems that are faced by the consumers of the State of Maine and despite the fact that it doesn't have a price tag on it, as far as general fund revenue, there is a price tag. The price tag is the consumers' pocketbooks.

I know that a lot of people think that perhaps this is directed solely for the benefit of attorneys. It wasn't put in by me for the attorneys. There are attorneys who are obviously interested in this bill because there are attorneys out there who feel they are qualified to do title searches and banks are strictly prohibiting them of doing so. They are doing that under the guise that the bank ought to have some supernatural power to determine who is qualified and who is not to do a title search. I don't think that is the case at all.

There is nothing in this bill the way it is drafted now. The written policy requirements were something that we wrote in there so that it gave the banks that had a concern about perhaps someone was not qualified or they had a problem here or they had a problem there, it wrote in something that they can now go to and, as I showed you the other day, I believe Maine Savings Bank in Portland, does it already. They have a checklist and guidelines for title examinations for residential mortgage customers of Maine Savings Bank. They have a list of things here that the attorney has to do and he has to do them correctly. I don't think that is asking very much. There is nothing there that prohibits the bank from requiring that the title attorney or the attorney who does the title search make the bank a third party beneficiary, that they are going to be receiving as much information as the consumer who is

borrowing the money. As far as title insurance goes, I don't think there is anything in here that expressed title insurance and there is nothing in here that even starts it on its way.

I know the gentleman from Yarmouth has a concern about that, I have a concern about that, everyone has a concern about that. I don't think this bill addresses that, and if it does, then I will be the first one to say it is wrong, we ought to amend it, we ought to repeal the law.

The fact is, in the Greater Portland area right now, there are banks that are doing this. They are not asking for title insurance, it is working well in the Greater Portland area.

I would remind members of the House, there are people out here now, as I understand it, that are lobbying against this bill and yet we were told the other day that "Oh, this is just a small problem, it doesn't really exist that bad, and we ought to just kind of let it go on its own way." They haven't talked to me, obviously.

My understanding is, there are a number of people out here who are saying this is a bad piece of legislation, it ought to be killed, this, that and the other thing, which kind of leads credence to perhaps, by gosh, perhaps there is a problem out there and it ought to be addressed. So, I was kind of heartened to see that other people felt that maybe there is a chance that I am going to lose some of my clients or I am going to lose my relationship with the bank or the attorney because it is a very special interest group, there is no question about that. The gentleman from Yarmouth, Mr. Jackson, mentioned that, it is a one interest, but I submit to you that there is more than one interest out there, the one interest that is on the books right now is saying the bank has a right to say who is going to do the title search and that particular law firm that is doing all the bank's title searches, well, maybe that happens to be true, two law firms that do their title search, they are the ones that have the special interests, they are the ones, not the ones that are on the outside looking in, but the ones that are on the inside looking out, they want to kill this bill. I hope you won't and I hope you vote against the motion.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the bills that I have been most interested in for a long time. I think Mr. Higgins is absolutely right.

I had an experience just a little while ago where I went to the bank to buy a house from my parents, the bank said to me, you have the choice of two different lawyers. One of the lawyers that I knew quite well was in the legislature here with me. He had done the title search before for my parents on the house that I purchased from them, so I picked him. He took me to the cleaners. I only had two choices and that was one of them. I took the wrong one, but the other one probably would have been even worse. I think there needs to be some competition.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Four years ago, I am not sure if it was Mr. Higgins, but somebody in this body sponsored a similar piece of legislation. At that time, I thought it was the greatest thing that probably came to the face of this earth. I supported it wholeheartedly. However, in the last couple of years, I have maybe taken a different outlook and it isn't necessarily in terms of trying to protect a bank or trying to protect a lawyer but I think it is in terms of trying to protect the consumer.

One thing right off the bat that we have to keep in mind is that the consumer is asking the bank, number one, for a mortgage, and the bank is in the position, I think, and better position than pretty much the consumer, to know that there are good lawyers out there and there are bad ones. The ones that are nearly as com-

petent can be simply eliminated by the bank in terms of doing a title search, and that is not only good for the bank, obviously, who has a vested interest in the property and the title of the property in making sure that their loan is secured for they also have a vested interest, in the consumer and the consumers' interest being represented there that the incompetent attorneys are eliminated.

Mr. Higgins refers to a checklist that Maine Savings uses that every lawyer has to go by. Well, I can tell you this, if you don't check the checklist then the incompetent attorney can check off as having complied with the various things and that doesn't mean necessarily a thing.

I think title insurance is a coming program and I think very definitely the title insurance program will be speeded on its way with this type of legislation, because the banks only way of protecting their interest in the property is, in fact, to force the consumer to buy insurance on title. That is the only way.

I don't think there is anything wrong with this the way it is being done right now. I see banks, yes, that are possibly abusing this privilege. However, I think maybe the consumer should take that into consideration when he goes after his loan. There are banks, at least in my area, that are doing it the other way. They say, go get your own attorney. You get the wrong one, by gosh, and I bet they eliminate him some fast, and I don't blame them. I have got into areas where I have found some pretty incompetent attorneys, and when people tell me they are going to those particular attorneys to do whatever is necessary, I just close my eyes and hope for the best. I see Mr. Tierney is laughing, because I think he obviously can't say that but he knows that. You have good kitchen designers and you can get lousy ones. I happen to be one of the good ones.

I hope you will indefinitely postpone this bill, if that was the motion.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I know that the good gentleman from Woolwich, Mr. Leonard, was not referring to me when he referred to incompetent attorneys, because he sent one of his trusted employees to me for representation one time, but that was back when he was a Democrat—I don't know whether he would do it today.

I would like to state here and now, on the record, in front of all my colleagues, that I am, indeed, a walking case of malpractice if I ever got near a registry of deeds. I have never researched a deed in my life and I don't intend to. I didn't even trust myself with my own house when I moved from Durham to Lisbon. I had another lawyer research the title.

Well, put that aside, ladies and gentlemen, I think I can speak on this. One member of my party sent me a note and he said he didn't know which was worse, a lawyer's bill or a banker's bill, and he didn't know how to vote on this issue because this bill was obviously both.

I have looked into it and I have looked into the bill and I do think that Mr. Higgins is absolutely correct. I think there is an abuse here. There is no competition. A lot of lawyers make an awful lot of money researching deeds. They charge the percent, for which there is absolutely no excuse, because it doesn't take any longer to research a house that cost \$80,000 than it does to research a house that costs \$50,000, but they will charge a percent on the amount of the mortgage and it is just not right.

I do believe very very sincerely in competition in the world of legal practice. I always have. It has gotten me in trouble with the Bar Association sometimes, but I think it is a good bill and I think we ought to vote for it.

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

Mr. JACKSON: Mr. Speaker, Ladies and

Gentlemen of the House: Both Mr. Higgins and Mr. Tierney are right, but you have got to adjust what they said a little bit, and you have got to kind of listen to it close.

Mr. Tierney is concerned about something that isn't even adjusted in this bill, and that is lawyers that charge a percent of the cost of the house as their fee. That has nothing to do with what it costs to search the title. We don't address this in here. We talked about an amendment to do it in the committee but we don't adjust that.

If you listened to Mr. Higgins real closely, what he is saying is that it doesn't say anything about title insurance. It doesn't, but the banks, to protect themselves, are going to start requiring it, and so it is going to bring that in.

He also is saying that it doesn't help one class, but basically it is for the lawyers. It is for the lawyers so that they can come in and search any title. As he also said, and if you listened very closely, the bank can set up checklists—that is an interesting term—I think that is a labor term—the banks can set up checklists to screen who the lawyers that work for them will be. They can put whatever they want in that checklist and they can very effectively keep anyone they want to keep out. They can keep them out by putting in requirements for insurance, requirements for whatever. So, it doesn't give any protection that way.

This is a bill that addresses a very small problem that maybe exists in a couple of corners of the state. The bill was in before, and each time it has been in, the problems have straightened out even more and there are very few places, if any, where this is a problem and we are doing something that is going to cost the consumers money. It shouldn't be passed.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: To the many of you people that have sent me notes on who the lawyer was, it was not Mr. Tarbell. I just want to tell you again, this deed had been researched by the very same lawyer. I went to the lawyer again and he charged me again for adding my name to the end of that title, and he charged me a couple of hundred dollars for it. I don't think there is any need of that.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I just want to speak very briefly on this bill. I am going to vote to indefinitely postpone for two very simple reasons. In the first place, when you go to a bank, you go there to borrow the money. Most people try to come up with a minimum of down payment they can possibly get together. Now, if you are going to hire another attorney, you still probably are going to borrow the money from the bank anyway. So I think you should leave it all the way it is in the same package, and make it a lot easier and there won't be any holdups in getting your property.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong the debate. I hadn't intended to speak, I am bleeding from a shaving cut, but having 17 years' experience in this area behind me, I feel conscience bound to stand in support of Representative Higgins' bill. I have sold real estate all over southern Maine. I have dealt with practically every law firm that is listed in every bank. This is an area in which presently there is gross abuse. His bill would tend to correct this.

I will try to illustrate the kind of abuse that occurs. Once a bank is determined that an attorney is properly insured and competent to do the job, that is as far as it ought to go. I can cite case after case where the firm that has the bank's business has it because they are a friend

of the director or because they are a director. I can cite case after case where the lawyer searching the title is, in fact, the director of the bank. I can cite you case after case where the attorney or the law firm that is the technical firm doing the work defacto, farms the work out to other lawyers not recognized by the bank for much less money and they just take a brokerage fee. It lends itself to a lack of competition.

I was involved personally in a situation with a bank where I went to the brink with them, where they had gotten the title fee up to three times what it ought to be, primarily just putting to out of state buyers. They weren't actually doing the work, they were farming it out to other attorneys. There has also been arrogance among these firms where if you want an efficient job done, a quick job done, you call and ask what the status is, and they tell you, take a walk. They don't have to worry about your opinion at all.

This is a good bill, it is a consumer bill, it introduces competition which is badly needed, and at the risk of some bankers who I need to do business with getting mad at me, I urge you to support Representative Higgins' bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly this morning, I am going to have to go against some of my good friends, but you see what we are trying to do here with this legislation is to say to a bank, I am going to buy a piece of property. I will have an attorney check the title on that piece of property. There was an example given here the other day where somebody bought the property, an attorney checks the title on the piece of property and now you want the bank to accept your attorney's opinion of title. They are the people that are coming up with the money, they are the people that are going to advance you the money and they are going to take the property and whatever is as good as the title or as bad as the title is, as collateral.

So, we are saying with this bill, we will pick the attorney that makes the decision for you. I submit that this is wrong. As much as I agree with the good intention Mr. Higgins, believe me, if this bill passes, and you pick your own attorney, you will still pay if you go to the bank and get a loan, you will still pay for them to have their law firm check the title on the property because they have a right to hire any attorney they want to. Now, as it works now under a mortgage situation, rather than pay two attorneys, there is nothing to prevent you right now from hiring any attorney you want to check the title on any piece of property you buy. But if you go to Bank X and you say, I want to borrow \$30,000 on that piece of property, Bank X, before they advance you the money, they are either going to have title insurance or they are going to have their attorneys check the purity of the title, believe me, and you will pay for it up front or you will pay for it in an additional fee in your closing costs.

So, I am going to vote today to indefinitely postpone this bill. It won't have any effect at all.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I really wasn't going to speak a second time but I thought it was somewhat of a miracle the other day, Mr. Tierney wrote me a note and said, you and I are on the same side for a change or something like that, then when Mr. Leighton got up, I just couldn't believe we must have struck on something that crosses a whole bunch of not only party lines but philosophical lines.

The only point that I would like to make in reference to previous speakers is that I don't think that the banks' interest and the consumer's interests are incompatible. They both want a clear title, they both want to make sure that

they are not buying something that somebody has a lien on and all that sort of thing. I cannot for the life of me understand why banks just think that there is only one or two individuals in their particular area that are capable of being able to do a title search. They are not incompatible at all.

I told you the other day of a woman who had borrowed some money from the bank and after she had signed it and she lived there for a while, all of a sudden somebody walks in and says, "we have an easement across your land to a back parcel where we are going to put in a housing development." Well, she didn't know anything about it. I submit to you that if she had hired the attorney to do the title work, that attorney would owe her the obligation of telling her that there was an easement across her land. It is as simple as that, and I don't think there is anything wrong with that. They also owe, and there is nothing in this bill that prohibits the attorney from owing to the bank, a third party beneficiary, if you will, of being as straight out with the bank and saying, here is a problem or there isn't one, one way or the other. But they also ought to have the courtesy or the duty to tell the person that is borrowing the money if there is a problem involved. I ought to be able to choose who that attorney is going to be.

As far as the checklist goes, the reason that was written into the bill was to help protect the bank's interests. If you want to take that checklist out, that is fine. I don't think they really do because it gives the bank the latitude that they really need.

We really do tried to compromise on this thing as best we could. We want something in writing so that they just can't arbitrarily say, yes, he can do a title search; no she can't, and vice versa. We want something in writing so that it is there. That is the reason for the checklist. They are doing it in Portland, at least some of the banks are.

In deference to my good friend, Mr. Norris, they are not asking them to pay twice, and they are not asking for title insurance. I think it is a red herring and I think it is inconsequential.

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 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 Yarmouth, Mr. Jackson, that this bill and all accompanying papers will be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Austin, Bordeaux, Brannigan, Brodeur, Brown, A.; Brown, K. L.; Bunker, Call, Carrier, Carter, F.; Churchill, Cox, Curtis, Damren, Davis, Dow, Fillmore, Garsoe, Gavett, Gowen, Gwadosky, Hall, Huber, Hunter, Jackson, Joyce, Leonard, Lewis, Lund, MacBride, Masterman, Masterton, Maxwell, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Peterson, Reeves, J.; Silsby, Simon, Smith, Soulas, Sprowl, Stetson, Strout, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

NAY—Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Bowden, Brennerman, Brown, D.; Brown, K. C.; Carroll, Carter, D.; Cloutier, Conary, Connolly, Cunningham, Davies, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenslon, Fowlie, Gillis, Gould, Gray, Hanson, Hickey, Higgins, Hobbins, Howe, Hughes, Hutchings, Immonen, Jacques, E.; Jacques, P.; Jalbert, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lizotte, Locke,

Lougee, Lowe, MacEachern, Mahany, Marshall, Martin, A.; Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Paradis, Paul, Payne, Pearson, Post, Prescott, Rolde, Rollins, Roope, Sherburne, Small, Stover, Studley, Tarbell, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT—Chonko, Dudley, Laffin, Nadeau, Peltier, Reeves, P.; Sewall.

Yes, 51; No, 93; Absent, 7.

The SPEAKER: Fifty-one having voted in the affirmative, ninety-three in the negative with seven being absent, the motion does not prevail.

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

An Act to Expand the Tourism Promotion Program (H. P. 1386) (L. D. 1609) (C. "A" H-677)

An Act Relating to Membership of Treasurer of State on Boards (H. P. 1449) (L. D. 1647) (H. "B" H-601)

An Act to Establish the Maine Probate Code (S. P. 1) (L. D. 1) (C. "A" S-312)

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.

By unanimous consent, all enactors having been acted upon were ordered sent forthwith to the Senate.

The Chair laid before the House the third item of Unfinished Business, which was taken up out of order by unanimous consent:

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)

Tabled—June 7 (Till Later Today) by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

Mr. McPherson of Eliot offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-706) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement Number 6 were taken up out of order by unanimous consent:

An Act Relating to Nonprofit Hospital or Medical Service Organizations and Insurance Companies (S. P. 357) (L. D. 1105) (S. "A" S-347 to C. "A" S-286)

An Act to Recodify and Resolve Minor Administrative Problems in the Forestry Statutes; and Reorganize the Maine Forestry District (H. P. 1127) (L. D. 1498) (C. "A" H-671; S. "B" S-351)

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.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement Number 4 was taken up out of order by unanimous consent.

#### Consent Calendar

##### First Day

(H. P. 1480) (L. D. 1672) Bill, "An Act to Regulate Cone Burner Incineration for the Disposal of Municipal Solid Waste" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-713)

No objections having been noted, under suspension of the rules, the above item was given

Consent Calendar, Second Day notification.

No objections having been noted to the Consent Calendar Second Day, under suspension of the rules, the House Paper was passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement Number 5 was taken up out of order by unanimous consent.

An Act to Conserve Fossil Fuels by Promoting Construction of Facilities for the Burning of Solid Waste for Production of Thermal Energy (H. P. 876) (L. D. 1081) (S. "A" S-346 to C. "A" H-654)

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.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mrs. Nelson of Portland, Recessed until two o'clock in the afternoon.

#### After Recess

2:00 p.m.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill, "An Act to Clarify the Provisions Relating to the Hearings on Juvenile Crimes and to Establish an Experimental Program for Education and Counseling of Juveniles" (H. P. 1375) (L. D. 1601)

Tabled earlier in the day by Mr. Tierney of Lisbon Falls pending the objection of the Governor.

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: The news that this bill has been vetoed was disappointing but it was no surprise. When I presented it on the floor of the House last month, I stated quite candidly then that the Governor did not and would not support it but you went ahead and voted for it overwhelmingly, 98 to 30, a fine bipartisan effort. I hope you will do even better today, in spite of the extensive lobbying I have seen taking place around the back of the House.

This bill says, to refresh your memory, if a juvenile is found guilty of a second offense, he and his parents may be offered the opportunity to attend together a series of counseling sessions to get at the root of this problem. If they choose not to attend, then, and only then, would court records be open to the public. Most importantly, and I would ask your full attention to this part, the judge is given the discretion to choose which families might benefit from this program, a stipulation in the bill which protects the juvenile with uncooperative parents.

This is a pilot program to be tried out in two juvenile courts to be named by the Chief Justice of the State for a period of two years. There is no fiscal note.

The veto message's first objection shows an almost real lack of familiarity with the bill. Nowhere in the message is there a mention or acknowledgement concerning the discretionary powers of the judge. You might want to check for yourselves. The veto message is very dramatic, very poignant about what might happen to little 13 year olds and also quite inaccurate.

As to being constitutionally unsound, if this is true, then the highly effective and accepted course in defensive driving for serious violators was equally unsound for the same reasons, and so is the present Cumberland-York programs for Restitution, Inc., which deals with criminal offenses. Both are pilot programs, both are limited to two counties and they have not been challenged. Furthermore, experimen-

tal programs limited to two counties do not violate the equal protection laws because we are not dealing with the deprivation of life and of liberty.

The complaint in the message concerning practical problems is a very bright red herring, pure and simple. The Department of Mental Health and Corrections enthusiastically offered the use of probation and parole personnel for the counseling sessions and paper work — gratis. If Cumberland County or York County should get one of these courts, Restitution Inc. is very anxious to have this program.

Lastly, the message states that this course of action would lead to more juvenile crime. That is an absolutely unproved premise and possibly another red herring. Very few juveniles or their families would actually have their names published because of this bill.

As I have described, the judge has options and so do the parents and the juveniles. No one is screaming now because the names of juvenile traffic offenders are published regularly. There was a list of about 10 or 12 of them in the Saturday Evening Portland paper.

When are we going to let our kids become accountable? Do we expect them to magically become mature adults the day they turn 18? Let's train them for the real world. You know this protection business could go so far as to publish only the names of the winning teams, because to publish the name of the losing team might possibly label those kids losers. Hours of this session have been spent on juvenile problems, let's do something finally.

I want to thank some of you perhaps for the support you gave this bill last week during the debate on drugs in the schools. Representative Benoit said that teachers are not social workers or psychologists and she said, "where are the parents."

Representative Hobbins, after his usual worry that innocent children might be hurt, was asked just what alternative solution he might come up with. He said, and I quote, "getting the concern of the parents, reaching the parents, helping the parents to work with their children." Thank you, Representative Hobbins, for that is exactly what this bill is all about.

I ask that you vote as you voted before. I move that this bill become law notwithstanding the objections of the Governor.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I want to thank the good gentleman from Portland, Mrs. Payne, for reassuring me that some people do read the horseblanket every day and do read the comments that we do make here in the legislature. I made those comments, and I suppose it is my usual comment on any bill that affects and tries to affect the juvenile system, which I look at somewhat of a patchwork approach. The good gentleman from Portland stated that during this session we have not addressed the juvenile problem at all. We passed in both bodies and the Governor signed into law last week a bill to monitor the Juvenile Code and as you know it has only been in effect for about a year.

This particular monitoring device will establish a committee which will look into the juvenile code in depth to find out what parts of the juvenile code are working and address those parts which aren't working and suggest legislation for the legislature. I suppose when we read anything, we interpret different things in different ways. I read the Governor's message and I somewhat agreed on every point with what the Governor had said, because I have raised some of those objections to bills such as this on previous occasions before this body.

I do think what we are doing, even though the good lady mentions the safety valve approach which discusses the issue of the judges discretion, I do think that we have a situation where the juvenile will be placed in a somewhat helpless position if, in fact, the parents do not coop-

erate or successfully complete the project. It is an evidentiary or question of fact whether, in fact, the parents are cooperating and the judge would have to make his discretion on that, I suppose.

We have a situation which could occur where we would not only have juvenile delinquents but we would have adult delinquents involved. What I mean by that is irresponsible parents who would have a lack of concern about their children's well being, who would not participate or say they want to participate, and tell the judge, it is not my fault, it is my kid's fault.

I think there could be a possible constitutional question involved in this particular bill. It only addresses two model programs and two different district court locations. I think that could pose some constitutional problems with a person's right of privacy under the Fourth Amendment of the Constitution. Juveniles do have some type of rights, even though many of us think that only the parents have certain types of rights.

I still don't know what the fiscal impact of this particular program will be. As you know, there was not appended to this particular bill any fiscal note. I do raise that as a question. I ask you today, even though you might think that the program deserves your consideration, and even though you want to try to do something in this field, let the monitoring code device which we passed in this legislature look at the juvenile code as a whole, and not just piecemeal, to find out whether in fact it is working and what are the problems, if there are any, in the juvenile code.

I ask you this afternoon to sustain the Governor's veto and I think that was a decision that was a very responsible one on the part of the Governor.

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

Mr. JALBERT: Mr. Speaker and Members of the House: You know, in the closing days of the legislature, you always should hesitate to oppose anyone's project who has worked as hard as the good lady from Portland, Mrs. Payne, has worked. It has not been my pleasure to talk with her too often but on at least two occasions her arguments on the floor have actually swayed me in my voting. In this particular instance here, I think it might be the other way and certainly my comments are not made in anyway but one of conviction insofar as I am concerned. I frankly don't think that the state should punish the children of families whose parents do not participate in an educational program. To me, this appears to me a two-tier system of justice, one for the poor and one for the rich. I don't think that the child suffers for delinquency of parents.

I think that the Governor is sound in his veto message. I hope that his veto is sustained when the vote is taken.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I support Mr. Hobbins' position and I do it for three specific points. One is that we in this Legislature, in the last legislature, passed a major document called the juvenile code. I submit to you at this moment, we have got to give that code an opportunity to work. We presently haven't created enough time or let enough time elapse to see, in fact, if the judgment of the last legislature and the Judiciary Committee was well worth its efforts and our efforts in supporting it.

The second issue is, this is a pilot program and meaning the pilots program, I feel that even some supporters were somewhat cautious if, in fact, this was a total program to be issued through the entire State of Maine and through the judicial courts.

The third point is the point that was raised by Representative Jalbert, and that is the point of whether we should punish the child for the fail-

ure of the effort of the parents to participate. In most instances, I would suspect that the parents themselves have not participated in having a family, as we know a family to be, in terms of providing and protecting for the well being of the child.

I would urge this House to support the Governor's position and sustain the veto.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to speak on this, but two years ago I did burn the midnight oil up in the Judiciary Committee when we structured the juvenile code, which was the result of a commission, a select commission, that traveled over the state and held public hearings and took into consideration the testimony of lawyers, judges, law enforcement officials, teachers, you name it and that segment of society was represented in this blue ribbon commission. We worked for hours, literally hours, over this very, very ticklish problem, in my opinion. Then the people would go back and we would check with our people, because we wanted to structure a code that would satisfy the needs of all the people and yet have structured in it the fact that we protect the innocent, that we protect those people that are not guilty, because that is what our whole system of law is founded upon.

I have had trouble with this bill since it started, I have trouble with it today. Unfortunately, and I in no way impugn the motives of the good woman from Portland, I am sure she had the best intentions and the best intentions of the youth that she is trying to represent but I would hope today that you would sustain the Governor's veto.

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

Mr. PAUL: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you as one who has for a long time supported the release of juveniles and their names in certain circumstances. However, I don't believe that this approach is the proper way to go. I voted for this bill originally, but I would like to bring to your attention a point the Governor has raised that will cause me to vote to sustain his veto. I don't think we can create a system in our state where we have inequitable treatment of our people in court.

I would specifically call your attention to Section 3 of the bill, which creates this so-called pilot program which would be initiated in a couple of counties, which essentially would mean Cumberland County could have an instance where a juvenile would not be subject to the same judicial proceedings as one in York County. I do agree with the gentleman from Saco, Mr. Hobbins, that this does raise serious constitutional questions and I don't think that jurisprudence can have pilot projects with. I think if we have a law, it ought to be equitable to all.

You know this morning as we stood and said our pledge of allegiance to the flag, the last part of our allegiance said "justice for all". I believe this bill is not "justice for all" and I do hope you support the Governor and vote no on the pending question.

The SPEAKER: The Chair recognizes the gentleman from Newport, Mr. Reeves.

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I will take very little of your time, but I feel that I must rise today to say just a few words. I would like to remind you that back in April when we had the Model Youth State Legislature in this hall, I would like to remind you that a young gentleman by the name of James Andrews from West Paris presented bill number seven. I would like to read to you the first page on that youth government observer report, dated April 29. "Governor's veto is overrun," as it says, "by the House and Senate. Governor Julie Ingersoll's veto of bill number seven relating to juvenile

offenders of the law was overruled by both the House and the Senate this morning. In the Joint Session, the Youth Governor mentioned that Governor Brennan vetoed a similar bill last week. Her feelings about the bill were that the press will print anything anyway, the bill is too vague and the publication of names might be taken as a joke. The Governor feels she cannot justify this bill. The majority of the House and Senate felt a veto should be overridden. The House of Representatives felt that the name of juvenile offenders should be revealed to the public because a lesson might be taught to them by having their names publicized. After much debate in the House and in the Senate, the Governor's veto was overruled." Ladies and gentlemen, that is what our youth did and suggested in their legislative session and I respectfully ask you to do likewise today.

The SPEAKER: A roll call has been ordered. The pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor? Those in favor with vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Berube, Birt, Blodgett, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Martin, A.; Masterton, Matthews, Maxwell, McMahon, Morton, Nelson, A.; Payne, Peltier, Peterson, Post, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stover, Studley, Tarbell, Torrey, Wentworth, Whittmore.

NAY—Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dudley, Dutremble, D.; Dutremble, L.; Elias, Gowen, Gwadodsky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, E.; Jacques, P.; Jalbert, Kane, Kany, Kelleher, LaPlante, Lizotte, Locke, MacEachern, Mahany, Masterman, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Prescott, Reeves, P.; Simon, Soulas, Strout, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Wood, Wyman, The Speaker.

ABSENT—Churchill, Fowlie, Joyce, Laffin, Leonard, McPherson, Stetson, Vose.

Yes, 67; No, 76; Absent, 8.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy-six in the negative, with eight being absent, the Governor's veto is sustained.

The Chair laid before the House the following matter:

An Act to Provide More Adequate Compensation to Municipal Clerks and Municipalities for Certain Duties Performed for the State (H. P. 191) (L. D. 240) (C. "A" H-694) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-694) 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-710) was read by the Clerk and adopted.

The same gentleman offered House Amend-

ment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-714) was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

#### Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-288) on Bill, "An Act to Grant the Public Utilities Commission Jurisdiction to Review Adjustments under the Fuel Adjustment Clause" (S. P. 507) (L. D. 1567)

Report was signed by the following members:

Messrs. DEVOE of Penobscot  
COLLINS of Knox

—of the Senate.

Mr. DAVIES of Orono  
Miss GAVETT of Orono  
Messrs. VOSE of Eastport  
LOWE of Winterport  
BROWN of Livermore Falls

Mrs. NELSON of Portland  
Mr. McKEAN of Limestone

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-289) on same Bill.

Report was signed by the following member:  
Mrs. TRAFTON of Androscoggin

—of the Senate.

Came from the Senate with the Majority "Ought to Pass" as Amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-288) as amended by Senate Amendment "A" (S-307) thereto.

In the House: Reports were read.

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

Committee Amendment "A" (S-288) was read by the Clerk.

Senate Amendment "A" to Committee Amendment "A" (S-307) was read by the Clerk.

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

Mrs. KANY: Mr. Speaker and Members of the House: I wonder if we could have an explanation of the Committee Amendment. We don't seem to have them on our desks.

I would ask, what is permitted under this bill that is not now permitted under the present law?

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I will try and remember exactly what is in this bill. It has been sitting on the table in the Senate for so long that I have almost forgotten it.

As I recall, the bill does a variety of things. First of all, it allows the Public Utilities Commission to suspend, up to four months, any rates that are necessary for a situation such as was created by the shutdown of Maine Yankee where there is a question of who is responsible for paying the costs. In the commission's opinion, if the decision can't be rendered immediately, they can suspend those rates for up to four months.

In addition to that, if they do pass along some or all of the costs to the ratepayers and it turns

out later on that some of those costs were not justified as being just and reasonable, the commission will have the ability, which they do not have at the present time, to rebate the customers some or all of the costs that they have been paying in under this temporary rate. Previously, they had the ability to order customers to pay a surcharge to the company if not enough was being collected. This will allow the opposite situation where too much is collected, to allow the commission to rebate that to individuals.

It also says that when the commission is reviewing the costs of fuel that is necessary to replace power from an unexpected outage, such as the shutdown of Maine Yankee, that they will not only be able to review the costs of that fuel, which they currently have the ability to do, but they will also have the ability to review the management decisions that went into the purchase of that fuel to determine if the fuel that was purchased was the lowest possible cost fuel, also to look into questions whether the management was responsible for the outage, in which case, if that was determined, the commission would then have the ability to find that some or all of the costs were not justifiable.

Those are essentially the three main parts of the bill. It does not prohibit these costs from being passed through, since it is beyond our ability as a legislature to make those decisions, but it does give the Public Utilities Commission the ability to review the matter not only the cost but management decisions to rebate the customers if too much is collected and to suspend rates in those cases where they are trying to make a final determination as to what is just and reasonable.

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

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

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

By unanimous consent, ordered sent forthwith to Engrossing.

#### Non-Concurrent Matter

Joint Resolution Urging Voluntary Cardiac Pulmonary Resuscitation and Basic Life Support Education in Secondary Schools (H. P. 1271) which was Read and Adopted in the House on May 30, 1979.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Tuttle of Sanford, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

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

Dick Figoli, owner of Dick Figoli's Bowling Center, has given unselfishly of his time and resources to help the blind, the retarded and the handicapped (S. P. 624)

Came from the Senate read and passed.

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

#### Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill, "An Act to Establish the Maine Judicial Retirement System" (S. P. 452) (L. D. 1450)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill, "An Act to Integrate the Activities of the District Court into the Superior Court" (S. P. 542) (L. D. 1602)

Came from the Senate with the Reports read and accepted.

In the House: The Reports were read and accepted in concurrence.

**Non-Concurrent Matter**

Joint Resolution requesting the State Principal's Association to Allow Participation in the New England Championship Games and Ordering a Study by the Joint Standing Committee on Education (H. P. 1543) which was read and adopted in the House on June 8, 1979.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House:

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

Mr. TUTTLE: Mr. Speaker, I move that we adhere.

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

Mr. STROUT: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Corinth, Mr. Strout, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

**Non-Concurrent Matter**

Joint Order relative to the 70th Wedding Anniversary of William and Marguerite Church (H. P. 1529) which was Read and Passed in the House on June 8, 1979.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

**Consent Calendar****First Day**

(S. P. 618) (L. D. 1680) Bill, "An Act to Expand the Authority of the Maine Turnpike Authority to Convey Interests in Land" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-354)

No objections having been noted, under suspension of the rules, the above item was given Consent Calendar, Second Day, notification.

No objections having been noted to the Consent Calendar Second Day, under suspension of the rules, the Senate Paper was passed to be engrossed in concurrence.

By unanimous consent, the Chair laid before the House the fifth tabled and Unassigned matter:

SENATE REPORT—"Leave to Withdraw"—Committee on Labor on Bill, "An Act to Require that Holiday Pay be Considered Wages For the Purposes of Unemployment Compensation" (S. P. 309) (L. D. 902)—In Senate, Bill substituted for the Report and Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-161) on May 9, 1979.

Tabled—May 14, 1979 by Mr. Martin of Eagle Lake.

Pending—Motion of Mr. Cunningham of New Gloucester to Substitute Bill for the Report (Ruling of the Chair pending)

Mr. Cunningham of New Gloucester withdrew his motion to substitute the Bill for the Report.

Thereupon, the Leave to Withdraw Report was accepted in concurrence.

By unanimous consent, ordered sent forthwith to the files.

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

HOUSE REPORT—"Ought to Pass"—Committee on Appropriations and Financial Affairs (Pursuant to Joint Order H. P. 1485) on Bill, "An Act Appropriating Funds for the Pratt and

Whitney Industrial Training Program" (Emergency) (H. P. 1518) (L. D. 1676)

Tabled—June 8 (Till Later Today) by Mr. Tierney of Lisbon.

Pending—Acceptance of the Committee Report.

Thereupon, the Committee Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read a second time.

Mr. Higgins of Scarborough offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-693) was read by the Clerk.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: A couple of weeks ago, when the Committee on Appropriations was asked to put the Pratt & Whitney so-called bill in the Part II Budget, as you may recall, the committee voted not to and subsequently a bill was asked to be reported out of the committee.

I have some problems with that, and I did sign the unanimous report out of the committee only to expedite matters. I wanted to do a little checking on my own to find out exactly what the program was all about since they had come in and asked us for \$200,000, approximately.

House Amendment "A" does two things. First, it removes the emergency provision from the bill and the second thing that it does is that it reduces the appropriation from \$198,000 to \$110,000.

It is my intent here to fund the program through the end of the third quarter and it is my estimate, from calculations that I have made from figures that were obtained, this would do that. It is not my intent, however, to put a damper on the legislation or in any way, shape or manner to restrict or subterfuge, I guess, the intent of doing this.

I guess my problem with the bill is that I feel if the state is going to have to kick in \$200,000 this year, meaning beginning July 1st, and then perhaps some more money in the second year of the biennium, then we ought to have some sort of a control over it, some sort of an idea as to what the program entails, where it is going, what the money is going to be spent for and how this program is actually working.

It is my understanding also, not only from a letter the Governor sent to the committee but from other people, that we will be asked in January of next year, whether you adopt the bill or the amendment, for additional funds in the second year of the biennium which could total well in excess of a quarter of a million dollars.

I offer this amendment only because I feel I just couldn't, in good conscience, vote for that sum of money without the committee and the legislature being made aware completely of the program that is being offered down there and the amount of effort and state money that is being asked to be put into the program.

I have no reason to question the integrity or the method in which they are running the program. I just simply feel that perhaps we ought to slow this thing down in the sense of an emergency appropriation of \$200,000 let's just make it a regular enactor and give them enough funds to get them through the period when we will be back here. We will be back here in six months. This gives them enough money to run for nine months and we are going to have to deal with the supplemental appropriation anyway and I think we ought to lump it all in together and deal with this last three next year when we might have a better chance of looking at what is going on.

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Scarborough, Mr. Higgins. How much money does this amendment call for?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentleman from Scarborough, Mr. Higgins, who may respond if he

so desires.

The Chair recognizes the gentleman.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It calls for \$110,000 versus \$198,000 that was in the original bill, and if I could, just clarify matters, in case there is any problem, I checked with the person who is running the program at SMVTI and they gave me the figures of the amount of money that they would need to run the program for the fiscal year beginning July 1, 1979.

What I did was, I simply took three quarters of the amount of personal services and three quarters of the amount of all others and added to that the amount that they had for capital, 100 percent of capital, 100 percent for outlay, and then subtracted from that figure the amount of money that they have available to them now, and the balance was \$110,000, which is what the indications to me were that would be needed to fund the program.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I move to indefinitely postpone this amendment.

The Representative from Scarborough, Mr. Higgins, is concerned about the money on this particular bill, as he very well should be. We are all concerned with the money, but I am also concerned with something else today and that is a promise.

If those of you who were here before can recall, we had a Special Session over this particular matter on Pratt-Whitney. We were attempting to get this firm to come to Maine because it would provide a good many jobs in York County. At the time that the meeting took place with Pratt-Whitney and the Commissioner of Transportation, Mr. Mallar, the Speaker of the House, the President of the Senate, and then Attorney General Brennan, certain negotiations took place and certain promises were made and they came back to the legislature and reported those to us.

One of those promises was to help train the types of people that they would need at Pratt-Whitney. Now, as I recall the discussions that took place in and out of the House at that time, there was a promise made that these people would be trained through the Southern Maine Vocational Technical Institute. Apparently, they were unable to do that because of certain federal regulations regarding CETA.

Now we are faced with a dilemma, not so much of a dilemma but of keeping our word and that is, and I don't think that Mr. Higgins disputes that part of what I have said, the best information that I have had available from the Governor's Office is that they need \$198,221 in order to fulfill the commitment that was made. Now, I went back and read the Legislative Record, the debate that took place on Pratt-Whitney, and the discussion that we had during the Special Session, and the gentleman from Kennebunk, Mr. McMahon, posed a question to the Chair and it is only a very, very short section of that debate in which he asked about the training in York County because he was concerned about that particular area of the state. It seemed to indicate to me, looking at that debate, that there was in legislative history a realization that we were going to train these people. Now, the amount of money is what is in question. Mr. Higgins has told you that probably next year we will be back here asking for more money, and that is probably accurate, but then \$198,221, the best information I have is, that is what they need in order to fill this commitment that was made on the part of the people that went to Hartford and came back and reported to us in the House. I urge you to defeat his amendment and pass the bill as it is.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Old Town, Mr. Pearson is correct. This was a part

of apparently an agreement that was worked out with leadership, when we passed this whole thing back in December, I don't question that, I guess my problem is number one, I don't want to ruin the credibility of the state and the then Governor Longley and now Governor Brennan and members of leadership, that is not my intention at all.

My intent is simply to make the legislature more involved in what is going on. This was a memo from the Governor's Office dated May 31, which was a Friday, if I recall, maybe I am wrong on that, the memo was the 31st but it was brought into committee on Thursday or Friday, very late, and the committee refused to deal with it in Part II.

I have felt all along that the committee didn't have enough information available to it as to where the money was going and what it was going to be used for and how many people they were going to hire. I checked into it and, as I understand, they have three people there, three administrative people, seven instructors and they may be going to add three more in another month or so and then in September, they may be going to add eight or ten more but they are not sure. I just feel that we ought to be a little more careful. If it was a Part II item, we would have had a hearing on it, we would have people come in and testify as to what was going to happen, where it was going to go and all that.

As I said, I am not trying to be a wet blanket on the program and I am not trying to indicate that I am opposed to it because I am not. I just feel like it was a rushed up deal and before we rush into something like this, it may well have been planned over a long period of time, but the state's funding of it is, quite frankly, in my opinion, was quite a rushed up process here and I felt kind of bad about it. I felt even worse about it when I found out that they were probably going to come back, and I guess I shouldn't say probably because the memo that I referred to on the 31st of May from the Governor's Office, the bottom of the page says, I shall be requesting additional funds for this project for 1981 next January, and that is from the Governor so there is no question about the fact that they are going to be back here. The point I am getting is that, if they don't get any additional funds, they are going to be asking for not only the \$198,000 that they are asking for now, but another \$266,000 to fund the program through the end of the biennium. Maybe that is right and maybe it is wrong. I just felt like we were kind of leaping into a dark pit and I wanted to just slow the process down and I offered the amendment for your consideration.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I want to add my voice to those who would urge you not to support this amendment. I am speaking for leadership now, not leadership as a result of any action of my caucus, but on behalf of united leadership in this body and the other, as urging you to get behind this proposal.

We certainly are going to be asked for more money in the next year of the biennium. It could total, as the gentleman from Scarborough says, as much as \$267,219. However, this year's cost, the first year's cost or the first year and a half cost is \$438,221, which you are being asked for \$200,000 roughly, because of the \$240,000 of supplemental funds that are coming in from federal vocational funds, ERCOM funds, the State Development Office and the Maine Development Commission.

Now, you should know that the maximum exposure would be \$267,000 for next year but it is anticipated that this amount will be reduced by similar contributions if this, indeed, remains an ongoing program.

When this concept was adopted by the legislature, I don't believe, at least speaking for myself, I didn't anticipate any state funds being involved, because it was planned and an-

ticipated that CETA funds would be involved and this is what we are really making up is the fact that CETA funds in the final analysis proved not to be available due in part to the makeup of the work force that they are training.

I really think that the gentleman from Scarborough is asking us to be faint hearted in our approach, because if we are going to fund this for nine months, I just haven't caught any logic yet that would give us a basis on which to chop the funding off next March and say we will review it again at that time. We are either making a commitment or we are not. If that line of reasoning is good, we should save the whole amount and not do it at all. I don't need to be spurred by the commitment that was made because the commitment was so broadly based, that we are really not bailing anyone out, we are reacting really as a sovereign legislature to a situation that we are faced with. I don't think I don't need to be spurred on by the need to honor a commitment, I just think it makes good business. If you are going to fund a project, you do it wholeheartedly and take it up to the point of the logical cut off of funding which is June, 30th of next year.

The program ends in mid-1981, which will be the end of the biennium, if I am right. You could expect to be exposed to \$267,000 in the next year, but I think there is good expectation on the part of the Governor, that it will be substantially less. I hope we won't disrupt this funding and will let it go forth the way it is.

The SPEAKER: The Chair will order a vote. The pending question is the motion of the gentleman from Old Town, Mr. Pearson, that House Amendment "A" 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.

86 having voted in the affirmative, 18 in the negative, the motion did prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

RESOLVE, Authorizing and Directing the State Director of the Bureau of Public Lands to Convey the Interest of the State in Certain Islands in Muscongus Bay (H. P. 566) (L. D. 712)

Tabled—June 8 (Till Later Today) by Mr. Tierney of Lisbon.

Pending—Final Passage.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the fact that the gentleman in the right-hand corner saw fit to set this item aside several days ago when it came up so he could get another shot at it, because I hope you have done some thinking about it since I spoke on it before.

I would also like to make note of the fact that it was done without my request. I would like to cover the items very briefly again to refresh your memory, but I apologize because apparently I didn't do a very good job the first time around.

The five islands in Muscongus Bay belong to the people in the State of Maine, each and every one of them. The town officials of Raymond assumed that they owned the islands, they put them up for sale without checking the title, doing any title search on the islands, and they sold them to the highest bidder. All five islands sold for a total of less than \$3,000. Release deeds were given on these islands, which is just about as good as what I might write on the back of one of those amendments. The parties obviously knew what they were buying. There are indications that at least one of the purchasers purchased these islands with a view towards speculation, because there has been an attempt made and offers made to purchase

those islands, only one of those islands for \$25,000. If the people who are claiming the title of these islands really want to hold them and use them, there has been an offer made by the Department of Public Lands to give them a long term lease on them.

What it all boils down to is that these islands belong to you and all the rest of the people in the State of Maine and they were not the property of the town of Raymond to dispose of. The courts have held that the claimants do not have a valid claim or title to the islands. If the claimants have been wronged, they have recourse to the town of Raymond. If the bill is passed, it will establish a very dangerous precedent. There are a number of islands in a similar category and you can rest assure that they will be right back here in the next session claiming that we should give them the same title and give some more of these islands that belong to the people of Maine and I will tell you, we are running out of islands pretty fast.

In addition, this would nullify the intent and effect of the 1913 law that said the state would not dispose of any more islands, it also would nullify the effect of the Coastal Registry Act of 1973. If you have any doubt about whether these people should be given these islands, I hope you will join me on this motion to indefinitely postpone this bill and all its accompanying papers.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: Concerning this bill, which we have discussed on several occasions, I would hope that you would go along as you have in the past and pass this for final enactment.

To make a couple of corrections that Mr. Kiesman alluded to, the court has made no such ruling as to the ownership of the island. In fact, the State of Maine, just a couple of years ago, in 1976, notified the present owners of these islands that they didn't own them because their claim wasn't good enough. The people bought them in good faith back in 1963, after the town of Raymond had asked some people here in this state, if there was any claim, which, at that time the state claimed that they had no claim, so the town went ahead and sold the islands. The state is coming along late in the game claiming that the ownership isn't clear enough and, therefore, they are automatically picking up any claims at all. This, I would say, might establish a bad precedent. If anyone's claim on their property today is to be questioned, does this mean that the State of Maine will gain title to your land, to the land that you paid for and paid taxes on for a number of years? I don't think that you can support this view and I would hope that you would defeat the indefinite postponement motion and vote the bill through to enactment.

The SPEAKER: The Chair will order a vote. The pending question is the motion of the gentleman from Fryeburg, Mr. Kiesman, that this bill and all 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.

Mr. Blodgett of Waldoboro 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 Fryeburg, Mr. Kiesman, that this bill and all accompanying papers be indefinitely postponed in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

## ROLL CALL

YEA—Baker, Barry, Beaulieu, Benoit, Berry, Birt, Boudreau, Bowden, Brown, K. C.; Bunker, Carrier, Carter, F.; Cox, Cunningham, Curtis, Damren, Davis, Diamond, Drinkwater, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hanson, Hickey, Hobbins, Howe, Hunter, Hutchings, Immonen, Jacques, E.; Jalbert, Joyce, Kany, Kiesman, Lancaster, LaPlante, Lizotte, Locke, Lougee, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, McHenry, McKean, McPherson, Mitchell, Morton, Nadeau, Nelson, A.; Paradis, Paul, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tuttle, Vincent, Violette, Wentworth, Whittemore, Wyman.

NAY—Aloupis, Austin, Bachrach, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Call, Carroll, Chonko, Cloutier, Connolly, Davies, Dellert, Dexter, Doukas, Dow, Dutremble, D.; Gray, Hall, Huber, Hughes, Jackson, Jacques, P.; Kane, Leighton, Leonard, Lewis, Lund, Masterton, Maxwell, McSweeney, Michael, Nelson, M.; Nelson, N.; Norris, Post, Reeves, P.; Rolde, Sewall, Simon, Soulas, Stetson, Tozier, Vose, Wood.

ABSENT—Bordeaux, Brown, K. L.; Carter, D.; Churchill, Conary, Dudley, Elias, Fowlie, Higgins, Kelleher, Laffin, McMahon, Twitcheil.

Yes, 88; No, 49; Absent, 13.

The SPEAKER: Eighty-eight having voted in the affirmative, and forty-nine in the negative, with thirteen being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

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

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" (H. P. 1333) (L. D. 1580)

Tabled—June 7, (Till Later Today) by Mr. Davies of Orono.

Pending—Acceptance of the Committee Report.

On motion of Mr. Davies of Orono, the Bill was substituted for the report and the bill read once.

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

The Chair laid before the House the fifth item of Unfinished Business.

An Act Relating to Requirements for Discharge into Class A Waters (S. P. 566) (L. D. 1629)

Tabled—June 7, 1979 by Mr. Howe of South Portland.

Pending—Passage to be Enacted.

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

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

## Committee of Conference Report

Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Housing Assistance Allocation (H. P. 402) (L. D. 508) ask leave to report: that the House recede from passage to be engrossed as amended by Committee Amendment "A" (H-503) recede from adoption of Committee Amendment "A" (H-503); Indefinitely Postpone Committee Amendment "A" (H-709) and

pass the Bill to be engrossed as amended by Committee of Conference Amendment "A" (H-709) in non-concurrence.

That the Senate recede from passage to be engrossed as amended by Committee Amendment "A" (H-504) recede from adoption of Committee Amendment "B" (H-504); Indefinitely Postpone Committee Amendment "B" (H-504); read and adopt Committee of Conference Amendment "A" (H-709) in concurrence. (Signed)

Messrs. KELLEHER of Bangor

BARRY of Fort Kent

LANCASTER of Kittery

—of the House.

Messrs. PIERCE of Kennebec

KATZ of Kennebec

Mrs. NAJARIAN of Cumberland

—of the Senate.

The Report was read and accepted.

The House receded from passage to be engrossed as amended by Committee Amendment "A"; recede from adoption of Committee Amendment "A" and indefinitely postponed Committee Amendment "A".

Committee of Conference Amendment "A" (H-709) was read and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

An Act to Increase the Expenses for Legislators, to Increase the Compensation for the Attorney General, Justices, Judges and District Attorneys and to Appropriate Funds for the Probate Court System Study (S. P. 617) (L. D. 1679) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would request the yeas and nays on this.

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

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

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to make the motion to oppose this bill. I am sure there are many deserving and needful elected and appointed officials covered by the bill who are as affected by a current 14 percent inflation rate, as anybody else. However, I don't think that it is wise to throw legislative expense increases into a bill containing pay raises for other elected and appointed officials.

Currently, as a commuter I get \$12 for lunch and I get \$13 a day to drive back and forth. I really don't believe that there is any emergency as far as our expenses are concerned. One might argue that our salaries are inadequate and, if so, I think that ought to be addressed right up front with a bill concerning salary increases and concerning those allowances.

In this year of inflation crisis it might be well to remember that elected officials cause inflation and only elected officials can cure inflation. It seems inappropriate to me to insulate elected officials against the inflation that they cause, even partially.

I urge your vote against this bill.

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

Mr. PEARSON: Mr. Speaker, Ladies and

Gentlemen of the House: I want to make it clear to every Freshman that is in here who doesn't understand this already, this is not a pay raise or, I should say, an expense raise for this legislature. It is for the 110th and it would provide for \$5 for travel—with the price of gasoline, you figure it out—two years from now, three years from now, during the second session of the 110th, if \$5 is going to be too much, than I am crazy. It provides \$5 for your lodging expense. With the price of food going up the way it is, if that is offbeat, than I am crazy. It is not for the 109th, it is for the 110th. We can't give ourselves an expense increase and everybody knows it, maybe except for Freshmen. It is not unreasonable, not by a stretch of the imagination. I am not ashamed to tell everyone in here that we have it coming, it is not an extravagant expense increase, not by any stretch of the imagination.

I had a State Senator from my area, from my adjacent area in Orono last year, who didn't run again because he couldn't afford to be down here. The local newspaper wrote an editorial about how terrible it was not to be able to have somebody of his caliber down here. It is going to happen to increasing numbers of people. Just think about it people—three years from now, you will be living on what we do today.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted as an emergency measure. This requires a two-thirds vote of all the members elected to the House. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL

YEA—Bachrach, Baker, Beaulieu, Benoit, Berry, Birt, Boudreau, Bowden, Brannigan, Brennerman, Brown, K.L.; Call, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Davies, Dexter, Diamond, Doukas, Dow, Dudley, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowlie, Garsoe, Gillis, Gould, Gowen, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, E.; Jalbert, Joyce, Kelleher, Kiesman, LaPlante, Leonard, Lizotte, Locke, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Matthews, Maxwell, McKean, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, P.; Rolde, Roope, Sewall, Silsby, Simon, Small, Smith, Soulas, Theriault, Tierney, Tozier, Tuttle, Twitcheil, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY—Aloupis, Austin, Barry, Berube, Blodgett, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Bunker, Carrier, Conary, Curtis, Damren, Davis, Dellert, Gavett, Gray, Hanson, Hunter, Immonen, Kane, Kany, Lancaster, Leighton, Lewis, Lougee, Lowe, Martin, A.; McHenry, McSweeney, Nelson, A.; Reeves, J.; Rollins, Sherburne, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Vincent.

ABSENT—Drinkwater, Elias, Jacques, P.; Laffin, McMahon, Strout.

Yes, 102; No, 43; Absent, 6.

The SPEAKER: One hundred and two having voted in the affirmative and forty-three in the negative with six being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent:

## Non-Concurrent Matter

An Act Relating to the Management of the Department of Attorney General (H. P. 1100) (L. D. 1352) which was Passed to be Enacted in the House on May 2, 1979 (Having previously been Passed to be Engrossed)

Came from the Senate, passed to be en-

grossed as amended by Senate Amendment "A" (S-358) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

An Act to Implement a Plan for the Prevention and Treatment of Alcoholism and Alcohol Abuse (H. P. 1206) (L. D. 1485) which was Passed to be Enacted in the House on June 6, 1979 Having previously been Passed to be Engrossed as Amended by House Amendment "A" (H-585)

Came from the Senate, passed to be engrossed as amended by House Amendment "A" (H-585) as amended by Senate Amendment "A" (S-357) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

The following items appearing on Supplement No. 20 were taken up out of order by unanimous consent:

#### Non-concurrent Matter

An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District (H. P. 1309) (L. D. 1563) which was Passed to be Enacted in the House on June 7, 1979 (Having previously been Passed to be Engrossed as Amended by House Amendment "A" (H-242)

Came from the Senate, passed to be engrossed as amended by House Amendment "A" (H-242) and by Senate Amendment "A" (S-380) in non-concurrence.

In the House: On motion of Mr. Dudley of Enfield, the House voted to adhere.

Bill, "An Act Concerning the Continuation of Pilot Projects for More Effective and Efficient Delivery of Services to Preschool Handicapped Children" (Emergency) (S. P. 75) (L. D. 165) which was passed to be Enacted in the House on April 12.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-373) in non-concurrence.

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

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 359)

ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 6-A to read as follows:

6-A. Placing legislative papers on calendar. Where on House has passed upon a legislative paper and forwarded it to the other, the receiving House shall promptly, upon receipt place that paper on its calendar

Came from the Senate read and passed.

In the House, the Order was read.

Mr. Tierney of Lisbon Falls moved that the joint order be indefinitely postponed.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I ask for a roll call and I urge all of you to vote against the indefinite postponement of the order. This is the rule change to 6-A that we saw earlier in the session this year. It requires documents to be placed on the Senate and House Calendar when they are exchanged between the bodies. I urge you to vote against the indefinite postponement motion so we can adopt this measure.

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 Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bangor, Mr. Tarbell, is correct, but there is nothing inherently wrong with this particular part of the order. The reason I moved to indefinitely postpone this is, we have already passed this order and it sits down in the other body on the table with another order amendment, I think it was Joint Rule 35, because both of those were put together at a bipartisan meeting of leadership in which a compromise was struck. Well, the compromise was never carried through for reasons which didn't occur in my caucus, so I ask anyone who ever, ever listens to the voices which come from this corner of this House to please join with me on this very important and unfortunately very partisan issue and move to indefinitely postpone this Joint Order.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I, once again, urge the members of the House to vote against the indefinite postponement motion before us and urge you to support this one. I think this is truly the superior of the two joint orders, no question about it whatsoever. It reaches the lowest denominator of agreement between both caucuses at this end of the body and at the other end of the hall; therefore, I would urge you to go along with this measure instead. We can truly control the destiny of this measure, and I do urge you to vote against the indefinite postponement.

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

Mr. PELTIER: Mr. Speaker, I request permission to pair my vote with the gentleman from Brewer, Mr. Cox, if he were here, he would be voting yes; if I were voting, I would be voting nay.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the Joint Order be indefinitely postponed in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

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

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

ABSENT—Drinkwater, Elias, Laffin, McMahon, Michael, Strout.

PAIRED—Cox-Peltier.

Yes, 74; No, 69; Absent, 6; Paired, 2.

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

By unanimous consent order sent forthwith to the Senate.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the sixth tabled and unassigned matter:

HOUSE DIVIDED REPORT — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" as Amended by Committee Amendment "A" (H-456) — Committee on Education on Bill, "An Act Relating to the Computation of the Local Allocation" (H. P. 98) (L. D. 112)

Tabled—May 21, 1979 by Mr. Tierney of Lisbon.

Pending—Acceptance of Either Report.

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

Mr. CONNOLLY: Mr. Speaker, I move the acceptance of the Majority "Ought Not to Pass" Report.

Briefly, this bill is an attempt to a solution at the state level for the problem that has been created by the cost sharing formulas that exist within some school districts, both community school districts and SAD's.

It was obvious to the people on both sides of this issue and who felt that a solution should be achieved that this legislation was not going to pass. Consequently, the Education Committee is coming out with a study that deals with some of the more involved matters in the Education Finance Act and the issue that was presented in this particular piece of legislation will also be made part of that study. So, it is the agreement of both sides of this particular legislation that that this bill should now be killed and be made part of the study.

Thereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the seventh tabled and unassigned matter:

An Act Concerning Health Services in Rural and Underserved Areas (S. P. 473) (L. D. 1414) (C. "A" S-186)

Tabled—May 24, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Enacted.

Mr. Tierney of Lisbon Falls moved that this bill and all accompanying papers be indefinitely postponed.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that this is a terrific bill and I urge you not to indefinitely postpone and I would ask for a roll call.

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

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

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I had hoped not to have to waste everyone's time with debating this bill. It has a \$100,000 price tag. It never reached the Appropriations Table, so it was never discussed. It is not going to pass, so it is not going to go anywhere. Aside from that, it is not such a wonderful bill, \$100,000 which we would ap-

appropriate in the hopes that Congress might show a concern for this matter and for that reason give us some money which would be used for health services in rural and underserved areas. Congress hasn't acted yet and I really don't think we need this type of appropriation at this time.

I think all of you can vote with me to kill this bill and have no reason to fear voting against good health care in rural areas because you are not. This bill doesn't provide what the title says it does and I hope you will join me.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Austin, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Brannigan, Brennerman, Brodeur, Brown, K.C.; Cail, Carrier, Carroll, Carter, F.; Cloutier, Connolly, Cunningham, Curtis, Davies, Dellert, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Garsoe, Gray, Gwadnosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jacques, P.; Jalbert, Joyce, Kane, LaPlante, Lizotte, Locke, Lougee, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, N.; Paradis, Paul, Pearson, Peltier, Reeves, P.; Rolde, Simon, Small, Smith, Soulas, Stover, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette.

NAY—Aloupis, Barry, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Bunker, Chonko, Canary, Damren, Davis, Dexter, Dudley, Gavett, Gillis, Gould, Gowen, Hunter, Hutchings, Immonen, Jackson, Kany, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lowe, Lund, Masterman, Masterton, Matthews, Nelson, A.; Nelson, M.; Norris, Payne, Peterson, Post, Prescott, Reeves, J.; Rollins, Sewall, Sherburne, Silsby, Sprowl, Stetson, Tarbell, Torrey, Wood, Wyman.

ABSENT—Blodgett, Brown, A.; Carter, D.; Churchill, Cox, Drinkwater, Fowlie, Jacques, E.; Kelleher, Laffin, McMahon, Roope, Strout, Vose, Wentworth, Whittemore.

Yes, 83; No, 51; Absent, 16.

The SPEAKER: Eighty-three having voted in the affirmative and fifty-one in the negative, with sixteen being absent, the motion does prevail.

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the eighth tabled and unassigned matter:

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Transportation on Bill, "An Act to Adjust Motor Vehicle Registration Fees" (Emergency) (H. P. 1318) (L. D. 1572)

Tabled—May 24, 1979 by Mr. Tierney of Lisbon.

Pending—Acceptance of Either Report.

On motion of Mr. Tierney of Lisbon Falls, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the nineteenth tabled and unassigned 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 5, 1979 by Mr. Tierney of Lisbon.

Pending—Acceptance of the Committee Report.

On motion of Mr. Tierney of Lisbon Falls, the Leave to Withdraw Report was accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the eighteenth tabled and unassigned matter:

JOINT ORDER — Relative to Study of Vocational Education (H. P. 1489)

Tabled—June 5, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

Mr. Tierney of Lisbon Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-716) 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: This is an amendment, and I have another one identical to it on another Joint Order, these are Joint Orders which deal with non-legislators who would be participating in the study order and this gives the Legislative Council the right to approve the salaries or whether to give those people per diem. Obviously, some of them, such as superintendents of schools, may not need per diem from the taxpayer's dollars and we would just like to provide some flexibility.

Thereupon, House Amendment "A" was adopted.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I move the indefinite postponement of this order and I ask for a roll call.

I don't think I have ever seen so much enthusiasm and so many experts and so many workers concerning vocational education as I have in the last few months. I have traveled from one end of the state to the other and I wasn't doing it on my expense account either, I was doing it on my own. I can't go to Washington County and I can't go to Aroostook County because we don't have a foot of rail there. It is the B & A, it is not the Maine Central Railroad. When you don't stay overnight, you know, you can't even charge a meal. When I stayed overnight, I paid for my room and I never charged for one mile.

I was named that chairman by the Appropriations Chairman, Mr. Huber, as a one man committee. I worked with Mr. Schlosser and Mr. Sawyer, we know what is wrong in several areas. The Appropriation Committee members this year who were on the committee last year can well remember when I asked for the head of the BPI to come before us, and he actually ridiculed me one afternoon and told me, for instance, that one school, CMVTI, he wished all the other schools were as good as that. It wasn't very long thereafter that it was proven that the roof was leaking like a sieve.

The Southern Maine Vocational School is in bad shape. It is in the same condition as the Northern Maine Vocational School was a few years ago. We spent some money up there. The day of having single buildings is finished. A lot of people laughed at me and as a matter of fact, told me that I wanted CMVTI to be the largest single story building in America because it had my name on it. But the judiciousness of adding a wing to the CMVTI building has not been proving in that it saved hundreds of thousands of dollars if it had not it probably would have \$2 million in the seven additions that I have put in there.

At the SMVTI, there are actually eight buildings that could be condemned and the idea would be to take all these courses, put them all under one roof, find out just what we need for

space and float a bond issue accordingly. I had a bond issue at this session for SMVTI, CMVTI, Washington County VTI, Northern Maine Vocational School, Eastern Maine Vocational apparently did not feel they needed a building, did not join the program. I looked around, I talked to several people in vocational education and I decided that I would not present the bond issue at this session. I want to go into it further. I intend to do so, as I did last year. I have already been notified that would be the intention, that was done last year.

The SPEAKER: The Chair would like to just interrupt the gentleman from Lewiston, Mr. Jalbert, for just a minute. We may have some confusion going here. This particular order has nothing to do with the VTI's. The original order deals with high schools and is not the same one that the gentleman thought he was referring to.

The gentleman may proceed.

Mr. JALBERT: Mr. Speaker, I am aware of that, I am coming to that. It was also my pleasure, a number of years ago, to present a piece of legislation concerning the area of vocational schools. That passed and it became a fact. What we need, my colleagues, is a steam cleaning and pressing job in the Department of Education from top to bottom.

Personally, I would hope that unshackled, present commissioner would have stayed there, that is my own personal choice, but it would probably stop right there. All the dealings I have had over there in the past few years have made me think twice, and as long as I will live, and I am repeating it again, and I will repeat it and I can recall the gentleman from Lisbon Falls, Mr. Tierney, the first time I made the comment that we were \$21 million short for the funding of the Educational Funding Program. The man in charge of that program knew so, he told me so, but they wanted it funded for one year and let the second year take care of itself and we came back here and that was the beginning of our problems. It still is with us and until the Department of Education is thoroughly cleaned out, we will not accomplish it. This kind of committee, with a legislator serving on it getting \$50 a day, \$25 and \$25, and the others getting compensated, are not going to do it because they don't know enough about it. Here your vocational school programs have not been working out well because no one hardly knows anything about it. It must be studied, and studied internally by competent people.

With due deference, including myself, I couldn't carry on such a study. It must be done. When our education program is somewhat cleaned up, we won't need such a committee.

I know the time and the hour is late. I am sorry about these here, that we were not notified. Somewhere along the line, there are leaders of both parties, both branches somewhere along the line, some of us should be notified maybe an hour or two at least ahead of time, if not one day, that these things are coming up. We are going fast here. We are going fast enough to make a \$10 a day per diem look silly. We are going too fast. We are going over matters here that we should have taken time after time, after time, day in and day out.

In my opinion, this is as important as the moose bill that we spent two or three days on. This involves money, it involves the education of our youngsters, it involves possibly the future of this state. Vocational education is part of my life, it has been part of my life from 1945 until now, and until the beyond if it is possible for me to do so.

I am not speaking against vocational education. I am not speaking against any vocational education. Such a committee absolutely cannot do the job, I know it, I can prove it.

It is very, very unfortunate that a lot of these measures are coming before us now and we are just going over them and practically going under the hammer. If I have broken the three minute mile and the courtesy the Speaker ex-

tended to me, his mallet would have come down because, believe me, it can come down faster than Secretariat came down the pike. I am not necessarily speaking about a spectacular bid either.

Now, I am serious about this thing. This is not the time to present such an order. Let us wait until we reorganize the Department of Education, then we can go into area vocational education and we can do a proper job. I can see the gentleman from East Millinocket with his hand on the mike to get up, and possibly my good friend on the left from Cumberland. I am not talking now as a Democrat or a Republican or Republican as a Democrat, I am talking now as an individual who has spent a great deal of his life on vocational education on a high school level and a post high school level and I know what I am talking about.

I move that this order be indefinitely postponed, and I ask for the yeas and nays.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I was kind of caught off guard with this motion of the gentleman from Lewiston. I didn't realize that this was coming today. The Speaker was correct. I guess at the beginning of Representative Jalbert's speech, I misunderstood, because he referred to, in at least the first half of his speech, to the VTT's and this particular study order has nothing at all to do with the VTT's. But then he did correct at least my impression of it.

The Education Committee, this session of the legislature, had a number of issues, a number of pieces of legislation that dealt with very complicated issues that affected secondary vocational education. They ranged from all the way from vocational education for special education students to withdrawal of schools and towns and communities from a vocational region. The committee, after giving great deliberations to the number of issues that were involved, felt that this was the best approach to begin to achieve the solution to the multitude of problems that face our secondary vocational education. If the committee on education didn't think this was an appropriate way to address the issue, the committee would not have come out with the study order. We did not come out with a study order just for the sake of a study order. We think that the categories of people that are provided for in carrying out the study represent expertise in all the different areas of secondary vocational education. Although I agree with the frustration of the Representative from Lewiston with solutions to some of the problems, I do feel and I believe other members of the committee feel the same way, that this Order is appropriate and I hope that you would not indefinitely postpone it.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I endorse completely the remarks made by the previous speaker, the gentleman from Portland, Mr. Connolly. As I see the thing, having been through much of the development of vocational education, my experience in the legislature, part of what has developed on the high school level of the vocational program, this was put together some eight or ten years ago, I guess it was 1973, but at that time, they passed legislation developing eleven regional districts, but this was never really discussed in the legislature, there never has been a good look taken at the regional programs of vocational education. You also have centers, you have receiving centers, receiving schools, sending schools, you have a while multitude of programs going in all different directions in the administration of vocational education at the high school level.

I think, as was pointed out by the previous speaker, this has created some real problems. Some of your district are tremendously large. Washington County could actually have student

sent from Calais to Millbridge. The northern Aroostook County area, where the Speaker comes from, has got a tremendous problem up there that they haven't been able to come up with a solution to it. They have a million or a million and a half dollar building in Ellsworth that is still laying idle because they haven't been able to come up with a satisfactory solution after they built their building.

I think this whole group of problems is something that needs to be taken a look at and I really do believe that the order is something that merits passage and merits study this Summer, and I hope that it will not be indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am just going to comment and prove one point. If the gentleman from East Millinocket would go to Ellsworth, go to the building, talk to the people, he would find out that the reason the building is empty is because they don't want an area vocational school there, that is why it is empty—they don't want the program there. I went and I found out why. He just proved my point.

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 Lewiston, Mr. Jalbert, that this Order be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Austin, Bachrach, Bordeaux, Boudreau, Brown, K.L.; Bunker, Carter, F.; Chonko, Conary, Cunningham, Curtis, Dexter, Gray, Hall, Hunter, Jacques, E.; Jalbert, Kelleher, Lougee, MacBride, Martin, A.; Masterman, McPherson, Morton, Nadeau, Nelson, N.; Pearson, Peterson, Rollins, Roope, Simon, Smith, Soulas, Studley, Theriault, Vose.

NAY—Aloupis, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Call, Carrier, Churchill, Cloutier, Connolly, Damren, Davies, Davis, Dellert, Diamond, Doukas, Dow, Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Immonen, Jackson, Jacques, P.; Kany, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lowe, Lund, MacEachern, Mahany, Marshall, Masterton, Matthews, Maxwell, McHenry, McKean, McSweeney, Mitchell, Nelson, A.; Nelson, M.; Norris, Paradis, Paul, Payne, Peltier, Post, Reeves, J.; Reeves, P.; Rolde, Sewall, Sherburne, Silsby, Small, Sprowl, Stetson, Stover, Tarbell, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Wentworth, Wood, Wyman, The Speaker.

ABSENT—Blodgett, Carroll, Carter, D.; Cox, Drinkwater, Dudley, Dutremble, D.; Hutchings, Joyce, Kane, Laffin, McMahon, Michael, Prescott, Strout, Whittemore.

Yes, 36; No, 99; Absent, 16.

The SPEAKER: Thirty-six having voted in the affirmative and ninety-nine in the negative with sixteen being absent, the motion does not prevail.

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

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the twenty-fourth tabled and unassigned matter:

JOINT ORDER—Relative to a Review of the Committee on Inland Fisheries and Wildlife

(H. P. 1517) (H. "A" H-698)

Tabled—June 8, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

Mr. Tierney of Lisbon Falls offered House Amendment "B" and moved for its adoption.

House Amendment "B" (H-717) was read by the Clerk and adopted.

The order received passage as amended by House Amendment "B" and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

An Act Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss Due to Amendment of the Uniform Commercial Code (Emergency) (H. P. 335) (L. D. 434) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

A vote of the House was taken.

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

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

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-707) on Bill "An Act Making Adjustments in Basic Need Standards and Payment Maximums of the Aid to Families with Dependent Children Program" (H. P. 587) (L. D. 734)

Report was signed by the following members:

Mrs. NAJARIAN of Cumberland  
— of the Senate.

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

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-708) on same Bill.

Report was signed by the following members:

Messrs. PERKINS of Hancock  
HUBER of Cumberland  
— of the Senate.

Messrs. MORTON of Farmington  
SMITH of Mars Hill  
HIGGINS of Scarborough

— of the House.

Reports were read.

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

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

This is an item that has had a good deal of discussion in Appropriations trying to address the needs of people who are most unfortunate and, indeed, desperate in our society. For a long, long time, we have been told that people who are on AFDC are just barely getting by, and we have made an effort in this amendment to increase the amount of money they get, not a great deal, but by 7 percent, based on 1973 standards. I think that a little explanation probably would be in order.

This would increase the average family of

four from what is now 90 percent of the 1969 standards to 68.5 percent of 1973 standards.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Just so you will obtain the other side of the coin here, very simply, the difference between Committee Amendment "A" and Committee Amendment "B", or Mr. Pearson's version and my version, if you will, Committee Amendment "A" is 7 percent and Committee Amendment "B" is 6 percent. It is as simple as that. We are talking about the same standards, 1973 standards. The difference is \$455,000 over the biennium.

I think the Republican position, at least the five of us that signed this side, I shouldn't say that because it really isn't a Republican position, it is bipartisan, there is a Republican on Mr. Pearson's side—the feeling, at least my feeling was, we have about twenty-nine and half million dollars left after we have passed Part I, passed Part II, set aside some money for collective bargaining and also set aside some money to do a retirement study, leaves us \$29.5 million. From that, you have to subtract a little over \$3 million, which apparently is the figure that is being tossed around as being used for funding LD's, which gets us down in the neighborhood of \$26 million. From the \$26 million, we have potential commitments, if you will, of \$12.8 million in retirement; \$2 million to fund Indians in the second year of the biennium, because we chose not to fund that appropriation because we had a feeling that the feds were going to step in and fund that \$2 million but we don't know that for sure. We also have a potential loss of \$8 million in revenue sharing, which the Governor has budgeted in his figures but which the Congress has not yet appropriated. So while it may be possible that the money and maybe even probable that the money is going to be allocated to the State of Maine, it is, by no means, a sure thing because revenue sharing, under the present allocation act, runs out in the Fall of 1980. Yet, we have budgeted through the Summer of 1981.

In addition to that, we have not set aside any money in the budget for additional collective bargaining. The MSEA contract that we just went through a month ago runs out in June of 1980 and we have to at least consider the fact that we are going to have to pay more for a contract to the MSEA in the year 1981, in this biennium that we are talking about. So if you add all those together, that comes to almost \$29 million, if you take in retirement, MSEA contracts, the Indians and \$8 million in revenue sharing. It doesn't even include the \$3 million, the \$2.78 million that we are talking about for AFDC, so I think the difference is \$455,000.

I felt that while these people needed an increase, we gave them 6 percent, we are all agreed up to that limit anyway, we just felt that the extra \$455,000 is money that we ought to keep here so we don't have to take it away from some other program next year or we have to increase some tax or shuffle something around. That was my feeling on the things.

As I said, in addition to this \$2.7 or \$3 million, to \$3.2 million, whichever side you take, we have potential commitments or potential problems in the neighborhood of \$29 million, which is what we have right now. It doesn't include Pratt & Whitney either—I didn't mention that, and the other major thing that is not included in that potential commitment is any additional monies to lower the mill rate in education funding in the second year of the biennium. We all know that we are going to want to do that next year, to reduce property taxes.

That is essentially the reason why I voted for 6 percent. Lord only knows, we would like to vote the 7 percent or 10 percent, what the Governor wanted, but it is just a matter of—I didn't feel we had the money available to send out there. We would all like to do it but we have to set a priority somewhere and all the other bills

that we have dealt within the Appropriations Committee, we have tried to cut them a little bit, we have tried to make them fit in together, and I think it is an honest attempt at trying to get along and make the budget figures coincide with each other. That is essentially the difference, \$455,000 between Report A and Report B, and I would simply ask for the yeas and nays on adoption.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I don't really think this is party issue and I guess if it is, I think I would call myself a "Republicrat" today.

I am the gentleman that is on the majority report with other friends of mine on the Appropriations Committee. I pleaded with the committee when we talked about this issue, if we could just come out with an unanimous report and not get into a big squabble, but I think everybody was tired, it was late in the afternoon, we had some people saying they were at 6 percent and they were not going to budge; other people were at 7 percent and they were not going to budge; other people were at 8 percent and they weren't going to budge, so we ended coming out with a report of 7 and 6 percent.

You really should take a good look at these two amendments, there really is not that much difference between one and the other. I would hope that we would go with the 7 percent. I don't know what the other body plans to do and I guess we shouldn't mention what they are going to do or what they aren't going to do, but I don't think this is a party issue and I hope that as we discuss this issue, just look at the issue itself and the needs of the people out there and not get yourself into concrete about how you should vote.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I have a question that I would like to pose through the Chair to anyone on the committee, who would care to answer.

I would like to know how much money more a month the 6 percent and the 7 percent figures are going to mean for a family of two, three or four on AFDC.

The SPEAKER: The gentleman from Cape Elizabeth, Mrs. Masterton, has posed a question through the Chair to anyone on the committee who may respond if they so desire.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentlelady, if we were at 6 percent, as Mr. Higgins proposes, we would, for a family of four, be going from \$332 a month to \$352. If we were to go to 7 percent, we would be going from \$332 to \$356, which is the difference of \$4 between 6 percent and 7 percent.

That might not seem awfully significant to you and I in this House, but \$4 to those people means a great deal and I hope you will go with 7 percent.

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

A vote of the House was taken.

67 having voted in the affirmative and 44 in the negative, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-707) 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 by Committee Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act Relating to Self-insurance under the Workers' Compensation Act (H. P. 396) (L. D. 526) which was passed to be Enacted in the House on May 4, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-370)

In the House: Thereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

An Act to Provide for the Consideration of Environmental and Economic Effects Associated with the Tidal Power Demonstration Project at Half Moon Cove (H. P. 558) (L. D. 705) which was passed to be Enacted in the House on April 12, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-369)

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

By unanimous consent, ordered sent forthwith to Engrossing.

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

An Act to Encourage the Historic Preservation at the Statehouse and Blaine House (H. P. 613) (L. D. 777) which was passed to be Enacted in the House on May 16, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-352)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-352) as amended by Senate Amendment "A" (S-368) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

An Act to Require the Public Utilities Commission to Study Safe and Proper Decommissioning of Nuclear Generating Facilities in Maine (H. P. 632) (L. D. 783) which was passed to be Enacted in the House on May 17, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-346)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-346) as amended by Senate Amendment "A" (S-367) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act Relating to the Administration of School Dental Health Programs (H. P. 733) (L. D. 920) which was passed to be Enacted in the House on May 7, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-273)

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-364) in non-concurrence.

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

By unanimous consent, ordered forthwith to Engrossing.

An Act to Appropriate Funds for Emergency Shelters and Services for Victims of Domestic Violence (S. P. 316) (L. D. 946) which was

passed to be Enacted in the House on May 9, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-119)

Came from the Senate passed to be Engrossed as Amended by Committee Amendment "A" (S-119) as Amended by Senate Amendment "A" (S-363) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

The following items appearing on Supplement No. 16 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

An Act to Provide Additional Assistance to the County Law Libraries (S. P. 344) (L. D. 1032) which was passed to be Enacted in the House on May 8, 1979.

Came from the Senate passed to be Engrossed as amended by Senate Amendment "A" (S-362) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

An Act to Revise the Qualifications for Burial in the Veterans Memorial Cemetery (H. P. 923) (L. D. 1138) which was passed to be Enacted in the House on May 8, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-264)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-264) as amended by Senate Amendment "A" (S-361) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

The following items appearing on Supplement No. 17 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

##### Later Today Assigned

RESOLVE, Authorizing an Appropriation of \$165,000 to Provide Administrative and Other Initial Operating Expenses Incidental to the Construction and Operation of the Maine Veterans Home (Emergency) (H. P. 1014) (L. D. 1248) which was Finally Passed in the House on May 7, 1979. Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-282)

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-282) as amended by Senate Amendment "A" (S-360) thereto in non-concurrence.

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

An Act to Permit a Resident of an Intermediate Care Facility or a Skilled Nursing Facility who Receives Aid for the Medically Needy or Aid for the Categorically Needy to Give \$210 a Month from his Income to a Dependent Spouse (H. P. 1054) (L. D. 1305) which was Passed to be Enacted in the House on May 30, 1979. Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-458)

Came from the Senate, passed to be Engrossed as amended by Committee Amendment "A" (H-458) as amended by Senate Amendment "A" (S-379) thereto in non-concurrence.

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

By unanimous consent, ordered sent forth-

with to Engrossing.

The following papers appearing on Supplement No. 21 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Increase the Personal Needs Allowance for Recipients of State Benefits Residing in Adult Foster Homes, Boarding Homes and Nursing Homes" (H. P. 212) (L. D. 260) which was passed to be Enacted in the House on March 26, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-98)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-98) as amended by Senate Amendment "A" (S-377) thereto in non-concurrence.

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

An Act to Authorize a Bond Issue in the Amount of \$2,500,000 for Energy Conservation Improvements for Local Government Buildings and Public Care Institutions (H. P. 908) (L. D. 1132) which was passed to be Enacted in the House on May 1, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-378) in non-concurrence.

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

The following papers appearing on Supplement No. 22 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Appropriate Money to the Northeastern Research Foundation, Inc." (S. P. 170) (L. D. 377) which was passed to be Enacted in the House on June 7, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-372) in non-concurrence.

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

An Act to Remove Moose River from the Maine Forestry District (S. P. 4) (L. D. 4) which was passed to be Enacted in the House on June 8, 1979. Having previously been passed to be Engrossed as Amended by Committee Amendment "A" (S-304)

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

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

The following papers appearing on Supplement No. 23 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

Bill "An Act to Increase the Compensation for Substitute Teachers" (H. P. 3) (L. D. 9) which was passed to be Enacted in the House on April 23, 1979. (Having previously been Passed to be Engrossed.)

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

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

Bill "An Act to Remove the Town of Medford from the Maine Forestry District" (H. P. 17) (L. D. 34) which was passed to be Enacted in the House on June 7, 1979. Having previously been Passed to be Engrossed as Amendment by Committee Amendment "A" (H-635)

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

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

The following papers appearing on Supple-

ment No. 24 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

Bill "An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program" (H. P. 50) (L. D. 59) which was passed to be Enacted in the House on February 13, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-13)

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

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

Bill "An Act to Repeal the Tax on Marine Worms" (H. P. 62) (L. D. 70) which was passed to be enacted in the House on March 20, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-82)

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

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

The following papers appearing on Supplement No. 25 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

Bill "An Act to Increase the Amount which the District Court is Allowed to Deposit each Month into the District Court Building Fund from \$3,000 to \$10,000" (H. P. 101) (L. D. 108) which was passed to be Enacted in the House on February 21, 1979. Having previously been passed to be Engrossed as amended by House Amendment "A" (H-21) to Committee Amendment "A" (H-17)

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

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

Bill "An Act to Increase from 3¢ to 5¢ Per Inhabitant the Amount Appropriated Annually for the State Stipend Fund for Agricultural Societies" (H. P. 118) (L. D. 128) which was Passed to be Enacted in the House on March 8, 1979. Having previously been passed to be engrossed as amended by House Amendment "A" (H-45)

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

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

The following papers appearing on Supplement No. 26 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill "An Act to Increase the Mileage Reimbursement of Jurors" (H. P. 124) (L. D. 131) which was Passed to be Enacted in the House on February 28, 1979. Having previously been passed to be Engrossed as Amended by Committee Amendment "A" (H-31)

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

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

#### Non-Concurrent Matter

Bill "An Act to Increase Mileage Reimbursements of Witnesses" (H. P. 125) (L. D. 135) which was passed to be Enacted in the House on February 28, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-30)

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

In the House: The House voted to recede and

concur.

The following papers appearing on Supplement No. 27 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland (S. P. 194) (L. D. 461) which was passed to be Enacted in the House on March 19, 1979. Having been previously been passed to be Engrossed as amended by Committee Amendment "A" (S-27)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-27) as amended by Senate Amendment "A" (S-371) thereto in non-concurrence.

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

An Act Relating to the Vocational-technical Institutes (Emergency) (H. P. 1393) (L. D. 1613) which was Passed to be Enacted in the House on May 21, 1979. Having previously been Passed to be Engrossed as Amended by House Amendment "A" (H-426)

Came from the Senate, passed to be engrossed as amended by House Amendment "A" (H-426) and Senate Amendment (S-386) in non-concurrence.

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

The following papers appearing on Supplement No. 28 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill, An Act Concerning the Uniform Processing of Employer Contributions in the Retirement System (S. P. 108) (L. D. 213) which was Passed to be Enacted in the House on March 14, 1979.

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

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

Bill, An Act to Increase the Compensation for Atlantic Sea Run Salmon Commission Members to \$25 a Day (S. P. 120) (L. D. 229) which was passed to be Enacted in the House on March 13, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-24)

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

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

The following papers appearing on Supplement No. 29 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

An Act to Create the Division of Small Business Assistance (H. P. 263) (L. D. 339) which was passed to be Enacted in the House on May 24, 1979. Having previously been passed to be engrossed as amended by House Amendment "A" (H-422)

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

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

An Act to Improve Survivor Benefits under the Maine State Retirement System (H. P. 260) (L. D. 341) which was passed to be Enacted in the House on May 9, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-299)

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

In the House: The House voted to recede and

concur.

The following papers appearing on Supplement No. 30 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Exempt Nonprofit Medical Centers from Maine Sales Tax (H. P. 289) (L. D. 365) which was passed to be Enacted in the House on June 7, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-646)

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

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

An Act to Establish a Solar Water Heater Demonstration Program for Maine Small Businesses (H. P. 296) (L. D. 386) which was passed to be Enacted in the House on May 7, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-281)

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

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

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 31 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act Relating to Forfeiture of Bail on Persons who Have Left the State (H. P. 304) (L. D. 415) which was passed to be Enacted in the House on April 24, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-211)

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

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

An Act to Increase the Size of the Human Services Fraud Investigation Unit (H. P. 338) (L. D. 437) which was passed to be Enacted in the House on March 26, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-99)

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

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

The following papers appearing on Supplement No. 32 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Remove Restrictions on Eligibility under the Elderly Householders Tax and Rent Refund Act based on Marital Status (H. P. 24) (L. D. 41) which was passed to be Enacted in the House on June 13, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-653) as amended by House Amendment "A" (H-700) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-653) as amended by Senate Amendment "A" (S-374) thereto in non-concurrence.

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

An Act to Eliminate the Dependency Disqualification for Persons Receiving Survivor's Benefits from the State Retirement System (S. P. 203) (L. D. 535) which was passed to be Enacted in the House on April 10, 1979. Having

previously been passed to be engrossed as amended by Senate Amendment "A" (S-79) to House Amendment "A" (H-169) thereto.

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

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

The following papers appearing on Supplement No. 33 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Abolish County Subsidies to the Superior Court System (H. P. 597) (L. D. 741) which was passed to be Enacted in the House on April 24, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-171)

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

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

An Act to Exempt Used Machinery from the Sales Tax (H. P. 514) (L. D. 629) which was passed to be Enacted in the House on June 8, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-655)

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

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

The following papers appearing on Supplement No. 34 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act Appropriating Funds for Promotion of Direct Marketing of Aricultural Commodities (H. P. 684) (L. D. 864) which was passed to be Enacted in the House on May 15, 1979.

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

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

An Act to Provide Student Loans to Candidates for Practice of Chiropractic in Maine (H. P. 694) (L. D. 872) which was passed to be Enacted in the House on May 4, 1979.

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

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

The following papers appearing on Supplement No. 35 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Provide for Certain Signs to Assist Blind Persons in Elevators (H. P. 708) (L. D. 882) which was passed to be Enacted in the House on April 25, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-226)

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

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

An Act to Establish a Demonstration Project to Create a Grant and Loan Program to Assist Older Citizens in Purchasing Medically Prescribed Eyeglasses, Dentures and Hearing Aids (H. P. 683) (L. D. 907) which was passed to be Enacted in the House on April 23, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-200)

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

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

The following papers appearing on Supplement No. 36 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Update the Insured Value Factor in the Computation of Legal Tuition Fees under the Education Statutes (H. P. 732) (L. D. 919) which was passed to be Enacted in the House on May 24, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-441)

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

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

An Act to Create a Lake Restoration Fund (H. P. 734) (L. D. 921) which was passed to be Enacted in the House on April 17, 1979. Having previously been passed to be Engrossed as amended by House Amendment "B" (H-184)

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

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

The following papers appearing on Supplement No. 37 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Modify the Dispute Resolution Process under the Labor Statutes (H. P. 824) (L. D. 1035) which was passed to be Enacted in the House on May 23, 1979. Having previously been passed to be Engrossed as amended by Senate Amendment "C" (S-198)

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

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

An Act to Amend the Judicial Retirement System (H. P. 811) (L. D. 1067) which was passed to be Enacted in the House on May 16, 1979. Having previously been passed to be Engrossed as amended by Senate Amendment "A" (S-171)

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

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

The following papers appearing on Supplement No. 19 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Revise the Medical Examiner System (H. P. 1151) (L. D. 1533) which was Passed to be Enacted in the House on May 30, 1979 Having previously been Passed to be Engrossed)

Came from the Senate, passed to be engrossed as amended by Senate Amendment "A" (S-356) in non-concurrence.

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

An Act Coordinating Regional and Intercity Public Transportation Programs (Emergency) (S. P. 495) (L. D. 1556) which was Passed to be Enacted in the House on June 6, 1979 Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (S-255)

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (S-255) and Senate Amendments "A" (S-355) and "B" (S-385) in non-concurrence.

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

The following papers appearing on Supplement No. 38 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Establish an Office of Deafness and Communications Disorders (S. P. 407) (L. D. 1265) which was passed to be Enacted in the House on June 6, 1979. Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (S-260).

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

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

An Act to Create a Special Commission on State Mandates Imposed on Local Units (H. P. 1083) (L. D. 1350) which was Passed to be Enacted in the House on May 30, 1979 (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-468)

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

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

The following papers appearing on Supplement No. 39 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Facilitate Operation of Department of Conservation Campsites (S. P. 454) (L. D. 1370) which was Passed to be Enacted in the House on May 17, 1979. Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (S-155)

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

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

An Act Concerning Retirement for State Prison Employees (H. P. 1138) (L. D. 1404) which was Passed to be Enacted in the House on May 29, 1979. Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-442)

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

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

The following papers appearing on Supplement No. 40 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act Concerning Driver's Education for the Physically Disabled (H. P. 1162) (L. D. 1427) which was Passed to be Enacted in the House on June 6, 1979. Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-590)

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

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

An Act to Establish a Committee Report to the Legislature on the Feasibility of Rebuilding Dams for Production of Electricity (H. P. 1194) (L. D. 1461) which was Passed to be Enacted in the House on May 23, 1979. Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-420)

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

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

The following papers appearing on Supplement No. 41 were taken up out of order by unanimous consent:

#### Ought to Pass

##### Pursuant to Joint Order (H. P. 1399)

Mr. Dow from the Committee on Fisheries and Wildlife on Bill, "An Act to Make Corrections and Clarify Provisions of the Inland Fisheries and Wildlife Laws" (H. P. 1564) (L. D. 1686) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 1399)

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

By unanimous consent, all matters acted upon were ordered sent forthwith.

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

#### Appropriations and Financial Affairs

Bill, "An Act Making an Appropriation from the General Fund and Amending the Housing Mortgage Insurance Law" (Emergency) (H. P. 1563) (Presented by Mr. Jalbert of Lewiston)

Under suspension of the rules, the Bill was read twice.

Mr. Pearson of Old Town offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-724) was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In a very brief conference with the Speaker and the gentleman from Cumberland, Mr. Garsoe, and Mr. Morton, the gentleman from Farmington, Mr. Martin has told the floor leader of the Republican party that if anything goes awry with this situation in any way between now and next January, he personally will cosponsor a bill to straighten this out. That was agreed upon by both gentleman and Mr. Morton and I.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston is accurate. There had been some concern on the part of some of us. I do appreciate the chance to put in the record that what we are faced with here today is defaults on guaranteed mortgages that could result, if we don't make this appropriation, in having the float bonds provided for that purpose.

If there was one thing that led to the loss of our Triple A rating, it was floating bonds on the basis of default. However, the amendment that the gentleman from Old Town has put before you creates a commission that is going to have the authority to oversee the guarantee of any future instruments. What the gentleman from Lewiston has just given you, on behalf of the Speaker, is a pledge from the highest source, that if anything goes wrong with any of the instruments between now and the first of January, that he is going to join me and several others in this body who I think would be in a pretty good position to take some very stringent measures to correct the problem at its source. I am willing to accept that assurance and I hope it can go forth.

Thereupon, House Amendment "D" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following items were taken up out of order by unanimous consent:

#### Passed to be Enacted

##### Bond Issue

An Act to Authorize Bond Issue in the

Amount of \$16,500,000 for Highway and Bridge Improvements (H. P. 1560) (L. D. 1684)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the Provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no. 113 voted in favor of same and 15 in the against, and accordingly the Bond Issue was passed to be Enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

#### Emergency Measure

An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1981, and to Increase Revenue (S. P. 586) (L. D. 1651) (H. "A" H-706)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary, a total was taken. 122 having voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 42 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Provide Partial Reimbursement to Municipalities for Revenue Loss due to Property Tax Exemptions on State and County Property (H. P. 849) (L. D. 1049) which was passed to be Enacted in the House on June 7, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-621) to House Amendment "A" (H-683) thereto

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

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

An Act to Expand the State's Program to Promote Apprenticeships (S. P. 354) (L. D. 1102) which was passed to be Enacted in the House on May 30, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-199)

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

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

The following items appearing on Supplement No. 43 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Remove Wallgrass Plantation from the Maine Forestry District (Emergency) (H. P. 1261) (L. D. 1512) which was passed to be Enacted in the House on June 7, 1979. Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-633)

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

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

An Act for Per Diem Compensation for Active Retired Judges (Emergency) (H. P. 375) (L. D. 485) which was passed to be Enacted in the House on March 29, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-110)

Came from the Senate having Failed of Pas-

sage to be Enacted in non-concurrence.

On motion of Mr. Hobbins of Saco, the House voted to recede.

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

House Amendment "A" (H-725) to Committee Amendment "A" (H-110) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise reluctantly; this is more of a fitting job for the Majority Floor Leader but since he is absent I will have to take it.

What the gentleman from Saco proposed to do is to take the emergency preamble off this piece of legislation and thereby escape the fate that leadership gave it last night. I would remind him and those of us here, this is the first crack we have seen in the solid front that you have maintained so far and that it really is self-defeating, because unless I read the procedure wrong, it is going right back onto the Appropriations Table and it is going to be subjected to the same fate that it received last night. So in my opinion, it is an exercise in futility. I was a good try and I hope you will support my motion to indefinitely postpone this amendment.

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

Mr. HOBBS: Mr. Speaker and Members of the House: From the tone of your voice and from the looks from my two corners, I guess I committed a mortal sin, that we stand here this late hour of the night and I suppose we are not supposed to question the great wisdom of members of leadership, but I rise to question leadership on this one particular issue.

The Judiciary Committee had six particular bills, which were asked by the Appropriations Committee and leadership to prioritize, and this bill received the number one priority. Unfortunately, the Judiciary Committee didn't fare so well at the Tuesday night massacre last night. None of the bills were funded. Literally days and days of work on these particular bills went down the drain in one svelte swoop of the pen at that particular massacre last night.

I feel like Custer and Little Big Horn, Mr. Speaker. I apologize if I have broken an unwritten rule, I suppose, but I think it is false economy for a bill like this to be killed.

As many of you know, one of the problems we have in our state is the overload of the judicial system and we have several choices that we could have taken. One of them was to increase the number of judges for the state, which would cost a lot of money. The other approach would be to allow active retired judges to serve in that capacity and to help out the problem we have in our state with increased caseloads.

What this amendment will do, I think, is give \$28,000 to appropriate that, to allow some active retired judges to be put on the bench at the three different levels of the court in order to slip the administration of justice and to ensure cases aren't buried and convicts aren't put out on the street in many cases.

I ask you today to accept my amendment. It probably won't fare too well with many individuals in here for the action I took, but I don't apologize for it. I wish they would realize the amount of work that some committees, such as ours, have put in. I am not a rookie at this game. I suppose that I have been here seven years and I should have known that this particular thing takes place, but I am an individual who tried to do something about it but, unfortunately, the suggestion that I had to establish a legislative budget committee did not meet too well in the committees that it was assigned to earlier in the session.

I hope today to help the judicial system and that you will allow this one bill, out of the six bills which we prioritized as important pieces

of legislation, to be passed.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: Very reluctantly, I rise to go against my good friend from Saco, Mr. Hobbins. I know his intent, I know that he is serious and I know that many of you have experienced the same frustrations. I know it is no consolidation to you, Mr. Hobbins, but one of the bills I had cosponsored and was on the table was the first priority of the Health and Institutional Services Committee and it didn't even get past Appropriations or leadership and it died too. Many people sitting here have the same fate, so I would certainly concur with the gentleman in the other corner, that this bill should be indefinitely postponed.

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

A vote of the House was taken.

54 having voted in the affirmative and 31 in the negative, the motion did prevail.

Thereupon, the House voted to concur.

The following items appearing on Supplement No. 44 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

An Act to Strengthen Regional Library Systems (S. P. 77) (L. D. 166) which was passed to be Enacted in the House on March 12, 1979.

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

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

The following items appearing on Supplement No. 45 were taken up out of order by unanimous consent:

#### The following Communications:

#### COMMITTEE ON FISHERIES AND WILDLIFE

June 13, 1979

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

The Committee on Fisheries and Wildlife 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	47
Ought to Pass	4
Ought Not to Pass	18
Leave to Withdraw	7
Ought to Pass as Amended	16
Ought to Pass in New Draft	2
Divided Reports	15
Recommitted	1

Sincerely,  
S/CHARLES DOW  
House Chairman

The Communication was read and ordered placed on file.

#### COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

June 12, 1979

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

The Committee on Appropriations and Financial Affairs 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	81
Unanimous Reports	71
Leave to Withdraw	20

Ought Not to Pass	24
Ought to Pass	8
Ought to Pass as Amended	13
Ought to Pass in New Draft	6
Divided Reports	10
Committee Initiated Bills from Joint Orders	3

Respectfully submitted,  
S/MICHAEL D. PEARSON  
House Chairman

The Communication was read and ordered placed on file.

#### COMMITTEE ON JUDICIARY

June 13, 1979

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

The Committee on Judiciary 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	168
Unanimous Reports	124
Ought to Pass	17
Ought to Pass as Amended	39
Ought to Pass in New Draft	3
Ought to Pass in New Draft & Title	2
Ought Not to Pass	4
Leave to Withdraw	59
Divided Reports	44

Respectfully yours,  
S/BARRY J. HOBBS  
House Chairman

The Communication was read and ordered placed on file.

#### COMMITTEE ON TAXATION

June 13, 1979

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

The Committee on Taxation 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	125
Unanimous Reports	116
Ought to Pass	5
Ought to Pass as Amended	27
Ought Not to Pass	17
Leave to Withdraw	67
Divided Reports	7
Bills Referred to Another Committee	1
Bills held in Committee	1

Sincerely,  
S/BONNIE POST  
House Chairman

The Communication was read and ordered placed on file.

The following items appearing on Supplement No. 47 were taken up out of order by unanimous consent:

##### Non-Concurrent Matter

An Act Relating to Current Funding of Special Education Tuition (H. P. 410) (L. D. 527) which was passed to be Enacted in the House on May 22, 1979. Having previously been passed to be Engrossed as Amended by Committee Amendment "A" (H-388)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-388) and Senate Amendment "A" (S-383) in non-concurrence.

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

An Act to Amend the School Finance Law (Emergency) (H. P. 1433) (L. D. 1636) which was Passed to be Enacted in the House on June

1, 1979 Having previously been Passed to be Engrossed)

Came from the Senate, passed to be engrossed as amended by Senate Amendment "A" (S-376) in non-concurrence.

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

The following item appearing on Supplement No. 48 was taken up out of order by unanimous consent:

##### Tabled Unassigned

On Motion of Mr. D. Dutremble of Biddeford, the following Joint Order: (H. P. 1565)

WHEREAS, dimethylsulfoxide, otherwise known as D.S.M.O., is a heavily controlled drug and cannot legally be administered for human consumption in this State; and

WHEREAS, the State of Florida has recognized this drug's value and benefit and allows it to be administered to humans; and

WHEREAS, this decision was based on a showing that this drug can cure or help alleviate the agonies of many diseases and illnesses; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Health and Institutional Services shall study the feasibility of legislation which would authorize the use of dimethylsulfoxide for human consumption; and be it further

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

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

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

The Order was read.

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

The following items appearing on Supplement No. 49 were taken up out of order by unanimous consent:

##### Passed to be Enacted

An Act to Restrict the Use of Dealer Plates (H. P. 406) (L. D. 510) (S. "A" S-338 to C. "A" H-607)

An Act to Establish Energy Efficiency Building Performance Standards for the State of Maine (H. P. 522) (L. D. 666) (C. "A" H-536); S. "D" S-348)

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

The following item appearing on Supplement No. 50 was taken up out of order by unanimous consent:

##### Petitions, Bills and Resolves Requiring Reference

An Act to Revise the Tree Growth Tax Law (H. P. 1566) (L. D. 1687) (Presented by Mrs. Post of Owl's Head) (Cosponsors: Mr. Martin of Eagle Lake, Mr. Hall of Sangerville and Mr. Leonard of Woolwich)

Committee on Taxation was suggested. Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

The following items appearing on Supplement No. 51 were taken up out of order by unanimous consent:

##### Non-Concurrent Matters

An Act to Increase the Reimbursement Rate to Residential Child Care Facilities (S. P. 303) (L. D. 893) which was passed to be Enacted in the House on June 13, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-341)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-341) as amended by Senate Amendment "A" (S-366) thereto in non-concurrence.

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

An Act to Expand the Tourism Promotion Program (H. P. 1386) (L. D. 1609) which was passed to be enacted in the House on June 13, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-677)

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-365) in non-concurrence.

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

The following items appearing on Supplement No. 52 were taken up out of order by unanimous consent:

##### Non-Concurrent Matter

An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations relating to the Operation or Use of Motor Vehicles, Streets and Highways (S. P. 183) (L. D. 413) which was passed to be Enacted in the House on May 21, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-137)

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

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

An Act Appropriating Funds to Allow Maine State Retirement Members a Cost-of-Living Increase in Benefits (S. P. 189) (L. D. 456) which was passed to be Enacted in the House on April 18, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-94)

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

In the House: On motion of Mr. Kelleher of Bangor, tabled pending further consideration and later today assigned.

The following items appearing on Supplement No. 53 were taken up out of order by unanimous consent:

##### Non-Concurrent Matter

An Act to Transfer the Cost of Witness Fees for Superior Court from County Budget to the State (H. P. 926) (L. D. 1140) which was passed to be Enacted in the House on June 6, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-582)

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

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

An Act to Extend World War Assistance to Single Veterans (H. P. 942) (L. D. 1176) which was passed to be Enacted in the House on May 7, 1979.

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

In the House: The House voted to recede and

concur.

The following items appearing on Supplement No. 54 were taken up out of order by unanimous consent:

**Non-Concurrent Matter**

An Act to Provide Moneys for Snow Removal at Private Airports Open to the Public (H. P. 1043) (L. D. 1194) which was passed to be Enacted in the House on May 24, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-440)

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

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

An Act Authorizing a Study to Determine the Feasibility of Establishing a System of Youth Hostels (H. P. 1000) (L. D. 1235) which was passed to be Enacted in the House on June 5, 1979. Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-527)

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

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

The following items appearing on Supplement No. 55 were taken up out of order by unanimous consent:

**Non-Concurrent Matter**

An Act to Provide Reimbursement of Sales Tax on Depreciable Machinery and Equipment Used in Aquaculture (H. P. 1002) (L. D. 1236) which was passed to be Enacted in the House on June 7, 1979. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-630)

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

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

An Act to Provide Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work (H. P. 974) (L. D. 1242) which was passed to be Enacted in the House on June 1, 1979. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-508)

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

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

By unanimous consent, all matters previously acted upon were ordered sent forthwith to the Senate, Engrossing or to the files.

The following items appearing on Supplement No. 56 were taken up out of order by unanimous consent:

**Non-Concurrent Matter**

An Act to Appropriate Funds for the Nursing Home Ombudsman Program (H. P. 1074) (L. D. 1328) which was passed to be Enacted in the House on May 14, 1979. Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-301)

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

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

**(Off Record Remarks)**

The following Joint Order was taken up out of order by unanimous consent:

**Tabled Unassigned**

On motion of Mr. Hobbins of Saco, the follow-

ing Joint Order (H. P. 1567)

WHEREAS, significant legislation has been introduced this session relating to the reorganization of the courts and to the establishment of a judicial retirement system; and

WHEREAS, there was insufficient time to fully consider the complete ramifications of these issues and the complex questions raised in the bills; and

WHEREAS, these bills deserve further study and consideration because of the importance of the issues; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Judiciary shall study the reorganization of the District and Superior Courts and the judicial retirement system, and shall study in particular the subject of the bills, L. D. 1450, "An Act to Establish the Maine Judicial Retirement System", and L. D. 1602, "An Act to Integrate the Activities of the District Court into the Superior Court", as introduced into the First Regular Session of the 109th Legislature; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the First Regular Session of the 110th Legislature; and be it further

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

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee and to the Chief Justice of the Supreme Judicial Court.

The Order was read.

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

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

**Non-Concurrent Matter**

Bill, "An Act to Provide for Staggered Registration for Motor Trucks" (H. P. 767) (L. D. 970) (C. "A" H-565) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on June 7, 1979.

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

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

The following Order was taken up out of order by unanimous consent:

**Tabled Unassigned**

On motion of Miss Aloupis of Bangor, the following Joint Order (H. P. 1568) (Cosponsor: Mr. Howe of South Portland)

WHEREAS, the Revised Statutes, Title 32, section 451 purports to define the practice of chiropractic and declares that the practice of chiropractic is not, among other things, the practice of medicine or osteopathy; and

WHEREAS, the Board of Chiropractic Examination and Registration is charged by statute with the adoption of rules governing the practice of chiropractic; and

WHEREAS, the practice of chiropractic is limited to certain healing objectives and methods and the aforementioned statute and rules neither adequately define the practice of chiropractic nor set forth appropriate legal limitations on the scope of chiropractic; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and deter-

minations hereinafter provided, that the Joint Standing Committee on Business Legislation shall study the practice of chiropractic to determine how better to define it and to appropriately limit its scope; and be it further

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

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

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

The Order was read.

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

The following Non-concurrent matters were taken up out of order by unanimous consent:

Bill, "An Act to Clarify the Education Law" (H. P. 930) (L. D. 1183) which was passed to be engrossed as amended by House Amendment "A" (H-711) in the House on June 13, 1979.

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

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

Bill, "An Act Restructuring the Oil Burner Men's Licensing Board and Providing for the Testing of Energy-related Equipment" which was passed to be Enacted in the House on June 13, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-303) and "B" (S-353) in non-concurrence.

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

On motion on Mrs. Kany of Waterville, adjourned until nine o'clock tomorrow morning.