

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Ninth  
Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 2 to April 3, 1980**

**THIRD SPECIAL SESSION**

**May 22, 1980**

**THIRD CONFIRMATION SESSION**

**July 17, 1980**

**FOURTH CONFIRMATION SESSION**

**July 24, 1980**

**FIFTH CONFIRMATION SESSION**

**September 12, 1980**

**REPORT, HEARING TRANSCRIPT AND  
RELATED MEMORANDA OF THE JOINT  
SELECT COMMITTEE ON INDIAN LAND  
CLAIMS**

## HOUSE

Monday, February 11, 1980

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

Prayer by the Reverend Robert Webster of the Oakland-Sidney Methodist Church of Oakland and the Brown Memorial United Methodist Church of Clinton.

Rev. WEBSTER: Let us pray! Dear Father, as we gather here, may we be reminded of the way in which our lives have already been shaped by the events which have taken place here. Keep us mindful that we gather here first as persons with joys and sorrows, needs and desires, with pain and healing, with anger and fear, with moments of indecision and frustration and as such we are no different than any other of your children. No matter what our task, let us never lose sight of our humanness, of our kinship with one another, but these persons before us gather because they have been chosen, chosen to represent the people of this state. As such, they are faced daily with awesome responsibility and the task of making difficult decisions. As persons who have been set apart for a special task, for them we pray understanding that they may decide wisely, courage that they might face without fear the difficult decisions before them, strength that they may stand before all evil, but especially compassion that they may represent the true needs and concerns of their brothers and sisters. And may we, whom they represent, be possessed with an openness and understanding that enables us to work as partners with them as the course of our future is charted here.

Now, O Lord, may your presence truly be a reality in all that happens in this place. Amen.

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

The journal of the previous session was read and approved.

#### Papers from the Senate Reports of Committees Leave to Withdraw

Report of the Committee on Health and Institutional Services on Bill "An Act to Limit the Department of Human Services from Mandating X-ray Requirements in Regard to Chiropractic Treatment" (S. P. 656) (L. D. 1695) reporting "Leave to Withdraw"

Came from the Senate with the Report read and accepted.

In the House, the Report was read.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This bill did come out of the Health and Institutional Services Committee with a Leave to Withdraw, and I would like you to know why it had a Leave to Withdraw, that is because the department did agree upon a compromise to look at the regulations again. There is a letter that the department has written to a Dr. Myerowitz in Bangor which outlines the department's agreement and intent to look at the regulations again.

Thereupon, the Report was accepted in concurrence.

#### Orders

The following Joint Orders, Expression of Legislative Sentiment:

(H. P. 1815) Amy Banks of Brewer High School Girls Basketball Team, who has scored 1,000 points in competitive play,

Presented by Mr. Norris of Brewer. (Cosponsors: Mr. Pearson of Old Town and Mr. Cox of Brewer)

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

#### House Reports of Committees Ought to Pass in New Draft

Mr. Brenerman from the Committee on Health and Institutional Services on Bill "An Act to Provide for Licensing and Regulation of Adult Foster Homes" (H. P. 1089) (L. D. 1466) reporting "Ought to Pass" in New Draft (H. P. 1816) (L. D. 1927)

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-775) on Bill "An Act to Amend the Law Regarding the Reporting of Accidents under the Motor Vehicle Laws" (H. P. 1626) (L. D. 1736)

Report was signed by the following members:

Messrs: COLLINS of Knox  
          DEVOE of Penobscot  
Mrs. TRAFTON of Androscoggin — of the Senate.

Mr. HOBBS of Saco  
Mrs. SEWALL of Newcastle  
Messrs: SILSBY of Ellsworth  
          GRAY of Rockland  
          SIMON of Lewiston  
          CARRIER of Westbrook  
          HUGHES of Auburn — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-776) on same Bill.

Report was signed by the following members:

Mr. STETSON of Wiscasset — of the House.

Reports were read.

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

#### Consent Calendar First Day

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

(H. P. 1642) (L. D. 1751) Bill "An Act to Eliminate the Requirement for Certain Adjudicatory Proceedings before the Board of Registration in Medicine"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-782)

(H. P. 1792) (L. D. 1910) RESOLVE, to Honor James B. Longley—Committee on State Government reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 12 under listing of Second Day.

#### Consent Calendar Second Day

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

(H. P. 1691) (L. D. 1801) Bill "An Act to Increase the Fees for the Driver Education Evaluation Program"

(H. P. 1644) (L. D. 1753) Bill "An Act Relating to Suspension on Nonappearance under the Motor Vehicle Laws" (C. "A" H-774)

(S. P. 709) (L. D. 1845) Bill "An Act to Aid Recovery of Medicaid Funds"

(H. P. 1692) (L. D. 1802) Bill "An Act Relating to Confidentiality under the Lottery Law" (H. P. 1688) (L. D. 1796) Bill "An Act to Redefine Golf Club, under the Liquor Laws, to Include Clubs with over 1,200 Yards per 9 Holes"

(H. P. 1683) (L. D. 1792) Bill "An Act Providing for the Return of Patients to Mental Health Institutions" (C. "A" H-778)

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

#### Passed to Be Engrossed

Bill "An Act Authorizing the Bureau of Consumer Protection to Inform and Advise the Public and to Investigate and Prosecute Complaints Under the Fair Credit Reporting Act" (H. P. 1814) (L. D. 1926)

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

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

Mr. TARBELL: Mr. Speaker, I would appreciate, for the edification of the people on the floor of the House, an explanation of precisely what this bill does in changing the current law that we have on the books in this area and what the need is to make additional changes in that current law, if we could have an articulate description from someone on the committee.

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed a question through the Chair to any member who may care to answer.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I hope this will be articulate. I am not a member of the committee but I am a sponsor of the bill.

This bill simply gives to the Department of Consumer Protection oversight in administrative responsibilities of a bill that we passed in the previous session, which is the Fair Credit Reporting Act. In other words, when you have a credit report made on you, you have a right to know certain things about the information in the docket about you in determining your credit. It is modeled on the same rights that are given under the Maine Consumer Credit Code. It gives no additional responsibilities or duties to any group who is reporting under it. It simply gives the right to the department to make sure that we can enforce the law that we passed in the previous session.

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

#### Amended Bills

Bill "An Act to Encourage Carpools and Vanpools" (S. P. 683) (L. D. 1806) (S. "A" S-409)

Bill "An Act Amending the Charter of the York Sewer District" (H. P. 1740) (L. D. 1858) (C. "A" H-773)

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

#### Emergency Measure Tabled and Assigned

An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 37 (S. P. 659) (L. D. 1697)

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

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

Mr. KELLEHER: Mr. Speaker and Members of the House: There are some points of interest in this bill that were brought to my attention over the weekend, and knowing the gentlewoman from the legislative district which involves this particular piece of legislation is not here, I would respectfully ask that some member of this House table it for one or two legislative days, until the gentlewoman comes back to represent her legislative district.

Whereupon, on motion of Mr. Connolly of Portland, tabled pending passage to be enacted and tomorrow assigned.

#### Enactor

An Act to Allow the City of Portland to Sell or Lease its Central Fire Station (S. P. 678) (L. D. 1785) (C. "A" S-404)

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

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

**MR. BRENERMAN:** Mr. Speaker and Members of the House: I would like to ask for the yeas and nays on this.

This bill adversely impacts upon my district and that of Representative Beaulieu. And while I usually oppose local factions bringing their municipal problems to the legislature, I must oppose this bill because the people of my district oppose it.

In 1923, the legislature allowed what was a park in the center of the City of Portland to be used for a fire station and that has been the use until last year. At that time, the city council determined, over the objections of the people of my district, that the station was no longer needed. I should mention that at that time the city councillor representing my district had resigned and we had, in effect, no representation in the decision that was made by the city council.

For the second year in a row, the City of Portland has determined that there is an emergency and that the use of this building should be changed. Last year they put the bill in and they withdrew it because the district court determined that the cost of converting the fire station to a court building was not in their best interest. This year, the city has gotten a member of the other body to sponsor the bill. That person represents the other side of the City of Portland and, if you will notice, the emergency has been removed from the bill.

I uphold my constituents. They oppose the change of the use of this building because it would preclude the building ever being used for fire protection. They are concerned because there have been 14 house fires in my district alone in the past several months and there has been no experience without using that fire station during snowy and icy weather.

It is difficult for me to oppose this bill because the proposed use of the fire station is for a health station for people in my district. However, their answers to my questionnaires have determined that they would rather see this building maintained as a fire station.

While I don't expect most of you to get involved in what is essentially a local issue, I ask that you support me in voting against this bill.

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

**MRS. BEAULIEU:** Mr. Speaker, Ladies and Gentlemen of the House: As a Representative from Portland, I seldom oppose bills that are put in by my city. I think I have done it twice in the four years I have been here with you, but this time I must, and I intend to be recorded as a no vote on this issue in the name of the following people, and I do respectfully request that you have listened to what Mr. Brenerman has told you and what I aim to tell you.

I will oppose the bill in the name of the 600 people who signed the petitions asking the city government not to close this fire station, the hundreds of people who called who called the councillors pleading for them not to do it; those who came before the public hearings and spoke against the action; those fire fighters who to this day want that station recommissioned, basically because of the enormous number of fires in the area, those who care about the dollars, like myself, who are incensed by the fact that the \$13,000 savings claimed by our council was never true, it never came about, especially when the smoke was pouring out of the station in July at a time when my constituents were worrying about how to pay for their heating bills; for our fire truck drivers who fear getting killed now that they have to rush to fires because Central Station is no longer their buffer re the time in response capabilities; for the police officers whose working conditions will be hampered now that they are going to move the fire chief and his administrative staff

into their facility and the cost of fixing up the facility has been three times the \$13,000 saving; for the 50 people who had to leave their burning quarters one block away from the now closed station; for the businessmen in the Old Port Area who were opposed and the 50-plus businesses located in our deteriorating wharfs along our waterfront, and those mothers living in dilapidated three and four floor apartments on Munjoy Hill who can't get out and have landlords collecting \$250 a month, never mind putting in smoke detectors so they can be warned to get out.

I could cite at least 10 other reasons why I have to vote against this bill.

There is a final point that I need to make. In this session, a similar bill was printed and at that time the city officials, not the people, thought the building should be used and be freed for another purpose, but when the courts found out that it would cost over a million dollars to convert the building, the bill was immediately withdrawn. Now the city smells a few more dollars to be made in income because a federally funded grant given to the Maine Medical Center acknowledges some potential use, but no figures are yet proposed on the costs. I wish to let you all know that if it is another whopper of an amount, this time it will cost all of you and your constituents either in subsidy to the Maine Medical Center or through consumer costs when your constituents wind up in that facility for treatment.

I believe that what should happen is that the current law should stay right here in Augusta, let them come back when they have determined what the use shall be and with the agreement and the permission of the people of Portland.

The purpose stated by the members of the Judiciary Committee as to why they gave their unanimous approval to this L.D. is that the debate should be in Portland and not here.

I think that we have cited to you enough reasons why the people of Portland are not being heard, and I assure you, we will not be heard. This current law is the only thing we have to fight the issue at the local level.

The rightful way would have been for us here to say, hey Portland, when you have a plan approved by the people and those who represent those people, we will then agree to change the law.

I really can't rightfully ask any of you to join me in a no vote since this matter does not concern you, but my people don't want this to happen now. I must represent them and it is I, and not our city officials, that they sent here to represent them. So I ask you, please, to just take into consideration the facts and the arguments that Representative Brenerman and I have brought to you today and just maybe you will help us.

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

**MRS. PAYNE:** Mr. Speaker, Ladies and Gentlemen of the House: I, indeed, do not come from the part of Portland that is involved here, but this building has been not used as a fire station for several years. There are new fire stations that can cover that area, and I cannot believe that the Department of Public Safety of the largest city in the state would jeopardize in any way the safety of the inhabitants of that area. Neither would this bill guarantee that it would ever become a fire station again. I think that a health station down there is a far, far better use of that building.

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

**MRS. BEAULIEU:** Mr. Speaker, Ladies and Gentlemen of the House: I need to correct a comment made by Representative Payne. The station was closed last April.

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

**MR. DOUKAS:** Mr. Speaker, I usually don't meddle in municipal affairs, but I would like to

point out that the City of Portland, in recent years, has been fairly strapped for monies, as are most of the other cities and towns in this state. The elected municipal officials have a very hard time working with some of these decisions. When they know they have to cut back certain programs and jobs, they have to do it as objectively as possible. The council as a whole, in Portland, decided last year that this fire station was one thing that could go whereas other things could not go. They made other cuts to schools and police services also. The city as a whole decided we could do without this station and it was closed.

To vote against this enactor today would only mean that that station, that former station, would remain empty. It would not be opened again as a fire station, so I would hope that you would support this enactor. The City of Portland has decided and I hope you will help them.

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

**MR. BLODGETT:** Mr. Speaker, I would ask a question to the Chair if this would be in violation of the home rule procedure that we normally work under with our Maine law, our Maine Constitution.

**THE SPEAKER:** The Chair will table the matter pending a ruling from the Chair on the question of the Constitution.

#### Passed to be Engrossed

An Act to Provide for Per Diem Compensation for Active Retired Judges (H. P. 1636) (L. D. 1745) (S. "A" S-407)

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: Last week when I told you this might be a rather lengthy discussion, I just want to say this morning that it won't be. There are a few points which I wish to repeat on this bill. I have had objections to it, not because of the amount of money that would be allotted but mainly because of the principle upon which it was presented in this session.

In the first place, I don't believe like many others, that this is a bill that should have been allowed in this session. There is no emergency to the bill, it isn't a money bill, and I don't believe it should be here. I think that those who vote for this would be breaking the rules that have been set for bills to be allowed in the second session of the legislature. As a matter of fact, I have a feeling this bill might have been rejected by the council and that is why, as a last resort, they have turned to the Governor to put it in his Call, which he did and which I object to, and he knows I objected to it. I don't think this is the way we should play the game but apparently that is the way it is played and many bills in this session have been handled the same way.

We had a bill in the last session, which was L. D. 485, and that did not go through. Regardless of the conditions under which it didn't go through, it still didn't go through. I don't see why this bill was allowed to be put in here. I realize that the Governor can put any bill in, but I can assure you that this will get great consideration before the next session of the legislature. I think you have to limit those fellows down there too.

As far as this bill is concerned, as you know, it went through once by roughly 10 votes. At that particular time, we accepted that but the sad part about the whole situation, again, is the kind of game that is being played in here, just for a lousy bill which probably doesn't mean much one way or the other anyway.

Ladies and gentlemen, I want to say to you this morning and refer you to an article in the paper, which was stated last week, the Wednesday Press Herald, and I want to be able to ask certain members of this House a question after I read just two or three lines on what is happen-

ing here.

The bill, as you know, was in trouble in the House and as a result of it, this is what happened. It went to the Senate and here is the article that came out the day after the amendment was tacked on. It says: "The Judiciary, who initially recommended passage of the bill, told the Senate Tuesday that after a sobering chat with members of the Appropriations Committee, they decided to recommend the per diem rate to be cut to \$50."

For those of you who think this is all pure and lily white, what is going on in this House or somewhere else, you want to remember that this is exactly what has happened. And at this time, with the permission of the Speaker, I would like to ask, first, the Chairman of the Appropriations Committee whether he was approached, if any deal was made to lowering the rate to \$50 a day if this was going to be passed?

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I will respond to the question of Mr. Carrier of Westbrook. The answer is no, I was never approached as to stripping off the emergency and lowering the amount of money that would be given to retired judges. I have not asked every member of the Appropriations Committee and they would have to speak for themselves, I have asked two or three, and the ones I have asked were not approached. Speaking just for myself now, no, I was not approached.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I was one of three members of the Appropriations Committee last year who served on a subcommittee dealing with the courts with three members of the Judiciary Committee, and I can rest assured, and the other two members and the fellow members that serve on the Appropriations Committee, I never was approached on any consideration of an amendment.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This is a fine example of what has been going on behind the scenes as far as this bill is concerned. I think it is a distasteful situation, I think it is underhanded, it is unsavory and hard to digest.

On the other hand, the following day, as the paper quotes, and for once they quoted right—as you know, it passed the first reading over here and it went to be engrossed before it came for the second reading—and it is the same thing, it says, "The House backed down from its earlier position endorsing \$75 per diem rate for the active retired judges." Without mentioning any name, it says in essence that the amendment to the bill reducing it to \$50 was put on there and here are the exact words—"Somebody said that the reality is that there weren't enough votes to secure passage for the \$75 payment." Well, ladies and gentlemen, I think this is a conniving way to do things. If they want to give it to them, let them give it to them, but I don't believe in the first place that the bill is properly before us. I do think that to pursue these maneuvers in order to get it through is very unfair and I don't think it is wise and I don't like to see it done that way or get people involved in that kind of thing.

I am not going to give my approval to such a bill. They have also stripped the emergency clause off. How much of an emergency is there? The first day or two they came here and they cried and told us what an emergency this bill was and what a hardship it was for the judges living on \$27,000 retirement pay.

Another very small point is that you can pay these judges. I don't know if it has been checked, I suppose it has, I hope so, there also is a limitation as to the amount of money you can make when you do take retirement from the

state.

All in all, I don't believe this is a good bill. I think they can live without it and come back in the next session. If they do, I might be more matured then and know more about what is going on, but I truly object to this. I objected to the bill before and now I object strongly because of the bad tactics that were used on this bill, and I don't want it to be any reflection on the members of the Appropriations Committee, because I am not going to ask each one individually, but I submit to you that those that I did ask were never told about this thing and whatever this sobering chat was with the members of the Appropriations Committee, I know nothing about it and apparently nobody knows anything about it.

I submit to you that this is not a good bill and we should kill it. I move for the indefinite postponement and ask for a roll call.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that this Bill and all its accompanying papers be indefinitely postponed and requests a roll call vote.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: Sorry I am on my feet again to speak on this bill. I have spoken on it several times and I have laid out the merits to you why this bill should pass. I would just like to address the accusations that were made by the gentleman from Westbrook, Mr. Carrier.

If you would read the article, you would find that the co-chair of the committee approached the, if I may use the word, Senate Chair of the Appropriations Committee to discuss the finances and how much money would be available for different L.D.'s. It was at that time that that particular co-chair told the co-chair of my committee that there would be some financial problems and that if we could tone down a certain bill or any bill with a price tag, it would most likely have a better chance to pass if in fact that was done.

As I stated to you, and I laid it out front to you last time, the reason why the emergency clause was stripped off this bill and the reason why the amount of money was reduced from my standpoint, even though I objected to it, was the reality, and I will use the word reality, that this bill would not be enacted into law with an emergency preamble on the bill and with the price tag the way it was originally.

I don't buy the arguments that were raised to the fact that there was anything underhanded or this bill was snuck into the legislature. This bill was requested by the Chief Justice of the Maine Supreme Judicial Court, was suggested to the Governor and urged that the Governor put legislation in his Call to include this particular provision in order to help the court system. That was the reason the bill was put in.

As you know, this bill was considered by this body and by the other body during the last session, was voted upon by both bodies but, unfortunately, met its demise at the hands of the legislative leadership, like many other bills that are before this legislative body.

I urge you today to stand fast and support this bill like you have on several occasions in order that we can at least provide some type of compensation to those individuals who volunteer their time to help the people of the State of Maine in our court system.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentleman from Westbrook, Mr. Carrier, to indefinitely postpone this bill and I would like to share with you very briefly my reasons why.

It is my understanding of this bill that there is going to be an appropriation of \$70,000. The question, it seems to me, we ought to ask ourselves is not whether we support retired judges, we appreciate the work that they do, or

that we support the judicial system because I think that we all do. I don't think that is an issue and I certainly hope that none of you who may have reservations about this particular bill would be afraid to express those reservations in a vote because they might be interpreted as opposition to our judicial system. What I think is at issue is the necessity of this particular bill at this time.

Now, \$70,000, it seems to me, might be better spent in other alternatives in our judicial system. It might be better spent, for example, put toward the hiring of two additional full-time judges. I am not saying that that amount would be sufficient, but perhaps we ought to put that with some other money and consider that as a more viable alternative than paying a number of retired judges per diem.

My second concern, and I think that this point has been raised before, I think that Mr. Carrier has mentioned it and it needs to be mentioned again—the chief justification for this bill was that it was an emergency. As the gentleman from Saco has pointed out, the emergency provision was removed from the bill for political reasons, so that it would stand a better chance of ultimately passing. But it seems to me that to remove the emergency preamble from this particular bill would negate the necessity and justification of the bill in the first place because, as Mr. Carrier has pointed out so accurately, it will be possible for the retired judges to come back before us the next regular session and state their case at that time. I don't believe when this bill goes into effect that we are talking about that much of a difference between the time when they would be benefitting from this bill and the time when they would be able to come back before another session.

We must never forget, ladies and gentlemen, that we are talking about the taxpayers and \$70,000 would not, I suppose, in the total budgetary framework, seem to be a significant amount of money, but it is \$70,000 and to my way of thinking, it is a significant amount of money, ladies and gentlemen, to be appropriated for something I don't think has been fully studied and we ought to consider alternatives.

I hope you will support the motion of the gentleman from Westbrook, Mr. Carrier, to indefinitely postpone this bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Carrier raised a couple of interesting points here this afternoon. Representative Morton, Representative Higgins and myself served on a subcommittee for the Appropriations Committee dealing with the judiciary last year and we met several times with Chief Justice McKusick and the representatives from the Judiciary Committee in trying to ascertain what would be a fair and reasonable budget for the judicial system. I would like to point out that not once did Mr. Morton, Mr. Higgins or I ever commit the Appropriations Committee to any agreement with the Judiciary Committee without going back to our full committee because we respected, one, as a group of 13 people and, two, it is the proper and honest and fair way to participate in your legislative forum.

Representative Carrier raised the question here that there was a possible agreement or negotiated agreement between certain members of the Judiciary Committee, or a certain member of the Judiciary Committee, and a certain member of the Appropriations Committee and the possible agreement of reducing the amount of money that might be palatable to both the Appropriations Committee and leadership when it passes. I would respectfully ask that some member of the House table this so that we can get an honest evaluation of what happened, because I have been supportive of the judiciary, and if there was a commitment, even an inference of a commitment made on behalf of the Appropriations Committee with-

out my consent and I think without the respected consent of the other members, I wouldn't vote for this bill for that reason alone. So if someone would table it, we are meeting this afternoon, I am sure we can ask our respective chairmen both from the Senate and the House to find out what is really going on and is there someone peeking behind the door that we should know about.

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

Mr. MacEACHERN: Mr. Speaker, I have a couple of questions on this bill. First of all, how much retirement pay do these judges get when they are retired? Are they paid for their expenses when they are sitting on the bench?

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, has posed a series of questions through the Chair to anyone who may care to answer.

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

Mrs. SEWALL: Mr. Speaker and Members of the House: I haven't got in front of me the exact amount they are paid. I would like to start with a number of things that have been said in error on the floor of the House, first, that the bill in front of us has a price tag of \$70,000; that is incorrect. If you will look at the amendment, under filing number S-407, the appropriation is \$37,500, if you will take a look at that amendment, and that amendment is on this bill.

The next thing I would like to do is speak a little bit to the bill rather than to a newspaper article which seems to be quoted all over the place this morning and seems to be being used as a method of killing the bill and really doesn't have anything to do with the substance of the bill, and I would like to speak to the substance of this bill.

We have an emergency in the courts and we have a choice and the choice is ours. What the emergency is is the courts are back up; that is the problem.

My husband is an attorney, he wanted to make a simple motion for support pending a divorce and he had to have a hearing date for the motion. A week and a half ago, he tried to get a date for this hearing and the date he got was March 29th, that was the first date open. That is the kind of problem we have and that was in the superior court system—that is the kind of problem that we have. From time to time, the court becomes clogged and that slows down justice.

So, you have a choice, if we do nothing, you can wait for your justice. I don't think that is what our Constitution was aimed at, I don't think that is what most people want. So what is the next choice? If you don't want to do that, the next and more expensive choice is to hire new judges, and when you hire the new judges, you pay their retirement, their new salaries and you have to pay the whole thing.

Then there is the middle point, the third option, the one that we are considering here this morning, that is to encourage those judges who have active retired status to serve, to serve when the court needs them, to serve at the pleasure of Chief Justice McKusick. When he says "gosh, we have a problem up in this court district and could you go up there for two days and hear these motions and get this thing moving so we don't have a clog and so our citizens can have speedy justice"—this is what this bill is all about.

The bill isn't about a newspaper article, the bill isn't about an agreement that was supposedly made somewhere or another. We all know that there is going to be a problem with money and we all know that if we don't go ahead and support something in this realm, whatever option you want, take your choice, but those are the three options—if we don't support something for this and if the retired judges say, "Well, I guess they really don't want us and why should I be bothered to do this because I

am living on my retirement and why should I go up and serve, it's a long way, why should I get up on a cold morning and drive and do this"—we are really going to be in a box and then we are going to be back with a bill that we can't refuse and the bill is going to be to hire new judges, at least two in the superior court system was the estimate we heard from the courts. That is the meat of the bill and that is what the bill is about and that is what we should be voting on today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps no one wants to table this and maybe that is a good idea.

The gentle lady wants justice and I think if this House wants to serve justice for one and all, we should support Mr. Carrier's motion to indefinitely postpone.

The judicial system has a retirement system, which is handsomely paid by every single taxpayer in the state and not one single dollar is contributed by the active judges themselves. That in itself should be reward enough to go along with the honorable prestige that they have serving as active retired justices. There haven't been too many judges who have retired in the last four or five years that there isn't a notification that they automatically become active retired justices. The cost of them participating in the court system is picked up by the taxpayer out of the General Fund, and rightfully so. Their retirement, which they do not contribute one single, solitary cent, to me, is money enough to encourage, if these honorable gentlemen want to continue in the service of this fine state, serve on the courts that they represent, to do it at the pleasure that they respectfully asked by being appointed retired active justices, and I would hope this House would support the gentleman from Westbrook, Mr. Carrier, this afternoon and not grant any stipend whatsoever and indefinitely postpone this bill.

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

Ms. BENOIT: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer.

Could someone tell me how many active retired judges there are and how does one qualify to become an active retired judge?

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, has posed a question through the Chair to anyone who may care to answer.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: It is my understanding that there are nine active retired judges that serve and the capacity on the district court, the supreme court, the superior court. I don't have the exact breakdown on the ones in the different court system.

As far as debating the issue of salaries for judges, I know it is very simple and very sensitive to say that judges make a lot of money.

First of all, let me say that the judges in the State of Maine outranked 49th in the country as far as salaries, but I didn't want to go into a big to-do about judges' pay. Let me tell you something, from an economic standpoint, this bill makes a little bit of sense and the sense is, if you can find an active retired judge and you can pay that person on a per diem basis instead of hiring two, three or four new judges and provide for their retirement, as the good gentleman from Bangor mentioned, providing for expenses, providing for that actuarial expense over the course of a number of years, this bill makes some sense.

The good gentleman from Pittsfield, Mr. Wyman, mentioned the fact that, well, if this wasn't such an emergency, maybe they can come back here in January. I would remind the good gentleman from Pittsfield and members

of this body that this is supposedly the vacationland state. The case load in our district courts, superior courts and the supreme court increased during the summer months, drastically increased. In fact, in my particular court, the Biddeford District Court, it increases twice or threefold. The difference is, if we don't pass this bill, we won't have any consideration for about a year. If we pass this bill without an emergency preamble, active retired judges will be able to receive some type of compensation, encourage those individuals to work during those hot summer months and to assist the people and taxpayers of the state. I think it is a pretty decent thing.

I was talking to a fellow out in the corridor and he was saying to me about this bill, "You know, the judges should be able to work for nothing." I said to him, "Well, to give you an example, a judge has a profession, he is a judge, but how about the person who works for the Department of Transportation? The fellow works there for 45 years and Roger Mallar calls him up and says, gee Frank, we would like to have you come over and fill in on the salt truck. No one else knows the route, could you fill in for a day on the salt truck because no one else knows the route? You are only going to get your retirement though but you can fill in with no pay at all." I asked him what he thought the response would be. He said, "Probably he would do it for a couple of days but he probably wouldn't do it all winter. He probably wouldn't do it 100 days a year like some of the active retired judges do."

No matter what the profession is, whether it is a judge, whether it is a plumber, electrician, a banker, a doctor or whatever, I don't think anyone should work for nothing; I think some type of compensation should be provided for.

As I mentioned earlier on two different occasions and I am sorry if I am belaboring the point, there is a difference between retirement benefits and salary. I think retirement benefits are what has been earned in the past and salary is what is being presently earned for that particular job.

I urge you today to vote for this bill. I know many of you want to go on record here and this one good bill would make you look like a conservative on saving the taxpayers a few dollars but I don't think that is the way we should do it. I think we should look at the bill, look at the merits, let the bill go on the Appropriations Table and then it can be considered along with the other ones on a prioritized basis.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I am not a lawyer, I am not a doctor and I am not an Indian Chief, but I am a businessman and I do serve in the 109th Legislature. I have listened to this argument now for the last two weeks and I have made one evaluation—if you vote to indefinitely postpone this bill, you are making a big mistake.

Let's face it, the state is a business, and if you are able to hire somebody of this caliber, you are getting a bargain. I would love to be able to hire somebody in my business for those dollars with all the experience that the judges have.

I hope you will vote against the indefinite postponement.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe the good chairman of the Judiciary Committee, Mr. Hobbins, answered most of the questions put by the gentle lady from South Portland, Ms. Benoit, but one part of the question, I think, was, how does one qualify to become an active retired judge or justice? This is a very important point in this whole debate because one does not automatically become an active retired judge.

When a judge or a justice reaches retirement



age, which I believe is age 70, maybe age 72, at that point, he goes on retirement and then, upon nomination and confirmation, he may become an active retired judge. So, this bill does not apply to every judge who reaches retirement age and then retires. It would apply to those who are deemed qualified. I believe their nominations are made by the Governor. The good chairman of the Judiciary Committee will correct me if I am wrong on that, but I think an active retired judge, nominated by the Governor, confirmed by the Judiciary Committee, the recommendation then goes to the Senate, the same as we confirm other judicial appointments. I think that is something to bear in mind in this whole debate, that the active retired judges must first be qualified and then must be voted upon and confirmed before they can even serve the State of Maine. I hope that answers the question.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: Just a few words. It was said that I made accusations as far as the newspaper article is concerned. I did not make any accusations and I didn't intend to and I won't. I only want to say to you that the same newspaper article which came out last Wednesday and which I wanted to use on Thursday or Friday when this thing came up here, when I asked permission to speak on that particular subject, I was refused because of the fact that we just didn't want to make such accusations unless you had the material in your hand. Well, I have the material in my hand this morning and so do others in this House. I didn't write the article. If you don't like it, you go tell the people who wrote the article and if it isn't true, tell them so.

They wrote something last week about this same subject and it wasn't true but I let it go by. The same people got on the floor of this House and said this article said so and so, which in fact, was untrue. It is of great importance, whether it comes from an article or whatever. If it is a fact, it is a fact and this is a fact, ladies and gentlemen, this is what somebody said. I say many things and sometimes I wish I hadn't.

I do want to say to you about some other things that have come up about how one qualifies to become a retired judge? Well, you know, the qualifications are very simple. Where some people have qualified to become an active retired judge, you mean to tell me that the people we have in this state at present and in the past that have served on the district courts for a period of 12 to 16 years, that they aren't qualified to serve as an active retired judge? You think about that. You think about the ones who have served on the superior court. We have people here right now as active retired judges who were on the district court for 12 years. And you could argue the point, if he isn't qualified to go from the district court to superior court or up some more, why should he be a retired judge? I don't question that because the fact is, to qualify for an active retired judge, all you need is a judgeship right now, that is all you need.

As far as nomination, yes, the Governor nominates. As far as confirmation, yes, the Judiciary Committee confirms it or doesn't but tell me, how many confirmations have been rejected by the Judiciary Committee? This is a very valid point—how many people who wanted to be retired judges have not been confirmed by the Judiciary Committee? Look back a couple of months ago, when we had two people that were retiring and one of them wanted to become a retired judge, he was confirmed and he is an active retired judge now; the other one chose to go into private practice and didn't want to be a retired judge.

I also say to you, for the \$37,500 that this bill carries, today you can hire a full-time judge for that money; never mind the benefits, just for

the money itself, you can hire full-time judges who will handle hundreds of cases a year.

I have a quote right here from somebody who came to testify and said that one judge last year handled 26 cases, so if you multiply 26 by 7 or 8 active retired judges, what do you get? 150 cases. For the same amount of money, you can have 500 cases handled by these judges. I don't know if this is right or not but some judges handle 20, 30, probably more than that, cases a day—so think about it.

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 Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. It seems as if everyone's questions have been answered but mine and I would like an answer to those two questions that I posed.

How much retirement do these judges get in dollars and are they reimbursed for their expenses?

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I was trying to avoid speaking on this because I can see—

The SPEAKER: The gentleman may respond to the question.

Mr. GRAY: He is getting very fidgety. I can give an example of a superior court judge. A superior court judge, after June of 1980, will receive a salary of \$36,000. A retired superior court judge receives a salary of \$27,000. As you remember, I originally—

The SPEAKER: Will you respond to the second question also posed by the gentleman from Lincoln, Mr. MacEachern?

Mr. GRAY: They are paid expenses.

To continue on, I did object to the original bill which would have paid judges \$75 a day and the reason I objected to this was because an active retired judge would have made about \$40 more a day than his colleague who hadn't retired.

I offered an amendment which would have reduced it down to \$50 a day. This would bring his salary up to approximately what his colleague would get who hadn't retired and, for this reason, I can support paying active retired judges \$50 a day. This would also allow us to get more work out of them before they reach their ceiling.

I am going to ask that you not indefinitely postpone this bill.

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

#### ROLL CALL

YEA—Austin, Baker, Barry, Berry, Blodgett, Brown, A.; Carrier, Carter, D.; Connolly, Diamond, Dudley, Dutremble, D.; Gwadosky, Hall, Kelleher, LaPlante, Lizotte, Lowe, MacEachern, Mahany, Martin, A.; McHenry, McPherson, Michael, Nelson, N.; Paradis, P.; Paul, Pearson, Prescott, Reeves, P.; Rollins, Strout, Studley, Tozier, Tuttle, Twitchell, Vincent, Wentworth Wood, Wyman.

NAY—Aloupis, Bachrach, Beaulieu, Benoit, Berube, Bordeaux, Boudreau, Bowden, Brennerman, Brown, D.; Brown, K.L.; Bunker, Call, Carter, F.; Chonko, Churchill, Cloutier, Conary, Cox, Cunningham, Damren, Davies, Davis, Dellert, Doukas, Dow, Drinkwater, Dutremble, L.; Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gowen, Gray, Hanson, Hickey, Higgins, Hobbins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, E.;

Jacques, P.; Joyce, Kany, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, Maxwell, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Norris, Paradis, E.; Payne, Peltier, Peterson, Post, Reeves, J.; Roope, Sewall, Sherburne, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Tarbell, Theriault, Tierney, Torrey, Violette, Vose.

ABSENT—Birt, Brannigan, Brodeur, Brown, K.C.; Carroll, Curtis, Dexter, Elias, Gillis, Howe, Hughes, Jalbert, Kane, Laffin, McKean, McMahon, Roide, Silsby, Whittemore.

Yes, 40; No, 91; Absent, 19.

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

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

#### Enactor

##### Tabled and Assigned

An Act Relating to Maine Educational Advisory Organizations (H. P. 1646) (L. D. 1756)

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

On motion of Mrs. Kany of Waterville, tabled pending passage to be enacted and tomorrow assigned.

##### Finally Passed

RESOLVE, Authorizing the Commissioner of Mental Health and Corrections to Convey the State's Interest in a Certain Parcel of Land and Buildings in Augusta to the Community Shelters for Children, Inc. (H. P. 1606) (L. D. 1717) (C. "A" H-753)

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

##### Orders of the Day

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

Bill, "An Act to Authorize Cutting of Trees on State Park Lands" (H. P. 1623) (L. D. 1733) (C. "A" H-754)

Tabled—February 7, 1980 by Mr. Hall of Sangerville.

Pending—Passage to be Engrossed.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: There is an amendment being processed and I would like to have someone table this for a day.

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

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

Bill, "An Act to Permit Participating Local Districts of the Maine State Retirement System to Amend Retirement Benefits for Policemen and Fire Fighters Prospectively" (H. P. 1665) (L. D. 1774)

Tabled—February 7, 1980 by Mr. Kelleher of Bangor.

Pending—Motion of Mr. Tuttle of Sanford to indefinitely postpone Bill and accompanying papers (Roll Call Ordered)

On motion of Mr. Tuttle of Sanford, tabled pending his motion to indefinitely postpone the bill and accompanying papers and tomorrow assigned.

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

Bill, "An Act Relating to Hunter Safety" (H. P. 1612) (L. D. 1722) (C. "A" H-765)

Tabled—February 8, 1980 by Mr. Dow of West Gardiner.

Pending—Passage to be Engrossed.

Mr. Gillis of Calais offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-780) was read by

the Clerk and adopted.

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

The Chair laid before the House the following matter: An Act to Allow the City of Portland to Sell or Lease its Central Fire Station (S. P. 678) (L. D. 1785) (C "A" S-404) which was tabled earlier in the day and later today assigned pending a ruling from the Chair whether or not this matter violates Home Rule.

The SPEAKER: The Chair would advise the members of the House that, unfortunately, it does not. The Home Rule provisions of the Constitution were adopted after the public law which is being amended under this provision and therefore the Chair would have to rule unfortunately, that this matter is, in fact, before this body.

Mrs. Beaulieu of Portland was granted permission to speak a third time.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The issue before you is, are you willing to vote no with Representative Brennerman and I on behalf of the 13,800 constituents and their families that we represent? They tell us they do not want this bill to go forward. That is the real issue.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I really feel guilty if I vote against the good gentledady and the good gentleman but, unfortunately, I hope we don't consider this a soap opera. The City of Portland came before us with an issue of whether or not to amend a private and special law to allow for alternative use of a building which is no longer in use as a fire station. That decision of whether or not that building would be used as a fire station has been decided by those municipal officials who were elected by those particular citizens in that particular community and I think that is where the decision rests.

I sympathize greatly with the gentledady from Portland, Mrs. Beaulieu, and also the good gentleman from Portland, Mr. Brennerman. They raised some very good policy decisions regarding public safety. However, those decisions should be discussed and debated upon at the local level and not here before the Maine Legislature. Unfortunately, we find ourselves in that position, but I hope you will allow the local community to decide their own fate.

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

Mr. BAKER: Mr. Speaker, Members of the House: I would just like to remind you that at the time that decision was made, the City Council representing that particular district were talking about had resigned leaving that district without representation on the city council. I want you to keep that in mind when we take the vote today.

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

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

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

#### ROLL CALL

YEA — Aloupis, Austin, Berry, Berube, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carter, F.; Churchill, Conary, Cox, Cunningham, Damm, Davis, Dellert, Dexter, Doukas, Drinkwater, Dudley, Dutremble, L.; Fillmore, Garsoe, Gavett, Gray, Hall, Hanson, Higgins, Hobbs, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Kany,

Kiesman, Lancaster, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Masterman, Master-ton, Matthews, Maxwell, Morton, Nadeau, Nelson, A.; Nelson, M.; Norris, Paradis, E.; Paul, Payne, Pearson, Peltier, Peterson, Reeves, J.; Rollins, Roope, Simon, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Tozier, Violette, Wentworth.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Blodgett, Brennerman, Carter, D.; Cloutier, Connolly, Davies, Diamond, Dow, Dutremble, D.; Fenlason, Fowle, Gillis, Gowen, Gwadosky, Hickey, Howe, Kelleher, LaPlante, Locke, MacEachern, Martin, A.; McHenry, McPherson, McSweeney, Michael, Mitchell, Nelson, N.; Paradis, P.; Post, Prescott, Reeves, P.; Sewall, Sherburne, Soulas, Tuttle, Twitchell, Vincent, Vose, Wood, Wyman.

ABSENT — Birt, Brannigan, Brodeur, Brown, K.C.; Carroll, Chonko, Curtis, Elias, Hughes, Jalbert, Joyce, Kane, Laffin, McKean, McMahon, Rolde, Silsby, Tierney, Whittemore. Yes, 86; No, 45; Absent, 19.

The SPEAKER: Eighty-six having voted in the affirmative and forty-five in the negative, with nineteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

#### Bill Held

Bill, "An Act to Provide Low-interest Loans for Middle and Low Income Families for Residential Energy Conservation Improvements" (S. P. 743) (L. D. 1922) — In Senate, referred to Committee on Appropriations and Financial Affairs on February 7, 1980. — In House, House Adhered to Reference to Committee on State Government on February 8, 1980.

Held at the request of Mrs. Kany of Waterville.

The SPEAKER: The Chair would inquire if the gentledady from Waterville, Mrs. Kany, wishes to deal with the item that has been held?

The Chair would understand the gentledady from Waterville to respond in the negative.

Sent to the Senate.

The Chair removed from the table the Second Tabled and Unassigned matter:

JOINT ORDER—Relative to Joint Standing Committee on State Government reporting out a resolution (H. P. 1778) Read in House January 25.

Tabled—January 25, 1980

Pending—Ruling of the Chair (Pursuant to Joint Rule 37)

The SPEAKER: The Chair would rule on the question posed by the gentledady from Waterville, Mrs. Kany.

The legislation introduced here in the previous session, the first regular session, dealt with the question as to whether or not the Legislature would meet on the first Wednesday of January annually.

The order introduced by the gentleman from Woolwich, Mr. Leonard, deals with the question as to whether or not the Legislature would meet on the first Wednesday of January biennially and, as a result of that, the Chair would rule that the matter is germane and does not require a two-thirds vote in order for introduction at this time.

The Chair recognizes the gentledady from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Members of the House: I move the indefinite postponement of the joint order.

This concept was brought to the legislature last year and rejected and the concept is to once again change the Constitution for a January convening of the legislature.

As you know, our Constitution was amended so that we will be convening in December of next year and I would hope that we would go

along with that and see how it works. At that time, if we decide the people of Maine do not want a December convening so that organization plans can be made, so that public hearing plans can be made, then, at that time, we could once again debate this change. Please, let's not go through this again. We just did it last year. Is this necessary in an emergency session, basically?

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I am ill-prepared somewhat today. I didn't have my thoughts about me in addressing this issue. However, I think Mrs. Kany is wrong, that we didn't really address this issue last year. We addressed other issues that maybe were similar but did not do what we are asking in this particular order, and that is to have the State Government Committee report out a bill to delete the second annual session. That is no different than what it used to be when I was in here before back in the 107th Legislature. Then, in that particular case, the session was called based on the need for the session rather than constitutionally have to come up here and go through all the motions of having legislation before us and then dealing with it.

I think this session has proved to be a prime example of why this bill really should be considered. At least we should consider it when we can intelligently discuss it before the State Government Committee and then hopefully intelligently discuss it based on the recommendations out of committee.

We came up, we have been up here quite some time, we have done very, very little. I, frankly, am a little bitter to have to come up here and spend 15 minutes a day, 20 minutes a day, 30 minutes a day, and I am sure a lot of other people are as well, and then simply go back. I think it is unfair to the people of this state when they are having great difficulty making ends meet at this time. If nothing else, it would make sure that the next time we convene, we convene with a certain number of bills to work on and we wouldn't just have the council going through the motions of letting bills in that obviously, as Mr. Carrier said a while back, and other bills as well as that, that are not really emergency measures. The necessity of having them here is not of the greatest need to the State of Maine.

There is nothing wrong with that particular concept, because you can accomplish exactly the same things we are accomplishing now. The only thing is, at least we would have the alternative of not meeting if in the event it were not necessary. So I think the bill, or at least the idea, should receive a thorough discussion at this time, during this session, when it is fresh in everybody's minds what a second biennial session can lead to, and that has been utter chaos and inefficiency.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I think basically I am a little opposed to this repeatedly tinkering with the Constitution. It hasn't been so long since this Article which is to say that we have a second annual session in each biennium has been passed by the voters of this state. And for a number of years before that happened, I kept hearing people say, oh well, the legislature always meets the second year anyway, so why don't they just say they are having the second year of the session instead of calling it a special session. In my view, that is just a question of language. If we are going to meet anyway, it might just as well be a regular session.

My first term it was special session the last year of the biennium and I didn't notice that there was any difference in either the types of bills that were admitted or the discussion of the slow start. It just seems too indigenous to the process, and I think to argue that changing the



title of what happens the second year of the biennium would have absolutely no effect upon that at all. I feel we would be wasting a lot of people's time to debate a bill to that effect.

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

Mr. LEIGHTON: Mr. Speaker, I would like to ask for a roll call and I would like to speak very briefly.

I hope the motion for indefinite postponement is not supported today. The proposition of annual sessions, as are presently constituted, is only two sessions old. I think during this session some very real questions have been raised as to just how to proceed the second year of the biennium.

Finally, I think there is a great tradition in this chamber of not killing bills at the reference stage, and this is what we are doing today, as a practical matter, and I think a great deal of value can come out of a hearing on this subject.

I urge you to oppose the motion to indefinitely postpone.

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 Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, very seldom in this House do we deny a person the opportunity of at least appearing before a committee with a bill in hand. I would make a similar plea, as Mr. Dudley did the other day, and tell you that I, in good conscience, tried not to attempt to minimize my legislative input in terms of legislation. This is my first bill and respectfully ask that it be heard.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This may be the gentleman's first bill but it smells to the high heavens. This is the first time we have come down here annually and got a chance to look down the bureaucrats' necks, and that is what it is. We are back here every year now, and I remember, I was here a few years back in 1965 and in those days, you returned home, they didn't know you anymore. You came down here and you practically got thrown out of their offices. Now we are treated with the courtesy a legislator deserves. I say to him, this bill smells and what we usually do with anything that smells, we throw it out.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewomen from Waterville, Mrs. Kany, that House Paper 1778, Joint Order Relative to Joint Standing Committee on State Government reporting out a Resolution. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Brenerman, Carrier, Carroll, Carter, D.; Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gillis, Gowen, Gray, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Jacques, E.; Jacques, P.; Joyce, Kany, Kelleher, Lancaster, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Strout, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent Violette, Vose, Wentworth, Wyman, The Speaker.

NAY — Aloupis, Austin, Berube, Bordeaux,

Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Brown, K. C.; Bunker, Call, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Dow, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Kiesman, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Marshall, Matthews, McPherson, Morton, Nelson, A.; Nelson, M.; Paradis, E.; Payne, Peltier, Peterson, Rollins, Roope, Sewall, Sherburne, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Wood.

ABSENT — Birt, Blodgett, Brannigan, Brodeur, Chonko, Curtis, Hughes, Jalbert, Kane, Laffin, McMahon, Rolde, Silsby, Whittemore.

Yes, 72; No, 65; Absent 14.

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

#### (Off Record Remarks)

On motion of Mrs. Kany of Waterville, adjourned until ten o'clock tomorrow morning.