

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

Tuesday, February 12, 1980

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

Prayer by the Reverend Lewis Beckford, Retired Pastor of the United Methodist Church, South Portland.

Rev. BECKFORD: Let us pray! Our Father God, we remember with gratitude all those men of vision and integrity who have served in this and other legislative halls. Today we note and honor especially the works of your servant, Abraham Lincoln, as he strove to make real the ideals of human freedom and human equality. We pray that members of this body may intentionally exemplify and further the ideals of honesty, truth, justice, equality and compassion as they enact new laws for the State of Maine. May the common good be their primary concern in all deliberations and on every day of this session. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

Bill, "An Act Increasing Fees for Probate Proceedings." (S. P. 752) (L. D. 1928)

Came from the Senate referred to the Committee on Judiciary and ordered printed.

In the House, the Bill was referred to the Committee on Judiciary in concurrence.

The following items, appearing on the Consent Calendar for the Second Day, were taken up out of order by unanimous consent:

Consent Calendar**Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second 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" (C. "A" H-782)

(H. P. 1792) (L. D. 1910) RESOLVE, to Honor James B. Longley (Emergency)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Mrs. Mabel Atwood, of Kingfield, who celebrated her 70th birthday on February 4, 1980, and has just received her high school diploma; (S. P. 753)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Leave to Withdraw

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Amend the Charter of the Aroostook-Prestile Treatment District" (Emergency) (S. P. 704) (L. D. 1840)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Non-Concurrent Matter

Bill "An Act Concerning Mobile Barber Shops" (H. P. 1658) (L. D. 1767) which was passed to be engrossed as amended by Committee Amendment "A" (H-758) in the House on February 5, 1980.

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

In the House: On motion of Mr. Howe of South Portland, the House voted to recede from

its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, the House voted to recede from its action whereby Committee Amendment "A" was adopted and on motion of the same gentleman, the Amendment was indefinitely postponed.

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

Messages and Documents

The following Communication:

Edwin Pert
Clerk of the House
State House Station #3
Augusta, Maine 04333

Re: Status of Housing in Maine

The State Planning Office is pleased to transmit to the Legislature the fourth of seven housing monographs. The remaining monographs being prepared cover public investment in housing; the economic impacts of housing construction; and an inventory of current housing programs.

This monograph details policies and programs recommendations which address housing needs within the State. It was the intent of the Legislature through enactment of 5 M.R.S.A. § 3306-A to promote the development of coordinated policies, programs and services in order to address more adequately the basic housing needs of the people of the State of Maine. The remaining monographs will be transmitted upon completion.

Re: Economic Indicator Series (EIS-5)

The State Planning Office is also pleased to transmit our latest Economic Indicator Series Report just released which provides valuable economic statistics about the overall status of the Maine economy. In the Legislature's daily dealings with the economic issues, such information should prove useful. The EIS-5 includes taxable sales information for the first three quarters of 1979, in addition to an employment and income forecast for the State through 1981. A new feature of this report is that, in addition to releasing current or actual sales, we have begun with the third quarter to release deflated taxable sales adjusted for inflation. Therefore, these deflated sales figures reflect the real growth of the retail sector in Maine.

Anyone interested in obtaining a copy of either of these new reports should contact the State Planning Office.

Sincerely,
S/ALLEN PEASE
Director

Was read and with accompanying Reports ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and referred to the following Committees:

Education

Bill "An Act to Provide for Renegotiation of the Cost-sharing Formulas for School Districts" (H. P. 1817) (Presented by Mrs. Locke of Sebec) (Cosponsors: Mr. Kiesman of Fryeburg and Mr. Hanson of Kennebunkport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to the Powers of Hospital Administrative District No. 1 in Penobscot County" (Emergency) (H. P. 1818) (Presented by Mr. MacEachern of Lincoln) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Authorize Lincoln County to Raise Money for Capital Improvements to the

Court House and Annex" (H. P. 1819) (Presented by Mrs. Sewall of Newcastle) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Increasing the Indebtedness of Veazie Sewer District and Amending the Charter of Veazie Sewer District" (Emergency) (H. P. 1820) (Presented by Mr. Norris of Brewer) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Amend the Kennebunk, Kennebunkport and Wells Water District Charter to Include the Town of Ogunquit" (H. P. 1821) (Presented by Mrs. Wentworth of Wells) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)

Sent up for concurrence.

Study Report**Joint Select Committee on Fisheries and Wildlife**

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide an Income Tax Check-off for Voluntary Contributions to the Department of Inland Fisheries and Wildlife" (H. P. 1825) (L. D. 1929) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

The Report was read and ordered placed on file.

On motion of Mrs. Post of Owl's Head, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Create an Inland Fisheries and Wildlife Fund and Authorize the Commissioner to Charge other State Agencies for Services Rendered" (H. P. 1826) (L. D. 1930) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Report was read and ordered placed on file. On motion of Mr. Pearson of Old Town, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the Study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration and ask leave to submit its findings and report that the accompanying Bill "An Act to Appropriate Funds to the Department of Inland Fisheries and Wildlife" (H. P. 1827) (L. D. 1931) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Report was read and ordered placed on file. On motion of Mr. Pearson of Old Town, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the Study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration and ask leave to submit its findings and report that the accompanying Bill "An Act to Eliminate Dedicated Revenues for the Department of Inland Fisheries and Wildlife" (H. P. 1828) (L. D. 1932) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Report was read and ordered placed on file.

On motion of Mr. Pearson of Old Town, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the Study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration and ask leave to submit its findings and report the accompanying Bill "An Act to Promote Hunting, Fishing and Camping in Maine" (H. P. 1829) (L. D. 1933) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

The Report was read and accepted, the Bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the Study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill "An Act to Adjust License Fees, for Inflation, for the Department of Inland Fisheries and Wildlife" (H. P. 1830) (L. D. 1934) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

The Report was read and accepted, the Bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the Study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Encourage Retirement of Wardens in the Department of Inland Fisheries and Wildlife" (H. P. 1831) (L. D. 1935) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Report was read and ordered placed on file.

On motion of Mrs. Nelson of Portland, the Bill was referred to the Committee on Aging, Retirement and Veterans, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the Study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill "An Act to Create a Combination Non-resident Hunting and Fishing License" (H. P. 1832) (L. D. 1936) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Fisheries and Wild-

life, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the Study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill "An Act to Increase Trapping Fees" (H. P. 1833) (L. D. 1937) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

The Report was read and accepted, the Bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the Study relative to the operations and finances of the Department of Inland Fisheries and Wildlife pursuant to Joint Order H. P. 1517 have had the same under consideration and ask leave to submit its findings and report that the accompanying Bill "An Act to Create a Woodcock Hunting Stamp" (H. P. 1834) (L. D. 1938) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

The Report was read and accepted, the Bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the Study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill "An Act to Increase Registration Fees for Watercraft" (H. P. 1835) (L. D. 1939) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

The Report was read and accepted, the Bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill "An Act to Permit the Department of Inland Fisheries and Wildlife to Borrow in Anticipation of Revenues" (H. P. 1836) (L. D. 1940) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

The report was read.

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question to the Chairman of the Committee on Fisheries and Wildlife.

This morning, in looking at these items, they all of a sudden were on the calendar and I did some mad scrambling to look at the different subject matters under the bills and we did our best to figure out where we thought they ought to go. I was unable to talk to the Chairman of Fisheries and Wildlife. This item deals with An Act to Permit the Department of Inland Fisheries and Wildlife to Borrow in Anticipation of Revenues, and I would just ask the gentleman to explain to me what that all entails. Are they intending to pay back the money from Fisheries and Wildlife? The bill seems to be kind of ambiguous.

The SPEAKER: The gentleman from Old

Town, Mr. Pearson, has posed a question through the Chair to the gentleman from West Gardiner, Mr. Dow, and the Chair recognizes that gentleman.

Mr. DOW: To answer the question, yes, the state law says that no department can run out of money. There is a possibility that this department will and that is the reason for the bill, but it will come from our own money, so it probably should go to the Fisheries and Wildlife Committee.

Thereupon, the Report was accepted, the Bill referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill "An Act to Allocate ½ of 1% of the Sales and Use Tax to the Department of Inland Fisheries and Wildlife" (H. P. 1837) (L. D. 1941) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Report was read and ordered placed on file.

On motion of Mrs. Post of Owl's Head, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill "An Act to Create a Severance Tax on Minerals to Help Finance the Department of Inland Fisheries and Wildlife" (H. P. 1838) (L. D. 1942) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Report was read and ordered placed on file.

On motion of Mrs. Post of Owl's Head, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Mr. Dow from the Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order H. P. 1517 have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill "An Act to Create a Harvest Fee for Big Game" (H. P. 1839) (L. D. 1943) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bills referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

The previous matters requiring reference to Committees were ordered sent forthwith to the Senate.

Orders

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

(H. P. 1822) Joseph Noel, the oldest living Franco-American in Sanford, who will celebrate his 100th birthday on February 20, 1980.

Presented by Mr. Wood of Sanford. (Cosponsors: Mr. Tuttle of Sanford, Mr. Paul of Sanford and Senator Lovell of York.

(H. P. 1823) that the town of Sanford will celebrate Franco-American Day on February 16, 1980.

Presented by Mr. Wood of Sanford. (Cospon-

sors: Mr. Tuttle of Sanford, Mr. Paul of Sanford and Senator Lovell of York.)

(H. P. 1824) Valerie Carpentier, the 2nd oldest Franco-American in Sanford, will celebrate her 96th birthday on February 10, 1980.

Presented by Mr. Wood of Sanford. (Cosponsors: Mr. Tuttle of Sanford, Mr. Paul of Sanford and Senator Lovell of York.)

Were read and passed and sent up for concurrence.

On motion of Mr. Cox of Brewer, it was:
ORDERED, that Representative Joseph Brannigan of Portland be excused February 5 to 14, 1980 for personal reasons.

AND BE IT FURTHER ORDERED that Representative James K. McMahon of Kennebunk be excused February 11 to 25, 1980 for personal reasons.

Second Reader Tabled and Assigned

Bill "An Act to Provide for Licensing and Regulation of Adult Foster Homes" (H. P. 1816) (L. D. 1927)

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

On motion of Mrs. Prescott of Hampden, tabled pending passage to be engrossed and specially assigned for Thursday, February 14.

Passed to be Enacted Emergency

An Act to Eliminate Restrictions on Grants Made by the Bureau of Mental Retardation (H. P. 1684) (L. D. 1793)

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. 121 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 Tabled and Assigned

An Act Relating to the Vocational-Technical Institutes (H. P. 1788) (L. D. 1907)

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

On motion of Mr. Pearson of Old Town, tabled pending passage to be enacted and specially assigned for Thursday, February 14.

Passed to be Enacted

An Act Relating to Winter Closing of Town Ways (S. P. 673) (L. D. 1777)

An Act to Amend the Provisions of the Maine Certificate of Need Act Governing the Issuance of an Emergency Certificate of Need (S. P. 697) (L. D. 1833)

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 Increase Real Estate Broker and Salesman License and Examination Fees (S. P. 705) (L. D. 1841)

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Anytime all over the State of Maine we see "For Sale" signs on all properties, high interest rates, no sales being made, brokers are hanging on by the skin of their teeth, and here you are wanting to raise the fees. Did that department over there ever hear of a little thing called fiscal responsibility or living within their income? This is the trouble here in Augusta—everybody wants more, more, more, but they don't go out and work for it, they sit here and put out their hands and keep asking for more, more, more.

I hope that you will all join with me this morning and indefinitely postpone this legislation.

The **SPEAKER**: The gentleman from Limerick, Mr. Carroll, moves that this matter be indefinitely postponed.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that came out of the Real Estate Commission. It is completely supported by Commissioner Weil from Business Regulation. The problem is that they are running out of money. We had this bill in the last session and it was voted down in the House at that point because they were carrying a sufficient balance, so we didn't feel it was necessary that it be done at that time.

As it now stands for the fiscal year 1980-81, they will end up the year with a deficit in the second quarter and a deficit in the third quarter, and they will end up the year with \$39,000.

In the fiscal year 1981-82 and 1982-83, they will run deficits in all quarters and the department will basically be out of money.

The fees are paid by licensed real estate brokers and salesmen, it doesn't come out of the General Fund. The Real Estate Commission serves these people. From what we have been able to determine, the Business Regulation Department is supported by the realtors. We haven't polled all the people in the state, obviously, but there certainly was no opposition to it in the hearing. The Commissioner feels very strongly that this money is needed to run the department. Even with the license fee increase granted here, there will be a cash flow problem with the department. The way the licenses come in, the way the fees are paid, they will have to run a deficit in some of their quarters, but at least they won't be running a total deficit for the year. That is with the license fees granted here.

I hope you will not vote for indefinite postponement of it and will let this go through.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you that they knew in advance they were going to start having a cash flow problem and they should have taken some constructive action. They did not take any action; they just continued to live as they have in the past.

I think the legislature has got to start saying no, no, that is the answer to it. If they are over-drawing their savings account, if they are over-spending their checking account, if they are spending too much back home, we just tell them, you don't spend this money; you don't have it. But down here we tell them, just come to the legislature and we will give you some more. We will go out there and we will put some more real estate people out of business.

Now, these realtors, they have got a highfalutin society, I don't belong to it, I don't belong to many societies these days, but I can tell you right now, back where I come from we have some small people and they don't have this big commission basis, they don't have this big business, they don't have a staff, and they are trying to live and they are trying to perform a service, and now what you are telling me is, you want to raise these rates, raise his license, put them people out of business out there so if they want to buy any real estate where I come from, they will have to go into the city and go to a broker in there. That is just what you are telling me. You want to keep raising the licenses. You raised the educational requirements the last time, making rural people travel miles to get a little additional education—you say there is nothing to it, there never is. When a department comes in here and wants some money, there is never any problem, it is just "ask and you will receive."

I happen to be a House Chairman of a committee and we have our problems and we are

going to try to solve them. We are not going to come in here and ask for more money, we are going to ask for some fiscal responsibility. That is what I ask you, I want some fiscal responsibility over there in that division. I want them to cut back, they have five people and I want them to only have one, that is what you do out in the society that I come from. You don't continue to spend if you don't have money to run a business because if you do, you are bankrupt right off quick. So this is why I made this motion and I hope you will support me this morning. I would request a roll call.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Limerick has made what sounded to me to be reasonably serious charges, that the real estate commission is acting in a fiscally irresponsible manner. I hope he can document that.

The Committee on Business Legislation always demands documentation when these various licensing agencies and boards come before us for fee increases. The fee increase would bring the license fee for a real estate person to \$40 every two years. I think it unlikely that it will put anybody out of business.

The gentleman is correct when he says the commission knows in advance that its revenue was declining and there was going to be a financial problem. Indeed, it did know in advance. The constructive action it took was to put a bill in the last session, which was defeated on the floor of the House, as I hope this one will not.

The committee reported this bill out unanimously after looking at both budget and expenditure sheets for the last year and for the coming year, and we were satisfied that these fee increases were necessary if the commission were to maintain its present level of services.

My view is that these licensing agencies and boards largely exist because the people they license want them to exist. These people in these professions receive services and in some degree are protected economically by the existence of these boards and agencies and because benefits flow to the people that are licensed, I think they ought to pay for them. In fact, that is the policy of the state in almost all cases, that these boards are supported by the fees that the people who are licensed pay in and most of the accounts are dedicated, as this one is.

I don't know precisely what services the gentleman from Limerick would want cut back, but one of the services that is provided the public is that complaints of shoddy practices in the real estate industry are investigated and acted upon. That is one service that is intended to protect the home buyer and the home owner.

Again, I hope that you will put some faith in the judgment of the Committee on Business Legislation, that we did ask for the kind of documentation that I think ought always to be demanded when an agency like this asks for a fee increase and that you will defeat the present motion and let the bill become law.

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 Limerick, Mr. Carroll, 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 — Berube, Blodgett, Brown, A.; Brown, K.C.; Carroll, Cloutier, Doukas, Dutremble, D.; Dutremble, L.; Fowlie, Gray, Hall, Hanson, Hobbins, Hunter, Hutchings,

Jacques, P.; Joyce, Lancaster, LaPlante, Lizotte, Lougee, Lowe, Mahany, Martin, A.; Matthews, McKean, McPherson, McSweeney, Morton, Nelson, N.; Paul, Payne, Peterson, Prescott, Reeves, J.; Rollins, Roope, Theriault, Tozier, Tuttle, Twitchell, Vincent, Wood, Wyman.

NAY — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Bordeaux, Boudreau, Bowden, Brennerman, Brodeur, Brown, K.L.; Bunker, Call, Carter, F.; Chonko, Churchill, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Dow, Drinkwater, Elias, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gowen, Gwadosky, Hickey, Higgins, Howe, Huber, Hughes, Immonen, Jackson, Jacques, E.; Jalbert, Kane, Kany, Kelleher, Kiesman, Lewis, Locke, Lund, MacBride, MacEachern, Marshall, Masterman, Masterton, Maxwell, McHenry, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Paradis, E.; Paradis, P.; Pearson, Peltier, Post, Reeves, P.; Rolde, Sewall, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Tierney, Torrey, Viollette, Vose, Wentworth, Whitemore.

ABSENT — Berry, Brannigan, Brown, D.; Carrier, Carter, D.; Dudley, Laffin, Leighton, Leonard, McMahon, Norris, Sherburne, Simon, Soulas, Strout.

Yes, 45; No, 90; Absent, 15.

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

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

An Act to Clarify the Statutes Relating to Natural Gas Pipeline Companies (H. P. 1593) (L. D. 1704) (C. "A" H-757)

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

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

Mr. **DAVIES**: Mr. Speaker, Ladies and Gentlemen of the House: Usually the legislation that we handle here is full and complete in itself when we have the bill before us, but every once in a while a matter comes up where there are implications of the legislation which were not contained within the legislation. Such is the case with this bill dealing with natural gas pipelines, sponsored by the Representative from Bangor, Mr. Kelleher and the Representative from Cumberland, Mr. Garsoe.

In line with that, the committee was concerned that if we passed the bill without making any agreements or arrangements ahead of time, the only possible tap that we would have on this gas pipeline in the State of Maine would be an emergency tap and there would be no provision for the normal purchase of gas from the pipeline to be sold within the State of Maine. So if we were to use natural gas that would be brought through this pipeline, it would be transmitted to Boston and then it would be shipped back at an extra cost to us. So, we expressed some concerns to the two companies that were interested in this, Transcontinental Gas Pipeline Corporation and the Algonquin Gas Transmission Company, both of Boston, Massachusetts, and in response to our interest, they sent a letter to the president of the Northern Utilities Gas Company here in the State of Maine which I would like to read into the record.

It is to Mr. Walter Evansivic, President, Northern Utilities Incorporated, P.O. Box 3586, Portland, Maine 04104. "Dear Mr. Evansivic: As you know, Algonquin Gas Transmission Company and Transcontinental Gas Pipeline Corporation have entered into a letter of intent pursuant to which they have indicated an indication to purchase a supply of gas from Canada and to construct a natural gas pipeline from New Brunswick, Canada, across the border to a

point in Rhode Island. This line will cross the states of Maine, New Hampshire, Massachusetts and Rhode Island.

"Attached is a statement issued by Algonquin and Transco relating to the delivery of gas in Maine; also attached is a copy of Section 7a of the Natural Gas Act.

"This will confirm that we have also advised the Maine Legislature that we have commenced negotiations with your company to determine the feasibility of a sale of your company of gas to be transported in the pipeline and of establishing an inter-connection between the New England states' pipeline and either Northern Utilities or Granite State Pipeline to facilitate the delivery of any volumes of gas. This letter confirms to you that the statements have been made and our intent to honor them sent to representation. Yours very truly, Algonquin Gas Transmission Company, signed by R. D. Ward and Transcontinental Pipeline Company, signed by Jack Ernest."

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

An Act to Amend the Laws Relating to the Maine Student Incentive Scholarship Program (H. P. 1622) (L. D. 1732) (C. "A" H-756)

An Act to Limit the Activities Authorized by the Wholesale Seafood License (H. P. 1625) (L. D. 1735) (C. "A" H-761)

An Act Concerning the Brake Requirements on Farm Registered Vehicles under the Motor Vehicle Laws (H. P. 1627) (L. D. 1737)

An Act Concerning Recording, Comments and Notice Dates Under Administrative Procedure Laws (H. P. 1643) (L. D. 1752) (H. "A" H-762)

An Act to Increase the Debt Limit of the Kingfield Water District from \$80,000 to \$350,000 (H. P. 1660) (L. D. 1769)

An Act to Amend the Capitol Planning Commission Law (H. P. 1669) (L. D. 1786) (C. "A" H-760)

An Act to Amend the Law Dealing with the Identity of Fish Produced by Aquaculture (H. P. 1710) (L. D. 1815)

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 Providing Release Benefits for Certain Persons Discharged from the Maine Correctional Center (H. P. 1714) (L. D. 1820) (C. "A" H-759)

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

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

Mr. **HIGGINS**: Mr. Speaker, Ladies and Gentlemen of the House: This bill kind of drew my attention when I saw the \$10,000 price tag and I thought before we voted on it today I would kind of like to get an idea of—the way I read the bill is that the state is going to furnish \$50 to every inmate at the time of parole or discharge and provide them transportation back home if it is within the state. I wondered if we might have an explanation as to why this is necessary and what is the reasoning behind providing this service to people who have been incarcerated? Perhaps somebody could answer that question for me.

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

Mrs. **PRESCOTT**: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to answer the gentleman's question and he should be concerned when we do have money bills coming before the legislature since we are in such a bind this year.

There is a \$10,000 price tag. There were no opponents to the legislation. The bill is a Governor's bill, introduced as fairness, since the Maine State Prison does offer the same benefits for those prisoners who are released from

the Maine State Prison.

Since we put the Criminal Code into effect, we now have females and offenders who are older than the 18 and 24 years of age bracket at the correction center. Those people are released into the community without any community support. They don't have parental support, they don't have community support, and it was felt that those people 18 and 24 years of age who are adults at the correction center deserve the same support when they are released as they do at the Maine State Prison.

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

Mrs. **HUBER**: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the explanation of the chairman of the committee. I would say, although it is a nice thing to do, perhaps it shouldn't rank very high on our priorities and I would ask for a roll call when we vote on this measure.

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

Mr. **BRODEUR**: Mr. Speaker, Members of the House: Some additional information—it would not be for all the inmates. Last year about 400 people were released from the Maine Correctional Center—200 people were on work release and did not need the money, they had income which they could use, so in those conditions the money would not be given. It may be given—transportation costs and up to \$50 in expenses, not necessarily \$50. This would be in the cases where people who are being released and are just let outdoors outside the Maine Correctional Center will have some money to transport themselves back to their home or, if they are incarcerated in the summertime and are let out in the wintertime, they may not have a place to stay, a room to rent, an apartment to get for the next two days.

As some of you may know, I am doing some graduate work in social work and one of my colleagues was faced with somebody being released from a jail in the middle of the wintertime with no winter clothes, wearing sneakers, no place to stay and did not have any access to any funds from any place that he could have gotten them. It seems to me, leaving somebody in that condition kind of means that they need to survive in some way and I would like to have the state give them assistance in a positive direction to give them a chance to get a job, to give them a chance to have a place to stay and probably not send them back into crime, which may be their only alternative. It seems that if one of these 200 people who we might provide a little bit of assistance will return to crime, it is going to cost the state an awful lot more money just for that one individual going back into the correctional system than it would be for the whole \$10,000 that may be given through this small allotment for a short duration of time.

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

Mr. **HIGGINS**: Mr. Speaker, Ladies and Gentlemen of the House: It would seem to me that a \$50 bill and bus ride back home isn't going to really solve the crime problem in the State of Maine and I don't think that is going to deter anybody from getting back into the criminal aspects of society. Somehow I don't see that as a real forceful argument.

I do thank the gentlelady from Hampden, Mrs. Prescott, for explaining the bill. I was not aware of the situation at Thomaston, and I guess I don't agree with the situation at Thomaston anymore than I would with this bill. If I had my druthers, I would take that money away from them too. I think these people are there for a reason, and I am not sure that we are obligated to provide them with \$50 to go home or to go home to do whatever they want to do with it, because we do offer a number of programs now where they can go and work, work-release programs, and earn some money, and this to me seems contradictory to that.

So, I would hope that you would join with the

gentlelady from Falmouth, Mrs. Huber, and I in voting against this bill 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. 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, Men and Women of the House: This is not a partisan issue, but during the very illuminating debate from the gentle people from Falmouth and Scarborough, I have had the chance to read this complicated and sophisticated piece of legislation. It does cost \$10,000; it does have a very high appropriation and I know that is why they are concerned.

Ladies and gentlemen, the only thing I can remember from my youth is spending untold hours watching old Jimmy Cagney movies, and at the end of every Jimmy Cagney movie, they give the prisoner a cardboard suit and enough money to get them out of town. If we don't give them enough money to get out of town and just give them the cardboard suit, he may not be able to get back to Scarborough and Falmouth and there may be some type of underlying motive which is being brought to us by the gentleman from Scarborough.

I cannot imagine a more innocuous and easy piece of legislation. If the person does have his own source of money or has earned money through work release, then he is not going to get this fantastic amount of money to get him home, so please, ladies and gentlemen, let's vote for this excellent piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker and Members of the House: Since it is my town they are going to get out of, I would enjoy that. The bill does give me a little bit of heartburn, but as I told Representative Higgins, I am glad we are going on roll call. I think the issue of transportation out of town is excellent. I am quivering a little bit on the \$50, but I may be able to do it.

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

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Birt, Bowden, Brennerman, Brodeur, Brown, K.C.; Bunker, Call, Carroll, Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cunningham, Curtis, Davies, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, L.; Elias, Fenlason, Fowlie, Gillis, Gowen, Gwadzky, Hall, Hickey, Hobbins, Howe, Hughes, Hutchings, Immonen, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, LaPlante, Locke, Lund, MacBride, MacEachern, Mahany, Masterton, Matthews, McHenry, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Payne, Peterson, Post, Prescott, Reeves, P.; Rolde, Soulas, Stetson, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman.

NAY — Aloupis, Austin, Berube, Blodgett, Boudreau, Boudreau, Brown, A.; Conary, Damren, Davis, Dellert, Dudley, Dutremble, D.; Fillmore, Gavett, Gray, Hanson, Higgins, Huber, Hunter, Jackson, Jalbert, Kiesman, Lancaster, Lewis, Lizotte, Lougee, Lowe, Marshall, Martin, A.; Masterman, Maxwell, McKean, McPherson, Morton, Nelson, A.; Paul, Pearson, Reeves, J.; Roope, Sewall, Small, Smith, Sprowl, Stover, Studley, Torrey, Wentworth, Whitemore.

ABSENT — Barry, Berry, Brannigan, Brown, D.; Brown, K.L.; Carrier, Carter, D.;

Cox, Garsoe, Laffin, Leighton, Leonard, McMahon, Norris, Peltier, Rollins, Sherburne, Silsby, Simon, Strout.

Yes, 81; No, 49; Absent, 20.

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

Signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act Relating to Budgetary Hardship in Maintaining Special Education Students (H. P. 1789) (L. D. 1908)

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

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

Mrs. HUBER: Mr. Speaker and Members of the House: I would like to direct a question to the chairman of the committee on this bill. It does have an appropriation for a special education contingency account of \$300,000. I would ask him specifically, I think the bill itself is pretty straightforward, it is to meet unexpected expenses for handicapped students, but I wonder why it isn't in the actual education budget or at least in the appropriations bill which covers that budget. If the gentleman could explain this to me, I would be thankful.

The SPEAKER: The gentleman from Falmouth, Mrs. Huber, has posed a question through the Chair to the gentleman from Portland, Mr. Connolly, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, there currently is within the education budget a provision for money for hardship for the placement of special education students in residential treatment centers, but only for placement in residential treatment centers. This provision here expands the definition of a hardship so that local educational agencies who wish to place a special education student not in a residential treatment center but in a special education program within that local school district, but due to the expense, which can range between ten and twenty thousand dollars in some instances for that particular program, this particular bill broadens the definition of the hardship and provides this sum of money to meet the costs so that local educational agencies, who have not budgeted for that expense in their budgets for that year, would be able to get the money from the state, and the money that is in this bill would provide the funds to do that.

I hope that is the explanation that the gentleman is looking for.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This is a measure that I had called from home for a proper reference, in the first place. It is an expansion of an existing program. On that level, this should have been in the budget in the first place. If it is not put in the budget here, I can guarantee you it will be put in the budget somewhere else regardless of how we vote here today.

This belongs in the operating budget. It is an expansion of a program and it belongs where it belongs, and that is in the budget.

Thereupon, on motion of Mrs. Huber of Falmouth, tabled pending passage to be enacted and tomorrow assigned.

An Act to Require that Children who are under 15 Years of Age Wear Helmets when they are Passengers on Motorcycles or Operate Off-Road Motorcycles or Motor Driven Cycles (H. P. 1590) (L. D. 1700) (S. "B" S-410)

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

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

Mr. JALBERT: Mr. Speaker, I move that we reconsider our action whereby An Act to Increase Real Estate Broker and Salesman License and Examination Fees, Senate Paper 705, L.D. 1841, was passed to be enacted.

I know that a member is supposed to be in his seat when items are being taken up, but I was in a heated discussion on another item that is coming up before us and this went by me.

I have had several calls on this item. This increases the fees of the broker and salesman, and examination fees, to quite an extent. Right at the present moment, I actually know some real estate brokers and salesmen that are actually on food stamps; things are that bad for them.

With the present interest rates, real estate is not moving in any way, shape or manner. These people can hardly earn a living and this is another imposition on them.

I voted the other way on a roll call. I don't know what I was voting about, frankly, and I would like now to reconsider whereby we enacted this. In any event, I want to set my own conscience straight.

I move that we reconsider whereby this bill was passed to be enacted and 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 Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I would like to ask that someone table this for one legislative day since the chairman is not in his seat.

The SPEAKER: The chairman is forthcoming.

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

Mr. KELLEHER: I would like to pose a question. Is this a House-sponsored bill?

The SPEAKER: The Chair would answer in the negative.

Mr. KELLEHER: Mr. Speaker, just an observation. If the chairman isn't here, so what, the members of the committee are here and that is all that matters. As long as the sponsor is absent from this House, then why can't the committee handle any business before the House that was before the committee?

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

Mr. TIERNEY: Mr. Speaker, I would just like to say that I agree wholeheartedly with the good gentleman from Bangor. If people aren't in their seat when they are here when they are supposed to be, then there is absolutely no excuse for it—the vote should go forward.

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

Mr. JALBERT: Mr. Speaker, I don't have to be told when I should and shouldn't be here. I was called outside while this was going on on another very important matter, and I think, frankly, the opinions of the gentleman on my right are totally uncalled for. If he wants to keep on directing them at me, I will direct a couple at him.

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

Mr. TIERNEY: Mr. Speaker, I think if the good gentleman listened closely, he would know I was not referring to the good gentleman from Lewiston, Mr. Jalbert, I was referring to the good gentleman from South Portland, Mr. Howe. If he takes any offense, I certainly apologize for it.

The SPEAKER: A roll call has been ordered.

The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action of earlier in the day whereby An Act to Increase Real Estate Broker and Salesman License and Examination Fees, Senate Paper 705, L. D. 1841, was passed to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Blodgett, Boudreau, Brown, A.; Brown, K.C.; Carroll, Carter, F.; Cloutier, Connolly, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gillis, Hanson, Hickey, Hobbs, Hunter, Hutchings, Jacques, E.; Jalbert, Kelleher, Lancaster, LaPlante, Lizotte, Lougee, Marshall, Martin, A.; McPherson, Morton, Nadeau, Paul, Peterson, Reeves, J.; Reeves, P.; Rollins, Smith, Soulas, Theriault, Tozier, Tuttle, Twitchell, Vincent, Wood, Wyman.

NAY — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Bordeaux, Bowden, Brennerman, Brodeur, Brown, K.L.; Call, Carter, D.; Chonko, Churchill, Conary, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gowen, Gray, Gwadosky, Hall, Huber, Hughes, Immonen, Jackson, Jacques, P.; Joyce, Kane, Kany, Kiesman, Lewis, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, Michael, Mitchell, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Payne, Pearson, Peltier, Post, Prescott, Rolde, Roope, Sewall, Silsby, Small, Sprowl, Stetson, Stover, Studley, Tarbell, Tierney, Torrey, Violette, Vose, Wentworth, Whittemore.

ABSENT — Berry, Brannigan, Brown, D.; Bunker, Carrier, Cox, Higgins, Howe, Laffin, Leighton, Leonard, McMahon, McSweeney, Norris, Sherburne, Simon, Strout.

Yes, 46; No, 87; Absent, 17.

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

(Off Record Remarks)

On motion of Mr. Garsoe of Cumberland, Rescinded until the sound of the gong.

After Recess

12:00 Noon

The House was called to order by the Speaker.

Orders of the Day

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

HOUSE DIVIDED REPORT—Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (H-775) Minority (1) "Ought to Pass" as Amended by Committee Amendment "B" (H-776)—Committee on Judiciary on Bill "An Act to Amend the Law Regarding the Reporting of Accidents under the Motor Vehicle Laws" (H. P. 1626) (L. D. 1736)

Tabled—February 11, 1980 by Mr. Hobbins of Saco.

Pending—Acceptance of either Report.

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

Mr. HOBBS: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves that the Majority "Ought to Pass" Report be accepted.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask you to vote against the majority report and to consider the minority report. The reasons are these, that the only difference between the two reports is this—the majority calls for the crim-

inalization of a failure or refusal to give one's name and address to the investigating officer at the scene of an accident.

Now, I have checked with our distinguished former state troopers here in this body and I have learned that they have never had that problem, they have never encountered that problem, and I suggest to you that four years ago, when our legislature enacted the new Criminal Code, one of the multi-purposes was to get the victimless crimes off the books and let the police concentrate on the crimes that affect society, that affect people and property. If there is ever a victimless crime, it is failure to give one's name and address to a police officer at the scene of an accident.

I suggest further that this is really a stupid, a really stupid measure.

If the person successfully fools the officer by giving a false name and address, how in the name of heaven can this crime be enforced, can the enforcement be accomplished? If, on the other hand, in giving a false name or giving no name he doesn't fool the officer, what crime has been done?

I suggest to you, we have plenty of sanctions on the books already. We have the sanction of giving a false report to an officer, which in itself is a crime.

I suggest, let's not just add another stupid Class E crime to the books when it is not needed, when it will not accomplish any real purpose, and I ask you to defeat the majority report and go along with the minority report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Hobbins of Saco 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 Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: After hearing the good gentleman from Wiscasset, Mr. Stetson, I started to think that maybe eleven of us on the committee were stupid or something for taking the position we did on this particular bill. However, I think if you will look at the bill, if you would look at L. D. 1736 and look at what the intention of the bill is and take away the buzz-saw words of needless statutes and all those nice canned phrases which everyone can feel comfortable with saying "we don't need this kind of law on the books," if you will look at the bill and you look at the intention of the bill, and you look at it from the standpoint of investigation of a reportable accident, you will find that the information in regards to a person's name and address is needed and necessary in order for that law enforcement officer to be able to go through with that investigation and to be able to do what is legally obligated on his part to report that accident to the proper authorities and make a report of that accident.

This particular bill requires, basically, that a person involved, a driver involved in a reportable accident, if at the scene of the accident, and if the officer in fact requests him or her to give their name and address, they would have to give their name and address—I don't think that is asking too much. Can you see the example of a particular accident that two people are in, the person refuses to give his name and address to the officer? Let's say the person might be intoxicated, refuses to give his name and ad-

dress but he just keeps quiet about the accident and the officer has no enforcement provisions, even though the good gentleman from Wiscasset, Mr. Stetson, will tell you he can give false information to a police officer, if he doesn't give any information at all, what are you going to charge him with? How can you get the information? If he says something and he gives the wrong statement, then you could probably charge him or her with the crime of giving false information to a law enforcement officer. But if you don't say anything, then you can't charge him with that particular crime and you are impeding the investigation of an accident.

That is one of many provisions of this bill. It was presented by the good gentleman from Portland, Mr. Joyce. The state police have found a situation where that provision is necessary. It is ironic to think that the former prosecutor, the Assistant United States Attorney who professes to be law and order, would be on one side of the issue and the person who is supposed to be the big civil libertarian, such as myself, is on the other side of the issue. But I think if you will look at the bill, you will find that it is not asking too much, it is not impeding upon anyone's civil liberties. It is basically a procedure which is necessary for an investigation properly executed by the law enforcement officials at the scene of the crime.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I certainly don't accuse the Judiciary Committee of being stupid, but even intelligent people sometimes make stupid mistakes.

Mr. Hobbins has argued to you that there is a need for the name and address to investigate and report an automobile accident. Well, I submit to you that most accident reports are the ones that you file with your insurance company—identify vehicle A and vehicle B, and the investigation requires the measurement of skid marks, it requires, perhaps, an investigation as to the direction that the cars were traveling in at the time of the accident, a few things like that. I don't think that the name and address of the participants has much to do with the determination of who caused the accident, it certainly shouldn't have or what the effects of the driver were in relation to that accident.

Now, Mr. Hobbins has raised a good question—suppose the driver is intoxicated and can't give his name and address? You are going to charge him with a Class E crime, failure to give his name and address. Well, any police officer that does that I think is missing the boat. Here he has an intoxicated driver involved in a reportable accident and if he doesn't arrest that man and charge him with operating under the influence, he doesn't deserve to wear a badge.

Yes, I am law and order; yes, I have prosecuted people for a good many crimes and have thrown out a good many proposed prosecutions because I thought they were stupid.

I submit to you that in this day and age of computers, that our state police and most of our local police have the capability to call in the license plate of the vehicle involved and ascertain whose vehicle it is, the address of the owner of the vehicle, and I think that is sufficient to put down on the investigative report. If the party involved in the accident is unable or refuses to give his name and address, I don't think it is a heinous crime and I don't think we should put another victimless crime back on the books, a step backwards from the criminal code.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise because this is a bill that I passed innocently but a bill that I support. When I was asked to submit it, I went to the man that I felt would know; I went to the lieutenant that is in charge of the Traffic Divi-

sion for the Maine State Police. I had never met him before, and I told him I didn't think I was meeting under emergency conditions where this was a special session and this type of bill could have waited.

He seemed like a bright young fellow. I sat down and had a nice talk with him on this. It was very simple the way he explained it to me. He told me that his department was reviewing the traffic laws and during the looking over, they found there were three sections that had been neglected, that they forgot to change the last time. He said, we have got a situation where in the middle of the night we go to an accident, one driver can give the name to the other driver and vice versa, but when the policeman shows up, if you look at the book, there is nothing there that says they have to identify themselves to the trooper. He said, this is strictly a housekeeping bill.

I read it several times; I agree with him. They just want to correct the books.

While I was absent, apparently the majority of the Judiciary Committee agreed with that young lieutenant as well as they agreed with me.

I can understand here today, where there is one member of my committee, a member who is very dear to my heart, ever since he has looked at me for guidance in police matters, and I apologize to the House that I was not there to guide him through this difficult vote, and I will apologize for him because I don't think it is really his fault this time, but I hope you follow my light on this one.

Mr. Stetson of Wiscasset was granted permission to speak a third time.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I endorse a great deal of what my very fond colleague, Mr. Joyce of Portland, has said. It is true, he has given me great guidance in many of the deliberations within the Judiciary Committee and I hope that I have been of some help to him in return.

In the last session, I found myself a minority of one on a terrible bill that would have outlawed and criminalized drinking in public. This body had the good sense to follow my light in that case. I believe it was Mr. Joyce's bill a year ago which would have criminalized drinking in public and we disagreed on that one. So, although I do look toward him for guidance on a good many matters and although he wears his badge quite proudly, I feel that in this case we don't need any more police authority. The police have plenty of authority on the books already; let's not put another useless Class E crime on the books.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am not on the Judiciary Committee this year but did serve the previous session on the Judiciary Committee and this morning I was tardy getting here because I was attending the State Advisory Council meeting on alcoholism and drug abuse and we were addressed most of the meeting to the carnage that we are facing on the highways, that about 85 percent of the death involved accidents were involved with driving under the influence of intoxication. Our researchers are doing a complete report across the state to find out where our judicial system is breaking down.

I do remember that about 3 years ago we had a discussion of this type on this type of legislation and without the identification of the people present at an accident scene, many times it is impossible for the law enforcement people to find out or to have witnesses if they are going to try and prosecute. Believe me, today we are really failing in the courts to prosecute people that are being arrested for drunk driving and as you know, there are many, many people getting killed.

I hope you go with Officer Joyce and the Judiciary Committee this morning.

The SPEAKER: A roll call has been ordered.

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

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Breneman, Brown, A.; Brown, K.C.; Bunker, Carroll, Chonko, Churchill, Cloutier, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gavett, Gowen, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kiesman, Lancaster, LaPlante, Lizotte, Locke, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterton, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Payne, Pearson, Prescott, Reeves, P.; Rolde, Sewall, Silsby, Small, Smith, Sprowl, Stover, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Vose, Whittemore, Wyman.

NAY — Austin, Bordeaux, Boudreau, Bowden, Brodeur, Brown, K. L.; Call, Carter, D.; Carter, F.; Conary, Connolly, Cunningham, Curtis, Damren, Dellert, Dexter, Drinkwater, Fenlason, Garsoe, Gillis, Hanson, Hunter, Hutchings, Immonen, Jackson, Kane, Kany, Kelleher, Leonard, Lewis, Lougee, Lowe, Masterman, Matthews, Maxwell, McHenry, McPherson, Morton, Nelson, A.; Paradis, E.; Peltier, Reeves, J.; Rollins, Roope, Soulas, Stetson, Studley, Tarbell, Wentworth, Wood.

ABSENT — Berry, Birt, Brannigan, Brown, D.; Carrier, Davis, Dudley, Huber, Laffin, Leighton, McMahon, Peterson, Post, Sherburne, Simon, Strout, Torrey, The Speaker.

Yes, 83; No, 50; Absent, 17.

The SPEAKER: Eighty-three having voted in the affirmative and fifty in the negative, with seventeen being absent, the Majority "Ought to Pass" Report is accepted.

The Bill was read once.

Committee Amendment "A" (H-775) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

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

Tabled—February 11, 1980 by Mr. Connolly of Portland.

Pending—Passage to be Enacted.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In 1969, there was a charter change before this body dealing with my community, the City of Bangor. There were four members of the House that were in support of that charter change plus the two Senate members and I was the lone dissenting member from my own delegation opposing it. I am only giving you an outline because there is a point I want to make in a second.

I came into the House and I didn't have my leadership with me on my side of the aisle, nor did I have the leadership with me on the other side of the aisle, the other party, didn't get much help from the presiding officer because he didn't know whether he wanted to go with me or with the majority members of the delegation, and there was a legislator here from Kittery by the name of William Dennett, and those of you who had the pleasure as I have had of serving with Mr. Dennett, you can remember what a fine debater he was, an excellent legislator and a general, overall good friend to the members of that body in 1969 and he said to me, "What are you going to do today?" I said, "I can use your help on a piece of legislation." He said, "I really can't get involved because it is not in my territory, it is a local dispute be-

tween the members of your delegation and your community."

Well, the other day I got a telephone call from a former Speaker of the House, who at that time was the Speaker of the House in 1969, and he was concerned about L. D. 1697 and he wanted to know if I would be willing to give him some help after he explained his concern on that bill. I said, "Wait a minute, if there is one lesson that I learned a long time ago, it is that you never get onto somebody else's terrain, you never involve yourself in a local issue if you are not representing that district." He said, "I agree with you, but if you would look to see who the sponsor of the bill is, which is a Senator from Kennebec, it might be able to broaden your interest somewhat in this particular document." I said, I don't mind raising a couple of questions before the body today because up to that point, or before he gave me his reasons for opposing it, I didn't have any interest in this particular bill.

I also learned a long time ago in this body, if you want to kill a bill and it comes from your area and you don't want it in, you put in by request. It tells the members, it is an unwritten rule, we all know that that legislator would like to see the bill go right down the tube but because it is from their area, they may be forced into putting it in.

My question is to the Representative who represents this town, and that gentle lady may want to answer the question, why isn't she sponsoring this bill or why didn't the member of the Senate who comes from that particular part of Washington County sponsor the bill? What is the reason a Senator from Kennebec is sponsoring this bill?

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

Mr. GARSOE: Mr. Speaker, a point of order? I have the greatest respect for the gentleman from Bangor and I understand his seniority here, but I think he is abusing the privilege of the floor when he starts going into the sponsorship of a bill and the approach he has just taken. I allowed him to finish, but if he is going to continue in this vein, I shall object to his conduct.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just a point of interest to my good friend over in the corner and to members of the body—in one presenting his arguments on the floor, I think he has to give an illustration why one wants to do it. Basically, I am not a lawyer but I am sure if you are in court sometime, you have to give a broad illustration of the point in question and I don't think it is out of order, Mr. Garsoe. I certainly am not trying to abuse my position as just a member of this honorable body; I would never attempt to do that.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I am not sure what the point of the question was from the Representative from Bangor other than the fact that he had been lobbied by an individual who was opposed to this piece of legislation. But I would point out that the question that Representative Kelleher raised was asked by myself in perhaps a different way but the question was asked at the hearing of the sponsor of this legislation. The answer that was given is that I am not sure of the individual but I believe it was the superintendent of schools in the district concerned who has a long time friendship with the Senator from Kennebec and the Senator from Kennebec also happens to be a member of leadership in the Legislative Council. I think it was the feeling on the part of those people who wanted to see this bill put in that that would be the wisest route to insure that the Legislative Council would put the bill in. It was because of that reason and the friendship between the Senator

from Kennebec and that superintendent that Senator Katz was asked to be the sponsor of that bill.

I would also point out for the edification of Mr. Kelleher and other members of the House that the legislator from that district attended the hearing on this bill, attended the work sessions on this bill, saw to it that the parties who were for and against the bill came to the hearings and the workshops and presented their views and she has been involved in this bill throughout the whole course of its history before this session of the legislature.

The SPEAKER: This being an emergency a two-thirds vote of all the members elected to the House is necessary.

The pending question before the House is on passage to be enacted.

A vote of the House was taken.

Mr. Kelleher of Bangor requested a roll call.

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

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

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I probably am addressing myself to my very, very dear friend from Cumberland, Mr. Garsoe. One other little gimmick that the gentleman from Bangor forgot to use that is sometimes used around here—if you really want to know where you stand on an issue, just get up first and say, I have nothing but a great deal of respect for my friend here and there and then clobber him.

The SPEAKER: A roll call has been ordered. The pending question before the House is on passage to be enacted.

The Chair recognizes the gentlewoman from Milbridge, Mrs. Curtis.

Mrs. CURTIS: Mr. Speaker, pursuant to Joint Rule 10, I ask to be excused from voting.

The SPEAKER: The gentlewoman from Milbridge, Mrs. Curtis, wishes to be excused pursuant to Joint Rule 10 and the Chair will allow that request.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Blodgett, Boudreau, Bowden, Brenerman, Brodeur, Brown, K.L.; Brown, K.C.; Call, Carroll, Carter, F.; Chonko, Churchill, Cloutier, Conary, Cox, Cunningham, Davies, Dellert, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Fillmore, Fowlie, Garsoe, Gillis, Gowen, Gray, Gwadosky, Hickey, Higgins, Hobbins, Howe, Hughes, Jackson, Jacques, P.; Joyce, Kane, Kiesman, Lancaster, LaPlante, Lewis, Lizotte, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Paul, Peltier, Prescott, Reeves, P.; Rolde, Sewall, Small, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twichell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berube, Bordeaux, Brown, A.; Carter, D.; Connolly, Damren, Dexter, Diamond, Fenlason, Gavett, Hall, Hanson, Hunter, Hutchings, Immonen, Jacques, E.; Jalbert, Kany, Kelleher, Leonard, Lougee, Lowe, MacBride, McPherson, Nelson, A.; Norris, Payne, Pearson, Reeves, J.; Rollins, Roope, Silsby, Smith, Soulas, Sprowl, Whittemore.

ABSENT — Berry, Birt, Brannigan, Brown, D.; Bunker, Carrier, Davis, Dudley, Elias, Huber, Laffin, Leighton, McMahon, Peterson, Post, Sherburne, Simon, Strout, Torrey.

EXCUSED — Curtis

Yes, 93; No, 38; Absent, 19, Excused 1.

The SPEAKER: Ninety-three having voted in the affirmative and thirty-eight in the negative, with twenty being absent, the bill fails passage to be enacted.

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

Mr. CONNOLLY: Mr. Speaker, having voted on the prevailing side, I would like to move that we reconsider this matter and I would further like to move that that motion be tabled for one legislative day.

Whereupon, Mrs. Kany of Waterville requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that this matter be tabled pending his motion to reconsider whereby the bill failed of enactment and tomorrow assigned. All those in favor will vote yes, those opposed will vote no.

A vote of the House was taken.

99 having voted in the affirmative and 22 having voted in the negative, the motion did prevail.

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

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

Tabled—February 11, 1980 by Mrs. Kany of Waterville.

Pending—Passage to be Enacted.

On motion of Mr. Connolly of Portland, retabled pending passage to be enacted and specially assigned for Thursday, February 14.

The Chair laid before the House the fourth 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 11, 1980 by Mr. Blodgett of Waldoboro.

Pending—Passage to be Engrossed.

On motion of Mr. Hall of Sangerville, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted. On motion of the same gentleman, the Amendment was indefinitely postponed.

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

House Amendment "A" (H-783) was read by the Clerk and adopted.

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

The Chair laid before the House the fifth 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 11, 1980 by Mr. Tuttle of Sanford.

Pending—Motion of the same gentleman to Indefinitely Postpone Bill and All Accompanying Papers (Roll Call Ordered)

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

House Amendment "A" (H-784) was read by the Clerk.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: Just to briefly explain this particular amendment, you will recall the debate on this particular issue the other day, there was some genuine disagreement over whether or not the intent of this legislation, whether intentionally or otherwise, may be to permit municipalities to arbitrarily or unilaterally discontinue benefits. The proponents of the bill reassured us personally and on the floor of this House in debate that that was not the case. This amendment simply incorporates that intent into the law.

I hope that you will all be able to support it.

The SPEAKER: The Chair recognizes the

gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I agree to this amendment, I don't mind it being added onto the bill. This is exactly what I wanted to do. I never intended to do anything that would hurt anyone and definitely didn't want to hurt the collective bargaining rights of anyone. Because of that, and because I have been assured by people such as attorneys that this was okay, that it wouldn't change the intent of the bill, I will go along with the amendment.

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

Mr. MCHENRY: Mr. Speaker, I would like to pose a question through the Chair to Mr. Wyman of Pittsfield.

My question to the gentleman of Pittsfield, he said that this would not allow to discontinue any benefits. Would it allow to reduce benefits?

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to that question, the purpose of this amendment is to insure that at any point the municipality intends to appeal to the retirement board to seek a different option from which it has already negotiated, that that other option for retirement benefits will not go into effect until it has been negotiated in the process of the collective bargaining with the employer to be effective. So, there will be no unilateral or automatic discontinuance of benefits just simply because a municipality feels that they would like to have a lower level of benefits. That issue will be negotiated at the collective bargaining table.

Thereupon, House Amendment "A" was adopted.

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

(Off Record Remarks)

On motion of Mr. LaPlante of Sabattus, adjourned until ten o'clock tomorrow morning.