

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

Wednesday, March 12, 1980

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

Prayer by the Reverend Earl R. Gray of the United Methodist Church, Strong.

Rev. GRAY: Before we begin today's work. Let us ask God's blessing and his guidance.

Almighty God, who would govern the world in righteousness and whose judgments are true and righteous altogether, grant, we ask, that those whose elected duty is to rule over us and those who legislate for us may be of one commitment, though diverse in individual opinions, to establish justice and to promote the general welfare of all our people. Endow the members of this House with a right spirit and a right purpose. Enable them to rise above self-seeking and party zeal to nobler concerns of public good and human brotherhood. Subdue all in our state that is harmful. Make us a disciplined and devoted people to your great purposes, even as it is done in heaven, we ask in the name of Jesus Christ, our Lord and Savior. Amen.

The journal of yesterday was read and approved.

(Off Record Remarks)

Recessed until the sound of the gong.

After Recess

10:00 a.m.

The House was called to order by the Speaker.

Papers from the Senate
Tabled and Assigned

Bill "An Act to Clarify the Status of a Certain School Renovation Project in the City of Waterville Under the Education Laws and to Validate Proceedings Authorizing the Issuance of Bonds or Notes by that City" (Emergency) (S. P. 790) (L. D. 1989)

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

In the House: On motion of Mr. Connolly of Portland, tabled pending reference in concurrence and tomorrow assigned.

Study Report
Committees on Business Legislation
and Education

Report of the Committees on Business Legislation and Education to which was referred the study relative to Establishing a Program of Funded Self-insurance for Public Schools pursuant to Joint Order (S. P. 627) have had the same under consideration, and ask leave to submit their findings and to report that the accompanying Bill "An Act to Establish a Program of Funded Self-insurance for Public Schools" (S. P. 787) (L. D. 1987) be referred to the Committee on Business Legislation for public hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted, the Bill referred to the Committee on Business Legislation, and ordered printed.

In the House, the Report was read and accepted and the Bill referred to the Committee on Business Legislation in concurrence.

Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Require Parental Responsibility to Provide Medical Coverage and Make Support Payments to the Department of Human Services Whenever Children Receive Public Assistance" (S. P. 699) (L. D. 1835)

Report of the Committee on Audit and Program Review reporting "Leave to Withdraw" on Bill "An Act Relating to the Periodic Justification of Departments and Agencies of State

Government under the Maine Sunset Law" (S. P. 672) (L. D. 1764)

Came from the Senate with the Reports read and accepted.

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

Non-Concurrent Matter
Later Today Assigned

Bill "An Act to Allow the Commissioner of Marine Resources to Exercise Limited Authority over the conservation of Atlantic Salmon" (H. P. 1630) (L. D. 1740) which was passed to be engrossed as amended by House Amendment "B" (H-809) in the House on February 29, 1980.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-785) as amended by Senate Amendment "B" (S-448) thereto in non-concurrence.

In the House:

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

Mr. FOWLIE: Mr. Speaker, I move that we recede. I would like to proceed on this so we can add an amendment to it.

On motion of Mr. Paul of Sanford, tabled pending the motion of Mr. Fowlie of Rockland to recede and later today assigned.

Orders

Later Today Assigned

On motion of Mr. Marshall of Millinocket, the following Joint Order (H. P. 1923) (Cosponsors: Mr. Carter of Bangor, Mr. Hunter of Benton and Mr. McPherson of Eliot)

WHEREAS, a use tax is imposed on diesel fuel sold or used in this State when such fuel is used to propel motor vehicles on public highways and turnpikes; and

WHEREAS, this tax is not imposed on bulk fuel deliveries or deliveries to the retailer; and

WHEREAS, users of this fuel, including commercial trucking vehicles, are liable for this tax even when it has been purchased outside of the State as long as the fuel is used in a motor vehicle on this state's highways; and

WHEREAS, there is concern that persons are using methods of avoiding the use fuel tax on diesel fuel by, among other things, using untaxed home heating oil in motor vehicles; and

WHEREAS, the methods and procedures for collecting this tax may result in significant loss of tax revenues to the State; now, therefore, be it

ORDERED, the Senate concurring, that a joint select committee be directed to study the methods and procedures used to distribute diesel fuel, including No. 2 home heating oil, to study the purposes of the use fuel tax on diesel fuel and the methods employed to collect the tax, to investigate the potential loss of tax revenue which could be collected and is or may not be collected under the existing statutory procedures and to recommend any appropriate changes in the use fuel tax on diesel fuel, including alternate methods of taxation, collection of the tax or enforcement of the tax, that it shall find necessary; and be it further

ORDERED, that the committee shall consist of 7 members of the Joint Standing Committee on Taxation, 2 Senators and 5 Representatives and 3 members of the Joint Standing Committee on Transportation, one Senator and 2 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives; and be it further

ORDERED, that the committee shall complete this study not later than December 1, 1980, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to the chairmen of the Joint Standing

Committee on Taxation and the chairmen of the Joint Standing Committee on Transportation.

The Order was read.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This order sounds surprisingly similar to one which I sponsored last year and which was indefinitely postponed in this House last year. Therefore, I am asking if it is germane.

The SPEAKER: This matter will be tabled pending a ruling by the Chair and later today assigned.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing,

The Hodgdon High School Girls' Basketball Team, 1979-80 Class C State champions and winners of 2 consecutive Class C State titles; (S. P. 788)

Paul E. A. Ouellette, of Auburn, who served as chairman of the Auburn Democratic City Committee, 1974-75, (S. P. 789)

There being no objections, these Expressions of Legislative Sentiment are considered passed.

House Reports of Committees

Leave to Withdraw

Mrs. Damren from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution of Maine to Delete from the Constitution all References to Justices of the Peace and to Clarify the Status of Notaries Public" (H. P. 1721) (L. D. 1825) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 1638) (L. D. 1747) Resolution, Proposing an Amendment to the Constitution of Maine to Amend the Referendum and Initiative Provisions"—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-881)

(H. P. 1787) (L. D. 1906) Bill "An Act Establishing the Child and Family Services and Child Protection Act"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-882)

No objections being noted, the above items were ordered to appear on the Consent Calendar, Second Day, later in the day under suspension of the rules.

Consent Calendar

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

(H. P. 1819) (L. D. 1947) Bill "An Act to Authorize Lincoln County to Raise Money for Capital Improvements to the Court House and Annex" (C. "A" H-870)

(H. P. 1784) (L. D. 1903) Bill "An Act to Include Arrangers of Credit under the Maine Consumer Credit Code and to Amend the Law Concerning Agricultural Loans, Residences, Security and Fines" (C. "A" H-871)

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

Later Today Assigned

(H. P. 1733) (L. D. 1849) Bill "An Act to Expedite Criminal Trials and Provide for the election of Jury Trials" (C. "A" H-875)

On the objection of Mr. Higgins of Scarborough, was removed from the Consent Calendar.

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

Mr. HIGGINS: Mr. Speaker, I would like to pose a question through the Chair. I see the House Chairman is not in his seat, but perhaps somebody on the committee could answer a question for me.

I was looking at the committee amendment and I guess that is now the bill but, nevertheless, it says that this does not take effect until July 1, 1981, and the fiscal note says that this bill will have no fiscal effect during this biennium. My question then is, will it have an effect on the budget next biennium? So many times we pass things here that have an effect later on down the road and we are not aware of it, and if I am going to vote on this and we are going to pass it, if it does have a fiscal note on it in a future biennium, I think the House should know about it.

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

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

Mrs. SEWALL: Mr. Speaker, to answer the question, I believe it will have a note. I noticed that our chairman isn't here and I hope someone will table this until later in the session.

Whereupon, on motion of Mr. Higgins of Scarborough, tabled pending acceptance of the Committee Report and later today assigned.

Passed to Be Engrossed

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (H. P. 1936) (L. D. 1988)

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

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

House Amendment "B" (H-879) was read by the Clerk.

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

Mrs. BERUBE: Mr. Speaker, I move indefinite postponement of this amendment.

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, moves that House Amendment "B," be indefinitely postponed.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment, House Amendment "B", under filing number H-879, represents one section of the majority report that all members of the Audit and Program Review Committee could not agree upon. There were several others but these have been dropped and we have concentrated our efforts on this one.

This amendment, if accepted, will delete Section 62 on Page 16 of the L. D. 1988. This section of the bill recommends the deletion of the Maine Inspection System in favor of transferring that inspection activity to the U. S. Department of Agriculture's control. I can't accept the turning of a local inspection system over to federal bureaucracy.

At the public hearing on this bill, about 125 to 140 people attended the hearing with only two proponents testifying in favor of the bill. All other witnesses opposed the bill and, in essence, the United States Department of Agriculture representative opposed the bill himself. His reply to a question given to him in a work session of the committee, he was asked if he thought the state should shift to the federal system, and his reply was, I hope you keep it.

Another question asked of the same representative was, are there advantages to having the state custom inspection program? His answer was, it might be nice to have a state program.

His opening remark at the same session of

the Audit and Program Review Committee was as follows: "The United States Department of Agriculture isn't out to take over the program. We"—meaning the USDA—"wants Maine to keep its program." This is evidence that the federal Department of Agriculture is not too anxious to take over our state meat inspection program.

Many witnesses attending the public hearing testified in opposition, of course, to the takeover. They were operators of the custom slaughter houses attending and testifying. The custom slaughter house operations represent all or a part of their income and they were vitally interested in it and were there to protect their interests.

Many Maine citizens raise their own beef critters, hogs and goats and so forth and utilize the services offered by these custom plants to have their critters slaughtered, prepared and packaged for their freezers to assist in feeding their families. With about 60 of these custom plants scattered throughout the state, they offer an ever present service that has been available for many, many years to the citizens of the State of Maine. They are mostly part-time operations, available when they are needed. Some of these plants would be forced out of business because of the federal inspection requirements, but that is to be expected because of the federal inspection requirements, but that is to be expected because of the stiff requirements of the federal system, but the same system will be in effect here in the State of Maine come September, which will be the same as the federal requirements, and this is fitting. These same units will be out of business regardless.

The difference between the federal system and the state's system in this instance is that we are handling our own requirements, we are handling our own people. The State of Maine would be demanding compliance, not a massive bureaucracy many miles away.

Any questions or problems that need to be resolved would be answered here in Augusta by telephone or by a short trip to Augusta, instead of being forwarded through a sea of red tape and confusion and a much longer period of time.

If the state retained the state inspection or custom plants, the federal system would finance the program up to 100 percent of what it would cost the USDA to accomplish the same task as if it were under the federal system.

The popularity and the necessity of the custom slaughter houses can be attested to by the fact that they have just about doubled in number during the past 10 years. There is a great demand for this service offered by the custom plants here in Maine and they should be regulated by the State of Maine, not by a federal bureaucracy.

Ladies and Gentlemen, I urge you to accept the amendment as presented and maintain our own state meat inspection program and vote against the indefinite postponement.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Performance Audit Committee, I must commend House Chairman Berube and the committee members for their dedication in carrying out the intent of the Sunset Bill. We have dealt with many departments, bureaus, commissions, and I have agreed with most of the action taken by the committee; however, I do have concerns about eliminating the state meat inspection program.

From a consumer standpoint, inspection is subsidized by taxpayers and offered free to packers. Any increase in inspection cost would ultimately be absorbed by the taxpayer and any increase in packer's expense would ultimately be borne by the consumer.

Federal inspection personnel salaries currently average 60 percent higher than their

State of Maine counterparts.

Other services provided by state program employees include: proper sampling of water potability in meat plants, intensive compliance surveillance of all statewide facilities handling meat and meat food products, random sampling of slaughter animals for illegal antibiotic residues, laboratory analysis of products manufactured in Maine plants to assure compliance with standards and retail store inspection when a meat facility shares the same premises.

With the exception of routine product analysis of all these services will be reduced with the loss of our program. In addition, less frequent custom coverage is not in the interest of the consumer's health. Frequent sanitation inspections help to control potentially meat-borne diseases such as bacterial food poisoning, brucellosis and trichinosis.

Further, the number of custom plants in Maine has doubled in the last 10 years, indicated an ever-increasing need for quality service to our citizens.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: This is a very difficult topic to address because there have been so many items brought up and some of them I don't really agree with. I think some of them are smoke screens, but before I try to answer some of those questions, I would like to read to you at least part of a letter that is dated March 11, 1980, from the Commissioner Stewart Smith. I want you all to understand that the Commissioner of Agriculture backs this recommendation one hundred percent.

"Dear Representative Benoit: Following the initial recommendations of the Joint Committee on Audit and Program Review, we made an informal analysis of the programs of the department that were being looked at by the committee. We attempted to evaluate in a brief way the cost and benefits of each program. The state meat inspection program is one for which we found the benefit cost ratio to be negative. The benefits lost to the state as a whole by dropping this program are not substantial because the federal government, by law, must provide these services. Since the state and federal regulations are the same, the consequent protection for consumers should be reasonably equivalent.

"The meat inspection program is also one for which the cost savings to the state are transferred to the federal government will be substantial. While a few firms may be inconvenienced by the shift to federal inspection, that inconvenience is, I feel, far outweighed by the savings in state tax dollars, which amount to \$100,000 annually.

"You have noted, I am sure, that several slaughter houses are now under federal inspection by their own choice and are well satisfied. The department supports this and other recommendations that do not provide a positive benefit cost ratio. Sincerely, Stewart N. Smith, Commissioner."

Now, if I can answer some of the questions. There were a lot of points raised and I may have missed some of them. The first one I would like to address is the argument of the custom houses. I don't know how many of you even know what a custom house is; I did not know when we first began this review.

Custom houses slaughter animals for an individual. An individual brings an animal to a custom house and it is slaughtered and it is given back to the person who brought the animal to the custom house, not sold to anybody else. It cannot be sold to anybody else.

Custom houses are exempt from federal regulations, except for sanitary purposes, such as polluted water that a custom house operator might have running into the meat that is being slaughtered. I would doubt that any of you would want polluted water going into your meat that is being slaughtered. There are several

ral other exemptions too, so I don't think that is putting a real hardship or inconvenience on custom house slaughterers. Also, the federal inspectors are required to inspect the custom slaughter houses every three months at least. So, in answer to Mr. Hickey's concern that perhaps they would not be inspected enough, when the feds took over in the State of New Hampshire, they particularly did pay attention to some of the custom houses that perhaps had been a concern to the state officials.

I might also repeat that the rules and regulations that govern inspections in this state are the exact same regulations that the feds enforce. We have not been doing really a one hundred percent job of enforcement, but we will be, according to Dr. Ellis, who runs the state inspection program, this September.

Another point—dealing with a bureaucracy. The supervisor for the federal program lives in Augusta. You can call him in Augusta, he is right here, he is somebody's next door neighbor. There is another inspector in the Portland area. I don't know who he is but he lives in the Portland area. The federal inspectors who live in the state now are your next door neighbors. Maybe some of you know one of them and you can tell us that they are human beings, they are people that are okay and understand. The federal inspectors that would be coming in to do the meat inspections—most likely Representative Berube can address this better than I can, she has the details—will be our own state inspectors if they so desire to work for the federal government; they probably would be hired by the federal government. There is a special act that provides for this and I am sure Representative Berube will address it. These will not be strangers; these will be the same inspectors that have been inspecting these establishments all along.

I think you have to remember the concept of the Sunset Law. We were asked to review agencies and departments and programs. We have done that. We spent many hours on this particular program. We have had Dr. Rasmussen, who is head of the federal program in the New England area, he has been up here twice. He is a very down-to-earth, very easy man to talk to. He was not too crazy about taking over the state program, but I think you can understand why; it is just more work for him, but he did not say that he would not do it because he has to under law if we drop it.

Another point that was brought up was that an increase would be charged the consumers if the feds took over. I don't know how that could be because the federal regulations, once again, are the same as the state regulations. If we should keep state inspection, we will be enforcing the exact same rules and regulations that the feds will be enforcing, so if there is going to be any consumer cost passed on, I would assume it would have to be the same whether we have federal inspection or state inspection.

I have probably missed some questions, but this is all I can remember at the moment. We will try to answer more questions as they arise.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I think my colleague, Ms. Berube, did a very good job. I would simply like to emphasize some important points.

First of all, it is not as if the federal government is not doing meat inspection in the state already. Approximately 86 percent of the meat inspection in this state is already under federal inspection. What we are trying to do is simply take the remaining 14 percent and bring it under full federal inspection.

The second point I want to emphasize is very important—the cost savings. We are talking about \$100,900. If you look at the fiscal impact of this, you will notice that this is the largest cost savings of every item that we have studied under the Sunset Review. This is the largest cost savings—\$100,900. If you reinstate

this program, which I consider to be an unnecessary duplication, you will reduce the savings in the bill from \$335,480 down to \$234,580. It is a very significant amount of money. I suggest we keep that in mind.

Again, I want to emphasize the fact that we are dealing with local people, we are not talking about calling Washington, D.C., we are talking about calling Augusta. I don't think that meat inspectors are anymore insensitive to the problems of the State of Maine simply because their pay check comes from Washington as opposed to coming from Augusta.

I hope you will go along with the majority report.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly summarize and wholeheartedly agree with some of my fellow committee members in terms of the testimony they have submitted so far.

I would just like to recap and simply say not to allow this federal paranoia to affect your decision on this particular issue. I myself, am guilty of looking cross-eyed at the federal government every now and then for involving themselves in our affairs, but this is a case where they are not involving themselves initially, they are already here. They are simply extending what they are already doing in the State of Maine and, in turn, contributing to the State of Maine a cost savings of over \$100,000.

With the situation we face here in the state right now between the Transportation Department, the Inland Fisheries Department, what we heard this morning is a very dire situation with the State Retirement System, I think what this legislature is looking for, I think what we are finally coming to the realization of and what we will be continuing to look for in the future are cost savings. I think it is pretty clear in this legislature this year that we are not willing to arbitrarily pass on tax increases to the people of the State of Maine to make our budgets solvent. We have got to somehow search within ourselves, within state government, for some form of cost savings to offset the situation we are facing in the 80's.

I think the Sunset concept is going to do this, I think it has already done it. This bill is a perfect example. The total savings to the General Fund of the entire bill is over \$300,000 and this is the first year.

Ladies and gentlemen, if we take this bill, which has been worked on by some very talented committee members over the last year, and a very talented staff, I might add, hundreds of hours of hearings, an incredible amount of time effort by each individual committee member, if we take this bill and arbitrarily, in one afternoon, eliminate and gut the bill to the tune of over \$100,000, I think it is a sad day for the concept of sunset legislation. I think this is proof that the concept works, it is proof that the committee worked extremely hard and successfully on this bill, and I think that you all should consider supporting indefinite postponement of this amendment. I don't think it is in order. I think the federal government, as I said, is already doing this, they are simply extending their responsibility. Commissioner Smith, the Commissioner of Agriculture, has supported this proposal wholeheartedly. I have not heard any solid reasons from the opposition other than this federal paranoia we keep hearing about, which I don't think is justified or valid.

I would ask you, ladies and gentlemen, to support the motion of my House Chair for indefinite postponement and, Mr. Speaker, I would ask for a division.

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

Mrs. HUTCHINGS: Mr. Speaker, Men and Women of the House: It is inconceivable to me

that any of you would consider turning this program over to the federal government when the state inspection program is doing such a fine job.

The cost dollars you are talking about, the money that everybody has been expounding here to be saved, is not a savings, ladies and gentlemen, it is going to be put back into the fund to be redistributed wherever the Appropriations Committee thinks that it may well sit.

The Commissioner, of course, wants this money. You have all heard of the new agricultural bill which would fund 28 new positions. He needs more money; he knows very well he is not going to get the \$600,000 appropriation that we have been talking about and that he has asked for.

The merits of the state inspection system have been proven; in this past year it has been improved even more. The six or eight inspectors that they keep saying will be hired by the federal government may very well, if the federal government takes over, be absorbed in that system, but it is not the same, ladies and gentlemen; they will be under the federal supervision. They will not be able to express the latitude that they have so far, and the sympathy, empathy, when a particular plant has a problem that can't be met immediately.

I am sure all of you know how insensitive the federal government has been and is in other programs. If you haven't, then you are insensitive.

The sunset committee has worked hard. We worked all summer, all fall, and we are still reviewing agencies, but I don't think the prime reason for the sunset existence, the committee, is to destroy well-run programs just to make cuts to save money to be put somewhere else.

The state-run program is one of the best, ours, in the United States; only a few states have gone federally completely inspected. These small custom plants meet a need in the rural communities for those who raise their own animals for slaughtering. It is important in today's society, we are not raising enough food as it is, that they be able to continue to do this without added hardships.

There were many, many cuts and modifications in state programs suggested by the agencies themselves and that, after all, is why we are existing. We didn't exactly force them to look within themselves, but we certainly prompted them to do that and to streamline their own programs. Indeed, many of the suggestions that we have come from these departments.

I would just read briefly a statement made by a Mr. Blaisdell, who wrote a letter to us, and he expressed this very effectively. "We, our neighbors, our customers and our townspeople do not want local regulatory responsibilities delegated to an ever-growing, increasingly expensive, but distant and insensitive federal bureaucracy. That concept neither improves the cost nor the manpower efficiency and we still must pay the bills."

"Just recently I received in the mail a little paper describing how the bureaucrats spend your money. I am sure this is not new to you but just to mention briefly. A hundred thousand dollars was spent last year to study why hermit crabs pick one seashell over another to live in. It costs \$3 billion every year just to print forms, directives and reports and \$2 billion is spent each year to file and store all of these accumulated papers."

"I am told by the federal inspectors who are already inspecting the poultry plants and the other meat producing plants who ship out of state, and that is the difference between these custom houses and the state, and the federal houses, that the federal inspectors came in there, oh yes, indeed they did, and made their lives miserable and were completely unreasonable in the initiation of their plants back in 1969," and it continues.

Ladies and gentlemen, I just feel it is totally wrong when we are doing a good job on the local level, under local control, that we are making a terrible mistake to go federal.

There were several points raised by the gentlady from South Portland, and I have so many notes here that I probably will have to get up again and review them, but many of the things she has said just rankle me.

One of the things that would be most affected by the federal takeover would be the loss of monitoring of the animal health of our plants right now. As someone mentioned, we are buccellosis free right now and have been for some years.

A few years ago, Vermont had a gigantic outbreak and it cost them \$300,000 to correct that problem.

I have letters also, and testimony, from the State of Pennsylvania that has gone federal since 1972, and they pointed out these problems with animal health which, after all, has a direct bearing on your own health.

From Dr. Silly, the head of the inspection service at New Hampshire, who has admitted that they don't know the full impact yet, also told us that we were making a terrible mistake to turn our program over to the federal government.

I will sit down for now, because I am sure I have got some other things in answer to Mrs. Berube, my friend from Lewiston, when she speaks.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Hutchings is not incorrect; however, we have federal meat inspectors all over the state now.

The present law mandates that all meat inspections conform to the federal regulations, so why not have it done federally and save \$100,000 a year?

I hope you will vote to indefinitely postpone this amendment.

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

Mrs. MITCHELL: Mr. Speaker, I would like to pose a question to a member of the committee. It has been alleged that when New Hampshire left the state program and went exclusively to a federal program, the number of custom houses increased. That is an allegation that I have heard. If that is the case, does the federal inspection program have the same enforcement capabilities over these custom slaughter houses? Suppose they discover a violation: do they have the same kind of enforcement capabilities? Are they as aware of what is going on in these custom slaughter houses?

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question through the Chair to anyone who may care to answer.

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

Mr. PETERSON: Mr. Speaker, once the federal takes over, they will have 18 months to file a program and another 18 months to complete it.

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

Mr. GILLIS: Mr. Speaker and Members of the House: Very briefly, just to go over a few points, but it short and we can get a vote on this.

Representative Benoit made the statement that the benefits for the state were negligible. Yes, probably they are, but they are great benefits to the people of the State of Maine to maintain the system under the state system.

The \$100,000, I am still in question about that. It started off around \$120,000, came down to \$114,000, down to \$112,000 and now it is down to \$100,000. I still have questions about it. I think actually the figure should be down around \$70,000 somewhere. I haven't had an answer yet, but we are working on it.

They say we have federal inspectors going around now inspecting, yes, but they are not inspecting the custom houses, they are inspecting the commercial houses because they have to be inspected to ship their meats out of state. The custom house, as she explained, strictly is for an individual's consumption. He can take his critter down there, have it slaughtered, prepared and packaged and take it home to feed his family. It is not for sale.

She made the comment concerning polluted water. Well, nobody wants polluted water on their meat or anything, but these wells are inspected every six months and the city water, if that is being used, is inspected on a yearly basis.

She claimed that there is no sweat on contacting your federal inspectors, they have one here in Augusta and one in Portland—that is right, they do, they have them all over the state, but you know as well as I do that they can't move until they contact regional headquarters.

Some of the inspectors may be hired if the federal government decides they need them, and when they do hire, they will have to pass a physical and they have to apply and so forth.

The question came up about passing the cost on to the consumer—there will be costs passed on to the consumer. If they go into a slaughter house and found that certain improvements are going to have to be made, those improvements are costly, and if the individual that runs the slaughter house can't absorb it, he is going to have to pass it off, and it will be passed off to the consumer.

Representative Baker stood up and made the comment that the federal inspectors inspect 86 percent of the meat processed in the State of Maine today—that is true in all of the large plants that ship out of state, but there are still 35 million pounds of meat processed by these custom plants in the State of Maine that go home to your freezers—35 million pounds. This figure is not grabbed out of the air; it was given not only by our state inspectors but also by the federal representative as he appeared.

One hundred thousand dollars does not demand anybody to bow down to the state's demands. One hundred thousand dollars is a lot right now as we speak about the shortages in highways, fisheries and wildlife and the retirement system and so forth, but it is a drop in the bucket when it comes to protecting the rights and the privileges of the people of the State of Maine. They have had this service for many, many years, long before the federal inspection and state inspection was ever heard from. These slaughter houses were there, they were being utilized, and I see no reason why today we should knock them out of the state system and into a federal system. The feelings of the people must come first.

Representative Nadeau brought out the point about us bringing up the federal system, called it federal paranoia. You have all dealt with the federal government, you know what it is, so I will leave it to you. This information he brought out concerning the connection of the highway shortages, the fish and wildlife shortages and so forth, that is just a red herring, it has nothing to do with this bill whatsoever.

This custom inspection system, under the inspection, means a great deal to the people of the State of Maine.

We have all worked hard on our bills, we have all worked long hours, if they think they are a privileged set, I have got news for them. We worked long and hard to come up with our bill here.

I can't see shoving the wishes of the people of the State of Maine aside just to save a few lousy dollars. The dollar sign can't hold sway here today; the dollar sign must be put aside and the feelings of the people of the State of Maine, as expressed in the public hearing by personal contact and by letters, we must protect the people of the State of Maine.

I ask that you vote against the motion to indefinitely postpone.

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

Mrs. MITCHELL: Mr. Speaker, I apologize for prolonging the debate, but I have a question that has not been answered and I am going to tie it to three others.

The basic thing I would like to ask the committee on these three issues is, how does the state inspection program compare with the federal program in these three areas? One has to do with enforcing, penalties against violators of the custom slaughter houses—how is that effectively supervised under the federal program versus the state program? The second question is the drug residue problem—do the federal inspectors have the capabilities of keeping tabs on this drug residue problem in animals as do the state inspectors? And finally, the state program reports almost immediately, as I understand it, to the Division of Animal Industry, suspicious diseases. Will the federal reports be as timely? In these three areas, could you please give me some comparison, and will the federal program be as satisfactory as the state program?

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question through the Chair to anyone who may care to answer.

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

Ms. BENOIT: Mr. Speaker, I am not sure, I hope that I can answer all your questions, but one that you asked before that I don't believe was answered, I believe that was, does the federal government check custom plants now. That question was asked of Dr. Rasmussen, who is the head of the federal meat inspection in New England. He is headquartered in New Hampshire; that is really not too far away from Maine, when you have two other supervisors within the State of Maine to whom you can report to first, the same as you do now.

The question was, do you also check custom plants now—his answer was, yes, as a part of our quarterly review, we go into five to thirty per quarter depending on the result of last quarter's review, so they are in constant evaluation of the custom house depending upon the quality of the custom house. Please remember, they are checking for sanitation and that is the only thing the state is checking for also.

I asked Dr. Rasmussen a question because there was such a concern for the custom houses, that they would be put out of business, I directly asked him, what might you require of a custom house if you were to come in here and take over? He sat there and looked at me. He couldn't tell me anything. Finally, he said, well, I guess we might require materials that were rustproof, if he was cutting meat on something that was all covered with rust, they might require that, and non-polluting water, which reminds me of something that Mrs. Hutchings brought up about when the feds came in and took over poultry inspection. I believe that one of those big shutdowns was due to water pollution, that is what I have been told.

To Representative Mitchell's other question as far as enforcement, if it is a pollution problem, it can be done right then and there. They can shut down anybody, whether they are the plants inspected right now by federal inspectors, those plants that ship interstate, must be federally inspected. They are commercial plants that just sell within the state and if they are federally inspected, then they can be shut right down. Of course, the state inspectors do the same thing. No one wants meat polluted by dirty water.

If they do need to enforce something other than pollution, they tell the custom operator, the commercial operator, whoever it is, what the problem is and they are allowed the time to do it. Dr. Rasmussen said, we are not here to put anyone out of business, we are here to get

them to comply with the law and they give them a reasonable amount of time.

The drug residue—another question that Representative Mitchell brought up—there is so much to this program that it is hard to remember it all, but when we had our hearing, it was my understanding that if there is a suspected problem with the animal when it is slaughtered, and the only way you would know that is if there is an inspector there on site, and that only happens in commercial plants and federally inspected plants, interstate plants, it doesn't happen at custom slaughter houses. That is the big difference, there is no one there when you slaughter the animals in a custom house, there is nobody there, so nobody is going to know whether there is something wrong with that animal. In the state inspected or federal inspected plants, yes if they think there is something wrong with the animal, a veterinarian is called in. The exact same thing will happen under the federal program. There will be veterinarians called to the scene to determine what the disease or the problem is.

There is another way this can be done, and this was something that dismayed some of us on the committee, we had a vet who testified and said that if he had treated an animal who had an illness or disease and had given that animal a drug, he might call Dr. Ellis or one of the other supervisors and tell him or her that this animal has been given a drug and should not be slaughtered. Sometimes this is what will happen, they will run off, take the animal and get it slaughtered quickly because it may die. He said, I don't know if I would do that if we were federally inspected. Well, we really could not believe that a veterinarian would not carry out his duty and I don't think most veterinarians would and, hopefully, most people who slaughter animals would not do that either, they would not slaughter an animal that had a drug residue. The farmers know, veterinarians told us that quite often they will say, I know I can't get this animal slaughtered for at least two weeks, because they have had their animals treated with drugs before.

There were so many things said, and I really don't think they were all true, but if you will bear with me a few more minutes, I really would like to give you some more information.

As far as the price, the cost savings, I have a memorandum right here from Commissioner Smith and it is available to you, Mr. Gillis, and anybody else who would like to see it, and I believe everyone on the committee received a copy and there was a question about the cost savings. Our staff did ask Commissioner Smith to please verify our figures and he did. His figures is, "\$109,000 decrease in the appropriations for elimination of the meat inspection program is acceptable to our department." That is as close as they can figure it. Maybe it might be off by a few dollars but I have to take the Commissioner's word for it. He runs the department and I hope he knows what he is talking about.

Commissioner Smith also said, for those of you who may be worried that we are not agriculture experts on the committee and, granted, we are not, but Representative Torrey is, I believe, Representative Peterson is I believe—did I miss somebody—Representative Gillis.

I quote from the Commissioner's comments in the department's newsletter. "It would appear to me that the committee has gotten our sunset procedure off to a good start. The committee has been thorough in its analysis of our department and has made recommendations, including the elimination of certain programs which they feel are not meeting a benefit cost test." I will skip down to: "the committee was thorough and responsible and they worked closely with the department. They asked our input throughout their process and we, at all times, had an open working relationship." I cannot believe that Commissioner Smith would go along with our recommen-

dations if he honestly believed that it was going to do harm to any part of our agricultural society.

As far as the \$300,000 goes, I don't know what is going to happen to that. All we are here for is to save money in a fair way, and we believe that this is a good way to save money. We need money, that is true, and it probably is going to be spent, but that is not our job. We have done our part of the job.

There were so many points brought up, if there are anymore questions you want answered, please ask me.

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

Mr. KANE: Mr. Speaker, I would request that the Clerk read the committee report.

Thereupon, the Report was read by the Clerk.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: A few comments I might make and hopefully it will help you decide on this amendment. Probably no one in this room has been lobbied anymore than I have on one side or the other. I have some strong feelings in regard to state regulations versus federal regulations to begin with. That probably was one of the first major reasons for both sides coming to challenge me.

I would like to tell you about a visit I had with Commissioner Smith of the Department of Agriculture this morning. I had a long talk with him in regard to the funding, how much we would be saving in regard to the blending in of the state regulations, which, by the way, in September we will all be under the federal regulations. I was convinced that most of the slaughter houses know about this. It boiled down to two things that concerned me very much.

In my district, I have a slaughter house that probably dresses off in the neighborhood of 10,000 head of cattle, around 2,000 head of sheep and 3,000 or 4,000 hogs a year. Thirty percent of that is done as a service to the community in which I live. The problem they foresee, if it was under federal supervision, if they had a problem like with IRS or some other program run by the federal government, it might be some place—I heard Representative Dudley say yesterday, we have an area in Boston where you could go—they would have to contact their local inspector, he would have to contact the regional area in Boston or somewhere like that, and probably in a week or ten days he would get an answer. This concerned me very much, because you have to remember that a slaughter house doesn't run two or three days a week if you are doing business like that, you have got to do it every day, five days a week. So that means the farmers back home have to keep their animals another week or two and with grain at \$9.00 a bag, that doesn't come on cherry trees, it comes out of the pocket, and this is a great concern. When I talked with the slaughter house owner back home this morning and told him of the saving that I was assured would be happening, he said, that leaves one thing, he is pretty money hungry, he likes to save a dollar if he can, and he said, "can you assure me that we will have the close communications with the federal inspectors as we have had with the state?" That is the only thing I have left I would be concerned about. So, if someone could answer that for me, that shows you how I feel in regard to this bill, because I really think it is very important to have that communication. Once that is broken, you are taking a step backwards. You are not making people happy in the state and for a few lousy bucks, it is not worth it. Can somebody answer that question?

The SPEAKER: The gentleman from Sangerville, Mr. Hall, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentlewoman from

Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: \$100,000 is not "lousy bucks." However, we tried to allay the apprehensions, we tried to address the concerns of these custom and commercial slaughter houses, some of whom operate one month a year. We are assured that the people who will inspect your plant, Mr. Hall, are the same people who are doing it now; the fellow who sits at your kitchen table and sips coffee after inspecting your slaughter house will be the same person. If he or she chooses to go federal, under the special tenure act, the federal government, Department of Agriculture, USDA, has a priority in hiring those meat inspectors. There are three stipulations, however, and I think Mr. Gillis touched on one of them. They must have been state inspectors for six months, and I think all of the people we have are covered by this, the 10 people. They must pass a physical, that would be one reason they could not be taken over, and the third is there would be a one year probationary period, but they would be the same people who are inspecting now.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make one very quick point in relation to Mr. Hall's concern. At the hearing itself, I had a constituent who is a meat processor and he happens to agree with me on this particular issue. However, he brought up a concern that the federal inspectors were involved, that there was this particular drainage pipe that was two inches in diameter and it was required that it be four inches in diameter and that he would have to tear apart this whole system and it would cost him a great deal of money. To everyone's surprise, the federal inspector was very much aware, knew my constituent, was familiar with his processing plant, was familiar with the fantastic condition that the processing plant is kept in, and it is indeed, and assured him that that wouldn't be a problem. So that is just an example on exactly how distant these federal inspectors are. He was familiar with that individual's particular situation.

It is like my colleagues have mentioned. They live here, they are with us, they are our friends and neighbors, they are real people and they are not hundreds of miles away in some cold bureaucracy—they are just like you and me, they live and breathe.

I would like to make just one more point to clear it up, just keep in mind that inspection standards are the same under either program. The public would have the same protection and meat packing establishments would have to conform to the same standards regardless of who does the inspections. So there is really no difference—state inspection, federal inspection, the standards are the same, the regulations are the same. It makes absolutely no difference. The difference is, we are going to save a parcel of money and I hope you will indefinitely postpone the amendment.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I come from a rural area, as you probably all know, and they think it is unwise to do away with state inspectors. I am representing them so I have to try to convey their message the best I can.

I noted, and I have been approached by the big slaughter houses, they seem to want to do away with this because it is to their advantage.

To me, back on the farm, it is a case where I am sure the big fish eat up the little fish, so the big slaughter houses are in favor of it and the little ones in the country that I represent are against it. They think it is very unwise, so I would have to pass along that message to you. There has been enough said about it, so I won't cover it, except to say that I am positive that is

wrong to do away with state inspection in view of the rural areas of Maine, which I represent. I want to keep state inspection.

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

Mrs. BERUBE: Mr. Speaker I would like to respond to Mr. Dudley. I was not going to prolong this debate because I think everything has pretty much been said. However, sir, some of the most vocal opponents of the proposal are themselves large, federal slaughter plants. The moment the small people in your area become federal, they are in direct competition to them; they can then sell to a federal processing plant, they can sell to the Kirschner's they can sell out of state. They would be in direct competition.

If there are other things, please ask.

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

Mrs. HUTCHINGS: Mr. Speaker, I am not going to prolong this either, but I would like to make one last remark. I am paranoid of the federal government and I would think you all would be too. I would remind you that when you think of just the almighty dollar as opposed to the value, the great value of this local service, then why don't you just let the federal government take over everywhere when you need money. Just hold your hand out. They will fund a program and just let 'big daddy' run us. We will be just a satellite and we will take orders from the hand that feeds us and, believe me, we will.

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that House Amendment "B" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Hutchings requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that House Amendment "B" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Blodgett, Bowden, Brenerman, Brodeur, Brown, A.; Brown, K.L.; Call, Carter, F.; Chonko, Cloutier, Connolly, Cox, Cunningham, Dellert, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fowlie, Garsoe, Gowen, Gray, Gwadosky, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, Lewis, Lizotte, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Matthews, Maxwell, McHenry, McPherson, Michael, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peltier, Peterson, Post, Prescott, Sherburne, Simon, Small, Stover, Tarbell, Theriault, Tierney, Torrey, Tuttle, Twitchell, Vincent, Violette, Whittemore, Wood, Wyman, The Speaker.

NAY — Austin, Barry, Bordeaux, Boudreau, Brown, D.; Brown, K.C.; Carroll, Churchill, Conary, Curtis, Damren, Davies, Davis, Dexter, Drinkwater, Dudley, Fenlason, Gavett, Gillis, Hall, Hickey, Hunter, Hutchings, Lancaster, LaPlante, Leonard, Lougee, Lowe, MacBride, Masterman, McKean, McMahon, McSweeney, Mitchell, Nelson, A.; Reeves, J.; Reeves, P.; Rollins, Roope, Sewall, Smith, Soulas, Sprowl, Stetson, Studley, Tozier, Vose, Wentworth.

ABSENT: Berry, Birt, Brannigan, Bunker, Carrier, Carter, D.; Elias, Fillmore, Hanson, Jacques, E.; Jalbert, Leighton, Payne, Silsby, Strout.

Yes, 87; No, 48; Absent 16.

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

Mr. Davies of Orono offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-876) was read by the Clerk.

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

Mr. DAVIES: Mr. Speaker and Members of the House: Before this amendment faces its obvious motion by the chairman of the committee, I would like to give you a little explanation of why I offer it, and I will try to be very brief so we can get on to other business.

As it stands right now in the present law, the commissioner shall have analyses of commodities other than milk and dairy products examined under the inspection laws, of which he is the executive, made at the Agricultural Experiment Station at the University of Maine, Orono.

Under the change that is being proposed in this bill, it would change the word 'shall' to 'may,' a very simple change, a change that we debate day in and day out on almost every piece of legislation that we consider in this body.

It seems very simple on the face of it. I would like to get behind it for just a very brief moment and give you some explanation of what the result of this change in the law would be if it goes through.

If we change 'shall' to 'may,' it gives the Commissioner of Agriculture the opportunity of putting out to competitive bid the testing that is done on these various commodities. Currently, the University of Maine Agricultural Experiment Station at Orono is the only group that does this testing now, it has been doing this testing for as many years as I can remember. It has been doing it well; there have been few, if any, complaints on the quality or the speed of the work that is being done.

We now have this change propose, which was proposed two years ago in a separate bill, which the Agriculture Committee of this Legislature defeated without even sending it out of committee.

We go to a competitive bidding situation and if the University of Maine does not receive enough business from this competitive bidding and the business goes to private testing firms, who already have other clients, the University of Maine is going to have to close down their testing program. Holmes Hall will be disbanded, the employees of the Agricultural Experimentation Station will be dispersed, they will no longer be employed at the University of Maine.

If after a year the state finds that the private firm that they have gone with to have their testing done is not satisfactory and they want to go to someone else, they are not going to have the University of Maine to turn to anymore, and if they want to recreate the program that currently exists at Holmes Hall, the expenditure of money that will be required by the State of Maine through the University budget will be much greater than they are spending on testing at the current time.

It is my opinion and the opinion of my constituents that we don't want to be left hanging in the balance, we don't want to be in the situation where the vagaries of competitive bidding may end up in the disbandment of the University's agricultural testing lab, because you are not going to be able to recreate it, you are not going to be able to go back and begin doing these again after a one-year lag time because it is just not going to exist anymore.

If there were some problems or some com-

plaints with the quality or the speed of the work that is done by the testing lab, there might be some justification for this, but there is none and there has not been any. The lab does its work well, it does it promptly, it does it to the satisfaction of most people who are having their commodities tested.

So, the amendment I am putting forward today makes the simple change of changing the word 'may' back to 'shall' so we will continue having the exact same situation that we have at the current moment of the University doing the testing that they have been doing for years, with high quality work, without jeopardizing the state's potential for continuing to do this work in acceptable fashion in the future.

I would urge you to accept House Amendment "A", protect this program that is already in existence, that has done a good job, and for which the savings are minimal.

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

Mrs. BERUBE: Mr. Speaker, I would move indefinite postponement of this amendment and I will speak very briefly.

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, moves that House Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mrs. BERUBE: Mr. Speaker and Members of the House: The gentleman from Orono is quite right when he said that the present law says that a commissioner shall have all analyses of commodities done at the experiment station at U. of M. in Orono. Our bill says, the report says that they 'may.' What the word does, in effect, is give the commissioner some sort of flexibility in which to negotiate a contract. The present contract to the University and, by the way, this will not take effect until June of 1981 because the contract has been negotiated, the present monies amount very close to \$130,000, it is a little in excess of that, per year per contract with the University of Maine.

We are paying for a maximum number of cases for inspection. If we contract for 3,000 cases but we only send 1, #200 cases, we still have to pay the maximum amount of monies. This, our proposal, would give, as I say, flexibility to the commissioner to look around at the private sector with private labs who might contract for just a certain number of cases that we would say we want to have inspected. However, according to the commissioner, as of this morning, they would still continue with the University and the University Director, a Mr. Wing, I believe, admitted to the committee that they would be willing to negotiate a contract for a smaller amount based on the number of cases inspected.

I would like to add also that above this cost of \$130,000, there is also a clause which covers inflationary costs.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I commend Representative Berube for her very able rebuttal on this amendment, on this proposal. She has gotten the facts out correctly.

All I would say in response to Representative Davies is that our intent was not to open matter up for wide open bidding procedure but just to allow some flexibility with the word 'may' instead of 'shall' and allow some chance of bargaining and some compromise and, if at all possible, to work out any sort of business deals so that the work could be continued at the Maine Experiment Station.

I hope you will vote to indefinitely postpone this amendment.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentleman from Orono, Mr. Davies, in his amendment because I think that the inspections that have been done at the State Univer-

sity ought to be done at a State University. They provided some good, consistent, proven, stable inspections over the years, and I hope that it will continue to be at the same place so we can continue the same high quality work that they have been doing.

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

Ms. BENOIT: Mr. Speaker, just one brief comment. Whenever the Audit and Program Review Committee comes out with recommendations, everyone in this House starts looking at it parochially, and picking away at it there never will be a sunset bill. This is a very good example of it.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Bill was passed to be engrossed.

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

Mr. SHERBURNE: Mr. Speaker, I move reconsideration whereby we passed this bill to be engrossed.

Whereupon, Mr. Nadeau of Lewiston requested a vote.

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

A vote of the House was taken.

76 having voted in the affirmative and 37 having voted in the negative, the motion did prevail.

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

Mr. SHERBURNE: Mr. Speaker, I have problems with other parts of this Bill. I hate to keep this debate going, but the part of the bill, and I believe it is in here, that has to do with the branding law, is that in this bill?

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: The branding law is addressed. The recommendation does not eliminate the branding law, it does not do away with it.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: I am sure there has been a lot of work done on this part of the branding law, the changes that have been made or proposed.

I live in a section that is called Little Aroostook. Probably the only difference is the size and this would be a very small part of Aroostook County if it were there, but we do have several quite large potato farmers in my area, the Corinna-Exeter area, and they are very concerned with this change that is being proposed. They feel that the branding law should be kept in effect as it is. I heard Mrs. Berube say that it is not removing the branding law but it is taking inspection off the road, as I understand it, and putting three or four people in the stores. The farmers in my area think the inspections should continue on the road as well as in the stores.

I know there are a lot of problems with the inspections, trucks are going around to the inspection stations, that probably a small percentage of the potatoes are being inspected, and this is a problem, but it is not something that we should eliminate. In my thinking, we should try to do something to correct that. Reducing the number from 7 to 4, in my way of

thinking, you can get a better inspection and bring better quality potatoes into the market, so I would hope that we could continue the branding laws, as has been exercised, and, if anything, we could strengthen it, put more people on.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I know where Little Aroostook is, it is a nice place. I have spent some time there and I will agree in some respects with our former speaker, but in Little Aroostook they have one shipper who ships regularly with inspection. Most other shippers there ship a process grade, which there is not quality control. That is an 85 percent situation in which they don't inspect for sunburn, dirt, hollow heart, scabs, sprouts, discoloration or growth cracks, whereas a man that is having his product inspected, he would have about a 5 percent margin to work with.

I suggest that the program our committee has been working on is a good one and I think over the long run it will help the consumer in that it will put the inspectors that are left back in the stores where they will be doing work rather than trying to catch people trying to evade a good pack along the highways.

I hope we will go along and get this bill passed today.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: For your information with regard to the conversation that I had this morning with the Commissioner of Agriculture, he did intimate to me that if he had his druthers, he would rather keep the branding law. As a matter of fact, the council in Aroostook County, at present, are split on it. I would like to table this for a day so we could see if we could work this part out.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a motion before us and I would hope that you would vote against the motion to table.

The SPEAKER: The Chair would advise the gentlelady that she can't debate the tabling motion. The Chair would also advise the gentleman from Sangerville, Mr. Hall, that he can't table either since he debated his tabling motion. So, in effect, there is no tabling motion to be even voted upon.

The Chair will order a vote on passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 21 in the negative, the Bill was passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Second Reader

Later Today Assigned

Bill "An Act to Increase Registration Fees for Watercraft" (H. P. 1835) (L. D. 1939) (C. "A" H-872)

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

On motion of Mr. Jackson of Yarmouth, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-883) was read by the Clerk.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am going to leave potato branding to the wart.

The original bill here increases the licensing

fees on watercraft, and I want to make it very clear that we are not dealing with the personal property tax on watercraft as paid to the towns. This is the state levied license, which is for the licensing of watercraft. My amendment merely cleans up the law.

The old law referred to the United States Coast Guard and they talked about internal and federal waters and some other terms which no longer apply, and the first part of the amendment merely cleans up the law, carrying the same intent as the old law but making it clear.

The second part of the amendment, if you go to the back of it where it is underlined, sets a breakdown of how these monies will be disbursed between Inland Fish and Game and Marine Resources, and it sets it into law that it will be two thirds to Inland Fisheries and one third to Marine Resources. This is because in the past, the commissioners of these two departments have been getting together and dividing up these revenues however they saw fit. I personally feel that the Commissioner's shouldn't be making fiscal policy making these decisions and it should be in the law.

I also would point out to you that a study is being prepared in which we would hope to look into it and see exactly what the breakdown should be, and I will put in a bill, if I am here again next time, to address this same problem and try to get a better split between the two departments on the money.

That is all the amendment does. It, in no way, affects the intent of the original bill; it merely cleans up the language and it puts this into law what the split will be between the departments.

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

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I simply wanted to call your attention to this bill because I really think it is something that shouldn't go through this House without sufficient debate.

I would call your attention to the fee increases. We all know, for example, that the Department of Inland Fisheries and Game is in trouble. They are having tremendous problems funding a deficit. I appreciate that and I can understand that that is going to happen, especially when your department is dependent upon fees. Fees, simply by their nature, do not keep track with inflation or pace with inflation, but I call your attention to the fact that they are asking in this bill, on the registration of watercraft, to go from \$5 to \$15. For the dealer certification registration to go from \$10 to \$25. I personally think that certainly does not reflect inflation. To me, it looks more like a totally new fee, an increase far beyond anything justified by inflation, which is the one thing they keep claiming has caused them severe financial problems this year.

If we were to look at inflation and say that we will increase these fees accordingly, then based on the 18 percent inflation rate we have right now, that \$5 fee would be going to possibly, over a three year average of time, \$7. The dealer fee would be going possibly at a maximum of \$14 to \$15. That seems like it is justifiable.

I think, frankly, these kinds of fees going out to the public will probably be absorbed and there would be minimal repercussions, but I think we should look at the far-reaching effect, that that is an industry right now, a division of our economy, that is in trouble. They are in severe trouble and they will continue to be in even worse problems if we keep doing this sort of thing to them.

I hope to have an amendment drafted that will reflect an increase in line with inflation rather than a 200 percent increase like they are asking for in this bill.

In order to keep the legislative process going along, I would simply ask that somebody table

this bill until later in today's session when the amendment will be available and we can consider it then. I guess, frankly, if you don't agree with my position, that this bill is far beyond anything justified, then you would vote against the tabling motion, but I would ask somebody to table it for me until later in today's session.

On motion of Mr. Tarbell of Bangor, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto.

Passed to Be Enacted Emergency Measure

An Act to Amend the Health Facilities Information Disclosure Act (S. P. 732) (L. D. 1912) (C. "A" S-427)

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

Enactor Reconsidered

An Act Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation (S. P. 779) (L. D. 1970)

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

On motion of Mr. Kane of South Portland, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engaged.

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

House Amendment "A" (H-865) was read by the Clerk.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: As the Statement of Fact says, the purpose of the amendment is to correct an internal reference. In going over this part of the law, a mistake was made and referred to Subsection 576a instead of 576b.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't hear the gentleman from South Portland digging through trying to catch the amendment. I wonder if we could have an explanation once again?

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: There was a mistake made, I assume a typographical error, in drawing up this bill and instead of referring to Sections 576 and 576b referred to 576 and 576a.

Thereupon, House Amendment "A" was adopted.

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

Passed to Be Enacted

An Act to Revise the Strengthen the Bee Industry Law (H. P. 1745) (L. D. 1861) (H. "B" H-826 to C. "A" H-810)

Were 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: I would request a roll call on this and the reason that I do that is because there is an inconsistency here between the bill that we have been debating the better part of the morning, L. D. 1988, on beekeeping. The consistencies are that we have raised the fees, as does this bill, to the owners of beehives. The inconsistency is that whereas the Performance

Audit and Program Review Committee has levied a fee on out-of-state bees that come into the state in the summer—this bill does not do that but asks for a General Fund appropriation, so I would ask for a roll call on its enactment.

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

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

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

ROLL CALL

YEA — Bachrach, Barry, Beaulieu, Boudreau, Boudreau, Bowden, Brannigan, Brenerman, Brodeur, Brown, D.; Brown, K.L.; Brown, K.C.; Call, Carrier, Carroll, Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fenlason, Fowlie, Garsoe, Gillis, Gowen, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Hunter, Jackson, Jacques P.; Joyce, Kane, Kany, Kelleher, Lancaster, Leighton, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nelson, A.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Small, Soulas, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman.

NAY — Aloupis, Austin, Baker, Benoit, Berube, Blodgett, Brown, A.; Curtis, Dellert, Gavett, Huber, Hutchings, MacBride, McHenry, Nadeau, Nelson, M.; Smith, Sprowl.

ABSENT — Berry, Birt, Bunker, Carter, D.; Churchill, Elias, Fillmore, Gray, Hanson, Immonen, Jacques, E.; Jalbert, Kiesman, Laffin, LaPlante, Leonard, Payne, Silsby, Simon, Strout.

Yes, 112; No, 18; Absent 20.

The SPEAKER: One hundred and twelve having voted in the affirmative and eighteen in the negative, with twenty being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mrs. Nelson of Portland, recessed until the sound of the gong.

After Recess 12:25 P.M.

The House was called to order by the Speaker.

Consent Calendar Second Day

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

(H. P. 1638) (L. D. 1747) Resolution, Proposing an Amendment to the Constitution of Maine to Amend the Referendum and Initiative Provisions" (C. "A" H-881)

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

(H. P. 1787) (L. D. 1906) Bill "An Act Establishing the Child and Family Services and Child Protection Act" (C. "A" H-882)

On the objection of Mr. Higgins of Scarborough, was removed from the Consent Calen-

dar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-882) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Again, I had a small problem with this particular fiscal note on this bill. While it does indicate that their is an appropriation of \$38,100, I would call your attention to this Committee Amendment, which has a filing number of H-882, and on Page 5 of the amendment, at the top of the page, after it indicates that there is a \$38,000 appropriation, it appears to me that there would be a further fiscal impact and I will read to you what the amendment says.

The bill contains no appropriation for the Department of Human Services. The Bill may reduce the department's cost for custody and foster care, as it will allow the department to place children in other settings, such as adoptions. However, the bill will also result in additional court hearing and legal expenses for the department.

The department is requesting no additional appropriation for these anticipated expenses, as they would prefer to have the bill enacted during this session. This will assess the effect of the bill under departmental operations during the coming year.

I don't have any particular problem with the legislation, and I don't really care to debate the legislation necessarily, because I am not sure as I understand it, at least at this point. It is a unanimous report out of Judiciary, so I assume that it must be very needed and worthwhile. What I am objecting to, as I did with the other bill earlier today, is that we seem to be passing legislation or trying to pass legislation with no money attached when we know that there is going to be money needed in the next year, in the next biennium.

I guess I would pose a question to anyone, and I see the chairman is in his seat now, perhaps he could explain why this is needed and, more importantly, why we don't need an additional appropriation for the Department of Human Services.

I look further down in the bill, in the Statement of Fact, and it also indicates that this bill is in conflict with L. D. 1881, L. D. 1813, 1821, 1835 and 1829. I don't know how they are going to decipher all that out because I sure know I am not going to, but maybe someone could explain that conflict as well.

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

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: It appears now that we are coming down to a point where every bill is being scrutinized and read very closely by the good gentleman from Scarborough, Mr. Higgins. I would suggest that the members of this body would look at other pieces of legislation which we pass involving law and order issues in the past. Everytime, ladies and gentlemen of this body, that we enact a bill affecting the Maine Criminal Code, it has some type of effect, either positive or negative, upon the fiscal impact of the State of Maine, whether it is mandatory jail sentences, whether it is increasing operating under the influence penalties or whatever.

It is very difficult to determine costs in the future involving legal expense and whether or not in fact particular procedures which we adopt or which we modify will, in fact, have a fiscal impact upon the State Treasury.

As in the earlier bill which the good gentleman tabled, he questioned the fiscal impact. It was very difficult—and I will explain later on that particular issue—to determine whether or

not there will be a fiscal impact.

As far as this particular piece of legislation is concerned, this particular bill is the result of numerous studies and numerous bills that have been presented to the Maine Legislature. This committee, the Judiciary Committee, has worked on these pieces of legislation. We have been told that the impact from a financial standpoint will require a \$38,100 appropriation, which they can definitely assess as far as the impact of this legislation is concerned.

As far as future costs because of court hearings or legal expenses, those can't be determined, you couldn't put a price tag on it, because we don't know whether in fact that is going to be the result.

If you want to nit-pick on every single bill and everything we do in this body, I would suggest you look at every bill because there is a potential impact financially on every bill we pass in this legislature.

I apologize if we cannot be anymore specific than the \$38,100 price tag on this particular piece of legislation. I would suggest that you take the total bill, read it and find out what type of change it is in the law and then ask yourself whether or not in fact it is required, whether it is needed, then I want you to take into consideration whether or not in fact we want to put a price tag on future costs as far as court expense or whatever, because they can't determine it, I can't understand it and I don't think a bill should go down the drain because of a potential cost factor which we don't know whether or not in fact it has.

If it was a substantial impact, this bill would have a fiscal note on it more so than it does now.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I do sincerely thank the gentleman from Saco, Mr. Hobbins, for his explanation. I am not trying to nit-pick pieces of legislation, but time and time again—I have served on the Appropriations Committee only but two sessions, but that has been long enough for me to realize that everytime we come back into session, January next year, whoever is sitting on the Appropriations Committee, some department will come in and say, well, you passed this bill last session and there was no money on it, but all of a sudden we need two or three more people to administer a law that you passed.

I am not trying to impugn the integrity of anybody on the Judiciary Committee at all. I simply asked for an explanation, the gentleman has given us one. I think it is adequate, but I think realistically, if you will look at the particular sentences that I read to you, it does open up several questions, and I think the gentleman has answered them, as I say, adequately.

I feel that it is unfortunate that manytimes we deal with pieces of legislation in here that have some future economic impact on the state budget and we don't know about it. I am just saying that we should make a conscious decision, yes or no.

Thereupon, Committee Amendment "A" was adopted.

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

Supplement No. 2 was taken up out of order by unanimous consent:

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

Mr. DAVIES: Mr. Speaker and Members of the House: Before you on Supplement No. 2 is a joint order that would bring back from the legislative files L. D. 1718, An Act Concerning Membership on the Board of Trustees of the Van Buren Light and Power District. This bill was before our committee, the Public Utilities Committee, this session to deal with a problem that had been inadvertently created last year.

Unfortunately, we didn't fully appreciate the problem that we had created last year in dealing with other legislation on this same subject and it wasn't until the Representative from Van Buren, Mr. Violette, carried on some extensive conversations with the member of the other body who was chairing the committee and myself that we were finally convinced that we were in error, that we had made a mistake. So we would like to correct that mistake and we would like to do it as soon as possible so that we don't affect the elections that are upcoming in Van Buren.

We ask your support to bring this back from the legislative files so we can correct the error that we did make.

On motion of Mr. Davies of Orono, the following Joint Order: (H. P. 1942)

WHEREAS, the Legislature, on February 7th and 8th of 1980, accepted the ought-not-to-pass report of the Joint Standing Committee on Public Utilities on L. D. 1718, "AN ACT Concerning Membership on the Board of Trustees of the Van Buren Light and Power District;" and

WHEREAS, the action of the Legislature removed a provision of the charter of the Van Buren Light and Power District that has been a part of the district charter since its inception; and

WHEREAS, the removal of this provision may have a very serious and adverse effect upon the district, now, therefore, be it

ORDERED, the Senate concurring, that bill "AN ACT Concerning Membership on the Board of Trustees of the Van Buren Light and Power District," H. P. 1607, L. D. 1718, be recalled from the Legislative files to the House.

The Order was read.

The SPEAKER: The Chair will order a vote. Pursuant to the rule, this requires a two-thirds vote of all the members present and voting. All those in favor of this Order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

89 having voted in the affirmative and none in the negative and 89 being more than two-thirds, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith.

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

Bill Held

Bill, "An Act to Authorize a Bond Issue in the Amount of \$4,500,000 for Energy Conservation Improvements for Public School Buildings and the University of Maine" (S. P. 734) (L. D. 1913) (S. "A" S-443 to C. "A" S-429) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto on March 11 Held at the Request of Mrs. Mitchell of Vassalboro.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: When the bill we passed yesterday concerning the bond issue for energy conservation for public schools was sent to engrossing, an error in drafting was discovered, so at this point, I would like to take us through the parliamentary procedure necessary to correct that error and put on an amendment which does exactly the same things substantively but puts it in correct form.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted, and on motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

The same gentleman offered House

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

House Amendment "A" to Committee Amendment "A" (H-884) was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Allow the Commissioner of Marine Resources to Exercise Limited Authority over the Conservation of Atlantic Salmon" (H. P. 1630) (L. D. 1740) which was tabled earlier in the day pending the motion of Mr. Fowlie of Rockland to recede. (In House, passed to be engrossed as amended by House Amendment "B" (H-809); In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-785) as amended by Senate Amendment "B" thereto (S-448) in non-concurrence)

Mr. Fowlie withdrew his motion to recede.

On motion of the same gentleman, the House voted to insist and ask for a committee of conference.

The Chair appointed the following conferees on the part of the House:

FOWLIE of Rockland
MacEACHERN of Lincoln
GILLIS of Calais

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Increase Registration Fees for Watercraft" (H. P. 1835) (L. D. 1939) (C. "A" H-872) which was tabled earlier in the day pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto.

On motion of Mr. Leonard of Woolwich, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto and tomorrow assigned.

The SPEAKER: The Chair would call your attention to an Order that was introduced by the gentleman from Millinocket, Mr. Marshall, House Paper 1923, dealing with diesel tax study, on which the gentleman from Owl's Head, Mrs. Post, requested a ruling from the Chair on the order.

Whereupon, Mr. Marshall of Millinocket withdrew the Order.

Orders of the Day

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

Bill, "An Act to Appropriate Money for the Maine Energy Resources Development Fund and to Permit the use of Those Funds for Demonstration Projects" (H. P. 1713) (L. D. 1819)

—In House, Minority "Ought to Pass" as Amended by Committee Amendment "A" (H-811) Report Accepted and the bill Passed to be Engrossed on March 4, 1980.

—In the Senate, Majority "Ought Not to Pass" Report Accepted.

Tabled—March 10, 1980 by Mr. Blodgett of Waldoboro.

Pending—Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending further consideration.

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

Bill, "An Act to Establish an Environmental Health Program" (S. P. 698) (L. D. 1834)

Tabled—March 11, 1980 by Mrs. Huber of Falmouth.

Pending—Motion of Mr. Kelleher of Bangor to Reconsider.

Indefinite Postponement (Roll Call requested)

Mr. Kelleher requested permission to withdraw his motion to reconsider, which was granted.

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

Mrs. HUBER: Mr. Speaker, I move reconsideration.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, moves we reconsider our action whereby this Bill was indefinitely postponed.

Mr. Marshall of Millinocket requested a vote.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Huber, that the House reconsider its action whereby the Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Marshall of Millinocket requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Huber, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Diamond, Doukas, Dudley, Dutremble, D.; Dutremble, L.; Fowlie, Gowen, Gwadosky, Hall, Hobbins, Howe, Huber, Hughes, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Lizotte, Locke, MacEachern, Mahany, Masterton, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Rolde, Simon, Soulas, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Call, Carter, F.; Churchill, Conary, Damren, Davis, Dellert, Dexter, Drinkwater, Fenslon, Garsoe, Gavett, Gillis, Gray, Hickey, Higgins, Hunter, Hutchings, Jackson, Kelleher, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McPherson, Morton, Nelson, A.; Paradis, E.; Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Smith, Sprowl, Stover, Studley, Tarbell, Torrey, Twitchell, Wentworth, Whittemore.

ABSENT — Berry, Birt, Bunker, Dow, Elias, Fillmore, Hanson, Immonen, Jalbert, Laffin, Lund, Payne, Reeves, P.; Silsby, Stetson, Strout.

Yes, 76; No, 59; Absent, 16.

The SPEAKER: Seventy-six having voted in the affirmative and fifty-nine in the negative, with sixteen being absent, the motion does prevail.

The pending question is on indefinite postponement. The Chair will order a vote. All those in favor of this Bill being indefinitely postponed will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 71

having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-853) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill, "An Act to Promote Hunting, Fishing and Camping in Maine" (H. P. 1829) (L. D. 1933) (C. "A", H-853)

Tabled—March 11, 1980 by Mr. Carter of Winslow.

Pending—Motion of the same gentleman to Reconsider Indefinite Postponement.

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

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, I think most of you listened to the facts yesterday. The facts haven't changed today. I would hope seriously that you would vote in favor of the motion to indefinitely postpone the bill and all accompanying papers.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the bills that was recommended by the Select Committee on Fisheries and Wildlife as one of the methods to solve their dilemma.

You heard the debate yesterday from the good gentleman from Milo, and he is absolutely correct in what he stated. The problem is, it can be argued in both directions, and following the debate I took it upon myself to call people in the I and E division of the Fish and Game Department, and I was assured that they are operating presently in a gray area. The only authority the Fish and Game Department has to promote fish and wildlife is through the I and E division, and the only authority that the I and E division has is in regards to education and conservation. Any promoting that they do could be interpreted as not being entirely legitimate.

Passage of this bill with the amendment puts it on a permissive footing and the department would be in a position to promote, if this is the term you wish to use, through the Publicity Bureau, and it would also be the position to legitimately collect information or photographs and disperse this information throughout the country through the freelance sports writers or the sports writers which, it is my understanding, number somewhere around several hundred, at very little cost, if any, to the department.

I would hope that you would vote against the motion to indefinitely postpone and accept the majority report and allow this bill to become law.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I just hope that Mr. Masterman's facts are a little more in order than his thoughts were when he tried to make a motion a few minutes ago.

I would just like to remind you also that this was a 12 to 1 "ought to pass" report coming out of the committee. Mr. Masterman happens to be that one.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, I think it is very evident why I am a little nervous—when you take on the whole committee. I debated quite a bit about it yesterday, whether I would even make a feeble attempt to show the people here seated today what the facts were.

Mr. Carter told you about the I and E division. Simply, I and E is the Information and Education Division within the Department of Fish and Game, who are theoretically bankrupt today, or nearly so.

I would just like to read you from the report—the Select Committee worked long and hard on this and they tried to come up with every proposal they could think of to bail out the Fisheries and Wildlife Department. I would just like to tell you about this information, or I and E, as Mr. Carter referred to it, and this is in their report.

"The department's I and E Division has two full-time photographers at a cost of \$35,000 for salaries alone. Comparable free-lance services are available at far similar costs." You know, they publish Fish and Wildlife magazine, it used to be Fish and Fur—I am sure many of you receive this, I am sure many of you read Outdoor Life. In Outdoor Life you will find advertising each month promoting fishing in Maine and hunting. Several other magazines, I am sure you are aware of it. I am sure some of you attended the World's Fair in New York in 1939, as I did, and you saw Fish and Game from Maine on exhibit there. I am sure some of you, as I did, went to the Montreal Exposition and you found a beautiful exhibit there, but whatever we do in the Fisheries and Wildlife Division, we have to pay the complete bill.

I told you yesterday that this body—not this body but a body such as this—the legislature of 1937 put into law and the Maine Publicity Bureau is charged in the law and by contract to advertise and promote hunting and fishing. The purpose of said corporation is to maintain and operate a bureau for the publication and dissemination of information by means of newspapers, magazines, booklets, radios, exhibits and every other media concerning the agriculture, industrial and recreational resources of Maine.

My whole problem is, I am very concerned about fisheries and wildlife, and I think that we are struggling to exist. If we do this on a dollar to dollar basis, it is coming out of your license fee. Historically, when there has been more money needed, they have come to you because that is really the only available place to get the money, in increased licenses.

If you folks want to vote today and direct your thoughts towards the future of another increase in license fees, then you will be agreeing with Mr. Carter, but if in fact you agree with using the Maine Publicity Bureau, then we only put one dollar in for every two dollars that is spent.

As I told you yesterday, and I think it bears repeating, I don't want to prolong this, but it is very important—we have had a delegation in Switzerland back in January, and I am not going to read you the whole of it but I will just read excerpts out of it—"The Maine group carried specific sales materials with them primarily aimed at various types of wilderness experience vacations." What we have to offer the Europeans, which is totally unique to them, is our vast forest land and wilderness rivers. The Maine Vacation packages that the group took to promote include hunting, fishing, white-water river rafting, camping, canoe and backpack expeditions.

Publications for 1980—the Maine Guide to Fishing and the Maine Guide to Hunting, all new for 1980, because Maine Publicity recognizes the problem we are having in Fisheries and Wildlife. These guides will combine, display and classified-ad with brand new editorial copy that will present a storehouse of information to the sports-minded and the spring and fall vacationers. The print run for each guide is 15,000 copies. Fishing was published February 15, 1980, 15,000 copies; on September 15, there will be produced 15,000 on hunting.

I submit to you that we do not need duplication of that service and I don't think that it is healthy when we have a department that is already in trouble to say, in fact, that we want to expand the services. Maybe that is not the proper word; maybe the proper word is that maybe we shouldn't spend money for something that is already being done.

The SPEAKER: The Chair recognizes the

gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be fairly brief, I don't want to bore you any further with this, but there has been some slight mistatements made on this bill.

I realize the gentleman from Milo has some constituents that are a little concerned about this bill, so I realize what he is trying to do.

Basically, this bill came out from the study committee on Fisheries and Wildlife. I was not a member of that committee but I attended all the meetings that they had. Under the present rules, the Department of Fisheries and Wildlife cannot use their funds to promote hunting and fishing. The funds are to be used exclusively to propagate, protect and research, and there is no way that the promotion of hunting and fishing comes under any of those three categories. So, the committee came up with the decision that we should have legislation in there that would permit, if the commissioner and the department have the money and if the commissioner feels it is necessary at the time, this would permit him to actually use the funds from Fish and Game to promote the department.

One of the problems with the Maine Publicity Bureau was that the anti-hunting and anti-fishing people, the ones that did not hunt or fish, could not understand why their tax dollars should be used to promote hunting and fishing, and they are right. They said, if you are going to do that, we feel that the department should pay that out of their dedicated fund, and I agree a hundred percent. So the question is here right now, do you think they should, then vote to indefinitely postpone this bill. If you think they should have that opportunity, and it is at a time when the department does need to promote something, we all know that, and what we are doing is, we are hoping that in the time that the department has the money, it will be kind of an investment thing where if they put in \$2,000 they will be able to get five or six or eight thousand dollars in return.

I hope that you won't vote to indefinitely postpone this bill if you feel the department should be able to promote hunting and fishing in the State of Maine, because now, under the guidelines they have to operate under, they cannot use federal or state funds in that department to promote fishing and hunting. So I hope you will vote against the motion to indefinitely postpone this bill.

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

Mr. MacEACHERN: Mr. Speaker, I would like to request the yeas and nays.

Mr. GILLIS: Mr. Speaker, just for a moment. I think this all boils down to one thing—if you have a product, you have to advertise to sell it. Fish and Wildlife has a product—can we authorize them to go out and try to sell it?

I hope you will vote against the indefinite postponement.

Mr. Masterman of Milo was granted permission to speak a third time.

Mr. MASTERMAN: Mr. Speaker Men and Women of the House: The statement that Mr. Gillis made caused me to rise immediately because, you know, historically, every time that we raise license fees, we have a decline in license sales. Now we are not only experiencing a decline in the sales of licenses but we are experiencing a decline in the hunter and fisherman success, and I am not sure that I want to be a part that advertises that.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: As I pointed out in my initial statement, passage of this bill does not necessarily mean that the Department of Fish and Game is going to raise license fees. The department can only operate in regard to matters dealing with conservation and education.

There is a tremendous resource in this state that, in my opinion, is being wasted, and it cannot be effectively promoted because legally the department is prevented from doing so. I refer specifically to the warm water species, and this was the gist of the debate by the Select Committee on Fish and Wildlife on how best to promote a resource that is now going to waste in this state. For example, those of you who fish know that when you go out ice fishing on a lake and you muck out a yellow perch, they are strewn all over the ice. Very few people really know how to prepare that type of a fish and cook it and enjoy it. This is one of the things that department could do. Another aspect would be to promote bass fishing in Maine, which is not being done.

Legitimately, the two photographers employed by the I & E division cannot be used at this point to send material or photographs to the freelance writers of sports magazines without operating in that gray area which I mentioned before. This effectively would remove this gray area and allow them to operate. It does not mean that they are going to spend additional funds. It simply means that they will be better able to utilize what they now have and I would hope that you would vote against the motion to indefinitely postpone.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Not so much a comment as an observation, but I think the remarks from the good gentleman from Winslow, Mr. Carter, and Mr. Jacques from Waterville are right on target. I don't think we can spend enough on tourism in the State of Maine.

I think, if you will remember a week or so ago, we passed a bill in here that was for \$200,000 for tourism. That may seem like a lot of money but if you compare it to New York City, who spend \$5 million, what we are paying for tourism in the State of Maine is very little. I know some chambers of commerce that pay \$65,000 for tourism. I think this small amount that we may be asking for tourism is very, very important. It has always been my feeling that perhaps on any given day, two-thirds of the tourists in the State of Maine have Maine license plates. These are the people we are talking about. There are people within the state of Maine who don't know this, I am sure there are people out of the state, so I would hope that you would oppose the motion to indefinitely postpone this.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clear up one point here that has been mentioned twice, that we have two photographers in the department; that is not true. We have two slots for photographers resigned recently and the department does not plan to replace him, so we only have one photographer in the department. I just wanted to clear that up.

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 Milo, Mr. Masterman, 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 — Aloupis, Bachrach, Beaulieu, Bordeaux, Brown, D.; Call, Carter, F.; Cunningham, Davis, Dellert, Garsoe, Gavett, Gray, Higgins, Hunter, Joyce, Kane, Kiesman, Leighton, Leonard, Lewis, Locke, Lougee, Marshall,

Martin, A.; Masterman, Masterton, McMahon, McPherson, McSweeney, Michael, Morton, Nelson, A.; Paradis, E.; Peltier, Reeves, J.; Roope, Sewall, Small, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Twitchell, Wentworth, Whittemore.

NAY — Austin, Baker, Barry, Benoit, Berube, Blodgett, Boudreau, Bowden, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.L.; Brown, K. C.; Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Damren, Davies, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble L.; Fenlason, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, E.; Jacques, P.; Kany, Kelleher, Lancaster, LaPlante, Lizotte, Lowe, MacBride, MacEachern, Mahany, Matthews, Maxwell, McHenry, McKean, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Peterson, Post, Rolde, Rollins, Sherburne, Simon, Smith, Soulas, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Berry, Birt, Bunker, Dow, Dudley, Elias, Fillmore, Hanson, Huber, Immonen, Jalbert, Laffin, Lund, Payne, Prescott, Reeves, P.; Silsby, Strout.

Yes, 48; No, 85; Absent, 18.

The SPEAKER: Forty-eight having voted in the affirmative and eighty-five in the negative, with eighteen being absent the motion does not prevail.

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

The Chair laid before the House the following matter:

Bill, "An Act to Expedite Criminal Trails and Provide for the election of Jury Trials" (L. D. 1849) (H. P. 1733) (C. "A" H-875) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Twitchell of Norway, adjourned until nine o'clock tomorrow morning.