

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

Thursday, March 13, 1980

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

Prayer by the Reverend William N. Hamilton of the First Congregational Church, Wiscasset.

Reverend HAMILTON: Let us pray! Our God, author of liberty, who has made and preserved us as a nation, may there ever be cherished in this chamber as a monument to freedom those spiritual values which alone can bring order out of chaos, peace out of strife. May we face these hard days with the assurance that nothing can prevail against your eternal purpose from the schemes of selfish and cruel persons, who would enslave human spirits and bodies. We turn sure and content to that awesome force which will at last burn away every barrier between people and every barrier to God, who will not fail nor be discouraged until this lost world is lifted into the radiance of this love and light.

Conduct the business of the state this day in the knowledge and love of God. Amen.

The journal of yesterday was read and approved.

The SPEAKER: Would the Sergeant-at-Arms escort the gentleman from Portland, Mr. Doukas, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Doukas assumed the Chair as Speaker pro tem and Speaker Martin retired from the hall.

Papers from the Senate Reports of Committees Leave to Withdraw

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Provide Individual Staff Assistants for Members of the Public Utilities Commission" (S. P. 653) (L. D. 1692)

Came from the Senate with the Report read and accepted.

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

Non-Concurrent Matter

Bill, "An Act to Require Fire Warning Equipment in all Residential Dwellings" (H. P. 1729) (L. D. 1848) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-864) Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-864) as amended by House Amendment "A" (H-878) thereto in the House on March 11, 1980.

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

In the House:

Mr. Soulas of Bangor moved that the House insist.

Whereupon, Mr. Call of Lewiston moved that the House recede and concur.

Mrs. Beaulieu of Portland requested a vote.

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

A vote of the House was taken.

Whereupon, Mr. Call of Lewiston requested a roll call vote.

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

ROLL CALL

YEA — Aloupis, Austin, Boudreau, Brown, A.; Brown, D.; Brown, K.L.; Call, Carrier, Carter, D.; Carter, F.; Conary, Cunningham, Damren, Davis, Garsoe, Gavett, Gray, Hall, Hunter, Immonen, Jacques, P.; Kiesman, Lewis, Lizotte, Lowe, Lund, Marshall, Martin, A.; Masterton, Nelson, A.; Paradis, E.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Smith, Sprowl, Stetson, Studley, Tarbell, Torrey, Twitchell, Wentworth.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, K.C.; Carroll, Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Gillis, Gowen, Gwadsky, Hickey, Higgins, Hobbins, Jacques, E.; Jalbert, Joyce, Kane, Laffin, Lancaster, Locke, Lougee, MacBride, MacEachern, Mahany, Martin, J.; Masterman, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Peltier, Post, Prescott, Rolde, Simon, Soulas, Strout, Theriault, Tozier, Tuttle, Vincent, Vose, Wood, Wyman.

ABSENT — Berry, Bunker, Churchill, Dexter, Doukas, Dow, Dudley, Fillmore, Hanson, Howe, Huber, Hughes, Hutchings, Jackson, Kany, Kelleher, LaPlante, Leighton, Leonard, Maxwell, Michael, Reeves, P.; Silsby, Stover, Tierney, Violette, Whittemore. Yes 47; No, 77; Absent, 27.

The SPEAKER Pro Tem: Forty-seven having voted in the affirmative and seventy-seven in the negative, with twenty-seven being absent, the motion does not prevail.

Thereupon, on motion of Mr. Soulas of Bangor, the House voted to insist.

Messages and Documents

The following Communication: (S. P. 791) March 11, 1980

Honorable Samuel W. Collins, Jr.

Honorable Barry J. Hobbins

Chairmen, Joint Standing

Committee on the Judiciary

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Edward F. Gaulin of Biddeford to serve as a Commissioner of the Workers' Compensation Commission.

Pursuant to Title 39 MRSA Section 91, this nomination is subject to review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Judiciary.

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

Orders

On motion of Mr. LaPlante of Sabattus, the following Joint Order: (H. P. 1954)

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out a resolve authorizing and directing the Department of Business Regulation to study and report on current practices relating to siting of manufactured housing.

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

By unanimous consent, ordered sent forth-

with to the Senate.

Special Sentiment Calendar

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

Katharine Lawlis, of Houlton, who will celebrate the 100th anniversary of her birth on March 11, 1980; (H. P. 1940) by Mr. Peltier of Houlton.

Fort Fairfield High School ski team, coached by Dallas McCrea and Clarence Clark, which won the 1979-80 State Class C Ski Championship, (H. P. 1941) by Mr. Mahany of Easton. (Cosponsor: Senator Carpenter of Aroostook)

The Caribou High School boys basketball team, runnerup in the 1979-80 Eastern Maine Class A Basketball Championship, (H. P. 1943) by Mr. Peterson of Caribou. (Cosponsors: Mr. Matthews of Caribou, Mr. Pearson of Old Town, and Senator McBreairey of Aroostook)

Mae Ophelia Hadlock, of Kezar Falls, who marked the 102nd anniversary of her birth on February 19, 1980, (H. P. 1955) by Mr. Carroll of Limerick.

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

House Reports of Committees

Ought Not to Pass

Mr. Diamond from the Committee on Appropriations and Financial Affairs on Bill "An Act to Create an Inland Fisheries and Wildlife Fund and Authorize the Commissioner to Charge Other State Agencies for Services Rendered" (H. P. 1826) (L. D. 1930) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Mr. Hobbins from the Committee on Judiciary on Bill "An Act Concerning Removal of Sex Bias in Child Support Statutes" (H. P. 1715) (L. D. 1821) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. LaPlante from the Committee on Local and County Government on Bill "An Act to Prevent the Exclusion of Manufactured Housing from Maine Towns by Unduly Restrictive Police Power Ordinances" (H. P. 1649) (L. D. 1758) reporting "Leave to Withdraw"

Report was read.

On motion of Mr. LaPlante of Sabattus, tabled pending acceptance of the Committee Report and tomorrow assigned.

Ought to Pass in New Draft

Mr. Connolly from the Committee on Education on Bill "An Act to Clarify the Education Law" (Emergency) (H. P. 1534) (L. D. 1683) reporting "Ought to Pass" in New Draft (H. P. 1944) (L. D. 1992)

Mrs. Beaulieu from the Committee on Education on Bill "An Act to Assist Private Secular Schools in Complying with the Federal Handicapped Laws on Program Accessibility" (H. P. 1709) (L. D. 1814) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Assist Schools Receiving Tuition Students in Complying with Federal Handicapped Laws on Program Accessibility" (H. P. 1945) (L. D. 1993)

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Define 'Expanded for Charitable Purposes' in the Charitable Solicitations Act" (Emergency) (H. P. 1659) (L. D. 1768) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Charitable Solicitations Act" (H. P. 1953) (L. D. 2001)

Reports were read and accepted, the New Drafts read once and assigned for second read-

ing later in today's session.

Ought to Pass

Pursuant to Joint Order H. P. 1676

Mr. LaPlante from the Committee on Local and County Government on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H. P. 1946) (L. D. 1994) reporting "Ought to Pass" pursuant to Joint Order (H. P. 1676)

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

Ought to Pass

Pursuant to Joint Order (H. P. 1676)

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1980 (Emergency) (H. P. 1947) (L. D. 1995) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1676)

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

Ought to Pass

Pursuant to Joint Order (H. P. 1676)

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1980 (Emergency) (H. P. 1948) (L. D. 1996) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1676)

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

Ought to Pass

Pursuant to Joint Order H. P. 1676

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1980 (Emergency) (H. P. 1949) (L. D. 1997) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1676)

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

Ought to Pass

Pursuant to Joint Order H. P. 1676

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1980 (Emergency) (H. P. 1950) (L. D. 1998) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1676)

Report was read and accepted, the Resolve read once and assigned for second reading later in Today's Session.

Ought to Pass

Pursuant to Joint Order H. P. 1676

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1980 (Emergency) (H. P. 1951) (L. D. 1999) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1676)

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

Ought to Pass

Pursuant to Joint Order (H. P. 1676)

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1980 (Emergency) (H. P. 1952) (L. D. 2000) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1676)

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

Consent Calendar

First Day

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

(H. P. 1779) (L. D. 1901) Bill "An Act to Amend the Maine Securities Act" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-887)

(H. P. 1847) (L. D. 1951) Bill "An Act Concerning Revisions in the Maine Juvenile Code" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-888)

(H. P. 1768) (L. D. 1890) Bill "An Act to Clarify the Standard of Review for Agency Rule-making" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-892)

No objections being noted, the above items were ordered to appear on the Consent Calendar later in Today's Session under listing of Second Day.

Passed to be Engrossed

Bill "An Act to Establish an Environmental Health Program." (S. P. 698) (L. D. 1834) (C. "A" S-435)

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

On motion of Mrs. Prescott of Hampden, 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-885) was read by the Clerk.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I offer this amendment today in a spirit of compromise. There were some objections to the price tag that was offered on the bill when it came out of committee, and I would like to offer this amendment to reduce that figure.

The amendment will also allow the department to establish the environmental health unit within the department and hire one individual with training and experience in the fields mentioned. It will also require that a report be sent to the people of Maine as well as to the legislature on an annual basis. It reduces the appropriation to \$50,000. There will be one person hired, and it also removes the department's right of entry and the right for the department to promulgate rules and regulations.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against this amendment this morning. This amendment says that the department shall establish an environmental health unit, and unit really means another bureau and it means another bureaucracy. The unit shall be directed by an individual, according to the bill. If you are going to direct, you have to have someone to direct, so you have much more involved than one person.

I called the Department of Environmental Protection to get some figures on the people whom they employ, because we do have many bureaus who are dealing with the problem of health and environmental health. We have Environmental Protection, we have Agriculture, Energy and Natural Resources, the University of Maine, and they are all dealing with that problem.

In the Department of Environmental Protection alone, there are 203 positions authorized. At the present time, there are only 158 people

employed there for one reason or another but there are that many authorized.

In the Bureau of Air Quality Services, there are 27 people employed; in the Bureau of Land Quality Control, there are 33 people employed; in the Bureau of Water Quality Control, there are 123 people employed.

Surely, we have enough people in our already established departments to coordinate the information needed. If all the bureaus would cooperate, a good start would be made to do exactly what we need here, find out what we need in the State of Maine. I don't think we need a whole new bureau to find out.

Furthermore, I would like to call your attention to yesterday's Bangor Daily News, and may I quote from it? It says, "Maine Human Services Department Will Announce Next Week \$4 million in Proposed Program Cuts." Mike Petit says, we are looking for money within the department and have asked the Governor to see if there is any General Fund money available. If the department is looking for money to continue its present programs, how is it going to get the money to start a new program?

This amendment and this bill are duplications of state bureaucracy that we cannot afford.

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

The SPEAKER Pro Tem: The Chair would note that the matter before the House is House Amendment "A" to Committee Amendment "A". We have to settle that first, so that motion would be out of order at this time.

The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker and Members of the House: I would like to respond to what the gentlelady from Presque Isle has said. I think when we talk about priorities and the amount of money we have to spend, we have to look at what the problems are.

The first thing, in testimony before the Committee on Health and Institutional Services, the Commissioner of Human Services said that environmental health was the single most dangerous public health problem we have now. If we look at that as the major problem to respond to the proposed cuts that are coming from the federal government in the area of Title 20, that resolves social services. The area that this would be under would be the Bureau of Public Health.

To respond to the area that this would be a duplication of services, that is absolutely wrong. I would like to read part of the testimony offered by the Commissioner of the Department of Environmental Protection, Henry Warren, which says "we have a strong need for environmental health analysis capability as the boards struggle with the problems in Gray and the discharge of carcinogen into the Piscataqua River, since this demands the kind of expert medical help that the bill would make available—that medical help is not available in the Department of Environmental Protection, it is not available in the Department of Conservation, it is not available in the Department of Human Services and not in the form of epidemiology, toxicology or biostatistics.

If you have a medical problem, you don't go to an engineer as you find in the Department of Environmental Protection; you don't go to an agricultural expert as you find in the Department of Agriculture; you don't go to a forestry specialist you find in the Department of Conservation, you go to a doctor.

I would hate to have somebody call the Poison Control phone number and ask them if their child has taken a certain kind of chemical, one of the possible 60,000 new chemicals that we have in the State of Maine, or industrial chemicals, many of which are new, and say—we have never heard of that, we don't know if that is harmful, we don't know if that is deadly, we don't know if that is harmless. This is the

kind of capability that we need. We need to find out whether these disease allegedly toxic materials are really toxic, if they are deadly, without first having to have a death telling us whether it is there or not.

I understand the concern that this may not be a full job. We have had a study report coming from the last legislature which had many Commissioners involved in the area of environment come together and say in the report that we need this environmental health capability. We don't have it now, it is not a duplication. I understand the concern of not having the full department would make. We would not be able to do as much of a job as if we would have a \$200,000 appropriation, but I think we ought to start doing the job even though there is a concern here that we don't spend the full amount of money that was in the original bill. Doing half the job right is better than not doing the job at all.

So, I would hope that you would support the whole bill and send it on for further consideration.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in support of my good friend from Presque Isle, Mrs. MacBride.

I voted against this original proposal the other day, and I must admit that I had mixed emotions, because I do concur that there does exist in this state serious environmental health hazards that must be addressed. However, the creation of a complete new layer and level of bureaucracy is not the answer.

Mr. Brodeur has very eloquently described some of the problems that occur within the state and what he considers to be the lack of direction that some of the state agencies have in trying to deal with those problems.

I would like to take you through an example of something that happened within the state bureaucracy which flies in the face of what Mr. Brodeur has described to you.

The other day we were told that the defeat of this bill would have a very serious effect on the spruce budworm spray program. I was glad that the issue was brought up at that time because it reminds me of a series of events that did take place a couple of months ago that I want to bring to your attention to show you how the system can work if the people in the bureaucracy will pull together.

Sevin-4 oil is the chemical that is being used in the spruce budworm spray program. Some research conducted at the University of Maine indicated that Sevin-4 oil may be a viral enhancer. Immediately, and I stress immediately, upon knowledge of this possibility, the Director of Forestry, Ken Stratton, assembled a team of medical experts from all over the United States and eastern Canada to consider that research in an attempt to determine if there was a possibility of danger to human health. This was action that was taken immediately to address a specific problem. Based upon that team of experts' deliberations, it was found that there is potential but inclusive health risks when exposed to Sevin-4 oil because of viral enhancing data, that data that was available at the time.

Consequently, as a result of a quick thinking, fast acting director of one of our state agencies, there arose two very basic, important decisions. First of all, the decision was made that there will be no uninformed, unconsented exposure to humans of Sevin-4 oil during the spray project. Therefore, the chemical will be used only where access to the public can be closed off. Secondly, there will be much wider buffers used where that particular chemical is being employed.

My point is this—here was a perfect example of a potential health hazard that presumably would be addressed by a brand new bureau if

this amendment passes. In this particular case, that bureau wasn't needed; the question was addressed effectively and squarely without additional bureaucracy. We currently have the mechanism that is required for any agency, whether it be the DEP, the Department of Conservation, the Bureau of Health or any other agency that exists in the state that deals with environmental issues, and there are many of those agencies, as has been pointed out.

I would support the creation of a health advisory board but not the creation of a new bureaucracies, which is what this amendment will do. I hope this amendment is defeated.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This is not the first but it is among many bills that will be coming before this body which would expand programs, bureaucracies, create new agencies and personnel. I would just like to put the House on notice at this point in item, as we proceed to the closing hours of the session, that we have been discussing with the Governor over the last several weeks the withdrawal symptoms, the financial withdrawal symptoms that state government is obviously entering into at this time along with the federal government and local levels of government in our communities back home in discussing how severe those problems are going to become financially, not only this year but over the course of next year and the next biennium.

Is it our position that we believe that not only should a moratorium on additional expansion of government be placed into effect, which apparently the executive branch is willing to do, but also that high priorities are established in given areas where there is a necessity to expand given programs, new agencies, new bureaucracies, new units, as this particular measure advocates, that that be offset by cutting and reducing lower priorities in other areas. To this date, we have not seen that kind of a movement either from this branch or from the executive branch on the second floor.

I would like to put the House on notice that as we proceed with these particular measures, I am not going to support and I don't think there is going to be general support from members of my party to expand even high priority areas, if they are identified by the legislative branch, until we see those kind of correlative, low-priority areas where we can offset that, because as we proceed with the financial withdrawal symptoms, things are going to get extremely rough and I don't think this is the time to be expanding.

The gentlelady from Presque Isle attempted to make the motion to indefinitely postpone this amendment but did not state it properly, I assume, also I will move to indefinitely postpone this amendment.

The SPEAKER Pro Tem: The gentleman from Bangor, Mr. Tarbell moves that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: It would be a very simple thing to say that life is going to stand still, we will never pass any new programs, but certainly that isn't the way things work. We cannot shirk our responsibilities. As times change, needs change and, as the gentleman has pointed out in the other corner, we obviously have to make corresponding cuts if we are going to add new programs, because the times certainly demand this kind of approach, but that does not mean we can turn our back on every good program that comes. We have to consider them on their merit, we have to send them on their way and make the final decision after they are all before us. They are not here now. You simply can't turn your back on this bill simply because you say you don't want anything new.

The amendment attempts to cut down any new bureaucracy, not to create a big one. I think if you lived in Gray, where your well water was contaminated, you would be very interested in a bill like this.

I would hope you would vote against the motion to indefinitely postpone.

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

Mr. NORRIS: Mr. Speaker and Members of the House: Just in brief response to my good friend. I hope that his community isn't in the watershed where the plane crash carrying the same chemical that he speaks of was. I hope his youngsters don't drink the water.

There is no one in state government today who can tell what the impact to people is from this. I presume that the folks in Washington County are not really pleased that no one can help them.

While we were having this hearing—just a levity this morning—the good chairman of the committee asked one of the professionals that was there testifying, he said, what would happen if they sprayed and I woke up and I had a headache and my cow had died and the crops in the field, the corn, was dead, and I facetiously said, well, you would probably take a couple of aspirins for your headache, you would bury the cow and you would burn the crops. But if this happens after the debate that has been on the floor of this House, you let one incident happen in this state with the spray program, either the farmers in Aroostook or the right-of-ways of the electrical companies or the spruce budworm, you have got a situation in the new transportation building today with fiberglass and nobody knows whether they are going to have to close the building or not—it would be nice, even if we have to rearrange priorities, I am not against that, that is up to the Appropriations Committee, it would be nice to have someone—all of the commissioners that deal with this type of thing have told us that they have got to have somebody to make the decision, they have got to have somebody to go to on the case of the transportation building. There are people becoming ill because of the fiberglass in the construction.

I would hope you would think twice this morning before you indefinitely postpone this amendment which does cut back. I would like to vote against the amendment because I think that we need the whole thing, but I am willing to compromise. But give it a thought, because you are at a crossroad, we are at a crossroad in this state, as I said the other day on the other bill.

You have some programs, you have some things, even if it means reassessing your priorities, you have some things that you are not going to be able to continue if you can't afford to protect the public if you do continue them.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to correct a statement that Representative Tarbell made if I could, and that is, if you take a look at the Governor's program, it does include instances where we are cutting back positions and attempting to make government more efficient.

Just before the Taxation Committee itself, and I am certainly not taking a look at all the bills before other committees, we have been dealing with the inheritance tax bill. Part of the purpose of that bill is to have a streamlined system that would reduce the bureaucracy and cut out several positions—that is one instance of the Governor's program that cuts down slots. The committee is working on that bill, we may not be able to reduce those positions as quickly as the Governor wants, but we are making an attempt to move in that direction.

I think it is sort of interesting also, if you take a look at the motion that Representative Tarbell just made, he has moved to kill the

amendment which would, in fact, reduce the appropriation that is on that bill.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: Mr. Speaker and Members of the House: The night before last, the gentlewoman from Hampden, Mrs. Prescott, talked about the fact that if the Appropriations Committee was going to want these bills, they should have them. And yesterday, between getting telephone and calling myself from home as to how things were progressing in the committee on legislation and on measures that they were hearing, and studying what was on the Appropriations Table, it made me reflect a little bit, and I do feel that somewhere along the line, bills that are ongoing or bills that continue programs or accentuate a program or new measures, in effect, would go to the Appropriations Committee or else there would be no need to have an Appropriations Committee; for instance, bond issues.

Then, after I looked over the table, and I have a set of books at home, a set of the budget books, I looked at the Appropriations Table from top to bottom and, you know, I wish some of you would hang onto the side of your chairs because you might keel over on what I am going to say—I have come to the realization, after 31 years of service on the Appropriations Committee, that we are not anointed. As they say in Brooklyn, 'what is saucel for the goosel is saucel for the gandel.' I noticed there are a few chestnuts on that Appropriations Table but, believe me, if they came back here you people wouldn't even let them go on the table.

I would like to give this message to the gentleman from Brewer, Mr. Norris, that if the full bill was back before this committee, the whole bill, I would speak as I am today, I would speak for the whole bill, and if it comes back, I will speak and I will urge you to vote for the whole bill.

I urge that you do not go along with the indefinite postponement of this amendment and when the vote is taken, I ask that it be taken by the yeas and nays. I feel in all honesty that the gentlelady's bill, and whoever cosponsored it with her, has as much right to go on the Appropriations Table as some of the chestnuts that I saw that are on there already.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: Further, in the spirit of compromise, there is no one that denies that environmental health is a serious matter, but it has been purported more than once on this floor that this program is being pursued presently by more than one agency. If there is duplication of effort in some areas and lack of effort in other areas, as has been purported, why not indefinitely postpone this amendment and issue an order requesting the various agencies dealing with these health problems to coordinate their efforts and cover the full gamut of needs within the existing bureaucracy. This would help us moneywise and do what I think we are trying to do.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I would just like to mention first that the gentlewoman from Presque Isle, Mrs. MacBride, enumerated a large number of present personnel and, as I see it, the person mentioned in this amendment would, in fact, direct the existing personnel to the ends that are needed in this bill.

When this measure first came out, our committee had it last year and recommended to the Human Services Commissioner that he should study the problem and come back with a recommendation, and we had no idea that he was going to come up with such a large program

and so much money involved.

This amendment which we are now considering represents more what I had in mind for us to do, which was to have someone with the knowledge to coordinate a program which would deal with the problem in hand.

It was told to us last year that the only person we had in the state who was addressing these problems directly was a young man from the Center of Disease Control in Atlanta, who was loaned to us on sort of an internship program, and whereas he was a very intelligent and knowledgeable person, he was, in fact, just beginning in this field and told us that most of the other states have at least one person and many of them, of course, had a large number of people who are charged with this responsibility to direct a program to protect the health of the citizens from environmental hazards.

I do hope that you will support this amendment. I think it is a start, I think they will use existing personnel to man the unit, and that we do need at least one person who will be responsible for addressing these problems.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I do want to back up everything that Representative Bachrach has said this morning.

When the environmental doctor bill was introduced in this House last year, it was accompanied by snickers and chitters and it went to our committee, we had a good hearing on this bill. A subcommittee of the State Government Committee looked further into the bill and we came out with a resolve directing the Department of Human Services, along with Environmental Protection, to study the problem of environmental health and to come up with recommendations. This bill is the result.

Personally, I like the original bill. I wish that if we had enough money, we could have an environmental health unit in the Department of Human Services. We need it, I am convinced.

Now, the young man that Mrs. Bachrach referred to is our state epidemiologist; this has to do with infectious diseases. He is, indeed, loaned to us from the Federal Public Health Service. He is here for two years. That is too short a time for him to start doing long-range statistical studies that we need, information that we need in order to start programs for the future. And, indeed, during this two-year stay here, he was sent off to Hong Kong for three months to head up a program with the boat people there last fall.

So, we do not really have anybody in state government now who can (a) number one, coordinate a program and, (b) that is going to be here any longer than two years. So, I urge you to vote for this compromise amendment. We are only talking about one full-time person.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I have tried to refrain from debate on this issue and many other issues that are very close to the concerns of the people in my district because I realize that debate time is at a premium. I think that the only other time I spoke this session, we had the same kind of a question and it was by the gentleman from Lewiston—where is the money coming from?

At that time, this House was convinced that we ought to send a bill to the Appropriations Committee and we will let the Appropriations Committee decide where the money is coming from. I would like to urge you to do the same thing today. Vote against the pending motion to indefinitely postpone this amendment, put the amendment on the bill and send the bill to the Appropriations Table. Once again charge the Appropriations Committee with the responsibility of answering that question—where does

the money come from.

I am glad to know that the gentleman from Lewiston has changed his mind and is willing to consider all of these expenses along with the ongoing expenses.

When I came here, my original intent was to try to represent the feelings of the people of my district and to speak out for them here on the floor of the House. I feel I must do that today.

When the original objection was raised by my seatmate, the gentlewoman from Presque Isle, which nearly killed this bill, I immediately went to the telephone to talk to one of my constituents—actually this person is not a constituent of mine, this person is a lady that lives in the Town of Gray, one of the victims of the polluted water situation in East Gray, and it just happens that East Gray is not in my legislative district. However, I feel that the people of Gray, who have worked so hard in the last three or four years to overcome a very serious environmental health problem, which was far beyond the resources of one small town, and when they came to the state and sought help, there was no help available, there was no agency they could go to, there was no doctor that could answer these questions. We still have that same situation, it has already been pointed out in debate, that there is nobody who really knows what the environmental health problems are, what the seriousness of these problems are.

You can go all the way back to the Declaration of Independence and the Preamble of the Constitution of the United States and ask, what is the role of government? Isn't government charged with the responsibility of protecting the health and safety of the people? I say today we have to assume some responsibility for the health and safety and peace of mind, if I may add that in today's context, of these citizens who are now worrying about their health, who have been polluted, who have been ingesting poisons from five to seven years without knowing how serious this problem can be.

During the first session of the 109th Legislature, everybody here received a small vial of the polluted water and I am sure you recall exactly what it smelled like and how you would like to have that coming from your tap, I am sure. Now that that water problem has been taken care of, there is the lingering question—how much has the health of my family been damaged? And these people have not yet been able to find the answer to that question.

I would like to reiterate some of the questions and some of the problems that have been brought up in East Gray. Maybe you can accept it and maybe you can't, but this is what is known as housewife data. Some of the problems that these families have been looking at are, nervousness, they have been noticing dizzy spells. Some of the people have been having severe headaches, some of the people have had temporary loss of feelings in their extremities, their fingers and toes. There have been some respiratory problems, some lower back pain, some kidney infections, and there has been one near fatal death, and I am not suggesting that these things are caused by that particular problem, but I am suggesting that there have been serious health problems noted over and over again by interviewing these different families in this particular area and there has been no answer to the question—has it been caused by this poison that I have had to suffer with for five to seven years? Today, we do have a need. Today we must address that need.

Yes, the cupboard might be bare as far as getting the money in, but if the gentleman from Lewiston is willing to look at this need along with some of these ongoing chestnuts, I would suggest that this House should put that need onto the Appropriations Table. We should vote against the pending motion, send the bill to the Appropriations Table and let's see just where the priorities are. I think the people of the State of Maine, not only in my particular area but in

other areas, deserve some answers to big questions like, what is the environment doing to my health?

The SPEAKER Pro Tem: 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 Pro Tem: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: There certainly has been a great deal of debate on this question this morning. I still do urge you to vote no on this amendment or vote to indefinitely postpone this amendment.

I think everyone of us here today is concerned with environmental health. There is absolutely no doubt about that.

Representative Masterton has said that we are talking about only one person but we are not. We are talking about creating a whole new bureau. I agree with Representative Cunningham when he said we do need some answers to these questions, and we do, but I contend that we do have the people in the various departments now to give us those answers. In the great big Human Services Department, along with DEP, Agriculture and so forth, surely a group or board such as Representative Davis mentioned could be established. With 123 people in Water Control, for example, it does seem to me that those answers somewhere could be found.

I urge you to vote for indefinite postponement.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't postpone this amendment. I would much prefer the bill because the amendment waters it down.

I would just like to make one or two comments if I might. In good friend Mr. Brown's presentation in regard to a very dear friend of his and mine too, he did not go far enough telling what he learned from Mr. Stratton in regard to this, of the dangers that he had to learn the hard way, and what he expressed to me is that every moment he took to learn about that, whether it be an hour or a day, it took away from his own duties.

In regard to the 123 in the department, that counts sweepers of the floor, secretaries, everybody that is already busy—how many of the people in that department can you expect to use their time to do what this bill asks them to do?

Many, many times have we in this House put a dollar bill for our own personal satisfaction about keeping the money in our pockets rather than what helps the people of this state.

One other thing that I am very concerned about, my dear Mrs. MacBride, as well as you, Mr. Brown, is that I have seven grandchildren and I hope they live long enough to continue to live in this state. One reason is because they have got to pay the bills that we are putting on them. The other thing is, we have got to make the environment healthy for them to live in.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Portland, Mr. Brenerman.

Mr. BRENERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I thought that several members had already discussed the need for this bill and the fact that there was no duplication, but apparently Mrs. MacBride feels that there is and Mr. Davis agrees with her.

There is not one person in any agency with

the expertise to detect, evaluate and respond to health hazards. As we said before, Mr. Zineski, who is the state epidemiologist, will be leaving soon and we will have no one who will know anything about any of these problems.

We have already discussed that Maine is not immune from health hazards. Mr. Cunningham told you that in Gray we have a problem. The Department of Human Services tells us that there was dumping of known carcinogen in the Piscataquis River and obviously we know about the drift of spraying in Washington County, the discovery of amounts of mercury in the Yarmouth River, the effects of asbestos at the shipyard in Kittery and the possible pollution of private and public water supplies all over the state. There is not one person in any department that can tell us the effects on the public. I think without this amendment, without this bill, the state is in trouble, so I would ask you to vote against indefinite postponement.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I will be very brief. This bill, as you all do remember, was introduced as an environmental M.D. and as Representative Masterton said, there were snickers. It really did sound a little peculiar at the time an environmental M.D., what is that? I didn't know we had one, didn't know one could go to school to become one—well, you certainly can. There is a fine medical school south of us in Cambridge, Massachusetts, where people who graduate from there can be an environmental M.D.

The bill was introduced, had a good hearing, it was decided that we would study it a little further—why not? It is a peculiar idea, a new concept, new bureaucracy, let's see what it is all about. The study report came out and it was on your desks. It was about 50 or 60 pages long. Every person asked in the state that dealt with these problems pleaded for the need for this person, pleaded, there is no one anywhere trained and able to do this work.

I understand your concern on the economic costs and increased bureaucracy, but the potential for economic and environmental damage is so great and the threat to human health and welfare is so real that you must ask yourself that question, "when" is the time right to do this? When people must die? If not now, when?

Vote no on the pending motion. The time is now. You have that right, you have that privilege; the citizens of the state have a need.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: My apologies to the lady from Portland for jumping up a little too quickly here.

There is not one of us, I don't believe, that understands that there is a problem and now is the time to address it. The question is, how are we going to address it? The gentleman from Monmouth gave us the perfect way in which to address it, by presenting an order before this body and by coordinating the efforts of those departments that already exist.

As this bill was being debated yesterday among members of the House, the question was asked, what about going to an advisory committee rather than the amendment? The answer to that question was, the department will not accept anything less than the amendment which is now under consideration. I ask you a very important question who is running this state? Is it the legislature or is it the bureaucracy?

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

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: The compromise sug-

gested is that we pass an order. The order was approved June 15, 1979, by the Governor's Chapter 18 of the Resolves passed by the last legislature, called Resolves to Study the Need for Environmental Health Program, so we have done that. The report is right here in my hand, it is a report to the State Government Committee; Dear Senator Ault, Dear Representative Kany with a cover letter and we have done that. It is right here.

The question is, now that we have the report which calls for this environmental health program, what do we do about it? We have the report, the study has been made, are we going to ignore the report or are we going to act on it?

In response to the argument about 'let's have an advisory committee,' well, who, are they going to advise somebody who knows nothing about the subject of environmental health, advise a social worker, who, is the Commissioner of the Department of Human Services, who, if given technical medical knowledge, is not really qualified to decide? We have to have somebody in the department who is able to respond to that advice.

I would ask the gentleman from Livermore Falls, Mr. Brown, who says that with a response that one of the people in our bureaucracy put together an advisory committee because somebody in the University of Maine found out that there was an environmental enhancer in one of our chemicals. Well, what about the other 60,000 chemicals? Is there somebody looking at all of those to find out if there is an environmental enhancer in those chemicals. What about if there is no one there to look at them in the first place? How would he respond to that?

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I can say that I have been in this bureaucracy, as probably few people in this body have, and I have been in the position to receive legislative mandates to perform this or that task with no accompanying resources and it can be very frustrating.

It seems to me that on this bill we can't have it both ways. If we vote for the indefinite postponement of this bill, you are voting against any kind of reasonable and effective health program.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think my young friend from Livermore Falls, Mr. Brown, is deserving of an answer. Since time in memorial, when we are here, we run the show, we think. When we leave, until such time as we meet 365 days a year, when we adjourn sine die, we turn the show over by transfer to the bureaucracy. That is what it has been, that is what it is going to be, whether you or I like it or not. It is okay with me, I am resigned to it.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to prolong this but I did want to answer the gentleman's question about an advisory group, the bill does, indeed, if he would read it, in Subsection 1663, structure a voluntary medical advisory group who will advise this gentleman.

I would address two other parts of the amendment that the gentlewoman is proposing, and that is the part that strikes out the right of entry and also does away with the department's right to promulgate rules and regulations, as it was designated in the bill. This is the part of the compromise with the Associated Industries of Maine that allows them to be able to live with the bill.

I commend the gentlelady from Hampden, she has kept her agreement, she has done as

she did agree, and this amendment, believe me—to all of you, I would certainly vote for the amendment because it puts the bill in a position that is much more palatable to all parties concerned.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support the amendment this morning simply because of the reason that it reduces the money down to, I believe, \$50,000.

If you will remember, I told you the other day, if push comes to shove, an attempt might be made to pass the bill without any money. So, they are just watering it down to a position that might be a little more comfortable for all of us.

I agree in part with some of the comments made by my friend, and he is my friend, from Lewiston, Mr. Jalbert, that matters should make the Appropriations Table on their own, but I argued on this floor whether they meet the committee or not. This is only my second year on the Appropriations Committee and I have been in this House for 12 years and, you know, there have been a lot of divided reports out of the Appropriations Committee and they get argued on the floor just like these other bills that are coming from other committees.

I personally don't like this bill at all, and if I have my choice, and I probably never will when it comes to deciding, whoever does make that decision, it probably will be others other than me, I wouldn't vote for a dime of it. I think there is no general need for it based on the fact that there are other agencies now monitoring it, and I think the recommendation by Mr. Davis to put them all together in some assembled fashion would be much more appropriate for this House this morning.

I am going to vote for the amendment simply because it marks it down to \$50,000, and if the opposition, as I view it to be right now, thought that they could get away with \$75,000, it would be on it, or the \$100,000 or \$150,000 would be on it, but they are just trying to sell a piece of cake to all of us.

I would like to go with my friend from Bangor, but if you understand what I am saying, Mr. Tarbell, I think we ought to just support the amendment and then maybe wiser people will make a different decision on it later on.

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

Mr. TARBELL: Mr. Speaker, the only reason I made the remarks I did this morning is that I think it is time for the House and the other body and the Legislative branch as a whole to be looking at the overall picture, the overall trend of state government as a whole, and I am not attempting to pick on any particular program or any particular bill, and I hope you understand that.

State Government was built block by block, a block at a time, and we are continuing to do that with this measure and every other measure that comes through to expand programs.

I simply cannot believe that there is no one in state government, there is no agency, there is no department, we have no resources, no opportunities available to state government to tackle this problem without adding an additional unit to the budget and to the General Fund. It would seem to me that whether it be internal reorganization or whether it be an outside consultant, that it ought to be possible for the vast executive branch of ours to put together an internal coordinating effort to tackle this problem without our having, at the legislative branch, to come up with another unit, whether it be advisory at this point, whether it be one personnel addition this year and few more next year, and a block by block by block.

The reason I make the point that I do today is because we have very few days remaining in this session, we are going to see more and

more bills like this as they come out of the committee onto the floor for debate, and I think we need to highlight the fact that it is time for us, particularly this session, to begin to reverse the trend that needs to be done.

Our Sunset Review Committee, Audit and Review Committee, for example, comes in with the first major proposal to make some internal reductions in a particular department, and the executive branch presents us with another plan to expand. The two branches are going in opposite directions and I think it is time that we begin to coordinate these efforts and I think we should be coordinating the resources available in the executive branch without the legislative branch further expanding. That is why I support the motion to indefinitely postpone this measure.

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

Mr. CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: I agree wholeheartedly with my friend over here in the corner, Mr. Tarbell, he is absolutely right. Mr. Tarbell has pointed out that there are many areas in state government that deal with the problems, and he is exactly right, but they deal with the problems too late, much too late.

We are voting on an amendment, ladies and gentlemen, that will take care of the action before it happens, not after it happens.

This bill is probably the most prominent preventative measure this legislature can take action on for the health and welfare of every individual in this state.

I have only but one question to ask each and every one of you—what do we do after an individual has incurred cancer? What do we do after a person has incurred lung diseases? Ladies and gentlemen, what do we do when these diseases occur after when we have the opportunity right now on this vote?

I urge you to vote no on the indefinite postponement of this measure.

The SPEAKER Pro Tem: A roll call has been requested. For the Chair to order a roll call vote 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 Pro Tem: The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Berry, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Churchill, Conary, Damren, Davis, Dellert, Dexter, Drinkwater, Garsoe, Gavett, Gray, Higgins, Hunter, Hutchings, Immonen, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Marshall, Martin A.; Masterman, Matthews, Maxwell, McPherson, Morton, Nelson, A.; Paradis, E.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Small, Smith, Sprowl, Stetson, Studley, Tarbell, Torrey, Tozier, Twitchell, Wentworth.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Brannigan, Brenerman, Brodeur, Brown, K.C.; Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Diamond, Dutremble, D.; Elias, Fenselson, Fowle, Gillis, Gowen, Gwadosky, Hall, Hickey, Hobbins, Huber, Hughes, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Masterton, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson,

M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Sewall, Simon, Soulas, Strout, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman.

ABSENT — Doukas, Dow, Dudley, Dutremble, L.; Fillmore, Hanson, Howe, Silsby, Whittemore.

Yes, 60; No, 81; Absent, 9.

The SPEAKER Pro Tem: Sixty having voted in the affirmative and eighty-one in the negative, with nine being absent, the motion does not prevail.

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

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

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

Passed to be Enacted Emergency Measure

An Act to Permit the Public Utilities Commission to Include in the Fuel Adjustment Clause Capacity Purchases for Small Power Producers and Cogenerators (H. P. 1739) (L. D. 1857) (C. "A" H-834)

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

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

Mr. MORTON: Mr. Speaker and Members of the House: This is a bill that I haven't had an opportunity to look at before. I would like to have an explanation of what capacity charges means.

The SPEAKER Pro Tem: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Capacity charges would basically be the cost, the investment cost of providing electricity by a small power producer using renewable resources. So, generally it would be a dam with a generating facility and the idea of the bill is basically if we have to have a fuel adjustment charge and, personally, I am sorry that we do, that we certainly should be encouraging the use of renewable resources here in the State of Maine instead of encouraging our electrical utilities to be using oil, for which they can be immediately reimbursed with the inflationary charges because of our existing law.

Does that satisfy the gentleman?

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

Mr. MORTON: Mr. Speaker, I thank the gentlelady for the definition of capacity charges. I guess I would like to know how this is going to affect the bill of the average consumer rather than those who are furnishing the capacity charge cutoff?

The SPEAKER Pro Tem: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. KANY: Mr. Speaker and Members of the House: Certainly, in the long run, it will lower the cost to the consumer because it would encourage the utilities to encourage the development of small power production, using renewable resources, as opposed to using that oil generated capacity which it now has and for which it can be immediately reduced when the price of that fuel goes up.

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

Mr. DAVIES: Mr. Speaker and Members of

the House: I would like to further answer that question for Mr. Morton.

This bill is very closely tied to one that this legislature passed during the last session dealing with the encouragement of cogeneration in small power production. In that bill, we authorized long-term contracts to be negotiated between small power producers, such as the small hydroproducer, and a public utility so that they can amortize their cost over a long period of time rather than over a one, two or three year period.

The cost of buying some of these alternative power sources may be slightly higher than the cost of your electricity from a power company right now, but over the term of a long-term contract, the average cost is going to be substantially less than it would be for oil or coal or for nuclear. So, in the long-term with these contracts, which are now going to be authorized and which will be allowed to pass through the fuel adjustment clause, there is likely to be a stabilization and a possible reduction in at least some of the cost of electricity that we will be buying and in the long run the effect will be to stabilize the overall cost of electricity for the consumers.

I think the effect will be that we are going to see fewer and fewer large jumps in the cost of electricity if we can increase our reliance on the small power sources, especially small hydro.

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

Mr. MORTON: Mr. Speaker, I thank both the gentlelady from Waterville and the gentleman from Orono for these explanations. I think they are very good. I am glad the gentleman from Orono pointed out that it might initially cost a little more for the juice that you buy from the small power plants. I have no way of knowing, I assume there have been studies made, competent studies made, which would indicate that the long-run trend would be in the other direction. Would you want to give us a little bit of background on those long-run studies?

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

Mr. DAVIES: Mr. Speaker, in response to the gentleman from Farmington, Mr. Morton, there has been some work done by the Office of Energy Resources and by the Public Utilities Commission, both of which indicate that with the projections we have with oil at the price it is right now, without any further increases, and I am sure that we are going to see those down the road probably even more this year and again in future years, that the cost of hydropower from a small project, or even from a large project, within three to five years is going to be assuredly lower than the cost of power from a conventional source, such as coal or oil and nuclear, and over the course of 25 years, it could be a reduction of as much as 25 percent in the average cost of a kilowatt of electricity from these alternative sources as opposed to the conventional sources.

The SPEAKER Pro Tem: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

108 having voted in the affirmative and 4 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify the Administration of the Department of Manpower Affairs (H. P. 1762) (L. D. 1888) (H. "B" H-830)

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

An Act to Permit the Department of Transportation to Acquire Railroad Operating Equipment (S. P. 666) (L. D. 1720) (S. "B" S-442 to C. "A" S-411; S. "A" S-422)

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

Mr. Peterson of Caribou requested a roll call.

The SPEAKER Pro Tem: 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 and having expressed a desire for a roll call, a roll call was ordered.

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

Mr. JALBERT: Mr. Speaker, may I be excused from voting?

The SPEAKER Pro Tem: The gentleman from Lewiston, Mr. Jalbert, will be excused from voting pursuant to the Joint Rules.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Drinkwater, Dutremble, D.; Dutremble L.; Elias, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Jacques, E.; Jacques, P.; Kany, Kelleher, Lancaster, LaPlante, Locke, MacBride, MacEachern, Mahany, Martin, A.; Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Paul, Pearson, Peterson, Post, Reeves, J.; Reeves, P.; Rolde, Rollins, Sherburne, Simon, Smith, Tarbell, Theriault, Vincent, Violette, Vose, Wood, Wyman.

NAY — Aloupis, Berry, Boudreau, Brown, K.L.; Call, Carter, F.; Conary, Damren, Delert, Fenlason, Fowlie, Garsoe, Gavett, Gillis, Gray, Higgins, Hunter, Jackson, Kiesman, Leighton, Leonard, Lewis, Lougee, Lowe, Marshall, Masterman, McPherson, Nelson, A.; Prescott, Roope, Sewall, Small, Sprowl, Stetson, Stover, Strout, Studley, Torrey, Wentworth.

ABSENT — Austin, Birt, Bowden, Bunker, Carrier, Churchill, Cunningham, Davis, Dexter, Doukas, Dow, Dudley, Fillmore, Hanson, Immonen, Joyce, Kane, Laffin, Lizotte, Lund, McSweeney, Norris, Payne, Peltier, Silsby, Soulas, Tierney, Tozier, Tuttle, Twitchell, Whittemore, The Speaker.

EXCUSED — Jalbert.

Yes, 79; No, 39; Absent, 32; Excused 1.

The SPEAKER Pro Tem: Seventy-nine having voted in the affirmative and thirty-nine in the negative with thirty two being absent and one excused, the Bill passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act Broadening the Elderly Tax and Rent Refund Act to Include Persons who are Currently Married as well as Unmarried under the Eligibility Standards (H. P. 1653) (L. D. 1762) (C. "A" H-832)

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

An Act Relating to Group Self-insurers under the Workers' Compensation Act (H. P. 1747) (L. D. 1863) (C. "A" H-815)

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

The SPEAKER Pro Tem: Mr. Speaker,

Ladies and Gentlemen of the House: I have been trying to find some answers to some questions concerning this bill ever since it appeared on my desk. I was especially interested since the Presque Isle Chamber of Commerce has gone on record against the bill. They feel that it will be a detriment to the small businessmen and to the small employer.

I called the Bureau of Insurance and talked to two or three people there. I have talked with insurance men and everyone to whom I have talked has referred me to someone else, so I do have three questions this morning and I would appreciate it very much if I could pose those questions through the Chair and if someone would answer them for me.

One, is there a premium tax? Two, are the self-insurers participating in the assigned risk pool? Three, will they have the necessary reserves to protect the working person in case of insolvency or anything else?

The SPEAKER Pro Tem: The gentlewoman from Presque Isle Mrs. MacBride, has posed a series of questions through the Chair to anyone who may care to answer.

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

Mr. HOWE: Mr. Speaker and Members of the House: I would be glad to answer those questions. This bill was reported out of the Committee on Business Legislation as sort of a follow-up to a bill that was passed in the last session.

First question is, are there premium taxes? I believe the answer to that is no; however there are filing fees required. The filing application fee provision is Section one of the bill, so there are fees. The reason for that is that the Bureau of Insurance will be regulating these group self insurance funds for workers' compensation and right now, the only people who support the operation of the Bureau of Insurance are insurance companies. In effect, group self-insurance funds will be competing with insurance companies; therefore, they ought to pay the burden for the regulation of them so that their competitors are not forced to pay for the regulation of them.

The second question is, are they going to be in an assigned risk pool? The answer is no; however, the bill calls for a study over the next two years to determine whether they ought to be in the assigned risk pool. The question is, are there sufficient reserves to protect the workers? The answer to that is yes, because the bill requires that group self-insurance organizations be required to participate in what is called a Maine Insurance Guarantee Association, which could pay claims in the event that one of these group funds became insolvent.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman for the answers to the questions. I wonder if he would explain to me just a little bit more about the second question. Why are the self-insurers, at the present time, not going to be participating in the assigned risk pool? I would really like to hear a little bit more about that if I might, please.

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

Mr. HOWE: Mr. Speaker and Members of the House: The answer to that question is that we really don't know enough yet about the impact of the group self-insurance funds on that pool. There are only one or two in existence now and they are rather small. The bill that was passed last year extends the concept of group self-insurance funds from groups of like employers, let's say all wood workers, to unlike groups of employers that might include several types of small businesses in a manufacturing plant in the same group. We simply don't know enough yet about the effect of these group

funds because they are kind of a new beast on that pool, and rather than put them in there now, we feel it is prudent to study that matter and then make a decision.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to direct a question through the Chair to Representative Howe. Would he not agree that by not requiring this self-insured fund to participate in the assigned risk pool be, in fact, giving them preferential treatment?

The SPEAKER Pro Tem: The gentleman from Monmouth, Mr. Davis, has posed a question through the Chair to anyone who may care to respond.

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

Mr. HOWE: Mr. Speaker and Members of the House: I am not certain of the answer to that question and I would defer to some of the more learned members of the insurance industry in the state who participated on a very high powered study committee that was appointed by the Commissioner of Business Regulation Weil, which met over the last summer prior to Governor Brennan's agreeing to signing L. D. 526, and the study committee reported out this bill as a compromise solution to some of the questions that the passage of L. D. 526 raised.

I was opposed to passage of that bill at the time and I think Mr. Davis was, and I think perhaps we got Mr. McHenry, we got about 12 votes or something at the time.

I am satisfied with passage of this bill, that the major concerns raised by the insurance industry at the time will be taken care of. However, the issue obviously needs more study as these groups begin to come into existence, and that is why the bill does call for a study.

I would further state, quote, in fact, two of the insurance industry members who served on that committee who said that "failure to pass this bill," in their brief, "would be a breach of faith among all the parties who participated in that study."

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I do have some feelings on this bill in many respects, one of which is that we here in this House, as well as the members of which is that we here in this House, as well as the members of the other body, keep broadening the coverages under the workers comp laws and then we hear complaints from the contractors because their rates are going up and they blame it on the industry when, in fact, it is probably our own fault. We are the ones, we want to protect the workers, we want to do what we can for them but, on the other side, they sometimes get provoked at the rates and will go to any extremes to find a way to avoid paying what we have told them they must have for coverage, which is reflected in their rates.

So, now we come up with a plan, as I see it, giving this group preferential treatment. They are not required to participate in the assigned risk pool which, in essence, means they do not have to participate in the high hazard industry, such as the one Mr. Dexter is involved with, logging and lumbering. They are not, as I understand it having to pay any premium tax, as other domestic and foreign companies have to pay. We are starting a precedent here for a small section of our society and to me it is being unfair to the other members of the industry.

I would hope that you would vote against this bill.

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

Mr. LEONARD: Mr. Speaker, Ladies and

Gentlemen of the House: I, too, am against this legislation. I would like to share with you my thoughts. One is that we have mandated in this state that all companies, all employers, have an insurance program to protect the people who work for them, the employees. The concept of Workers' Compensation is that you share in the cost throughout the State of Maine, all businesses share its cost and if there are claims against the fund, then it kind of comes out of one pool. Now I think, frankly, that in this legislation you are giving preferential treatment, not necessarily this particular bill but the very concept of giving preferential treatment of self-insuring, because what you are doing now is taking certain segments of business out of contributing to this mass pool and they have their own fund going. Well, the only incentive that these people have, really, to get out of the mass pool concept is that their history level of accidents is probably far less than that of common industry in this state. When that is done, that means the common industry, those people who do not come out of this massive pool, have on a per claim basis a higher incidence rate, that means that their rates in the future for Workmen's Compensation Insurance will be that much greater. That automatically will put them at a competitive disadvantage with these other companies. I think that is somewhat wrong since we have mandated participation in Workers' Compensation Insurance on a state level to start with.

I think the concept of having one pool and different rates for different industries and if their accident rate is less, for example, they are taken into consideration. If BIW, Bath Iron Works, doesn't fall within a particular quota that is set for them for Workmen's Compensation, they are forgiven in their future rates to a degree they are forgiven and I think that concept should be continued and not try to delve into the fund and take out those people that, for whatever reasons, are not experiencing the same type of incidence rate that these other companies are.

I am against the bill and I hope you vote to indefinitely postpone it.

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

Mr. HOWE: Mr. Speaker and Members of the House: All I can say is Mr. Leonard, where were you when I needed you last year? Those are excellent arguments against L. D. 526 that was passed by us last year over my vote, Mr. McHenry's vote, Mr. Davis's vote and a handful of others. Those arguments are very compelling and apply to that bill. They don't apply to this bill.

This bill at least takes some of the sting out of that defeat that I suffered last year, along with a minority of us. If we don't pass it, the guarantee fund will not be there to protect workers who are covered by these group self-insurance funds. Likewise, while we are not requiring group self-insurers to pay premium funds, we are requiring them to pay application fees and if we don't pass the bill, they will get off scot free. If you want to go back and try to repeal what we passed last year, Mr. Leonard, Mr. Davis, I am with you, but this is not the bill to defeat today.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Presque Isle, Mr. Roope.

Mr. ROOPE: Mr. Speaker, I would request a roll call.

The SPEAKER Pro Tem: 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 Pro Tem: The Chair recog-

nizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: Not to prolong this, because I know that we want to get along with the business of the day, but I think the gentleman from South Portland, Mr. Howe, has accurately pointed out, and I would remind the people who stated objections to self-insurance, and I hope that you clearly understand, that this particular bill that we are voting on today is going to curtail to some degree self-insurance. I hope you all clearly understand that.

The arguments have been very interesting, the arguments that Mr. Leonard raised against self-insurance—this bill addressed some of those arguments. This bill is an anti self-insurance bill, not a pro self-insurance bill, and the only reason I am supporting it is because we reached agreement, compromise agreements through a series of meetings that we had with members of the insurance industry, members of the Bureau of Insurance, Commissioner Weil and members of labor organizations and legislators who have been involved, including the gentleman from South Portland, Mr. Howe, and myself. So, if you have some reservations about self-insurance, then you ought to be voting for this bill and not against it.

This bill doesn't expand self-insurance, it curtails it. I am voting for it with some reservations, but it was as a result of agreements that were reached and I intend to honor those commitments and honor those agreements. I hope you all clearly understand that.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: It is obvious, then, from the people who have spoken on this bill, that each of them are supporting it but are dragging their feet because they aren't wholeheartedly sold on it. So, I would urge you to vote against this bill until we have something better later on.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I think there should be two clarifications in this. When Mr. Howe responded to the fact that there will be a study order, yet it is not a study by us, the study is to be conducted by the Superintendent of Insurance, Ted Briggs, and it will be done over a two-year period of time to assess the need of joining the high risk pool. So, the Department of Insurance is conducting that study.

In response to the point made on premium tax—no they will not be paying a premium tax; however, these companies do pay income tax and that somewhat balances those two factors.

The SPEAKER Pro Tem: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no, a roll call having been ordered.

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

Mr. CARTER: Mr. Speaker, I request to be excused from voting.

The SPEAKER Pro Tem: The gentleman from Winslow, Mr. Carter, will be granted permission to be excused from voting pursuant to the Joint Rules.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Brodeur, Brown, A.; Brown, K.L.; Brown, K.C.; Call, Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Davies, Diamond, Drinkwater, Dutremble, L.; Elias, Fenlason, Fowlie, Garsoe, Gillis, Gowen, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, E.; Jacques P.;

Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, LaPlante, Leonard, Lewis, Lizotte, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Post, Reeves, J.; Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Simon, Small, Smith, Sprowl, Stetson, Stover, Strout, Tarbell, Theriault, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker Pro Tem.

NAY — Austin, Brown, D.; Carrier, Conary, Curtis, Damren, Davis, Dellert, Gavett, Leighton, Lougee, Lowe, MacBride, Matthews, Nelson, A.; Peterson, Roope, Studley, Torrey, Tozier, Twitchell.

ABSENT — Berry, Bunker, Carroll, Dexter, Doukas, Dow, Dudley, Dutremble, D.; Fillmore, Hanson, Immonen, Laffin, Lancaster, McSweeney, Payne, Peltier, Prescott, Silsby, Soulas, Tierney, Whittemore.

EXCUSED — Carter, D.;

Yes, 108; No, 21; Absent, 20; Excused, 1.

The SPEAKER Pro Tem: One hundred and eight having voted in the affirmative and twenty-one in the negative, with twenty being absent and one excused, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Clarify the Law Concerning Income Taxation of Servicemen who are Maine Residents (H. P. 1749) (L. D. 1865) (C. "A" H-833)

An Act to Provide Broad Public Representation on the Board of Pesticides Control and to Improve the Level of Information Available to it and the Public (H. P. 1891) (L. D. 1966) (H. "A" H-829); S. "B" S-444)

An Act Concerning the Temporary Certification of Driver Education Teachers (H. P. 1894) (L. D. 1967) (S. "A" S-441)

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

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would thank the gentleman from Portland, Mr. Doukas, for acting as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Doukas to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

Orders of the Day

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

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)

—In Senate, Referred to the Committee on Education.

Tabled—March 12, 1980 by Mr. Connolly of Portland.

Pending—Reference in concurrence.

Thereupon, the Bill was referred to the Committee on Education in concurrence.

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

Bill, "An Act to Increase Registration Fees for Watercraft" (H. P. 1835) (L. D. 1939)

Tabled—March 12, 1980 by Mr. Leonard of Woolwich.

Pending—Adoption of Committee Amendment "A" (H-872) as Amended by House Amendment "A" (H-883) thereto.

Mr. Leonard of Woolwich offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-893) was read by the Clerk.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I simply offer House Amendment "B" as an alternative so everybody can be on record as supporting something that at least is in line with inflation rather than simply bail-out type of legislation, if you will for a particular department.

If you will recall, yesterday I spoke to you about the increases in fees of watercraft. That fee, at the present time, is \$5 and the original legislation without my amendment would have called for an increase to \$15, and the dealer certificate fee having been \$10 proposed to be increased to \$25.

The amendment, in lieu of doing that, would simply bring these figures down to a more manageable figure at least for the people in the State of Maine, when they face the trauma of an increase in registering their boats. It simply increases the fee in lieu of to \$15 to \$9, giving the department \$4 more, or nearly 100 percent more than they presently receive.

I pointed out the fact that certain things—the fee increase is a fee increase but a tax increase is one that this simply smells like because it certainly is a 200 percent increase or 200 percent inflation as of late.

I understand that a fee must be increased on a yearly basis if you have inflation, but I certainly don't and I can't for the life of me understand how that fee could all of a sudden be justified to be triple what it was last year. Therefore, I offer this amendment and I hope you will move to accept it.

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

Mr. MacEACHERN: Mr. Speaker, I move the indefinite postponement of this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Lincoln, Mr. MacEachern, that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Leonard of Woolwich requested a roll call.

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

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

The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I think this is not a fee, I think it is just another of these taxes that is being put on, and I believe that there is a point of no return if we keep on doing these things.

In my own case, we have five boats and we license them, but I would expect if all of these things go on, that there wouldn't be any license on these five boats, that they would either be sold or put away and I think there is a point of no return.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support the indefinite postponement. The amendment calls for wiping off the \$5 a year registration of a boat. Up to this time, you have been registering any boat with the Fish and Wildlife Department for a \$1.66 a year, for a total of \$5 for three years. I think that that has been a pretty cheap rate, and now with the Fish and Wildlife Department in dire circumstances, poor revenues due to no fault of their own, we have had

pay increases, we had the inflationary rate for the last four or five years that has really hit them, you have another pay raise for the state employees coming up this year, and I think, as the special committee that studied this program for the past 8 or 9 months thought, they believed the increase in fees should be accomplished and they come up with a recommendation of \$5 a year registration for a boat.

I have talked with many sportsmen down in my area and some of these sportsmen include people coming in hunting and fishing and they have as many as 15 to 20 to 25 boats and they don't like the increase but they see the need for it. If we are going to have an efficient Fish and Wildlife Department to protect the wildlife here in the State of Maine for the benefit of all people in the State of Maine, not just the sportsmen, I think that we are going to look at this \$5 boat registration fee as a necessity. We just can't keep on absorbing the huge inflationary costs that are hitting us year in and year out, all these pay raises and other expenses, and not come out in the hole. We have got to have an increase in revenues somewhere. Going from \$1.66 a year to register a boat to \$5 a year, I believe, is a very cheap rate—\$5 a year for a boat is a pleasure.

I ask you to please support the indefinite postponement of this amendment.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I must apologize for getting up three days in a row. I won't let this happen again, but this is the only bill that came out of the study committee that calls for an increase that I could support. I guarantee you, it is not very easy for me to get up here and support an increase for anything in Fish and Game.

The study committee's recommendation was \$15 a year, and I guess I can take the responsibility for the \$5 a year, because although I was not on the study committee, they asked me my opinion of the whole situation and I told them that I thought something from \$5 for three years to \$15 a year was a little too much to ask from anyone. But I did say that I would be willing to go along with the \$5 a year.

I went around and started asking a few of the sportsmen in my area how they felt, and understanding the situation of Fish and Game, they all went along.

You have to realize that in the State of Maine right now it costs you \$11.25 to register a snowmobile that you can use for three months. This year you couldn't use it at all. It costs you \$5 a year to register the trailer that you put your boat on. I think \$1.66 a year is a little ludicrous and I think we have been grossly remiss in our duties as far as that fee was concerned.

We have not increased the fee to register boats in quite a few years. I realize that an increase, a tax increase, a fee increase is all the same thing, I am not arguing that, but you do have to realize that the Department of Fish and Game is in trouble. We have asked them to come up with \$1 million worth of cuts, our committee has asked them. We have a work session this afternoon, we are going to go over these cuts. We are demanding concessions on Fish and Game's part; I think the people of the State of Maine that use the resource should be willing to make a little concession on their part.

They are negotiating contracts for the state employees, they don't know what that is going to cost Fish and Game, last time it cost \$700,000. The price of Fish and Game has doubled in the last two years. Somewhere along the line, we are going to help them along the way. I figure if we can ask them for a million dollars worth of cuts, which they are going to come out with, I don't think \$5 a year to register your boat is asking too much.

You are not going to see me get up and ask for an increase again this year, I guarantee you that, and I do this one only because I feel we

really have to and if it wasn't justified to me, I wouldn't be up speaking on it. What this will do is increase the revenue both to the Department of Inland Fisheries and Game and Marine Resources, and I am told that they need a little bit of money also.

I hope you will vote to indefinitely postpone Mr. Leonard's amendment. I realize he has our best interests at heart and I wish I could be getting up to propose a lesser fee increase than we are, but I feel that this is one of the only viable bills that really came out of that joint committee, so this one here gets my support and I hope it will get yours. I hope you will go along with me and indefinitely postpone this amendment.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I hope that you will vote against indefinite postponement of this particular motion, and I have had some of the same reasons, I guess, surprisingly, as Representative Jacques does, and that is that this bill is the only one of the major ones which the committee has decided to solve the funding problems of Inland Fisheries and Wildlife.

Yet, it is a measure that will affect not only sportsmen but will also affect people who use their boats on saltwater, either pleasure boats or fishing boats, and they are the people that I represent who would have to pay a higher registration fees under this particular proposal, who do not necessarily use the benefits of Inland Fisheries and Wildlife. They, in addition to that, most of them, pay very heavy taxes on their boats, which many boats in the inland areas do not have to pay, and that has been a very difficult issue of many of the people on the coastal areas, the high taxation that they have to pay on their boats, even the small ones. I don't think that it is appropriate for them to have to pay a higher registration fee to bail out Inland Fisheries and Wildlife, even though some of that money may, in fact, be going to the Marine Resources Department.

I think if the Marine Resources Department, which does not have dedicated funds, has a problem with finances, they ought to come to the appropriate place and that is the Appropriations Committee, and have their needs set with priorities with everyone else in the state and not get it as sort of a side benefit of Inland Fisheries and Wildlife funding programs.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the remarks of the previous speaker and I would urge you to oppose the indefinite postponement.

It seems to me that my good friend Representative Jacques has catalogued a whole series of minor fees, if you will, and attempted to make comparisons with how minor this one is. It is true that it used to be minor but it seems to me that with 25 percent of our gross national product now consumed by taxes from one level of government for another, and with increases in one year approaching 200 percent, it seems to me that we ought to be taking along look as to where we might be two or three years from now. Are we going to be coming back and doing the same thing then?

It seems to me that Representative Leonard's amendment is a very moderate attempt to try to do something reasonable for the Development of Fish and Game, but without getting into astronomical, single-year increases. I urge you to oppose the indefinite postponement of the amendment.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up twice in the same day but there are two things that I would like to say. This bill passed in its original form will be a far shot from bailing out Fish and Game, I guarantee, a far shot. The study committee was supposed to come up

with some recommendations that would alleviate it and that is what they did. This is not going to bail out Fish and Game; this is not going to bail out Fish and Game's problems.

I think we should not confuse this issue with the issue of taxation by the local towns and municipalities. If your town wants to charge you taxes on your boat, that is what the town does, that is fine, but that has nothing to do with the registration fee that you pay to use your boat, your snowmobile, your trailer, whatever.

I know that some of the communities have done away with their boat tax. In the City of Waterville, it cost us more to collect the money than we got, so we got rid of it, it was considered a nuisance tax and it is a nuisance. But in Mrs. Post's town, if they want to charge, that is fine, but I don't see how you can compare that to or even get that acquainted with the \$5 registration fee.

It doesn't make any difference to me whether you pass this or not, really, I will tell you the truth, because you are going to be back here, we all are, or somebody is going to be here, to solve the problem of Fish and Game.

Now, you gave the study committee, last year in a study order, the job to try to solve the problem. Go along with this amendment, it doesn't make any difference to me, but you are going to be back here and I think we are going to have to take a long hard look at Fish and Game. I realize we are not on the top of the list of priorities, there are more important departments in everyone's minds, but we still have to give them a little bit of consideration.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I don't really want to argue the point anymore but I do want to make a clarification. It is a state law that boats have to be taxed and any town that is not doing that is breaking the law. It is not local option on taxation of any kind, those kinds of properties is that in some of the inland areas they are not taxing those boats and in the coastal areas, they have to, they are following the law.

My issue with taxation is that while it may not seem much for an inland boat owner to have to pay \$5 or to have this increase, because they are now only paying \$5 every three years, that to many of the coastal people, who are already paying taxes on their boats, this is an additional burden that they have to bear.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to rise on this until I heard someone say that this was unreasonable. It was very hard for me to pass this bill out "ought to pass" because I wasn't able to do something that I was concerned with, a concern of Mr. Rollins.

I have quite a few camp owners, I have quite a few guides who have boats back in the woods, canoes back in the woods and because of the use of the small motor, they have to be registered, so let's talk about unreasonable for just a few moments.

I believe, if my information is correct, that in 1964, we started paying \$5 to register a boat for three years. At that time, again, if my information is correct, the consumer index was at 92.6. We are now in the 1980—let's talk about being reasonable. If my mathematics is correct, from 1964 to 1980 is 16 years, and now we are proposing, after 16 years, an increase to \$15 for three years. I ask you, is that unreasonable?

I don't have the consumer index figure for 1980 but my information is that it was 189 in 1978, so we are talking about anything that is unreasonable?

The only thing that bothered me, I am a boat owner, I have both canoes and boats registered and the only thing that bothered me was the multiple owners, as Mr. Rollins referred to, and I would suggest that if Mr. Rollins has

trouble with this, go along with this amendment—or get rid of this amendment and put an amendment on which he evidently has in his mind.

If he would talk with Mr. Jones of Sportsmen's Alliance of Maine, he has already drafted what he would like to see. I didn't touch it because I was afraid we might lose the bill. The Fisheries and Wildlife is in desperate circumstances and that is the only reason yesterday that I pointed out to you that we shouldn't be duplicating services, but we won't get into that today because it is not relevant.

I urge you to go with the indefinite postponement of this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Lincoln, Mr. MacEachern, that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Berube, Boudreau, Brodeur, Brown, A.; Brown, K.C.; Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Damren, Davies, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Gillis, Gowen, Gray, Gwadodsky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, P.; Jalbert, Kany, Kelleher, LaPlante, Lizotte, MacBride, MacEachern, Masterman, Matthews, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Norris, Paradis, E.; Paradis, P.; Pearson, Peterson, Prescott, Reeves, J.; Reeves, P.; Sherburne, Simon, Smith, Studley, Theriault, Tozier, Vincent, Violette, Vose, Wentworth, Wyman.

NAY — Aloupis, Barry, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brown, D.; Brown K.L.; Call, Carrier, Connolly, Cox, Cunningham, Curtis, Davis, Dellert, Fowlie, Garsoe, Gavett, Higgins, Huber, Hunter, Immonen, Jackson, Jacques, E.; Joyce, Kane, Kiesman, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, Mahany, Marshall, Martin, A.; Masterton, McMahon, McPherson, Morton, Nelson, A.; Nelson, M.; Nelson, N.; Paul, Post, Rolde, Rollins, Sewall, Small, Sprowl, Stetson, Stover, Strout, Tarbell, Torrey, Twitchell, Wood.

ABSENT — Austin, Berry, Bunker, Dexter, Dow, Fillmore, Hanson, Hutchings, Laffin, Payne, Peltier, Roope, Silsby, Soulas, Tierney, Tuttle, Whitemore.

Yes, 71; No, 62; Absent, 17.

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

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

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

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

HOUSE REPORT—"Ought to Pass" as Amended by Committee Amendment "A" (H-875)—Committee on Judiciary on Bill, "An Act to Expedite Criminal Trials and Provide for the Election of Jury Trials" (H. P. 1733) (L. D. 1849)

Tabled—March 12, 1980 by Mr. Hobbins of Saco.

Pending—Acceptance of the Committee Report.

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

The Chair laid before the House the first tabled and Unassigned matter:

HOUSE DIVIDED REPORT—Majority (11)

"Ought to Pass" as Amended by Committee Amendment "A" (H-804) —Minority (2) "Ought Not to Pass"—Committee on Judiciary on Bill, "An Act to Increase Interest Rates on Judgment Debts" (H. P. 1687) (L. D. 1795)

Tabled—March 3, 1980.

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

The SPEAKER: After investigating the legislation that was introduced last time and the matters which we have before the committee and the legislature at this time, the Chair will rule that this matter is germane.

That ruling is based on the fact that there is a change in the structure and that to simply prevent an act to be introduced which deals with the same issue would be in violation of the rules, both Joint Rule 37 and Joint Rule 4.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like, if I am allowed, to make a few comments on the ruling.

I am talking about Rule 37 and this is the rule that I challenged the last time and we are all entitled to our own rulings and I disagree with the Chair. I object to the ruling of the Chair.

The definition of this bill—apparently the ruling is based on one word and it is based on the word "measure," the measure is introduced—well, I submit to you that if you take time and look in the law Black Dictionary, you will recognize the voice of the lawyers today and for many years. The only definition that they give for "measure" in there is a rule by which anything is adjusted or proportioned, and it is exactly on the ground that I challenged this particular bill that was brought in here last time and this time under Rule 37.

If you have had time to look, L. D. 608, and this particular bill, 1795, in essence and in intent they are the same. The only difference between the two bills is the means used in order to achieve that same purpose. My reasoning is that the measure does not enter into the consideration of whether this particular bill should be allowed into this session. I truly believe this bill is improperly before us. The Chair has ruled differently—and the Chair rules.

I would like to impress upon you that this is a very important and complicated bill and the discussion today will be a very broad one, I assume.

I would also ask the Chair this particular question. This particular bill was Unassigned a week or two ago, very graciously and with great consideration by the sponsors and others, and I appreciate that, but I would like to know, if Rule 37 is obsolete, as it is based now and with the ruling on the facts of this particular case, and I think it is obsolete and it depends on how you interpret this, it brings to mind that we can get lawyers or whoever draws up these rules such as we have here, that there is always an opening somewhere for somebody to question the thing. Why can't they sit down and write a rule—instead of using the word "measure", use a bill or whatever we don't want in here in this particular session.

I would ask the Chair if it is possible and what the procedures are and if I would be allowed in this session, today or tomorrow, to put in, if there is something wrong with Rule 37, which we seem to agree on, that I could put in an order or whatever the procedure is to straighten this out and take out the word "measure" and make that rule so tight that we know what we mean. We have plenty of bills that in essence and in intent that have been allowed in this second session and it should not have been allowed if we are to play the game. I would like to play the game right and I think you want to, and I think everybody desires to do that, but I think it requires a major change of one word and I would like to know if it is possible for me to do that?

The SPEAKER: The Chair would advise the gentleman from Westbrook, Mr. Carrier, that he knows that he can introduce that.

I would like, at this point, to indicate that the rule under which the Chair made the ruling, Joint Rule 37, was a rule that was adopted about six years ago, introduced at that time by the minority floor leader, Linwood Palmer. It was drafted at that time by that gentleman and the word "measure" was used, I do not know why, and I opposed it at the time, but I have made rulings pursuant to that rule since that time. So far this session I have had to make three rulings based on this, I can only recall one other I made along the same lines, and that was the one that dealt with motorcycle riders. If you recall, the question was asked whether or not it was the same bill and I ruled that it was not simply because it dealt with a different age even though it was of a different subject.

I would also add, for the benefit of members of the House, that I think it would be proper for this rule to be rewritten so that it could be more easily interpreted by the Chair and would not give the Chair as much latitude as the present rule now provides.

The gentleman may proceed.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to say that but I was very interested in the latitude that we do give the Chair. I am going to live with whatever happens here.

I would like to ask another question. Under the procedures that we use, I can't find the rule, this bill was unassigned. Can any member of this House, at any time, table a bill unassigned?

The SPEAKER: The Chair would answer in the affirmative, provided that that motion is accepted by the majority of the body.

Mr. CARRIER: Mr. Speaker, Members of the House: I was one that voted against this bill. This bill is a very distasteful bill in the fact that it affects a lot of people. This is a lawyer's bill and I am not against lawyers. I have a lot of friends that are lawyers and if the shoe fits, let them wear it. If they dislike me forever, that is their privilege and we can reciprocate that situation. This is not, in effect, the lawyers, this is to show to you what we are going to get involved in if we accept this particular bill.

To give you some background—last year we had a bill in here and I think it is similar in intent because it is going to accomplish the same thing. We had L. D. 608, which came out of committee with a 7 to 5 "ought to pass" report, so you can see that the report has changed since then.

Now, it is my understanding that when somebody asked if this was the same bill as was in the last session, the answer was yes. I wasn't there but this is what I was told. I can face the one that said it. This is to show you that we are considering a bill which, in fact, was here last session and was killed and I don't believe that it should be here this session, and it is not here rightly.

In this session, when the bill was first presented to the Legislative Council, the bill was not accepted. It was in November and the bill was not accepted, and under the rules, we did have a chance to repeal any decision of the Legislative Council. The bill was not accepted by the Legislative Council in November and in December, on the 19th, they were asked to reconsider the bill under the repeals process and they did. They voted to let it in. There was no change in the bill to my knowledge from the time it was presented in November to December 19th, so what did happen to let the bill in? It lead me to a lot of connotations about who or what presents a bill and what do we want to accomplish and is this a compromise or what? I really don't know, but I truly didn't like it.

As far as the bill is concerned, you probably noticed that you had three amendments on there. They haven't been presented but that gives you an idea of the confusion or the dis-

agreement and the feelings about the bill.

I want to make it very clear, and I know what the approach will be, the approach on the part of the proponents of this bill will tell you that this will benefit the insurance companies. I don't care about the insurance companies, but I do care about those lawyers that are out there, the Maine Trial Lawyers Association and certain members of it, excluding the good ones, but certain members of it who actually put this in here to give a double shafting around the neck to the people of this state by charging them foolish entrance rates.

I will not attack this as far as the insurance is concerned, because I don't care what the insurance pays for claims, but I am interested in the individual, each one in this House and each one outside that for some reason or other does, by error or accident, hurt somebody and he gets a \$100,000 claim against him and he happens to have no insurance. I am not talking about an automobile accident, either. Let's try to put into its proper perspective as to how somebody can actually get hurt by this, hurt real bad at the expense and at the advantage of their lawyers that brings the suit.

I am going to give you an example that is probably very familiar to most of all of you. Let's say two people go hunting together and by accident you happen to shoot your buddy and you shoot him in the back. Okay, he is living and he is going to live, but I submit to you that no matter how buddy-buddy you are, there is going to be a suit against you. The suit is going to be brought against you by a lawyer. Rightfully so, that is their job.

Let me explain to you a little bit about what happens. They bring a \$100,000 suit against you. If you want a \$100,000 judgment, you triple the asking price and they bring a suit for \$300,000 with the idea that they are going to settle for \$100,000. As the present law states, we are talking about interest rates on that bill, as the present law states, if you shoot me today and I bring a suit against you tomorrow and it takes us two years or three years or whatever time to settle the suit, the rate of interest against a judgment, which isn't even there yet, starts running from the day you bring the suit. I think this is very unfair, I think it is immoral and I think it is a real bad situation that we have allowed this to happen. It has been allowed to happen and that is what the law is today, but the proponents of this bill suggest to you, promote to you and present to you, to increase that interest rate again, to really put it to the people of this state and I don't agree with it.

If you get a judgment of \$100,000 but, on the other hand, it is delayed, the interest starts running from the day the suit is brought against you. It doesn't matter. They can sit back there and wait and wait and wait for their money and both the defendant and the plaintiff can be responsible for the delay. You can just imagine. If you have a suit for \$100,000 and you can delay it for a year or two years at 10 percent, let's say a year, that is \$10,000 interest—now, do you know who is going to get that interest under this bill? The fact is, it doesn't go exclusively to the plaintiff, because the fee of the trial lawyers is a contingent fee based on the amount given and that is what it is, and if you have a \$100,000 judgment and if you have \$4,000 in interest or \$8,000, no matter what it is, it takes a long time to settle a suit which involves a broken back and the doctors will not go on the stand in six months' time and say this guy is all right, it will take them a long time. What do you do if you have \$110,000, including \$10,000 interest, the lawyers today charge you if they go to the Supreme Court on an appeal 40 percent and that is \$44,000 out of your \$110,000 that goes for lawyer's fee. I think this is unjust.

As soon as they take your case on a contingent fee, they take 25 percent. If you have a \$125,000 case, if they write one letter or two letters, and this is possible, this does happen, it isn't a usual occurrence but it is possible, at

that time they do pay, they don't have to go to court, so the lawyer, for writing a letter or two letters, it will cost you out of that \$100,000, \$25,000. How many of you have to work two or three years to make \$25,000? How many of us in this House, regardless of what your knowledge is, is worth \$25,000 for two hours' work to write two or three letters?

If they have to go to court, the fee goes up to 33 1/3 percent, so if you figure a \$100,000 judgment, they get \$33,000, that is what they get, plus the interest from the day the suit was brought. In other words, under the present law that we have now, you are found guilty. You are found guilty because the interest starts running against you even before you go to trial, even before you are found guilty. You are found guilty for the purpose of paying interest.

I don't think that this is right but, you know there is always a nice way to work around it. The thing is, you say it is okay, they give you a \$100,000 judgment, \$60,000 judgment—then there is the other incentive to go to the appeal, to appeal it because you go from the regular 25 percent, then to 33 1/3 percent and now you are up to the appeal stage so you appeal it, and you know why? They appeal it because they are going to get 40 percent of anything that you get.

You ask your lawyer, how much time is involved in bringing such a suit? How much of their own money, how much of their investment is in there to collect \$44,000? They have their time invested. You invest your time in charities, we all invest our time in government, we all invest our time for nothing in many many activities of this world and this is what it makes the difference.

If the rate of interest charged would go to the people, to the aggrieved party, then we are talking about a different thing.

We are still talking about a bill that shouldn't be here in the first place and it is a bad bill. You have to recognize that there are some individuals who take advantage of people in the situation that they are in.

We had an example read to us here about two weeks ago about a certain party in South Portland where they recovered \$23,000 and the lawyer took \$20,000 out of it. What is the Bar Association going to do about that one? What have they done about the same behavior from the same people and from the same lawyers in the past? This is what I ask of you. This is a personal bill.

Let's think about the people themselves that get sued, not covered by insurance, there are certain things where you cannot be covered by insurance, and I submit to you, you can lose your house, you can lose everything, and who are you going to lose it to? If I do some harm to somebody, I might resent the amount that I have to pay but I, like others, like everybody else, we recognize that if you do harm, you have to pay. But are we paying the people who are hurt? We refer manytimes are we going to compensate the victim? We don't compensate the victim.

I recall a few years ago, I was sitting in the Judiciary Committee and a fellow that many of you know in here, many people know him, he said to me that day, and he was smiling, "I collected a \$40,000 fee today." How can you smile that way? How can you say that and really, really smile \$40,000, ladies and gentlemen. There are people in this House here that work for years to make \$40,000.

This is a lawyer's bill that has been put in by the Maine Trial Lawyers Association, by a few people who believe that whatever the cost is—and I also want to mention to you that if you bring the suit, the cost goes to the plaintiff. You get a judgment, you appeal it, you don't like the judgment, you appeal it, the cost also goes to the plaintiff or the aggrieved party. It doesn't come out of the lawyer's fee. So I submit to you that this bill is not a good bill and, Mr. Speaker, I move for the indefinite postponement of this bill.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that this Bill be indefinitely postponed.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, this is the bill that a few weeks ago I graciously rose in this House and asked if some member would table it for two days so that my very close and dear friend, J. Robert Carrier, could have that opportunity to attack my bill. And, you know, at this hour, I feel I have fulfilled that commitment. I feel now that I safely can make comment favorably on my own bill.

This bill, which is now before you, is Committee Amendment "A" and it is the bill. It is based on the fundamental proposition of our American way of life. It is based on those golden words by the great American Supreme Court Justice Brandeis when he said "Justice delayed is justice denied." That is the meat of this bill.

Yes, this is the problem and it is not difficult to explain. I will take up from that \$100,000 judgment that my good and dear friend mentioned to you. You get that \$100,000 judgment after the trial and after having sued for \$300,000, and immediately the insurance company, rather than reach in the pocket and pay you off, they make an appeal to the Supreme Court. Now, this appeal, as the track record shows, will take about two years. So, that \$100,000 is invested by the insurance companies and it is in office buildings and apartment houses, usually down New York City way and south, and it is invested at 20 percent. So, two years from now that case will come up for you to get your \$100,000. In those two years, the insurance company has made \$40,000, not on their money, the money the court says is yours. Somehow, to a little boy that grew up in Portland, Maine, that doesn't look as though it is fair.

Yes, I can see that hard-working man from Aroostook—I don't think it would look fair to him.

Under the current law, as J. Robert Carrier explained, it is 6 percent from the time the judgment is filed. My bill originally was going to put that to 10, but after it came out of the committee with a 10, I found people displeased with it, so we put it back into committee and backed it down to 8—the same way the upper income was 15 percent. I thought that was fair if they were going to invest it for 20. Sure, let that poor man with his \$100,000 be rewarded by 15, but I found some people, I don't know who they were, maybe you know them, they were the ones that would meet with J. Robert Carrier over near the patio there—that made them happy. Well, we backed it down to 12 so that we had a good bill.

I know the insurance companies make these lucrative investments and it doesn't bother me too much that they can get the best investments in the country, but it bothers me when they use your money and mine.

What kind of a bill is this—is it a clean bill? This bill is certainly not a lawyer's bill. If it is to be classified, truly it has got to be called a consumer's bill, for I would not rise in these hallowed halls to ask you to sell your soul to the company store. This is a good, clean bill. This bill will correct inequities—nothing wrong with giving everybody a fair shake of those dice. This bill has a hidden blessing in it; this bill will help unclog the courts, this bill will aim at that problem of 'justice delayed is truly justice denied.'

This came out of the honorable Judiciary Committee 11 to 2. Yes, there were 2 votes against it—both our transient legislators from Westbrook voted against it, but the solid block of 11 stood to support the common man, the decent man out there that should get the fair shake.

I urge that you vote against the indefinite postponement of this bill and vote for the

motion that I made previously. I know that I would not be surprised when I cast my eyes at those lights to see that my good and long time friend, J. Robert Carrier, has followed my light on this one.

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

Mr. CARRIER: Mr. Speaker and Members of the House: Gee, how are you going to fight such a bleeding heart? He knows how to pull the strings to your heart and, really, he is telling the truth. John Joyce and I are good friends and we have been for a long time, and I am sure that from now until the end of my days he is going to remind me of the great opportunity he has given me to do something for the people, as he always does remind me of my single life and my married life, because he was instrumental in me getting married, I suppose. At least he loves to believe that and I let him believe it.

Really, as I told you, we have different approaches and we have different interests, and my interest is actually in the individual, in the individual who finds himself in a situation where there is an accident and he finally was found negligent and he has to pay under a claim filed against him. This is what we are talking about. I am not talking about the ones that are covered by insurance. There is this claim, and another claim might be that some of you might dig a well and for some reason or other, as an invited guest I go and visit you at night and the well is dug and I fall down in and break my back. Everybody is happy except myself. The thing is, I can turn around, because you invited me as a guest, you have a duty to make it safe for me to get there and I can sue you forever. With back injuries, it does take time. No doctor will go on the stand within six months' time, or in a year's time to actually say you are not going to be disabled the rest of your life, or to what extent you are going to be disabled.

If this is a way of life, if this is the American way of life that we are talking about, this is not the way that I know and I don't want to know that kind of way. I want to think about the people out there that we are making these laws for, and I want to try to protect them. I want to take them away from the clutches of those that are standing on the side in order to make a few bucks out of a situation.

This is a trial lawyer's bill. If you don't believe it, when you go out there, you ask them. This was put in by the trial lawyers and has been before.

Now, 'justice delayed is justice denied'—of course we are delaying the justice, but who delays the justice? It is not the courts that delays it; it is the people who make the laws that delay the justice. That is what happens. The thing is, you bring your suit in there and the lawyers can stand there—I am just giving you a hypothetical situation—and the longer they stand there, the longer they sit on their fannies and do nothing, the more money they are making. This is what we are talking about.

It is not the insurance company that is going to settle it either—I see George looking at me and I can tell George, if this happens tomorrow, if somebody goes down to your place and sues you for \$100,000, you know, you work all your life for your farm and we all work all our lives for our homes, and if you haven't got the money—and I know you have but some of us don't have it—you would have to sell that house, something you worked 50 or 60 years for, you, your wife and your family, to satisfy that judgment. And once the judgment is given out, don't tell me it takes a year or two to be collected, this is not the way things are run.

This is a very broad situation and it is really hard to explain. I know it wasn't meant this way as far as investing money—I am talking about the individual—we don't have any money to invest. If we have, it is a lot of money for us so we invest it very wisely. I am talking about an individual being sued, not covered by insur-

ance in certain cases, and you cannot use the argument and say he should have been covered by insurance. There are a lot of things you can't be covered by insurance for, you can't afford to buy the insurance; let's face it.

Actually, you are not selling your soul to anybody, I am not asking you to sell your soul, I am asking you to think about your constituents and think about your family and your friends and your sons and grandsons and everybody else.

It has been said that you start collecting at 6 percent on the judgment when it is filed. Really, this is not the procedure, this is not the way it is. You file your suit first and under present law you do get 6 percent from the time it is filed, which I think is extremely wrong, because you are filed guilty and you are getting punished from the time the suit starts. If you are found not guilty, it doesn't work the other way, the other guy doesn't have to pay you the 6 percent, which is very unfair. Actually, the 6 percent, as it is, is when the suit is filed and not the judgment. When it gets to the judgment, as it is now, it is 10 percent and they want to raise it to 12. Who gets it? Who is going to get all this? I ask you, ladies and gentlemen, this is ridiculous.

People in power are going crazy charging people for something. They want to charge 12 percent for this, and if I recall right, I think last week the City of Portland charged an interest rate on unpaid taxes of 18 percent. So, there is a guy who gets hurt over here, he can't work, he has got a broken back, he has got a judgment running for 12 percent, he has got his property taxes running against him at 18 percent and every day he gets up facing a 30 percent penalty. Ladies and gentlemen, how decent can we be?

I submit to you that this is not a good bill. Whatever the report, we do have disagreements in the Judiciary Committee. I will concede that the 11 members are smarter than I am, but I do not concede that morally and principally this bill will help the people of this state. I don't care about the insurance companies, let them suffer if they do wrong, I am not worried about them, but the individual that works 40, 50 years to get a home, whether it is worth \$10,000 or whether it is worth \$50,000, to him it is his whole life's savings and it is his world, so let's not take it away by giving a few dollars more to some greedy outfit that don't give it to the people themselves but take their lion's share out and put it in their pockets along with the other \$40,000 of the \$100,000 suit that I mentioned to you.

I hope that you do vote for the indefinite postponement, and I request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker and Members of the House: This bill does not make any new law, it doesn't change the law in any way; it only changes the interest rate.

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

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

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

Mr. SIMON: Mr. Speaker and Members of the House: I would just like to try to clear up one issue with respect to this bill. The gentleman from Westbrook, Mr. Carrier, the gentleman from Portland, Mr. Joyce, have explained that they are old friends. Me, I am a new friend to both of them, so I perhaps have to be twice as sensitive, and I am sure that the gentleman from Westbrook, Mr. Carrier, will pardon me if I beg to differ with him on this bill.

I would just like to make it clear that the person who gets the higher interest rate, the person who receives that money, is the money with the broken back, is the victim of some legal wrong, who has been owed that money from the time the wrong has been committed. It is the victim who gets the money, the victim who gets the increased interest, interest that is reasonable in light of today's interest rates.

I hope that you will vote against the pending motion for indefinite postponement so that we enact this bill to keep interest rates on judgment debts competitive with the interest that insurance companies can earn by not paying their debts.

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

ROLL CALL

YEA — Austin, Brown, A.; Brown, K.L.; Call, Carrier, Conary, Cunningham, Dexter, Dudley, Dutremble, D.; Dutremble, L.; Fowle, Hunter, Jacques, E.; Kany, Lewis, Lizotte, Lowe, Martin, A.; Nelson, A.; Reeves, J.; Rollins, Strout, Studley, Torrey, Twitchell, Wentworth, Mr. Speaker.

NAY — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.C.; Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Damren, Davies, Dellert Diamond, Doukas, Drinkwater, Elias, Fenlason, Gavett, Gillis, Gray, Gwadnosky, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Hutchings, Immonen, Jackson, Jacques, P.; Jalbert, Joyce, Kane, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Locke, Lougee, Lund, MacBride, MacEachern, Mahany, Marshall, Masterton, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Roope, Sewall, Sherburne, Simon, Small, Sprowl, Stetson, Stover, Tarbell, Theriault, Tozier, Tuttle, Vincent, Violette, Vose, Wood.

ABSENT — Berry, Blodgett, Bunker, Carroll, Carter, D.; Davis, Dow, Fillmore, Garsoe, Gowen, Hanson, Huber, Laffin, Payne, Peltier, Peterson, Silsby, Smith, Soulas, Tierney, Whittemore, Wyman.

Yes, 28; No, 101; Absent, 22.

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

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

Committee Amendment "A" (H-875) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time.

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

The same gentleman offered House Amendment "A" (H-820) to Committee Amendment "A" (H-875) was read by the Clerk.

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

Mr. HOBBS: Mr. Speaker, I move the indefinite postponement of House Amendment "A" to Committee Amendment "A".

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

Mr. CONNOLLY: Mr. Speaker, I wonder if the chairman of the committee could explain to us why he would like to have this amendment indefinitely postponed?

The SPEAKER: The gentleman from Portland, Mr. Connolly, has posed a question through the Chair to the gentleman from Saco, Mr. Hobbins, who may respond if he so desires, and the Chair recognizes that gentleman.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I was going to ask the good gentleman from Portland the same question, why he rose and what position he took on this particular amendment.

This particular amendment would give the discretion to the judge to waive the interest charge on a debt, which is rightfully due and owing after a judgment by a court.

Under the present law, there is an assessment, as you know, of 6 percent by court order in court cases from the time of filing the suit until the time of judgment. From the time of the judgment to the time of appeal, the present rate of interest is 10 percent. There is no ability to waive it on the part of the judge.

It is interesting to note on this particular bill, that that this particular amendment, if I may laugh a little bit, is supported by not only the insurance industry in the State of Maine but also Pine Tree Legal. Can you imagine those two individuals in the hallway lobbying for this particular amendment? It is very strange.

The reason why the insurance industry wants this amendment is because they support the position there should be no interest at all, and if they had an opportunity, they would have voted to get rid of all interest. In fact, the position of the insurance industry, if you noticed at our committee hearings and you would notice the activity in the hallway, was against the good gentleman from Portland, Mr. Joyce's bill. Unfortunately, we find ourselves in a situation where Pine Tree Legal Assistance, who, as you probably realize, I have supported most of their issues and have been cooperative with them, have found an issue which they have taken on, which basically is the same position as those people who they usually fight.

I, for one, feel that if a person owes money and that money has been adjudged to be owed by court of law, then those individuals, I don't care if they are rich, have to pay the debt. I don't think there should be any variation on that particular issue. I am speaking now as a person who, I guess, is one of the very few attorneys, and a very young attorney, in this legislative body—there are only two Democratic attorneys and three Republican attorneys in this particular body and two in the other body, and there aren't many of us here who can explain the procedures involving a law suit. I, for one, have not had that much experience, but let me tell you something, I have never once had a case involving a person who cannot afford to pay and I have represented both sides. I have represented a company trying to get money through a judgment on a bill collection and I have represented a person who has been sued and I have never once seen this particular case where the interest, for example, would hurt a person who couldn't afford to pay. To tell you the truth, when a person does not have money and there is a judgment against that person, most of the time they try to compromise that judgment out to try to get what you can because you can't get blood out of a turnip, you can't do it. That is why I am somewhat disappointed in those individuals, who I usually support, for taking the side of those individuals who do not have the same interests and the sincere interests which they usually represent. I do believe that a person who is owed money through a law suit, deserves to pay the bill. I don't care whether you are poor or rich. I think in this particular case the interest should be adjudged the same; there should be no discretion.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I suggest to the good gentleman from Saco that he reread the Merchant of Venice, because his address opposing this amendment certainly sounded like the position that he is demanding the pound of flesh.

I say that this quality of mercy should be allowed to the court, because in this amendment it will not benefit the insurance companies be-

cause I don't know of a single insurance company that would be able to come in and show the court that the reason for delay in paying the judgment was its inability to pay.

On the other hand, if a judgment debtor is making an honest attempt to pay his debt and he comes into the court room and says, your Honor, I can't pay this out of my holdings but I am earning enough so I can pay this debt off \$10 a week, and I suggest that the court, in exercising its discretion, ought to be allowed to say—yes, that is fair, you may pay the judgment off at \$10 a week and the court will waive interest until you have paid it providing you continue to pay at \$10 a week. That is all this amendment does, is to encourage judgment debtors to pay their just debts, even in installments, if necessary, without any great penalty.

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

Mr. HOBBS: Mr. Speaker, Members of the House: I am somewhat surprised by the remarks of the good gentleman from Wiscasset, Mr. Stetson.

Although I haven't been practicing law very long, I learned something very young in my schooling, that in a particular case involving a personal injury, say an automobile case, there is no mention throughout the case that that defendant is insured. They base the case on whether or not there is liability; then they base the judgment or proposed judgment on the extent of injuries.

In fact, if there is mention that there is an insurance company involved, there is a mistrial.

So, what I am saying is that an individual, I will give you an example, who makes \$8,000 or \$9,000 a year but fortunately has insurance coverage and is negligent in an automobile accident case or some case involving liability, if that individual is found guilty or negligent and a judgment is rendered against that individual, that individual could go to court with the good graces of the insurance company putting a little pressure on saying—Your Honor! I make \$8,000 a year. I will have a difficult time paying the interest on this particular suit. Remember now, throughout the whole trial process, there is no mention of insurance coverage on cases which I have discussed with you.

There are cases, however, when you sue an insurance company direct, if the insurance company is, in fact, the interested party in the case, but involving a case of liability, a difficult case of two cars being involved in an accident and a person is injured in that accident, there is no mention during that trial period of any insurance coverage. The only issues are whether there is negligence, and most of the time where there is negligence involved, what the extent of the injuries are, and that is what you are talking about. You are not talking about whether or not that person is covered by insurance.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: It is too bad that the Chairman of the Judiciary Committee tried to bring the name of Pine Tree Legal into the debate in an effort to give this amendment a bad name. I think it would be an indication of the broad-base support that this amendment has to point out that Mr. Stetson and myself, who hardly ever agree, are in support of this amendment and the insurance companies and Pine Tree Legal are in support of it.

The amendment, as the chairman has told you, would ultimately leave the decision up to the judge, and as I understand from some members of the committee, the gentleman from Saco makes that point very often in committee, that he believes judges should be allowed to make decisions such as this.

Representative Joyce, when he was speaking to the bill, said that it was a matter of justice, and Mr. Stetson spoke of the element of mercy, and I think that both of those qualities are incorporated in this particular amendment.

I was opposed to the bill but I voted for it when it was up the first time. If this amendment is not on, I would work actively to kill the bill and I think that Representative Joyce would probably be in support of this amendment.

I hope you would vote against the motion to indefinitely postpone the amendment.

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

Mr. SIMON: Mr. Speaker, I wish to pose a question through the Chair to the gentleman from Wiscasset, Mr. Stetson.

The amendment uses the term "good cause." My question is, if a bright young lawyer, such as Mr. Stetson, believes that a case involves an interesting question of law that he would like to argue before the Supreme Judicial Court or the First Circuit, would this be "good cause" for suspending the running of the interest rate under this proposed amendment?

The SPEAKER: The gentleman from Lewiston, Mr. Simon, has posed a question through the Chair to the gentleman from Wiscasset, Mr. Stetson, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to thank the gentleman from Lewiston, Mr. Simon, for the compliment in calling me bright.

I would like to say, in answer to his question, that I believe it is the very spirit of this amendment, the very intent of this amendment, that the answer to his question is no, that would not be "good cause."

If I may just take one second to comment on the red herring that the good gentleman from Saco has dragged before this House, because a judgment debtor who is covered by insurance, who comes into the court and pleads poverty and his inability to pay the judgment, I can assure you, the first question to be asked by that judge, "is this covered by insurance?" It is true that the question of insurance may not be brought out in front of a jury so as to prejudice a jury in favor of the plaintiff, but once a case is decided and a judgment is entered and the court is deciding whether or not to grant mercy to a judgment debtor, I am quite sure the court would make the proper inquiry—"is this debt covered by insurance?" So, don't let the insurance bugaboo get to you.

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

Mr. HOWE: Mr. Speaker, Members of the House: I also have a question I would like to pose through the Chair to the gentleman from Wiscasset, Mr. Stetson.

If Chrysler had made the Pinto and somebody brought a suit in connection with what we know about Pintos and what we know about Chrysler's financial corporation, would Chrysler have "good cause" under this amendment?

The SPEAKER: The gentleman from South Portland, Mr. Howe, has posed a question through the Chair to the gentleman from Wiscasset, Mr. Stetson, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: In keeping with good ethics of our profession, I would not comment on a pending case.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Saco, Mr. Hobbins, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

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

A vote of the House was taken, and less than one-fifth of the members present having requested a roll call, a roll call was not ordered.

The SPEAKER: The Chair will announce the vote.

19 having voted in the affirmative and 93 in the negative, the motion to indefinitely postpone House Amendment "A" to Committee Amendment "A" does not prevail.

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

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

Mr. Carrier of Westbrook offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-867) was read by the Clerk.

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

Mr. HOBBS: Mr. Speaker, reluctantly I rise to make another motion. I move the indefinite postponement of this amendment.

I would like to have the sponsor explain it to us, too.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: In essence, it does three things. First, instead of raising the interest rates to 10 percent after judgment, this amendment raises it to 8 percent. I think that I am pretty good on this point. I really don't believe in it but that is the way I have got it anyway.

This amendment also makes it so that the interest can be collected only after the judgment. Don't find anybody guilty, make them suffer and pay interest before they are found guilty. This is what this amendment does.

The third and most important is that any interest collected goes to the aggrieved party, not to the lawyers, it goes to the aggrieved party.

I hope that you accept it.
The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Saco, Mr. Hobbins, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
70 having voted in the affirmative and 30 in the negative, the motion did prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Consent Calendar

First Day

(H. P. 1853) (L. D. 1952) Bill "An Act to Equalize the Tax Burden Between Organized and Unorganized Territories for the Purpose of Funding the Maine Forestry District without Cost to the State" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-894)

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Simon of Lewiston,
Recessed until four o'clock in the afternoon.

After Recess

4:00 P.M.

The House was called to order by the Speaker.

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

**Passed to be Engrossed
Amended Bills**

Bill "An Act to Clarify the Education Law" (Emergency) (H. P. 1944) (L. D. 1992)

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

Mr. Connolly of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-899) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: One of the provisions in this bill is a mechanism for members of the school directors of SAD's to raise their salaries. The final step in that process, however, would require a referendum vote in which there would have to be a two-thirds vote of approval. This amendment would make that vote of the people a simple majority instead of two-thirds.

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act to Assist Schools Receiving Tuition Students in Complying with Federal Handicapped Laws on Program Accessibility" (H. P. 1945) (L. D. 1993)

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

Mrs. Locke of Sebec offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-900) was read by the Clerk.

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

Mrs. LOCKE: Mr. Speaker and Members of the House: This bill is designed to help schools comply with Section 504 of the Federal Handicapped Rehabilitation Act of 1973, which comes into effect on June 3 of this year. I realized after the bill was printed that it needed an emergency if the schools were going to take advantage of this bill, if passed, in this next fiscal year, and that is what the amendment does, it adds an emergency clause.

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act to Amend the Charitable Solicitations Act" (H. P. 1953) (L. D. 2001)

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

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

Mr. TUTTLE: Mr. Speaker, I wasn't planning on saying anything on this bill, I had a number of questions on it, but having talked to Mr. Howe and Mrs. Nelson, I thought I would like to say a few things about it.

Essentially, the Charitable Solicitations Act requires the registration and financial reporting of charities, the registration of professional fundraisers and the disclosure of prospective contributors of the percentage of contributions which is actually spent for charitable purposes.

I guess essentially L. D. 1768 would explicitly define the phrase 'expended for charitable purposes' to include without limit administrative expenses and fundraising cost. In short, all expenditures of a charity except fees and commissions paid to professional fundraisers, the Secretary of State, who administers the act, has defined 'charitable purposes' as a program service, not fundraising and administration. L. D. 1768 would change that definition.

The change is significant for two reasons: (1) charities must report to the secretary of state the estimated percentage of contributions which will be expended for charitable purposes. L. D. 1768 would result in reporting of a larger average percentage of contributions spent for charitable purposes because administrative and fundraising costs would be included rather than excluded.

The percentage of contributions expended for charitable purposes must be disclosed to any prospective contributor if less than 70 percent is expended. Enactment of L. D. 1768 would likely mean that fewer charities would have to make this disclosure because the inclusion of fundraising and administration costs would increase the percentage and those able to disclose a higher percentage of contributions spent for charitable purposes.

With respect to the State Principals Association, I understand that the association is not registered with the Secretary of State and does not report or disclose financial information. The association has been advised by the Secretary of State that it must report and disclose percentage of contributions expended for charitable purposes and therefore would have been exempt if the bill had passed in its original form, but with the committee amendment, this has been corrected. Therefore, I support the bill now.

Because of the magnitude, I feel, of this legislation, if anybody has any questions, I think the time to ask them is now.

Thereupon, Mr. McHenry of Madawaska offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-898) was read by the Clerk and adopted.

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

Mr. HOWE: Mr. Speaker and Members of the House: The gentleman from Sanford, Mr. Tuttle, apparently just read something into the record, something which I don't quite know what he was reading from—I understand it was on behalf of the State Principals Association. Not quite knowing what he read or the input of it, I would like to state for the record that as Chairman of the Committee on Business Legislation that worked on this legislation, I believe that the gentleman from Sanford is speaking solely for himself and not for the rest of this body.

I would like to state furthermore, if someday a court is looking at what has been said on the record here today, that Mr. Tuttle of Sanford was referring to L. D. 1768, however, the bill before us today is L. D. 2001. I hope we will pass it to be engrossed.

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

Mr. MORTON: Mr. Speaker, I would like to address a question to the Chairman of the Business Legislation Committee. This question is a very specific one. I merely would like to know if there is anything in this act which deals with the solicitation of advertising for police and sheriff departments and that sort of thing and in any way does it free up the restrictions that presently exist?

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

Mr. HOWE: Mr. Speaker and Members of the House: To the very best of my knowledge, it does absolutely nothing to free up that, and I don't blame the gentleman for asking, since I also happened to sponsor the law enforcement solicitation act of a year or two ago. In fact, both years, it is just that one year it was vetoed and the next year it finally made it.

No, this does not have any direct effect or indirect effect on that. It is a slight move, I think it is fair to say, in the way of deregulation for some other type of charities, but I know of no effect and certainly no loosening effect on that particular form of solicitation.

The SPEAKER: The Chair recognizes the

gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, I would like to pose a question through the Chair to the chairman of the committee. In reference to the charitable directions of the Lyon's club, for an example, what effect will this have on them?

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

Mr. HOWE: Mr. Speaker and Members of the House: Well, I trust the House would just as soon not attempt to go through a recitation of the complete present law. Mr. Tuttle's opening remark did state the effect of the present law insofar as it requiring certain charities to register with the Secretary of State, and I believe the threshold there is if they gross more than \$10,000 a year on their fundraising efforts, and then there are registration requirements of professional fundraisers of solicitors, and I am quite certain the Lyon's club wouldn't use them.

The effect of this, as I understand it, is to—well, let me give you an example of the kind of charity I think this would affect—Portland Symphony. The Portland Symphony sells tickets to people who want to go to the symphony. The symphony is, in fact, the charitable purpose for which they exist. The symphony, in other words, isn't simply a fundraising event for them, that is why they exist, and people make a contribution. There was a question as to whether when you pay for that ticket it is deemed to be a contribution. Well, this makes it clear that the money that somebody pays for that ticket goes toward the program service for which that charity exists and therefore can be counted as a contribution toward the charitable purpose and not a contribution toward the administrative or overhead costs of that organization.

I think it is likely that the bill will have no effect on the Lyon's clubs and I know of no adverse effect on the Lyon's clubs.

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

**Second Reader
Tabled and Assigned**

Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H. P. 1946) (L. D. 1994)

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

On motion of Mr. Peterson of Caribou, tabled pending passage to be engrossed and tomorrow assigned.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1980 (Emergency) (H. P. 1947) (L. D. 1995)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1980 (Emergency) (H. P. 1948) (L. D. 1996)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1980 (Emergency) (H. P. 1949) (L. D. 1997)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1980 (Emergency) (H. P. 1950) (L. D. 1998)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1980 (Emergency) (H. P. 1951) (L. D. 1999)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1980 (Emergency) (H. P. 1952) (L. D. 2000)

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

The following papers appearing on Supple-

ment No. 3 were taken up out of order by unanimous consent:

**Consent Calendar
Second Day**

The following items were ordered to appear on the Consent Calendar Second Day:

(H. P. 1779) (L. D. 1901) Bill "An Act to Amend the Maine Securities Act" (C. "A" H-887)

(H. P. 1847) (L. D. 1951) Bill "An Act Concerning Revisions in the Maine Juvenile Code" (C. "A" H-888)

(H. P. 1768) (L. D. 1890) Bill "An Act to Clarify the Standard of Review for Agency Rule-making" (C. "A" H-892)

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

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

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-889) on Bill "An Act Relating to the Administration of the State Employees Group Accident and Sickness or Health Insurance Plan" (H. P. 1765) (L. D. 1897)

Report was signed by the following members:

Messrs. AULT of Kennebec
SUTTON of Oxford
MARTIN of Aroostook

— of the Senate.

Mrs. KANY of Waterville
Ms. LUND of Augusta
Mrs. BACHRACH of Brunswick
Mrs. REEVES of Pittston
Messrs. LANCASTER of Kittery
PARADIS of Augusta
Mrs. MASTERTON of Cape Elizabeth
Mr. BARRY of Fort Kent

— of the House.

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

Report was signed by the following members:

Mrs. DAMREN of Belgrade
Mr. CONARY of Oakland

— of the House.

Reports were read.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-889) was read by the Clerk and adopted.

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

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

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-890) on Bill "An Act to Increase Trapping Fees" (H. P. 1833) (L. D. 1937)

Report was signed by the following members:

Messrs. REDMOND of Somerset
PIERCE of Kennebec

— of the Senate.

Messrs. JACQUES of Waterville
MASTERMAN of Milo
PETERSON of Caribou
DOW of West Gardiner
TOZIER of Unity
MacEACHERN of Lincoln
VOSE of Eastport
GILLIS of Calais

— of the House.

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

Report was signed by the following mem-

bers:

Mr. USHER of Cumberland — of the Senate.

Messrs. PAUL of Sanford
CHURCHILL of Orland — of the House.

Reports were read.

On motion of Mr. MacEachern of Lincoln, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-890) was read by the Clerk and adopted.

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

The following paper appearing on Supplement No. 6 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-891) on Bill "An Act to Create a Combination Nonresident Hunting and Fishing License" (H. P. 1832) (L. D. 1936)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
REDMOND of Somerset
USHER of Cumberland

— of the Senate.

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

— of the House.

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

Report was signed by the following member:

Mr. PAUL of Sanford

— of the House.

Reports were read.

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

Mr. MacEACHERN; Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

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

Mr. PAUL: Mr. Speaker and Members of the House: I just want to explain to you why I appear to be the Lone Ranger on this bill. I had serious concerns with the fiscal impact of the bill and I don't think they were properly considered in the committee. This bill would create some new licenses, one being a non-resident combination hunting and fishing license and an alien license, and in my deliberations, realizing that there was potential for actual loss of revenue in this bill because for every non-resident now who buys both a hunting and fishing license, under this proposal the state would be losing \$8.50 for every one of those people who are buying those licenses now. I was concerned that rather than increasing revenues with this bill, we would actually find ourselves losing revenue, so that is why I signed the "ought not to pass" report.

We sold approximately 50,000 in the last fiscal year to non-residents relating to hunting and fishing, and if you want to try to make a conservative estimate as to how many of those people will take advantage of this savings, which will be \$8.50, I think anybody would comfortably agree that at least 10 to 15, maybe 20 percent of those people would take advantage of it. So, I am afraid that what we might be doing here is giving the non-residents a break on their licenses at the expense of the residents.

I hope before you consider voting for the majority report, you will consider these implica-

tions, and I hope I have outlined them properly to you. I hope you vote against the majority report.

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

A vote of the House was taken.

76 having voted in the affirmative and 16 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-891) was read by the Clerk and adopted.

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

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-896) on Bill "An Act to Appropriate Operational Moneys for the Mattawamkeag Wilderness Park" (Emergency) (H. P. 1845) (L. D. 1950)

Report was signed by the following members:

Mrs. NAJARIAN of Cumberland

— of the Senate.

Messrs. JALBERT of Lewiston
CARTER of Winslow

Mrs. CHONKO of Topsham
Messrs. DIAMOND of Windham

PEARSON of Old Town
KELLEHER of Bangor

HIGGINS of Scarborough

— of the House.

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

Report was signed by the following members:

Messrs. HUBER of Cumberland
PERKINS of Hancock

— of the Senate.

Messrs. SMITH of Mars Hill
MORTON of Farmington
BOUDREAU of Waterville

— of the House.

Reports were read.

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

Mr. PEARSON: Mr. Speaker, I move the Majority "Ought to Pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that the Majority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The Mattawamkeag Park is in a small town in the northern part of Penobscot County just north of Lincoln. In the early 1970's, a group of citizens in the town secure a grant from Washington to construct the park on this publicly-owned public lot.

The park is located on the Mattawamkeag River and it has about \$250,000 worth of improvements in buildings and other improvements of an equal value in roads and trails and one thing and another.

The park is owned by the Town of Mattawamkeag, it is leased to Penobscot County, and the county has been maintaining it for some time but finds that it no longer can do so.

Mattawamkeag, which is a small town of about a thousand people, cannot maintain the park either financially, so I am asking in this bill, the way it has been revised, that the Department of Conservation find money in its budget, with not a new appropriation from the state but within its own budget, to find money to take care of this park for one year and one

year only to allow time for this town to find another source of income.

Please, I hope that you will realize as we debate this bill that this town, this small town, has had a mad scramble since January to try to figure out what they are going to do, and they need some time to find another source of funding for this park. Their plight has been a very new one for them, it is a small town and they need some help from this legislature. This is an emergency bill and I hope that you will vote for it.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I support the actions of the Chairman of the Appropriations Committee in recommending an "ought to pass" report on this legislation.

Mattawamkeag Park, I guess I live about as close to it as anybody that is in the legislature. I have been involved with it for quite some time. I was on the Board of Trustees for the park; I am quite familiar with it. I think it is one of the most beautiful spots that I have been in in the State of Maine. There is a beautiful growth of old pine that probably hasn't been touched for at least over a hundred years.

The river itself is a very pretty river. At high water, it has a very fast, very rapid water. During the summertime, there is some swimming there, fishing, there are camps up there that have been developed and a tenting program which you can either tent in shelters or you can tent out. There is a lodge and a house for the manager of the park.

The money that was spent there, as was pointed out by Mr. Pearson of Old Town, was about \$250,000, but those were 1973 dollars. You probably couldn't duplicate it today for a million dollars.

I think the major thing the people are attempting to do up there is to try, at least, to get a holding action and not have to leave the place abandoned until such time as they can try to work out a permanent solution. I think there may be some adequate thoughts that the reason there should be some help from the legislature—you have got a great many parks along the southern coast of Maine but inland Maine has very few, with the exception of the one that was given by Governor Baxter. The area around where Mattawamkeag Park is, there are no public parks at all. The ones on the coast are being supported by public funds, and the revenue received from the operations of them doesn't fully take care of the cost of operation. I think there are adequate reasons why this one should be supported. It would at least give the people time to try to work out a solution and I hope the "ought to pass" report will be accepted.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This park is as beautiful as everyone has said it is; it is even more beautiful than words could express. It does fall in my legislative district and the people of Mattawamkeag, of course, want to see it open and they have put a lot of effort into it, but it is benefitted more by people from the lower part of the state where they can drive in a day, say Waterville and this area, Bangor, they go to the park and it has serviced a good part of the state for people like boy scout groups and church groups, Sunday school parties and this type of thing. And seeing as how I am rather careful how I would spend my money or the state's money or county money, but I feel as though this here, we have spent a tremendous amount of taxpayers' money in building the park and if we don't find money to at least keep it for one year, then it will be nearly a total loss by vandalism and trees growing up and so forth.

There are beautiful waterfalls there, it is good fishing and it is an ideal place for people like boy scouts and picnics for the different

church groups, and I hope that this group will see fit to help them keep it open one more year while they have a chance to either subscribe to private industry to help run it, and they also take some money in by the small charge they have. Also, there is some chance that the federal government may take it over, like Acadia National Park and some of the others.

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

Mr. MORTON: Mr. Speaker, I would like to address a question to the Chairman of Appropriations. I would like to ask if the expenditures shall be made from funds appropriated in Public Law 79, Chapter 164, to the Department of Conservation—have those funds been identified?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to the gentleman from Old Town, Mr. Pearson, who may answer as he so desires, and the Chair recognizes that gentleman.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: That is a perfectly delightful question and I don't know the answer, and I think Mr. Morton knew that I didn't know the answer.

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

Mr. MORTON: Mr. Speaker and Members of the House: That is not exactly true. I wasn't sure of where they were coming from and I still don't know, that I think that is a question that we should address ourselves to.

Very frankly, the appropriations made in Public Law 79, Chapter 164, to the Department of Conservation were determined at the time to be those that were necessary to support the operations of that department. I would question whether or not they do exist as excess funds; if they do, we didn't do our job on the Appropriations Committee very well the last time.

You will note that my name is on the opposite side of this bill. Very frankly, whether this \$20,000 comes from the funds appropriated last year or whether we put them up this time, they are still state money.

Basically, I don't see why the state should pay money to support this park when the County of Penobscot, which had been supporting the park, decided, for reasons of fiscal restraint, that it could not continue to do so. Certainly, the state's position with respect to fiscal restraint is just as dire as that of Penobscot County.

I hope you will not accept the "ought to pass" report.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: It bothers me to see people come in here and want to get the state to support these parks.

Down our way, we have some state parks. I think a good example of what private enterprise can do, we have got Thomas Point Beach. It is out on the New Meadows River, all kinds of things against making this go, but a man has taken that over, made a beautiful place out of it, is making a lot of money out of it. But anything to do with the government, it seems as though they are always going somewhere to get the taxpayers to subsidize it.

If this place is as beautiful as they say it is, it is as wonderful as they say it is, then I think it ought to be able to pay its own way.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Here is the situation—you have got a park up there that has got, in current value, probably a million dollars worth of improvements on it. In 1973 dollars, as Mr. Birt has told you, the buildings cost about \$250,000.

As a matter of political reality, there is not going to be any money for that park next year.

Those buildings are going to be vandalized, I would predict, if this state doesn't do something. We are not saying we want the state to take this over and make it a state park; we want time, that is all, time, to get our house in order in northern Penobscot County so we can find a funding source for this park. If we don't do that, it seems to me that the place is going to go down in ruins.

Now, Penobscot County, if you know your geography of the state, is a long and narrow county, and most of the population of it is in the southern and middle section of the county. Consequently, most of the legislators, most of the towns, are in the southern part of the county. They are in a position, and I am sure you are in many of your counties, of not being able, they feel they are in the position of not being able to fund this park any longer. I think that is a perfectly natural thing for them to do.

Now, in January, this little town of a thousand people finds out they don't have any money coming from the county to keep it open next year and they have got to come up with a solution and they don't have time to do it. I have offered an amendment, a change in the bill as it was originally presented, that is before you right now to give them some time, without asking for additional money from the General Fund, by telling the Parks Department over there, we have got a million dollars in a park up in northern Penobscot County, we would like to have you find \$20,000 in your budget to keep it open for one year for those people to be able to find a way to keep it open.

Mr. Morton of Farmington will tell you—that is too bad, that is tough, let Penobscot County come up with the money. They won't come up with the money. The state is going to have to do it or it is going to fall apart. The town can't afford it. It is just a little town, it is probably comparable in Aroostook County to Lille or Cyr or some place like that, for those of you who know it.

We have in this legislature for a number of years funded other things like the Saco River Corridor year after year after year. Why can't we, for one year, give them enough breathing space so they can come up with some kind of a funding solution?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Signing out the report with Mr. Pearson and supporting this amendment, I am not as concerned as Mr. Morton is whether the Department of Conservation can absorb the dollars. Their budget is \$2.5 million, and more than once in the past year and a half we have made adjustments down in the Appropriations Committee, and Mr. Morton knows full well because he has voted right along with some of the rest of us saying we believe their budget is strong enough, they can absorb it in their present monies. I can see no reason why he would be objecting on that point here this morning, or this afternoon, because he has done like the rest of us. We have a comfortable feeling and sometimes we do err in what we put out for a budget monies to various departments, and with a \$2.5 million budget over in the Department of Conservation, I feel comfortable, I know Mr. Pearson feels comfortable, and I would hope this House would not hesitate one bit in thinking they could not absorb that money.

They need some time, as Mr. Pearson has described, to try to find an alternative solution to an area up there that is very beautiful, as most of us who have had an opportunity to visit it would agree. I would hope this House would give some consideration to the investment that is central Penobscot County in this park.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I got up to remind the gentleman from West Bath, but I don't think he is in his

seat, that this particular park in his area we spent many more dollars than \$20,000 in state money before anyone took it over.

I would like to remind you, I was one of the sponsors and worked hard for Mt. Battie, along with my friend from down in the blueberry county at that time, because I think these are a valuable thing, Mt. Battie and the park that he spoke of, and this is the very same thing we intend to do with Mattawamkeag Park. We intend to have it taken over by somebody or by the federal government or somebody else. We are just trying to keep it in existence until we can do that. That is what they did with the one down in the West Bath area, the one that the man from Bath was speaking about. It wasn't taken over immediately, until the state got it in good function and got it bringing in a dollar before an individual wanted it. And nobody has taken over Mt. Battie yet, which is taking in quite a lot of money and becoming more productive each year.

We need to carry this forward until such time as someone can take it over so it won't go to ruin. Let me tell you, I think \$20,000 is a small amount of money to protect an investment like we have there.

I don't want it to get away without being said that Penobscot County did help. Penobscot County is putting in \$10,000 out of an awful restricted budget that we had in Penobscot County. So it is not to be said that Penobscot County is not putting money in it, it is not to be said that the Town of Mattawamkeag doesn't put some money in it. This would be not a fact. The small town is putting in some, the county is putting in \$10,000, and we are asking the State of Maine for \$20,000, and I hope the same thing will happen to it within a year or so as it did down in the Bath area, someone will take it over, and I am sure they will, or the federal government or somebody will. But we do need to extend it until such time as this happens.

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

Mr. CARTER: Mr. Speaker and Members of the House: I don't want to prolong this debate, but I do want to say that this is indeed a beautiful place and I hope that you will support the motion before the floor.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I know that in all the counties across the state from time to time we have problems of one type or another. It happens that today it is in Penobscot County.

I remember, a chairman of the Penobscot County delegation, it wasn't many months ago, it was during the first part of the session, that Aroostook County had a problem. Aroostook County needed \$50,000 for the Save Loring Committee from the taxpayers of the State of Maine, and the first person that testified at that hearing was myself, as chairman of the Penobscot County delegation, urging the people to come up with the \$50,000 to help our good neighbors up in Aroostook.

If you will look at my record down through the years, you will find that most anytime one of the counties in the state has got a problem, the other people have banded together and given them a little handout and I think it should work that way and hope you will continue and go along with us today.

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

Mr. COX: Mr. Speaker and Members of the House: I don't intend to make a long speech today, but as a Representative from southern Penobscot County, I do not want to remain silent and have people think that my silence means I am not in favor of the bill, because I am in favor of this appropriation, I am in favor of keeping the park open. I just feel that since people use this park from a wider area than Penobscot County, that the expenses should be shared by a wider area than Penobscot County.

I was hoping, frankly, that the State Parks Service would take it over; since they won't, the next best thing is this temporary funding to keep it open until we can find someone else to do it.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to wait until all the members from Penobscot County had had the opportunity to make their pitch for this particular appropriation.

I am sure it is a lovely place up there and I would like to see it continued. I have no objections to that, but I just want to correct a couple things that have been said, or at least give you perhaps a different pitch on them.

The gentleman from Bangor said that I voted to turn something back to this same particular department, by the way, and that is true, but it was because they had made an error when they made up the budget the last time. They didn't put something in that they should have and we decided to let them eat it, so I don't think that is exactly the same as laying something brand new on them.

The gentleman from Brewer brought up another red herring in this particular instance, attempting to call this the same as the Save Loring Committee appropriation. I submit that if you put this money into this, they are still going to be down the tube for thirty or forty thousand dollars another year and they are going to be wanting to know where they are going to get the money. I don't know where they are going to get the money, but I don't think it should come from the state coffers, and that is basically what I am talking about. The Save Loring \$50,000 has apparently, at least for the time being and for the unforeseeable future, and I hope forever, as long as it is necessary to have a base at Loring, provided the impetus to get the federal government to turn around and bring millions of dollars worth of new money into the State of Maine, and I don't think that is comparable to this one.

I used to be known as one of the Bobbsey Twins around here—well, probably after this I will be called Scrouge, but it is not the right thing to do and it is not the thing to put state money into a project of this kind, and I just hope you will not vote for the bill.

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

A vote of the House was taken.

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

Thereupon, the Bill was read once. Committee Amendment "A" (H-896) was read by the Clerk and adopted.

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

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

Passed to Be Enacted Emergency Measure

An Act to Appropriate Funds to the Health Facilities Cost Review Board (S. P. 736) (L. D. 1915) (C. "A" S-433)

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.

Whereupon, Mr. Brodeur of Auburn 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 passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Baker, Barry, Beau-lieu, Benoit, Berube, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Brown, K.C.; Call, Carroll, Carter, D.; Chonko, Cloutier, Conary, Connolly, Cox, Curtis, Damren, Davies, Davis, Dellert, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Gavett, Gillis, Gray, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, P.; Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lizotte, Locke, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Sherburne, Silsby, Small, Sprowl, Stetson, Stover, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whitemore, Wood, Wyman, The Speaker.

NAY — Bachrach, Birt, Bordeaux, Brown, A.; Carter, F.; Cunningham, Dexter, Leonard, Lewis, Lougee, Lowe, Masterman, Nelson, A.; Rollins, Roope, Sewall, Smith, Strout, Studley, Torrey.

ABSENT — Berry, Bunker, Carrier, Churchill, Dow, Dudley, Fillmore, Garsoe, Gowen, Hanson, Higgins, Immonen, Jacques, E.; Jallbert, Joyce, Laffin, Marshall, Maxwell, McMahon, Morton, Nelson, M.; Payne, Peltier, Simon, Soulas.

Yes, 106; No, 20; Absent, 25.

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

Signed by the Speaker and sent to the Senate.

Enactor Reconsidered

An Act to Provide for County Self-government (H. P. 831) (L. D. 1038) (H. "A" H-827 to C. "B" H-805)

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

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

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

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" to Committee Amendment "B" was adopted and on motion of the same gentleman, the Amendment was indefinitely postponed.

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

House Amendment "B" to Committee Amendment "B" (H-886) was read by the Clerk.

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

Mr. CARTER: Mr. Speaker and Members of the House: Briefly, to explain the amendment, what it does is move up the adoption of the budget date from February 15 to December 15.

In other words, the budget would have to be adopted before going into the budget year. So if people in the county wish to petition to recall the budget, there will be sufficient time to recall the budget before they actually enter into the budget year.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. McPHERSON: Mr. Speaker, I wonder if the chairman of Local and County Government could possibly explain the effects of this amendment on the original bill.

The SPEAKER: The gentleman from Eliot, Mr. McPherson, has posed a question through the Chair to the gentleman from Sabattus, Mr. LaPlante, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I feel that the amendment the gentleman is presenting is really not necessary. We have talked it over and I talked it over with him. We felt that leaving the dates, December 1 as the latest date to present a budget and February 15 as the deadline date for adopting a budget this gave the charter commissions an opportunity to be flexible and operate any date prior to that day. If this amendment is adopted, it would then prevent the flexibility of charter commissions to be able to work within that latitude. I really don't feel that we should do that.

This bill is to establish local control, and I would hope that the flexibility would remain with the charter commission to do that.

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

Mr. CARTER: Mr. Speaker and Members of the House: I disagree with the previous speaker; I think it is necessary. Local control is a wonderful thing, but manytimes people who work on these charters forget about the budget until after the charter is adopted.

In my community, the budget, which is considerably larger than our county budget, has to be presented through the council 120 days before we go into the budget year. Now, 120 days, this is actually 4 months.

The problem I have, and I am not the only one that has experienced problems with county budgeting, is that when the legislature adopts the budget, you are almost 6 months into the budget year and it is pretty difficult to cut a budget 6 months after you have been working and spending money out of it.

What this amendment will do, it will guarantee that hearings will be held before the first of October by the county commissioners and then the budget will be adopted by the 15th of December, 15 days before the beginning of the actual budget year. So if the citizens of the county wish to recall the budget, they will have ample time before they spend any money.

I would hope that you would adopt the amendment.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I have no objection to this particular amendment, but I do object to the whole bill and I wonder if this is the proper time to move indefinite postponement of the bill and all its papers?

The SPEAKER: The Chair would answer in the negative.

The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, I would request a division.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that House Amendment "B" to Committee Amendment "B" be adopted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Drinkwater of Belfast 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 in desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that House Amendment "B" to Committee Amendment "B" be adopted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brennerman, Brown, K.C.; Call, Carter, D.; Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Davis, Dellert, Diamond, Doukas, Dudley, Dutremble, D.; Elias, Fenlason, Fowle, Gwadosky, Hall, Hickey, Higgins, Hobins, Howe, Huber, Hughes, Hunter, Jackson, Jacques, P.; Kany, Kelleher, Kiesman, Lancaster, Leighton, Lewis, Lizotte, Locke, Lund, MacBride, MacEachern, Mahany, Masterton, McHenry, McKean, McSweeney, Michael, Mitchell, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, P.; Roope, Silsby, Smith, Strout, Theriault, Tuttle, Twitchell, Vincent, Violette, Vose, Whittemore, Wood, Wyman.

NAY — Aloupis, Bachrach, Bowden, Brannigan, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Carroll, Chonko, Conary, Cunningham, Damren, Dexter, Drinkwater, Dutremble L.; Gavett, Gillis, Hutchings, Kane, LaPlante, Leonard, Lougee, Lowe, Masterman, Matthews, McPherson, Morton, Nadeau, Nelson, A.; Paradis, E.; Peterson, Reeves, J.; Rollins, Sewall, Sherburne, Small, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Tozier, Wentworth.

ABSENT — Berry, Bunker, Carrier, Dow, Fillmore, Garsoe, Gowen, Gray, Hanson, Immonen, Jacques, E.; Jalbert, Joyce, Laffin, Marshall, Martin, A.; Maxwell, McMahon, Payne, Peltier, Rolde, Simon, Soulas, Tierney.

Yes, 81; No, 45; Absent, 24.

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

Thereupon, Committee Amendment "B" as amended by House Amendment "B" thereto was adopted in non-concurrence.

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

Mr. DUDLEY: Mr. Speaker, I move indefinite postponement of the Bill and its accompanying papers.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, moves that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

The gentleman may proceed.

Mr. DUDLEY: Mr. Speaker and Members of the House: Let me say that the people in this State have government enough now and this is more government, another duplication.

At the present time, we have state police all over the state, about 50 more than we need, now every county wants a bunch of sheriffs, or think they do, the people that don't pay taxes think this, but the people that I represent still are the people that are trying to carry the burden in real estate taxes in Penobscot County.

This is a method where you sneak in the backdoor for more real estate taxes. Maybe you are not sharp enough to see it today but it is down the road only a short piece when they want all these things and they get them through the county and it is added onto the county tax and the poor real estate taxpayer has to pay it. This is the purpose of the bill; there is no other purpose for it. If there wasn't any other purpose, they would be satisfied with what they

have got now.

There are a lot of people in this state that don't pay many taxes and want more free things and they think they can get it if we can just get more government in each county so if they can't get it from the state, then they can get it from the county, and this is the method by which they have chosen to do it. I hope you are intelligent enough to see the writing on the wall and look down the road a piece. I hope this bill is indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: In the 10 years I have been here, I think this is the third time we have seen reorganization of county government and I have opposed it every time and I am going to oppose it again right now. I certainly am in favor of the indefinite postponement of this legislation.

When they come up with something to streamline county government, I think we should all support it, but this is just clouding the matter up, and I feel that the legislators, if they don't want to stand up and be counted on these county budgets, this is just the thing to implement it. This is certainly not the way to streamline county government.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I guess Mary Adams had done her homework this week. I don't know if I should say this, but there was some mention in the news media, on television and in newspapers, by some individual and they had the old 1038 for some reason or other, the bill that the committee killed, which mandated county government by charter and someone was misinformed and red-faced after they found out they were reading the wrong thing in the first place.

This bill is enabling legislation, it changes nothing at all unless you want it to change in your own county. This is something that the committee has worked on for four years, it is nothing new. It has been refined and I think if we believe—and we always use local control to our own advantage up here when we are screaming about something—if you really believe in local control, this is where this bill belongs, back to the counties. This only allows you to do something, it doesn't mandate you. It gives you the flexibility to reduce the strength of county government or to increase it, but it is done in your own county and it is done by referendum and it is done by the people of the county and not by the whim of every person in the House. This is where it belongs and I think that this bill is probably one of the best pieces of legislation that has come up to reform or to give you the opportunity to reform county government.

If legislators are willing to work at their own county level, they can streamline their county to what they want.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: I agree with the chairman of our Local and County Government Committee. Ever since I can remember almost, I was in local government for a good many years, I was a selectman for eight years, I worked many years for the county and I heard the things that were said about county government. I think this bill allows each county, through charter, to have what they want for county government, or they don't have to take part, as the chairman said. It is permissive on that end.

If they do decide to have a charter, they have a hand in electing the members of the commission, public hearings will follow, followed by referendum in each county so the voters can vote on it, followed by ratification by the state legislature, the legislature can vote on it. And lastly, they will be able to handle their own affairs.

Also, it has a budget process; there are two different versions of a budget process that they can work with where they can act on their budget in their own county.

I haven't had a problem. The Waldo County delegation has worked very well the commissioners, etc., but I have seen a lot of problems in other counties. I believe we have got counties right now that haven't even shown up with their budgets yet. I was just looking at the bill here and there are quite a few missing.

This charter method would, it would seem to me, take care of that and the budgets would taken care of in the counties where it should be. I think Waldo County is certainly a lot different from Cumberland or Androscoggin or Aroostook or any other county.

I think there are a lot of things we should be considering. There was a law passed in this legislature with reference to control of dogs. We are in the middle of a problem in our county right now with a lot of little towns that can't afford a dog officer and can't afford kennels to put them in, so we need to get our act together there and do something. Even the manager of the City of Belfast is urging the commissioners to please do something instead of having each town do their own thing because they can't afford it. Sanitary waste and sanitary landfills, things like that, we are very concerned about because we are small and we want to take a look. We may not do it, but we want the people in our county to be able to vote on it and decide if they want to do it.

We just feel that we are into a day or place in time where possibly it is better to do some things together. It may be that in my county and a lot of other counties we may vote not to do that; we may very well vote not to have a charter commission, we may very well not even take it up, but we want that privilege.

In closing, I just hope that this body will give us that privilege to do our own thing, or at least to vote on it or not to vote on it.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I think that we should vote against the pending motion to indefinitely postpone this bill.

I have been doing a little research on how many attorney general opinions we have requested on county budgets, and I have found five. Back in 1975, there was an opinion requested from Kennebec County describing the financial situation in Kennebec County and asking for an opinion on the budget process. That opinion came back two pages long. In 1979, June, there was an opinion requested from Aroostook County. That came back with an opinion report on the budget process two pages long.

I find another one from Cumberland County, and that opinion was five pages long. And I think good Representative Higgins knows exactly what I speak when I talk about the problems that he was trying to resolve with the county budget.

Another most recent opinion was given to me, which is six pages long, from Penobscot County just last week. I submit to you that we have problems with the county budget process.

The Attorney General has submitted opinions, they tell us that we should do this with local control, with a finance committee that is made up of local elected officials whereby we know exactly what we need. When you get the legislative delegation involved, we don't know the impact of the budget and it is causing many problems, and I think that you should vote against the motion to indefinitely postpone this bill.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: Going back to the comments of the good gentleman from Belfast, Representative Drinkwater, he made the com-

ment that they have the choice of the charter committee. Once they receive the petition, they do not have a choice, they 'shall' have the charter committee. This is what I find wrong with this bill. It mandates every action to be taken on down. It was permissive to come on down to the counties, and once the petition is presented, they could include this and could include that instead of being mandated to include different things in the charter, it would be a different matter. This thing mandates every bit of action all through it.

If you will take a look at the bill, you will see it is 'shall, shall, shall'; there isn't a 'may' in it. There are one or two 'may's' in it; most of them are 'shall' and it is mandating the action on down.

I urge you to support the indefinite postponement.

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

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: At least if it mandates it, the people will mandate it. You have to remember that the people are going to vote on this; they are going to vote on whether you have a charter commission or not. If the people vote on it, that may be mandating it but the people are going to mandate it. I am not against the people mandating things in their own counties.

I want to bring something out once again very briefly—this is not the county structure, this is the structure for a charter commission to set up a county government. I see nothing wrong with that. Then you can go any way you want to in any charter commission as long as the people mandate it.

This has to go back to the people once it is set up; they have to accept that charter. I don't see anything wrong with that either. If the people accept it, then they should have that right.

I urge you to vote against the indefinite postponement of this piece of legislation.

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

Mr. GILLIS: Mr. Speaker and Members of the House: To the good gentleman from Roque Bluffs, Mr. Nelson, I was not denying the people the right to decide. What I was complaining about was the bill going down as mandating to the charter committee what they will include in the charter that is going to the people for their vote. If you will read the bill, you will see that everything going into the bill is mandated.

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

Mr. LANCASTER: Mr. Speaker, Ladies and Gentlemen of the House: I wish to go on record as being in favor of this bill. The concept of this bill goes right back to local control. It is permissive legislation and the people have the final say. I oppose the motion of indefinite postponement.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This certainly is important so that I want to make this a roll call. I want to be able to say years from now that I told you so, like I have on many other occasions that have happened here.

First of all, there hasn't been enough study put into a bill of this nature. We should have sent delegations to some of the southern states where they have county government but not state government, but I am against duplication, government here and government in Penobscot County in Bangor and government in each town. This is overloading the people with government and the cost of government. So, I think if we are going to pass a bill of this magnitude, then a committee from this House and the other body should be sent to visit some of the southern states and see how it works. In some of them it works quite well. If they catch you speeding, you can pay your fine right on the

highway, you don't have to go to court, and this does expedite matters, but we might not want that type of government.

I think a complete study that would take some time, and I would like to see a good body from this House visit these states and see how it works, but, by all means, in the southern states they don't have county government and state government and town government, they have county government and that is it. They have county law enforcement, county everything. This might be a good concept and I might buy it, but I certainly will never buy more government for the poor people in this state to finance, and this is just what this bill does, so I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: First, let me say I do not like county government, I do not like the expansion of it, but this bill I did sign out "ought to pass" because it was optional; each county will decide its own choice of government and write its own charter.

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

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

The Chair recognizes the gentleman from Brooklyn, Mr. Bowden.

Mr. BOWDEN: Mr. Speaker I request permission to pair my vote with the gentleman from Bangor, Mr. Tarbell. If he were here, he would be voting yea, and if I were voting, I would be voting nay.

ROLL CALL

YEA — Aloupis, Austin, Berube, Birt, Blodgett, Brown, K.L.; Call, Carroll, Carter, D.; Carter, F.; Churchill, Conary, Connolly, Cunningham, Damren, Davis, Dudley, Dutremble, D.; Fowlie, Gavett, Gillis, Hall, Hunter, Jacques, P.; Kelleher, Leighton, Lewis, Lizotte, Lougee, Mahany, Paradis, P.; Paul, Peterson, Post, Reeves, J. Reeves, P.; Sherburne, Silsby, Smith, Strout, Torrey, Tuttle, Twitchell, Violette.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Bordaueux, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Chonko, Cloutier, Cox, Davies, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dutremble, L.; Elias, Fenlason, Gwadosky, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Kane, Kany, Kiesman, Lancaster, LaPlant, Leonard, Locke, Lowe, Lund, MacBride, MacEachern, Masterman, Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, E.; Pearson, Prescott, Rollins, Roope, Sewall, Small, Sprowl, Stetson, Stover, Studley, Tozier, Vincent, Vose, Wentworth, Whittemore, Wood, Wyman.

ABSENT — Berry, Boudreau, Bunker, Carrier, Curtis, Dow, Fillmore, Garsoe, Gowen, Gray, Hanson, Immonen, Jacques, E.; Jalbert, Joyce, Laffin, Marshall, Martin, A.; Maxwell, McMahon, Mitchell, Payne, Peltier, Rolde, Simon, Soulas, Tierney, The Speaker.

PAIRED — Bowden-Tarbell;

Yes, 44; No, 77; Absent, 27; Paired 2.

The SPEAKER: Forty-four having voted in the affirmative and seventy-seven in the negative, with twenty-seven being absent and two paired, the motion does not prevail.

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

An Act to Expand the State's Tourism Promotion Effort (H. P. 1680) (L. D. 1789) (C. "A" H-836)

An Act to Expand the State's Industrial Development Promotion Program (S. P. 695) (L. D. 1831) (C. "A" S-432)

An Act Concerning the Membership of the State Energy Resources Advisory Board (S. P. 702) (L. D. 1838) (C. "A" S-445)

An Act to Amend the Kennebunk, Kennebunkport and Wells Water District Charter to Include the Town of Ogunquit (H. P. 1821) (L. D. 1949) (H. "A" H-841 to C. "A" H-824)

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

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-897) on Bill "An Act to Permit the Department of Inland Fisheries and Wildlife to Borrow in Anticipation of Revenues" (H. P. 1836) (L. D. 1940)

Report was signed by the following members:

Mr. HUBER of Cumberland
Mrs. NAJARIAN of Cumberland
— of the Senate.

Messrs. JALBERT of Lewiston
CARTER of Winslow
Mrs. CHONKO of Topsham
Messrs. MORTON of Farmington
DIAMOND of Windham
PEARSON of Old Town
KELLEHER of Bangor

— of the House.

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

Report was signed by the following members:

Mr. PERKINS of Hancock
— of the Senate.

Messrs. BOUDREAU of Waterville
HIGGINS of Scarborough
SMITH of Mars Hill
— of the House.

Reports were read.

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

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have got some real reservations about this piece of legislation. I took a look at the Constitution, and I just wonder if a dedicated revenue fund can borrow money and pledge the credit of the state under the provisions of Section 14? As I interpret that, it allows the state to borrow up to \$2 million. I think this would be an obligation on the General Fund of the State of Maine, and if that is true, it would appear to me that we would be transferring some of the responsibility for the payment of this in the event, for instance, that the Inland Fisheries and Wildlife Department couldn't fund the obligation, we would be transferring that responsibility onto the General Fund.

I just wonder if the right to transfer this responsibility from a dedicated revenue fund to the General Fund would be permissible and I wonder if that question has been looked into?

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

Mr. CARTER: Mr. Speaker, to answer my good friend from Millinocket, Representative Birt, this is one of the 15 bills that was reported out by the Select Committee on Fisheries and Wildlife. If you will take a look at the amendment, H-897, this does not allow the Fish and

Game Department to borrow from the General Fund. This allows the department to borrow in anticipation of revenues, and then only up to 10 percent of their entire budget which, in this case, would amount to no more than \$900,000. They would have to borrow from outside state government against their anticipated revenues, which, as you know, the majority comes from the sale of licenses in the fall.

Now, before we adopted collective bargaining, the Fish and Game Department, operating as a dedicated revenue account, had a contingency account, but along with collective bargaining and inflation, the contingency account is practically wiped out. This will give them an opportunity and, again, if you will look at the amendment, it has a self-destruct clause, June 30, 1981, this is only for one year, to give them a chance to reorganize the department and allow them to borrow in anticipation so that they can do so comfortably.

I would hope that you would accept the committee report.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-897) was read by the Clerk and adopted.

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

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

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

(S. P. 680) (L. D. 1798) Bill "An Act to Amend the Maine Health Facilities Authority Act to Include Certain Educational Institutions"—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-451)

(S. P. 708) (L. D. 1844) Bill "An Act Relating to the Qualifications for the Licensing of Auctioneers"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-447)

There being no objection, under suspension of the rules, the Senate Papers were given Consent Calendar, Second Day, notification, passed to be engrossed as amended in concurrence.

The following papers appearing in Supplement No. 12 were taken up out of order by unanimous consent:

Senate Papers

Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act to Amend Support and Enforcement of Support Laws in Divorce and Relate Cases" (S. P. 693) (L. D. 1813) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Remove Sex Bias and Facilitate Enforcement of Support Obligations" (S. P. 793) (L. D. 1991)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was read the second time and passed to be engrossed in concurrence.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-449) on Bill "An Act to Clarify the Board of Environmental Protection's Responsibility to Regulate Roads under the Site Location Law" (S. P. 696) (L. D. 1832)

Report was signed by the following members:

Mr. TROTZKY of Penobscot
— of the Senate.

Mr. DOUKAS of Portland
Mrs. HUBER of Falmouth
Messrs. BLODGETT of Waldoboro
MICHAEL of Auburn
HALL of Sangerville
JACQUES of Waterville

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-450) on same Bill.

Report was signed by the following members:

Messrs. O'LEARY of Oxford
McBREAIRTY of Aroostook
— of the Senate.

Messrs. AUSTIN of Bingham
KIESMAN of Fryeburg
DEXTER of Kingfield
PELTIER of Houlton

— of the House.

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-450)

In the House: Reports were read.

Mr. Blodgett of Waldoboro moved that the Majority "Ought to Pass" Report be accepted in non-concurrence.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report in non-concurrence and tomorrow assigned.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-452) on Bill "An Act Increasing the Fees for Probate Proceedings" (S. P. 752) (L. D. 1928)

Report was signed by the following members:

Messrs. COLLINS of Knox
DEVOE of Penobscot
— of the Senate.

Mr. GRAY of Rockland
Mrs. SEWALL of Newcastle
Messrs. SIMON of Lewiston
JOYCE of Portland
STETSON of Penobscot

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-453) on same Bill.

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin
— of the Senate.

Messrs. HOBBS of Saco
SILSBY of Ellsworth
CARRIER of Westbrook

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-452)

In the House: Reports were read.

Mr. Hobbins of Saco moved that the Minority "Ought to Pass" Report be accepted in non-concurrence.

On motion of Mrs. Sewall of Newcastle, tabled pending the motion of Mr. Hobbins of Saco to accept the Minority Report in non-concurrence and tomorrow assigned.

The following paper appearing on Supplement No. 13 was taken up out of order by unanimous consent:

The following Communication:

March 13, 1980

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

The Senate today voted to Insist and Join in a

Committee of Conference on 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)

The President today appointed the following conferees:

Senators:

SEWALL of Penobscot
SHUTE of Waldo
PRAY of Penobscot

Respectfully,
MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following papers appearing on Supplement No. 14 were taken out of order by unanimous consent:

Reports of Committees Leave to Withdraw

Mr. Blodgett from the Committee on Energy and Natural Resources on Bill "An Act to Establish Mandatory Energy Efficiency Building Performance Standards for the State" (H. P. 1712) (L. D. 1818) reporting "Leave to Withdraw."

Report was read and accepted and sent up for concurrence.

Consent Calendar

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

(H. P. 1756) (L. D. 1882) Bill "An Act to Provide for the Education of Preschool Handicapped Children"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-895)

No objections having been noticed, Under suspension of the rules, the House Paper was given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

The following papers appearing on Supplement No. 15 were taken up out of order by unanimous consent:

Special Sentiment Calendar

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

Barry Hollis, of North Berwick, Troop 312 who has achieved the high rank and distinction of becoming an Eagle Scout; (S. P. 794)

Stephen Gray, of North Berwick, Troop 312 who has achieved the high rank and distinction of becoming an Eagle Scout; (S. P. 795)

Morris "Myer" Bloom, of Bangor, who will mark the one hundredth anniversary of his birth on May 19, 1980, (S. P. 796)

The Westbrook High School Girls' Basketball Team, Western Maine Class A champions for the 3rd consecutive year; (S. P. 797)

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

The following paper appearing on Supplement No. 16 was taken up out of order by unanimous consent:

Bill Recalled from Legislative Files

(Pursuant to Joint Order - House Paper 1942)

Bill, "An Act Concerning Membership on the Board of Trustees of the Van Buren Light and Power District" (Emergency) (H. P. 1607) (L. D. 1718)

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

Mr. DAVIES: Mr. Speaker, I move that we substitute the Bill for the Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Orono, Mr. Davies, moves that the Bill be substituted for the Report.

Mr. DAVIES: Mr. Speaker and Members of

the House: Just so you don't think I am trying to pull a fast one and slip something through, as I explained earlier when the order bringing this back from the files was before us, the Public Utilities Committee made an inadvertent mistake during the last session. We have a bill dealing with Van Buren Light and Power. In the redraft of the bill that came through from the committee, we left out a section of the bill and this year the gentleman from Van Buren, Mr. Violette, brought it to our attention. It was the opinion of the committee that we had intended to do what we did, but after giving it more consideration and reviewing the status of their charter in previous years, we discovered that we had made an error; therefore, this bill is a worthwhile piece of legislation. We brought it back from the files and I would hope that we would pass it as it is.

Thereupon, the Bill was substituted for the Report in non-concurrence.

The Bill was read once. Under suspension of the rules, the Bill was read a second time, passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Davies of Orono, adjourned until one o'clock tomorrow afternoon.