

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, March 26, 1976

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

Prayer by the Reverend James Sabine of Island Falls.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 769)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Bernice M. Lee of Augusta Who, on July 11, 1976, Will Celebrate the 79th Anniversary of Her Birth and 47th Year As An Employee of the Legislature

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

Came from the Senate, read and passed.

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

Non-Concurrent Matter

Bill "An Act to Temporarily Exempt Property Owners on Islands in Casco Bay from Certain Waste Discharge Compliance Requirements" (Emergency) (S. P. 708) (L. D. 2235) which was Passed to be Engrossed as Amended by Committee Amendment "A" (S-452) as Amended by House Amendment "A" (H-1065), thereto, in the House on March 24, 1976.

Came from the Senate, with that Body having Insisted on its former action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (S-452) on March 23, 1976, in non-concurrence.

In the House: On motion of Mrs. Najarian of Portland, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud Against the State" (Emergency) (H. P. 2155) (L. D. 2290) which was Passed to be Engrossed as Amended by House Amendment "B" (H-1030) in the House on March 24, 1976.

Came from the Senate Passed to be Engrossed in non-concurrence.

In the House: On motion of Mr. DeVane of Ellsworth, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites" (Emergency) (H. P. 1948) (L. D. 2134) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-993) as amended by House Amendment "A" (H-1063), thereto, in the House on March 24, 1976.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Bachrach. Mrs. BACHRACH: Mr. Speaker, I would move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach, moves that the House insist and ask for a Committee of Conference.

The gentlewoman may proceed.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I would ask your indulgence. I think this is an exercise in futility probably, but the reasons put forth in the other body demand that I make another attempt to convince them. Their chief argument is that landfill is not the way to go, that something better should be done. So anyone who heard my arguments on Monday knows that I wanted to find a better way and spent a lot of effort on it. They speak as if we might wait awhile for improved methods. We are now under injunction from the DEP to move our disposal site away from a stream. Twenty years ago when we bought the site, it was 125 acres and we thought it would be sufficient for years to come. We now find that none of it is acceptable as landfill and we are constrained to find another site which will be suitable by DEP standards. Since the state requires this, we must have the tools to do the job.

I ask that you allow me to insist and ask for a Committee of Conference.

Thereupon, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Concerning the Salary of Knox County Register of Probate and Clerk Hire and Legal Fees of the York County Treasurer" (H. P. 2230) (L. D. 2318) which was Passed to be Engrossed in the House on March 24, 1976.

Came from the Senate Passed to be Engrossed as Amended by Senate Amendment "A" (S-473) in Non-concurrence.

In the House: On motion of Mr. Gray of Rockland, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Establish the Dates of Legislative Sessions to Clarify Laws Relating to Expenses of Legislators" (S. P. 663) (L. D. 2087) which was Passed to be Engrossed as Amended by Committee Amendment "B" (S-436) as Amended by House Amendment "C" (H-1036) thereto, in the House on March 24, 1976.

Came from the Senate with that Body having Insisted on its former action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (S-435) as amended by Senate Amendment "A" (S-440) thereto, in non-concurrence and asked for a Committee of Conference.

In the House:

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

Mr. COONEY: Mr. Speaker, I move that we insist and join in the Committee of Conference.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves that the House insist and join in a Committee of Conference.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not follow the motion of the good gentleman from Sabattus, Mr. Cooney. This issue has become so confused in the public's mind that any further discussion of it will only further compound that confusion and hold up this legislature and this body to further criticism that is unwarranted, in my opinion.

As the bill now stands, at this end of the hall anyway, legislators next time will be paid \$4,000 in the first year, \$2,000 the second year and \$30 a day expenses, without the second year per diem of \$25.

Now, this could be interpreted as a decrease in pay, but it certainly cannot be called an increase. I think if we vote to join in a Committee of Conference, we are, in effect, saying that we are going to bargain away from the position previously held by this body. I hope we do not do

that. I would ask you to defeat the motion and accept one to adhere.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I respectfully disagree with the gentleman from Kennebunk, Mr. McMahon. I hope you will vote with the motion of the gentleman from Sabattus, Mr. Cooney. It seems to me that the Speaker, in his wisdom, will appoint three of the proponents of the House's point of view, which well could include the gentleman from Kennebunk, Mr. McMahon, and they will work with three members from the Senate, and a good bill, hopefully, will result.

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

Mr. CAREY: Mr. Speaker, since some of us seem to be confused, I would like to have the gentleman from Kennebunk, Mr. McMahon, tell us exactly what happens if we end up either adhering or getting into a mess where nothing happens here. What happens if the law is not changed? In fact, does it not cost us even more money than what we might reach in a compromise?

The SPEAKER: The gentleman from Waterville, Mr. Carey has posed a question through the Chair to the gentleman from Kennebunk, Mr. McMahon, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. McMAHON: Mr. Speaker and Members of the House: I don't know what the ultimate result would be if the entire bill were defeated, but it is my understanding that if we vote to adhere, the other body would then have the unusual opportunity to agree with this body.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House recede and concur.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: I failed to get an answer to my question from the gentleman from Kennebunk. I would now ask the gentleman from Bridgewater, Mr. Finemore, just what has the Senate done and how costly will that be to the State of Maine?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentleman from Bridgewater, Mr. Finemore, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Carey, I don't believe any of these are too expensive. I think what should have been done on this bill and what we should be doing is going along and try to hold on and either have \$4,000 and \$2,000 or go along with the bill that was passed by the 106th and leave the \$25 per diem over and above the thousand dollars in the second year. It does take a little change for that, which I believe is in here. I am not too positive and I am not going to guarantee it is in there, but I think we have gone along and worked too much on this bill now and spent too much of the state's money, so I hope we recede and concur with the Senate because I know it is as good as we are going to get it. If we adhere, the bill is a goner anyway and we will be right back where we were.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, in order to clear up some of the confusion, I hope that you will defeat the motion to recede and concur,

after all the work that has been done in this body to bring us to a position where we have a say in this thing. If we recede and concur, basically what happens, we go five, one, \$25 a day expenses, \$25 a day per diem. If we insist and join the Committee of Conference, we go four, two, \$30 a day expenses.

I would be a little bit nervous about the motion to adhere. I don't think we can afford to kill this bill because of the constitutional amendment we passed last year that dictates that we will establish dates for legislative sessions, which is part of this bill. I think if you vote with the motion to adhere, if we ever get to that point, you may be taking a chance on killing the whole thing. So I would ask that you join in the motion to insist and have a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: In view of the great amount of work that has been done on this bill, and knowing the various opinions held by members of this House, I would hope that we would not join in the motion to recede and concur.

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

Mr. NORRIS: Mr. Speaker, when the Clerk gets a chance, could he give us the report out of the State Government Committee, what the division was? As I remember it, it was a majority report for the position that the other body has taken.

The SPEAKER: The Chair would announce that the report was a 9 to 3 report.

The Chair recognizes the same gentleman.

Mr. NORRIS: Mr. Speaker, it was a 9 to 3 report. There were three dissenters for the position that the House now holds, and I agree pretty much with what my good friend Representative McMahon says, that his has certainly been more confusing and gets more confusing and the public, he says, doesn't understand and probably won't when we get all through, so probably the prudent thing, in deference to time and money and taxpayers' money, for the House to do this morning would be to recede and concur. I hope you support the motion by the gentleman from Bridgewater, Mr. Finemore, to recede and concur and put this thing behind us so we can go on and get our business done and get out of here sometime by the middle of next month.

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

A vote of the House was taken.

31 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now before the House is on the motion of the gentleman from Sabattus, Mr. Cooney, that the House insist and join in a Committee of Conference. A vote has been requested. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act to Adjust the Disqualification Period for Voluntarily Leaving Employment and to Adjust Maximum Unemployment Benefits Paid to Individuals Discharged for Misconduct" (Emergency) (H. P. 2116) (L. D. 2265) on which the House accepted the Majority "Ought Not to Pass" Report of the Committee on Labor on March 23, 1976.

Came from the Senate, with the Minority

"Ought to Pass" as amended by Committee Amendment "A" (H-1023) Report of the Committee on Labor and Passed the Bill to be Engrossed as amended by Committee Amendment "A" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, I would make a motion to recede so that I might have the opportunity to offer an amendment which I feel will take care of some of the problems that I had the other day with it.

The amendment that I do plan to offer reduces the amount of money that you have to earn after a voluntary quit from 8 times the amount of your maximum benefit amount to 4 times the amount of your weekly benefit amount. I feel that this will take care of a lot of the problems. People came to me and we talked about it. The 4 times will not, of course, require them to earn anywhere the amount the 8 times would, based on what their weekly benefit amount would be. This seemed to be the big reason for the opposition.

I feel that what is important is to attach yourself to the labor force and in this way, there shouldn't be any reason or any difficulty in going out and earning the 4 times your maximum benefit amount. In other words, if you are entitled to \$20 a week following a voluntary quit, you would have to go out and earn 4 times your \$20 and that does not seem to be unreasonable.

The SPEAKER: The gentleman from Bridgton, Mrs. Tarr, moves that the House recede.

The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: I urge the House to oppose the motion to recede so that we can make the motion to adhere and finish this bill off once and for all.

This is a bill which we debated well over an hour earlier this week and soundly defeated it by, I think, a 20 or 30 vote margin.

The amendment which Mrs. Tarr is offering is merely a cosmetic amendment and does not really change the basic thing which you wanted to do in the first place, which is essentially to deny anyone who ever voluntarily quits the right to draw unemployment. I think, as many people explained during this debate earlier this week, the voluntary quit issue has to be seen in its total light, that voluntary quits are often-times not truly voluntary. I can remember the example given by the good gentleman from Lewiston, Mr. Cote, about the woman who had a transportation problem. She always went to work on the bus and the bus system ended. She didn't have transportation to work anymore. It certainly wasn't voluntary, but she was out of work for reasons nonattributable to the employer. As a result, she couldn't draw unemployment.

This bill doesn't change that at all, especially when you realize that you have got an 11 percent unemployment rate. It really doesn't make any difference. This is just a cosmetic effect. The bill is just as bad as it was before. I hope we defeat this motion to recede so that we can get at least one bill out of the way before the weekend.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker and Members of the House: Won't you please just give me the courtesy to recede so that I might offer my amendment. That is all I ask.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bridgton, Mrs. Tarr, that the House recede from its action whereby it accepted the Majority "Ought not to pass" Report on March 23. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tierney of Durham requested a roll call vote.

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

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

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

Mr. TIERNEY: Mr. Speaker, were we not in non-concurrence, I certainly would not oppose the opportunity to give the gentlelady the opportunity to present her amendment.

Indeed, although she was not speaking to the proper motion when she explained what her amendment did, I did not object on a point of order, because I wanted everyone to understand what she was doing, even though the remarks were clearly out of order. So I think we have shown sufficient sympathy to the good lady already. We have also shown sufficient sympathy by passing two of her unemployment bills in this session.

But you see, ladies and gentlemen, if we let her recede and put the amendment on, then the Bill is automatically passed to be engrossed and then it would go down to the other body and then, essentially, we would be voting in favor of this piece of legislation if we move to allow us to recede at this point. It is not merely a question of courtesy in this case, it is a question of substance. That is why I asked for the roll call. This is a bad bill. Let's get rid of it this morning.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker and Members of the House: If I was out of order and was not properly debating or discussing, or whatever, I am sure the Speaker would let me know about it.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker and Members of the House: I hope we will give the lady from Bridgton the right to recede so she can present this amendment which I think is a good amendment.

I just want to take a second to rebut a couple of statements made by the good gentleman from Durham. He uses a typical attorney's ploy of how to kill off something that is really good by telling you about the poor little old lady in Lewiston who lost her job because she couldn't get a bus ride. The gentleman from Durham knows full well that the lady could have appealed to the board. This goes on daily. There are provisions for appeal.

For every one little old lady in Lewiston who cannot get a bus ride, has to voluntarily quit, there are hundreds and hundreds of others who voluntarily quit and as a result of it, the integrity of this fund is in question. The gentleman from Durham knows that and I think the amendment is a very proper one and I hope we will recede and give her the courtesy of passing this amendment.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to get into this debate, but I did want to read you a letter that I received this morning from a gentleman in Harrington, Maine.

"Dear Mr. Rolde: I have read, recently that the State Senate is considering legislation to change the unemployment law prohibiting those who leave their jobs voluntarily from drawing unemployment benefits.

"A few months ago I went through the unpleasant experience of leaving my job. Extra duties were added making the work unbearable. I gave

notice, left the job, and found that I would be disqualified for several months before I could draw unemployment benefits. I discovered an appeal would prove fruitless, as the employer paid the entire amount into the fund and his word would be taken over mine. You can readily see what the implications would be if the present law was changed. Employers could add extra duties to an employees workload, and because of the added physical or mental strain, he could not do the work and leave the job. If the law was changed, he would face the punishment of no unemployment pay!

"Your influence in the Maine House in keeping the present law intact will be greatly appreciated. Very truly yours, Rudolph Kissell."

I think these examples that are cited by people like the gentleman from Durham, Mr. Tierney, are not applicable examples, they are very real experiences that people have had.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from York, I would just pose a question to anyone who might want to answer it, whether or not in the situation which he just cited, whether that person would in fact not come under the voluntary quit statute for the simple reason that he had added duties put on him, as an employee, then he would not have quit without good cause attributable to employment. Therefore, he would not come under it and would not have to worry about our changing this law.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: The right of appeal always lies in our great governmental process, as I am sure the good attorney from Bangor is so well aware. You can always appeal, the question is whether you are going to win or not.

I have got an example. I have got a client right now who was injured at work, a good client referred to me by the good gentleman from Portland, Mr. Connolly. He was clearly injured at work. He had a workmen's comp claim. He was out for a month when he was sick and then he tried to go back to work. When he went back to work, he was told his job had been filled. He sent a registered letter to his employer and said, I am ready to go back to work and the employer said, no, it was a voluntary quit.

So now the employee with his ninth grade education is trying to appeal to the Unemployment System process. He asked me to represent him. I told him, number one, I was in the legislature and, number two, could he pay me? He said no. So I said no. Okay, I don't run an office based on charity, although we do our percentage. What I am saying is, if you want to force people to hire more lawyers, force them to go into appeals and force them to wait nine months, living on nothing in the meantime, then go ahead and change this law. Don't be fooled by that statement that you can always appeal, because the right of appeal is not always a real right, it is not always a right to the person because he can't afford the lawyer and he can't afford the process.

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

Mr. MORTON: Mr. Speaker, I would feel much more comfortable debating this on the other motion, but since we are debating it, at this point in time I would point out to you, ladies and gentlemen, that we are not going to be able to address the subject matter of the amendment unless we vote in favor of this motion to recede.

But I would like to say that some of the statements that have been made are very irrational. The gentleman who just spoke talked about nine months. That is a tremendous exaggeration.

These appeals can be taken, thank goodness, without a lawyer.

I have had cases where I have been in on them, they were appealed and upheld by the board and a lawyer was never involved. I think many times, ladies and gentlemen, that the employee is going to be much better off if he goes before these boards without a lawyer, because they are sympathetic, they understand the problem, they know the law and they will rule in his favor if in fact the facts take care of it.

To say that appeals are fruitless is ridiculous, many, many appeals are granted if the facts are there. So this is sort of an issue that is substantive. The good lady from Bridgton is attempting to bring before the body a different qualifier, and I certainly think she should get a chance and I hope you vote to recede.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the principal objectors to this bill the other day. However, this amendment takes care of my objection; therefore, I will vote to recede and then also vote for the passage of the amendment.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The amendment certainly doesn't meet my objections, I will tell you, for the simple reason that it is not a good part, it is still the same as the bill. It doesn't change it one bit.

There has been a lot of talk here this morning about appealing to these boards and these hearings and everything. The fact remains, why did they quit in the first place? Why did they have to get done? I can name plenty of cases that they had to get done because more work was put on them. Myself and my good friend from Westbrook, Mr. Usher, were working on one last week, no regard whatsoever for the person that is working, no consideration whatsoever that the woman had to work extra hard, they put extra work on her and they fired her. That is not justification.

We don't make laws up here so that the majority of the people cannot work in harmony, cannot work of the choosing of their choice. We make laws up here for the people so that it can be a better job for them, it can be a little easier for them in their lifetime. After all, there are some things that don't go on the books, and this is one of these things right here.

We have a situation where a person is laid off, they can't stand the pressure or they can't stand the harassment and they fine them 12 weeks because they left without good cause. There is no justification for this kind of work, none whatsoever.

It is true that the commissioners accept what is said before them. But after all, the commissioners can't tell the employer what the person must do for his work, and that is what we are overlooking. The person has to do what he is told in order to achieve a week's pay. That is the point that this legislature is not bringing to light. That is the point that we are overlooking.

Now, I say to you, there is a lot of abuse in the labor field and I hope I can live long enough to see that every workingman and woman in this state takes home decent pay, takes home a pay that is greater than the unemployment check will be, and if you go this way, you are going to step backwards, and we can't go that way with our labor people today. They are paying the bills: they are paying for welfare; they are paying our salary up here. We don't get any money from people who are not working. We don't get any taxes from them. It is our duty. We have an obligation to the working people of this state. We want our people working. We don't want hardships put on them so that they are forced to leave their jobs. We want people working.

There is not one person in this House that doesn't want to see anyone without a job — I know that. I am not debating that. But this bill is a bad bill for the working people of this state, and we owe the working people of this state something besides the environment and all the freedoms that they have, which is good, I don't object to it, but I believe that we need mills, we need employment and we need people working, and to have someone lose 12 weeks of pay and now the amendment she wants to put on is 4 weeks, it doesn't change the bill one bit.

We have an obligation, and I urge the members of this House to not support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think you all heard my good friend Mr. Tierney cite an example of the woman in Lewiston. I would like to say to my good friend over in the other corner, Mr. Palmer, that this is not a remote situation. It may be down in your area, but it is not in my area. In my area, the same tactic has been used. We have five shoe shops in my area belonging to the Shoe Corporation of America, Norrwock Division, which used to be Norrwock Shoe. There are four factories in my town and one in an adjoining town, six miles away. One of the factories in my town get to where they are earning a fairly decent — and I say fairly decent wage — they are taken off that job and transferred to the town of Norridgewock to a different job paying less money.

These people don't have an automobile, so they would either have to walk the six miles or stand on the road and hitchhike. So because they can't get transportation, they use this as a form of disqualifying them for unemployment benefits.

We had 26 cases of this in less than six months, so it is not remote, it is being used. It is being used by the companies that pay low wages, substandard wages, wages where you can't even make a decent living or hardly exist. It is being used to keep the people working at an even worse wage.

The person that goes to appeal this before the Employment Security Commission, they have already been out of work, they have already got the loan coming due on their house and their car, they already owe the hospital because there is no hospital insurance offered by that company that pays substandard wages, so they can't employ a lawyer. Somebody said they take them on commission, maybe they do, but taking on commission is not the answer and I don't expect the lawyers to take them for nothing, the lawyers have to make a living and they have to eat, but when these people go before a hearing, when they open the door and walk in, they are already scared half to death. They see a recorder setting there with a record spinning on it, they are told to raise their right hand and swear, well, it doesn't take much to raise your right hand today and swear to anything, but these people are shoeshop workers, mill workers and they are scared to death. They see the high powered people sitting there and they are scared. They don't know which way to go and they are willing to accept anything, even to the point of being disqualified, because they want to get out because they didn't know what they were getting into.

To allow this to go on, to let manufacturers in the state that don't want to pay a decent wage to intimidate their workers even further, this is utterly ridiculous. I would hope today that we do not even think of an amendment such as this, which doesn't change the bill any. It might ease your conscience for a matter of a couple of seconds but eventually it will still come back to haunt you for what you have done to these people, and I hope that you will go along with my good friend Mr. Tierney.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I thought that a hundred years ago Lincoln freed the slaves. I guess I was wrong.

Mrs. Tarr was granted permission to speak a third time.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to go back over some of the testimony presented by Mr. Laffin. I am sure if Mr. Laffin and Mr. Usher are working to help those people, they certainly will be successful. I am just asking this morning for the courtesy to offer my amendment and I wish you would give me that chance. It is not the same as it was before and I would like that chance to offer this amendment to you.

The things that Mr. Dam was talking about, this law that I am trying to change is on the books now, so if he has that much problem with what is on the books, why won't he give me a chance to offer an amendment to try to change it? I plead with you, please, to let me recede and offer my amendment and we will go at it again, and I am not afraid of that. Just give me the opportunity.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just go over the issue that we are talking about and try to explain what I see as some of the inconsistencies in the statements that have been made.

First of all, I want to admit that I bought the argument of people like the learned gentleman from Durham, Mr. Tierney and the gentleman from Westbrook, Mr. Laffin, and I voted against this bill the first time it was here. Since then, however, I have had a chance to look at the statute and find out exactly what we are doing with this bill.

Let me explain to you. As I said, the example cited by the gentleman from York and also, as it turns out, I think, the example cited by the gentleman from Skowhegan would not come under this bill, this bill would not affect that. We are talking about voluntary quit. In order to even have to worry about Mrs. Tarr's amendment or the bill, it has to be something called a voluntary quit. Someone who quits their job for causes attributable to employment does not come under this, so if they have a lot more work put on them or are transferred and therefore they quit, then that would mean that they would not even come under this statute so we wouldn't have to worry about it at all. What we are talking about is someone, who for other reasons, decides that they want to quit their job for personal reasons. If that person does quit and comes under the voluntary quit section of our statutes what happens? Under the present law, they cannot get any unemployment benefits for 12 weeks or until they have earned eight times their weekly benefit amount, which would be about, I guess, \$400 or some dollars. That is the present law.

It is the "or" that Mrs. Tarr is trying to take out, and that is because what happens is that somebody will work in order to qualify for unemployment benefits and then quit voluntarily for personal reasons. After 12 weeks, they are eligible for 65 weeks of unemployment. Mrs. Tarr's original bill struck that out and said that the 12 weeks would be gone but you would have to earn the \$400 before you could be eligible for the 65 weeks of unemployment.

Now, what she wants to do is to reduce that even further and say, if you quit your job voluntarily for personal reasons just because you are tired of working, for an example, that before you can collect unemployment for 65 weeks, you have to have earned \$200. Why is that so burdensome? It doesn't affect the person who quits because the employer is trying to get rid of him

and puts extra work on them and therefore he quits. In fact, all the debate about that is irrelevant to this bill, because those people don't come under it and anything that we do on this bill is not going to affect them one bit.

The idea of appealing that and everything else doesn't have any bearing on this bill, because once they are let go, they are going to have to decide, once they quit, they are going to have to appeal it anyway, whether we pass this bill or not, if they want to say they don't come under the voluntary quit section.

I think we ought to recede so that we can entertain that amendment which, as a matter of fact, changes our law down to only require them to earn about \$200 which, by the way, is exactly what Massachusetts has.

Mr. Tierney was granted permission to speak a third time.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Bangor for characterizing my educational background as being efficient enough so that I could be considered a learned gentleman and so, from that standing, I would like to inform him that he is dead wrong on several points.

First of all, the good gentleman tried to end up by saying that this is exactly what Massachusetts does and he is wrong, and if he had taken the time to read the Massachusetts law, as a good attorney should, he would find that although Massachusetts does, indeed, have four times the benefit amount, has several other exculpatory causes, which would take care of many of the problems and abuses which have been presented and that, indeed, the four times, only sits in the middle of a very long statute in the Massachusetts law.

Number two, the remarks by my good friend from Skowhegan are right on point when he talks about the difficulties in appeal. And number three, we are, indeed, talking about many situations where people are harassed from employment, because we all know the old management trick. You harass a guy, you get him to a point where he is going to quit or whether you are going to fire him and the employee comes and says, well, at least let me resign. Then the employer magnanimously says, all right, I will let you resign and then you can get a job somewhere else. So the guy resigns and goes down to the unemployment office and finds out that he is a voluntary quit.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not a lawyer and I don't want to get involved in law terms with my good friend from Bangor and my good friend from Durham, Mr. Tierney, but I am speaking on the level of what an individual does on voluntary quitting. The gentleman from Bangor is right, that is the issue of this bill and I can plainly see that he never worked in a shoe shop or a paper mill or a box factory or a dowel mill. We have those mills in Westbrook and I am very well acquainted with them. I don't know the law because I don't have any learning, but I know the problems of the working people of this state and that is what we are debating today.

I don't care about what the laws in other states are. I didn't know them in the first place and I don't know all the Maine laws, to be truthful with you, but I know what is good for the working people of this state and I know when people are harassed, forced to quit, people that depend on mills for their living, people that can't go to Florida every winter, people that can't enjoy the Maine woods, like the environmentalists want you all to do, there are some people in this state who have to work from payday to payday to make a living to pay their bills. Whether there are some in this House that don't believe that or not, I could educate

you in that field because I am well acquainted. I know that there are a lot of employers who are completely rotten to the working people of this state.

I have only been up here for two years and it didn't start then, it started way back a long time ago. I could talk to you for hours on misuse that management has on the working people of this state. I would advise some of you people to get into industry and see the mismanagements, live in a milltown, see what they have to go through.

Mrs. Tarr of Bridgton was granted permission to speak a fourth time.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate your patience. I really do. I have worked hard on this and I would just ask you to give me the motion to recede and I will talk with you again.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of Mrs. Tarr of Bridgton that the House recede. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Birt, Bowie, Byers, Clark, Connors, Curtis, DeVane, Doak, Dudley, Durgin, Dyer, Farnham, Fenlason, Garsoe, Gould, Gray, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Mackel, MacLeod, Maxwell, McBrearty, McKernan, Morin, Morton, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Rideout, Rollins, Silverman, Snowe, Sprowl, Strout, Susi, Tarr, Teague, Torrey, Tozier, Twitchell, Tyndale, Wagner, Walker, Webber.

NAY — Albert, Bachrach, Berry, P.; Berube, Burns, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Dow, Drigotas, Farley, Faucher, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, LaPointe, LeBlanc, Lizotte, Lynch, MacEachern, Mahany, Martin, A.; Mills, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Pearson, Pelosi, Peterson, T.; Post, Quinn, Raymond, Rolde, Saunders, Shute, Snow, Spencer, Stubbs, Talbot, Theriault, Tierney, Truman, Usher, Wilfong, Winship.

ABSENT — Bennett, Blodgett, Boudreau, Gauthier, Hinds, Hobbins, Jacques, Kennedy, Martin, R.; McMahon, Peakes, Powell, Smith. Yes, 63; No, 74; Absent, 13.

The SPEAKER: Sixty-three having voted in the affirmative and seventy-four in the negative, with thirteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Bustin of Augusta, the House voted to adhere.

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

Mr. TIERNEY: Mr. Speaker, having voted on the prevailing side, I move that we reconsider our action whereby the House adhered and hope you all vote against me.

A viva voce vote being taken, the motion to reconsider did not prevail.

Non-Concurrent Matter

Bill "An Act Regulating Water Well Drilling" (H. P. 2231) (L. D. 2319) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on March 24, 1976.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I think that this bill had a good outing the other day and that the

Business Legislation Committee explained it quite well. I would move we recede and concur with the Senate.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not recede and concur so that I might be in a position to make the motion to adhere to our former action. If you will recall, our former action was to defeat this bill by a vote of 95 to 44.

Right now, I am going to apologize to the membership for having to get up on this bill again. I am not going to apologize to the leadership. The leadership allowed this bill in here, a bill that has been before us five or six times in regular sessions, so why should we even have it? It is not an emergency measure, that is quite clear. But I will make an apology to the membership and I would ask you to remember that the sponsors and supporters of this bill have told you that it would clean up water and all kinds of nice things. Maybe so, I suggest that there is a better way, and if that is, in fact, the intent of the well drilling association to clean up the water, why not bond these people if there is abuse? Require them to have a bond. If you had a bond, there would be no need for a board, another board established, be no need for paying somebody \$25 a day, the bond would not cost any more than the bill calls for the license fee. But I submit to you that that is not what the intent of the bill is, the intent of the bill is to close the shop, that is what the real reason is.

I hope that you won't go along with the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I very seldom differ with the gentleman from Buxton, Mr. Berry, but I just would like to clear up a few points.

This bill has been brought up in several sessions and it has, at the insistence and the complete agreement amongst most of the well drillers in the state and for various political reasons and clouding the issue at time to time, it has been up for enactment, I think, a couple of times and got defeated by a narrow margin because of some quirk here and there.

Now, the Business Legislation Committee took this bill, after a very lengthy, good hearing in the regular session. We had a room packed with well drillers from one end of this state to the other, an honest attempt by them to regulate their industry because we had been told by the Attorney General's Department and from the Department of Geology that we were getting complaints and that there was no recourse for people getting bad jobs done.

As I said before, there is no guarantee that this is going to guarantee good water. However, it might give these folks some recourse or somebody to go to.

This had a fiscal note on it in the regular session. I had it taken off because I was a realist at that time and knew that the Appropriations Committee and the times would not stand even a small appropriation on this bill. Therefore, we feel that the fees in this bill will generate any amount of money or indebtedness that might be incurred by paying a board member who would go to the locality and the person would not have to come, if I am correct in this, to Augusta to be heard in his complaint. This is one of the main reasons.

These folks on the committee — I have left the bill alone — they have worked out what I feel is a good workout with the industry after many hours in open sessions so that what you have before you today is something that has been culled down, worked over, improved after many years, and if they have had the will power

to not be beaten down after those many years to get it back up here and there is a demand for it and a reason for it, I see no reason why we shouldn't try to pass a piece of legislation that an industry wants.

The SPEAKER: The Chair will order a vote. If you are in favor of the motion to recede and concur, you will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Clark of Freeport 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. 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 Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I accept the apology of the gentleman from Buxton, Mr. Berry, but, in fact, there is no need for an apology, for we all know why this bill is before us.

It was introduced in the 107th Regular Session, it was granted a "leave to withdraw" and the leadership and the Reference of Bills Committee, like a number of other bills, allowed its entry into the special session because of its report in the regular session.

I find it totally inconsistent that members of this House would overwhelmingly vote to allow geologists, soil scientists, audiologists and speech pathologists to have influence within their professions and industry and the rules and regulations which govern their professions and industries, why not Maine's well drillers? Well over 35 professions and industries in this state are self governing.

The Maine Well Drillers Association met three weeks ago tomorrow and at that meeting, this bill was presented to them, word by word, line by line, period and comma. They voted without dissent to accept this measure. They had one concern, and the concern was the fee schedule. The Committee on Business Legislation accepted their proposed change and incorporated that change into the legislative document number 2319 before us.

I, and other members of the Business Legislation Committee, and obviously a majority of this legislature, do embrace the concept that members of professions and industries in this state should, indeed, be influential in the direction of their industry.

I would hope that you would support the motion to recede and concur, for this legislation, L. D. 2319, is different from all other bills which would seek to regulate an industry. This is model legislation and, again, I refer you to the sections on Page 4 regarding complaints, violations, rules and regulations and reports on Page 7. No other statutory law in this state provides for the openness, the input, the waiting periods, the mandatory time periods, for input from not only members of the profession but members of the public in the promulgation and direction of an industry.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to commend the Business Legislation Committee for this particular document and the way it is constructed. I would like to add, it is unfortunate that the hundreds of other boards and departments in the State of Maine are not drafted in this same manner. Despite their good efforts, there is absolutely no need for this piece of legislation.

As I mentioned before, the simplest mechanism to take care of the problem is to

quire a well driller to buy a very simple bond. You can eliminate everything that is in the bill if a well driller has a bond, and you would serve exactly the same purpose that the bill is trying to serve.

At this point, I guess I would pose a question to the sponsor or anybody on the Business Legislation Committee. If this bill passes, is it closed-shop legislation and would it result in higher prices from well drillers?

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if I can answer the good gentleman's questions, but it seems a bit ironic to me that this state would mandate legislation, regulations, rules promulgated by other boards such as hairdressers, electricians and barbers and yet when it comes to the vital water supply that the people of this state drink from a well, all of a sudden we have got too many boards.

It also seems a bit ironical that the people yesterday, who were arguing in favor of an act to regulate drinking water, which came out of the Public Utilities Commission, are arguing against this bill today.

I don't know what more we can say. I think maybe our destiny has already been decided here, but I really feel that this is a good bill. We have some other boards in this state that are acting under similar legislation, similar structure, except that this one goes a little bit further and offers a great deal of input. I don't think it closes shops to anybody that wants to enter, no more than the education requirements and the years of practice that a barber needs to cut hair in the State of Maine.

I would hope you would go along with the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: If there is one thing that makes my blood boil, it is continuing to pass regulations to close shops on people and to prevent them from earning an honest living. Gosh, it makes me mad.

Let me just relate something that happened to me. I apprenticed for six years as an apprentice land surveyor. I went away into the military and came back and found that the State of Maine had passed a law regulating land surveyors and found myself on the outside looking in because I didn't come under the grandfathering act.

If you want to continually harass people and prevent them from earning a living and shut them off, then I would ask you to support the present motion. As for myself, I am going to vote to defeat it.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bar Harbor, Mr. MacLeod, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Birt, Blodgett, Boudreau, Byers, Clark, Connors, Curran, P.; DeVane, Dyer, Farnham, Gray, Higgins, Hughes, Immonen, Kany, Kelley, Lewin, Littlefield, Lynch, MacLeod, Miskavage, Morton, Palmer, Perkins, T.; Pierce, Rolde, Rollins, Saunders, Snow, Snowe, Sprowl, Susi, Teague, Theriault, Tierney, Torrey.

NAY — Albert, Bennett, Berry, G. W.; Berry, P. P.; Berube, Burns, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Connolly, Cooney, Cote, Cox, Curran, R.; Curtis, Dam, Davies, Doak, Dow, Drigotas, Dudley, Durgin, Farley, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Hunter,

Hutchings, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kauffman, Kelleher, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewis, Lizotte, Lovell, Lunt, MacEachern, Mackel, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahon, Mills, Mitchell, Morin, Mulhern, Nadeau, Najarian, Norris, Pearson, Pelosi, Peterson, P.; Post, Quinn, Raymond, Rideout, Shute, Silverman, Smith, Spencer, Strout, Stubbs, Talbot, Tarr, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship.

ABSENT — Bachrach, Bowie, Fraser, Gauthier, Hinds, Hobbins, Jacques, Kennedy, Silverman, McKernan, Peakes, Perkins, S.; Peterson, T.; Powell.

Yes, 38; No, 98; Absent, 14.

The SPEAKER: Thirty-eight having voted in the affirmative and ninety-eight in the negative, with fourteen being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Set the Unemployment Insurance Contribution Rate for New Employers at the Average Contribution Rate for all Employers in the Previous Year" (H. P. 2144) (L. D. 2284) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-1010) in the House on March 23, 1976.

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" as Amended by Senate Amendment "A" (S-471), thereto, in non-concurrence.

In the House: On motion of Mr. Tierney of Durham, tabled pending further consideration and tomorrow assigned.

Orders

Mr. Rollins of Dixfield presented the following Joint Resolution and moved its adoption: (H. P. 2253)

IN MEMORIAM

Having Learned of the Death of the Honorable C. Henry Holman of Dixfield Member of the 89th and 90th Maine Legislatures

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

The Resolution was read and adopted and sent up for concurrence.

Mrs. Goodwin of Bath presented the following Joint Order and moved its passage: (H. P. 2252) (Cosponsor: Mr. Hennessey of West Bath)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Bath Chapter of the Distributive Education Club of America in Morse High School, Whose Members Have Raised \$1,700 by a Dance Marathon on Behalf of Muscular Dystrophy Research

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage: (H. P. 2251)

WHEREAS, the value of Maine's public school buildings is reputed to be \$738,000,000 and the cost of insurance premiums to pay for their protection during the last 4 years has been almost \$6,000,000; and

WHEREAS, there is grave concern that, despite these high premiums, many school buildings are underinsured and their replacement in case of disaster would place a heavy burden on the state's taxpayers over and above the payment of claims by insurance companies; and

WHEREAS, the State of Maine, operating under a \$500,000 deductible self-insurance program paid \$329,000 in premiums in 1975 to cover \$442,000,000 value in state buildings; and

WHEREAS, it is imperative that the Legislature identify unnecessary costs and the possibility of serious emergency cash demands; wherever found in the thread of State Government; now, therefore, be it

ORDERED, the Senate concurring, that the special subcommittee of the Appropriation and Financial Affairs Committee study the funding of state agencies, review the procedures by which our public schools are presently insured, examine the possible financial jeopardy to the taxpayer in case of an emergency and identify alternative methods to protect school buildings which might offer more coverage at the same or lower cost; and be it further

ORDERED, that the subcommittee report its findings, along with suggested legislation it may choose to support, at the earliest possible time to this special session or the next special or regular session of the Legislature.

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

House Reports of Committees Divided Report Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Prevent Impoundment of Funds" (H. P. 1985) (L. D. 2173) reporting "Ought Not to Pass"

Report was signed by the following members:

Messrs. MARCOTTE of York
HUBER of Cumberland
— of the Senate.

Messrs. JALBERT of Lewiston
MacLEOD of Bar Harbor
CARTER of Winslow
LeBLANC of Van Buren
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on the same Bill.

Report was signed by the following members:

Mr. GAHAGAN of Aroostook
— of the Senate.

Mrs. GOODWIN of Bath
Messrs. GARSOE of Cumberland
SMITH of Dover-Foxcroft
— of the House.

Reports were read.

Mr. Smith of Dover-Foxcroft moved the House accept the Minority "Ought to pass" Report.

(On motion of Mr. Rolde of York, tabled pending the motion of Mr. Smith of Dover-Foxcroft to accept the Minority Report and tomorrow assigned.)

Divided Report Tabled and Assigned

Six Members from the Committee on Education on Bill "An Act Relating to the Effective Dates for School Lunch Programs and Occupational Safety and Health in Public

Employment" (H. P. 2207) (L. D. 2307) reporting in Report "A" that the same "Ought to Pass" as Amended by Committee Amendment "A" (H-1106)

Report was signed by the following members:

Mr. THOMAS of Kennebec
— of the Senate.

Messrs. POWELL of Wallagrass Pt.
BAGLEY of Winthrop
CARROLL of Limerick
FENLASON of Danforth
LYNCH of Livermore Falls
— of the House.

Four Members from the same Committee reporting in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Mr. BERRY of Androscoggin
— of the Senate.

Mrs. MITCHELL of Vassalboro
Messrs. INGEGNERI of Bangor
CONNOLLY of Portland
— of the House.

Three Members from the same Committee reporting in Report "C" that the same "Ought to Pass"

Report was signed by the following members:

Mr. KATZ of Kennebec
— of the Senate.

Mrs. LEWIS of Auburn
Mr. TYNDALE of Kennebunkport
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, I move that the House accept Report A and I would speak to my motion.

Tye SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the House accept Report A "Ought to pass."

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This document, as presented to the Legislative Education Committee, contained two sections. Section 1, in effect, delayed the implementation date from September 1978 to September of 1980. This is not mandatory. There is still a provision that the commissioner, upon proper application, may, with the authorization of the State Board of Education, permit a public school to postpone the establishment of such nonprofit food services.

Part of the reason that we have come out with Report A is because of the mandatory moratorium on school construction.

Section 2, in effect, postpones the occupational safety and health in public employment until July 1, 1978, and the members who signed Report A felt that the Education Committee was not the committee to deal with OSHA in public employment. I would suggest, that you support Report A.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I really concur with Mr. Lynch and I hope that you will go along with the extension of the school lunch program. However, this is the only bill coming before this body that even mentions the Occupational Safety and Health Act, and it does ask for an extension of that, too. I realize that after the experience the Education Committee had dealing with taxation, some of you might not have wanted us to tackle a labor problem, but we did, and I would support it, because, as I say, this is the only opportunity you would have to vote on an extension of the OSHA.

I don't have the figures for complying with it for the entire state, but if the schools have to

comply and the regulations are really enforced, it would cost about a million dollars. I have a memo from the commissioner, and he says he believes a reasonable figure on the cost required to fully comply with OSHA might be in the vicinity of a thousand dollars. Then when you multiply the number of schools, it would result in approximately a million dollars for statewide cost. This, of course, would have to be borne by the property taxes. So if you people would be willing to give an extension to the time that we have to comply with OSHA, it would save you people in your towns property tax money.

Thereupon, on motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Lynch of Livermore Falls that the House accept Report A and tomorrow assigned.

Divided Report

Majority Report of the Committee on Election Laws on Bill "An Act Relating to the Form of Ballots" (H. P. 2063) (L. D. 2233) reporting "Ought to Pass"

Report was signed by the following members:

Messrs. BERRY of Cumberland
CORSON of Somerset

— of the Senate.

Mrs. BOUDREAU of Portland
Mrs. DURGIN of Kittery
Messrs. KENNEDY of Gray
SHUTE of Stockton Springs
MACKEL of Wells
CALL of Lewiston
TALBOT of Portland
BUSTIN of Augusta
BIRT of East Millinocket

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1096) on the same Bill.

Report was signed by the following members:

Mr. O'LEARY of Oxford

— of the Senate.

Mr. FAUCHER of Solon

— of the House.

Reports were read.

On motion of Mrs. Boudreau of Portland, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Tabled and Assigned

Nine Members from the Committee on Health and Institutional Services on Bill "An Act to Provide for the Licensing of Denturists" (H. P. 1991) (L. D. 2178) reporting in Report "A" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. HICHENS of York
GREELEY of Waldo
BERRY of Androscoggin

— of the Senate.

Mrs. LAVERTY of Millinocket
Messrs. KENNEDY of Gray
CURRAN of South Portland
LOVELL of Sanford
HENNESSEY of West Bath
SPROWL of Hope

— of the House.

Two Members from the same Committee reporting in Report "B" that the same "Ought to Pass" in New Draft "A" (H. P. 2254) (L. D. 2324) on the same Bill.

Report was signed by the following members:

Messrs. LaPOINTE of Portland
GOODWIN of South Berwick

— of the House.

Two Members from the same Committee

reporting in Report "C" that the same "Ought to Pass" in New Draft "B" (H. P. 2255) (L. D. 2325) on the same Bill.

Report was signed by the following members:

Mrs. POST of Owl's Head
MORIN of Old Orchard Beach

— of the House.

Reports were read.

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

Mr. DUDLEY: Mr. Speaker, I would like to ask you to accept Report B, L. D. 2324.

(On motion of Mrs. Najarian of Portland, tabled pending the motion of Mr. Dudley of Enfield to accept Report B and tomorrow assigned.)

Divided Report

Tabled and Assigned

Majority Report of the Committee on Veterans and Retirement on Bill "An Act to Clarify the Retirement Statutes" (Emergency) (H. P. 1860) (L. D. 2027) reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1105)

Report was signed by the following members:

Messrs. COLLINS of Knox
CLIFFORD of Androscoggin
O'LEARY of Oxford

— of the Senate.

Mrs. KELLEY of Machias
Mrs. LAVERTY of Millinocket
Messrs. MORTON of Farmington
CURTIS of Rockland
MacEACHERN of Lincoln
LEONARD of Woolwich
NADEAU of Sanford
THERIAULT of Rumford
USHER of Westbrook

— of the House.

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

Report was signed by the following member:
Mr. POWELL of Wallagrass Pt.

— of the House.

Reports were read.

On motion of Mr. Theriault of Rumford, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-1105) was read by the Clerk.

(On motion of Mr. Rolde of York, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.)

Consent Calendar

First Day

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

Bill "An Act Relating to Property of Survivor where Joint Deposits or Accounts are Involved" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-460) (S. P. 664) (L. D. 2102)

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

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-460) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Consent Calendar

Second Day

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

Bill "An Act to Clarify Municipal Development Authority" (Emergency) (C. "A" H-1077) (H. P. 1882) (L. D. 2060)

On the request of Mr. MacEachern of Lincoln, was removed from the Consent Calendar. Thereupon, the Report was accepted and the

Bill read once. Committee Amendment "A" (H-1077) was read by the Clerk.

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

House Amendment "A" to Committee Amendment "A" (H-1107) was read by the Clerk and adopted.

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

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

Bill "An Act to Increase the Borrowing Capacity of the Topsham Sewer District and to Specify and Clarify Eminent Domain Powers" (Emergency) (C. "A" H-1081) (H. P. 2187) (L. D. 2301)

No objection having been noted at the end of the Second Legislative Day, the above item was passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Provide for the Licensure of Speech Pathologists and Audiologists" (S. P. 673) (L. D. 2144)

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: We used such good judgment on the bill to regulate water well drilling in indefinitely postponing it, I would hope that we could do the same thing with this bill. This is creating another licensing board for a maximum of 40 people, 5 people to regulate a maximum of 40 people in area of speech pathology and audiology, an area where there is absolutely no trouble. Nobody has had a complaint that these people are not doing a good job and that they need to be regulated.

As you probably know, we have a good many speech pathologists and audiologists in our public schools, but these people would not come under this regulation. They have to be certified by the Education Department.

Now that we have become probably the highest tax state in the nation, I certainly hope we are not going to become

The SPEAKER: The Chair hates to have a problem with the gentlewoman from Auburn, but the tax question is not before us at the moment.

Mrs. LEWIS: Mr. Speaker, I said that now we have, I hope we won't become the most highly regulated, too.

That is all I had to say on this. It is creating another board, it increases bureaucracy for something that we really have no need for.

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

A vote of the House was taken.

52 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

Bill "An Act to Prohibit Public Utilities from Including Certain Political Advertising Material along with Customer Bills" (H. P. 2249) (L. D. 2323)

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

Second Reader

Later Today Assigned

Bill "An Act to Implement a Central Licensing Division within the Department of Business Regulation" (H. P. 2153) (L. D. 2294)

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

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: At this time, I would like to move that we indefinitely postpone this bill and all accompanying papers.

The SPEAKER: The gentleman from Hallowell, Mr. Stubbs, moves that this Bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not go along with the motion to indefinitely postpone. This bill represents part of the study made by the Maine Management and Cost Survey and it is one, which, if adopted, could lead to substantial savings in state government.

The bill is long and tedious, but it required many, many changes in the law and some of them are just to say that the licenses will be issued very two years instead of one year and then you have to go along and double the license fee and so forth. But basically what this does, it centralizes the issuing of licenses of some 50 different occupations into one location under the Department of Business Regulation.

Now, the word has gotten around that this would do away with the boards that determine whether or not a person should be licensed as a class A electrician, journeyman, plumber, chiropractor or what not. This bill does not take away that authority from any board. The board will pass on the qualifications, then it notifies the central licensing bureau that they have passed on the qualifications of John Doe and he is entitled to be licensed as a master plumber. It can mean a substantial reduction in the number of people handling these licenses and the board would, automatically, every two years, send out a notice to the person that his license is due to be renewed.

Another thing it would do is spread the workload, and there are over 60,000 people licensed, and as the workload is now, some months they are issuing 10,000 licenses, some months only 1,000 or 2,000. If we take that 20,000 licenses and you put them on a two-year basis, it would only mean a small number to be issued each month, which greatly cuts down the workload or makes it so that one or two people instead of a great number of people can handle it.

Furthermore, one of the objections to this is to start this program up, you have to put it onto a computer. This can be a little bit expensive, so we are going to take some of the funds that these boards have accumulated, only to the extent necessary to computerize their records.

Now, the nurses, who are the biggest group, over 10,000, have already done this on their own. They have computerized their nurse registry. They go along with this bill because it has gotten to be a heavy burden on them to try and issue all these licenses, and they realized it would be much better to have them spread out during the years.

One of the very fine gentlemen that appeared before us, he really was concerned, he handled the licenses for engineers and he still has the impression that the Business Department would be deciding who was to be licensed as an engineer. This would still remain with the board which he heads. This is an elderly man. He has dedicated his life to this, and he personally takes it upon himself to see that all the licenses are issued, but he doesn't do it alone. Most of these boards have someone who comes in to one of the various state departments and uses somebody else's time or somebody else's machinery to do the work.

I think this is and could be a decided step forward. I know the opposition because there are 50 of these boards they are all afraid of giv-

ing up something. You know, the time may come when we may all get fed up with this licensing of occupations and wipe out all the boards.

Another thing that this could control, being under the Department of Business Administration, some of these little groups, when they pile up to \$10,000 or \$15,000 in their kitty, and these are dedicated funds, nobody can touch them, they will decide there is a convention out in San Diego so we send three people out to San Diego and back and they have an awful good time, they don't learn anything but they have wiped out that \$10,000. Their argument is, well, that isn't taxpayers' money. That is true, it isn't taxpayers' money, but the people who had to buy a license, which is too high because it is financing some of these junkets, would be able to get a license a lot cheaper. Therefore, I would urge you to go along with this bill.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: As some of you may have noticed, I don't always agree with the previous speaker but this is one instance in which I feel he is dead right.

As the gentleman from Sabattus, Mr. Cooney, said yesterday in giving the background of this bill, this really is a cost management effective bill, I think. It only makes sense to put some of these diverse boards from around the state under some central licensing and central oversight provision, and I think this bill which appeared in the Governor's call for the special session and which indicates the importance that the Governor attaches to it is a very sound bill and I hope that you will defeat the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: The best thing about this bill is its title. In theory, it would do everything for all these boards. I would like to point out that this is a 54-page bill just packed full of various rules and regulations that it proposes to do to these different boards.

Our committee received this bill two days before it was reported out. There wasn't five minutes worth of study put into this bill by our committee, this particular bill that is before us right now. I think that if you would ask those that are speaking for it, they would admit that the committee has really not studied this in detail. It hasn't studied it at all. I don't say that this isn't a good concept, but to just accept the 54-page bill without proper committee study is not right. It speaks of computerization. Wonderful, but we received no testimony in the committee other than the fact that they were going to take 10 percent from every one of these different boards and agencies dedicated funds to implement the thing. We received no information as to the cost or any proposals in that respect of setting up the whole operation.

It revamps 31 boards. Many of the different boards had no input, virtually no input whatsoever in this bill. The chairman of one board spoke to me. He said that he first knew about it at three thirty in the afternoon the day before the hearing and he was presented with this bill to study. He didn't have any input in the makeup of this. We heard testimony from others that indicated that they had very short notice. You just heard testimony that there are some 60,000 licenses given out every year. I say, this affects a lot of people and before we disrupt their livelihood, let's put out a bill that has had a little work and a little study on it.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I will support the indefinite postponement of this bill. The previous speaker has indicated that in his opinion this

bill, this 54 pages, could contain a lot of goodies, hardly any of us understanding what possibly it does include.

I wonder how many of you know that this bill has buried in it something that would reinstate running horse racing in this State of Maine. How much publicity has been given to that? I feel, as a person interested in harness horse racing, that this is a substantive issue that should receive hearings. Instead, through a neat little maneuver, somebody has managed to get into this bill a provision that instead of a \$5,000 annual fee there shall be a \$20 daily fee, which would reinstate running horse racing in the State of Maine. Now, this may not be important to you, but to about 1,000 families here in the state who are attempting to scrounge out a living in the business of harness horse racing, it is very important to them.

There is no running horse racing effort here in the State of Maine now. There are no running horses, there are no people involved in it, this is purely a device of the management of particularly one track to hold over the head of the harness horse people so as to keep their wages down, by threatening to bring in horses from out of the middle west and what not, and use running horse races.

Here is one instance of one of these little goodies that was buried in this bill that none of us know about and I suspect there is a lot more. So, I hope that you indefinitely postpone the bill.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: The item that the gentleman from Pittsfield, has brought up is the only incongruous thing that is in the bill. I had thought that since this was the second reader of the bill, Mr. Kelleher or someone else who did come down and testify on the bill would have an amendment to take this one section out. I am sure the other members of the committee would be most agreeable to that.

I said yesterday that we would move this to second reader and I would like to receive amendments so that people who had specific objections to any individual sections could correct them at this time. It is a major piece of legislation.

I disagree with the gentleman from Hallowell, Mr. Stubbs that it has not received committee scrutiny or careful study and work.

It was, as I said, the product of the Cost Management Study, then we passed a skeleton bill in the regular session. The committee was in at least some contact with the executive department throughout the summer and a bill was finally drafted early this year with our knowledge. This bill is one that is long, but it is long only because there are places where you go through each board's law and say from one year on the licenses, you scratch one and you write in two. So, you must have many pages for the many different sections of the law that are approached with this feature.

There are no discretionary changes in any of these boards' powers. They keep all of their powers with regard to rules and regulation, who gets a license and whatever their powers are. No board members lose their jobs, no directors lose their jobs. The only thing happens in this bill is that they must come together with the bureaucratic part of their operations and that is an efficiency that I think we should stand up and support this morning.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: I hope you do indefinitely postpone this bill. The arguments for it sound an awful lot like the arguments that were used to win all the colleges and that was supposed to save an awful lot of money and it certainly hasn't, it has

cost us a lot more. For one thing, the boards won't be dismantled, so it would be a lot simpler for them to just take care of the licenses they have to take care of instead of leaving it to another, well, it would have to be quite a crew to take over all the licensing. I hope you do indefinitely postpone this. It is going to cost a lot more money than what they say.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: This 50-some-odd-page document certainly is one which I cannot support either. I would have to agree with the gentleman from Hallowell, that it looks like it had about five minutes work done on it.

However, I hope that you will not indefinitely postpone this bill, at least until you have the opportunity to look at a very brief portion of the bill, which Mrs. Clark is going to offer as an amendment, which I think is a very common sense section of the bill to save. So, I hope you will vote against indefinite postponement, discuss her amendment, and then if you want to dispose of the whole bill, you will have the opportunity to do so then. I would urge you to vote against indefinite postponement at this time.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the argument that was just presented has anything to do with it. We just had the same kind of argument for another bill and they didn't have a chance to put it in either.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Hallowell, Mr. Stubbs, said that this didn't have a public hearing. It had a hearing in the 107th. If you wanted to get plumbed, you got plumbed, if you wanted to get electrocuted, you could get electrocuted, if you wanted to have your hair fixed, you could have that either by a barber or cosmetologist, we had a room full of people.

Now, some remarks were made about the hearing we had this year. One man didn't get his notice about the hearing. Why? He is in Florida for the winter and his family opens the mail and what they think is important they forward to him, what they don't think is important, they don't forward to him. I just want to reiterate that this does not in any way change the power of the boards.

I would like to ask you — I will bet there is only one person in this building, in this room, that knows where he would go or where he would send someone if they were looking for a plumber's license, because that is apt to be out at the second shopping center. If he wanted to be an electrician he is probably over across at the building they have fixed up over at the old state hospital. These people are scattered all over Augusta. In fact, they are not all in Augusta. The one on the doctors is in Waterville. So if you want to find out something about that, you go there. What this bill would do is at least put it in one place where people would know where to go and not have to run all over the State of Maine.

I am telling you, we had plenty of people at hearings. I am telling you, the committee put a lot of time on this bill. We didn't have to write all the bill because half of it is just changing where it says annual to biannual and little changes like that, or if it said it had to go before the Governor and council, we probably struck out the council. It makes a lot of changes in the law but they don't mean a thing. I hope you will go along with this bill.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I am a signer of the "ought not to pass" report on this bill. It is a difficult position, because I agree with most of what the gentleman from Hampden, Mr. Farnham, has just told you. I think we need a licensing bureau, a centralized bureau of some sort. However, as the gentleman from Hallowell, Mr. Stubbs, has mentioned, this bill, for some reason, didn't come in until the very last public hearing that State Government Committee had, and to just reiterate what the gentleman from Pittsfield, Mr. Susi, said this bill, in my opinion has too many little zingers in it that we are not all aware of. You can read the bill and it really doesn't tell you where the zingers are until you go back to your complete set of statutes and go through to find out what titles are being referred to and so forth.

I would just remind the members of this House, and this is the way I am looking at the bill at this moment, not only this bill but other bills, it was mentioned a few days ago by a well known personality in this House that if he didn't know what was in the bill, he was going to vote against it, and I support that wholeheartedly.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Snowe.

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: I also am a signer of the "ought not to pass" report because, simply, I was not convinced that this was a cost efficient measure. Certainly, consolidation can prove to be a cost savings; however, in this case, when you are taking a number of regulatory agencies and boards under one department, it may not turn out to be cost savings.

Also, it gives the commissioner a great deal of administrative authority. He is allowed to assess the boards and agencies for the amount of money it will cost to issue all licensing within the licensing bureau. It also allows the commissioner to assess the different bureaus and agencies for computerization start-up costs, and as we know, computer costs are very expensive. It also gives the commissioner a great deal of authority to determine the type and form of the information collected for licensing purposes. So, for these reasons and at this time, I do not feel that this is the proper time to pass this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do not indefinitely postpone this bill so that I might have an opportunity to present my amendment.

The SPEAKER: The gentlewoman may present her amendment at this time if she so desires.

Thereupon, Mrs. Clark of Freeport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1111) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: The House Amendment that I placed before you, which has been distributed on your desk, would remove from the Central Licensing Division all the boards and commissions not presently by law included within the Department of Business Regulation. In other words, the effect of this amendment would be to go forward with the implementation of a Central Licensing Division within the department but all the bureaus, boards and commissions selected for inclusion for central licensing would be limited to only those agencies now located in the department.

In other words, the department is currently comprised of the following bureaus, boards and commission — there are eight of them: The

Bureau of Banking, Bureau of Consumer Protection, Bureau of Insurance, the Electricians Examining Board, the Oil Burner Men's Licensing Board, the Land Damage Board, the Maine State Boxing Commission and the Real Estate Commission.

L. D. 2294, which has been debated this morning, in its original as well as in its amended form, will extend the term of most licenses from one to two years and permit the expiration dates of the various licenses to be staggered throughout the calendar year.

Currently, there are over 25,000 licenses processed and issued each year and the eight agencies now included in the Department of Business Regulation. The Commissioner, Mr. Gelder, estimates that L.D. 2294, even though applicable only to the existing eight agencies within the Department of Business Regulation, should result in an annual net dollar saving of at least \$10,000 to \$15,000 a year.

Based on observations and the concerns of the Committee on Business Legislation, and as House Chairwoman of that same committee, I personally believe that there are many other boards and commissions that should be included within the Department of Business Regulation's central licensing program. Nevertheless, I believe that it would be prudent to go slow at this time.

The amendment that we are considering now would allow the central licensing concept to be established and tested within the Department of Business Regulation. If successful, then the concept could then, and only, perhaps, be extended to other independent licensing boards and commissions. Of course it must be recognized that full benefits of central licensing cannot be realized until other professional and occupational licensing boards within state government are included in the department.

However, I would again refer you to the Maine Management and Cost Survey which lists nine recommendations regarding examining and certifying boards. This is one of the Governor's priorities. I would suggest and honestly plead with you to give the concept a try within the Department of Business Regulation. I believe the concept has merit. If we try it within the Department of Business Regulation, then we can determine whether in fact these cost savings can be realized and whether we can again promote efficiency at state government level.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "ought not to pass" report, I recede and concur. Mrs. Clark has convinced me, I urge you to vote for her amendment and then, subsequently for the bill.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker and Members of the House: Although I was against this bill in the beginning, I think this amendment is very fair. It doesn't move any department from one position to another. Business Regulation already deals with banking, consumer protection, insurance, electricians, oil burners and so forth. I think that this would be a fair way to give this a chance.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I do not question the sincerity of this proposed amendment. However, it is amending this 54-page bill. For us to make a snap judgment here as to whether or not this is good or bad, this is asking an awful lot. The whole problem here needs a lot of study.

I would ask that you vote against this amendment

and also vote against the bill itself. We are being thrown something here in the very last days of this special session, something that to do it and to do it right should require a lot of study. What she is giving us here is sort of half a loaf to a whole problem. The whole problem needs to be attacked and it needs to be attacked effectively, but not this way.

The SPEAKER: The pending question is on the motion of the gentlewoman from Freeport, Mrs. Clark, that House Amendment "A" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative, and 21 having voted in the negative, the motion did prevail.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Clark has another amendment to this bill and I would like to see it tabled until later in today's session so that it might be offered.

On motion of Mr. Greenlaw of Stonington, tabled and later today assigned pending passage to be engrossed.

Amended Bills

Bill "An Act to Reorganize or Repeal Certain Activities and Agencies in Maine State Government" (H. P. 2143) (L. D. 2286) (C. "A" H-1079)

Bill "An Act to Repeal Certain Statutory Provisions for the Licensing of Boarding Homes and Day Care Facilities" (H. P. 1965) (L. D. 2154) (C. "A" H-1056 as amended by H. "A" H-1075)

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

Second Reader

Later Today Assigned

Bill "An Act Relating to Exceptional Children" (Emergency) (H. P. 1797) (L. D. 1956) (C. "A" H-1083) (H. "A" to C. "A" H-1104)

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

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side in the passage of this House Amendment "A" to Committee Amendment "A", I would move that we reconsider our action relative to this House Amendment.

The SPEAKER: The pending motion, if the gentleman wishes to get to that point, would be to reconsider adoption of Committee Amendment "A".

The Chair recognizes the same gentleman.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a statement or two. I have no objection to Committee Amendment "A" but I do feel that House Amendment "A" does present some rather serious implications that we did not fully understand when we passed it yesterday evening. I think for the sake of all of us, it would be well if we had a little discussion on this particular amendment and then put it to a vote. I move we reconsider adoption of Committee Amendment "A".

On motion of Mr. Lynch of Livermore Falls, tabled pending the motion of Mr. Mackel of Wells to reconsider adoption of Committee Amendment "A" and later today assigned.

Constitutional Amendment Failed of Final Passage

RESOLUTION, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and to Permit the Legislature to Override All or Part of Such a Veto by a Two-Thirds Vote of Each House (H. P. 1981) (L. D.

2170) (C. "B" H-942) (H. "A" H-943) (H. "C" H-1039)

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

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Before you today, you have the line item veto, which many of us feel is a necessity if we are to have fiscal responsibility in the government of the State of Maine.

We have debated this, we have seen it lobbied. As far as I am concerned, I have asked no one to vote for or against this bill outside of speaking here on the floor of the House. Of course, I realize that there has been some lobbying to vote against this bill and possibly ask for commitments to vote against it. This I do not know. I say to you that for years now many people in this House have worked for the day when Maine State Government can have the line item veto, an opportunity that the executive may check and balance certain items in the Appropriations Bill which, whoever the executive is, feels are unwarranted at this time and return those items back to the legislature for them to decide to override or sustain that veto.

I would only hope that in the process of government in the State of Maine that those who write up their party platforms are willing to live by their party platforms. I only look at one of our major parties that now control this House because of their appeal to the popular vote. I only hope they will live by their party platform. There was a very fine slogan that probably helped them gain control of this House and I read it to you: "Our platform is more than a set of promises. It is our commitment to transform ideas into legislation." This is noble and worthy.

I hope today, because of the change in this House over the past years, we will see the line item veto become a reality by allowing the voters of this state to have a chance to vote whether they feel this item should be part of the constitution. I respect that the vote you take on this roll call vote will merit that confidence.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I listened very intently to the fine gentleman from Calais, Mr. Silverman, who truly is a personal friend and I really respect and value his friendship. I listened intently to his remarks, he said that he didn't know, he wasn't quite certain about whether anybody had lobbied the bill. It is a known fact that I don't lobby any bills. I figure that I bargain, stand on my own merits or if the bill can stand on its own merit, fine, but I can guarantee you, that I broke the rule on this one because I even lobbied Mr. Silverman, and well does he remember that.

I can remember suggesting this bill — and I can notice my good friend on the left is looking at me, I can remember suggesting this bill in 1949 when he and I were both members of the house. I was told to get lost. That is when we had sixteen or seventeen members here. Now, you know we have given up the big box, single member districts. I don't want to give up my life. Now, if there is one bill, and I speak about no Governors, I have had a man who was a Governor here whom I love as I do a brother, I have had a man that I was born next door to, who is not a member of my party, I have had a Governor that I worked for, I have had several Governors, the present Governor has been all of his life a close personal friend of mine, I don't take any issue with any Governor. I just don't want to give an individual that much power. And that much strength. We have got separation of powers here. We have got three legislative branches.

I can assure you of one thing now, that there

has been some remarks made as to how many states have this. Unfortunately, for a lot of other states, they don't have the programing that we have, that is two budgets. I can remember the days when we used to have a budget, one budget. It would go by just like this, then would come the taxes for it. Many, many people enjoyed the pleasantries of voting for a lot of spending bills and when it came time for the taxes, well, that was a different story.

I don't often beseech or beg or plead and I note how interesting I am, my remarks are to some people. I don't know what the market says today but I will have a chance to inquire later. If there is ever anything that I am pleading with you not to do to yourself is to pass this measure. As far as my very dear friend from Calais, Mr. Silverman, who says, let this go to the people, I can remember and I know that my friend on the left can remember, my pleading, please let the change of election day bill go to the people, let them decide. I got my usual 15 or 16 votes and that was it, and I accepted that.

As far as platforms are concerned, if we would compare both platforms, I am sure that we could find some planks in the platform that maybe some members of the opposition party, the friendly opposition, has objected to as I am sure that there are planks in their platform that I might object to because there are planks in the platform that I go along with.

I urge and beseech the membership of this House not to go along with this bill because it is not a good piece of legislation, as the good gentleman from Lewiston, Mr. Call, says, this is a bad bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The resolution that we have before us here this morning, I think, can do more harm to this body and to the other body in accepting it than any measure that I have seen since I have been here in the legislature. This legislature has always had the ability to deal with the issues that were confronted before it and one of the major issues that we have at each session of the legislature is passing the Appropriations Act which is for current services and also what we call the Part II or the Supplemental Budget for new programs. New programs are not evil things to consider or discuss.

My good friend from Calais, Mr. Silverman, talked about fiscal responsibility and I might suggest that fiscal responsibility is right here in this house or even for that matter in the other body. There are 151 of us in here that come from various walks of life that represent different geographical areas that have different needs. At times, we have to present our arguments and submit them with others and try to present and bring back to our own respected areas financial contributions for the state to meet our own needs. When you turn around and give a Governor the power of item veto, you are giving that particular office a weapon, and believe me, I do call it a weapon that is unfair for this particular body or the other body to deal with.

When we pass the Appropriations Act, we may, in fact, would not vote for its entirety if we knew first hand what the governor is going to do if he intended to veto particular items out of it. That is not fair for us to begin with. The president of the United States, United States Congress, when the constitution was formed, in its own wisdom, as with the wisdom of the people that framed our own constitution in 1819, did not give the president of the United States the right to item veto, to selectively cut out what he or maybe she for that matter deemed unnecessary. If the Governor wants to veto a package, then let him do it in entirety because we are unable to deal with issues like this on a single measure.

My good friend, Mr. Silverman, talked about party philosophy and party platforms, I might suggest that my political party, or for that matter his, in putting and formulating together a platform, it is suggestions, it is ideas, it implements suggestions so this body, be it Republican or Democrat, can offer them. They have their public hearings and they may be supported or rejected. The party platforms, in no way of either political party, bind any one of us to have to support what is in a party platform.

I might remind the gentleman that my party has had some pretty good ideas in the past and equally as well as his, but for us to be able to limit our ability to deal fairly with the chief executive I think is unfair to us and to the people of Maine. Equally as important, I wouldn't want to take from the Governor his ability to deal with us equally and fairly.

I urge the House this morning to overwhelmingly reject the item veto because this is a safeguard in government that has been there since 1820 and I hope it remains there.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hear fear on the floor of the house this morning and I am kind of surprised at it. Of course, it reminds me of an expression that has lived for many, many years spoken by a great Democrat that the only thing we have to fear is fear itself.

I would remind you to look at a few simple facts this morning. The executive in the State of Maine proposes the legislature disposes. The executive approves or disproves and the legislature has the final say. Does any member challenge these facts? I think not.

The item veto is simply a refinement of the process that we presently have. It is not a major change. The chief executive now has the veto, the legislature now can override by a two-thirds vote. None of this is to be changed.

What it does do is allow the application of the scalpel as compared to the broad axe. Passage of the item veto put all elective representatives of the people on their mantle. The chief executive must carefully scrutinize the mass of the Appropriations Bill, item by item.

If the chief executive feels a specific item must be excised, he must present his specific reasons. In turn, the legislature, which retains the ultimate power, may for its own specific reasons exercise that power and override the veto by the same two-thirds vote that was adopted in the first place. We are not changing the basic rules, we are refining them, so that greater concentration is placed on the most questionable and sensitive items.

All of you, I am sure, are familiar with the great institution of democracy, the town meeting. How often have you witnessed there as well as in this body, items of apparent unimportance and relatively few dollars receive much attention while bigger appropriations are passed with little debate. This is because the big ones are well understood. The big majority is in favor, they are routine, they understand the need. It is the less understood matters that need careful examination. Is this not what we are elected for? Do we need to retain a process that allows even the most meager chance for a questionable program to sneak by? I think not.

This legislature is a highly competent body and its quality is increasing session by session. It should never fear that its ability to make the ultimate decision is in jeopardy, nor should it fear bathing in the reflected light that will surely shine on items subject to an item veto.

We are elected for the very purpose of these kinds of close examinations, and that is what we should be willing to face up to. That is why we should support this constitutional amendment.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to the gentleman from Farmington, Mr. Morton, on several occasions and he said, we are refining the process and I am very interested in finding out what his answer would be in reference to cost management studies today, cost management studies next year and what have you, if suddenly we had a cost management that said we abolish the University of Maine at Farmington? Maybe the majority of this legislature would abide by the fact that we need a University of Maine at Farmington but I would doubt very seriously that a 101 people sitting in this house would so decide, and obviously you have a cost management study that was put together in the — just two years ago and those of you who were here before have got a copy of that and I hope those of you who are here in the more recent past would certainly get a hold of a copy and see exactly what happens to state programs when the gentleman downstairs gets his hand on the item veto.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote for the item veto, not because the Governor wants it. I am going to vote this way because I would like to see the people in my district in the State of Maine do what they want to do. But, when the gentleman from Calais, Mr. Silverman, gets up in this House and said that he didn't lobby in back of the House, that is all right, but when he gets up here and stands up and lobbies on his feet and tells us the Democratic members of the Democratic party in this house to vote that way because it is in our platform, I don't think that is right. I wouldn't take a slap at the Republican party like he did a few minutes ago. I hope you don't vote that way because he said that.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think this is the first time in the eight years I have been here I have ever had to take exception to my good friend from Solon, Mr. Faucher.

I don't think this was a slap that was given by Mr. Silverman to the Democratic membership of this house. Maybe it was not the appropriate or the opportune time, it sure was the opportune time to give it but maybe not the appropriate time. I have not been able to live with every plank in the Democratic party platform. What we have always done in Somerset County after the platform was adopted, if the Somerset County Delegation of Democrats opposed it, we would immediately have a meeting, make a press release as to what parts we could not live with, but this was only done if we tried to object to that platform at the state convention, and had that plank removed from the platform. I have not, in the times I have gone to the state convention, seen any move by the Democrats to remove this from their platform and to have anyone stand up and say that platform has no meaning and no bearing that is only a set of words of gold, when the platform itself says, that it is our commitment to transform ideas into legislation and this has been in our Democratic platform and to say that this is just a farce and giving the people of this state just a bunch of words, this disturbs me, especially when both parties have their committees that travel across this state to hold platform hearings. I think when you say something like that you are saying to the people of the State of Maine, you come to our platform hearing, say your piece, we will put it in the platform, but we are not going to support the platform.

I would hope today, forgetting who is downstairs, that you would vote to let this go out to

the people as a constitutional amendment and let the people decide whether they want to give a Governor, this Governor or any Governor, the power of item veto. I see nothing wrong in letting the people decide. They have decided whether they will send us here, they will decide in November whether they will send us back, so what is wrong letting them decide on this. I think the people of this state are intelligent enough to vote their convictions and I am sure it will turn out right for the state in whole.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: This is my first term here and so I don't have any recorded position as some of you other members do on the item veto. I didn't participate in the forming of the Democratic platform so I guess I don't have any real axe to grind there as well. I furthermore haven't lobbied anybody for or against this item veto. I certainly would ask you to vote against it today. I feel that it is putting a gun to the legislatures head by allowing the executive branch to have additional budgetary power.

We have a very powerful executive budget process here as it is and without strengthening the legislative budget process, I feel that we are very seriously going to hurt the very delicate balance of powers between the two branches of government in terms of the budget.

What we are asking is to give the Governor an opportunity to line item our programs. The programs that we have vetoed on as a legislative body. He submits his Governor's budget proposal early on in the session and has ample opportunity to delete anything that he feels he may have made a mistake on before the Appropriations Committee. He is not going to line item his programs, he is going to line item our programs. He has an opportunity to veto the entire budget and to express his reasons for why he is doing this.

I guess I am going to take the very conservative position here today of allowing us to keep what has been for many, many years. Let's not destroy our very delicate balance point between the executive and the legislative branch. Let's defeat this item veto today.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would request a roll call. I would like to answer the gentleman Mr. Wilfong. When the Governor presents his budget to us, the Appropriations Committee more or less has a chance to vote whether they see each item to pass, not pass and at what price it should pass at. When we send down the Appropriation Bill to him, I think it is only proper that we allow him where we might have taken advantage because of our political system of some appropriations to earmark those which possibly should not be considered at this time or if they should, can come back to us, and again, we have that power to override his veto.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would rise to exhort my fellow members to fail to give this measure the necessary two thirds and there are a number of reasons why I would do that.

First, let me say to the gentleman from Stow, that he need not fear of being locked into a conservative position on this issue. I think we could have a battle raging here, a verbal battle raging for hours as to whether one position was conservative and the other was liberal. Personally, I don't think it has got anything to do with this issue.

The Gentleman from Calais, Mr. Silverman, has told you that the issue here is fiscal responsibility and I would like to know how he knows that the issue is not fiscal irresponsibility? That

is not the issue here. The issue is power, pure and simple, power. Every Governor wants as much power as he can get, this Governor is no different than any other. What we have to weigh as legislators is how much power we are going to grant the executive branch in terms of disturbing the delicate balance of power which was written into the constitution.

We have been, in this particular political climate, exhorted by the Governor to pass this piece of legislation. He wrote us a letter on March 22, that said among other things, that this should not be a partisan issue, and that we should not deny the voice of the people on this. In terms of this particular political climate, let me remind you, that this Governor did not campaign on the issue of the item veto, you will recall he never even mentioned it in his legislative program. Do you recall when he suddenly decided this was a major issue for the people of Maine? It was after the supplemental budget issue. That puts it in perspective from that point of view.

The people who wrote the Constitution of the State of Maine were very careful about how they distributed the power. This pertains particularly to how a constitutional amendment will get to the people. They said two-thirds of the legislature must vote to send it out. Why? Because in their wisdom and in their foresight they may very well have looked ahead and seen that there could be a political climate where a Governor or any particular force could stampede even a majority of the Maine Legislature into sending out some kind of bad constitutional amendment. So, they wrote in, that before it goes to the people, two-thirds of the representatives elected by all the people must vote to send it out, that is a responsibility that we must exercise here today. We can not foreclose that responsibility and we should not.

I would further remind you that we created a situation, where there can be a peoples initiative on a constitutional amendment and if there is such a hue and cry in this state, and if there is such a tremendous understanding among all the people of the potential impact of this piece of legislation then that would be a good project for those people to undertake.

Ladies and Gentlemen of the House, I hope you definitely will refuse to give this vote the necessary two-thirds for enactment and exercise the responsibility that was laid in our hands by the people who wrote the Constitution of Maine.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I have a concern to express about this bill and then would like to pose a question through the Chair.

My concern is that in looking at this piece of legislation and trying to assess its impact, I have tried to look past the situation that we are in now and what affect it might have in the future. The concern that I have is that this particular bill, with a two thirds of the legislature needed to override the Governor's veto on a line item, could pretty much allow a definite minority in only one House when they have the Governor of the same party to pretty much control the budget procedure, and I think that that might have a pretty major impact on what could or could not get done here in the legislature.

My question I would like to pose through the Chair is whether this particular bill would pertain to all pieces of legislation containing appropriations or just the budget? I think I would feel much more comfortable voting for the bill, and I have to say that I haven't made up my mind on this particular issue, if it pertained only to the budget. But I am asking if it would happen, say with a bill that we had in the regular session where we had an increase in

license fees on all licenses given by Marine Resource and along with that bill was an appropriation to be told exactly how that money was going to be used. Now we don't have dedicated revenue, but in that kind of a situation, could a Governor have signed into law the section of the bill which would have increased license fees and vetoed those sections of the bills which dealt with how that money was going to be spent, therefore having a substantial amount of money in appropriation coming in to the general fund without the benefit of that money being used for the areas in which they had been requested in the first place? This is another major concern. I would like someone to deal with that question if they would, please.

The SPEAKER: The gentleman from Owls Head, Mrs. Post, posed a question through the Chair to anyone who may care to answer if they so desire.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I guess the only way that I could respond to that is that the bill would mean this, that the Governor could veto any item on the appropriations act from cover to cover, and believe me, the second amendment in the unmentionable body, it could well cost us one pile of money by having to come back here. Suppose the ten days did elapse, then we did come here and there were 30, 35, 36, 50 items that would be struck out and vetoed, we could well be here for 30 or 40 or 50 days. It could cost us a million dollars a year. That is the answer to that question.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I think my question was whether it dealt with issues other than the budget bill and, again, the one that I was speaking of was the bill that we had in the regular session which was not in the budget but was a specific issue to increase license fees to the Department of Marine Resources. Those license fees were to be used for specific purposes, they were to be used to hire extra wardens, to hire an extra Attorney General to be used in marketing. We have had enough trouble with that bill now just trying to get those wardens hired. As it is, we are probably only going to hire four and some of the money maybe is going to be used to make up for the budget cuts. My question is, in that situation, which is not the budget bill, would the Governor have been able to sign into law that the area which would have increased license fees, therefore, had more money coming into the general fund, to be used for something else and have been able to veto the section that would have told how that money was going to be spent? Another area might have been, could the Governor have signed into law a bill setting up the Office of Dental Health, while vetoing the appropriation that maybe was in the bill itself, therefore, being able to say, we support the program without any funding?

The SPEAKER: The gentleman from Owls Head, Mrs. Post, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I believe, in answer to the gentleman's question, that the answer is yes. As I understand it, it refers to any bill or resolution.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 voting

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

The SPEAKER: The pending question before the House is on final passage of Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills, Appropriating Money and to Permit the Legislature to Override All or Part of such a Veto by a Two-Thirds Vote of Each House. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Carpenter, Carroll, Churchill, Conners, Cox, Curtis, Dam, DeVane, Doak, Dow, Durgin, Dyer, Farley, Farnham, Faucher, Finemore, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kany, Kauffman, Kelley, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Martin, R.; McBreairty, McMahon, Miskavage, Morin, Morton, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Quinn, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Tyndale, Webber, The Speaker.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Bustin, Call, Carey, Carter, Chonko, Clark, Connolly, Cooney, Curran, P.; Curran, R.; Davies, Drigotas, Fenlason, Flanagan, Goodwin, H.; Hennessey, Hughes, Ingegneri, Jalbert, Jensen, Kelleher, Laffin, LaPointe, Laverty, LeBlanc, Mahany, Martin, A.; Maxwell, Mills, Mitchell, Mulkern, Nadeau, Najarjan, Norris, Pearson, Post, Raymond, Rideout, Rolde, Smith, Susi, Talbot, Theriault, Tierney, Usher, Wagner, Walker, Wilfong, Winship.

ABSENT — Cote, Dudley, Gauthier, Hinds, Hobbins, Kennedy, McKernan, Peakes, Powell. Yes, 88; No, 54; Absent, 9.

The SPEAKER: Eighty-eight having voted in the affirmative and fifty-four in the negative, with nine being absent, the Resolution fails of final passage.

Sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act Relating to the Refund on Certain Unused Semitrailer Registrations (S. P. 649) (L. D. 2066) (C "A" S-449)

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

Mr. Finemore of Bridgewater 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 and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on passage to be enacted as an emergency measure. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Ault, Bachrach, Bagley, Bennett, Berry, G.W.; Berry, P.P.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Drigotas, Durgin, Dyer, Farley, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins,

Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Palmer, Pearson, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Post, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAYS: Connolly, Doak, Farnham, Hunter, LaPointe, Morton, Strout.

ABSENT: Blodgett, Cote, Curran, R.; Dow, Dudley, Faucher, Gauthier, Gould, Hinds, Hobbins, Ingegneri, Kennedy, MacEachern, McKernan, Norris, Peakes, Perkins, T.; Powell, Quinn.

Yes, 125; No, 7; Absent, 19.

The **SPEAKER:** One hundred and twenty-five having voted in the affirmative and seven in the negative, with nineteen being absent, the Bill is passed to be enacted as an emergency measure.

Signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Definition of "School Bus" to Include School Buses Rented from School Administrative Units by Nonprofit Organizations in Order to Transport Children to Certain Activities. (H. P. 1930) (L. D. 2117) (C. "A" H-973)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act Clarifying the Use of the Mental Health Improvement Fund (H. P. 2068) (L. D. 2238) (C. "A" H-1024)

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

On motion of Mr. Goodwin of South Berwick, tabled pending passage to be enacted and tomorrow assigned.

Emergency Measure

An Act to Incorporate the Frye Island Municipal Services Corporation (H. P. 2109) (L. D. 2263) (C. "A" H-1026)

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. 125 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.

Passed to Be Enacted

An Act Relating to Teacher Employment (S. P. 640) (L. D. 2029) (C. "A" S-459)

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

An Act to Assure Resources for the Resolution of Disputes (S. P. 666) (L. D. 2296) (C. "A" S-455)

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

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

Mr. **GARSOE:** Mr. Speaker, Ladies and Gentlemen of the House: I intend, at the conclusion of some very brief remarks, to move for the indefinite postponement of this bill.

The **SPEAKER:** The gentleman from Cumberland, Mr. Garsoe, moves the indefinite postponement of this Bill and all its accompanying papers. The gentleman may proceed.

Mr. **GARSOE:** Mr. Speaker, Ladies and Gentlemen of the House: Item 7 on Page 8 refers to the creation of a full-time chairman for the Maine Labor Relations Board. This is a board that enforces our Maine Labor Laws in relation to collective bargaining. It is presently composed, having been expanded, of an employee representative an employer representative and a neutral representative who shall serve as chairman. We are three deep in all these positions. These are part-time positions and are paid \$100 a day. We have an executive director, whose salary, incidentally, is the same as this proposed for the now full-time chairman and we have an assistant to that executive director. I don't think that anyone would deny that this office has been loaded with three tiers now of collective bargaining — municipal, state and university, and that they are, indeed, in need of additional staff. We haven't seen fit to really respond to the needs of that staff, although you did support a piece of legislation I had in here last year that made some small improvement.

Now we have this bill before us which creates the position of a full-time chairman, and I would liken this to really overloading the brass and ignoring, really, the support personnel. If we are to put money into this area, it should be in the area, I think, of the slight increase in the executive director's salary and certainly another assistant.

The other inconsistency in this measure is that as chairman, there really are no duties for them. The duties of the chairman are those designed to hold hearings to affirm or overturn decisions of the executive director. So it is obvious that putting a chairman in there with the hope that he could somehow assist in the load is incorrect, because he certainly could not function as a hearing officer or have anything to do with the decisions that would then be subject to his reconsideration.

For these reasons, which I think are sufficient, I would hope that you would support the motion for indefinite postponement.

Thereupon, on motion of Mr. Garsoe of Cumberland, the Bill and all its accompanying papers were indefinitely postponed.

An Act to Promote the Sale of Maine Potatoes (S. P. 701) (L. D. 2220) (C. "A" S-457)

An Act to Revise the Potato Licensing Law (S. P. 702) (L. D. 2221) (C. "A" S-458)

An Act to Provide Funds to the Department of Inland Fisheries and Wildlife (S. P. 718) (L. D. 2254)

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

An Act to Require the Employment Service to Provide Services to High School Students (S. P. 719) (L. D. 2255) (C. "A" S-456)

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

Mr. Mackel of Wells requested a vote on passage to be enacted.

The **SPEAKER:** Those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.
52 having voted in the affirmative and 44 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Concerning the Workmen's Compen-

sation Statutes (H. P. 2046) (L. D. 2218) (C. "A" H-988) (H. "A" H-1032)

An Act Exempting Public Accountants and Certified Public Accountants From the Insurance Consultant Law and Deleting the 3-Year Limitation on Applications for Permits to Practice Accountancy (H. P. 2084) (L. D. 2262) (C. "A" H-1037)

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.

Enactor

Later Today Assigned

An Act to Provide a Procedure for Establishing Additional Exceptions for the Definition of Rental Units and to Clarify the Procedure for the Appointment of a Rent Control Administrator or Board under the Municipal Rent Control Act (H. P. 2099) (L. D. 2259) (C. "A" H-1040)

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

The **SPEAKER:** The Chair recognizes the gentleman from Madison, Mrs. Berry.

Mrs. **BERRY:** Mr. Speaker, it is that "exceptions" that I would like to have explained.

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

On motion of Mr. Rolde of York, tabled pending the motion of the gentleman from Madison, Mrs. Berry to indefinitely postponed and later today assigned.

An Act Providing for the Collection of Motor Vehicle Use Taxes (H. P. 2232) (L. D. 2320)

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

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

Mr. **LaPOINTE:** Mr. Speaker, Ladies and Gentlemen of the House: I realize that we just passed a bill as an emergency measure that costs us \$20,000. I was just looking at this bill in terms of the Statement of Facts, and there was none, so I was just going to inquire if someone from the Taxation Committee would explain the intent of this particular legislation, if they would, please.

The **SPEAKER:** The gentleman from Portland, Mr. LaPointe, has posed a question through the Chair to any member of the Taxation Committee who may answer if they so desire.

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

Mr. **SUSI:** Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this bill and it has to do with the sales or use tax on casual sales of vehicles, mainly automobiles.

Under the present setup, a person buying an automobile from another person and goes to register it, and at that time, the question is asked of the purchaser, have you paid the sales tax? They say, no. You will have to fill out a form; he fills out the form, giving the name of the person he bought it from and how much he paid for it and he is told that this form will be submitted to the Bureau of Taxation and will receive a bill on it, which is what happens.

Apparently, this procedure has developed over the years due to some difficulty between the Taxation Division and the Secretary of State's Office, running Motor Vehicle Registration, where for some reason or another the collection of these funds wasn't handled by Motor Vehicle Registration. The Taxation Division sends the bill out and the people in Maine are getting wise to the fact that all they have to do is sit on their hands and they don't have to pay it, because the state can't afford to send attorneys and sheriffs and what not to collect the tax, so we are losing tremendous amounts of tax.

What this bill does is make payment of the

sales or use tax a prerequisite for the registration of the vehicle, and it is anticipated that it will produce revenue in the amount of around \$190,000, and this is believed to be a conservative figure, as a result of this tightening up of this process. The Secretary of State and Motor Vehicle Division have agreed to handle the collection and turn the money over to the Taxation Division. It is so eminently sensible and why it wasn't done years ago, I guess, it is due to personalities and so forth.

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

Mr. JALBERT: Mr. Speaker, could I ask what the committee report on this bill was?

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that I have been trying to get by for years. To add a little to this, they never can take their license or their registration but now immediately upon finding out that they haven't paid this tax, they can immediately pick up their registration, which is going to be quite a change.

Another thing, if you pay \$2,000 and pay a tax on \$1,000 and they later find it out, they can pick you up under the Fraud Division. Therefore, this is a bill that is made particularly to save a lot of time and for the Secretary of State to collect a lot more money than we are now collecting.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair to the gentleman from Pittsfield, Mr. Susi. How much of a problem does he foresee in these small towns where the municipal officers are very casual, at best, and where they are mandated to collect such a tax?

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The Taxation Division, when they entered into this project, assumed that the same attitude prevailed in the Secretary of State's Office as had existed prior and were assuming that they weren't going to be able to get the Secretary of State's Office to make the collections in the vehicle registry offices.

So the bill, as it was originally drafted, would have provided for the payment of \$3 per collection to the municipal offices around the state, but as the bill progressed through the hearing process, the possibility of the Secretary of State yielding on this point became more real. I would like to commend the Secretary of State's office for the position they have taken on this. They have been very cooperative and they have agreed to handle the collections for the Taxation Division. They are to receive one dollar as against the three dollars that was anticipated having to pay the municipal offices. There are about \$140,000 of these transactions in a year, so the Secretary of State's Office will pick up \$140,000 from Taxation for the collection of this.

It is necessary in the case of a new registration, which all casuals are new registrations, to go to a registry office anyway. You can't get those registrations in the municipal offices. Municipal offices handle only reregistrations. So, the municipal offices won't be affected in this matter.

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

An Act Relating to the Priority of Attorneys' Liens in Regard to Allegedly Stolen Property (H. P. 2234) (L. D. 2321)

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.

On request of Mr. Rolde of York, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mr. Rolde of York,
Recessed until 1:10 in the afternoon.

After Recess
1:30 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:

From the Senate: The following Communication:

The Senate of Maine
Augusta, Maine

March 25, 1976

Honorable Edwin H. Pert
Clerk of the House
107th Legislature
First Special Session
Augusta, Maine 04333
Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Joint Order (H. P. 2227) relative to Committee on State Government reporting out a bill to facilitate the setting of financial and tax policy by the Legislature.

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Refer to the Committee on Judiciary

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Clarify Certain Laws Relating to the Funding and Operation of the Superior and Supreme Judicial Court" (S. P. 712) (L. D. 2243) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Judiciary.

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

Divided Report

Seven Members from the Committee on Education reporting in Report "A" "Ought to Pass" as Amended by Committee Amendment "A" (S. P. 467) on Bill "An Act to Revise Statutory Provisions Relating to Dropouts" (S. P. 686) (L. D. 2195)

Report was signed by the following members:

Mr. BERRY of Androscoggin
-of the Senate.

Mrs. MITCHELL of Vassalboro
Messrs. INGEGNERI of Bngor
CONNOLLY of Portland
TYNDALE of Kennebunkport
POWELL of Wallgrass Plantation
CARROLL of Limerick

-of the House.

Five Members from the Committee reporting in Report "B" "Ought to Pass" as Amended by Committee Amendment "B" (S-468) on the same Bill.

Report was signed by the following members:

Messrs. KATZ of Kennebec

THOMAS of Kennebec

-of the Senate.

Mrs. LEWIS of Auburn
Messrs. BAGLEY of Winthrop
FENLASON of Danforth

-of the House.

One Member from the same Committee reporting in Report "C" "Ought Not to Pass" on the same Bill.

Report was signed by the following member.
Mr. LYNCH of Livermore Falls

-of the Senate.

Came from the Senate with Report "A" Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (467).

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, I move that we accept Report A and I would like to speak briefly.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the House accept Report A.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The only reason I signed an "ought not to pass" report is because I feel that we are adopting too many programs that are geared to the high school level. I think we are approaching the problem from the wrong end. Alcohol, drug abuse, dropouts and all the other programs are going to be an ongoing, expensive program of education. The money ought to be directed to the K through 5 or 6 grades where the problem originates. The money would be better spent to bring these youngsters into line so that they don't become the problems that they are later on.

I would like to say that Report B is essentially a bill that was defeated in the 107th, and I suspect that the chairman would rule that it could not be introduced at this session.

Therefore, I move that we accept Report A.

Thereupon, Report A was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-467) was read by the Clerk and adopted in concurrence.

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

Non-Concurrent Matter

Bill "An Act to Require Registration and Reporting of Professional Lobbyists" (S. P. 766) (L. D. 2313) which was Passed to be Engrossed as Amended by Senate Amendment "C" (S-466) and House Amendments "B" (H-1088) and "C" (H-1097) in the House on March 25, 1976.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was Passed to be Engrossed as Amended by Senate Amendment "C" (S-466) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, I move that we recede and concur and would speak just briefly.

The SPEAKER: The gentleman from Gorham, Mr. Quinn, moves that the House recede and concur.

The gentleman may proceed.

Mr. QUINN: Mr. Speaker and Members of the House: As I understand the parliamentary posture of the bill, to recede and concur is the only option we have other than to insist or adhere, which will effectively kill the bill.

I might be tempted, because I felt disappointed that I didn't get what I wanted, to say, well, if I can't have — it is my ball, I am going home, I won't play. I don't think that is responsible. I think it is attendant upon this body and this legislature to have a lobbyist bill, and I think that the lobbyist bill that we now are

working with on the recede and concur is certainly as good as what we had before we started and in some respects it is better. It isn't exactly what I wanted. I am learning to take a half a loaf instead of one, and as I get younger every year, I am also convinced that if 68 people in here the other day voted for it, it can't be all bad. Maybe I am wrong.

But I would point out that it does leave the bill alive. It will have to come back to us again, and if there are any people who sincerely wish to put other amendments on it or to still try to work with the bill, it will be simply a matter of backing the bill up and proceeding with it.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I am very interested in this issue and I have lots of ideas about it and am sure others of you do too. This is Friday and it would take quite a lot of time to peruse this. I hope that someone would move to table this for one day.

The SPEAKER: The Chair would advise the House that the only motion that we can make on this bill is to recede and concur. Any other motion will kill the bill.

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

Mr. BERRY: Mr. Speaker, I would move that this item be tabled for one legislative day.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that this matter be tabled pending the motion to recede and concur and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognized the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: We do have the option open to us to adhere. I know that you are thoroughly imbued with the idea that we need, right today, a lobbyist disclosure bill and that we have one available to us here now and that we should accept it, no matter what it contains or doesn't contain. I disagree with that approach to it. I feel that if we did adhere here today, we would have an opportunity, another time, to put in a meaningful lobbyist disclosure bill, which this one isn't.

The argument was made during our presentation on this that the lobby has a minimum impact on this legislature, so for that reason deserve minimum regulations. Well, let's trace the history of this bill itself. In effect, what happened, and this is an admitted fact, the lobby drafted their own bill, they got one member of the committee to sponsor that bill, with an 11 to 1 report coming out. The other 11 supported another bill. We are today, here, faced with a situation where we either take the bill that was proposed and drafted by the lobby or we take nothing. I can't picture any greater power than that.

The bill doesn't do anything so far as disclosure is concerned. If we adopt this so-called disclosure bill, there would be no way on earth that you could go to any source and find out how much money is being spent on any issue. What you find out is the number of hours that someone spends out here in the corridor, which is absolutely useless information. It gives you no clue. It would be like going into an automobile dealership and asking the question, how much does that automobile there cost and getting an answer something like this. Well, according to our estimates, we spent 23 hours in manufacturing the tires. How can you possibly relate that to what you really want to know, which is the total price?

So long as this farce is on the books, the answer will be, we have a lobbyist bill. We don't have a lobbyist bill, nothing that even faintly resembles a lobbyist bill.

If we adhere today, vote down the recede and concur and then adhere, then we will have no bill and then sometime, when the phase of the moon is different, the cast of characters is different, we can have a meaningful lobbyist disclosure bill. We will have done nothing, and I want no part of a conspiracy to deceive the people of Maine into believing that we have done something about lobbyist disclosure when in fact we haven't. I hope you vote against the recede and concur motion.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I really think if Mr. Susi had been around when Moses brought the Tablet down from the mountain, he would want to know who chiseled the remarks in it.

I don't think this is a deceit on the people of Maine and I think it is a lobbyist control law. I think we should follow the commendable actions of the gentleman from Gorham and put this one on the bills. There will be another year to work on this if it proves to be half as bad as the gentleman from Pittsfield contends that it is.

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

A vote of the House was taken.

Whereupon, Mr. Connolly of Portland requested a roll call vote.

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

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

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

ROLL CALL

YEAS: Albert, Bachrach, Bagley, Bennett, Berry, G.W.; Berube, Birt, Boudreau, Burns, Bustin, Byers, Carey, Carroll, Carter, Chonko, Churchill, Clark, Cooney, Curran, R.; Curtis, Dam, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Faucher, Fenlon, Finemore, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessey, Higgins, Hunter, Jackson, Jalbert, Jensen, Kauffman, Laffin, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McKernan, Miskavage, Morin, Morton, Nadeau, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Quinn, Raymond, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Usher, Walker, The Speaker.

NAYS: Berry, P.P.; Blodgett, Call, Carpenter, Connors, Connolly, Cox, Davies, Farnham, Flanagan, Henderson, Hewes, Hughes, Ingegneri, Joyce, Kany, Kelleher, LaPointe, Lewis, Mitchell, Mulkern, Najarian, Peterson, T.; Rideout, Susi, Talbot, Wagner, Wilfong.

ABSENT: Ault, Bowie, Cote, Curran, P.; Dow, Fraser, Gauthier, Hinds, Hobbins, Hutchings, Immonen, Jacques, Kelley, Kennedy, Lizotte, McMahon, Mills, Powell, Twitchell, Tyndale, Webber, Winship.

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

The SPEAKER: One Hundred and one having voted in the affirmative and twenty-eight in the negative, with twenty-two being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems" (H. P. 2206) (L. D. 2306) which was Passed to be Engrossed as Amended by House Amendment "A" (H-1076) in the House on March 24, 1976.

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

In the House: On motion of Mr. Blodgett of Waldoboro, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Relating to the Effective Date of Each Individual Establishing a Benefit Year under the Unemployment Law" (Emergency) (H. P. 2145) (L. D. 2285) on which the Minority "Ought to Pass" as Amended by Committee Amendment "A" (H-1007) Report of the Committee on Labor was Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" in the House on March 25, 1976.

Came from the Senate, with the Majority "Ought Not to Pass" Report of the Committee on Labor Read and Accepted in non-concurrence.

In the House:

Mr. Higgins of Scarborough moved that the House recede and concur.

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

Mr. KELLEHER: Mr. Speaker, I hope the House does not recede and concur and then we could ask for a motion to Insist and ask for a Committee of Conference, and I ask for the yeas and nays.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: Yesterday, reluctantly, I had to vote against the good gentleman from Portland, Mr. Flanagan, but if there is a way that we can save something out of this bill and perhaps deal with the people, I think we should and I would hope that we could join a Committee of Conference and I hope you vote no on the pending motion.

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

ROLL CALL

YEA — Bagley, Berry, G. W.; Birt, Bowie, Byers, Call, Carpenter, Curtis, Doak, Dudley, Durgin, Dyer, Farnham, Finemore, Garsoe, Gould, Gray, Hall, Higgins, Hunter, Jackson, Kauffman, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Mackel, MacLeod, Martin, R.; McKernan, Morton, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Rideout, Rollins, Snow, Snowe, Sprowl, Susi, Tarr, Teague, Torrey, Tozier, Wilfong.

NAY — Albert, Bachrach, Bennett, Berry, P.; Berube, Boudreau, Burns, Bustin, Carey, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cox, Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Faucher, Fenlon, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hennessey, Hewes, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kelleher, Laffin, LaPointe, Laverty,

Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McBreairty, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Quinn, Raymond, Rolde, Saunders, Shute, Silverman, Spencer, Strout, Stubbs, Talbot, Theriault, Tierney, Truman, Twitchell, Usher, Wagner, Walker, The Speaker.

ABSENT — Ault, Blodgett, Cote, Curran, P.; Farley, Fraser, Gauthier, Hinds, Hobbins, Hutchings, Immonen, Jacques, Kany, Kelley, Kennedy, LeBlanc, Lizotte, McMahon, Mills, Powell, Smith, Tyndale, Webber, Winship.

Yes, 49; No, 78; Absent, 24.

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

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to insist and ask for a Committee of Conference.

On Motion of Mr. Albert of Limestone, it was ORDERED, that Frederick Lunt of Presque Isle be excused March 29th and 30th for personal reasons.

Bill "An Act Relating to Borrowing Capacity of Community School District No. 915 Consisting of the Towns of Litchfield, Sabattus and Wales" (Emergency) (H. P. 2256) (Presented, by Mr. Cooney of Sabattus) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint order, S. P. 635, as amended.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following papers from the Senate appearing on Supplement No. 2 was taken up out of order by unanimous consent:

From the Senate: The Following Joint Order: (S. P. 774)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Julius G. Sussman of Augusta Selected as The Man of the Year by Le Club Calumet

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and passed.

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

Orders of the Day

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

House Divided Report — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Taxation on Bill, "An Act to Establish a Maine Community Jobs Act" (H. P. 2165) (L. D. 2293)

Tabled — March 25 by Mr. McKernan of Bangor.

Pending — Motion of Mr. Drigotas of Auburn to Accept Majority "Ought Not to Pass" Report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to debate this bill today, but just so you can understand what is going to happen after I sit down, let me explain something.

This bill was presented to the committee for a hearing the day before bills had to be reported out of committee. We explained, when we presented the bill, that we wanted to offer an amendment that would substantially change the bill, but we were never able to put that together before the committee reported it out. That amendment is now being prepared and will be able to be presented in second reading on Monday. The chairman of the committee and the other members of the committee who opposed the bill have agreed to let us do that. I offer that to you as an explanation.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I would now withdraw my motion to accept the Majority "Ought not to pass" Report made on Wednesday.

Mr. Mulkern of Portland moved that the House accept the Minority "Ought to pass" Report.

Mr. Finemore moved the matter be tabled for one legislative day.

Subsequently, Mr. Finemore of Bridgewater withdrew his tabling motion.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: This bill is absolutely impossible to pass over the federal regulations. That is the reason we reported this bill out 11 to 2. It is impossible to pass.

If I remember right, the gentleman from Portland, Mr. Mulkern, didn't even attend the hearing. It is almost impossible. We will leave it that way.

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

Mr. MULKERN: Mr. Speaker, I would like to correct the gentleman. I was at the hearing.

Mr. Leonard of Woolwich moved the Bill and all accompanying papers be indefinitely postponed.

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

Mr. MCKERNAN: Mr. Speaker and Members of the House: I am not sure that I am going to go along with the amendment at second reader, but I do think that if it is going to be substantially different, we ought to reject the motion to indefinitely postpone and let the bill go to second reading.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Woolwich, Mr. Leonard, that this bill and all its accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Taxation on Bill, "An Act to Revise and Reform the Maine Personal Income Tax Law" (H. P. 2036) (L. D. 2211)

Tabled — March 25 by Mr. Mulkern of Portland.

Pending — Motion of the same gentleman to accept the Minority "Ought to Pass" Report.

On motion of Mr. Rolde of York, retabled pending the motion of Mr. Mulkern of Portland to accept the Minority Report and tomorrow assigned.

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

Bill, "An Act to Amend the Employment

Security Law" (S. P. 691) (L. D. 2210) (C. "A" S-453)

Tabled — March 25 by Mr. Rolde of York.

Pending — Passage to be Engrossed as amended by Committee Amendment "A" (S-453)

Mr. Tierney of Durham offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1117) was read by the Clerk and adopted.

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

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

House Report — "Ought To Pass" as amended by Committee Amendment "A" (H-1028) — Committee on Local and County Government on Bill, "An Act Relating to Town Ways" (H. P. 1920) (L. D. 2108) — In House, Report Read and Accepted; Committee Amendment "A" read; House Amendment "A" (H-1070) to Committee Amendment "A" read and adopted.

Tabled — March 25 by Mr. Dam of Skowhegan.

Pending — Adoption of Committee Amendment "A" (H-1028) as Amended by House Amendment "A" (H-1070)

Mr. Morton of Farmington offered House Amendment "D" to Committee Amendment "A" and moved its adoption.

House Amendment "D" to Committee Amendment "A" (H-1122) was read by the Clerk and adopted.

Committed Amendment "A" as amended by House Amendment "A" and House Amendment "D" thereto was adopted.

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

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

Bill, "An Act to Provide for more Effective Debt Management and for more Effective Administration of the State's Development Financing Capability" (H. P. 1816) (L. D. 1974)

Tabled — March 25 by Mr. Rolde of York.

Pending — Passage to be Engrossed.

On motion of Mr. Cooney of Sabattus, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316) (H. "A" H-1034) (H. "B" H-1044)

Tabled — March 25 by Mr. Rolde of York.

Pending — Passage to be Engrossed.

Mr. Perkins of South Portland offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1064) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Looking at this amendment, it has a very familiar ring. I believe that we had this same amendment which would again open our files in the Legislative Research Office. We have had it in every sort of form, fried, scrambled, poached on toast and about every way you want to see it in the last session, and I believe the gentleman even took his case to court and it was turned down. What I would ask, Mr. Speaker, is this amendment properly before us under the rules.

The SPEAKER: The Chair would rule that the amendment is not germane.

Mr. PERKINS: Mr. Speaker, I would like to appeal that ruling.

The SPEAKER: The gentleman from South Portland, Mr. Perkins, has appealed the decision of the Chair. The Chair will order a vote. The pending question is, shall the decision of the Chair be sustained? If you are in favor of sustaining the decision you will vote yes; if you are opposed, you will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 26 having voted in the negative, the decision was sustained.

Mr. Joyce of Portland offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-1110) was read by the Clerk.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: The Legal Affairs Committee met yesterday and this is more or less a housekeeping amendment. The Attorney General's Office found a slight defect in the bill and this amendment just clarifies it. It is a very minor change.

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

Mr. HENDERSON: Mr. Speaker, I wonder if the gentleman could indicate what the effect of those minor changes are.

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

Mr. JOYCE: Mr. Speaker, they are so minute that I will go to the minutest. On page 3 of the bill, it seems as though the members of the Bar found difficulty in identifying undue damages. It was suggested that undue be removed. This is a minor change.

Also, on page 3, section 6, we get down into paragraph 2, it previously read: "Any person charged or investigated or otherwise under discussion." This "otherwise under discussion" seems to be a problem. It was a problem in municipalities that I checked with in that they felt if they wanted to hire a city manager, like they are trying to do in Portland and you were going to discuss the city manager, you would have to bring him in, let him sit in on the meeting. That is really the big thing.

Thereupon, House Amendment "E" be adopted.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker and Members of the House: I would like to point out some of the provisions of the bill that you have before you.

I would like you to note, on page 2, under section 402, both subsections 2b and c. It is the committee's intent that subcommittee and committee are not included purposely in here and would not be involved with this law. We further feel that a committee or a subcommittee is defined as one less than the majority of the whole. In other words, the board, commission or agency could not suddenly declare themselves to be a committee and thereby get around the law. They could have any size committee they desired, so long as it is one less than the majority.

In section 408, it does not require that minutes be kept. However, if they are kept, they must be made available to the public.

In section 407, if any additional approval or denial is made or any dismissal or refusal for a new contract, a record must be kept by all committees in this regard.

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

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

Bill, "An Act to Prohibit Payment of Dependency Allowance to Persons with a Spouse Employed Full Time" (H. P. 2118) (L. D. 2267) (C. "A" H-1029)

In House — Passed to be Engrossed as

amended by Committee Amendment "A" (H-1029)

Tabled — March 25 by Mr. Rolde of York.
Pending — Motion of Mr. Tierney of Durham to Reconsider Passage to be Engrossed.

On motion of Mr. Tierney of Durham, retabled pending his motion to reconsider and tomorrow assigned.

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

Joint Order Relative to Legislative Budget Committee (H. P. 2248)

Tabled — March 25 by Mr. Rolde of York.
Pending — Adoption of House Amendment "A" (H-1102)

Mrs. Najarian of Portland moved the matter be tabled one legislative day.

Mr. Palmer of Nobleboro requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Najarian, that this matter be tabled pending adoption of House Amendment "A" and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
49 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

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

House Divided Report — Majority (8) "Ought To Pass" — Minority (5) "Ought To Pass" as amended by Committee Amendment "A" (H-1069) — Committee on Business Legislation on Bill, "An Act to Require a Majority of Consumer Representation on Governing Boards of Nonprofit Hospital and Medical Service Organizations" (H. P. 1865) (L. D. 2036)

Tabled — March 25 by Mrs. Clark of Freeport.

Pending — Motion of Mr. Bowie of Gardiner to Accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not accept the majority "ought to pass" report. Yesterday morning when I looked at my calendar, I was surprised, to say the least. I attended the work session on this bill and when I left that committee, I thought we had a unanimous report. The people who attended the work session were agreeable to this. A call was made to Blue Cross, and they could live with the amended version which I signed. Evidently something happened in between.

Both reports require consumers on the Blue Cross Board, which I think is a good idea, but if we are going to put consumers on there, let's put real consumers. In the minority report, the only difference is, we have to find a consumer, and this would be someone who does not derive more than 20 percent of annual income, whether directly or through that person's spouse, from the delivery of health care services. If we are going to really have somebody who is considered a consumer on that board, I don't believe people such as the wife of the hospital administrator should be permitted to serve as a consumer representative on there.

There is room on that board for providers and she could serve in that position. Our amendment would take care of this situation.

I am asking you to vote against the majority "ought to pass" report so we can accept the minority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, I would request that the Clerk read the Committee Report so we will know which Senators and which Representatives signed which report.

Thereupon, the Report was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker and Members of the House: It is with a great deal of hesitancy that I rise after the success that I have had in the last two or three days in this House, but I would like to call your attention that there are only two differences in both committee reports. The minority report changes two things. First of all, it makes it impossible for anyone to serve on the board for more than three year consecutive terms. The other one is similar to what Mrs. Boudreau has alluded to already and has explained very well. The majority report calls for consumer representatives who do not earn any income from the health care services. This would allow a wife of an administrator, as has been stated before, to serve on the board, the wife of a doctor, someone who is indirectly involved with providers.

It would also not allow someone who worked, perhaps, one day a week as a nurse or in some related field, just on a part-time basis, they would not be able to serve. So it is discriminatory in that manner. If someone works parking cars for the Maine Medical Center and they were paid directly by the Maine Medical Center, the way I understand the majority report, they would not be able to serve as a consumer member on that board. I know that sounds a little bit ridiculous, but that is the way it reads to me.

The minority report, on the other hand, calls for consumer representatives who do not receive more than 20 percent of their income from providing health care services to people of this state. It would allow people who did work part time, as long as it wasn't more than one fifth of the total income of them and their spouse. I think that is the difference.

If we want consumers on the board, then let's put them on the board. If we don't, then let's not. The issue is a simple as that, and I would hope you would go against this motion to accept the majority report so that we might go on and accept the minority.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker and Members of the House: The minority report, at one and the same time, is both more restrictive and less restrictive.

The majority report would prohibit anybody who had any part of their income, and the minority report, 20 percent. But the minority report includes income of spouse, not just wife, it could be the husband of a nurse, either spouse, I believe.

Most of the people who signed the minority report, it seems to me when we talk in matters of banks and banking, were greatly concerned that people would be able to get loans, regardless of what their spouse had and not have to show their income. It seems to me that that sort of autonomy applies here. At one and the same time, the minority report, depending on how you look at it, is more restrictive because it eliminates the spouse of somebody who gets 20 percent of their income from providing health care services. That seems to me unfair and undesirable.

The last line of the minority report, "No director shall serve more than three consecutive three-years term," seems unnecessary since that is already in the Blue Cross by-laws. Nobody does anyway.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I would hope that the Committee on Business Legislation, which I had believed at one time, was by majority in favor of what is now the minority report on this bill, would come together on this issue, for, indeed, it is a

good bill. As an individual member of the committee, I felt it was necessary, in light of the current investigations going on across our country regarding the Blue Shield Medical Insurance Programs, that we more reasonably define what a consumer member would be, and I do feel a need to incorporate in the statutes of this state a provision which would guarantee that no director shall serve more than three consecutive three-year terms.

It was agreed among all members present at the last working session on this bill, including the gentleman, that honorable Senator from Kennebec, Senator Thomas, and that honorable gentleman from the Third House, we formerly call him Senator Cragin, that the amended version would be acceptable, and I am surprised that the final signatures on this bill are as they appear before us. Be that as it may, I simply ask you to defeat the pending motion and accept the minority report.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Many of you may have read in the press, or have noted the L.D.'s coming across your desks, that I supported a measure dealing with a similar subject matter that was far more restrictive than either of the reports currently before you. That bill was reported out in an overwhelmingly "ought not to pass" report, with two minority signatures "ought to pass." A couple of days ago, I elected to let it go. There are other forums.

Let me say to the members of the legislature that although members of the Business Legislation Committee could not possibly understand how the majority was suddenly converted to a minority on this bill, let me tell you that after what I went through with the Senator from the Third House, nothing would surprise me. That story, also, is for another day.

We are not talking about how many fairies there are on the head of a pin. We are talking about the governing structure of a non-profit corporation that has 500,000 subscribers in this state, and the bottom line is decisions on rates, and on benefits in those health care plans.

Currently, the majority of the board that makes those decisions are made up of people who stand to directly profit by the increase in rates.

This minority report is a good start. I hope you will support Mrs. Boudreau in this matter.

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

Mrs. NAJARIAN: Mr. Speaker, I would like to support the minority report also. Recently, the federal government has passed new legislation which would combine all of the previous health planning agencies at state and local levels into one. What they are prescribed by law, this board should be made up of a majority of consumers members, but they also specify that the consumer members could not receive more than 10 percent of their income from any medical or health related areas.

The Business Legislation Committee amendment says 20 percent. That is more liberal than the new federal legislation. I think that is good. They also said that the new health assistance agency boards, the consumer members should represent wide geographic, economic and social groups throughout the state, and that was very difficult, and that was very similar to the bill that Representative Bustin introduced. There were problems with that. There are no problems with finding consumers who do not derive more than 10 percent of their income from the medical profession. I do hope that you support this so that we can get different points of view on the boards such as Blue Cross and Blue Shield that are so important for the cost of health care for all of us.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker and Members of the House: In relation to the remarks of the lady from Portland, I would like the House to know how that momentary majority dissolved, but I would also like you to know how the majority came about.

When the bill was first discussed, I believe the division was something on the order of 9 to 4. Our House Chairwoman, who is a friend of all of us and delightful and bright and able, tried to resolve a difficulty of hers by offering an amendment. Several of us told her, and I quote, "Nancy, if the amendment will produce a unanimous bill, we will be glad to join it." Not that we necessarily felt, as you all feel committed, that that is ideal, but I believe, in fairness to those of us who said that, that I would like to say it to the House. What the Chairwoman was told was, if you can produce an amendment which will produce a unanimous report, with some reluctance we will join it. One member of the committee insisted "ought not to pass" which we thought was bad; another would not sign it, and not unlike what happens in every committee, that was it. If it wasn't going to be unanimous, then we would come out with two reports.

The original majority, if you will, I believe was 9 to 4. Since Mr. Bustin has seen fit to discuss a bill that was before us and now gone, I would like to comment on that.

I take a position that it is best in this day and age that a majority of consumers rather than a majority of providers conduct the business of Blue Cross-Blue Shield. Blue Cross-Blue Shield was formed, I think, in 1939, with about 19,000 subscribers. That is fewer people than belong to the Maine Teachers Association and the Maine State Employees Association combined, that is just that figure.

The law allows for the formation of these, this one was formed, it has run, I think, rather well over the years. I think there is great interest at this point, principally, by a couple of large organizations, in the makeup of the board. I don't know what improvement changing that would be, so I think the two points all, the original majority was 9 to 4, the original 9 tried to compromise and the thing fell apart, so you have before you two reports. You have a report that attempts to define consumer beyond what is really necessary and I hope you will accept the majority report.

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

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: We had probably our most heated meeting of the entire two sessions and a lot of good discussion came out. As the various people came before us, the room was packed, there was one individual who was brought out to be a former Maine state employee. He was the only one that I know of that really didn't belong to a health care operated business. Upon further questioning of this former Maine state employee, I found that he is now working for the Hilburton Fund, which is a large provider of funds for building of hospitals.

I think we have wasted a great deal of time here today. I think both bills are good bills but I think the minority report is a better bill and that is what I am supporting it and I hope you will support it.

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

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: The original bill, I believe, is the best, and the reason that I am supporting the original bill and not the amendment is this. The amendment, one, insists that a person's spouse has something to do with that person serving on a board, I don't go along with that. The second thing is, the last sentence says "no director shall serve more than three consecutive three-year terms." The Blue Cross

Board, I understand, has this provision in their charter anyway and it just seemed difficult for me to insist to mandate that this be so, that these people could not be reelected and reelected while I can stand here and as long as I am doing my duty to my constituents, I can be reelected and reelected.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Gardiner, Mr. Bowie, that the House accept the Majority "Ought to pass" Report. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Pierce of Waterville 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. 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 voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the minority report, I think, reflects the thinking of the sponsors and backers of the legislative document which came before us and was dismissed and that, by and large, was an instrument whereby certain large subscribers would take over control of an organization. I think this is certainly not of the same magnitude but it simply reflects that sort of approach.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: May I make just one quick point on why I cannot possibly buy the minority report on this bill, and this is a good bill and I do hope we accept it, I hope we accept the majority report.

Just to give you an illustration, if I, for instance, assuming that I was married, was married to a nurse, I am no longer a consumer. Now, I can buy the fact that if I derive 20 percent of my income, I wouldn't be considered a consumer and I wouldn't be on the board, but I resent the fact that because my wife works in a related field, for instance, being a nurse, now I am no longer a consumer. I think that is ridiculous and that is why I hope you will go along with the majority of this committee.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to briefly respond to the good gentleman from Ellsworth, Mr. DeVane. He knows full well, and Mr. Bustin knows very well, also, that my signing the minority report had nothing whatsoever to do with the fact that I supported Mr. Bustin's bill. I think that he is in error and I am sure that he knows that, knowing me as well as he does, that I do not sign a minority report simply because I can not sign the Bustin Bill.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to inform Mr. DeVane that he also knows that I felt the same way, even though some people had gone around and said that I had signed the bill, when I hadn't even signed either bill.

I do hope that you will not vote for the majority report but vote for the minority report.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Gardiner, Mr. Bowie, that the House accept the Majority "Ought to pass" Report. Those in favor will vote yes; those opposed will vote no. A roll call has been ordered.

ROLL CALL

YEA — Ault, Bagley, Bennett, Berry, G. W.; Berube, Birt, Bowie, Byers, Carroll, Cox, Curtis, Dam, Devane, Doak, Dudley, Durgin, Fraser, Gould, Gray, Hewes, Hunter, Hutchings, Jacques, Kauffman, Kelleher, Laverty, Lewin, Lewis, Lovell, Lunt, MacEachern, MacLeod, Martin, R.; Maxwell, McKernan, Miskavage, Morton, Palmer, Peterson, P.; Pierce, Rideout, Rollins, Shute, Snowe, Sprowl, Stubbs, Torrey, Tozier.

NAY — Albert, Bachrach, Berry, P. P.; Blodgett, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Curran, P.; Davies, Dow, Drigotas, Dyer, Farley, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Higgins, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Laffin, LaPointe, Leonard, Lynch, Mackel, Mahany, Martin, A.; Mitchell, Morin, Mulhern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, T.; Post, Quinn, Raymond, Rolde, Saunders, Smith, Snow, Spencer, Strout, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Truman, Twitchell, Usher, Wagner, Wilfong.

ABSENT — Carter, Cote, Curran, R.; Farnham, Faucher, Garsoe, Gauthier, Greenlaw, Hinds, Hobbins, Hughes, Immonen, Kelley, Kennedy, LeBlanc, Littlefield, Lizotte, McBreairty, McMahon, Mills, Perkins, S.; Powell, Silverman, Tyndale, Walker, Webber, Winship.

Yes, 48; No, 75; Absent, 27.

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

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-1069) was read by the Clerk and adopted.

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

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

Bill, "An Act to Regulate Drinking Water" (S. P. 687) (L. D. 2198) (C. "A" S-431) — In House, bill indefinitely postponed in non-concurrence.

Tabled — March 25 by Mr. Rolde of York.

Pending — Motion of Mr. Strout of Corinth to Reconsider Indefinite Postponement.

Mr. Strout of Corinth requested permission to withdraw his motion to reconsider.

The SPEAKER: The gentleman from Corinth, Mr. Strout, requested permission to withdraw his motion to reconsider. This, of course, may be objected to.

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

Mr. KELLEHER: Mr. Speaker, I object.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not go along with reconsideration and continue in the direction we have gone and indefinitely postpone this bill, send it over to the Senate and get their reaction.

The SPEAKER: The Chair will order a vote. Those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

17 having voted in the affirmative and 80 in the negative, the motion did not prevail.

Sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Implement a Central Licensing Division within the Department of Business

Regulation." (H. P. 2153) (L. D. 2294) which was tabled earlier in the day and later today assigned pending passage to be engrossed as amended by House Amendment "A".

On motion of Mrs. Clark of Freeport, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" was adopted.

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

House Amendment "A" (H-1116) to House Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes that same gentleman.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: This second amendment, which amends House Amendment "A", simply adds the Board of Accountancy and the State Board of Examiners of Psychologists to the Business Regulations Central Licensing Board. These two boards, and in particular the psychologists, have requested to be included in L.D. 2294 at this time.

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

On motion of Mr. Stubbs of Hallowell, tabled pending adoption of House Amendment "A" as amended by House Amendment "A" thereto and specially assigned for Monday, March 29 —

The Chair laid before the House the following matter:

Bill "An Act Relating to Exceptional Children," (H. P. 1797) (L. D. 1956) which was tabled earlier in the day and later today assigned, pending adoption of Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think we ought to reconsider our action whereby this amendment was adopted.

We have put in place a program of special education for exceptional children in the State of Maine. We have rushed headlong into an area of which we had no experience whatsoever.

The actual costs for this program in the year 1972-73 was approximately 4.5 million. In the years 1973-74 the actual costs for this program was approximately \$6.5 million. In the year, 1974-75 the actual cost was slightly more, in excess of \$9 million. I think we ought to go slow or at least a little slower than we have in the past until we know where we are heading. I think we have to look at the Exceptional Children's Act and make sure that we have in place rules and regulations and guidelines that are not even formulated yet, I think we have to consider the effect of this act on all the other children in the public school system. Are we giving priority under this act to education for exceptional children and hindering the education of the normal child in our public school systems? These are the questions that are going to have to be answered, and I am sure that in some areas, the mainstreaming of exceptional children into the school system is hindering the education of our young students in many areas of this state.

The amendment sets a deadline at July 1, 1977. The law at present calls for July 1, 1976. Under the present law, under the committee report, or under the amended version, the commissioner has the right to waive an exception, up to this date, and I think we need that two year breathing spell from the effective date of 1976 to 1978 and I hope that you will reconsider the amendment.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: It is somewhat terrifying to go against one's committee

chairman in both the Senate and the House but I do think this issue needs to be raised for your consideration. I am not disagreeing with the committee amendment. This is why I chose the small amendment route, so that we could focus on the one issue on which I disagree with some of the members on my committee.

We are dealing only with the question of the extension of the deadline for complying with the special education law. We are changing the deadline in the committee amendment, we are changing it to 1978. The amendment that is now on that we adopted in this House yesterday, keeps the deadline where it has been, July 1, 1977.

The reason that I think there is no reason to hastily jump into a change at this point. I cannot find any hard statistics, any hard facts, that back up the need for such a change. I asked Mr. Kierstead, the Acting Director of the Special Education Division, yesterday for a report on where we stand with the compliance with the Special Education Law. As of March, with the exception of new waivers to June of 1977, we show the following: 113 units feel that they are in compliance with L. D. 965; three units have never responded and six units have not responded to the requests for more pre-waiver information and 13 units are waived, so it is very clear that the majority of the schools are moving towards compliance with this law.

You might ask why I am making such a tempest in a teapot over a simple deadline, but I want to remind you that we are not talking about extending the deadlines for dumps or water quality, we are talking about children this time, and I think it is a very good psychological thing to leave that limit in until such time as the school units can come back to the regular session of the 108th and explain to the 108th that they cannot make the deadline, won't you please extend it? At this point, I see no compelling reason to change that deadline.

The people who are opposed to keeping the deadline where it is now say that parents always can take their case to court, have due process, but Mr. Kierstead states in his letter to me that due process procedure assists us in guaranteeing appropriate special education services when listed; however, many parents neither know of this opportunity to question the education that their child is receiving and in most cases cannot afford counsel. By leaving the deadline where it is, we put the burden where it belongs, on the school communities and not on the parents of the children.

I urge you to vote against the motion to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I don't question the degree of compliance throughout the state. What I am suggesting is that we do not have at the present time, and will not have for at least a few years into the future, any experience that is going to indicate the impact of this Exceptional Child Act on the education system of the State of Maine nor on the cost of the system. I am simply suggesting that experience may show, and I believe it will show, mainstreaming many of these children into the education system is not possible without disruptive effect on all the other children in the State of Maine. If we find that that is true, then we are going to have to build or somehow provide, facilities for handling the exceptional child outside the main stream, and I think we ought to proceed cautiously before we get in too deep.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I agree completely with the comments made by the previous speaker, the gentleman from Livermore Falls,

Mr. Lynch. I do think, and I felt at the time, that we should phase into this thing slowly because I can see many of the problems that have developed and are still in the process of developing.

I was a member of the committee that originally studied special education and at that time, I envisioned many of the problems that have developed, that we should phase into it slowly. I was in favor of the report, supported the idea that there should be something done in this area, but I do think that we should move into this slowly. We are continually faced with the costs that are being passed onto us and most of the indications are that a lot of the blame is falling on things such as special education and vocational education. I think vocational education falls into this same category, but we are not on that subject today.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: Again, I would like to reiterate my objection is not to the Committee Amendment but rather, again, to the House Amendment, which changes the date that we have been discussing from 1978 to 1977.

I would like to point out, having checked with the Department of Education, they have made a general statement that there are some school units that don't have the facilities to make this transition by that date and that they would have difficulties in accomplishing it by 1977.

I would like to point out also that there are some costs involved here and remind all of us that we are funding special education now at a 90-10 ratio, so we are forcing onto the local communities additional expenses by mandating this fund. I don't think that the economic situation of our local communities would permit this.

I really think that this amendment should be removed.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, I rise to support the two previous speakers because I feel this is again another mandate from Augusta and we are really not sure to what extent we can support this and we have already passed on 10 percent of the expense to the local community.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I was the original sponsor of L. D. 1956, which is an Act Relating to Exceptional Children. As some of you may know, I sponsored the original bill, L. D. 965, which essentially mandated this program. I have heard two or three times this afternoon that we should move slowly, that we rushed headlong with no experience into this most essential and needy program. We had experience, because there were a number of school districts that were doing it voluntarily as they could, and as far as I am concerned, we haven't moved fast enough yet.

I would urge you to vote against the motion to reconsider and support this amendment.

The SPEAKER: The Chair will order a vote. All those in favor of the House reconsidering its action whereby Committee Amendment "A" was adopted will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Najarian of Portland requested a roll call vote.

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

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

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

Mr. NORRIS: Mr. Speaker, I am a little confused, and I would ask any member of the Committee on Education if this is a compromise in the mandated services that have been talked about? I have heard considerable talk out of the corner office about repeal and is this a compromise, that rather than repeal we are simply putting the effective date ahead? If any member could answer that for me I would appreciate it.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely do not think it is an effort to repeal. I think what we are simply doing is overreacting to the battering that we have all received after the educational funding. This is one of the Governor's requests, that we postpone the deadline for implementing this program. I say, fine, if there is a real problem, but I have not heard one person document a single problem of a school that can not comply. If you know of a school, would you please tell me?

The SPEAKER: The gentleman from Vassalboro, Mrs. Mitchell, poses a question through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question addressed towards the committee, I don't think you can point it out. I don't think you can point it out because we haven't had experience with it long enough. But, you let us go down this road a little farther and you will have opportunities to point in many directions.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This deadline is nothing new. People were well aware of it for quite some time. I would not equate this program to vocational education or any of these other little gems that we have in our school system. This relates to a person and happens to be a child's basic right to be educated, and it is much more than just that, it is to have a full life. I am a little disturbed because I know of two young children personally who have been in this situation and this is one of those little bleeding heart items, I think, but maybe it is about time we talk about the human aspect of some of these decisions that we are making. Each of these young people, who are still below 12, have been changed significantly as a result of the fact that we put an emphasis on special education in this state and their lives, when they become adults, will be significantly different.

This isn't vocational education, this isn't a little frill here or a little bit of this; this is a matter of survival.

I voted to put that extra 10 percent back on the towns, even though this was a mandated program, even for this program, because I felt it would put more responsibility, that people would look at those programs and make sure that they did what they were supposed to do. I didn't vote for that, because I thought it would be a foot in the door for somebody to say, now that we have mandated it, now that it costs money, we can't push this kind of thing any more. If I thought that was the motivation, I would have certainly been overwhelmingly against it. Think about what the consequences of this program are. Even if there are mistakes made, the importance of this issue is so great I just implore you not to vote to reconsider this amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the-

gentleman from Wells, Mr. Mackel, that the House reconsider its action whereby Committee Amendment "A" was adopted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bagley, Berry, G. W.; Berry, P. P.; Birt, Burns, Byers, Call, Carey, Carpenter, Carroll, Churchill, Conners, Curtis, Doak, Drigotas, Dudley, Durgin, Dyer, Farnham, Fenlason, Fraser, Garsoe, Gould, Greenlaw, Hewes, Higgins, Hunter, Jackson, Kauffman, Laverty, Leonard, Lewin, Lewis, Lynch, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, Morton, Palmer, Perkins, T.; Peterson, P.; Pierce, Rollins, Shute, Snow, Snowe, Sprowl, Stubbs, Susi, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Walker.

NAY — Ault, Bachrach, Berube, Blodgett, Boudreau, Bowie, Bustin, Clark, Connolly, Cooney, Cox, Curran, P.; Dam, Davies, DeVane, Farley, Faucher, Finemore, Flanagan, Goodwin, H.; Gray, Hall, Henderson, Hennessey, Hutchings, Ingengeri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, LaPointe, Lovell, Lunt, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Quinn, Raymond, Rolde, Saunders, Smith, Spencer, Talbot, Tarr, Tierney, Truman, Wilfong, The Speaker.

ABSENT — Bennett, Carter, Chonko, Cote, Curran, R.; Dow, Gauthier, Goodwin, K.; Hinds, Hobbins, Hughes, Immonen, Kelley, Kennedy, Laffin, LeBlanc, Littlefield, Lizotte, MacEachern, Martin, R.; McBreairty, McKernan, McMahon, Mills, Perkins, S.; Powell, Rideout, Silverman, Strout, Tyndale, Wagner, Webber, Winship.

Yes, 59; No, 59; Absent, 33.

The SPEAKER: Fifty-nine having voted in the affirmative and fifty-nine in the negative, with thirty-three being absent, the motion does not 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.

The Chair laid before the House the following matter:

An Act to Provide a Procedure for Establishing Additional Exceptions for the Definition of Rental Units and to Clarify the Procedure for the Appointment of a Rent Control Administrator or Board under the Municipal Rent Control Act (H. P. 2099) (L. D. 2259) (C. "A" H-1040) which was tabled earlier in the day and later today assigned, pending the motion of the gentleman from Madison, Mrs. Berry, to indefinitely postpone.

Mr. Palmer of Nobleboro moved this matter be tabled and specially assigned for Monday, March 29.

Mr. Hewes of Cape Elizabeth requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that this matter be tabled pending the motion of the gentleman from Madison, Mrs. Berry, to indefinitely postpone and specially assigned for Monday, March 29. All in favor of tabling one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 15 having voted in the negative, the motion did prevail.

(Off Record Remarks)

On motion of Mr. Pierce of Waterville, Adjourned until Monday, March 29, at ten o'clock in the morning.