

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, April 5, 1976

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

Prayer by the Reverend Russell M. Chase of Monmouth.

The members stood during the playing of the National Anthem by the Mattanawcook Academy Band of Lincoln.

The journal of the previous session was read and approved.

**Papers from the Senate
Non-Concurrent Matter**

Bill "An Act to Establish Uniform Standards for the Measurement of Wood" (Emergency) (H. P. 2277) which was Referred to the Committee on Agriculture in the House on April 1, 1976.

Came from the Senate, Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Clarify the Fish and Game Laws" (H. P. 1933) (L. D. 2121) which was Passed to be Engrossed as Amended by Committee Amendment "B" (H-1050) as amended by House Amendments "A" (H-1068), "B" (H-1163), "C" (H-1164), "D" (H-1172), "E" (H-1175) thereto in the House on April 1, 1976.

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "B" as Amended by House Amendments "A", "B", "C", "D", and "E" thereto and Senate Amendments "A" (S-510), "B" (S-512) and "C" (S-513) in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

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

Whereupon, on motion of Mr. Connors of Franklin, the House voted to recede from passage to be engrossed as amended.

Senate Amendment "A" (S-510) was read by the Clerk and adopted in concurrence.

Senate Amendment "B" (S-512) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, I move that Senate Amendment "B" be indefinitely postponed.

Whereupon, Mr. Martin of St. Agatha requested a vote on the motion.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak very briefly here. The amendment that came from the other body is to eliminate the three-day mandatory jail sentence for night hunting. This was put in, became law two years ago. Since that was put on, we have had a drop in night hunting cases going into the courts of about 50 percent. I know from keeping watch of how this bill was working, there have been a number of them that have spent three days in jail have taken the cure of night hunting.

We have one law on the books right now that is working. We have shortened our deer season down in the southern section, we only have three weeks. If we take this off and allow the night hunter to roam at large at night, we are going to be dropping our deer season down to a shorter time and the legal hunter that wants a chance to be able to get his deer, his chances are going to diminish very fast, very rapidly.

I hope that you will go along with indefinite postponement of this amendment and let's keep this bill on the books that is really working.

The SPEAKER: The pending question is on the motion of the gentleman from Franklin, Mr. Connors, that Senate Amendment "B" be in-

definitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 88 having voted in the affirmative and 7 having voted in the negative, the motion did prevail.

Senate Amendment "C" (S-513) was read by the Clerk.

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

Mrs. BACHRACH: Mr. Speaker, I will move to indefinitely postpone Senate Amendment "C".

Senate Amendment "C" specifies that it shall be unlawful to discharge a firearm within 100 feet of a residential dwelling without the permission of the owner. In Brunswick, as a town ordinance, we say 200 feet of a residential dwelling, which seems to me to be still too little, since a rifle can shoot 1,500 feet.

It appears to me that if we specify that you cannot discharge a firearm within 100 feet, then you are in effect saying that you can discharge it anywhere beyond 100 feet without permission of the owner, which I consider highly inadequate and, therefore, I move indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I believe there is a misunderstanding as to the real intent of this Amendment "C". If you read down in the Statement of Fact, you will see that this amendment permits a single amputee to hunt from a motor vehicle which is not in motion and makes it unlawful to discharge a firearm within 100 feet of a residential dwelling.

We have had a lot of requests from amputees and others that are crippled up through arthritis or what have you so that they have lost the use of some one of their arms or legs and they do like to go out hunting, it is about the only enjoyment that they can get. This is made this way for the purpose of allowing them to ride in an automobile to some area where they can have a chance to take a shot at something. That is all it amounts to. Therefore, I would ask for a division on the indefinite postponement of this bill.

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

Mrs. BACHRACH: Mr. Speaker and Members of the House: It does not say that this applies only to amputees, and in any case, I should think if they move from the motor vehicle in and out, they would be better off shooting outside the motor vehicle, but I won't get into that. But it specifies exactly that you are only deferred from shooting a firearm within a hundred feet. I looked up the Maine statutes and there is no section on this subject, and I would prefer to leave it that way than to make it permissible to shoot anywhere beyond the hundred feet.

The SPEAKER: The pending question is on the motion of the gentlewoman from Brunswick, Mrs. Bachrach, that Senate Amendment "C" be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 28 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "C" was adopted in concurrence.

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

Messages and Documents

The following Communication:
STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON STATE GOVERNMENT
April 2, 1976

The Hon. John L. Martin
Speaker of the House
State House
Augusta, Maine 04330

Dear Mr. Speaker:
It is with pleasure that I report to you that the Committee on State Government has completed all action necessary on the business placed before it by the Special Session of the 107th Legislature.

Total Number of Bills Presented	25
Unanimous Reports	19
Ought to Pass	6
Ought Not to Pass	2
Ought to Pass as Amended	9
Referred from other Committee	1
Leave to Withdraw	2
Divided Reports	5
New Drafts	2

Sincerely yours,
Signed: LEIGHTON COONEY,
House Chairman

The Communication was read and ordered placed on file.

Orders

Mr. Morton of Farmington presented the following Joint Order and moved its passage: (H. P. 2283)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Toby Doak of Rangeley Winner of the 1976 Franklin County Spelling Bee Sponsored by the Maine Sunday Telegram

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: In Franklin County, we are very proud of the Rangeley schools. This relatively isolated community has always supported a top quality school and that is testified to by the fact that at the spell-offs last week in Farmington, the top two winners were from the grammar school in Rangeley. That was in the eighth grade, and having taken the two top places, I am sure that you all realize that first place was won by a young man named Toby Doak and by now I know you realize he is the son of the gentleman from Rangeley, our esteemed colleague, Harlan Doak.

Thereupon, the Order received passage and was sent up for concurrence.

Mr. Doak of Rangeley was granted unanimous consent to address the House:

Mr. DOAK: Mr. Speaker, on behalf of the Rangeley schools and my son Toby, thank you very much.

On motion of Mr. Albert of Limestone, it was ORDERED, that Donald Webber of Belfast be excused for April 5th, 6th, 7th, 8th and 9th for personal reasons.

**House Reports of Committees
Ought to Pass in New Draft
New Draft Printed**

Mrs. Boudreau from the Committee on Election Laws on Bill "An Act Relating to Campaign Reports and Finances" (Emergency) (H. P. 2004) (L. D. 2183) reporting "Ought to Pass" in New Draft (H. P. 2281) (L. D. 2340)

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

**Consent Calendar
First Day**

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

Bill "An Act to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1194) (H. P. 2211) (L. D. 2309)

No objections being noted, the above item was ordered to appear on the Consent Calendar of Second Day later in today's session.

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**

April 2, 1976

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

The President appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Implement a Central Licensing Division within the Department of Business Regulation" (H. P. 2153) (L. D. 2294):

CURTIS of Penobscot
CONLEY of Cumberland
GRAHAM of Cumberland

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Clarify the Retirement Statutes" (Emergency) (H. P. 1860) (L. D. 2027) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-1105) as Amended by House Amendment "B" (H-1133), thereto, in the House on April 1, 1976.

Came from the Senate. Passed to be Engrossed as Amended by Committee Amendment "A" (H-1105) as Amended by Senate Amendment "A" (S-511), thereto, in non-concurrence.

In the House:

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

Mr. ROLDE: Mr. Speaker, I move this matter be tabled one legislative day.

Subsequently, Mr. Rolde of York withdrew his motion to table for one legislative day.

On motion of the same gentleman, tabled pending further consideration and later today assigned.

Mr. Kelleher of Bangor presented the following Joint Order and moved its passage: (H. P. 2285)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional

Accomplishment of George Hale of Bangor Named by the National Sportscasters and Sportswriters Association as Maine's Sportscaster of the Year for 1975

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.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I was particularly pleased several days ago when I saw this announcement come out in the paper about George Hale. I think I have long enjoyed him, as many of us who live in Eastern Maine have, during the time he has been broadcasting and also telecasting many of the basketball games and sport activities that have gone on, and also when he was sports announcer for Channel 5. I think we all admire him, we have enjoyed him a great deal, and I don't think there is anybody I know of in Maine that is any more entitled to this award than him. I am certainly pleased to see this order go through.

Thereupon, the Order received passage and was sent up for concurrence.

**Finally Passed
Emergency Measure**

Resolve to Require the Department of Human Services to Reopen the Itinerant Office in Belfast (H. P. 2269) (L. D. 2336)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of the entire elected membership of the House being necessary, a total was taken.

Thereupon, Mr. Finemore of Bridgewater 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 final passage. This being an emergency measure, it requires a two-thirds vote of all the elected members of the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berube, Birt, Blodgett, Burns, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Dow, Dirgotas, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hutchings, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Lewin, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McKernan, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Palmer, Pearson, Pelosi, Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Spencer, Sprowl, Talbot, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Winship, The Speaker.

NAY — Ault, Bagley, Berry, G. W.; Berry, P. P.; Bowie, Byers, Call, Churchill, Conners, Cote, Dudley, Durgin, Dyer, Farnham, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Kauffman, Leonard, Lewis, Littlefield, McMahon, Morton, Perkins, S.; Raymond, Rideout, Snowe, Strout, Stubbs, Tarr, Torrey.

ABSENT — Boudreau, Connolly, Cooney, DeVane, Doak, Gauthier, Laffin, MacLeod, Peakes, Perkins, T.; Susi, Teague, Wagner, Webber, Wilfong.

Yes, 102; No, 34; Absent, 15.

The SPEAKER: One hundred and two having voted in the affirmative and thirty-four in the negative, with fifteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Enactor

Later Today Assigned

An Act to Clarify the Laws Relating to Marine Resources (H. P. 2010) (L. D. 2192) (H. "A" H-1168 as Amended by H. "A" H-1179; H. "B" H-1182)

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

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

Passed to Be Enacted

An Act to Protect Owners and Bona Fide Purchasers of Real Property from Unrecorded Mechanics' Liens and to Protect Them from Double Payment to Contractors and Subcontractors (H. P. 2126) (L. D. 2274) (H. "A" H-1181, C. "A" H-1114)

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

Mr. Mackel of Wells requested a roll call vote.

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

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

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

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Dow, Dirgotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McBrearty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Pearson, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

NAY — Burns, Conners, Doak, Leonard, Lewis, Mackel, Perkins, S.; Rolde.

ABSENT — DeVane, Gauthier, Laffin,

MacLeod, Martin, R.; Peakes, Smith, Susi, Webber.

Yes, 133; No, 8; Absent, 9.

The SPEAKER: One hundred and thirty-three having voted in the affirmative and eight in the negative, with nine being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Enactor

Later Today Assigned

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) (C. "A" H-1106)

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

On motion of Mr. Rolde of York, tabled pending passage to be enacted and later today assigned.

An Act to Provide for a Line Budget Procedure for All School Systems (H. P. 2208) (L. D. 2308) (C. "B" H-1151), H. "A" H-1184)

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.

Enactor

Later Today Assigned

Resolve, Authorizing the Governor to Create, Administer and Seek Funds for a Community Jobs Program for the State of Maine (H. P. 2165) (L. D. 2293) (S. "A" S-506, H. "A" H-1126)

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

On motion of Mr. Palmer of Nobleboro, tabled pending final passage and later today assigned.

Orders of the Day

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

Bill "An Act to Reorganize the Standardization Committee" (H. P. 2278) (L. D. 2339)

Tabled — April 2 by Mr. Talbot of Portland.

Pending — Passage to be Engrossed.

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

Mr. JENSEN: Mr. Speaker, I am having an amendment prepared that is not yet finished and I would ask that somebody table this until later in today's session.

Thereupon, on motion of Mr. Garsoe of Cumberland, tabled pending passage to be engrossed and later today assigned.

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

Bill "An Act Repealing the Expungement Law and Providing for the Control of Access to and Disclosure of Criminal History Record Information" (S. P. 773) (L. D. 2326)

Tabled — April 2 by Mr. Rolde of York.

Pending — Passage to be Engrossed.

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

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

Bill "An Act to Clarify Certain Provisions in the Education Laws" (Emergency) (S. P. 651) (L. D. 2056) — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (S-480) as Amended by Senate Amendment "A" (S-500), thereto, and Senate Amendment "B" (S-502)

Tabled — April 2 by Mr. Peakes of Dexter.

Pending — Motion of Mr. Lynch of Livermore Falls that House Amendment "G" (H-1192) to Committee Amendment "A" be Indefinitely Postponed.

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

Mr. LYNCH: Mr. Speaker, I ask that my motion for indefinite postponement be withdrawn, and I would like to make a brief statement.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, now withdraws his motion to indefinitely postpone House Amendment "G" to Committee Amendment "A".

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The section that the Representative from Waterville, Mrs. Kany, has amended out of the Committee Amendment is a very substantive change in the law and I think it could be more appropriately addressed at the next regular session with a public hearing.

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

Senate Amendment "A" to Committee Amendment "A" (S-500) was read by the Clerk and adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendment "A" and House Amendment "G" thereto was adopted in non-concurrence.

Senate Amendment "B" (S-502) was read by the Clerk and adopted in concurrence.

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

Mr. Farnham of Hampden offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1132) was read by the Clerk.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: This amendment takes care of a slight problem that exists in almost all school systems. It continues the provision that there be 175 days of classroom, and then there is five more days, which makes 180, which are designated as teacher workshop days. This has been very narrowly construed by the department and it is the intent of this amendment to broaden that definition slightly by adding to it that workshops could also include administrative meetings, parent-teacher conferences and other such teacher work activities. This in no way limits or changes the law that there must be 175 classroom days. I move its adoption.

Thereupon, House Amendment "A" was adopted.

Mr. Peterson of Caribou offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1173) was read by the Clerk.

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

Mr. PETERSON: Mr. Speaker and Members of the House: This amendment, the Statement of Fact gives the input of it, and in view of the fact that we have quite a few people who are coming in from out of state with small children, it permits the child to enroll in the kindergarten. The other part as far as first graders is taken care of.

Thereupon, House Amendment "B" was adopted.

Mr. Faucher of Solon offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1189) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, I wonder if the Chair could give us a ruling on the germaneness of this particular amendment?

The SPEAKER: The Chair would call your attention to the Bill, which is L. D. 2056, on the second page, which would appear to be the second page of your printed bill, Section 5 deals,

with Section 221; Section 6 deals with 226. The amendment offered by the gentleman from Solon, Mr. Faucher, deals with a new section which would be added, which would be 225. The Chair would rule that since the amendment is something which is not covered in the bill and is a substantive change not having had a public hearing, the Chair would rule that House Amendment "C" is not germane.

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

House Amendment "D" (H-1195) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, there is a section in this bill that deals with the authorization to suspend a student for up to ten days. What this amendment does is add another sentence that says, "When a student is suspended, the school committee will establish rules and regulations so that that suspended student can make up the work once he returns to school." Sometimes as it happens now, when a student is suspended from school he automatically receives a failing grade for the time that he is out, and this amendment would insure that he would at least have the opportunity to make up the work while he is suspended.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment presented by the gentleman from Portland, Mr. Connolly, is, I think, a matter that should more properly be in the hands of local school boards. What it says is that if you are suspended from school for a certain offense, when you come back, you can make up all your work. I am not saying that that is bad, I am not saying that is good, I am just saying that in certain instances, dealing with certain students, this may apply to them, and may indeed be, simply a vacation. You tell them they are out of school for ten days, they go out for ten days, come back to make up their work, and they have had a two-week vacation.

In other students that may not apply, I think that this amendment should be defeated and I would ask for a division on this because it should be in the hands of local school boards.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would call your attention and the attention of the Representative from Old Town to the last sentence of the amendment where it says "the completion of this work shall be subject to reasonable schedules established by the school committee or school directors."

In trying to get support for this amendment, one of the people I spoke to was the House Chairman of the Education Committee, Mr. Lynch, and his concern with the amendment was that it would place an unnecessary burden on teachers, that they would have to stay after school and stay with children who had to make up the work. The bill clearly spells out that the school board or the school directors will be the ones that will establish the rules and regulations.

When a kid is suspended from school, that shouldn't automatically mean that he is going to receive a failing grade. If the kid is going to receive a failing grade, then what is his point in coming back to school for the rest of that school year. He might just as well drop out, and if some people in this House would have their way, then he would be sent to the Boy's Training Center. It seems to me that the kids ought to be given the opportunity to make up the work,

and if in fact a kid sees a suspension as just a vacation, I don't think he would make the effort to make up the work. But at least this amendment would allow that to happen and leave it in the hands of the school committee or school directors. It is a decent amendment and I hope you vote to support it.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I would like to inquire how the second part of this would work if in the first part it says "Any student suspended shall", it doesn't say "may." So it would seem to me that this would be mandatory.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support Mr. Connolly's amendment. We are having quite a lot of trouble in this state with children who are being suspended and dropping out of school, and I think anything that we can do to help these children to be able to complete their school work, we should do, and I hope you will support this amendment.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that this amendment will be defeated. I second very much the remarks of the gentleman from Old Town, Mr. Pearson, that this amendment would allow a free vacation for a student who has been suspended for a violation of school rules or for damage or vandalism, and it would merely say that if a student decided to throw a brick through a window, he could be suspended, he could say to the principal, okay principal, that is fine, I will come back in five days, or six days, or whatever, at that time you must provide me with free tutoring so that I can make this up. I ask you, if this happens, who is being punished? I suspect that maybe the teachers are.

I also would call your attention to this possibility. If this is made a law and if it is mandatory for teachers to make up this work, pretty soon, within a year or two, you are going to have that incorporated into negotiations and the teachers will be asking for pay for teaching the same material twice.

I think this is a bad amendment and I would move for indefinite postponement if it has not been done.

The SPEAKER: The gentleman from Danforth, Mr. Fenlason, moves the indefinite postponement of House Amendment "D".

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I find myself on the side of the good woman from Auburn this morning. Mrs. Lewis, and my friend from Portland, Mr. Connolly, and I would submit that if a student is expelled for two weeks or one week, it would be some extra punishment if they have to take the extra time to make up the work. I hope and pray that our school systems are structured in the very end, at the bottom line, as we say, for the students, and I would hope that it would be punishment enough if they had to double up their effort when they came back to make it up, that that would be punishment enough in itself.

I am concerned, as some of the people in this House are, with the number of students that are being suspended, which is supposedly a minor punishment, and not returning to school. I believe that that is getting to frightening proportions, so even though it does structure a little more work on the establishment, or on the school structure as we would call it, that certainly under the negotiations and the way that bills are being funded, they probably will be compensated for it very well.

I am concerned about the number of students we are losing, and the idea is, of course, the bottom line is to educate. If they want to put the student out of school, if they want to expel him, if they want to flunk him, then let them expel him for the rest of the year, don't expel him for a week or two weeks under the guise that they know the person won't be able to come back and matriculate to that year and will flunk and will spend an extra year in the system. I think that is wrong and I think this amendment makes an honest attempt to meet everybody's criticism of it, and do away with that very problem.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if there is a maximum now to which a student could be expelled in terms of numbers of days, but this does fix a maximum, as I read it, of ten days for infraction of the school rules on which a student could be expelled. I do believe that here in the legislature we are interfering with the prerogatives of a school board or school committee, and I agree wholeheartedly with Mr. Pearson on this and Mr. Fenlason, I don't think this thing should be enacted. I think we should allow some semblance of control to the school boards, some responsibility to them, and not attempt to dictate from this level in Augusta how every decision will be made at that level.

I think we should indefinitely postpone this.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: For your edification and the edification of the gentleman from Wells, Mr. Mackel, I would point out that the bill, as written, without this amendment, already has the first sentence in it, the sentence that says "up to a maximum of ten days." If we defeat that amendment, the ten days will still be in the law. The purpose of this amendment is, it changes a punctuation mark in the first sentence, it changes a semicolon to a period after the word "rules." Then it adds the second sentence. So whether or not this amendment passes, there still is going to be a maximum of ten days' suspension in the law as written in the bill now.

The SPEAKER: The pending question is on the motion of the gentleman from Danforth, Mr. Fenlason, that House Amendment "D" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
Whereupon, Mr. Norris of Brewer 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 Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would make just one final pitch. We had a bill before us last session and there was an amendment that was ruled not germane this session that said if a kid was a habitual truant, he should be sent to the Boy's Training Center. Although the other body supported that point of view, this House overwhelmingly rejected that and said that they didn't feel that a kid should be sent to an institution for something that if you or I did would not be considered to be a crime. But if this kind of an amendment isn't passed, if you don't allow kids, once they are suspended from school, to at least be able to make up the work that they have missed if they want to, then you are just going to continue to contribute to the dropout situation.

This House, in rejecting that proposal to send kids to the Boy's Training Center, said, we are not sure what the answer is, but that surely is not the answer, and this is one small attempt to begin to deal with the dropout situation.

It is a very reasonable amendment. A kid who throws bricks through the window, a kid who gets in fights all the time, a kid who is considered a nuisance in school, is probably, if you are right in your opinions about him, he is not going to take the time nor effort to stay after school or do whatever he has to do to make up the work. But at least give the kids who are suspended the right to make up the work if they want to. Don't consider him a failure just because he has been suspended for ten days. It is a reasonable amendment and I wish you would support it.

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

Mrs. MORIN: Mr. Speaker, I would ask a question of Mr. Connolly through the Chair. Would it be possible to have it that they could make up the work once and if they get suspended again for the ten days for whatever, they wouldn't be allowed to?

The SPEAKER: The gentlewoman from Old Orchard Beach, Mrs. Morin, has posed a question through the Chair to the gentleman from Portland, Mr. Connolly, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. CONNOLLY: Mr. Speaker, in answer to the question, I would just say that the last sentence of the amendment covers that. The completion of this work shall be subject to reasonable schedules established by the school committee or school directors. The school committees, as I interpret this amendment, would have the right to make that kind of decision.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: You are not talking in here about just the simple student that makes a wise remark in class. Surely that type of a person would be allowed to make up their work, but it covers all sorts of different events that may transpire in a school.

For example, in my limited eight years of teaching, I have seen people pull fixtures out of the wall in the boy's room and I have seen — there was a case in one of the schools that I taught of a kid exposing himself in front of girls and that sort of thing. Now, what are you going to do, are you going to say to him, well, ten days you are out, you are going on vacation and when you get back you can make up your work and everything is going to be the same?

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I support indefinite postponement of this amendment before us, and I would like to share with you some of my reasons. First of all, we all know that suspensions are not idly handed out by the administrators and school boards of local school units in this state. Suspensions are the last resort, only after repetitive infractions of the school rules and after individualized conferences with the administrators and/or the school personnel involved.

Nothing precludes a school unit in this state today from allowing students who have been suspended from making up work if that work is going to determine whether or not that student eventually passes or fails. Those decisions are more frequently today than ever before individualized, and to dictate from Augusta that all students, all of them, without exception, will be allowed to make up their work after they have been suspended is to violate that theory and premise which we as members of this

special session have been advocating, and that is local control.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to support the motion to indefinitely postpone this amendment. Having been a member of a school board for four years, I can tell you that a school committee has enough authority, enough latitude, to act not in a vindictive manner but in a manner which would motivate a student to continue his education.

I look upon a suspension that does not give the student any opportunity whatsoever to catch up with the students who remained in class while he was suspended a short-ended view. You could almost say that this would be indefinitely postponing rehabilitation, that is what it would amount to.

If a boy or girl were to be suspended for some kind of a prank or even for something a little bit more serious and then, after ten days, were not to be given any opportunity to catch up, that boy or girl would fall into another hostile attitude, again probably provoking another suspension, and he would get this ad infinitum. Look at the history of the dropouts and you would see that these dropouts were the ones who thought, rightfully or without justification, that they had been picked upon and they begin to build up a feeling of resentment, a feeling that they are rejected, and this feeling of rejection makes them get to the attitude where they will not cooperate with the teachers, they will not be motivated to try to get an education.

You say that if they are permitted to catch up by extra work, now mind you, that is what it amounts to, it is going to amount to extra effort on their part to catch up, and that is no assurance that they have caught up. You must remember that a great deal of education depends on being present when a discussion is held. These children who are barred from the school for ten days lose that valuable discussion, the interplay between students and the collective discussions. They lose that, and this is the kind of stuff that permits them to learn. You know, Anatole France said you did not get an education unless you got some enjoyment. He said, one learns only by one's enjoyment of what is being taught, and these kids have been deprived of a great deal of that discussion. They already are a couple of steps behind, and when you bar them from any attempt to catch up, they are going to fall three and four steps behind.

If you want to make chronic dropouts, if you want to start that kid on the way to Boy's Training Center and then on the way to Windham and so forth, having been a parole officer in my younger days, I can tell you that the beginning of that horrible education often started in the school where there was a harsh punishment given out for a childhood prank. I say to you, if you must err, err on the side of the angels, and in this particular case, I think Representative Connolly is definitely with the angels.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am supporting the indefinite postponement of this measure and I think we are falling for a concept that we get trapped in all too often, that if we don't say it is going to happen, it doesn't happen.

We just heard the gentleman from Bangor stop just short of Thomaston for anyone who gets suspended from school. I want you to know that in my experience, the teachers weren't vicious, the administrators weren't sadists, school boards did not regard their function as keeping kids out of school. My experience has

been that in the suspensions I have been aware of, they were encouraged and procedures were developed for them to keep up with their work during the suspension. They weren't put in limbo, they weren't frozen, so I think unless you have personal knowledge that your school board is made up in the way that has been described here today, you should go along with indefinite postponement.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against indefinite postponement. I guess the whole name of the game here is, let's keep these kids out of the criminal justice system, let's keep them in the schools. I think there has been some good arguments here.

We heard the cry many years ago from Boys Town. Father Flannigan said, I have never met a bad boy. For the last two years, from Representative Flanagan I have heard, I have never met a bad boy, and he was many years in the field of education.

I just feel that you have got to give these kids something to shoot for, and I don't think this is an unreasonable amendment.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I think this comes right back to an issue, and I am amazed this morning to see some people from the education community that would take a stand against this amendment. These are the very people that through their influence, and probably rightfully so, are spending extra millions of dollars every year in the State of Maine on special education. We are trying to help the people that have learning difficulties, whether they be physical or whether they be mental or whether they be from attitude. These very people want us to spend extra millions of dollars and we are willing to do it, but these same people don't want to allow a child who has been suspended from school to make up his work so he can continue on in the mainstream of the system. I think this is outrageous.

My Lord, what are we here for? What is the system for? What is the system for? We spend millions of dollars to address ourselves to the problems of individuals and then something like this comes along and a good part of the education community says, no, you can't do it, it is impossible, it is too much work. They will be compensated, you can bet your sweet life on that, when it comes to collective bargaining. If they have to work three hours extra, they will come in and they will get the money and we will be willing to pay for it. So let's, this morning, vote against the indefinite postponement of this amendment and address ourselves to that small percentage of the youngsters that need help, and we are the people that can give it to them.

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: While I don't wish to dignify the remarks of the gentleman from Brewer, Mr. Norris, I would like to remind you that nothing as of today precludes young people who are suspended in this state from making up their work. That issue is determined by the administrators and school directors of local school units and each case is individualized. I suggest we leave that decision individualized locally.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I spent 46 years in the school business, and I don't know of a case where a kid wasn't allowed to make up work if he wanted to. I think the important thing is that

we helped people make up work hours after hours, and we did it without any extra compensation, but we didn't want to be told that we had to. We wanted to do it because we thought it was our duty. I think that that is still true. I don't believe there are kids being refused a chance to make up work at the present time, and it seems to me that it is absolutely unnecessary.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Danforth, Mr. Fenlason, that House Amendment "D" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Bustin, Call, Carey, Carpenter, Chonko, Churchill, Clark, Conners, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Doak, Drigotas, Dudley, Durgin, Dyer, Fenlason, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kauffman, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, Mahany, Martin, A.; Martin, R.; McBreairty, McMahon, Mills, Morin, Morton, Mulkern, Palmer, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Raymond, Rideout, Rollins, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tozier, Twitchell, Tyndale, Walker, Winship.

NAY — Bachrach, Berry, P. P.; Burns, Byers, Carroll, Carter, Connolly, Curran, R.; Davies, Dow, Farley, Farnham, Faucher, Finemore, Flanagan, Goodwin, H.; Henderson, Hobbins, Hughes, Ingegneri, Jacques, Jensen, Joyce, Kany, Kelleher, Laffin, LaPointe, Lewis, MacEachern, Maxwell, McKernan, Miskavage, Mitchell, Nadeau, Najarian, Norris, Pelosi, Quinn, Rolde, Saunders, Talbot, Tierney, Torrey, Truman, Usher, Wagner, Wilfong.

ABSENT — DeVane, Gauthier, MacLeod, Peakes, Peterson, T.; Smith, Webber.

Yes, 96; No, 47; Absent, 7.

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

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

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

An Act Correcting Errors and Inconsistencies in Motor Vehicle Related Laws (Emergency) (H. P. 2270) (L. D. 2337)

Tabled — April 2 by Mr. Palmer of Nobleboro.

Pending — Passage to be Enacted.

On motion of Mr. Rolde of York, retabled pending passage to be enacted and later today assigned.

On motion of Mr. Goodwin of South Berwick, the House reconsidered its action whereby An Act Providing for Protective and Supportive Services for Mentally Retarded Persons (H. P. 2069) (L. D. 2239) (S. "A" S-499, C. "A" H-1118) was passed to be enacted.

On motion of the same gentleman, tabled pending passage to be enacted and later today assigned.

On motion of Mr. Rolde of York, the House

voted to take from the table the fourth tabled and unassigned matter:

Bill "An Act to Revise the Statutes Concerning Alcoholic Beverages" (H. P. 2223) (L. D. 2311)

Tabled — March 24 by Mr. Rolde of York.
Pending — Passage to be Engrossed as amended by House Amendments "A" (H-1048), "B" (H-1062), "C" (H-1066) "E" (H-1078), "F" (H-1086), "G" (H-1037)

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: There are two or three amendments to be offered and apparently the one that was going to be offered first, the gentleman is not in his seat, so I will offer mine.

Thereupon, Mr. Maxwell of Jay offered House Amendment "J" and moved its adoption. House Amendment "J" (H-1113) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: Actually, what this does, the intent of this amendment is to remove provisions of the bottle clubs from the bill. It takes out in the different parts of the bill anything having to do with bottle clubs.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: Does this bar the bottle clubs by removing this.

The SPEAKER: The Chair would advise the gentleman that some time ago the Chair ruled that the bill as it came out of committee was not germane and in violation of Rule 28. This amendment is being offered pursuant to that ruling.

Thereupon, House Amendment "J" was adopted.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make it clear that I speak today not for the Liquor Committee on this particular amendment, but I would like to speak as a member of the Liquor Committee.

A couple of weeks ago when this bill was first offered, you heard a motion by the good gentleman from St. Agatha pursuant to whether or not this was a germane portion of the bill. This particular motion, I believe, in the two years since I have been here, is unprecedented, this type of one, and the ruling by the Chair was that we could not incorporate this particular part of the bill in our overall study. I do feel strongly enough about this so that I do just want to at least put a few words on the record about the background of this amendment and how I do feel about it.

The SPEAKER: The Chair would advise the gentleman that the matter is not before this body. The Chair has ruled on that and the matter of the issue of the bottle clubs is not before this body and the gentleman may not proceed.

Thereupon, on motion of Mr. Pierce of Waterville, the House reconsidered its action whereupon House Amendment "J" was adopted.

The SPEAKER: The gentleman may now proceed.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: As I was saying, the gentleman obviously did not approve of this section of the bill, and that is quite understandable. I am, however, sorry that he did not come before the Liquor Committee at the public hearing to tell us of his concerns so that we could do something to improve it if he felt it should be or to advise us of his feelings. I am also sorry that he did not introduce this particular amendment

himself and on this floor we could have discussed the merits of the amendment, but I think he well knew how this House felt about this section of the bill and that it, overwhelmingly, I think, supported having this in our omnibus liquor bill. But each of us must address legislation in his own way, and if he felt that this was the manner in which he wanted to address this particular issue, then that has to be his decision.

I know this is not the first ruling of such a nature that the Chair has made and I certainly would like to go on record as saying that I think the Speaker has usually made excellent decisions; however, I want it very clear on the record that I think this particular decision was out of order.

I would like to read into the record part of the study order which ordered the Liquor Control Committee to study this particular issue.

"Ordered, the Senate concurring, that the Legislative Council be authorized that the Joint Standing Committee on Liquor Control to study procedures, regulations and statutes governing the issuance of liquor licenses and the qualifications of liquor licensees; and be it further

"Ordered, that the Council report the results of its findings together with any proposed recommendations and necessary implementing legislation by the next special or regular session of the legislature."

I think we have seen many instances in this two years, and in this special session, especially, where bills came before us merely because certain people wanted them here, whether they be here rightly or wrongly, and I think this is an instance where a certain bill isn't going to be here for the same reason, because certain people didn't want it here, but I don't think it is right. We can discuss technicalities and semantics and so forth or whatever we want, why certain bills are here or why they are not, but I think this one is politics pure and simple.

I am sorry to see a good piece of legislation fall victim to politics in this manner. I think this provision of the bill was a good one, it had the support of all the good bottle club owners in the state, and I am sorry that by taking this provision out we have to lose \$20,000 worth of revenue for the State of Maine, but I am sure that these 4 or 5 percent of the bad bottle club owners in the State of Maine will be delighted with our action today. Certainly the ones that stay open until four, five or six o'clock in the morning can now continue to do so, but I don't think that the best interest of the people of the State of Maine were served by us deleting this particular section of the bill.

To fight this or to prolong this any further certainly does no one any good, and I don't plan to do that. I just did want to make these remarks for the record so it was very clear where I stood on this matter, and I felt very strongly that we should have incorporated this in our overall study. Now, since we have reconsidered, I will recommend that we do adopt this amendment.

Thereupon, House Amendment "J" was adopted.

Mr. Lizotte of Biddeford offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-1094) was read by the Clerk.

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

Mr. FAUCHER: Mr. Speaker, could the gentleman from Biddeford, Mr. Lizotte, explain this amendment? I can't find it and I would like to know what it is.

The SPEAKER: The gentleman from Solon, Mr. Faucher, has posed a question through the Chair to the gentleman from Biddeford, Mr. Lizotte, who may answer if he so desires, and the Chair would recognize that gentleman.

Mr. LIZOTTE: Mr. Speaker, Ladies and

Gentlemen of the House: The only thing that this amendment does, it puts back for the employees, for the commissioner when he inspects the applications, it is not only up to the commissioner but also up to the Liquor Commission. They have a chance to look over the applications for the employees for the State Liquor Commission.

Thereupon, House Amendment "H" was adopted.

Mr. Wilfong of Stow offered House Amendment "I" and moved its adoption.

House Amendment "I" (H-1108) was read by the Clerk.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: What this does is, originally the committee was going to report out an increase in the beer licenses for small stores of \$100 and they opted to knock that price off \$75. What this amendment does, it knocks the additional \$25 off and reinstates it to its present level of \$100 for a malt beer license. I do this for several reasons, but the two most important being that small stores and small businesses are under enough pressure from increased costs and so forth. I see no reason for increasing their costs further by the state, and if the liquor control people can do without the other \$75 that they had originally intended to place upon it, I feel that they can do without this.

This increase harms my district especially, because I live right on the border next to New Hampshire where they have cheaper liquor costs in the first place, and I can't see raising the price of the liquor license another \$25. So I would ask that you support my amendment.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: I think there have been 10 amendments proposed on this particular piece of legislation and eight of them the Liquor Control Committee has felt that we should go along with. Some we liked more than others, but we could live with them. Certainly this is the second one that we feel very definitely that we can't live with.

The license fees were the most difficult aspect of this whole situation and bill which we did discuss, and I am sure that doesn't surprise any of you. When you get to discussing money, that is when the fight starts.

We did consider all the license fees, we combined some, we eliminated some, we tried to streamline the fees, and I would like to tell you what the license fees were before and what they are now.

When this license was first established back in 1934, for a malt liquor license it was \$100; it is still that today. We originally had thought to bring that up to \$200 to make it equal with a wine license for off-premises sales. We then found, as we got into our discussions more and more, by shifting other licenses and by cutting them as much as we could, we were able to lower the wine license and the off-premise malt liquor license so that stores that have both licenses now, which is close to half the stores in the state, actually will receive a \$50 overall deduction. In other words, both these licenses will now be \$125, for a total of \$250, instead of one being \$100, and the other being \$200, for a total of \$300.

If you ask any member on the Liquor Control Committee, they will probably tell you that they are not happy with the liquor license fees, and I am not happy with all of them either, but I think also, if you ask any of us, are they better than they were before, and I am sure that most of us or all of us will tell you that, yes, we think they are.

I think I can speak for the committee as a whole in defending this total license package. You can have people start amending it for a license per store, lower it here, for a hotel license to be lowered there, for a club license here, and what you do, obviously, is you destroy the whole package. And if ever there was a committee amendment, or a committee section of a bill which was really hammered out long and hard to get all of us to agree on it, it was this section of the bill, and it really was done in the truest sense of compromise. So, I would ask you not to support this amendment and I would now move the indefinite postponement.

The SPEAKER: The gentleman from Waterville, Mr. Pierce, has moved that House Amendment "I" be indefinitely postponed.

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

Mr. WILFONG: Mr. Speaker, I request a division, please.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: It concerns me today that the motion of indefinite postponement is before us on this amendment. It seems to me that we had the discussion on solid waste where we were concerned with small stores, Mama and Papa stores being able to be viable. Well, I think what we are going to do, we are going to put them out of business by licensing them to death. By increasing the fee only \$25 may not sound like much, but the overhead that these small stores have had to undergo during these inflationary times is terrific and I think that indefinite postponement of this amendment is the wrong motion. I think we should adopt it.

There are a lot of stores in my community that sold wine for a brief time but who do not sell wine now because of the high fee — \$200, and they don't need the beer license fee to go up higher. It just means that more and more of your small stores are going to eventually end up going out of business because we are going to increase their license fees to that they will be unable to pay them. I hope that we don't go along with the indefinite postponement motion.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the gentleman understood exactly what we had done. We have lowered the wine fee from \$200 down to \$125. The original move was to set this the same as the wine, at \$200, but we found that by juggling some of the other license fees around, we could come out with \$125 for malt beverages, \$125 for wine, and this perhaps could cause many of these other smaller stores to license for wine. We believe it would be a definite increase.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: it seems to me that this legislature, by passing the bottle bill, is imposing a very heavy burden on all of these small stores, and I think that in the interest of any kind of good will among those store owners, that we would make a serious mistake to require them to take back returnable bottles and increase their fees at the same time. So I would urge you to vote against indefinite postponement, and if there has to be an increase, perhaps it could be done at a later session.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe there are many more whose districts include more Mama and Papa stores than mine. Therefore, I was very concerned with their livelihood when we drew up this piece of legislation.

This piece of legislation was drawn up with a very delicate balance because if we do in fact allow this amendment in, then the bill will have to be indefinitely postponed because it will not be financially feasible and the loss of revenue to the state will be such that we just don't want to put this in the state in this further hazard.

I might remind you that there has been no increase in the malt beverage take-out fees in 40 years. Therefore, I don't think that a \$25 increase in 40 years is exorbitant.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Pierce, that House Amendment "I" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was aken.

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

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

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

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Due to the fact that I am a retail license holder, I ask to be excused.

The SPEAKER: The Chair would advise the gentleman from Rockland, Mr. Curtis, that based on prior rulings of the Ethics Committee, the question as to whether or not someone is personally affected is a question of whether or not someone is personally affected alone and is not affected as a member of a class. Based on that information and past rulings, the Chair would announce that there is no conflict of interest involved for the gentleman from Rockland and would suggest that he can vote.

The Chair recognizes the gentleman from Bangor Mr. McKernan.

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I think I agree with what the Chair has just said based on conflict of interest. However, I do think that under Rule 19 anyone who feels that he is going to have a conflict, and I certainly think anyone who owns a store and is paying a fee now which is going to be decreased, if this amendment is not defeated, that if they feel they have a conflict and are going to vote for that amendment, I think that they ought to be allowed to abstain from voting.

The SPEAKER: The Chair has made his ruling.

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I believe the ruling though was that he was not in conflict; however, I believe that Rule 19 states if you feel you are in conflict you can ask to be excused.

The SPEAKER: The Chair would also advise the gentleman it says if it has the approval of the Speaker and the gentleman may read the rule.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question, through the Chair on the bill?

The SPEAKER: The gentleman may pose his question.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: To any member of the Liquor Committee, as I understand, the vote we are about to take, the bill itself proposed to raise the beer license from \$100 to \$125 and drop the wine license from \$200 to \$125. The amend-

ment proposes to kill this provision. Am I essentially correct?

The SPEAKER: The gentleman from Gorham, Mr. Quinn, has posed a question through the Chair to any member of the committee who may answer if they so desire.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I would answer in the affirmative. In other words, a store owner, previous to today, unless this bill goes through, paid \$200 for a wine license and \$100 for a malt liquor license, which was \$300. This same licensee today, if this bill goes through, would be paying \$250 for both licenses, which is a savings of \$50.

Mr. Speaker, may I continue while I am on my feet.

The SPEAKER: The gentleman may continue.

Mr. RAYMOND: I would just like to mention that if this amendment is not indefinitely postponed we may be in a little bit of trouble. We have 2001 malt licensees for off-premise. If this \$25 is taken off to bring the license down to \$100 instead of \$125, this will be a decrease of \$50,000. On the off-premise, without stock of groceries, bringing it down the proposed \$225 license to \$200, we have 153 of these licensees, that would bring us a decrease of \$3,825.

Now, we have got a cushion in here of approximately \$10,000 in case that we have less licensees this coming year, because we can't predict that all the licensees will be relicensed. If this bill goes through, this will bring \$42,500 less in revenue to this state at a time when we cannot afford less revenues. So, consequently, if the amendment goes through, chances are that we may have to recommit this entire bill to committee, because we as a committee certainly do not want to go on record as cutting down on licenses and bringing less revenue to the state.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak to Mr. Quinn's question. My amendment doesn't have anything to do with the wine portion of their bill. It speaks directly toward the malt liquor license only, it specifies that right in the amendment. I don't think it is fair to say this has anything to do with that wine portion of that bill.

I would like to further say that I think it is rather interesting, someone very wisely, a number of years ago when they went to fees and especially to fees that go directly to a department, got around calling them a tax and what we are doing is increasing taxes, whether we want to look at it that way or not. Of course it doesn't show up very much in front of the public because it is called a fee increase. What we are doing is raising the taxes on beer and we are raising the taxes to support a state agency and the other state agencies that do not have dedicated funds have to get their increases through a tax, either an income tax or sales tax or some other tax. So what we are doing, we are increasing taxes today and we are increasing them by 25 percent.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to make any remarks, I just want to state that I am completely confused. I don't know where I am, I have had two or three different versions, I have had one version written out for me. I know I am a little dense and I guess I am getting worse, but I don't know what I am doing.

As I understand it, this would raise the beer licenses and it would lower the wine license and

it would raise the beer license of a couple of thousand people and it would lower the price of the wine license, and then there is talk of recommitting the bill. I wish I knew I was on safe footing, because this is exactly what I would like to do now so that the committee could get together. I am sure we have time. I want to get out also and I know we are going to get out this week, but I just would like to have somebody either explain the bill and just exactly what we are voting on solidly, without saying, if we don't pass this thing, but just explain the thing and exactly what we are voting on or else have the House Chairman move to recommit the bill and have it over with.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: If I could speak to the good gentleman from Lewiston's concerns, the committee doesn't have to recommit this to get together, the committee is together. This is a unanimous committee report. What we are talking about today, we are voting on, is indefinite postponement of an amendment, we are not voting on the bill.

Now, the amendment would decrease the fees which we have suggested on malt liquor, off-premise, \$25. This, because there are 2001 outlets in the State of Maine, would throw the entire revenue balance which we have from our fees completely off. So if the amendment were adopted, then probably the committee would have no choice but to recommit the bill because we can't present a bill here with a revenue loss.

Hopefully, people on the roll call will go the same way they went on the division, to support the indefinite postponement of this amendment.

I would once more just point out to you that we had hours and hours of painstaking studies on these license fees. In this bill, everybody, virtually everybody who came to testify before that public hearing on this bill congratulated the Liquor Committee for coming up with a better set of laws than we have now.

I will tell you, you can nit pick this 2311 to death, because it is not perfect, I will be the first one to say that, but you take your present laws and put that beside the bill, that I think is what we are talking about here today. I think we on the committee have improved the laws, not to where eventually I would like to see them, but it is a big step in the right direction.

I hope that you will go along with the indefinite postponement which is tied in very closely with this entire bill at this time.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: May I pose another question to any member of the Liquor Committee, is this \$25 that is at discussion now dedicated funds? Does that go to Mr. Ingraham and his group over there or does that go into the General Fund?

The SPEAKER: The gentleman from Gorham, Mr. Quinn, poses a question through the Chair to any member who cares to answer.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: The money goes to the General Fund.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I want to congratulate the Liquor Control Committee for the work they did on the laws, but I think they went too far when they start attacking the license fees. No one that I know of is hollering to change the license fees on the type of licenses that we have. I understand they group the licenses together, which is good, but I don't think they should have tackled the license fee to bring in

extra revenue at this time, because that isn't what the order called for. The order called for an order reviewing the liquor laws. That is all it called for. It said nothing about the fees and all of a sudden we find that the fees have been raised on all types of licenses, maybe lowered in very few instances, and that is what I am against.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: This was an order that I presented in the regular session last year to study the liquor laws. I would have to vote with Mr. Wilfong. My order did not say to study the liquor license fees. They did and I believe they have done a wonderful job. They worked hard on this, but I am not about to vote for a \$25 increase for my stores in my district. I have 35, and I am not about to give it to them this morning. So, I hope you vote with Mr. Wilfong, and the committee might go back together and study this thing again for about an hour or two and find out where this license fee should be put on, not the poor people.

Mr. Pierce of Waterville was granted permission to speak a third time.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clear up one point, I think, for the good gentleman from Lewiston, Mr. Cote. The committee at one time considered this as being a revenue raising measure for the State of Maine. That was a very attractive proposal and at one time we had fees which would have increased the General Fund and our fees up to \$200,000-some-odd. We then felt that perhaps this was not, as he suggested, what we were set forth to do, so we changed our whole approach to it and what we wanted to do was reorganize the liquor fees, make them fairer, streamline them and come out with as small a profit as possible but still not show a revenue loss. So, we tried to leave ourselves not \$200,000 or \$300,000 cushion in this bill but about \$30,000 cushion in it so that we would be sure not to have a revenue loss.

Now, with the elimination of the bottle clubs, that was \$20,000 of our cushion, so we are down, really, not to a point where we are raising any great revenues by these fees, we are just about breaking even, giving ourselves a little bit extra so to be sure that we don't have a loss.

To address Mr. Faucher's question, yes, it is very attractive for me or everybody else to say okay, I don't want to vote against my little stores. It is not a vote against the little stores. In many instances, you are going to be decreasing their fee by \$50 instead of increasing it. Also, you could say that about the hotels or clubs or anybody else. We could decrease them all and then what are you left with? You are left with a minus bill, and we can't do that.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I am surprised to hear that those license fees are not dedicated and I would like to ask any member of the Liquor Committee exactly where and what are the dedicated fees within the liquor laws.

The SPEAKER: The gentleman from Waterville, Mrs. Kany, poses a question through the Chair to any member who cares to answer.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Waterville, Mr. Pierce, I want to thank him for his explanation. He was all right until he got up again and then he further confused me. So, now I have got to go back again if he doesn't mind and probably that goes for my good friend and colleague from Lewiston, Mr. Raymond.

The gentleman from Waterville, Mr. Pierce,

at the conclusion of his remarks said, yes, this will decrease some licensees' fees. That includes the 153 people who have both a beer and wine license — 900 wine licenses and about 2000-some-odd take out. It will decrease them but will increase about 1000 others who don't have both. I don't want any part of it.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, I have been in the store business for many years in Westbrook and it is always the small store owners that have to work long hours and they have to work real hard to make a living in this state. I don't believe that they should be increased in their fees. Wine is not a profitable business for the small store owners of this state, they are doing away with them every day. Every day they are quitting them and throwing them out. The State of Maine only let them have it because they didn't want to bother with it themselves. Anything over 12 percent you won't see any little store handle and that is where the big money is, and that is in the liquor stores where the State of Maine can make the money. Don't forget, the State of Maine is in the liquor business and they do it for a profit. It is a very high profit, so they are not giving away anything.

I think today, if you increase the small store owner, you are just hurting your corner store. If it was just for the super market, fine and good, but you can't divide the two, they are the only ones that are selling great amounts of wine in the state. So, consequently, what you are doing is, you are hurting your small store owner by asking them for an increase here today.

The second thing is, and I think this is more so than anything else, we don't know what the effect is going to be in that referendum that is going to pass over this state, and that is going to be a very emotional one. You are going to make a hardship case of the small store owners and this on top of it, is just something else.

It is easy to say about these things on the highways, which we are not getting into this morning, but it is another thing to put the burden on them. They are going to have to carry the other burden, and you are going to see more and more of the small stores closing up because of laws that are passed in this legislature. I think you can compare this in many instances with the working people. You want them to have more money and you want them to do this, fine and good, and we should also take this same approach with the store owner.

I don't feel that I am voting or talking on a conflict of interest here this morning, because I have not fulfilled the plan which is in progress, so consequently, I do not have a guilty conscience to vote against this but I think we should have some consideration this morning. After all, we need these small stores. You need them and everybody in the state needs them, you can't go to the supermarket when you run out of milk or something every day, or bread, so I think we do owe them some consideration and I certainly hope that you will not increase their fees.

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

Mrs. BERUBE: Mr. Speaker, Members of the House: Just a question, has House Amendment "C" been accepted, the one that would increase or give a per diem of \$50 a day plus expenses?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: If Mr. Laffin would look at this bill correctly, he will be saving \$50 a year as far as license fees are concerned, if he

has a wine license, because we are trying to encourage more people to take the wine license and to make a little money with it because at the present time there is no money in selling wine for these grocery stores. This will help them and their license fee will be \$50 less, if they compare the increase of the beer license. Believe me, I was not in favor of increasing the licenses in committee, but I voted for it until it got here on the floor.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, one final thing. I think the principle involved here is that we have a tax increase, whether anybody wants to admit it or not, that is what it is. If the money is going to the General Fund, I am sure somewhere along the line it is earmarked for the Liquor Commission, and if that is the case, then we are increasing the amount of the fees which, in fact, is a tax to help that department along while we are asking everybody else to cut back. So with that in mind, I would ask you to please support my amendment.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Waterville, Mr. Pierce, that House Amendment "I" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Berry, P. P.; Birt, Boudreau, Burns, Byers, Carey, Carpenter, Carter, Conners, Cox, Curran, R.; DeVane, Dow, Dudley, Durgin, Dyer, Farley, Farnham, Fenlon, Flanagan, Fraser, Garsoe, Gould, Hennessey, Hewes, Higgins, Hinds, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kauffman, Kelley, Kennedy, LaPointe, Laverty, Lewin, Littlefield, Lizotte, Lunt, Lynch, Mackel, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Morton, Nadeau, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rollins, Snow, Sprowl, Stubbs, Susi, Teague, Torrey, Tozier, Truman, Twitchell, Usher, Walker, Winship.

NAY — Bachrach, Bennett, Berube, Blodgett, Bowie, Bustin, Call, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Curran, P.; Dam, Davies, Doak, Drigotas, Faucher, Finemore, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hobbins, Ingeneri, Jalbert, Kany, Kelleher, Laffin, Leonard, Lewis, Lovell, MacEachern, Martin, R.; McMahon, Mitchell, Morin, Mulhern, Najarian, Pearson, Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Saunders, Shute, Smith, Snowe, Spencer, Strout, Talbot, Tarr, Theriault, Tierney, Tyndale, Wagner, Wilfong, The Speaker.

ABSENT — Curtis, Gauthier, LeBlanc, MacLeod, Peakes, Silverman, Webber.

Yes, 80; No, 64; Absent, 7.

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

Mr. Laffin of Westbrook requested a roll call on passage to be engrossed.

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

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

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

Mrs. TARR: Mr. Speaker, may I pose a question through the Chair on Amendment "C" and

ask for reconsideration or how come there was not a fiscal note on that for 50 meetings? Before we vote on this, could I get some further information on that?

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

The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: The 50 meetings was already in the books and it was an error when they put down 30 on the original bill, so that is why I put the amendment in to change it back to 50.

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

Mrs. TARR: Mr. Speaker, I don't know how many members of the commission there are, and it just seems like 50 meetings are an awful lot and I wondered if he could have a cost on that? It does say "shall" be paid for 50 meetings.

The SPEAKER: The gentleman from Bridgton, Mrs. Tarr, has posed an additional question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, there are three commissioners, so this would be 3 times 50, plus \$50 a meeting.

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

Mr. HENDERSON: Mr. Speaker, may I inquire through the Chair what the compensation is as of this date before we pass the law, per meeting?

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

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

Mr. RAYMOND: Mr. Speaker, this has not changed at all. It is not 50 meetings a year, it is "up to" 50 meetings a year and \$50 per meeting. The committee had thought at one time to bring these meetings down to a lesser amount. The reason that we did not change it and left it as it is because now that they have the right to have these agency stores, they have to travel a lot more, because they go to on site inspections in many cases. If a municipality applies for an agency store, they apply to the Liquor Commission. After the forms and everything are made up, they have to go on site, speak to the municipal officers, to the people involved so they anticipated a few more meetings than in the past. I think they had 26 meetings last year.

Also, they have to go so many times a year to have meetings in various locations in the state to advise the licensees of new regulations that the commission may have, any requests from municipalities of the commission for meetings, and these are what the meetings are all about, so that is 26 last year, with all the agency stores that they may encounter in the next year, it could possibly go into 40 meetings probably. This does not say that they have to have 50 meetings a year. It says, "up to."

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I don't know why I am getting myself involved in this, but I am just really enjoying myself a little bit.

When we are talking about 50 meetings and we are talking about \$50, that is win money. We have to throw in that place money called expenses, don't we? I thought I would like to ask that question. That expense money with those

agency stores, say up in Eagle Lake, and you turn around and go from Eagle Lake to Calais and you turn around and go to Kittery, you are back in Augusta, if my mathematics in making out expense accounts every week come up so, that could come up a pretty decent expense account. Are there any expenses involved besides the \$50?

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

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

Mr. RAYMOND: Mr. Speaker, this is in the budget, this has nothing to do with the license fees or anything. Every year the Liquor Control has, I believe, somewhere in the area of \$14 million. I don't know what their budget is, however, they will allot so much money every year in the budget and they have to live within that budget and these fees for these commissioners are in this budget, just like the per diem for the legislators is also in their budget.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that the most substantive change in this whole document from the point of the view of the towns is that requests for license renewals will no longer be referred automatically to the municipal officers but will go to the State Liquor Commission. It seems to me right there that you will see the necessity for the State Liquor Commission meeting more often if they are going to process all of these requests for renewal.

My question is, in the course of the large number of amendments we have been looking at, has there been any change made in this stipulation that all renewal requests should be referred to the State Liquor Commission unless the municipalities object to the licensing?

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

The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: The application for a renewal license goes to the Bureau of Alcoholic Beverages and it is processed by Bill Gautreau, the head of the licensing bureau. Then, if the towns are dissatisfied with this, they can turn around and ask for a hearing in front of the administrative court judge and the commissioners don't have to attend that unless they want to.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

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

A vote of the House was taken.

25 having voted in the affirmative and 90 in the negative, the motion did not prevail.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: There has been this talk of the \$50 a meeting that the commissioners are going to get for holding their meetings and I am concerned with this provision of what the commission does when they hold a hearing. I think the Representative from Brunswick, Mrs. Bachrach, asked about the question of renewals coming before municipalities.

I am concerned that maybe this is not the time, because it is running late in the session,

but I would have hoped that the Liquor Control Committee would have looked a little more deeply into this business of when municipalities object to licenses being granted, the procedure that the commission uses against the municipalities and in that, what I think I am trying to say is that if you have in your municipality a license that is going to be granted and it is in an area where there is a lot of opposition, there is no way that the commission will hold a nighttime hearing. They must hold their hearings during the day. I have a letter to that effect from Keith Ingraham. The letter was not addressed to me, it was addressed to the gentleman on the second floor because he, too, was concerned and the reason that I got involved in this was because of what was happening in the town of Skowhegan.

When we talk about expense accounts, if it was up in Aroostook County, two communities side by side, and they could only hold one hearing during the day, they could not hold the other hearing at night because it says in their directive, their commissioners have to come back to Augusta so then they would have to go back to Aroostook the next day or the day after and travel up and down the state.

I don't think this is doing anything for the people of this state in the municipalities, because anybody working for the State of Maine, rather they be commissioners or whatever, director or whatever title you want to give them, they are paid and I think they could hold a hearing at night when the average citizens could come and participate in that hearing and not hold it one sided, only when their side will be there to present the so-called facts, which sometimes I doubt are facts.

I would have hoped that the committee would have written something into the bill where that anytime the municipalities are going to be overridden on their decision to oppose the license, that this could have been done so that the same could have been played fairly to give the citizenry of this state a chance to participate in those hearings and not just have a one-sided hearing when the commission would be there. I can understand that this is the way the commissions can travel up and down the state and get their days of hearings in and get their per diem, their expense account, and really make out like bandits, so maybe that is why it was not addressed, but I would hope that maybe, if we couldn't do it now, the next session we could do this.

The SPEAKER: The pending question is passage to be engrossed as amended by House Amendment "A", "B", "C", "E", "F", "G", "H", and "J". A roll call has been ordered. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Birt, Boudreau, Burns, Bustin, Byers, Carter, Chonko, Churchill, Conners, Cooney, Cox, Curran, R.; Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, LaPointe, Laverty, Leonard, Lizotte, Lovell, Lunt, Lynch, Mackel, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Mitchell, Morton, Nadeau, Najarian, Norris, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Quinn, Raymond, Rolde, Snow, Sprowl, Susi, Talbot, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Usher, Wagner, Walker.

NAY — Berry, G. W.; Blodgett, Bowie, Cail, Carpenter, Carroll, Clark, Connolly, Cote, Curran, P.; Dam, Davies, DeVane, Doak, Faucher, Finemore, Greenlaw, Hall, Hewes, Hunter, Jackson, Laffin, Lewin, Lewis, Littlefield, Martin, R.; McMahon, Morin, Mulhern, Peterson, T.; Post, Rideout, Rollins.

Saunders, Shute, Smith, Snowe, Spencer, Strout, Stubbs, Tarr, Tierney, Tyndale, Wilfong, Winship.

ABSENT — Carey, Curtis, Dudley, Gauthier, Kelley, LeBlanc, MacEachern, MacLeod, Palmer, Peakes, Silverman, Webber.

Yes, 93; No, 45; Absent, 12.

The SPEAKER: Ninety-three having voted in the affirmative and forty-five in the negative, with twelve being absent, the Bill is passed to be engrossed as amended and sent up for concurrence.

Mr. Talbot of Portland was granted unanimous consent to address the House.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Some of you may have noticed that the gentleman from Portland, Mr. Connolly, and myself have sponsored a number of Pages for today and we have a couple more Pages that are coming in this afternoon. They are members of these families that are on strike against the Forster Manufacturing Company in Wilton and there are some more families and parents who are in the balcony now. I just thought that I would bring that out to you so that there will not be confusion and that you will understand that they are here to see how their government works.

Mrs. Kany of Waterville was granted unanimous consent to address the House.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I want to speak on the issue of Maine's economic development effort.

Our state's economic development effort has been gutted, literally gutted. The State Development Office is a mere skeleton of what the old Department of Commerce and Industry once was. It has only 10 employees. Among the ten are one superb international marketing man, a receptionist who handled 27,000 tourism inquiries last year, and Director Hadley Atlass. I think this situation is absurd for a state which has been for the last century the slowest growing and poorest of the six New England states.

The legislature appropriated almost all of what the Governor requested for the Department of Commerce and Industry for 1975-76 and all of what Governor Longley asked for for 1976-77. Both of these requested appropriations were only about half of what had been spent in the two previous years.

All year long in my continuing contacts with the State Development Office, I heard "we would be able to do such and such if we only had the money." I sympathized, believing perhaps the new Governor and the brand new director of the reorganized State Development Office didn't realize that a heavier financial commitment would be necessary to carry out the legislated mandate.

The law implementing the State Development Office says that: "The director shall implement a program designed to promote and attract new industry to the state, expand existing economic activities in the state and help existing businesses to find both domestic and foreign markets for their products. Such a development program may include coordination of activities between the public and private sectors, including assistance to new and existing industries seeking expansion within the state and utilization of trade missions, exhibits, brochures, technical assistance and expertise as may be necessary to develop and promote economic and job opportunities within the state."

In my opinion, the 10-person State Development Office is in no way carrying out the legislative intent. I assumed the Governor or Mr. Atlass would be seeking a request during the special session for further appropriations for the 1976-77 fiscal year. But upon checking last week, I found that neither the Governor nor Hadley Atlass had made any such request. The

State Development Office is spending and intends to spend only two-thirds of the paltry sum that we appropriated last June. I am deeply disturbed by this situation, "crying poor" all year and citing that as the reason for not attempting to comply with legislative intent. Now I find out that not only did the State Development Office fail to request further appropriations, but has failed to spend all of the monies we appropriated last June for personal services.

Why do I care? If this were merely political campaign rhetoric, I would be waiting until the fall to say all this.

I am extremely disturbed at the lack of our economic development effort because our unemployment rate in February was 10.6 percent by our figuring, 9.9 percent as adjusted by the federal government, while the national unemployment rate for February was 8.7 percent. We are consistently well over one percent above the national unemployment rate.

We have been reminded recently that our "tax effort" is high in Maine, "that we ranked 7th in 1973 in the percentage of personal income we paid out in state and local income taxes." Of course, it is high, but the major reason is that our per capita income is so low. We ranked 39th among the states in per capita income in 1974. Our gross state product is low. Why don't we concentrate on increasing our personal income and our gross product instead of complaining about the percentage we're paying out in taxes?

But perhaps most startling of all is the fact that the percent of discontinued businesses or business failures in the State of Maine is rising. I think this is where we should be expending a great deal of effort, helping the private sector to help itself, helping Maine's free enterprise survive. According to the Small Business Administration of the businesses that fail, and this is a national figure, about 96 percent fail because of management problems.

Our State Planning Office and the University, particularly at the Center for Research and Advanced Study, are trying to provide some helpful information to the private sector. So is the Small Business Administration when requested and with its offering of management courses. But what I would like to see the state finance sending development office representatives through Maine looking for small businesses to assist before these Maine businesses fail. They need assistance with cash flow problems, with other financial control measures, and with marketing know-how.

I offer this program of aggressively assisting Maine businesses develop management know-how as a positive, constructive suggestion to help the state and the people of Maine with their economic problems. I hope the Governor continues his efforts at attracting outside industry, and I wish him better luck than he has appeared to have had so far.

But really, our present economic development effort is so paltry, it is ridiculous, just 10 employees and one Governor when Maine ranks 39th in the country in per capita income, when unemployment is around 10%, and when an increasing number of Maine businesses are failing or being discontinued.

Let us appropriate monies and insist that the State Development Office give essential assistance to businesses already located in Maine. Let's see if we can't turn around the continuously bleak economic outlook for the State of Maine, if the Governor is interested or not.

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.

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I realize that the hour is getting late, but I cannot sit here and listen to the talk made by the Representative from Waterville, Mrs. Kany, without entering a few remarks into the record.

Since I am not running for any major office and I don't think the good Representative from Waterville is, and since there is no way that I can make brownie points for the newspapers because of my past actions, I don't try to do that either. But it does concern me that anyone can stand up and say that if we would put more money in a development office and spend more money, we could bring new industry into this state. It concerns me, whether the attack be made strongly or weakly against the Governor of this state, or Mr. Atlass, when this legislature, and especially the one making that talk, could have done something to help the economic situation in this state.

Mrs. Kany says she is concerned for the job situation and the per capita income of the State of Maine. Well, when we run for campaign, a lot of us say that we are concerned for the workingman but we never say just how we are concerned, whether we are concerned to give him better living conditions or whether we are concerned to take something away from him, so I wonder how the good lady would be concerned.

If my memory serves me correctly, and in this case I am sure that it does, in the regular session, before the committee that Mrs. Kany serves on, I had a bill in for a constitutional amendment which has worked very well for the State of Alabama and in the State of Georgia and which was endorsed by Mr. Merrill of URCOM, by the DCI and by the Associated Industries of Maine as well as the Central Maine Power Development arm of that agency. It surprises me, because this amendment did not have any money attached to it, it was not going to put more people on the state payroll, it was not going to increase state spending, that it did not pass.

Now, if we are concerned about bringing industry into the State of Maine, as the good lady says she is and I am sure we all are, or would hope so, then I don't think it entails spending more money to send people running up and down the State of Maine to negotiate more SBA loans. I don't think it entails more money to send people out-of-state, running around the state, I think that the greatest thing we could do in this legislature or any legislature is to look at some of the laws that we have passed that has hurt the industries that we have and has said to any future industry outside the state, we don't want you to come to the State of Maine anyway.

I think this can be done a lot more cheaply than hiring more people and appropriating money to send them out and try to sell the industrialists of the other states a whitewash job. I am convinced that regardless of the number of people you send out on missionary trips and good-will tours, that the industrial people of the other states are just as intelligent, if not more intelligent in some cases than some of the people in this state, and they can see when a whitewash job is being done on them, but when we in this body or the next body pass laws that restrict the increase or expansion of the economic base in this state, when we pass tax laws that says to the industry, we are going to tax you right to the limit and the next time around we are going to take a little more, I

think that we are saying more to industry, that we don't want you, than we could take and say by putting 20 more people on the road.

I think today the reason that I got up was because I am concerned when people get up and say these things and then vote against bills that would help the State of Maine, when those same people served as a director of URCOM, which was the organization that Paul Merrill launched and many of us attended several of those meetings. This is what concerns me. Yes, it is nice to get it in the record, but I say, if you get it in the record, then vote accordingly, vote accordingly with the talk that you make into the record, don't vote differently.

Mrs. Kany of Waterville was granted unanimous consent to address the House.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I want to mention a few things that Mr. Dam talked about. What I was calling for was helping existing businesses in this state which have management problems. Mismanagement is the main reason for businesses failing and I personally believe this is where our effort should be. I have offered the Governor assistance. This is my own area of expertise, economics and the State Development Office much help throughout the year. In fact, we even had complaints from the State Development office that they could not even get any maps from the Department of Transportation, so I called up and had a case of maps sent down under my name, so, in other words, I have been working closely and I am personally very fond of Mr. Atlass. This is not a personal attack, I am attacking a policy and I would like to see the policy of the State of Maine changed.

Regarding that bill which Mr. Dam introduced during the regular session, our entire committee felt that it was not a responsible bill, primarily because different communities within the State of Maine would be trying to attract businesses from within the state to their communities. In other words, we did not feel that this was in the best interest of the entire state to have varying attractions from the different communities within the state. Belfast could grab an industry from Skowhegan and visa versa and we did not think that this was a very good idea.

Thirdly, Mr. Dam mentioned URCOM, I was very, very briefly a member of their board but after attending two board meetings, and learning that all the goals of URCOM, I thought were very desirable, and that is why I agreed to be on that board, I had to resign both as a board member and as a member of URCOM, because I would certainly in no way support any organization which spent all of its time and all of its energies trying to fight the environmental laws of our state.

Mr. Hewes of Cape Elizabeth was granted unanimous consent to address the House.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support the comments of the previous two speakers, that I think we ought to be working and making a healthier industrial climate. I personally think that the tax situation is very unhealthy in Maine for industry.

Private enterprise wants to make a profit, and when you take 7 percent of their profit, which is what we do with our corporate income tax, that hurts a marginal firm and those that are here now are those that are looking to Maine.

On top of that, we have the personal income tax that is graduated so as to make it more difficult for those that are making greater money. The management, for example, perhaps making \$20,000 to \$25,000 a year, after paying 7 percent of their corporate profits, they are going to

have to pay perhaps 4 percent or 5 percent of their own profits. Why would they want to come into Maine when they can go to New Hampshire which has neither of those taxes, or up into New Brunswick or perhaps over to Quebec or some other state, when they have to pay those taxes here in the State of Maine and that applies to firms that are in Maine presently.

It seems to me, except for our ship building industry along the coast, and our paper industry, which is basically inland, we are not attracting business or keeping business that is here now. So I would hope that we would give this tax issue a real consideration next time and not sock it to the corporations.

Mr. Norris of Brewer was granted unanimous consent to address the House.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good gentleman from Cape Elizabeth, Mr. Hewes, I think that the last two corporate increases were to cover the inventory tax and the equipment sales tax that industry agreed to. They felt that the form of taxation that the increase in the corporate tax replaced was much more regressive than to pay on their profits.

I would submit also, and I have talked to some people in industry and I have talked to some people who are interested in expanding and also some people that are interested in coming into the state, and believe me, if you think that they love increases in the property tax, you are absolutely wrong. In the last tax measure that we were talking about, there was no increase in the corporate tax at all. There was a decrease in the property tax, and from what I can determine, that makes the climate much more susceptible to industrial development.

(Off Record Remarks)

On motion of Mrs. Najarian of Portland,
Recessed until two o'clock in the afternoon.

After Recess
2:00 P.M.

The House was called to order by the Speaker.

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

Mrs. BOUDREAU OF Portland presented the following Joint Order and moved its passage: (H. P. 2288)

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act Relating to the Formation of Political Parties and to Political Designations" (H. P. 1960, L. D. 2140)

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

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

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Regulate Drinking Water" (S. P. 687) (L. D. 2198) ask leave to report: that the House recede from its action whereby it indefinitely Postponed the Bill and accompanying papers and concur with the Senate and Pass the Bill to be Engrossed, as amended by Committee Amendment "A" (S-431).

Signed
Mrs. CUMMINGS of Penobscot
Messrs. CYR of Aroostook
GREELEY of Waldo

— of the Senate.

Messrs. LEONARD of Woolwich
CAREY of Waterville
GARSOE of Cumberland

— of the House

Came from the Senate, with the Committee of Conference Report rejected and the Senate further insisted and asked for a Second Committee of Conference. The President appointed to the Second Committee of Conference as conferees on the part of the Senate:

Mrs. CUMMINGS of Penobscot
Mr. CYR of Aroostook
GREELEY of Waldo

In the House, on motion of Mr. Kelleher of Bangor, the Conference Committee Report was rejected in concurrence.

On motion of the same gentleman, the House voted to further insist and join in a second Committee of Conference.

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

Messrs. LEONARD of Woolwich
CAREY of Waterville
GARSOE of Cumberland

Ought to Pass as Amended

Committee on Judiciary reporting—"Ought to Pass" as Amended by Committee Amendment "A" (S-516) on Bill "An Act to Clarify Certain Laws Relating to the Funding and Operation of the Superior and Supreme Judicial Courts" (S. P. 712) (L. D. 2243)

Came from the Senate under suspension of the rules, the Bill read twice and Passed to be Engrossed as amended by Committee Amendment "A"

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-516) was read by the Clerk and adopted.

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 Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316) which was Passed to be Engrossed as Amended by House Amendments "A" (H-1034), "B" (H-1044), "E" (H-1110), "F" (H-1137), "G" (H-1146), "H" (H-1186) in the House on April 1, 1976.

Came from the Senate, Passed to be Engrossed as Amended by House Amendments "B," "E," "F," "G," "H," and Senate Amendment "A" (S-517) in non-concurrence.

In the House: The House voted to recede and concur.

From the Senate: The following Communication: (S. P. 793)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

April 2, 1976

To Members of the House of Representatives and Senate of the 107th Legislature:

I am today returning without my signature and approval S. P. 640, L. D. 2029, "An Act Relating to Teacher Employment."

This Legislature passed an income tax increase in part at least to allow greater opportunity for local control of the property tax. However, if this bill were to become law, local control over educational policy and programs would be reduced. I do not believe such action serves the best interests of all Maine citizens, especially during a period when the public is demanding return of decision making, as much as possible, to the local level.

Furthermore, if it became law, elected school committees, which are in a position to be responsive and answerable to parents, as well as students and citizens of their community, would lose much of the statutory authority

which they need to enable them to fulfill their obligations. Their power to ensure that the fundamental educational policies which they are elected to effect would be severely diminished.

Perhaps most significant of all is that the courts are now considering whether present law assures adequate due process for teachers whose contracts have not been renewed. Also, the negotiability of "just cause" protection is now being reviewed by the Supreme Judicial Court following a Superior Court decision in Winslow which held that an arbitration panel exceeded its authority by inserting "just cause" language into the teacher contract over the objection of the school committee. With these two areas of controversy now before the courts, it seems inappropriate to try to further restrict the authority of local school officials by legislatively restricting their authority to deal with the very matters of employment relations for which they are held responsible under current law.

For these reasons, I respectfully veto this bill, and hope that after full consideration of the reasons mentioned above, members of your Honorable Bodies will agree that this action is in the best interests of all Maine citizens at this time. Hopefully, the Legislature will sustain this veto in order that cooperatively the Legislative and Executive Branches will strive to lighten the budgetary mandates on the cities and towns of Maine and allow them the same freedom toward cost effective government as we have mutually committed to try to do on the state level.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

Came from the Senate, read and ordered placed on file.

The accompanying Bill, "An Act Relating to Teacher Employment" (S. P. 640) (L. D. 2029)

In the Senate, April 5, 1976, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

22 voted in favor and 9 against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the Senate so voted.

Signed:

MAY M. ROSS
Assistant Secretary of the Senate

The Communication was read and ordered placed on file.

The SPEAKER: The question now before the House is, shall this Bill become law notwithstanding the objections of the Governor. Pursuant to the provisions of the Constitution, the yeas and nays are ordered, and a two-thirds vote of those present and voting is necessary to override the objections of the Governor. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed, you will vote no.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to hold you up very long, but I just want to call this to your attention, call the Governor's reasons to your attention, and if I could, take you back to the other day when this was passed by a fairly good margin and hope that you have had a chance to talk to your local school boards and have had a chance to familiarize yourselves

with a situation that, frankly, is of common knowledge to a very limited group of people.

When collective bargaining started, we began to see this press for just cause in teacher contracts. Prior to this time, teacher dismissal and nonrenewal has been handled under the statute known as the tenure law. Under collective bargaining, any dispute at the table goes for final resolution in matters such as this to an arbitrator, and we saw a pattern of arbitrators ordering school boards under binding determinations to include in their contract language "just cause." Now, anything that is in the contract is subject to binding arbitration, and this is where the problem developed. We had two, if you will, conflicting mechanisms to resolve a problem in this area.

Since these provisions were ordered into contract in the beginning by arbitrators over the objection of boards, the boards gradually began to see the writing on the wall that there was not much point in fighting to the last ditch and others of them began to agree to this language, I guess you would have to say voluntarily, but knowing what the outcome would be, until finally school boards began to develop expertise and decided to challenge this approach, because it is in sort of a blind area between the negotiating law and the education law, Title 26 and Title 20. So they have contested this action of arbitrators ordering them to write this language into their contracts, and now they have been successful. They have succeeded in getting a Superior Court decision that said the arbitrator exceeded his authority in ordering a school board to direct them to put this language into their contract. So now we see a rush to the legislature on the part of the MTA to get us to say that this can be done.

This came in originally to repeal the tenure law, and what happened to it in committee I will never know, but it came out of committee reducing the period of probation from a maximum of three to two years and then, in a completely inconsistent manner, the education laws say that just cause may be a bargainable issue, this while the whole matter is under review by the Supreme Law Court. For this reason alone I think we should sustain the Governor's veto.

I hesitate to go into the other aspects of what becomes different when you have just cause in a contract as when you take the route of the tenure law. Under just cause, you have an arbitrator, an ad hoc arbitrator. He comes in for one time, for one complaint, to decide whether indeed the school board had just cause for dismissing a teacher. I just submit that this does not lend itself to continuity or a precedent, except as the arbitrator sees his obligation in this area. Whereas under the other route, for some years now we have been proceeding under the recourse to the courts where I submit we do have more in the line of precedent and in the line of continuity and in the line of an appreciation of the facts that go into the function of a school board.

You are going to be told that the courts are completely inadequate in this area. I think it is fair to say that the courts have tended not to go into agonizing detail over the specific reasons that a school board has for dismissing a teacher on the assumption that these people too are sovereign, they are elected by their fellow citizens to expend in a policy matter the wishes and intent of the parents of these children, and this is criticized and this is a criticism that will be valid. I just leave it to you as to whether or not you feel this is reasonable and consistent with the concept that elected officials have a public function and a policy function and they are accountable to the people?

I say, on the other side of the coin you have got to say no, we don't like this, we want someone coming in on a one-time basis to exert his background, his values, on the action of our

elected officials. I think that is as simply and as fairly as I can put it, and I hope you will vote to support the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: There are several misconceptions about this law. In the first place, as to what happened in the committee, I will tell Mr. Garsoe so he won't be able to say that he will never know. What happened say, the bill came in to repeal the present law. Well, the present law, the continuing contract law, as I mentioned before, is the law that I worked for and was opposed by the superintendent of school boards; now they want to keep it. That is neither here nor there.

The point is, half of the teachers in Maine have contracts that provide for this just cause. Whether it is going to be upheld in court or not, I don't know, whether we are going to need this law or not, I don't know, but about half the teachers are covered by it. The other half of the teachers are not.

If we repeal this law, it is going to mean that half of the teachers will have no protection. So instead of repealing the law, we simply continued the present law with a phrase after it that said "except that if the school board and the teachers agree on a just cause contract, the above does not apply." That is what happened in the committee.

Now, as to the court, the court is not in most of these continuing contract cases. The court comes in if a teacher is fired during the course of a contract. If a teacher has a one-year contract or a two-year contract and the school board or superintendent or someone decides that the teacher shouldn't finish out that term, then the teacher may take that case to court, and case after case after case, the law says the school board must investigate and determine the usefulness of that teacher. If the superintendents or any other administrators fire the teacher and the teacher can prove in court that no member of the school board came into that classroom to investigate, the courts decide that the teacher is right, the administration is wrong, because the law is very specific. The school board individually must investigate, at least some of the school board members must investigate. If no school board member investigates, the teacher cannot be dismissed. That is during the term of a contract.

Now, if a teacher is elected for a two-year contract, our present continuing contract law says, if that teacher is to be dismissed, the teacher must be notified six months before the end of the contract. The teacher also has a right to a statement of reasons and a hearing, but the hearing is going to be before the same school board that fired the teacher. There is no provision, as far as I know, for any court decision on that. The court decision is only for breaking the term of a contract. Now, we believe that if a teacher and the school board can combine to establish this just cause thing and the superintendent and the administrators document, they visit that teacher, they document their case, they have evidence, reviews of the teacher's achievement at various times with copies of that review given to the teacher and kept by the school board, when they finally make their case, if it is properly documented, the arbitrator will find for the school board. If it is not properly documented, the arbitrator will find for the teacher.

We think it is just a matter of good administration to properly document these places and the arbitrator will still find for the school board and the teacher will still be out. We believe that is the case. All we need is proper documentation to eliminate teachers who should be eliminated and certainly no organization is in favor of keeping teachers if those

teachers should be eliminated. We want to be sure that they should be eliminated and we want to be sure that that is documented, and we believe that if it is documented, the teacher will still be dismissed.

I hope you will vote to override the veto.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I just would pose a question to anyone in the House that could answer it. Would a teacher be covered by just contract if it has been negotiated during that teacher's first two years of employment? In other words, if a just cause contract is in existence and a new teacher is hired on during that teacher's first two years, probationary period, if you will, does that particular teacher come under the terms of the just cause contract?

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: No, the two years is the probationary period. The just cause takes effect after the probationary period.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I was excused under Rule 19 on the original vote on this question, and I would ask to be excused again.

The SPEAKER: The Chair will grant the request of the gentleman from Standish, Mr. Spencer.

The pending question is, shall Bill "An Act Relating to Teacher Employment" Senate Paper 640, L. D. 2029, become law notwithstanding the objections of the Governor? This requires a two-thirds vote of those present and voting. Pursuant to the provisions of the Constitution of the State of Maine, the vote will be taken by the yeas and nays. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Bustin, Carpenter, Carroll, Chonko, Clark, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Drigotas, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hewes, Hinds, Hobbins, Ingegneri, Jackson, Jalbert, Jensen, Kany, Kelleher, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McKernan, McMahon, Mills, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Palmer, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Stubbs, Talbot, Tarr, Teague, Theriault, Truman, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Ault, Berry, G. W.; Burns, Byers, Call, Carey, Carter, Conners, Connolly, Dam, Doak, Dow, Durgin, Dyer, Faucher, Garsoe, Gould, Gray, Higgins, Hunter, Hutchings, Immonen, Joyce, Kauffman, Kelley, Leonard, Littlefield, Mackel, McBreairty, Norris, Perkins, S.; Perkins, T.; Peterson, P.; Rideout, Sprowl, Strout, Torrey, Tozier, Twitchell.

ABSENT — Churchill, Cote, Dudley, Hughes, Jacques, MacLeod, Morin, Najarian, Silverman, Susi, Tierney, Tyndale, Webber.

EXCUSED — Spencer.

Yes, 98; No, 39; Absent, 13; Excused, 1.

The SPEAKER: Ninety-eight having voted in

the affirmative and thirty-nine in the negative, with thirteen being absent and one excused, this Bill shall become law notwithstanding the objections of the Governor.

Consent Calendar Second Day

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

Bill "An Act to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives" (C. "A" H-1194) (H. P. 2211) (L. D. 2309)

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

Passed to Be Engrossed

Bill "An Act Relating to Campaign Reports and Finances" (Emergency) (H. P. 2281) (L. D. 2340)

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

On motion of Mrs. Clark of Freeport, the House reconsidered its action of earlier in the day where Bill "An Act to Provide for a Line Budget Procedure for all School Systems, House Paper 2208, L. D. 2308, was passed to be enacted.

Mrs. Clark of Freeport requested a roll call vote on passage to be enacted.

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

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

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

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Conners, Connolly, Cooney, Cox, Dam, Davies, DeVane, Doak, Dow, Drigotas, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hunter, Hutchings, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tozier, Truman, Twitchell, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Ault, Call, Curran, P.; Curran, R.; Durgin, Fraser, Garsoe, Immonen, Peterson, P.; Torrey, Usher.

ABSENT — Bagley, Burns, Churchill, Cote, Curtis, Dudley, Hughes, Jacques, Kelleher, MacLeod, Morin, Najarian, Silverman, Susi, Tierney, Tyndale, Webber.

Yes, 123; No, 11; Absent, 17.

The SPEAKER: One hundred and twenty-three having voted in the affirmative and eleven in the negative, with seventeen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Retirement Statutes" (Emergency) (H. P. 1860) (L. D. 2027) which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, I move that the House recede.

The SPEAKER: The gentleman from Rumford, Mr. Theriault, moves that the House recede.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: In case you are wondering what we are dealing with here today, it is the retirement bill that we talked about so long the other day. You remember, the one we discussed the matter of the bargain that was struck between certain public employee segments and this legislature in that Committee of Conference at the end of the regular session, you went along with me in putting House Amendment "B" on it. The present posture of the measure is that it has Senate "A" attached and my Amendment "B" has been taken off.

Now, Senate "A" has a number of different impacts. One is that whole business of the accumulated sick leave credit applied to the retirement years, but it also goes further in that it eliminates the additional compensation tied to the reduced contribution rates for local districts of fire fighters and police. I would hope that what the House would do today is to not recede, and then after we take that vote, I would make a motion to adhere and that we then do that and I would request a roll call on the recede question.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: It is true that in this Senate Amendment there is a part of that that we want to strike out and that is why we recede; if we wanted to go along with that amendment, we would recede and concur.

I hope you do permit us to recede so that we can add on a House Amendment and put that in the posture that it would have everything in there that is deleted from the bill and Committee Amendment "A" that would affect the districts in any way. The only thing that would be left that is objected to is the accumulated sick leave. This is definitely the one thing that we want to keep out.

As I told you last week, this thing is open-ended. If we leave that as it is, there is no knowing where it will stop. This is the thing that we have to do to get the Senate Amendment out of the way and put in our own amendment and I think it will satisfy most of the people, particularly the districts, in what we want to do.

If you adhere, this is the same as killing the bill. If you do that, there are many people in this that will be hurt because there will be parts of this bill and the Committee Amendment that would be helpful to these people, such as the game wardens, state police and others who had wanted to advance their dates and also would change some of the things that are necessary to be changed to bring the rest of the bill into line.

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

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

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

Mr. LEONARD: Mr. Speaker, a parliamentary inquiry? On a motion to recede, I am not sure what we can debate, what can we debate?

The SPEAKER: The gentleman may debate the motion to recede. Anything within the bill is debatable, as long as you restrict your remarks to anything within the bill.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: It seems we have three or four different issues that are coming into the forefront here and the bill in itself, as you all know, deals with different issues down through and the one thing that seems to be very much in debate is the sick leave, putting a ceiling on sick leave at 90 days. I would hope, regardless of how you feel about that, that we don't let the rest of the bill go down the tube, per se, simply because there is a disagreement there and I hope you do recede.

Let me speak on the 90 days and beyond that and tell you my objections and why, when we get to a point of trying to introduce the other amendment, if we do, that I object to the lack of a ceiling on accredited sick leave toward time and service upon retirement.

I went to the Retirement System and I asked for figures and the magnitude of what we are talking about in terms of a drain on the fund, because no one seemed to — everyone I talked with or heard talking the other day in debating this issue could really identify what that figure was and I am afraid that even the retirement system can't give an absolute figure but they have given me some estimates.

On the average, in the last two or three years, there have been 515 teachers retire per year and there have been 449, on the average, state employees, this being other than teachers retiring each year. In the teacher ranks we find that roughly 20 percent of those teachers are male, the other 80 percent are female and the actuary tells us that the female constitutes a larger drain upon the retirement system than does a male.

We find, on an average, if we have no ceiling, or let's say if we have a ceiling even, for every 30 days that we grant and assume are taken advantage of by the retirees and used as accredited service, that it costs the fund — this is across the board assuming that all the 515 teachers, I will say teachers now because this is the only one that goes beyond this 90 days — they retire, take advantage of the 30 day increment of time and service, it costs the fund \$180,000. Now, that is a one shot thing and what we have done is say that every year that you have an average of 515 teachers retire, and that is an average that has been found fairly accurate in the last few years, it costs the fund \$180,000.

On the state employees, it is a little different, that 449 employees that retire each year. For every 30 days that they take advantage uniformly across the board and are awarded time and service, it costs the fund \$148,000.

When I introduced the amendment last year that we are fighting about today and that I seem to be on the other side than I was last year, I readily say that I made a mistake, and I would hope that this House would provide me with an avenue for correcting that mistake before I put the fund in bankruptcy. When I introduced the amendment last year, I thought this would be treated uniformly, that there would be no negotiations, that there would be, in fact, pretty much of a ceiling on the number of days that were accredited and also I did not realize the magnitude of the drain. \$180,000 per year just for teachers retiring is a large amount.

Let's take for example, if a teacher retired and he

has got 90 days, and all teachers retired may all get 90 days, that is three times \$180,000 that you would be taking from the fund, that is nearly \$500,000 and then if you go beyond that, then we find that many teachers are awarded sick leave that is in excess of 90 days and it goes to twice that amount, or 180 days, and there are some that are in that category, some have unlimited, that is two times \$540,000 per year, assuming that they all take advantage of it, so that is over a million dollar drain on the fund each year that we potentially could have and it could even be higher than that.

The 90 days would take and put a ceiling on that, at least so the state would know exactly what the liability was going to be or roughly what it could reach. In that way we could further preserve the integrity of the fund. So I do hope when we do recede and we do adopt the amendment that will be offered, we can take the inequities out of this fund and increase its stability.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: In my entrance to the floor, as this bill came up quicker than I expected, I did make an error, and if the House will go along and we defeat the recede question, my next motion would be to insist, not to adhere. I don't know what is going to happen at the other end but that would be the motion to be made.

Evidently Mr. Leonard has gotten an awful lot of education on a subject that Mr. Lynch and I discussed in the corridor after the debate on this bill before, and he and I generally agree that there isn't anyone who understands, really, what we are getting into with this measure and all of a sudden Mr. Leonard knows all the answers, he has all the figures, what the liabilities would be.

In dealing with the accumulated sick leave question, he obviously is saying that of all the teachers who retire, every single solitary one will have every single day of accumulation that was ever allotted to them, nobody ever got sick.

Nobody knows at this point, what the exposure is going to be. We do know this, that in that Conference Committee Report in the end of the last session, retirement benefits were reduced in return for this, so something was taken away then, this was put in and now here we are in the special taking away this. That is why people are upset.

The Legislature is coming back into session in about seven months. I would hope that everyone who is involved in this measure can get together, look at the problem, get statistics that were not dreamed up over night or dug out by a legislative assistant for the purpose of one single solitary debate, and arrive at some kind of action that everyone can agree upon. There is no reason to do this now and back off the agreement that was made just a few months ago.

I would hope that on this roll call you will vote against the motion to recede and then we can insist.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to qualify part of Mr. Bustin's statement. We did talk about it and I did say that nobody could put a figure on the cost of this, but there can be no denying that there will be a cost and my own feeling is that it would be of some magnitude.

I think there is a complete misunderstanding of what the retirement system is and what it can do and what it should not do. I think one of the most interesting statements that I have seen was in the Cumberland County Retired Teachers Association in which they say, amongst many other statements, the active teachers are contributing today approximately \$2.4 million, annually, more to the Maine State

Retirement System than in April of 1974. In September of 1976, the active teachers will be contributing approximately \$3.5 million annually more than in April, 1974. This amount from active teachers is sufficient to fund L. D. 1950, which is the cost of living increase for retired teachers.

Now, the \$3.5 million is not gravy; the \$3.5 million is to fund the benefits that these teachers on higher salaries are going to get years down the road, and if you drain that \$3.5 million off to pay retired teachers now, where are you going to get the money to fund the benefit for the teacher salary increases that have been given this year?

There is one other thing that I am disturbed about. The bill does not have what I thought was going to be Senate Amendment 520, and that amendment, the purpose of this amendment is to continue the limitation of benefits granted to certain teachers under private and special ed. This refers to the non-contributory teachers.

You are already draining three quarters of a million dollars a month out of the retirement system for 2330 teachers, which legislatures have very generously given benefits to without a single penny being contributed by them. You have already paid \$63 million to support this program and the actuary estimates it is going to cost double that or somewhere around \$124 million or \$125 million.

I think there has to be some clarification on the point of the legislature as to what they are doing or are attempting to do to the retirement system and I would like to see some of this thing brought into light. I would go along with Mr. Theriault at the present time.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The big question that has been debated back and forth not only today but the other day in some detail, is this business of the 90 days and whether or not an agreement was struck. This is what we hear constantly, this phrase, an agreement was struck. I was not in on the agreement but I have interviewed everyone who was in on the agreement, and I have obtained the best record that I can and I just want to clear up this difficulty, because it is a difficulty.

The Conference Committee agreed unanimously that the House recede and then indefinitely postpone House Amendments "A" and "E". "A" has no problem here, we are not discussing it, but "E" is the amendment that was put on in the House by the gentleman from Woolwich, Mr. Leonard, which is so much in controversy. I want to emphasize that that amendment was put on in the House and in the Senate before the Conference Committee ever talked about it and it was only brought into the Conference Committee, according to what I am told by members of the committee, in order to clarify the language. The substance was not a problem.

The Conference Committee agreed unanimously that they would change the effective date to Section 1, and this was a trade-off to allow more time for negotiations for teacher contracts. The Conference Committee agreed unanimously that the effective date in Sections 23-A, 41, 44, 46 and 50 should be changed from January 1, 1976 to January of 1977, not to make any changes but to allow time to adjust to this change, and this was the change, the real strong change which changed from the annual compensation base from the last year to the average of three years. They agreed unanimously that House Amendment "E" would be incorporated with the clarification of language, and so it was incorporated, it was put back on the bill. Mind you, it was already there, it is not something new but it was put back on the bill, and it was agreed that it should be, in the Conference Committee Report.

My information is that at no time in the discussion of this was the number of days a matter of concern, and the wording of the amendment is pretty clear on that score, because the amendment says that all accumulated or accrued sick leave or unused vacation leave — this is the Conference Committee amendment now — or a combination of both for which the member is credited on termination of service over which he does not receive payment shall be accredited as membership service. There is no question about that.

It further goes on to say that accumulated or accrued leave shall not include lapsed leave or other leave, and this is the important clause — beyond the maximum set as accumulated or accrued by personnel rules or regulations or by contract. Now, the words personnel rules and regulations have reference to state employees, basically. Contracts refers to teachers, and there is no question but what accrued sick leave was to be included, as it was a matter of then existing contracts, but the very fact that it is used in this context implies, without any question in my mind, that just as personnel rules can be changed, just as regulations can be changed, so contracts do run out and when they run out, they are no longer in force and they are subject to change at that time.

So there was no question or even consideration of the number of days involved. The implications of the number of days was not considered, and regardless of whether the figures that the gentleman from Woolwich has compiled are correct or incorrect, as the gentleman from Livermore Falls has pointed out, there is a significant number of dollars involved in this matter.

If you fail to recede and allow the gentleman from Rumford, Mr. Theriault, to put the amendments on which would do everything that is requested by the gentleman from Augusta; except this 90 day provision, if you go along with that, you will be doing the correct thing and you will not be doing any harm to current contracts, because current contracts will be honored in their full and any kind of negotiations that has previously been obtained, whether it is for 90 days, which, incidentally, in all of these, 90 days is free. The teachers are all going to get it if they have accumulated it, and whether it costs a \$180,000 a year or \$150,000 or \$250,000 is immaterial, it is in there for 90 days, which is 3 times 30 and the only thing we are attempting to do here is put a 90 day ceiling on for future negotiated contracts. That is all we are trying to do, is pin this down for the future.

If you want to let it go ad infinitum, at any level, with no control, then that is the way you want to go, but if you want to put a control on it after the currently negotiated contracts are up, then I submit to you that the thing to do is vote with Mr. Theriault and follow his lead on the amendments. That is the responsible way I think we should go. I hope you will go with Mr. Theriault.

Mr. Bustin of Augusta was granted permission to speak a third time.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad we have at least had the record cleared by Mr. Morton as to whether or not House Amendment "E" was in the Conference Committee Report, because when we discussed this matter the other day, I said it was and others said it was not, and you just heard him, although he was arguing on the other side of the issue, you heard him say it was passed in the House, it was passed in the Senate and it was part of the Conference Committee Report, part of the compromise. Now he says, it may have been there but it wasn't really discussed.

He interviewed all of the principals in the matter, except me, and I don't know whether he interviewed Mr. Tyndale, who unfortunately was the other member from the House who is

not here today. I am telling you it was discussed as part of the quid pro quo for taking off the lump sum payment added to the final year of retirement benefits — that was part of the deal.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Rumford, Mr. Theriault, that the House recede. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Birt, Boudreau, Bowie, Burns, Byers, Carey, Carroll, Carter, Conners, Dam, DeVane, Doak, Dow, Durgin, Dyer, Farnham, Faucher, Fenláson, Fraser, Garsoe, Gould, Gray, Greenlaw, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Morton, Nadeau, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rollins, Saunders, Shute, Sprowl, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Walker, Wilfong, Winship.

NAY — Bennett, Berube, Blodgett, Bustin, Call, Carpenter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Davies, Farley, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Henderson, Hennessey, Hobbins, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, LaPointe, Lewis, Mahany, Martin, R.; Mitchell, Mulkern, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Snow, Spencer, Stubbs, Talbot, Truman, Wagner.

ABSENT — Churchill, Cote, Drigotas, Dudley, Gauthier, Hall, Hughes, Jacques, MacLeod, Morin, Najarian, Silverman, Smith, Snow, Susi, Tierney, Tyndale, Webber.

Yes, 80; No, 52; Absent, 18.

The SPEAKER: Eighty having voted in the affirmative and fifty-two in the negative, with eighteen being absent, the motion does prevail.

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

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

House Amendment "C" to Committee Amendment "A" (H-1154) was ready by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, would the gentleman from Lincoln mind explaining to the House what his amendment does?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Lincoln, Mr. MacEachern, who may answer if he desires to do so.

The Chair recognizes that gentleman.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Very simply, the amendment that I proposed does everything that Mr. Bustin's amendment does with the exception of the 90 day ceiling on the teachers' sick leave credit toward retirement. The only problem with the lack of a ceiling on retirement, and I think that everybody is aware of it because it has been kicked around quite a lot, is the fact that you have the position of teachers bargaining with school districts and schools and the state paying the bill.

This bill grandfathers any present agreement between the teachers and their districts and it also leaves up to negotiation any accumulation of sick leave beyond the 90 day period. In other words, in a certain district, the teachers in that district could bargain with their directors

beyond the 90 day period and the only provision connected with this is that the extra cost of the negotiations beyond 90 days will be picked either by the district, by the teachers or a combination of both. I think that pretty much summarizes what this amendment does.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: So there will be no misunderstanding, the amendment also takes out the emergency.

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

Mr. LEONARD: Mr. Speaker, a parliamentary inquiry? What is the position of House Amendment "B"?

The SPEAKER: House Amendment "B" is still attached to the bill.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: On the outside chance that there were some votes for recede as a courtesy to allow this move to be made so that the amendment could be introduced and explained, on that outside chance I would move the indefinite postponement of House Amendment "C" to 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 support House Amendment "C" it is a responsible move. It allows for negotiation for greater sick leave but it puts the funding of it right up to the district, the teachers or a combination of both.

The SPEAKER: The Chair will order a vote. Those in favor of the indefinite postponement of House Amendment "C" to Committee Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

17 having voted in the affirmative and 71 in the negative, the motion did not prevail.

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

Mr. MacEachern of Lincoln moved the House reconsider its action whereby House Amendment "B" to Committee Amendment "A" was adopted.

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

Mr. HEWES: Mr. Speaker, a parliamentary inquiry? Is this a motion to reconsider whereby we adopted House Amendment "B" to Committee Amendment "A"?

The SPEAKER: The Chair understands it to be stated in that fashion.

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

Mr. BUSTIN: Mr. Speaker, are we under a division or can I have a division on suspension of the rules or is suspension of the rules not necessary?

The SPEAKER: Suspension of the rules is not necessary since the motion to recede reopens the bill in its entirety.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: What is the pending motion?

The SPEAKER: The pending motion is the motion of the gentleman from Lincoln, Mr. MacEachern that we reconsider our action whereby House Amendment "B" to Committee Amendment "A" was adopted.

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

Mr. KELLEHER: Mr. Speaker, not to add to the confusion, but if we repeal this amendment, what exactly are we repealing?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question

through the Chair to anyone who may care to answer.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: All we are doing with this one is repealing the amendment that Mr. Bustin placed on the bill last week and replacing it with the amendment that I just introduced. I already have explained the difference between the two amendments.

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

Mr. LYNCH: Mr. Speaker, looking at the Statement of Fact on House Amendment "B", it allows the use of accumulative leave as membership service time without limitation, except by rules, regulations or contracts. What does that mean? Does that mean that the rules and regulations or contracts are going to be established by negotiation at the local level and haven't we already taken care of that in House Amendment "C"?

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentleman from Lincoln, Mr. MacEachern, that we reconsider our action whereby House Amendment "B" to Committee Amendment "A" was adopted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor requested a roll call.

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

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

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question if I might through the Chair. Wouldn't these two be in direct conflict with each other? Mr. MacEachern said that we were replacing Committee Amendment "B" with his amendment. Since we haven't already done away with "B" yet, so would they be in conflict if by chance they did not postpone "B"?

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. MORTON: Mr. Speaker, it is rather clear, the answer to the question is that the two amendments are in conflict and we have just adopted "C" and the proper procedure now is to reconsider whereby "B" was adopted and after we have reconsidered, the thing to do is to indefinitely postpone "B".

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

Mr. MacEACHERN: Mr. Speaker, I think that I can answer the lady. These two amendments are inconsistent with one another and if we adopt "C" and leave "B" on there, I don't know what we have, but really, I think we should postpone "B".

The SPEAKER: The pending question before the House is the motion of the gentleman from Lincoln, Mr. MacEachern, to reconsider adoption of House Amendment "B" to Committee Amendment "A". Those in favor will vote yes those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Berry, G. W.; Berry, P. P.; Berube, Birt, Burns, Byers, Carey, Carroll, Carter, Churchill, Conners, Cox, Curtis, Dam, DeVane, Doak, Dow, Durgin,

Dyer, Farnham, Faucher, Fenlason, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kelley, Kennedy, Lavery, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahan, Mills, Miskavage, Morton, Nadeau, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Post, Raymond, Rideout, Rollins, Saunders, Shute, Snowe, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Walker, Wilfong, Winship!

NAY — Bagley, Bennett, Blodgett, Boudreau, Bustin, Call, Carpenter, Chonko, Clark, Connolly, Cooney, Curran, P.; Davies, Farley, Finemore, Flanagan, Henderson, Hobbins, Ingegneri, Jalbert, Kany, Kelleher, Laffin, Martin, R.; Mitchell, Mulken, Peakes, Pearson, Pelosi, Peterson, T.; Powell, Rolde, Snow, Spencer, Talbot, Truman, Wagner.

ABSENT — Bowie, Cote, Curran, R.; Drigotas, Dudley, Hall, Hughes, Jacques, Kaufman, LaPointe, Littlefield, MacLeod, Morin, Najarian, Quinn, Silverman, Smith, Susi, Tierney, Tyndale, Webber.

Yes, 91; No, 38; Absent, 21.

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

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

Mr. MacEACHERN: Mr. Speaker, I now move that we indefinitely postpone House Amendment "B" to Committee Amendment "A".

Mr. Kelleher of Bangor requested a roll call.

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

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

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I notice, as I have been watching the board very, very closely on these votes, that people are all over the lot and I wonder, with all that are at stake and with this issue affecting as many people, whether it might be a good idea to have this tabled until we all get the act together. I just suggest that, nobody has to make the motion if they don't want to.

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

Mr. KELLEHER: Mr. Speaker, I move that this lay on the table for one legislative day.

Mr. Theriault of Rumford requested a vote on the tabling motion.

The SPEAKER: Those in favor of tabling for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 67 in the negative, the motion did not prevail.

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

ROLL CALL

YEA — Albert, Ault, Bachrach, Berry, G. W.; Berry, P. P.; Berube, Birt, Burns, Byers, Carey, Carroll, Carter, Churchill, Conners, Cox, Curtis, Dam, Doak, Dow, Durgin, Dyer, Farnham, Faucher, Fenlason, Fraser, Garsoe, Gauthier, Gould, Gray, Greenlaw, Hewes,

Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Joyce, Kelley, Lavery, LeBlanc, Leonard, Lewin, Lewis, Lovell, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Morton, Nadeau, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Saunders, Shute, Sprowl, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Walker, Wilfong.

NAY — Bagley, Bennett, Blodgett, Boudreau, Bustin, Call, Carpenter, Chonko, Clark, Connolly, Cooney, Curran, P.; Davies, Farley, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Henderson, Hennessey, Hobbs, Ingegneri, Jalbert, Jensen, Kany, Kelleher, Kennedy, Laffin, LaPointe, Lizotte, Martin, R.; Mitchell, Mulhern, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Post, Powell, Rolde, Snow, Snowe, Spencer, Strout, Talbot, Truman, Wagner, Winship, The Speaker.

ABSENT — Bowie, Cote, Curran, R.; DeVane, Drigotas, Dudley, Hall, Hughes, Jacques, Kauffman, Littlefield, MacLeod, Morin, Najarian, Quinn, Silverman, Smith, Susi, Tierney, Tyndale, Webber.

Yes, 80; No, 50; Absent, 21.

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

Senate Amendment "A" to Committee Amendment "A" (S-511) was read by the Clerk. On motion of Mr. Theriault of Rufford Senate Amendment "A" to Committee Amendment "A" was indefinitely postponed in non-concurrence.

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

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

(Off Record Remarks)

The Chair laid before the House the following matter: "An Act to Clarify the Laws Relating to Marine Resources" (H. P. 2010) (L. D. 2192) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

On motion of Mr. Greenlaw of Stonington, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto and House Amendment "B".

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

House Amendment "C" (H-1201) was read by the Clerk and adopted.

The Bill passed to be Engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto and House Amendments "B" and "C" in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill An Act Relating to Effective Dates of School Lunch Programs (H. P. 2207) (L. D. 2307) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

On motion of Mr. Rolde of York, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter: Resolve Authorizing the Governor to Create, Administer and Seek Funds for Community Jobs Programs for the State of Maine (H. P. 2165) (L. D. 2293) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Mr. Palmer of Nobleboro, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter: Bill "An Act to Reorganize the Standardization Committee" (H. P. 2278) (L. D. 2339) which was tabled earlier in the day and later today assigned, pending passage to be engrossed.

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

House Amendment "A" (H-1202) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for not being ready but I only found this amendment right now. I am sure that none of you have in your possession 2339, but this is the result of the study conducted by Appropriations in the bidding practices of the State of Maine. We have a report that is in its final agony right now and should be out shortly, but the only substantive change that we are recommending out of this report is a reorganization of the Standardization Committee.

I am going to oppose the adoption of this amendment, perhaps unwisely, but I just wanted to explain to you that we have put out a redraft under 2339.

When we started this study, we found that the Standardization Committee, which is a review board to evaluate and recommend changes in procedures and regulations for the Bureau of Purchases, hasn't been in action since 1969. We did uncover, I shouldn't use the word uncover, we did come across a great many irregularities and practices that had perhaps been modified over the years by lack, I think, of having this Standardization Committee to work with.

The only proposal we are recommending now is that the Standardization Committee which, incidentally, has since been reactivated by the Commissioner of Finance and Administration, we are changing the makeup to insure that a majority of non-state personnel be on it, that they have expertise in this field and that they have the Director of the Bureau of Purchases as an ex officio non-voting member, these are the only changes. I think the fact that it has been reactivated and then with these changes will give us everything we need or at least will respond to everything we found in seeing to it that the bidding practices are conducted in a proper manner.

This amendment — the thing that jumps out at me right here quickly is requiring of the State Purchasing Agent to file a written report giving his reasons for refusing to accept the lowest bid. In its simplest context, refusing to accept the lowest bid, period, and saying nothing else is in violation of statute and believe you me, that doesn't really become affected by any reasons in writing. Part of the work of this committee was generated by people who felt damaged or were dissatisfied with what had taken place.

I think the very fact that your conducting competitive bidding makes a very watchful atmosphere on the part of those who do not receive the bids and we had a regular plethora of inquiry, legislative attention, and there was no way that that kind of activity was going to be conducted under a bushel, so I would say that the 2339, as we have it drafted, will meet the needs that we uncovered and to add the further burden of the Bureau of Purchasing starting to give written reasons as to why he is not accepting a bid is superfluous and therefore hope you will indefinitely postpone this amendment.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would

request a vote on the pending motion and I would like to explain to the House what has occurred with this bill. It has a kind of interesting history and somewhat of an interesting one as it went through the legislative process.

This occurred as a result of a constituent who called me sometime last September. He had bid on a proposal issued by the Bureau of Purchases to supply an underpass for the State of Maine. He happened to be the lowest qualified bidder, he went through a whole series of procedures meeting the bid process, as it ended up occurring, the Bureau of Purchases took, first, the high bidder, then another low bidder, which was higher than the bidder that I had gone to bat for, and then finally, after I raised the devil and so did five or six other people, they turned around, the Standardization Committee met, all hell started to break loose and the firm finally got the contract.

I discussed this at great length with Mr. Garsoe and he agreed that the Standardization Committee had no other alternative. The fact of the matter is, the State Purchasing Agent apparently acted illegally because of this.

What bothers me is that you presently have the situation with the State Purchasing Department and the State Purchasing Bureau where a tremendous number of things are put out to bid, something around \$30 million a year, I believe, for state contracts. This ranges from pencils to motor vehicles to an air conditioning unit for the House of Representatives and a variety of other things. It seems to me that if you are going to keep people accountable, if you are going to make it easy for the public to know what is going on and how things are occurring, whenever any state contract is put out to bid, what ought to occur is, the lowest qualified bidder ought to be accepted. If for any reason that that does not occur, then it ought to be put in writing.

There are many occasions where there is a darn good reason for not accepting the lowest possible bidder. You know, there are a variety of things which may come up. The bidder may not be a bidder that is reputable, he may be talking about one bidder that comes from Southern California to build a school and he guarantees the school and he may be talking about another bidder that is proposing to build the school for a slightly higher price that lives or is located five miles from where the school is going to be built. In that kind of situation you might well see where you might be better off and serve the state better to make this purchase from the local contractor.

It seems to me very important that what you ought to do is require public notice, give the public a chance to know what is going on when a low bidder is not accepted. That is what my amendment does.

In addition, it changes the name of the Standardization Committee to a Contract Review Committee, which I think is more properly a function of that committee. The committee would also be required to give the okay to rules and regulations drawn up by the Bureau of Purchases.

There have been four or five things occur in the last year or so which have been highly questionable. If you remember, there was some hassle earlier this year and last year about the air conditioning bid for this very chamber. There was some degree of hassle about Governor Longley's advertising agency, the agency that did his campaign, organized his advertising and then last year was unexplainably given a contract under very unusual circumstances. As it turned out, there was no illegality proven, but certainly there was a great deal of ethical questions raised and I think the degree of public support for this kind of thing was lowered tremendously because of that.

When one person, such as the Governor, has an advertising agency that did his campaign, then turns around and one of his employees gives a special contract to this agency, I think very clearly the public questions that kind of thing. Unless it is very clear and very easy to understand why that stuff occurs, you are going to continue to have more rumors, more problems, more general lack of public confidence.

Public confidence is what I am attempting to get at and I would hope that you would oppose the motion to indefinitely postpone this amendment and support the amendment the way it is presently proposed. It is what I consider to be a very moderate, a very weak proposal.

My original bill, as the good gentleman from Cumberland will assure you, was much, much stronger. It placed tremendously more strict controls, and while I still think that is a good idea, at this late date in the session, I am very willing to accept something that does accomplish something, does put some sort of public controls on the Bureau of Purchases without interfering to any great extent in what they are doing or how they are doing it.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland's bill was a strong bill. It abolished the Bureau of Purchase, the Office of Printing and Supplies, it had a few more numbers in there than I am sure even the gentleman from Portland had anticipated, but I will say this, had this Standardization Committee been in effect and operating, 90 percent of the problems that we ran into in this study would have been eliminated before they started. It is not to say that there were not mistakes made but I think they were mistakes in the main of a gradual growing of perhaps their own concept of what the specifications should be.

If I could cite one illustration, the statute says that the bureau has the right to limit the number of out-of-state bidders. Over the years, I think because of pressure from possibly the legislature and other areas, they had construed this to mean that they could eliminate out-of-state bidders.

I feel that the lateness of the session, with the innocuous matters that we uncovered, the reactivation of the Standardization Board by the Commissioner, the restructuring of it as we have it set up in 2339, will meet the needs. We have asked the commissioner to report to the legislature again in August on the implementation of the changes, internal changes they have made and I would hope that we could get on with the indefinite postponement.

The SPEAKER: The pending question before the House is on the motion of Mr. Garsoe of Cumberland to indefinitely postpone of House Amendment "A". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Jensen of Portland requested a roll call.

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

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

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: If I could just reiterate for those of you who are coming in now, the issue in front of us is very clearly one of public confidence. Does the public have a right to know when low bidders are not accepted? Should we institute a situation where

when competitive bids are issued and the low bidder is not accepted, the public ought to have the right to know why? Or do we just say no, we take the bid that we decide happens to be best and if you don't like it, tough luck, take us to court, at that point, you find out. This kind of thing breeds suspicion, mistrust, belief that state government is corrupt and a whole series of other things, all of them harmful to state government, politicians, bureaucrats, and everybody else. It seems to me that we have got to pass this kind of an amendment to allow the public to begin to restore its confidence in state government and specifically in the competitive bidding procedure.

When the study was done over the summer on this whole area, one of the things which occurred, to my understanding, is that there were literally dozens of people and dozens of issues which came up, everybody was accusing one department or another of messing up or doing something which appeared to be illegal, of taking high bids on contracts. If only to avoid that kind of thing in the future, it is imperative that we pass my amendment into law.

I would ask you to vote no, against indefinitely postponing this amendment.

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

Mr. DeVANE: Mr. Speaker, a question for the gentleman from Portland. What has this got to do with trucks?

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

Mrs. BERRY: Mr. Speaker, I would pair with the gentleman from Augusta, Mr. Bustin. If he was here, he would vote nay and I would vote yea.

The SPEAKER: The gentleman from Madison, Mrs. Berry, wishes to pair her vote with the gentleman from Augusta, Mr. Bustin. If the gentleman from Augusta, Mr. Bustin, were present, he would be voting nay and if the gentleman from Madison, Mrs. Berry, were voting, she would be voting yea.

The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that House Amendment "A" be indefinitely postponed. A roll call has been ordered. All in favor of this amendment being indefinitely postponed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Berube, Birt, Burns, Call, Carey, Carter, Churchill, Conners, Curtis, DeVane, Doak, Dow, Durgin, Farnham, Fenlason, Finmore, Flanagan, Garsoe, Gould, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Kelleher, Kelley, Laverty, LeBlanc, Lewis, Lizotte, Lovell, Lunt, MacEachern, Mackel, McBreairty, McMahon, Miskavage, Morton, Norris, Palmer, Perkins, T.; Peterson, P.; Pierce, Raymond, Rideout, Rollins, Snowe, Stubbs, Tarr, Teague, Torrey, Tozier, Walker, Winship.

NAY — Albert, Bachrach, Berry, P. P.; Blodgett, Boudreau, Byers, Carpenter, Carroll, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Dam, Davies, Drigotas, Faucher, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kennedy, LaPointe, Leonard, Littlefield, Mahany, Martin, A.; Martin, R.; Mitchell, Mulkern, Nadeau, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Rolde, Saunders, Shute, Snow, Spencer, Talbot, Truman, Usher, Wagner, Wilfong.

ABSENT — Bowie, Bustin, Cote, Curran, R.; Dudley, Dyer, Farley, Gauthier, Hall, Hinds, Jacques, Kauffman, Laffin, Lewin, Lynch, MacLeod, Maxwell, McKernan, Mills, Morin, Najarian, Perkins, S.; Quinn, Silverman, Smith, Sprowl, Strout, Susi, Theriault, Tierney, Twitchell, Tyndale, Webber.

PAIRED — Berry, G. W.

Yes, 56; No, 60; Absent, 32; Paired, 2.

The SPEAKER: Fifty-six having voted in the affirmative and sixty in the negative, with thirty-two being absent and two paired, the motion does not prevail.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter:

Bill "An Act Repealing the Expungement Law and Providing for the Control of Access to and Disclosure of Criminal History Record Information" (S. P. 773) (L. D. 2326) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. Rolde of York, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter:

An Act Correcting Errors and Inconsistencies in Motor Vehicle Related Laws (Emergency) (H. P. 2270) (L. D. 2337) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Mr. Talbot of Portland, tabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter:

An Act Providing for Protective and Supportive Services for Mentally Retarded Persons (H. P. 2069) (L. D. 2239) (S. "A" S-499, C. "A" H-1118) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would ask you to bear with me and I will explain once I am through with this whole thing.

Thereupon, on motion of Mr. Goodwin of South Berwick, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" was adopted.

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

House Amendment "A" to Senate Amendment "A" (H-1199) was read by the Clerk and adopted.

Senate Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

On motion of Mr. Goodwin of South Berwick, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-1200) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: What I have done here is on a bill that was reported out of our committee as a result of a study that provides for evaluation of mentally retarded persons residing in community residential facilities. In the Senate, there was an amendment put on which provided protection for those people who because of their religious affiliations, that it not be mandated that they be evaluated. The problem in the

Senate was that it was put on in the wrong section of the bill. It was put on under the section on qualifications for director of the Mental Retardation Bureau. So what I did was, I took off that section of the Senate Amendment which did that and put the wording on the section where it was supposed to have been in the first place.

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

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

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

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

Mr. MacEACHERN: Mr. Speaker, I would move that we reconsider our action of earlier in the day whereby L. D. 2027 was passed to be engrossed and hope you all vote against me.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that the House reconsider its action of earlier today whereby Bill "An Act to Clarify the Retirement Statutes," House Paper 1860, L. D. 2027, was passed to be engrossed in non-concurrence and sent up for concurrence. All those in favor of reconsideration will say aye; those opposed will say nay.

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

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

Mr. Connolly of Portland presented the following Joint Resolution and moved its adoption: (H. P. 2294) (Cosponsor: Mr. Talbot of Portland)

Joint Resolution in Support of the Striking Paperworkers of Wilton

WHEREAS, Local No. 405 of the United Paperworkers International Union has struck the Dryden plant of the Forster Manufacturing Company in Wilton; and

WHEREAS, the strike, which began February 20th of this year, affects 350 workers and their families; and

WHEREAS, the striking workers are seeking a 10 percent increase over their base pay of \$2.72 per hour, while management is only offering a 4 percent increase over that base pay; and

WHEREAS, the strikers, as evidenced by their picketing and refusal to bow to the Forster Manufacturing Company's pressure to break the strike, remain determined in their efforts to secure a living wage for themselves and their families; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature, in special session assembled, hereby recognize the right of Maine people to work for a living wage and therefore declare our support for the striking workers of the Forster Manufacturing Company in their struggle for a decent life for themselves and their families; and be it further

RESOLVED: That we urge Maine citizens to send messages of support and contributions of food and clothing to these striking workers; and be it further

RESOLVED: That a suitable copy of this joint resolution be sent to George D. Barker, President of Local No. 405 of the United Paperworkers International Union in Wilton.

The Resolution was read.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I think some of you have read this resolution, and if you haven't, it

deals with the current strike that is under way in Wilton with Forster Manufacturing Company. I didn't know very much about this strike until last week. I had read a couple of brief articles in the Portland paper, but last week I was invited to a meeting here in Augusta by a group of people who were trying to form a strike support committee. I went to the meeting and I was very enlightened by the facts that were presented to me, and I was asked if I would join with the group of people to try to form a support committee for the striking workers and to try to do everything that we could to bring attention to the problem. Consequently, Representative Talbot and myself invited a number of the children of the strikers down here today. They were here and acted as Pages and some of them are in the gallery. We also felt that we should attempt to introduce a joint resolution to call the issue to everyone's attention.

I have been told that this perhaps sets a precedent in this House, that it is not the place of the legislature of Maine to get involved in labor disputes, but I would leave that to your own mind as to just how you will vote on this issue.

I would just like to take the opportunity to point out a few facts. The strike in Wilton has been going on since the 20th of February. The issue is a pay issue, a raise. The strikers struck asking for 10 percent increase over the base salary of \$2.72 an hour, and the company has offered them a 4 percent increase, or 14 cents, whichever is greater. But the strike has now reached the point where it is beginning to become a financial burden for the strikers and for their families, given the fact that of the 350 workers that are out on strike, 272 of them are now on the picket line and those picketers are receiving \$35 a week in strike benefits, and unless they are able to find a part-time job, that \$35 a week, plus whatever assistance they might be able to obtain in food stamps, for example, that is what they are required to live on. So we have begun to issue a call throughout the state not only to send messages of support to the strikers and the union, but also to issue a call that contributions be made in the form of clothing and food to the Union in Wilton.

That is about all I have to say. I would hope that the House would give this consideration. My main point in rising was to alert the House to the situation in Wilton. It was something that was new to me, I didn't learn about it until last week. I would hope you could see your way clear to support this proposal.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to point out that I am in sympathy with what the gentleman from Portland is trying to say, and I personally am in sympathy with the labor movement, but I would say to use the legislature for this particular purpose is not what the legislature was intended for and I stand here representing, along with Mr. Pierce, and Mrs. Kany, who may obviously vote in their own direction, but I stand here as a Representative representing all of the people of Waterville, and this does not reach the favor of all of the people of my city and I would unfortunately ask for indefinite postponement of the order.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that this Joint Resolution be indefinitely postponed.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: Wilton is in my district and I would like to enlighten you as to what I see in this strike.

This company has four different plants, one of them in Dryden and the strike started, there have been numerous cases of vandalism in the plant, things smashed and broken, so I am not very much in sympathy with this strike myself.

I am rather surprised that they should go to Portland, probably they did the right thing in getting sponsors for this because I doubt very much if I would have done it.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to enlighten the last gentleman who spoke as to why the other gentleman from Portland, Mr. Connolly, and myself are sponsoring this particular issue.

We both were at a meeting last week in downtown Augusta with representatives from Wilton who are on strike talking about what was taking place in that particular town. We were quite moved, I think, to the point where we wanted to do something to help in our support. Myself, like the gentleman from Portland, Mr. Connolly, didn't know that much about what was happening in Wilton insofar as the strike was concerned, but being a part of labor, I sincerely wanted to get involved to do the thing that I do best, and that was to help people help themselves.

Our first reaction was to make sure that the word got out that there are people in Wilton who are willing to stand up for their rights and their dignity as working people of the State of Maine, to do what they can for their families. And one of the ideas that we came up with was to have the children of those families come down to Augusta, to their government, to see how their government works, because it is a government of the people, by the people and for the people. I think that they have as much right to be here as anybody else.

There are several other areas in which we are going to strive to help those people in their strike effort in the fact that we are going to try to get as many members from this body who want to go up and walk the picket line with them a couple of Sundays from now. We are going to ask, and I would appeal to all unions throughout the state, as a union man myself, as a member of the union, to financially support those people in Wilton who are trying to support themselves.

It was just last week that they lost their insurance which deals with hospitalization, health care, dental care and what not.

I think one of the problems is that the people of Wilton who are on strike need financial support and moral support. We are trying to give that to them. I think it is only proper, I think it is only right, and I would hope that you would support this order.

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

Mr. GARSOE: Mr. Speaker, a parliamentary inquiry. Since it is my belief that the gentleman from Portland, Mr. Connolly, and Mr. Talbot, my valued colleagues are doing this body a disservice by introducing a measure such as this, I would inquire of the Speaker if there is some device whereby this could be construed as not being a proper measure for this body to consider?

The SPEAKER: The Chair would advise the gentleman that there is no process which the Chair may use to order resolutions or orders out of order, which is obvious if one stops and thinks of some of the orders that have been introduced in this body.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I join with the gentleman from Waterville, Mr. Carey. I think this order is very much out of place and it is asking us to take sides in a dispute and we know nothing about what the other side has to say, and when there is a dispute, there are two sides. During the years to come, there are going to be strikes, strikes in Maine, are we going to have an order every time there is a strike in Maine?

Sometimes strikes are very foolish and sometimes they are very sincere and very deserving. It just seems to me that we should set this matter to rest once and for all. I know we are sympathetic to the strikers, but it is not our function to be involved in what is a true labor-management dispute, and we have only heard one side of the story, and that is probably the only side we would ever get when this does happen.

I think by a resounding vote to indefinitely postpone, we would then let others know that this is not the place for that type of order.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, speaking of orders, is it any less important to see if we can't help a group of individuals that are trying to get enough money to feed their families as it is to honor a football or basketball team?

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: This is indeed a difficult order to oppose, but I do want to say that I think we have brought the issue before the members of this House. I think all of us realize the difficulties which families and members of families may have economically when a strike does occur, but we do not know here the facts of this case. In fact, the gentleman from Portland, Mr. Talbot, said himself that he did not know the facts. He just was a member of the union and wanted to do something about it.

It seems to me that whatever was to be done by the order has been done. Certainly this House or this legislature is not in the position to become a mediator in a labor dispute, nor should we now nor should we ever. It seems to me that the appropriate thing at this time would be that the sponsor withdraw the order.

Thereupon, Mr. Talbot 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, Ladies and Gentlemen of the House: I think it is indeed unfortunate that we are faced with this because we are now in a roll call situation and of course any way that we go, and I am sure that we will go against this order because it probably is no place for us to get involved in labor disputes, so I hope that everyone understands that this is neither a vote for management or for labor, this is simply a vote because we don't feel that this legislature is the place to resolve labor disputes. This is just not the place to do it and now we have been forced into a position where we are going to be recorded and it is going on the record and I simply want it understood that the vote that I am going to make to indefinitely postpone this is simply that I don't believe that this is the place for an order like this. This doesn't preclude any member of this legislature. If they want to go and march in the picket line or if they want to contribute financially to the workers, fine and dandy, or if they want to help individually any way that they care to, but I would hope that the vote would not be construed as a vote against labor or for management or against management for labor.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to echo the sentiments expressed by my friend from Brewer, Mr. Norris, and further state that if it

were a management resolution that was before me, I would be equally opposed to it.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would also like to make the same point. I am going to vote against this order because I don't think that it is appropriate for it to be before this body, but I don't consider it in any way a vote against the strikers and I would be glad to make a contribution to their cause after the session.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I, too, am very sorry that I feel the need to vote against this particular order, but I just can't help calling to your attention another order which I personally opposed strongly last year and it kind of reminds me of the same sort of thing. I believe it was introduced by Representative Palmer and Representative Dam and it had to do with praising the President for his action over the Mayaguez situation, so at that time I voted against that order and I will have to vote against this same type of order today.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to start out with any "I, too." I figure those people who start out "I, too," want to have it both ways.

I consider there have been a lot of resolves here, a lot of memorials, some of them have been very worthwhile and some of them have bordered on almost the innocuous. So I have no hesitation in saying, if I am going to be wrong, I am going to be wrong on the part of little people who are trying to eke out a living, and I am going to vote for the order.

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

ROLL CALL

YEA — Ault, Bagley, Bennett, Berry, G.W., Berry, P.P., Berube, Birt, Blodgett, Byers, Call, Carey, Carpenter, Carter, Churchill, Connors, Cox, Curtis, DeVane, Doak, Dow, Dudley, Durgin, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Greenlaw, Henderson, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kany, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewis, Littlefield, Lizotte, Lovell, Lunt, Mackel, Mahany, Martin, R., McBreaarty, McKernan, Miskavage, Mitchell, Morton, Nadeau, Norris, Palmer, Peakes, Pearson, Perkins, T., Peterson, P., Pierce, Post, Raymond, Rideout, Rollins, Shute, Snow, Snowe, Spencer, Strout, Stubbs, Tarr, Teague, Torrey, Tozier, Usher, Walker, Wilfong.

NAY — Albert, Carroll, Chonko, Clark, Connolly, Davies, Drigotas, Flanagan, Goodwin, H., Goodwin, K., Hennessey, Hobbins, Hughes, Ingegneri, Jalbert, Kelleher, LaPointe, MacEachern, Mulkern, Pelosi, Powell, Rolde, Saunders, Talbot, Truman, Wagner, Winship.

ABSENT — Bachrach, Cooney, Cote, Curran, P., Curran, R., Dam, Dyer, Farley, Faucher, Gauthier, Hall, Hinds, Jacques, Kauffman, Laffin, Lewin, Lynch, MacLeod, Martin, A., Maxwell, McMahon, Mills, Morin, Najarian, Perkins, S., Peterson, T., Quinn, Silverman, Smith, Sprowl, Susi, Theriault, Tierney, Twitchell, Tyndale, Webber.

Yes, 83; No, 27; Absent, 40.

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

On the disagreeing action of the two branches

of the legislature on Bill "An Act to Implement a Central Licensing Division within the Department of Business Regulation" (H. P. 2153) (L. D. 2294) the Speaker appointed the following Conferees on the part of the House:

Mrs. CLARK of Freeport
BOUDREAU of Portland
BYERS of Newcastle

(Off Record Remarks)

Mrs. Clark of Freeport was granted unanimous consent to address the House.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I would like to take just a few minutes of your time this evening to expand on some remarks that I made on the floor of this House on March 26, 1976, relative to the issue of L. D. 2036. The record shows that on that day I referred to the gentleman of the Third House, our lobbyist, Charles Cragin, referring to him as Senator Cragin. The Committee on Business Legislation sincerely and affectionately refers to that honorable gentleman as Senator Cragin. If my remarks in any way impugned his character, I would like to state on the record that in no way was that the intention of my remarks on that afternoon.

On motion of Mr. Jackson of Yarmouth, Adjourned until nine-thirty tomorrow morning.