

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Wednesday, March 7, 1979

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

Prayer by the Reverend Ronald Messer of the United Methodist Church, Sanford.

Rev. MESSER: Let us be in a moment of prayer. Almighty God, as these persons and this body of people gather together this day, may your spirit be with each of them. They have a very special task which demands from each of them a sense of human compassion, human understanding and divine wisdom. They determine policy which affects the lives of individuals in the State of Maine from the very young to the very old. They determine policy which will establish the moral and the ethical values by which the people of Maine will live. They are charged to establish policy which will vitalize human life in Maine as well as preserve the natural beauty and resources of the earth which you have given us.

There are many persons who are here as legislators from all parts of this state. Each person has their own personality and their own set of values; hence, conflict and disagreement may arise. Let this disagreement not be a stifling to growth but let it be a funnel to growth.

As each of these legislators come this day, let them understand their tasks as that of promoting growth and helping the body of people in Maine they represent. This can only be done, O Lord, with an understanding of you and your purpose for the world that we live in, for you have given us all the tools that are necessary to develop human life. We have our understanding, we have our compassion, and we must now seek that divine wisdom which you granted to King Solomon so that our decisions will be to the benefit of all the human life. We pray unto you, O God most high, forever and eternal. Amen.

Papers from the Senate

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

Maynard Marsh is retiring as Commissioner of Inland Fisheries and Wildlife after 38 years of dedicated service to the people of the State of Maine, including 7 years as Commissioner (S. P. 328)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

The following Joint Order, An Expression of Legislative Sentiment recognizing that: the Bangor Christian Patriots have won the Easter Maine Class D Basketball Championship (S. P. 329)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

The following Joint Resolution: (S. P. 335)

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Nine
JOINT RESOLUTION IN COMMEMORATION
OF THE VISIT OF U.S.S. PORTLAND, LSD
37, TO THE CITY OF PORTLAND AND
STATE OF MAINE CITY OF PORTLAND
AND STATE OF MAINE

WHEREAS, on March 16, 1979, the United States Ship Portland will enter Portland Harbor for the purpose of an official visit to the City of Portland and State of Maine; and

WHEREAS, The officers and men of U.S.S. Portland wish to display to the citizens of Portland and the State of Maine the U.S. Navy ship which bears the name of Maine's largest city; and

WHEREAS, the visit of U.S.S. Portland will mark the first occasion since 1945 that a U.S. Navy ship bearing the name "Portland" has visited the City of Portland; and

WHEREAS, the U.S.S. Portland, since being

commissioned in 1970, has established a record for superior performance and is a seasoned member of the Navy-Marine Corps amphibious team; and

WHEREAS, the visit of U.S.S. Portland to Maine's largest city is an occasion of great significance to Maine and its citizens; now, therefore be it

RESOLVED: That We, the Members of the 109th Legislature while duly assembled in regular session at the Capitol in Augusta, do extend our welcome to the officers and crew of the U. S. S. Portland upon the occasion of their visit to Portland and the State of Maine; and be it further

RESOLVED: That a duly authenticated copy of this resolution of welcome be sent forthwith, on behalf of the Legislature and the people of Maine, to the City of Portland for appropriate transmittal to Commander Michael B. Connolly, U. S. N., commanding officer of U.S.S. Portland, upon the occasion of that vessel's arrival at Portland harbor.

Came from the Senate read and adopted.

In the House, was read and adopted in concurrence.

Bill "An Act to Appropriate Funds for Emergency Shelters and Services for Victims of Domestic Violence" (S. P. 316) (L. D. 946)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

(Off Record Remarks)

Bill "An Act to Require a Quiet time in the Schools" (S. P. 324) (L. D. 954)

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

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

Bill "An Act to Amend the Spruce Budworm Protection District Boundary" (S. P. 320) (L. D. 950)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Allow Unions to Negotiate on behalf of Former Employees of a Company with Which the Union is Negotiating" (S. P. 319) (L. D. 949)

Bill "An Act to Continue Medical Benefits to Employees During Collective Bargaining Negotiations, Lockouts, Strikes and Other Job Actions" (S. P. 317) (L. D. 947)

Bill "An Act Amending the Permanent Impairment Provisions under the Workers' Compensation Act" (S. P. 321) (L. D. 951)

Bill "An Act to Assist Handicapped Workers in Returning to Employment by Transfer to Suitable Work" (S. P. 322) (L. D. 952)

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

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

Bill, "An Act to Provide for Outside Audit of County Budgets" (S. P. 318) (L. D. 948)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, was referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Establish a Marine Worm Council" (S. P. 315) (L. D. 945)

Came from the Senate referred to the Committee on Marine Resources and ordered

printed.

In the House, was referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Create a Tourism Advisory Council to Study Maine's Tourism Industry" (S. P. 314) (L. D. 944)

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

In the House, was referred to the Committee on State Government in concurrence.

Bill "An Act to Extend the Maine Jobs Tax Credit Law for 3 Years" (S. P. 323) (L. D. 953)

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

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

Reports of Committees

Divided Report

Majority Report from the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-25) on Bill "An Act to Provide for Jury List Selection from Sources other than Voting Lists" (S. P. 178) (L. D. 408)

Report was signed by the following members:

Mr. COLLINS of Knox

— of the Senate

Messrs. SIMON of Lewiston
CARRIER of Westbrook
GRAY of Rockland
LAFFIN of Westbrook
STETSON of Wiscasset

Mrs. SEWALL of Newcastle

— of the House

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

Report was signed by the following members:

Mr. DEVOE of Penobscot

Mrs. TRAFTON of Androscoggin

— of the Senate

Messrs. SILSBY of Ellsworth
HUGHES of Auburn
JOYCE of Portland
HOBBINS of Saco

— of the House

Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, moves that the Majority "Ought to Pass" Report be accepted in non-concurrence.

The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, I request a division.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: What we have before us today is a bill that would allow people who are not on the voting list to sit on juries.

When they sit on the jury, a lot of people refuse to register to vote just for the simple reason that they don't want to serve on the jury. You know, to me they are neglecting their responsibility as citizens of the State of Maine when they simply refuse to vote because they don't want to have to make a decision and serve on the jury. All this bill does is simply state that the courts be empowered to have other ways and means to draw from people so that they can serve on the jury.

There was nothing wrong with this bill at the hearing, and I thought the hearing went pretty well and I thought that everyone had a chance to speak on this bill and there was no real oppo-

sition other than the fact that each individual holds true to what they believe in. I certainly see nothing wrong with it. It is a bill that guarantees the people of this state that they serve on the jury and it also guarantees that people can register to vote, and I don't believe there is anyone in this House that doesn't want everyone to vote, regardless of whether they vote for you or against you. I believe that it has a lot of merit and I certainly would urge you to support my motion.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, this was a divided report, 7 to 6, but there was really no strong feeling on the committee about it other than a situation that I would like to explain to you.

As you will see in the committee amendment, this legislation wouldn't take effect until January 1, 1982, so that is several years away. In the meantime, there is a pending study being conducted by the LEAA to study the efficiency of the jury selection process. So by enacting this legislation, we are enacting something with a pending study and we don't know what the results of the study may be.

We all agree that there should be some changes in the jury selection process. I don't think that is the issue as far as the people that are opposed to this legislation. It is only for the fact that we do have a pending study going on. We don't know what the report will be, and I just don't see any sense in enacting legislation that will take effect in 1982 when we may have changes from that.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: That is true; there is a possible \$50,000 study that is going to be conducted by the court system concerning this matter, but you know what these studies do. They lay on the shelves for years to come. All we are doing is telling them that the legislature favors this, because when you have studies, and I have been on them and you have been on them, they really and truly don't amount to too much in my opinion.

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

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I would urge you to follow Mr. Laffin's recommendation. I handled voting lists for 19 years in my town and many people will not register to vote because they do not want to be called for jury duty.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, that the House accept the Majority "Ought to Pass" Report in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-25) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Relive a Liquor Licensee of Liability for the Sale of Liquor to a Minor who Presents a False Identification Card which Appears to be Valid" (S. P. 181) (L. D. 411)

Report was signed by the following members:

Mr. SHUTE of Waldo

— of the Senate

Messrs. VIOLETTE of Van Buren

SOULAS of Bangor

McSWEENEY of Old Orchard Beach

DUDLEY of Enfield

Miss GAVETT of Orono
Mr. DELLERT of Gardiner
Ms. BROWN of Gorham
Messrs. STOVER of West Bath
CALL of Lewiston
MAXWELL of Jay

— of the House

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

Messrs. FARLEY of York

COTE of Androscoggin

— of the Senate

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

The Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act Concerning Access by Physically Disabled Persons to Certain Public Facilities" (H. P. 707) (L. D. 891) which was referred to the Committee on Legal Affairs in the House on March 1, 1979.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Provide for Certain Signs to Assist Blind Persons in Elevators" (H. P. 708) (L. D. 882) which was referred to the Committee on Legal Affairs in the House on March 1, 1979.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Include the Term 'Sexual or Affectional Orientation' in the Maine Human Rights Act" (H. P. 673) (L. D. 860) which was referred to the Committee on Judiciary in the House on March 1, 1979.

Came from the Senate referred to the committee on Legal Affairs in non-concurrence.

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

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Appropriating Funds for Promotion of Direct Marketing Of Agricultural Commodities" (H. P. 684) (L. D. 864) which was referred to the Committee on Agriculture in the House on March 1, 1979.

Came from the Senate referred to the Committee on appropriations and Financial Affairs in non-concurrence.

In the House: On motion of Mr. Pearson of Old Town, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Joint Resolution to Ratify an Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress (H. P. 679) (L. D. 805) which was read and referred to the Committee on State Government in the House on February 28, 1979.

Came from the Senate read and referred to the Committee on Judiciary in non-concurrence.

In the House:

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

Mrs. KANY: Mr. Speaker, I move we insist.

The SPEAKER: The gentleman from Waterville, Mrs. Kany, moves that the House insist.

The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, and Members of

the House: I would request a division on this.

As one who has done some reading on this and a little bit of research, I find that on the federal level this particular issue was considered by the Judiciary Committee, and it would seem that it might be the appropriate committee here in this state to consider it, so I request a division.

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Rockland, Mr. Gray. Does the federal government have a Committee on State Government?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentleman from Rockland, Mr. Gray, who may answer if he so desires.

The Chair recognizes that gentleman

Mr. GRAY: Mr. Speaker, I am sure that the gentleman from Old Town already knows the answer to his question, so I am not going to dignify it by attempting to answer it, but I will say this, that we do have a Committee on Judiciary and it has been suggested that we consider this issue and I would support this.

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

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

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that the House recede and concur.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: The Secretary of the Senate and the Clerk of the House originally — actually, we moved it here, that is true.

ERA went before the Committee on State Government and it just seems in keeping with the tradition of the Maine Legislature that this particular Resolution should go to the Committee on State Government. Mr. Speaker, I request a division.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think the issue here may be a little different. Normally I agree, and we have always used pretty much the precedent that constitutional amendments to our Constitution do go to State Government. I think this question is much more of a legal question. I think the logical place for it is in the Judiciary Committee.

We have not had that many constitutional amendments to the Federal Constitution that have gone through the hearing process. I think this is one of the very few times that I have seen it offered as a bill to be referred to a particular committee. I have seen, at least one or two times, where constitutional amendments to the Federal Constitution, and many states have done this, have gone under the hammer in both bodies, and I think this is unfortunate. I think the process we are doing now is the correct process. I think the decision as to what particular committee it should go to is the judgment of the individual bodies. I think this has always been true. I think the recommendations of the Clerk and Secretary are excellent and most of the time we follow them. I think in this particular case, this particular bill should go to the Judiciary Committee.

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

Mrs. KANY: Mr. Speaker and Members of the House: I would like you all to know that I did contact the House Chairman of the Judiciary Committee. He had no objection if this particular measure went to the State Government Committee. Also, the chairman of State Government from the other body was not present when the motion was made yesterday, and he told me this morning that he intends to make

the motion to recede and concur tomorrow.

That is the story. I have gone through this in the usual, courteous manner and most other people do not seem to object to the fact that this resolution would go to State Government, as did the last resolution of its kind, the ERA Resolution.

Mrs. Kany of Waterville requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have 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 gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker and Members of the House: I have read through the blue booklet that is on our desks and in general the issue of Washington, D.C., being treated like a state. To my mind, it is a clear issue of state's rights having to do with numbers of senators and voting for the president. It does not have to do with the court system and the judiciary, and I feel that the proper place for it to be heard is in the State Government Committee.

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

Mrs. POST: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask, with the instance of the Equal Rights Amendment, what committee on the federal level discussed that particular proposed amendment and to what committee on the state level here in Maine was it referred?

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. KANY: Mr. Speaker, once again, it was the State Government Committee that had the resolution on ERA before it. On the federal level, it was the Judiciary Committee, so that could be a precedent for that particular division.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I don't care what committee the ERA was referred to. If it was referred to the State Government, I think it was erroneous because it involves the rights of the women and it also involves the rights of the rest of the family. Wherever it came from or wherever it went, I really don't care. I think in this particular situation, this is not the issue and it shouldn't be brought up.

I also do not care whether the Chairman of the Judiciary Committee says he doesn't mind if it goes to State Government. The chairman of any committee does not speak for the whole committee. I believe that this should go to Judiciary, although we have plenty to do without this particular bill, but I think many judicial questions in this legislature have gone to different committees and they have trouble with the judicial part of it. I submit to you that this should go to Judiciary and I hope you feel that way about it.

Mrs. Kany of Waterville was granted permission to speak a third time.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to point out, to the freshmen here particularly, if one votes against recede and concur, then the motion to insist would be in order. The Senate would then have another chance. They could either adhere or recede and concur, and if they did adhere, at that time we could recede and concur. So a vote against the motion to recede and concur at this time would not kill the measure.

I would like to point out to everyone that re-

gardless to which committee the resolution goes, everyone in the Legislature would have an opportunity to vote on the measure eventually.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Barry.

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: I was always under the impression that when we refer pieces of legislation to different committees it deals with subject matter, and I would think that this resolution deals with the subject matter of having U.S. Senators or Congressmen representing the District of Columbia, and I don't see anything legal about it. I am a little puzzled as to why it should go to the Judiciary Committee. I think it deals with representation and the State Government Committee should handle this resolution.

I would urge you to vote against the recede and concur.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think any amendment to the Federal Constitution is clearly a judicial matter. I think our Federal Constitution has only been ratified a few times. I think if you will follow the concept that it was an apportionment or a decision on senators and representatives, then the Prohibition Amendment would have gone to the Committee on Alcohol. I certainly don't think that would be the type of committee that it should go to.

I think this is clearly a judicial matter and it should be referred to the Judiciary Committee for review.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I truly don't care where this bill goes. The only thing I want to do is clarify something.

If you send this to the Judiciary Committee, this bill has a chance to survive because of the action of the other body. Now, the good representative said that the other body would have a chance. Yes, they do have a chance, but if you don't send it to Judiciary, they have a chance over here to kill it right there, adhere to their actions, and it is done with altogether. If you want to kill it, that is a nice way to do it, send it to State Government or do it that way. One way or the other, I don't believe it is going anywhere.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to address a point raised by the gentleman from Old Town, Mr. Pearson, when he asked the question, why did it go to Judiciary Committee in the United States Congress? Well, I would like to address a question back to Mr. Pearson. Why did it not go to the Committee on the District of Columbia, which is a committee of the United States Congress?

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the gentleman's question, I happen to have been in Washington while the debate on this bill was going on and have followed it very closely. The Committee on the District of Columbia was involved in the initial stages of this bill, if I am not mistaken, and has had quite an interest in it.

I believe the reason it has gone to the Committee on Judiciary in Washington to be sent out to the states is that that is the traditional place where it goes. Whereas, in this House, the traditional place where it goes is to the State Government.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe it is tradi-

tion in this body that constitutional amendments go to the Committee on Judiciary. I recommend that the motion to recede and concur be voted ye.

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

The Chair would ask the gentleman from Bangor, Mr. Tarbell, to please take his seat.

ROLL CALL

YEA — Aloupis, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Bunker, Carrier, Carter, D.; Carter, F.; Churchill, Cox, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Huber, Hunter, Immonen, Jackson, Kelleher, Kiesman, Laffin, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Marshall, Martin, A.; Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Call, Carroll, Chonko, Cloutier, Conary, Connolly, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Fowlie, Gowen, Gwadosky, Hall, Hickey, Howe, Hughes, Jacques, P.; Jallbert, Joyce, Kane, Kany, Lancaster, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT: Austin, Elias, Hobbins, Hutchings, Jacques, E.

The SPEAKER: The Chair would caution the gentleman from Bangor, for the last time, the gentleman is out of order.

Yes, 72; No, 74; Absent, 5.

The Speaker: Seventy-two having voted in the affirmative and seventy-four in the negative, with five being absent, the motion does not prevail.

Thereupon, on motion of Mrs. Kany of Waterville, the House voted to insist.

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

Mr. HIGGINS: Mr. Speaker, having voted on the prevailing side whereby we voted to insist. I move we reconsider our action and would ask for a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Scarborough, Mr. Higgins, that the House reconsider its action whereby it voted to insist. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Berube, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Bunker, Carrier, Carter, D.; Carter, F.; Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Huber, Hunter, Immonen, Jackson, Kelleher, Kiesman, Laffin, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Marshall, Martin, A.; Masterman, Masterton, Matthews.

McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Call, Carroll, Chonko, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fowlie, Gowen, Gwadosky, Hall, Hickey, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Lancaster, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Austin, Churchill, Elias, Hobbins, Hutchings

Yes, 70; No, 76; Absent 5.

The **SPEAKER**: Seventy having voted in the affirmative and seventy-six in the negative, with five being absent, the motion does not prevail.

Petitions, Bills and Resolves

Requiring Reference

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

Business Legislation

Bill, "An Act to Establish Minimum Warranties for the Sale and Installation of Solar Energy Equipment in Maine" (H. P. 871) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mr. Kiesman of Fryeburg and Mr. D. Dutremble of Biddeford)

Bill, "An Act to Establish a Voluntary Training and Certification Program for Installers of Solar Energy Equipment in Maine" (H. P. 872) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mr. Doukas of Portland, Mr. Kiesman of Fryeburg, and Mr. Howe of South Portland)

Bill, "An Act to Prohibit the Administration of Lie Detector Tests to Employment Applicants" (H. P. 873) (Presented by Mr. Howe of South Portland) (Cosponsors: Mr. Jackson of Yarmouth, Miss Aloupis of Bangor, and Mr. Laffin of Westbrook)

Bill, "An Act to Encourage Free and Open Competition in Insurance Funded Repairs" (H. P. 874) (Presented by Mrs. Berube of Lewiston) (Cosponsor: Mr. Paradis of Augusta)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill, "An Act to Promote Woodlot Cooperative Marketing" (H. P. 875) (Presented by Mr. Wood of Sanford) (Cosponsors: Mr. Dexter of Kingfield and Mr. Wyman of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Encourage Pilot Projects using Solid Waste for Energy Production" (H. P. 876) (Presented by Mr. Jacques of Waterville) (Cosponsor: Mrs. Kany of Waterville)

Committee on Energy and Natural Resources was suggested.

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

Health and Institutional Services

Bill, "An Act to Appropriate Funds for a Conference on Families" (Emergency) (H. P. 877) (Presented by Mr. Brodeur of Auburn) (Cosponsors: Mrs. Payne of Portland, Mrs. Nelson of Portland and Mrs. Kany of Waterville)

Bill, "An Act Relating to the Costs of Transporting Persons to Hospitals for the Mentally

Ill" (H. P. 878) (Presented by Mrs. Nelson of Portland) (Cosponsors: Mr. Wood of Sanford, Mr. Whittemore of Skowhegan, and Mr. McKean of Limestone)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill, "An Act to Establish a License Classification and Trap Tagging System for Lobster Fishing" (H. P. 879) (Presented by Mr. Jackson of Yarmouth) (Cosponsor: Mr. Bowden of Brooklin)

(Ordered printed)

Sent up for concurrence.

State Government

Bill "An Act to Provide for an Environmental Doctor in the Department of Environmental Protection" (H. P. 880) (Presented by Mrs. Nelson of Portland) (Cosponsors: Mrs. Masterton of Cape Elizabeth, Mr. Baker of Portland, and Ms. Lund of Augusta)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Provide Driver Competency testing for Mopeds" (H. P. 881) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 882) recognizing that:

Jo Ann Wescott of Penobscot, a student at George Stevens Academy in Blue Hill and a member of the cheerleading squad is first place winner in the statewide cheering competition sponsored by the Maine Lumberjacks basketball team February 11th at the Bangor Auditorium

Presented by Mr. Bowden of Brooklin. (Cosponsor: Senator Perkins of Hancock)

The Order was read.

The **SPEAKER**: The Chair recognizes the gentleman from Brooklin, Mr. Bowden.

Mr. BOWDEN: Mr. Speaker, Ladies and Gentlemen of the House: The George Stevens Academy has for some time been recognized for its outstanding academic process, but I would like you all to know right now that they don't do so bad in the area of athletics either.

In addition to the young lady's successful appearance in the cheerleading competition, I would like to note that the basketball team, which the Speaker introduced earlier, also received the sportsmanship award during the tournament, and I think that that is every bit as significant as their championship.

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

House Reports of Committees

Ought Not to Pass

Mr. Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Move the Stanton Museum and its Collection from Bates College to the Maine State Museum" (H. P. 223) (L. D. 279) reporting "Ought Not to Pass"

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

Consent Calendar

First Day

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

(H. P. 127) (L. D. 136) Bill "An Act Relating to the Use of Deadly Force and Nondeadly Disabling Chemicals in Property Offenses" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-65)

(S. P. 133) (L. D. 310) Bill "An Act to Increase the Certification Fee for Geologists"

Committee on Business Legislation reporting "Ought to Pass"

(S. P. 171) (L. D. 371) Bill "An Act Concerning the Maine Property Insurance Cancellation Control Act and to Make Nonpayment to an Agent Equivalent to Nonpayment to the Insurer" Committee on Business Legislation reporting "Ought to Pass"

(S. P. 191) (L. D. 458) Bill "An Act Increasing the Number of Laymen on the Judicial Council" Committee on Judiciary reporting "Ought to Pass"

(S. P. 120) (L. D. 229) Bill "An Act to Increase the Compensation for Atlantic Sea Run Salmon Commission Members to \$50 a Day" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-24)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 1, under listing of Second Day.

Consent Calendar

Second Day

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

(S. P. 82) (L. D. 155) Bill "An Act to Increase Penalties for Violation of the Statutes Concerning Minimum Wages"

On objection of Mr. Leonard of Woolwich, was removed from the Consent Calendar.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I would like to have someone from the Committee explain to me why there is in fact a need for this legislation at this time?

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, there is presently no sanction against violation of this particular statute. This particular law has been on the books for some time but there has never, for some unexplainable reason that I am not able to divulge because I don't know, there has never been a sanction imposed.

This sanction is very reasonable, that is why it was reported out by a unanimous committee vote. It will impose a civil penalty.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Presently, there is a sanction. The bill has to do with a person who violates paying the minimum wage. At present, the sanction is a minimum of \$50 to a maximum of \$200, and if the judgment is found in favor of the employee, in other words, if he is getting his minimum wage, the employer has to pay twice the difference between the minimum wage and what he actually wasn't getting. In other words, if the minimum wage, say, was \$3 and the employer was only paying \$2 then the employer would have to pay \$2, twice the dollar difference.

The new penalty is an increase. That part of the law, as far as I know, stays intact, but the new penalty is an increase of a minimum of \$300 and a maximum of \$1,000.

It is a unanimous committee report, but I had reservations when it came out of the committee and I have much more serious reservations now and I would move to indefinitely postpone this bill and all its papers.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: Representative Lewis's action, this morning is unprecedented, I be-

lieve, since she did recommend, with all of the committee members, that this ought to pass and now she is trying to kill it, when she has stated that she supported it in committee.

This fine is very reasonable. These fines are only going to be imposed on an employer who deliberately and knowingly violates this law, for no other purpose. It seems to me that the honest businessman has nothing to fear by any of these laws. If he intends to obey them, then, obviously, the sanction is not going to be imposed on him and he has nothing to worry about. I find Mrs. Lewis's action a bit surprising and really incredible.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I hope the gentleman from Pittsfield finds my actions a little more in line, because I have never spoken for or against this particular piece of legislation until now. I do have a little bit of difficulty with it, because I can equate this particular legislation to the nuclear arms race we are having in the world right now. We are building up our forces to the point where when the enemy does come against us, if we think he is the enemy, we are going to blow him to bits. We are doing the same thing, basically, to the employer.

In this particular piece of legislation, the present fine, as I understand it, is between \$50 and \$200 that can be levied against an employer in the event he violates the statutes in regard to the minimum wage. In addition, in the present statutes, the employer, in the event he is found in violation and assuming that he is paying less than minimum wage, I will give you an example, if an employer were paying 50 cents per hour less to his employee for a year's period of time, that, in round figures, would equate to \$1,000 that he would owe that employee for back wages. In addition in the law, it requires the employer also pay that employee twice that amount. If, in fact, he owed him \$1,000 by law, he would then owe him \$2,000, so the employee would be getting more money back or twice the money back that he was denied in the first place. That in itself, is a fine and that particular fine, I think in that case, goes to the right person, it goes to the employee. In this case, it is money that would ultimately, as I understand it, be collected by the state and the state I shouldn't think should be in the business of making money on its fines.

Three hundred is the recommended figure now to \$1,000 and that, to me, seems excessive when we found no violations of this, per Representative Wyman's words, and it seems that we are simply building the employee and the state's arms up to the point that when a violation does occur, whether it be by accident or what, we have arms to the point where the state and the employee can actually devastate the employer to the point of putting him out of business. Are we doing the employee any good by the state coming in and simply levying that are far in excess of the crime?

I hope you will support the indefinite postponement of this bill. I had hoped to make that motion because I feel strongly that it is just another bill that isn't needed and it is anti-business and, in fact, if you look at it closely, it is anti-employee as well.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't rise to speak for or against this piece of legislation but I do rise in defense of Representative Lewis.

I think that any one of us, including myself, has the right to change our mind at any point in this game, especially when we look up and find in reference to the bill there was some evidence that we didn't have. I suspect that that might be what she may have done. I was misled by the gentleman from Pittsfield, because he led me to believe that there wasn't any law on the book and this put one on the book to make a

penalty. Perhaps, he was misled because perhaps he didn't do the proper research.

I am sure that I want the person that was underpaid paid, and I am sure you would be paid double under the existing laws. The way they are talking about this new bill, it gives the state more money and not the people that were underpaid. I think that part of it is wrong.

I am on my feet especially to defend any member of this House that wants to change their mind and especially people like Representative Lewis that goes into anything to the last inch of research. They certainly want to change their minds when they know all the facts.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly respect Mrs. Lewis's right to change her mind. She does so a number of times on the committee and I respect that right. We enjoy having her on the committee. Some of us have labeled her the "lone eagle" because of some of her votes on the committee, but we respect her. The committee is made up of many different members with many different philosophies and points of view.

In answer to Mr. Dudley's remarks, I just want to reassure him and anyone else in this House that I respect anyone's right to change their mind at any time.

I did find it a bit disappointing that Mrs. Lewis did not share her reservations prior to just a few moments ago.

In answer to the gentleman's remarks, Mr. Leonard, regarding the legislation, I was mistaken when I said there are no penalties on the books presently, and I was mistaken because we have some legislation which imposes penalties where there are no penalties now. I was legitimately and honestly confused on that particular item; I apologize to the members of the House for that. But I believe that Mr. Leonard is also confused when he says there are no violations, there have been no violations. As a matter of fact, the contrary is true, Mr. Leonard. The Bureau of Labor has recommended increasing these penalties because of numerous violations by employers who do not respect the law and certainly find that the penalties which are currently on the statutes provide no deterrent whatsoever.

I happen to represent a good number of small businessmen and this legislation is not anti-business. I think Mrs. Lewis and Mr. Leonard are going fishing and the fish they are catching are red and they are herrings. There are a lot of red herrings floating around and they happen to be floating around this particular issue. This is not an anti-business bill. This bill is not going to hurt business. This bill is not going to hurt the honest businessman who is trying to make a living. As a matter of fact, it is not even going to affect 90 percent of the businessmen in the state. It is only going to affect those businessmen who deliberately and knowingly and willfully and intentionally violate the law.

If Mr. Leonard and Mrs. Lewis and perhaps other members of this House are intent on protecting the lawbreaker whether he wears a blue collar or a white collar then that is their privilege, but I believe that violation of the law ought to be punishable by a fine and a penalty, which is commensurate with the seriousness of the crime that is involved. That is precisely what this legislation does. There have been violations and that is exactly why the Bureau of Labor has recommended that we increase the penalties, to serve as a deterrent.

There are a number of people who have asked on a number of occasions before our committee, well, why is such legislation, not only this legislation but other legislation similar to this, necessary? There haven't been that many violations. Well, first of all, there have been and, secondly, even if there had not been, and that is not the case, but even if there had

not been numerous violations of the law, it seems to me that one of the purposes of the law as it involves penalties or fines, and any legal person or lawyer can correct me on this if I am wrong but I think one of the purposes is to serve as a deterrent. We don't want to wait until employees have been denied their rights under the law before we decide to punish the lawbreaker.

So, I would hope that you would defeat the pending motion to indefinitely postpone this bill.

When the vote is taken, I would ask for the yeas and nays.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I think we have had a perfect example of people changing their minds during the long count that we had a few minutes ago.

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

Mr. MORTON: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Pittsfield, Mr. Wyman.

I would ask the gentleman from Pittsfield, Mr. Wyman, having reported to us that there have been violations, if these violations have been prosecuted and if the sanctions have been applied?

The SPEAKER: The gentleman from Farmington, Mr. Morton has posed a question through the Chair to the gentleman from Pittsfield, Mr. Wyman, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. WYMAN: Mr. Speaker, Members of the House: In answer to the gentleman from Farmington's question, I don't know the specific number of violations. We were provided that information but I don't have it at my fingertips because I was not aware that there was going to be controversy on this item. I would be glad to supply that information.

I have been told by Mr. Lovejoy, the Deputy Director of the Bureau of Labor, that in most cases, the judge views these sanctions as so minimal that they are usually ignored, despite the pressure to increase the penalties, so there would be more vigorous prosecution.

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

Mr. MORTON: Mr. Speaker, I would like to pose another question through the Chair to the gentleman from Pittsfield, Mr. Wyman.

Is the gentleman alleging then that there have been actions either by an administrative court or district court, which have been ignored by the respondents and the sanctions have been applied, but not been paid? I think the gentleman had better get his statements straight here.

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to the gentleman from Pittsfield, Mr. Wyman who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I believe my statements are straight, Mr. Morton. If you want more detailed information, I would be glad to have you meet with me and we will talk with Mr. Lovejoy about this, but simply because I don't have all the statistical information right now, I would be glad to get that for you. My statements are quite correct and if you doubt that, I would be glad to meet with you.

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

Mr. MORTON: Mr. Speaker, I would like to pose another question through the Chair to the gentleman from Pittsfield, Mr. Wyman. When I use the word straight, I mean understandable.

Did Mr. Lovejoy tell you that he had applied sanctions and they had not been paid? I would like to get an answer to that question.

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed another question through the Chair to the gentleman from Pittsfield, Mr. Wyman, who may respond if he so desires.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Lovejoy did not cite to me any particular cases, but he did intimate to me that the court did not regard the sanctions as being sufficiently severe to warrant prosecution. I don't know the number of cases where there have been prosecutions and these penalties have actually been levied and the number that have not, but I know that Mr. Lovejoy did inform me in no uncertain terms that the low penalties have been a deterrent to successful prosecution.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to defend the Chairman of the Labor Committee. I served four years on the Labor Committee and there are cheats out there, and don't you think there isn't. There are plenty of cheats out there.

I can tell you stories where employees have run off and not even paid their unemployment compensation and left the poor people two or three weeks without wages.

This is a good bill and I urge your support.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I am a little amazed at what I have been hearing. I would like to remind my fellow members of the House that there is a broad consensus of agreement on this bill. Our committee represents many different points of view and varying philosophy, from pro labor to pro management, and we achieved a broad consensus in favor of this bill. If there had been serious objections, I assure you, this report would have been much more divided than it is today on the House floor.

I urge you to vote against indefinite postponement.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to mention one thing, and that is that Mr. Lovejoy did not provide any of the other members of the committee, to my knowledge, at least he didn't provide it with me and one other member I spoke to, with the information he apparently provided to the gentleman from Pittsfield, Mr. Wyman. There were no cases cited at all. We had no record given to us of any violations.

I would agree with Mr. Laffin that if a person doesn't pay, he should be punished, and he is punished under the present law by a minimum of a \$50 fine and a maximum of \$200. Of course, in addition to that—that fine he pays to the state, and in addition to that, he has to pay double the difference between the minimum and what he was paying to the employee, and I certainly support that.

The new fine is exorbitant. There is no evidence that it is necessary, and Mr. Lovejoy did not tell us, at least he didn't tell me, that it was necessary, so I think he should share his information with everybody if he is going to share it with some.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I want to make a point clear, that being that I am not antilabor, even though I am an employer, I am a laborer as well, an employee of my company. I find that this legislation is not mandating the power to impose or the power of the state to insure the employees of minimum wage, or at least the lack of violation in paying the minimum wage,

but it is actually, in fact, with the levies that you are trying to come up with, the power to destroy. We have to be very careful that there is a balance there, that if an employer does violate this particular statute, then he should be fined, obviously he should be fined, but we shouldn't let the state be in a position where it has the ability to actually destroy that business. Are we doing a favor for the employer and the employee as well by doing that, by actually putting the business of that employer out of business?

This state is comprised of small businesses. It is made up of small businesses, and I can assure you, if their profit structure is such as mine, they can't afford discriminate fines of a thousand dollars here, or \$500 like we mentioned the other day, on the other side, or we are going to fine these people into oblivion.

Let's be rational about the whole thing.

Mr. Wyman of Pittsfield was granted permission to speak a third time.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Leonard has said he is not antilabor and I am not antibusiness. I support business, support small businessmen, but Mr. Leonard is in error when he says this is going to destroy businesses.

The major violators of this statute are big businessmen, and I think that Mr. Decoster is quite able to take care of himself.

Mrs. Lewis of Auburn was granted permission to speak a third time.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think I should clarify one thing. Mr. Lovejoy was not at the hearing at all. Perhaps that is one of the reasons he didn't share it with us and I think it indicates his lack of real interest in increasing the fine.

I wonder where the gentleman from Pittsfield, Mr. Wyman, gets his idea that it is big business that is violating the minimum wage law? It most certainly isn't. If anybody is violating the minimum wage law, it is apt to be some very small, marginal business and the fine is there. In many cases, it is ignorance rather than definitely defying the law. I don't think you are going to find many big businesses in this state that are in violation of the minimum wage law, if any.

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 pending question is on the motion of the gentleman from Auburn, Mrs. Lewis, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Berry, Bordeaux, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, F.; Conary, Cunningham, Damren, Davis, Dexter, Drinkwater, Dudley, Fenlason, Garsoe, Gavett, Gould, Gray, Higgins, Huber, Hunter, Immonen, Jackson, Kiesman, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, Masterton, Matthews, Maxwell, McPherson, Morton, Nelson, A., Payne, Peltier, Peterson, Reeves, J., Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Studley, Tarbell, Torrey, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A., Brown K. C., Call, Carrier, Carroll, Carter, D. Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Doukas, Dow, Dutremble, D., Dutremble, L., Fillmore, Fowlie, Gillis, Gowen, Gwadosky, Hall,

Hanson, Hickey, Howe, Hughes, Jacques, E., Jacques, P., Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Locke, MacEachern, Mahany, Marshall, Martin, A., McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M., Nelson, N., Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P., Rolde, Simon, Soulas, Stover, Strout, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Austin, Elias, Hobbins, Hutchings, Masterman.

Yes, 57; No, 89; Absent, 5.

The SPEAKER: Fifty-seven having voted in the affirmative and eighty-nine in the negative, with five being absent, the motion does not prevail.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(H. P. 354) (L. D. 450) Bill "An Act to Amend the Per Diem Rate for Persons Serving on the State Board of Nursing"

(H. P. 57) (L. D. 66) Bill "An Act to Change the Date on which the Annual Sessions of the County Commissioners are held in Sagadahoc County" (C. "A" H-59)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 8, under listing of the Second Day.

(H. P. 252) (L. D. 297) Bill "An Act to Permit Performing Arts Centers to Serve Alcoholic Beverages" (C. "A" H-60)

On the objection of Mr. McHenry of Madawaska, was removed from the Consent Calendar.

Thereupon, the Report was accepted, and the Bill read once. Committee Amendment "A" (H-60) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 315) (L. D. 421) Bill "An Act Relating to the Wholesale Sale of Malt Liquor and Wine"

(H. P. 54) (L. D. 63) Bill "An Act Increasing Borrowing Capacity of Mars Hill Utility District and Extending the Time Which That District has to Take Over Mars Hill and Blaine Water Company" (Emergency) (C. "A" H-61)

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

Passed to Be Engrossed

Bill "An Act to Increase the Minimum Wage to \$4 Per Hour" (H. P. 26) (L. D. 43)

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

Amended Bills

Bill "An Act Relating to Supplemental Assessments under the Taxation Statutes" (S. P. 66) (L. D. 105) (H. "A" H-66 to C. "A" S-19)

Bill "An Act to Revise the Service Charge for Local Vehicle Registration Agents" (H. P. 147) (L. D. 150) (C. "A" H-54)

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

Passed to Be Enacted Emergency Measures

An Act Converting Mount Chase Plantation into the Town of Mount Chase (H. P. 638) (L. D. 764)

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

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Increase the Limit on Bonded Indebtedness of the Eastport Port Authority From \$500,000 to \$6,000,000 (H. P. 108) (L. D. 137) (H. "A" H-43)

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

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

Mrs. MASTERTON: Mr. Speaker, I don't recall that this bill has been discussed, and I would just like to ask the sponsor or a member of the committee to explain it and I would truly like to know if this increase would affect our bond rating?

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

The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, I don't know about the bonded part of it, but I can tell you that Eastport has been endeavoring to develop an industrial park complex. We intend to try to go on our own through FMHA, and in order to do so, we may borrow up to that amount. We think we have a viable project and hope to go through with it.

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

Mr. JACKSON: Mr. Speaker, in answer to the question, we inquired about this and it wouldn't bear on the state's bonded indebtedness in any way. It is an obligation of the city of Eastport.

The other question that also came out that some people have asked is whether it had anything to do with Pittston, and we were assured it didn't.

You may remember that in our last session we had a bill setting up and changing the charter of the Port Authority and allowing it to go to a certain amount of money, which escapes me right now, it is a very small part of this, and this is the second bill which requested to make it a good deal larger.

They have a series of blueprints and plans for it, including a floating dock and various other things, and the committee's feeling was that this was something that would be good for the town and would be the town's risks that they would be taking and all in no way did it affect the state, except it may help it if it all goes through because it will bring industry in.

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

A vote of the House was taken.

126 having voted in the affirmative and none in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Fisheries and Wildlife on Bill, "An Act to Establish a Bounty on Coyote" (H. P. 78) (L. D. 86)

Tabled — March 2, 1979 by Mr. Carroll of Limerick.

Pending — Motion of Mr. Dow of West Gardiner to accept Majority "Ought Not to Pass" Report. (Roll Call Requested)

The SPEAKER: The Chair recognizes the

gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I was kind of hoping today that you wouldn't have time to get to this unfinished business.

I have enjoyed reading the newspaper articles that the department has managed to get wardens' pictures taken with people's dogs showing the deer kill, but isn't it strange that the department never showed you any photos of the deer killed by coyotes. I thought that was quite strange because people on snowmobiles have tried to drive these animals off and they bear their teeth and refuse to move.

A coyote is a very vicious beast. He is something that will not only destroy your deer herd, he is going to destroy next year's calf crop through the state and the beef herds, and when he has done all of that, he will start and turn on human beings. He is a very, very vicious animal. I know you people don't believe this. Everybody says he is harmless, that he came here by himself, but there is a man in the corridors that says, oh no, he didn't. The biologists brought this thing from the west, put him in crates and brought him here. He was practically extinct.

For ten years, the biologists have been telling them in the department that this animal is harmless, that nature will balance this animal and nature has done a wonderful job. Did you ever see nature balance the mongrel dogs throughout this state? Nature isn't going to balance the coyote. It is going to reproduce, going to destroy your deer herd and he is doing a real good job of it. The biologists keep saying, "you listen to us." For ten years we have listened and the department has listened for ten years and taken no action. They have not got an extended trapping season to control them, they just have an open season.

I was really hoping that you people today would kill the motion to accept the majority report and accept the minority report of one, because we do have a man of wisdom on that committee. I realize that he was under a great deal of pressure not to give me this vote but he managed to give it to me. Then, if you were to do this, I would offer an amendment taking the bounty off, which everybody detests it seems, and I would have a trapping season which would go from the first Monday in October to the second Friday in March and have practically an open trapping season to control this coyote.

All I can say, is, everybody says if the farmer's animals are killed, the state will reimburse you. You don't get reimbursed when you get paid for an animal that is destroyed that is breeding stock. One man lost 27 sheep and everybody said, "well, you got paid for them."

Ladies and gentlemen, I am convinced that the department lives in the Taj Mahal over there just doesn't understand the problem of this State. They are lost in their little empire and they are now giving people titles of generals, lieutenants, sergeants and corporals because they thought they didn't have enough prestige when they were known as wardens and managers. They are certainly lost.

You know, it astounds me that we have anything at all in this state when you consider the mismanagement that has gone on in that department. I am really, really troubled that so many people think this beast that is destroying your deer, he is doing a tremendous job, he is down in York County, and when the fire whistle blows, he is up on the mountain and he answers it. We have a warden in town, we have a supervisor in town and they don't hear that and nobody takes any action.

I can assure you that this bill is going to be back and when it comes back next time, I am going to have it sent to the Natural Resources Committee, because I think they understand what natural resources is in this state. I think I would get a better vote.

I don't want to prolong this session. I know you all have made up your minds, but I want that committee to know that I thank them. We had a very good hearing, it went way into the evening, people from all over the state came in, and I wanted to address this problem and I wanted to address this statute wise because I feel that it is extremely necessary. We have waited for ten years, and ten years of inaction in that department is unwarranted and uncalled for.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Last year during the 108th, I was on the Fisheries and Wildlife Committee and we had essentially the same bill. Last year, I fought against the bounty situation; this year I would also fight against the bounty situation, but my good friend, Representative Carroll, has come up with an idea on the open season on coyotes and I believe he is now on the right track.

He is from the southern part of the state and I am from the northern part of the state. During the hunting season, I spend a good bit of time in the woods, during the winter time on snowmobiles and I do a lot of walking in the woods during October and November, and during the wintertime I have noticed especially—in fact, my last trip home I spent a little time in the woods on a snowmobile and we are having a tremendous problem with coyote and something has got to be done. We also have a problem with the so-called coy dog, which is nothing more, as far as I am concerned, than dogs running loose in the woods. It is time now that we addressed the problem.

I would like to see this bill go into second reader so we can put his amendment on it, because then the bill would become good. He does have a good idea and let's let him have a chance at it and maybe we can remedy the situation which is getting increasingly worse every year.

I would appreciate it if you would vote for Mr. Carroll on this particular measure.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: Back in February, my wife and I drove 90 miles one night to a hearing of Fish and Wildlife that they had in Rangeley. In the summertime we live in Rangeley but in the wintertime we have to drive 45 miles one way to get there. This hearing was well attended. I think of all the hearings over the state, from what I gather, have been very well attended by the people, the trappers and the hunters.

At that hearing, the place was full, the American Legion Hall, and we had two young biologists there to answer our questions but they weren't able to; they weren't prepared. The questions from the veteran trappers like Walter Davenport and Lloyd Niles were never answered because they didn't know the answers. I guess perhaps none of us do, but I believe like Walter Davenport, Herbert Foster, Dr. Lowell Barnes of Hiram, who have been in the woods all of their lives. These people believe that the coyote is a menace to the deer herd in the State of Maine, not only to the deer but to smaller animals as well.

As far as this amendment that my good friend Mr. Carroll has, I don't think that is going to do very much good, because as far as I am concerned, there is an open season at the present time on coyote year round if I see one. I suppose we could say it is better than nothing, a bandaid of sorts, but I hope that we will go ahead with this bill.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: The department, as well as the Fish and Game Committee, is aware that there is a problem with the coyotes. We

are not trying to hide the fact that there is a problem. We have been working with the department in setting up some ideas that we hope will work, and the best thing to do is to give it a try and I will just touch on a few of them.

We have had a man from the west with the Coyote Control of the national Fisheries and Wildlife up twice to teach the trappers how to trap the coyotes. We also had a man up from the same department to teach some of the warden service and some of the other trappers in the area the use of snares for the control of these coyotes.

The department has, with the committee, set up some coyote control coordinators throughout the department — a couple of things that they are going to do is identify and contact trappers in the area where we have a problem with the coyotes to extend them a longer length of time to trap, also to approve the use of snares.

Mr. Rollins from Dixfield is correct, there is an open season on coyotes year round. Also, the National Fisheries and Wildlife Department has approved another man for the State of Maine and he will be locating in the state for the control of this predator.

The department has, as I say, set up these rules and the committee understands that there are some people who are concerned that the department hasn't done enough in this respect, so the committee is going to be monitoring this approach. We are going to have some information, keep some records on it, and if it doesn't work, come back with some more recommendations.

I move that we do accept the report and let us see if we can take care of it.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to someone who is perhaps more knowledgeable than I am, about coyotes anyway.

Is this presently illegal now to hunt or trap coyotes? That is my first question.

The second question is, if we should amend this so that people could hunt or trap, assuming that the answer to the first question is yes, what would be the financial incentive for people to hunt or trap coyotes given the fact that apparently there is no bounty on this amendment that Mr. Carroll is proposing? I am not aware if it is illegal to do this now or not. If it is not illegal to do it now, then it would seem to me that we don't need a house amendment or a bill or anything at all to deal with the matter.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I think I can answer the question. Presently, the coyote skin is worth \$50 to \$80 on the market; that is one incentive.

In answer to your other question, the hunting of coyotes is legal year round at the present time. The trapping season is only about a month. The department is taking steps to take care of that situation and I think it will be done because they have a message from this bill and from the committee. I think I have answered your questions.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: You know, folks, I am just a country boy, come from a little country town, raised in a rural area of Maine, and when I was a little boy 12 years old, I had a trap line. Before I went away to World War II, I had developed the ability to trap foxes, mink and various other animals and never had to go out west

or have a man come up here to tell me how to trap. What amuses me is, these brains they are importing from the west, and I know people that went to the school, came back and they were sorely disgusted.

They can handle a trap, anyone if they want, with their bare hands or any way. Up here in the east, we take rubber gloves, we boil our traps, we use the essences of nature. Before I would touch a trap, even with rubbers gloves, I would go along to pine trees and stroke the boughs and get the bough scent on the gloves.

It was strange, when I was over across in World War II, I received a letter from a man and he said, I could never understand you, a young man, could catch the foxes and the other experienced trappers couldn't. I wrote back and I said, it was just pure and simple. I didn't smoke, didn't drink and carry all this junk in my car, and I had a special wagon for trapping and it smelled like an old skunk most of the time and, therefore, I could fool those animals.

But we sent out and got these United States Fish & Wildlife people from the west and they bring in the trappers from out there, they don't understand the game problem in the east. You are going to have a replay and a repeat performance of what you had two years ago. You are going to get these fellows from the west to come up here and tell us easterners how to trap and they couldn't even catch the coyotes out there and they are going to come up here and try to tell us how to trap them up here. So, keep listening to them. If you don't want any deer, you are heading right on the trail.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I am one of those infamous woodcutters that destroyed the habitat of the deer. I am responsible for declining the deer herd.

I want to tell you something. I have saved more deer than all the biologists here in Augusta ever saw and I know what I am talking about. Before my health gave out and I came down to this place, I was in the woods seven days a week. Last Sunday, I worked all day on the bulldozer and I broke trail. Every time I came to a cedar tree, I pushed it over for my four footed friends.

I haven't hunted for three years because there aren't any deer. Man is the greatest enemy, number one. There isn't anyone here who can dispute that, but these coy dogs I saw them move in over ten years ago and I started complaining then but no one paid any attention, not one soul.

I used to have 35 to 45 deer around my cutting operation. We took care of them during the winter. Today, I have four. Something has got to be done and, frankly, I have no faith in any biologist I have ever seen.

I say, keep this bill alive and maybe someone with some intelligence can come up with something we can live with on the second reading; that it is all I ask.

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

Mr. P. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: It is my first time standing here. I was advised when I got elected, they said, "Jacques, when you get down there, you keep your mouth shut until you think you know what you are talking about," so I am going to stand now on this thing here.

I have to agree with Mr. Carroll. If you depend on the Fish and Game Department to solve this problem, before you know it, the coyotes will be down here nibbling at our heels coming into this building.

I signed out the report "ought not to pass" and the only reason I did that was because I am opposed to a bounty, that was all. That is why I rise today, to make everybody aware of that fact. I don't believe that bounties ever solved the problem and they never will, but I do believe Mr. Carroll has come up with something

that is viable and should be given a chance.

I enjoy rabbit hunting very much, that is what I do when I am not here, and I have seen some of my best rabbit covers ruined. Since I have been appointed to the Fish and Game Committee, I have had at least five calls a week from somebody saying, "When are you people going to do something about the coyotes? They got two more deer on the river this morning; they got two more deer last week." Every single week, I get these calls. I have gotten pictures.

The problem is there, it is going to keep coming up, we are going to have to take care of it sooner or later, so I hope that everybody here sees fit to go along with Mr. Carroll and maybe we can come up with something worthwhile.

I am going to tell you this right now, if we count on the department and their experts and this expert from the U. S. Fish and Game thing, we are going to lose out, because those guys aren't going to amount to a hill of beans when it comes to controlling these coyotes. They don't even know how many we have. Their estimates are 3,000 to 8,000—that is not cutting it down very close. The deer herd is taking a licking; the rabbits are taking a licking. It is a problem that we have to face. I hope we face it. I urge you to support Mr. Carroll, let this bill go through and let us work out something that we can work with.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: Like everyone else said, I had no intention of getting up to speak on this bill today.

The bounty system never proved out. They have had a bounty system all the way across the United States. In every state where they have had coyotes, they had a bounty system, and one of the things wrong with the bounty system, it doesn't say bobcat, we are on the coyote right now, but the coyote doesn't have to be shot, it doesn't have to be trapped, they can put out strychnine tablets and they are going to kill every house dog, every cat or any animal there is roaming, foxes or anything, to bring in the bounty on a coyote, and that coyote pelt is worth enough so that every trapper possible will go out and trap those during the trapping season and they can shoot them year round. There are plenty of people with telescope rifles that can shoot those all year.

The bounty system never worked on the bobcats in this state. I was one of the opponents to doing away with the bounty system on the bobcats. The first year they had the bounty on the bobcats, there were about 600 bobcats taken. The last year they had the bounty system on the bobcats, there were 625 bobcats taken, so it never proved one thing. If it did, there would only have been a half dozen bobcats taken in the last year that bounty was on.

You are going to kill every animal there is because they can drop those tablets out in rotten meat, a little strychnine, and you are going to kill everything there is, not only the coyotes but everything else.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: My feelings on this bill parallel those of the gentleman from Waterville, Mr. Jacques. I am a very strong opponent of the bounties and I think one of the things I heard at the hearing made me even a stronger opponent in that it was testified that currently some 700 coyotes are trapped every year in the state. So if you were to institute the bounty, you would be in effect paying \$35,000 to people for doing what they are now doing for nothing.

I have some interest in the proposal that the gentleman from Limerick, Mr. Carroll, has made to keep this bill alive so he can offer an amendment in the second reading. I wonder whether another approach might be to recommend this bill to committee since there seems to

be some change in the feelings of the people on the committee. I guess I am torn because I don't like voting for a bill that would offer a bounty on coyotes and at the same time I do have some interest in hearing more about Mr. Carroll's approach. I don't know that that was brought out in the hearing, and perhaps the bill should be recommitment and another public hearing held.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Something that I forgot to mention. On the plan of shooting coyotes all year around - to shoot something, I always believe there has to be something in it. Somebody is not going to go out and shoot a coyote when that hide isn't worth 50 cents, and I don't know how many are aware of why trappers trap, but you have to have the fur in what we call a prime pelt. If you shoot a coyote any time other than the trapping season, which is the coldest part of the year, that fur is worth absolutely nothing. So, you are not going to have somebody carry a rifle or a varmint gun or whatever with them to shoot a coyote when it is not going to gain them a thing. I am sure they are not going to go out of their way to do it just for the heck of it.

The fur market was about \$45 to \$55 this year and if things keep going, before you know it, they will be getting \$75 a pelt for coyotes — that is initiative. So, instead of having a limited trapping season, you can have a trapping season when a guy can get something out of it, everybody gets a little out of it, everybody is happy, hopefully, but I can't see forcing someone to shoot a coyote when it is worth absolutely nothing. Just to do it. I don't understand that.

I would hate to see this bill go back to committee. I would like to see us hopefully pass it this time with the fact that we know that this amendment will come up and I hope that we can speed things along. We have belabored this long enough.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify a couple of things. One is that I would ask for a roll call on the vote.

Another thing is that we take into consideration opening the season to a longer trapping season. The problem with it is that some of the other animals do not know that that trap is set just for the coyote. This is one of the reasons why we went with the idea that we would use trappers in the location where the coyote problem is, not the whole state.

When you get involved with money, there have to be people out there who are interested in making a little bit more if they possibly can. That is another reason, because of the feelings against the department. Why, the committee itself was going to do some of the monitoring on it.

I hope that you take the unanimous committee report and let us see what we can do with it.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to differ with my good friend, the chairman of the committee. It was not a unanimous report.

Second of all, I would like to differ with my good friend, Representative Jacques, on why a person would go out and shoot a coyote. You talk to your deer hunters, they will give you an excellent reason for going out and shooting a coyote. If you have an advertised, open season, which is the secret, advertise the fact that there is an open season, you are going to have many deer hunters going out there to shoot coyotes for one reason and that is to save our deer herd. I, for one, am a deer hunter. I would be glad to go out and try it and I know many, many more who would. So, you are advertising open season, and as far as I am concerned, that

is your secret to it.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: As I have been listening to this debate, I can't help but think there is mutiny on the bounty.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I forgot to mention something that Mr. McKean just mentioned. I am going to have a letter sent to both Bud Leavitt and Mr. Letourneau to that effect, giving them some information what the committee is doing and advertising the fact that coyote is now an open season year round.

Mr. Carroll of Limerick was granted permission to speak a third time.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: It is estimated there are approximately 9,000 to 10,000 coyotes or timber wolves in the State of Maine. If you were to divide the numbers in half and say there are 5,000 females, allowing them four pups each this year, you can see the effort of the trappers is just not enough. You are only taking 600 a year. You are going to be overrun with these and don't depend on letters and don't depend on the department, we have depended on them for 10 years. I tell you folks, the bureaucrats are living in a dreamhouse. This is the place to take the action — statute — wise, legislatively. This is what I ask today.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the House accept the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Bachrach, Baker, Benoit, Berry, Berube, Bordeaux, Brenerman, Brown, D.; Brown, K. L.; Bunker Carter, F.; Chonko, Churchill, Connolly, Cox, Davies, Dellert, Diamond, Dow, Gavett, Gillis, Hall, Higgins, Howe, Huber, Hughes, Jackson, Laffin, Leighton, Lewis, Lowe, Lund, MacEachern, Martin, A.; Masterton, Matthews, McHenry, Morton, Nelson, A.; Nelson, M.; Paul, Pearson, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Sewall, Silsby, Small, Stetson, Stover, Tarbell, Twitchell, Vose, Wentworth, Whitemore.

NAY—Austin, Barry, Beaulieu, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Cloutier, Conary, Cunningham, Curtis, Damren, Davis, Dexter, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowle, Garsoe, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Hunter, Immonen, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leonard, Lizotte, Locke, Lougee, MacBride, Mahany, Marshall, Maxwell, McKean, MaMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Norris, Paradis, Payne, Peltier, Rolde, Rollins, Roope, Sherburne, Simon, Smith, Soulas, Sprowl, Strout, Studley, Theriault, Tierney, Torrey, Tozier, Tuttle, Vincent, Violette, Wood, Wyman.

ABSENT—Dudley, Elias, Hobbins, Hutchings, Jalbert, Masterman.

Yes, 58; No, 86; Absent, 6.

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

Thereupon, the Minority "Ought to Pass"

Report was accepted, the Bill read once and assigned for second reading tomorrow.

The Chair laid before the House the second item of Unfinished Business:

House Report—"Ought to Pass" as Amended by Committee Amendment "A" (H-44)—Committee on Local and County Government on Bill, "An Act to Increase Salaries of County Officers" (H. P. 201) (L. D. 227)

Tabled—March 2, 1979 by Mr. LaPlante of Sabattus.

Pending—Acceptance of Committee Report. Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-44) was read by the Clerk.

Mr. LaPlante of Sabattus offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-57) was read by the Clerk and adopted.

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

House Amendment "C" to Committee Amendment "A" (H-58) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendments "B" and "C" thereto was adopted.

The Bill was assigned for second reading tomorrow.

The Chair laid before the House the third item of Unfinished Business:

Bill, "An Act to Strengthen Regional Library Systems" (S. P. 77) (L. D. 166)

Tabled—March 2, 1979 by Mr. Connolly of Portland.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: Up until I received a telephone call at two o'clock yesterday afternoon, I was going to oppose this bill as strongly as possible, and the reason that I was going to oppose the bill stems from the Board of Trustees of the Camden Library Association. I was going to make a motion to indefinitely postpone the bill I am not going to do that, I am simply going to make a motion for a roll call.

I think I should say the reason that I am going to continue to vote against this is because of one thing, and that is the price tag of \$350,000 per year. That has nothing to do with the opposition of the board of trustees, but I think any bill coming before us that has a price tag of this magnitude should have some attention on the floor of the House.

The reasons the board of trustees was opposed to this bill are because (1) they feel that it is an erosion of the local control. In Camden now, the library charges \$3 for a library card. That gives them control of where the book will go and it also gives incentive on the part of the individual obtaining the card to have an interest in the library and to return the book. He is paying \$3 for the privilege of getting books from the Camden Library and is interested in the library, interested in reading. One of the provisions in the bill is that you don't have to pay for a library card, just to go into any library in the state, pick up the card, take the book anywhere in the state. I don't really care about the local library attitude, I think.

I am not going to prolong this because it is late, and I really want to get back to my office and do some work and be constructive for awhile.

I think that the bill does erode local control and for that reason, I would ask for a roll call.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would

hope, first of all, that when the vote is taken on the roll call motion that you would all vote in support of this particular L. D. The bill does basically two things. It appropriates a sum of money that increases the direct state per capita aid to the libraries across the state from the present 10 cents per capita to 45 cents per capita, and then it also appropriates a sum of money for the State Library here in Augusta next door for their statewide programs, and I would emphasize statewide programs such as the bookmobile, their film service program and their statewide program that serves the blind and the physically handicapped.

Dealing with the first part of the bill that deals with the increase in per capita aid to small libraries, in order for libraries to receive the additional funds that would be appropriated under this L. D., they would have to agree to provide financial support from the local communities at least at the same level that they had in the past. They would also have to agree to participate in a statewide book lending program through the regional library system, but you should understand that no community, no library, will be required to participate in that program. It will be up to them to choose whether or not they want to participate. If they choose not to participate, they won't receive the increased funding but they will receive the 10 cents that has already been given them in the past, and my understanding is that it will continue to be given to them in the future. That is a local decision that will be made by the libraries and the communities involved. If they make a decision not to participate, that will be their choice and that will be respected by everybody.

It should be pointed out that the communities and the libraries that will benefit the most from this particular legislation are the small libraries in the small towns, particularly in rural areas across the state. It isn't the libraries in Bangor or Portland or here in Augusta that will benefit but it will be those small towns that don't have a large selection of books now and need to go outside of their communities to get books for the people in their communities that want them.

I would also like to point out that at the time of the hearing there was no opposition to this L. D. There were no letters that were received by myself, by the chairman from the other body or, to the best of my knowledge, anyone on the committee, regarding this, in opposition to this particular L. D.

It wasn't until last week when Representative Sprowl came to us with a letter that had been sent to him by a member of the Board of Trustees from the Camden Library that we felt there was a problem. When we reviewed the letter, we saw that the letter dealt with a L. D. that had been presented to this legislature two years ago. It wasn't even current. When we tried to contact the individual involved, he was out of the state on vacation but apparently since then people from the library here in Augusta have talked with the trustees in Camden and at least some of them have indicated their feelings to Representative Sprowl.

I hope you would support the unanimous report of the committee. So far as the funding level is concerned, there was debate amongst committee members as to what that level would be and some people on the committee wanted to double the level called for in the bill, and it was our feeling that we couldn't operate in a vacuum not knowing what the Appropriations Committee or leadership would decide to do at the end of the session, so that we were supporting the bill and felt it should be allowed to go through the process, lie on the Appropriations Table and at the end of the session, depending upon how much money was available to fund L. D.'s, the decision would then be made by those involved as to what the particular funding level for this bill should be.

I would hope that you would support the

unanimous report of the committee.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the remarks made by the Chairman of the Education Committee. I do think that the concept involved here is a good concept. The regional system or the statewide system is a good system and it was tried in other states and it worked very well.

Other states today are putting more and more money into helping smaller libraries by this sort of a stipend, and I think the remarks that he made are relative to the appropriation. I recognize that it is a large one and we have discussed this thoroughly and the comments that he made are the comments that I agree with.

I normally do not agree with the idea of putting bills on the Appropriations Table solely for the purpose of saying, well let the decision be made at the end of the session. I think in this case here, I think we are following the same pattern that was done two years ago when the first bill with a large amount of funding for library systems, the regional library system was before us. We let it go to the Appropriations Table and at the time, when we found out what money might be available for libraries, we then made the decision to reduce it based on a priority system, and this would be our intent again.

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mrs. Curtis.

Mrs. CURTIS: Mr. Speaker, I move to indefinitely postpone this Bill and all its accompanying papers and would speak to my motion.

Mr. Speaker, Men and Women of the House: I would be remiss in my duties as a representative if I did not speak in opposition to L. D. 166. I don't believe that there is a person in this body who is more knowledgeable about the library system in this state than I am. I have a Master's Degree in library service. I was an Air Force Librarian and as a teacher, I had the opportunity to work in school libraries in different parts of the state. I have been trying for years to get a library on its feet in Milbridge. I have explored every possibility as to funding and I know of all the problems that only small libraries face, so I must speak against this L. D.

First, look at the cost of this bill; it is prohibitive. In these days of holding the line and using our tax dollars wisely, this bill is not justified with such a sum of money. How many of us have L. D.s with fiscal notes that are more deserving than this one? We must look after our people's needs first. The elderly need help, for example. There is only so much money to go around. This bill is not necessary and there are too many unanswered questions about it.

The 35 cents per capita with conditions does not, as one would be led to believe, benefit small libraries to any great degree. The increase sounds great, but how much will be taken from local taxes to be put into the general fund for the larger libraries? More than a 25 cent increase per capita?

I have a problem, too, with the section of the bill that states that the local units shall provide evidence that a financial effort to support library service is made at a level no less than that of the previous year's budget. Now, this hits at small towns. And how much will your town meetings appropriate?

We have been lucky and have gotten \$500 for the last couple of years in Milbridge; next year we only get \$400. Then we go down to the 10 cents per capita.

Then we come to "the local units shall also provide evidence that efforts are being made towards selected minimum standards of the Maine Library Association." Are we talking about semi-professional librarians in small towns? Where would the money come from? Have any of you had problems in your area

with state mandated standards? It sounds to me like some libraries could be phased out or just become book depots, leaving the larger libraries to become larger still.

What we need are many functioning libraries for our citizens. This is much deeper than just a bill to share resources using a statewide card, which could cost some libraries much money, some more than they would gain by receiving 35 cents per capita.

There are many other questions which I won't go into. In conclusion, think very carefully about your vote. This bill does not help the small libraries. It is too restrictive and detrimental to the growth and development of our present, independent libraries. I urge you to vote for my motion to indefinitely postpone.

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

Mr. GILLIS: Mr. Speaker and Members of the House: I oppose the indefinite postponement of this bill for several reasons. First, I doubt very much whether the previous speaker, Representative Curtis, could find reason enough to come up with indefinite postponement of a bill that actually is, I will say, required throughout the State of Maine just to justify the failure to establish a library in her home town.

This library system serves a very great and needed purpose throughout the State of Maine not only for the adults but for the students, and I am speaking especially from the knowledge that I have of the regional library system out of Bangor. The greatest user of the regional library system in Bangor has been the students in the Washington County Vocational Training Institute. If these students are paying that much attention and utilizing the facilities of the library in Bangor, then there must be something in it, and to just come out with the statement of indefinitely postponing a bill of such importance as this for our students, I just can't go along with it and would ask you to vote against the indefinite postponement, very definitely. Let's deep six this indefinite postponement immediately.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Education Committee, I received a copy of a letter that was sent from Benita Davis, President of the Maine Library Association, to the gentleman from Hope, Mr. Sprowl. I would like to read to you a couple of paragraphs in that letter to give an indication of the feelings of the Maine Library Association towards this bill.

She begins by saying that the Executive Board of the Maine Library Association, representing over 800 public school and college libraries, as well as library trustees, supports L. D. 166. Then she says, "Further, since we started work on this legislation nearly seven months ago, not one letter or call has come to us in opposition to L. D. 166. The library community in Maine overwhelmingly supports the concept of state aid for local libraries and state aid tied to a statewide borrower's card."

The bill is an outcome of 10 years of effort. In 1969, a citizen task force on libraries urged the adoption of a statewide library card. Every member of the Maine Library Commission has supported this concept since 1974.

I think it is important to keep in mind several things. Currently, libraries in the state, all libraries, receive a 10 cent stipend. This bill would merely add to that stipend—that is one part of this bill. That is one thing to keep in mind, that all libraries currently are receiving 10 cents.

Second of all, there has been an attempt started in the state to begin on a regional basis the Maine card system of allowing all libraries within an area to use the facilities of the other libraries. This is in the northeast part of the state, and I will read to you those towns in which there are libraries already participating

in a system such as we propose to extend throughout the state. Those communities are Bangor, Bar Harbor, Blue Hill, Brooksville, Calais, Castine, Charleston, Corinna, Corinth, Dexter, East Millinocket, Fort Fairfield, Fort Kent, Guilford, Hampden, Houlton, Island Falls, Limestone, Madawaska, Millinocket, Old Town, Newport, Orono, Patten, Presque Isle, Searsport, Southwest Harbor, Tremont, Van Buren, Washburn, Winter Harbor, Whitneyville and Winterport. That is the Husson College Library and Unity College Library.

Already this system has been at work in an area of our state. The Portland library has also allowed libraries throughout the state to use its facilities, so what we propose is a sum of money which would enable this program to go on a totally statewide basis.

Again, it is voluntary. No library has to participate in it. But there is another important fact to keep in mind, that that is not the only part of this bill, and the gentlelady's motion to indefinitely postpone this bill will also seriously curtail attempts to continue with the bookmobile program, the program of books for the blind, the talking books, the program of getting books for the physically handicapped.

I have never had an experience like this before. I did try to reach the gentlelady from Milbridge to discuss this with her, so did the chairman, and she would not discuss this with us. She did not come to the hearing. There was no opposition at the hearing, so I ask you to defeat her motion, even if you are opposed to the idea of the Maine card system, to try and keep alive the other elements that are in this bill.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: This morning I am going to borrow a phrase from the good gentleman from Brewer, Mr. Norris, so I will start by saying, "very briefly."

We don't have a library in my town; I doubt if we ever do have a library in my town, but we are getting excellent library service through the Bookmobile, and that is one of the finest things that has ever happened to rural Maine.

I just want to say that it is the responsibility of the legislature and of all citizens to further the collection, the storage and the dissemination of our cumulative knowledge, and this is a very serious duty.

I urge you to defeat the motion to indefinitely postpone and to pass this bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Milbridge, Mrs. Curtis, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

7 having voted in the affirmative and 89 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on passage to be engrossed. Mr. Sprowl of Hope has requested a roll call vote. 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 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 engrossed. All those in favor of this Bill being passed to be engrossed in concurrence will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Car-

rier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, Howe, Huber, Hughes, Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterton, McHenry, McKean, McMahon, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Stetson, Stover, Strout, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman.

NAY—Bordeaux, Curtis, Gray, Lougee, McPherson, McSweeney, Payne, Pearson, Sprowl.

ABSENT—Dudley, Elias, Hobbins, Hunter, Hutchings, Jalbert, Leonard, Masterman, Matthews, Maxwell, Peterson, Studley, Whittemore.

Yes, 128; No, 9; Absent, 13.

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

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

Mr. SIMON: Mr. Speaker, is the House in possession of L. D. 246?

The SPEAKER: The Chair would answer in the affirmative Resolution, Proposing an Amendment to the Constitution of Maine Repealing the Offices of Judges of Probate and Registers of Probate as Constitutional Offices, House Paper 197, L. D. 246, is in the possession of the House, having been recalled from the Legislative Files by Joint Order (H. P. 718).

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

Mr. SIMON: Mr. Speaker, I now move that L. D. 246 be referred to the Committee on Judiciary and sent up for concurrence.

The SPEAKER: The gentleman from Lewiston, Mr. Simon, now moves that L. D. 246 be referred to the Committee on Judiciary.

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

Mr. LaPLANTE: Mr. Speaker, we have another bill or a couple of more bills dealing with registers of probate, and I am wondering whether we should also send this out to local and county government? I realize the nature of the request on this, but I am wondering what would happen. I am wondering whether I should request that this be sent to Local and County and maybe somebody could answer the question, because we have several other bills coming down dealing with this.

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

Mr. TIERNEY: Mr. Speaker, to answer the gentleman's question, no.

Thereupon, on motion of Mr. Simon of Lewiston, the Resolution was referred to the Committee on Judiciary and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Gillis of Calais, adjourned until nine-thirty o'clock tomorrow morning.