

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

Thursday, March 22, 1979

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

Prayer by the Reverend John Dunn, Jr., of the First Baptist Church, Dexter.

Rev. DUNN: Our heavenly Father, we thank you for this beautiful morning. I thank you for the privilege of being present here at this place today. We thank you for these folks, men and women, who give of their time and efforts to represent us and thereby also represent you, our creator and our God. We pray that you will bless each one of them this day. We know that it is difficult for them to be so much away from home and family, and we pray that you will bless their loved ones, keep them from harm, and give them the guidance of your presence. We pray that you will direct us in whatsoever we do today and prosper our efforts, for we come to you in Jesus name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine

Augusta

March 21, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the 'Ought Not to Pass' Report of the Committee on Bill, 'An Act to Establish more Convenient Hours to Permit Easier Access to Small Claims Court', (H. P. 302) (L. D. 397).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The bill which we have before us, which is dead, is a very good bill and I feel bad that the other body has taken this action.

The good lady from Waterville put a lot of time in on this. I was the cosponsor of this, and I feel that maybe sometime, not this session but maybe some session in the future, we will be able to do something in this area, and I feel a little disappointed this morning.

Thereupon, the Communication was ordered placed on file.

The following Joint Order, An Expression of Legislative Sentiment recognizing that: Maine's Teacher of the Year 1975, Miss Roberta Rogers has touched and enriched the lives of thousands over the past 42 years with the magic of her teachings (S. P. 438)

Came from the Senate read and passed.

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

Reports of Committees

Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Ensure that the Property Tax Exemption for Residential Real Estate Owned by Blind Persons shall be Based on Just Value" (S. P. 210) (L. D. 583)

Report of the Committee on Election Laws reporting "Leave to Withdraw" on Bill "An Act to Enable Voters who Cannot Read or Mark Their Ballots or Whose Religious Beliefs Prevent Them From Marking Their Ballots to Obtain Assistance in Marking Their Ballots From Individuals of Their Choice" (S. P. 36) (L. D. 24)

Came from the Senate with the reports read and accepted.

In the House, reports were read and accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Clarify Executive Conflict of Interest" (S. P. 400) (L. D. 1223) which was referred to the Committee on State Government in the House on March 20, 1979.

Came from the Senate with that Body having insisted on its former action whereby the Bill was referred to the Committee on Judiciary in non-concurrence.

In the House: On motion of Mr. Hobbins of Saco, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act to Increase the Permissible State Discount to State Agency Stores to 12% Under the Alcoholic Beverages Statutes" (H. P. 88) (L. D. 100) which was indefinitely postponed in the House on March 19, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-97) in non-concurrence.

In the House:

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

Mr. GRAY: Mr. Speaker, I move that we recede and concur.

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

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

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I was quite surprised the other day when this bill came through and it had a pretty good report out of the Committee on Legal Affairs that the House saw fit to indefinitely postpone it. I hope today that the House chooses not to recede and concur with the other body.

Very simply, what this bill does, it allows agency stores to charge up to 3 percent more than state-owned stores, or state-run stores, anyway. It is really permissive legislation.

I know the gentleman from Millinocket, the other day, mentioned the fact that when people took over agency stores, they knew that they were going to get 8 percent. Well, I can relate to you that in Scarborough my people feel, because we have two agency stores in Scarborough, that they have really been taken advantage of by the Liquor Commission.

There was a state-run store in Scarborough and they chose to close that store, said they couldn't make any money and they didn't see any reason why they should keep it open. Well, I think there were other reasons besides that, but at any rate, they chose to license two small stores in place of just the one that the state had originally. I think that is unfortunate, because both those stores, if you agree with the state that one store couldn't make it, I don't know why the state should feel that two small stores could make it.

I think we really are allowing stores that are maybe in outlying areas that have problems. Maybe they don't have the volume that a big, large agency store has. Maybe these small stores need the extra money to make a go of it.

The intent of this was to be a help to the consumer, at least an advantage in the sense that they didn't have to drive an extra 50 or 100 miles to a state-run store in rural areas of the State of Maine. I think it is a convenience to the

people of the state, and I think if it is going to be a convenience, we ought to at least let them make some sort of a profit out of it or we are going to lose these stores.

As I said, the large stores aren't hurt by this. If they are in Shaw's and places like that, I don't think you are going to see them raise their price 3 percent and abuse this, because people, at least in the greater Portland area, have the choice of driving to an agency store if the price gets ridiculous. My particular feeling is that I think these agency stores should be able to charge anything — 3 percent more, 3 percent less, or whatever they want to charge. I don't think the state should get involved in telling them how much they can charge. But if we aren't going to tell them how much they can charge, I think we ought to be able to let them have perhaps a little bit more, because I think they are doing the state a favor.

The state's idea, as I said, was that they were going to get out of the stores where they didn't think they were making enough money. In doing so, they are putting small businesses on the line and taking the risk and the chance that the state saw fit not to take.

So, I hope that today you will go along with this. There is no fiscal note on it. The committee has seen fit to take that part out, and as I say, it really is permissive legislation.

I hope the House will recede and concur with the other body today and go along and engross this bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When this item was before this body last week, it was defeated by a substantial number of votes, and I would hope that the House would be consistent, as it was when the bill was before this body last week.

I can understand and sympathize to some degree with the remarks made by the gentleman from Scarborough, Mr. Higgins, but agency stores, ladies and gentlemen, were created so that small towns and areas that were not serviced by the Liquor Commission of the State of Maine, those who wished to imbibe would have an opportunity to do so. I think this House would be wrong if we created a situation where we would allow a sliding scale on markup concerning the sale of liquor.

I can remember when I served on the Liquor Control Committee eight or ten years ago when the idea of agency stores was first introduced. There was some reluctance in the body then to create agency stores in competition with the state liquor stores.

There were approximately 78 liquor stores in the State of Maine at one time, and a number of these stores were not profit-making at all. The major stores in the larger communities, because of the volume, provided the profit margin that the state was able to enjoy from the state liquor stores. The philosophy of the State Liquor Commission and the legislature was that in areas that were not serviced by the state, we would allow agency stores, and in some instances, stores in the state that were provided by the Maine State Liquor Commission, if they were not turning a profit, it would be in the best interest of the State of Maine that we in fact did away with these stores and allow them to become agency stores in themselves.

I believe that this House would be doing a disservice if we allowed a sliding fee scale on state liquor stores that are agency stores and in competition with our own state stores. I would hope that this House would not recede and concur and then we would take the position that we took last week, which would be to adhere, and kill this bill once and for all.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I guess the thing that I can't understand is the abysmal misunderstanding of the economic system. If these

agency stores charged more than what the traffic will bear, they will buy their commodities elsewhere. This simply allows them to raise their profit 3 percent over and above what the state stores charge. If they charge too much, they will be hurting nobody but themselves, their own business, and you can rest assured that they will bring the price back down again. This is the free enterprise system.

I would hope that this body would recede and concur.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with the gentleman from Rockland, Mr. Gray. It is not on too many occasions that I do that, but I believe that he is absolutely wrong on this measure.

The concept that Mr. Kelleher talked about, for many of the freshmen who aren't familiar with this, is that the agency store was to provide service to those areas where a state store would not necessarily be profitable to the state—for the state to maintain.

What has happened is, over the course of the last three to four years, that concept has been horrendously abused. The concept of the agency store has been abused by the Bureau of Alcoholic Beverages, in my opinion, and certain personnel within that department, and they have continually—on the one hand they say yes, we want the concept of agency stores so that we can use this as a lead item to attract customers into our grocery stores, and we agreed on 8 percent, 8 percent below cost. Now, they are paying 8 percent; they have already got 8 percent they are being subsidized by the state. Now they want to change the rules. The original bill said that the state would pick up another 3 percent. Then the committee realized what a financial impact this would have and how unacceptable it might be to the House and the other chamber, so they decided to have the general public subsidize the extra 3 percent.

Mr. Gray argues that point is good free enterprise. Well, it is great free enterprise if the whole system is like that, but what is involved here is, the state is involved in liquor stores and they are also engaged in the concept of creating agency stores. I don't believe the state should recede from its position of allowing an 8 percent reduction for these agency stores. They knew what they were getting into, they accepted it, they wanted it, and of course now that they have got it, they want more. Well, we let them in the door when we passed this bill, and now they have got half the body in and they are trying to get the rest of it in. I think that we ought to just tell them, for those of you who don't like the agency system, this would be a great opportunity to vote against this bill, and those of you who are against the attempt to obviously create a subsidized profit for these agency stores will also vote against it.

We had a great vote two days ago and I think we ought to show that we are very consistent and go along with Mr. Kelleher. We will vote against this motion to recede and concur and then move to adhere.

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

Mr. DUDLEY: Mr. Speaker, and Members of the House: I believe in free enterprise and I believe that this law, as I understand it, and I haven't gone into it in great detail, doesn't say they must charge 3 percent, it says they may. There are areas where they may need to charge 3 percent on account of the small volume of business they are doing. However, I wish it could be amended to say that they could reduce the price 3 percent if they so desired; in other words, free enterprise has some degree of flexibility. If we were to accept the other house's version by receding and concurring, I hope that somewhere along the line it would be amended to say that these people would run

their business like the free enterprise, that they could reduce the price 3 percent if they wish, or 5, or increase it no more than 3 percent, because the size of these agency stores vary. We have a very small one in one of my towns that I represent. His business volume is very low and it would certainly, in his case, help to have 3 percent. But, I know another one or two that would be very pleased if they could reduce their price 3 percent. It would improve their volume and improve the volume of other merchandise they sell.

I seldom disagree with the gentleman from Bangor, Mr. Kelleher, or the gentleman from Millinocket also, we are both very good colleagues from the same county, but I guess we are from a different location in the county and I have always felt so strongly for private enterprise that it makes me say a few words this morning in their behalf. So, I would kind of favor receding and concurring.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: This certainly isn't a party issue and I don't mean to imply in any way that it is, but I just happen to have strong feelings on this bill. You know, it isn't very often that the gentleman from West Paris, Mr. Immonen, stands up on the floor of this House and tells us what he thinks about a bill, and he did the other day and I think he hit the nail right on the head. He said that this is a bad bill. I think we do have to adhere, because what we are talking about is not just small volume stores, you are talking about expanding your agency store concept, you are talking about increasing their volume, you are talking about them operating on nights and weekends and that is when you are going to have your higher prices and you are going to have people driving from miles around to get it.

What I can't understand is the good gentleman from Rockland, Mr. Gray, because I see his picture in the Christian Civic News every other month; yet, here he is today in favor of a bill which obviously is going to increase the consumption of liquor. Now, I think he is wrong and I think we all ought to join together with my good friend from Bangor, Mr. Kelleher, and vote dry.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: Last time I got up I made the comment that I think that some people have an abysmal misunderstanding of the free enterprise system. It could be that by raising the price of booze by 3 percent, it might price it out of the market.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am so pleased today to see my good friend Mr. Tierney is a dry. I would like to see that quoted again sometime in the paper maybe.

I don't really think this is a wet or dry issue at all. I think it is a simple issue of fairness.

I know the good gentleman from Bangor, Mr. Kelleher, mentioned we don't need a sliding fee scale for agency stores, stores that sell liquor in the State of Maine, but I would remind the House that we do in fact have one, since we do have a competitor of New Hampshire in Portsmouth that manages — in Kittery rather — to have a lower rate of price for their liquor. So, I guess it wouldn't be inconsistent in any way for the House to allow a different fee for alcohol in agency stores.

I think the issue today is not wet or dry, necessarily, but I said, fairness and I think what is in the best interest of the people of the state.

When they opened up these agency stores, as someone has already mentioned, it was done because of the best interests of the state, because the state had a chance to lose money on these stores so they closed them and they let

somebody else open them up and they gave them 8 percent to run the store and the state couldn't lose anything at all. They were going to get the same amount of markup they would have, no matter what, and probably are making more than they would have had they kept the store there. So, the state is really making out like a bandit in this deal.

I think the issue is, as I said, when we passed the agency store bill, we did what was best for the state. I think it is time now that we do what is best for the people of the State of Maine and allow these stores to charge 3 percent more if they want to, if they have to, to keep the store open. If the store is not going to stay open, then the people of the State of Maine are not going to be served by agency stores and we are completely going around and killing the idea that we had when we opened the agency stores. That is the way I see it. In Scarborough it isn't going to make any difference. There are liquor stores in South Portland; it isn't that big a drive. But there are areas in the State of Maine, in rural Maine, that they have a agency store and if they close that agency store, people are going to be inconvenienced, they are going to have to drive 50, 60 or 80 miles.

So, I hope today the House will go along and adhere on this. Vote in favor of the motion to recede and concur and give this bill a chance and maybe we can do what Mr. Dudley wanted and what I would like to do, have them charge anything they want, or at least give them a fluctuation. Maybe there are some big stores that want to charge less, that is fine, that is the way it ought to be, but let's give it a chance and pass this bill to be engrossed.

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

The Chair recognizes the gentleman from Rogue Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, I request permission to pair my vote with the gentleman from Sanford, Mr. Wood. If he were here, he would be voting no to recede and concur; if I were voting, I would be voting yes.

ROLL CALL

YEA—Aloupis, Benoit, Berry, Berube, Bordeaux, Boudreau, Bowden, Brown, D., Call, Carter, D.; Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Dow, Drinkwater, Dudley, Garsoe, Gavett, Gould, Gray, Hall, Higgins, Hobbins, Jacques, P.; Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lund, Masterton, Matthews, Maxwell, McPherson, McSweeney, Michael, Norris, Payne, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Soulas, Sprowl, Stover, Studley, Tozier, Twitshell, Violette, Vose.

NAY—Austin, Bachrach, Baker, Beaulieu, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Bunker, Carroll, Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gillis, Gowen, Gwadosky, Hanson, Hickey, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Joyce, Kane, Kany, Kelleher, Laffin, Locke, Lougee, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, McHenry, McKean, McMahon, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Paul, Pearson Peltier, Post, Reeves, P.; Rolde, Silsby, Smith, Stetson, Tarbell, Theriault, Tierney, Torrey, Tuttle, Vincent, Wentworth, Whittemore, Wyman.

ABSENT—Barry, Brown, K. L.; Carrier, Jalbert, Lizotte, Paradis, Simon, Strout.

PAIRED—Nelson, N. and Wood.

Yes, 60; No, 80; Absent, 9; Paired, 2.

The SPEAKER: Sixty having voted in the affirmative and eighty in the negative, with nine

being absent and two paired, the motion does not prevail.

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to adhere.

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby the House voted to adhere and I ask the House to vote against my motion.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that we reconsider our action whereby the House voted to adhere. All those in favor of reconsideration will say yes; those opposed will say no.

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

Non-Concurrent Matter

Bill "An Act to Increase Penalties for Violation of the Statutes Concerning Minimum Wages" (S. P. 82) (L. D. 155) which was Passed to be Enacted in the House on March 13, 1979.

Came from the Senate, Failing of Passage to be Enacted in non-concurrence.

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

Messages and Documents

The following Communication: (S. P. 437)

State of Maine
Senate Chamber
PRESIDENT'S OFFICE
Augusta, Maine

March 20, 1979

Honorable Ralph Lovell
Honorable Merle Nelson
Chairmen, Aging, Retirement & Veterans
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Mary Louis Kurr of Orono to serve on the Board of Trustees of the Maine State Retirement System.

This nomination will require review by the Joint Standing Committee on Aging, Retirement, and Veterans and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
JOHN MARTIN
Speaker of the House

Came from the Senate read and referred to the Committee on Aging, Retirement and Veterans.

In the House, read and referred to the Committee on Aging, Retirement and Veterans in concurrence.

Petitions, Bills and Resolves

Requiring Reference

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

Aging, Retirement and Veterans

Bill "An Act to Remove the Limitation on Outside Earnings of Disability Retirement Allowance Recipients" (H. P. 1137) (Presented by Mrs. Reeves of Pittston) (Cosponsor: Mr. Connolly of Portland)

Bill "An Act Concerning Retirement for State Prison Employees" (H. P. 1138) (Presented by Mr. Fowle of Rockland)

(Ordered Printed)
Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Require the Department of Mental Health and Corrections to Reimburse the Knox County Sheriff's Department for the Costs of Transportation Provided Convicts at the State Prison" (H. P. 1114) (Presented by Mr. Sprowl of Hope)

(Ordered Printed)
Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Act" (H. P. 1139) (Presented by Mr. Blodgett of Waldoboro) (Cosponsor: Mrs. Mitchell of Vassalboro)

(Ordered Printed)
Sent up for concurrence.

Bill "An Act to Create a Department of Forestry" (H. P. 1140) (Presented by Mr. Sprowl of Hope)

Committee on Energy and Natural Resources was suggested.

On motion of Mr. Blodgett of Waldoboro, tabled pending reference and tomorrow assigned.

Health and Institutional Services

Bill "An Act to Require that Children Receive Social Development Counseling During Divorce Proceedings" (H. P. 1141) (Presented by Mr. Brodeur of Auburn) (Cosponsor: Mr. Stetson of Wiscasset)

Bill "An Act to Conform the Health Maintenance Organization Act of 1975 to the Maine Certificate of Need Act of 1978" (H. P. 1142) (Presented by Mr. Morton of Farmington)

Bill "An Act to Eliminate the Boards of Visitors within the Department of Mental Health and Corrections" (H. P. 1143) (Presented by Mr. Stetson of Wiscasset) (Cosponsor: Mr. Howe of South Portland)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act Concerning Detention, Public Proceedings and Recording Requirements under the Juvenile Code" (H. P. 1144) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Relating to Gifts in Contemplation of Death" (H. P. 1145) (Presented by Mr. Twitchell of Norway) (Cosponsor: Mrs. Post of Owl's Head)

Committee on Judiciary was suggested.

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

Labor

Bill "An Act Relating to the Activities of Persons in Public Employment" (H. P. 1146) (Presented by Mr. Nelson of New Sweden) (Cosponsor: Mrs. Beaulieu of Portland)

(Ordered Printed)
Sent up for concurrence.

Later Today Assigned

Bill "An Act Pertaining to Solicitation by Law Enforcement Officers" (H. P. 1147) (Presented by Mr. Howe of South Portland) (Cosponsor: Mr. Reeves of Newport)

Committee on Legal Affairs was suggested. On motion of Mr. Howe of South Portland, tabled pending reference and later today assigned.

Public Utilities

Bill "An Act Extending Public Utilities Commission Regulatory Authority to Residential Fuel Oil Dealers" (H. P. 1148) (Presented by Mr. Davies of Orono) (Cosponsor: Mr. Michael of Auburn)

Bill "An Act to Clarify the Authority of the Public Utilities Commission in the Enforcement of Rebate Ordered" (H. P. 1149) (Presented by Mr. Brennerman of Portland) (Cosponsor: Mr. Wyman of Pittsfield)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Establish a State Bank to Encourage and Promote the Development of Agriculture, Commerce and Industry" (H. P. 1150) (Presented by Mr. Baker of Portland) (Cosponsors: Mrs. Reeves of Pittston and Mr. Hall of Sangerville)

Bill "An Act to Revise the Medical Examiner System" (H. P. 1151) (Presented by Mr. Joyce of Portland)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Provide a Tuition Tax Credit for Maine Citizens" (H. P. 1152) (Presented by Mr. Tarbell of Bangor)

Bill "An Act To Reduce the Inheritance Tax Liability on Family-owned Farms Maintained in Farm Production and Inherited by the Immediate Family" (H. P. 1153) (Presented by Mr. Roope of Presque Isle) (Cosponsors: Mr. Torrey of Poland, Mr. Hunter of Benton, and Mr. Sherburne of Dexter)

(Ordered Printed)
Sent up for concurrence.

Orders

On Motion of Mr. Tierney of Lisbon, the following Joint Order: (H. P. 1154) (Cosponsor: Mr. Tarbell of Bangor)

ORDERED, The Senate concurring, that the Joint Rules be amended by adding a new Joint Rule, 19-A, to read as follows:

19-A. Reporting out errors and inconsistencies legislation. Prior to reporting out any bill entitled "AN ACT to Correct Errors and Inconsistencies in the Laws of Maine," the Joint Standing Committee on Judiciary shall, after giving notice and an opportunity to be heard, hear proposed amendments and determine which amendments shall be included in the bill reported out. No floor amendment shall be entertained in either House unless the amendment is printed and distributed at least 24 hours prior to introduction.

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

By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committees

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park" (Emergency) (H. P. 134) (L. D. 145)

Report was signed by the following members:

Messrs. O'LEARY of Oxford
EMERSON of Penobscot
— of the Senate

Mr. STROUT of Corinth
Mrs. HUTCHINGS of Lincolnville
Messrs. HUNTER of Benton
BROWN of Mexico
McPHERSON of Eliot

— 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. USHER
— of the Senate.

Messrs. JACQUES of Lewiston
CARROLL of Limerick
McKEAN of Limestone
ELIAS of Madison
LOUGEE of Island Falls
— of the House.

Reports were read.

On motion of Mr. Birt of East Millinocket, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Consent Calendar First Day

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

(H. P. 643) (L. D. 796) Bill "An Act to Centralize the Administration of Uniform Reciprocal Enforcement of Support Act Petitions Filed in the State of Maine by the Official Child Support Agency of Another State" Committee on Judiciary reporting "Ought to Pass"

(H. P. 48) (L. D. 57) Bill "An Act to Establish Registration of Electrologists" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-122)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 23, 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:

(H. P. 388) (L. D. 498) Bill "An Act Concerning the Investigation and Invalidity of Indian Tribal Elections"

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

(H. P. 430) (L. D. 547) **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Remove the Literacy Requirements for Eligibility to Vote.

On the objection of Mr. Garsoe of Cumberland, was removed from the Consent Calendar.

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

Mr. GARSOE: Mr. Speaker, I am a little gun-shy, I guess, having a constitutional amendment go through regarding a December convening of this body. I am a little gun shy when I see constitutional amendments coming up and this title caught my eye, and I would like to have an explanation as to just what this does. In the bill which I have pulled out, all it says is, "Section 1, paragraph 2, is repealed." I would like some discussion. Since it is obviously a unanimous committee report, I am sure this has no basis, but I would appreciate a brief explanation.

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

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

Ms. BENOIT: Mr. Speaker, Ladies and Gentlemen of the House: The article that he mentioned in the constitution is the educational qualification which says: "No person shall have the right to vote or be eligible to office under the Constitution of this State who shall not be able to read the Constitution in the English language and write his name." This is really no longer illegal anyway. We have it in our own statutes. Title 21, Section 862, has already said that you cannot prevent someone from voting because they are illiterate, but it is still in our Constitution, and the sponsor, Representative Howe, would like to have it removed from our Constitution so it will be consistent with our statutes and also with federal law. I hope that explains it.

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

(H. P. 223) (L. D. 271) Bill "An Act to Increase the Surplus Account of the Kennebec Sanitary Treatment District"

On the objection of Mr. Boudreau of Waterville, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading to-

morrow.

(H. P. 389) (L. D. 525) Bill "An Act Concerning Notice Provisions for Penobscot Indian Tribal Elections"

(H. P. 392) (L. D. 541) Bill "An Act Concerning Fines Resulting from Fish and Game Violations on Lands of the Penobscot Indians" (C. "A" H-114)

(H. P. 548) (L. D. 679) Bill "An Act to Clarify Sex Discrimination in the Maine Human Rights Act" (C. "A" H-115)

(H. P. 250) (L. D. 295) Bill "An Act Relating to Constables and Special Police Officers" (C. "A" H-113)

(H. P. 166) (L. D. 198) Bill "An Act Making Minor Revisions in the Aeronautics Law" (C. "A" H-120)

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

Passed to Be Engrossed Amended Bills

Bill "An Act for Per Diem Compensation for Active Retired Judges" (Emergency) (H. P. 375) (L. D. 485) (C. "A" H-110)

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

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: At this time, I would move that L. D. 485 be indefinitely postponed with all of its accompanying papers and would speak to my motion.

The SPEAKER: The gentleman from Waldoboro, Mr. Blodgett, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: We went through part of the debate on this yesterday, but I think it is worthwhile to bring it up again to assess what we have done.

Over the last few years, we have improved the salaries for the judges so that at this time they are in the range of \$30,000 to \$32,000. After serving as a judge for 12 years, the state is going to pay them a retirement of three quarters of their pay, which puts them in the \$21,000 to \$24,000 category. On top of this, we are now preparing to take these retired judges and pay them additional money if they are willing to go out and serve on active retirement. This, I think, is a mistake, as no one else in state government is allowed to collect his retirement pay and be paid by the state.

We have little slush fund here of \$42,000 to pay for this, and this would mean that these judges could conceivably, some of them, be earning more in retirement than they were when they were on active duty.

I would ask you to look at this seriously and to vote in favor of the indefinite postponement. I think this probably seems like taking on Goliath, but we have to do those things once in a while.

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

Mr. JOYCE: Mr. President and Members of the Senate: We had this bill in Judiciary and it is a good bill. It is a savings bill, and I would like to clear up some of the statements made by my good friend.

Under the Maine State Retirement System, when a person retires, they foresaw problems. Some people are rather difficult to replace, so the Maine State Retirement System permits retired employees to return to work and earn up to one-twelfth of their final annual compensation. Now that we take care of that, we will turn to the judges.

Most judges want to retire and look forward to the day that they can leave their office. Only seven judges have chosen to take advantage of

being active retired. They must come before the committee for a hearing, must be passed in both bodies before they are allowed to be active retired. There are two judges, former Chief Judge Dufresne and Judge Reid, who have put in many hours since retiring. We had a Superior Court Judge, came before our committee, and he has put in 102 days in the past two years since he retired. Now, he is paid 13 cents a mile and that is all. He felt running his car those 102 days cost him \$2,500, so he lost \$1,200. He sat daily for two months when a judge was ill.

Through the district court system, and that is the big system, that is where the big backlog is, these judges have been called in on strictly a volunteer basis and having sat through cases. When you get a case in the district court, if it lasts three or four days, it can really be a bottleneck in that system. That is why these active retired judges play an important part. They cover on vacations, they cover on illnesses and there can be extended illnesses like there can be extended illnesses like there have been the past few years on the bench. This is the most economical way I ever heard of covering the seats on the bench when the judges are ill or off on vacation.

I ask that you do vote against the motion before us of indefinite postponement and we will move forward with this legislation.

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

Mrs. SEWALL: Mr. Speaker and Members of the House: I would just point out that it says in the bill in three sections for the different parts of the court, it says, "Provided that the total per diem compensation and retirement pension received by an active retired justice of the Supreme Judicial Court in any calendar year shall not exceed the annual salary of a justice of the Supreme Judicial Court." It says the same thing for the Superior Court and for the District Court, so a judge could not make more in his retirement than he made at full salary.

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

Ms. BENOIT: Mr. Speaker, this bill, L. D. 485, it has Committee Amendment "A" H-110. I don't have that amendment, is that right?

The SPEAKER: The Chair would answer in the affirmative.

Ms. BENOIT: Could someone please explain that amendment?

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

Mrs. SEWALL: Mr. Speaker, in answer to the question, it is the financial statement, which adds a price tag on \$42,000. That is all it does. I would be happy to send the amendment over.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Waldoboro, Mr. Blodgett, 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.

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

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

Bill "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances" (H. P. 18) (L. D. 35) (C. "B" H-118)

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

Passed to Be Enacted Emergency Measure

An Act to Increase Salaries of County Officers (H. P. 201) (L. D. 227) (H. "B" H-57, H. "C" H-58, H. "D" H-75 to C. "A" H-44)

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. 116 voted in favor of same and 18 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Test an Experimental Season on Moose for a One-year Period (S. P. 42) (L. D. 28) (S. "A" S-32 to C. "A" S-26)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. Mr. Kelleher of Bangor requested a roll call.

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

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

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

Mrs. MITCHELL: Mr. Speaker, I would like to pair my vote with the gentleman from Sanford, Mr. Wood. If Mr. Wood were here, he would be voting no and I would be voting yes.

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

ROLL CALL

YEA — Austin, Barry, Beaulieu, Berube, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brodeur, Brown, A.; Brown, K.C.; Carter, D.; Churchill, Conary, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Diamond, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gray, Gwadosky, Hall, Hobbins, Hutchings, Immonen, Jacques, E.; Jacques, P.; Kane, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lougee, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Morton, Nadeau, Nelson, A.; Nelson, M.; Paradis, Paul, Payne, Peterson, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Smith, Stetson, Studley, Theriault, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore.

NAY — Aloupis, Bachrach, Baker, Benoit, Berry, Bordeaux, Brennerman, Brown, D.; Bunker, Call, Carroll, Carter, F.; Chonko, Cloutier, Connolly, Dexter, Dudley, Gowen, Hansen, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Jackson, Joyce, Kany, Kelleher, Laffin, Lewis, Lowe, Masterton, Nelson, N.; Norris, Pearson, Post, Prescott, Reeves, P.; Silsby, Small, Soulas, Sprowl, Stover, Tarbell, Tierney, Wyman.

ABSENT — Brown, K. L.; Carrier, Doukas, Jalbert, Lizotte, Locke, Peltier, Simon, Strout, Torrey.

PAIRED — Mitchell, Wood.

Yes, 91; No, 47; Absent, 10; Paired, 2.

The SPEAKER: Ninety-one having voted in the affirmative and forty-seven in the negative, with ten being absent and two paired, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Remove Overlapping Causes of Action, to Limit Municipal Liabilities for Highway Defects and to Remove the Sunset Provision on the Tort Claims Act (S. P. 119) (L. D. 228) (C. "A" S-38)

An Act Relating to Appropriation of Funds for Assistant District Attorneys (S. P. 128) (L. D. 306) (C. "A" S-37)

An Act Relating to Self Employee Workers' Compensation Insurance Coverage (S. P. 148) (L. D. 325)

Were reported by the Committee on En-

grossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish the Minimum Wage at \$2.50 Per Hour and to Set a \$4 Per Hour Ceiling (H. P. 26) (L. D. 43) (S. "A" S-29)

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

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

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

Mr. Wyman of Pittsfield requested a roll call.

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

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the good gentleman from Westbrook, Mr. Laffin, or perhaps Mr. Wyman could tell us as the chairman of the committee. Is there a state cap now on the minimum wage? This is necessary, as I understand it, to allow that cap to rise so the State of Maine could follow the federal guidelines forever. So, we do need this legislation if we are going to go above \$2.90, is that correct?

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to that question, the answer is yes. If we fail to pass this particular legislation, then when the federal minimum wage goes up on January 1 to \$3.10 an hour, the state minimum wage, under current state law, cannot rise above \$3 an hour unless we enact this bill.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: This is just decoy. Don't let anyone in this House fool you. There are two bills in the Labor Committee that will be coming to change this and don't let anyone here fool you on this. This is just a decoy, and I ask the members to vote with me today. You will see that this will come along and fall right into place.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Westbrook, Mr. Laffin, to indefinitely postpone this bill and all its accompanying papers. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Carter, F., Connolly, Curtis, Hall, Immonen, Laffin, Reeves, P.

NAY—Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Bunker, Call, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Cox, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis,

Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peterson, Post, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wyman.

ABSENT—Brown, K. L.; Carrier, Jalbert, Lizotte, Peltier, Simon, Strout, Wood.

Yes, 7; No, 135; Absent, 8.

The SPEAKER: Seven voting in the affirmative and one hundred and thirty five in the negative, with eight being absent, the motion does not prevail.

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

An Act Relating to Abatement Proceedings (H. P. 181) (L. D. 209) (C. "A" H-92)

An Act to Clarify the Definition of Employer under the Workers' Compensation Act (H. P. 248) (L. D. 293)

An Act Concerning Reissue of Inactive Snowmobile Registration Numbers (H. P. 297) (L. D. 392)

An Act Concerning Reissuance of Inactive Boat Registration Numbers (H. P. 298) (L. D. 396)

An Act to Provide that the Adoption of Rules by the State Controller are Consistent with the Maine Administrative Procedure Act (H. P. 323) (L. D. 424) (C. "A" H-90)

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

Orders of the Day

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to Pass" as Amended by Committee Amendment "A" (H-104)

—Minority (5) "Ought Not to Pass" — Committee on Labor on Bill "An Act to Adjust Unemployment Benefits for Employees on Layoff who are Temporarily Recalled to Work by their Regular Employer" (H. P. 219) (L. D. 267)

Tabled—March 20, 1979 by Mr. Wyman of Pittsfield.

Pending—Acceptance of either Report.

On motion of Mr. Wyman of Pittsfield, the Bill and all its accompanying papers were re-committed to the Committee on Labor and sent up for concurrence.

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

Bill, "An Act Relating to Fatal Motor Vehicle Accidents" (H. P. 459) (L. D. 572)

Tabled—March 21, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

Mr. Hobbins of Saco offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-107) was read by the Clerk.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to state for the record and to tell everyone here that, believe it or not, this is a unanimous committee report from the Committee on Judiciary, and this amendment is basically to clarify some language of the existing bill. Hopefully, it will be a non-controversial item. It is sponsored by the good gentleman from Westbrook, Mr. Laffin.

Thereupon, House Amendment "A" was adopted.

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

up for concurrence.

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

Bill, "An Act to Amend the Requirements for Registration of Professional Foresters" (H. P. 82) (L. D. 93) (C. "A" H-102)

Tabled—March 21, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

Mr. Rolde of York offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-123) was read by the Clerk.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to explain a little bit about this bill, which I sponsored along with the gentleman from Sangerville, Mr. Hall, and the gentleman from Kingfield, Mr. Dexter.

To give you a little bit of background, in the last legislature, the then Representative from Nobleboro, Mr. Palmer, put through a bill that established a board of registry for professional foresters in the state. At the time in that bill, there was an exemption for foresters who worked for industry. There are about 500 foresters in the state, and some 400 of them are now licensed under the provisions of the original bill. The board and the forestry association felt that the exemption should be removed and, in fact, many of the foresters who were exempt under the original exemption actually have sought to be licensed under this act.

There was no opposition at the hearing and a number of committee amendments were put on the bill at the suggestion of the board itself. They included such things as a grandfather clause for foresters who are now practicing; an exemption for teachers at the university end, making it very clear that the board has no power whatsoever to deal with forest practices or institute any forest laws.

One amendment which was agreed upon was inadvertently left out, and that was the amendment to exempt the state foresters. It was felt that state foresters should also be included under the bill. That amendment was agreed on, and that is the amendment that I am offering today simply to put back something that was inadvertently left off.

Thereupon, House Amendment "A" was adopted.

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

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

Bill, "An Act to Permit the State Auditor to Report Certain Suspected Improper Transactions to the Attorney General's Office" (H. P. 196) (L. D. 245)—In House, Majority "Ought to Pass" as Amended by Committee Amendment "A" (H-91) Report Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" on March 16, 1979.—In Senate, Minority "Ought Not to Pass" Report accepted in non-concurrence on March 19, 1979.

Tabled—March 21, 1979 by Mrs. Kany of Waterville.

Pending—Motion of the same gentlewoman to recede and concur.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I hope we recede and concur on this bill, basically because it simply isn't necessary.

The bill itself states that the State Auditor may, at any time, seek the advice of the Attorney General concerning any transaction which he feels may be illegal or improper. The original Statement of Fact and the title referred to permitting the State Auditor to do that, and the accompanying amendment changes the title so

that it would just clarify the ability for the State Auditor already can do this and it is quite clear under the law dealing with the Attorney General that this is so. In fact, there is a section under the law dealing with the Attorney General that on opinions and questions of law and the wording as such, that the Attorney General shall give his written opinion upon questions of law submitted to him by the Governor, by the head of any state department or any of the state agencies, etc., and this simply is not needed.

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

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Kany hasn't explained, I don't think, the bill in its entirety.

It is a bill simply to clarify an existing law. She is quite right, however, when she does say that the State Auditor presently has the right to report to the Attorney General. What she has failed to mention is that there are two types of transactions or activities which may be reported. One is an improper activity or transaction, which, in the statutes, says that he shall report to the Governor and/or the legislature immediately. That is for an improper transaction.

When it comes to evidences of illegal transactions, it is at this point that he is committed by law to report to the Governor and to the Attorney General. What happens is that if a transaction is merely a suspected improper activity, he is not, under present statute, committed to report to the Attorney General. If he were to do so, it would be an implication of illegal transaction and so what this bill simply does is clarify the statute to enable a State Auditor to seek the advice of the Attorney General.

I do hope that you will vote against Mrs. Kany's motion.

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

Mrs. KANY: Mr. Speaker, Members of the House: What Representative Berube delineated was when the auditor is required to report. What I said to you and what is very clear in the statutes is that the auditor, like the head of any other agency, may, at any time, seek the opinion of the Attorney General. That is the Attorney General's duty and there is nothing in the law to prevent that now. In fact, not only is there nothing in the law to prevent it, but it is very clear within the law regarding the Attorney General that this is the case.

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

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 63 in the negative, the motion did not prevail.

Whereupon, on motion of Mrs. Berube of Lewiston, the House voted to insist.

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

BILL, "An Act to Clarify Home Rule Authority" (H. P. 1097)—In House, Reconsidered Referring to Committee on Legal Affairs on March 21, 1979.

Tabled—March 21, 1979 by Mr. Tierney of Lisbon.

Pending—Reference.

On motion of Mr. LaPlante of Sabattus, tabled pending reference and later today assigned.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the Meeting of the First Regular Session of the Legislature during December to Election to

Constitutional Offices and Legislative Offices and to Provide for Senate Apportionment in 1983 (H. P. 288) (L. D. 348)—In House, House Reconsidered Failing of Final Passage on March 21, 1979.

Tabled—March 21, 1979 by Mr. Tierney of Lisbon.

Pending—Final Passage. (Roll Call Requested)

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I believe that we are in a position for me to move enactment of this measure.

I think even my good leader down here in the left-hand corner will agree that on this particular Constitutional Amendment, this time around we have had sufficient debate, and I hope that today you will allow me to explain to you how I got involved in this measure.

The Portland Express, on October 31, 1978, shortly before the referendum in which the December convening amendment was voted on by the people of this state, wrote an editorial criticizing the Constitutional Amendment, and I want to read you just a couple of excerpts from that editorial.

"The idea behind a December meeting of the legislature was to give newly elected lawmakers a chance to organize, elect leaders, establish committees and appoint staff members in preparation for the regular work to be undertaken in January."

"Backers of the amendment," and I might say that I was one, "say all this could be accomplished in a two or three day session." Then they say "The lawmakers could recess and spend the rest of December prefilling bills, giving them a substantial body of work to tackle when they return in January. That is the theory anyway. The trouble is, the proposed Constitutional Amendment as presently worded does not spell out this specific scenario. It says only that a newly elected legislature must convene on the first Wednesday in December. Once in session, the legislature conceivably could stay in Augusta and commence the regular business of legislating immediately. It opens the door to considerable political mischief-making perhaps not envisioned by the amendment's backers." That is certainly true. We did not envision this.

Two weeks ago, this bill was roundly debated. I described to you the \$24,000 study that our legislature had undertaken of which the centerpiece was this Constitutional Amendment. I described to you the work of the implementation committee. I described to you the action on this Constitutional Amendment, which was in the last days of the legislature. It was not debated and there are some of us, including my good leader down here, who was rather appalled at this criticism. So, what I have tried to do is to clarify the fact of what our original intention was.

I want to thank the good gentleman from Scarborough for yesterday moving reconsideration, having voted on the prevailing side the other day. I want to thank the legislature for agreeing to reconsider and giving me another day to ask that you favorably consider this.

I want to state very clearly what the intention of this amendment is. This Constitutional Amendment limits the December convening of the legislature to not more than three legislative days, and specifies its purpose, which is the election of the constitutional officers; that is, the Attorney General, the Secretary of State, the Treasurer of State, and the election of all House and Senate officers. In other words, the President of the Senate, the Secretary of the Senate, the Assistant Secretary of the Senate, the Speaker of the House, the Clerk of the House and the Assistant Clerk of the House.

The amendment also corrects the Senate re-

apportionment date, changing it from 1984 to 1983 and every 10 years thereafter. This last point is extremely important because the way our constitution reads now, the apportionment of both the House and the Senate will take place in 1983.

I urge you to favorably consider this bill, I urge you to pass it today. I know there are lots of people in this body who favor it. There are some who are against. They are bearing their teeth now, but if you feel like the reed in the wind, I ask you to vote with me.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't think any of us were happy with the mandate of the people that we have December sessions. Unfortunately, that is the way the vote went. I think we were very lucky that they didn't mandate we be here every day in December. It is a very difficult thing, especially for Representative Hall and other people who have business ventures that they need to attend to.

By passing this amendment, I think it takes us off the hook and clears up the business that we need to get done before we start the session. I hope you vote in favor of the amendment.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say that in regard to this amendment I think that it goes into a lot of unnecessary detail to put into the Constitution. I observe that in Section 18, which is existing statutes, it states that the Legislature shall enact appropriate statutory limits on the length of the sessions. I propose that we enact appropriate statutory limits on what should take place in the December meeting and not involve ourselves with some language in the Constitution which we might again have to address.

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

Mrs. KANY: Mr. Speaker and Members of the House: I hope you vote against enactment. I hope that this House, two thirds of it, does not decide to vote in favor of enactment.

As you know, the constitutional amendment which permits convening of the Legislature in December was adopted by the people during the last election, but we have not yet experienced a December convening. We may find we may not like it. We may decide that we do like it and we would like more specific language within the Constitution stating just what we can do during that December period.

I would hope that you would wait until after the convening of the Legislature a year from next December and then, at that point, make your decision as to what you believe we should do.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will consider the passage of this proposal that we have before us this morning. I think that probably it has been pretty well covered. The remarks made by the gentleman from Augusta, Mr. Hickey. I think probably bring out very quickly and to the front what the major issue is here.

I think the intent was, when the original amendment was put in, that it would be confined to a three-day period. I think this was the proposal that was recommended to the Legislative Council last year. Three members of that council are still on the floor of this Legislature. I think at that time they unanimously endorsed the idea, accepted the concept as recommended by the people that came in from the National Legislative Conference and built this whole review of our legislative program around an early convening.

I was bothered early in the year by the problem that we were having in getting organization accomplished. I think if this amendment

had been able to have taken effect at that time, probably some of the problems that developed at the startup of this legislature would have been eliminated. Many of these have no inference or any problems with the way things developed, except for the fact of the very close relationship between the makeup of the two parties created some problems that I think could have been settled very quickly early in the game. I think that we would have been able to get off to a much better start.

I do believe that this concept is worthwhile and I would hope that you would support it this morning.

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The other day I was one of those people that the good gentlelady from Cape Elizabeth mentioned when she said 'kind of gritted their teeth.' I did vote against this, but today I do intend to vote in favor of it. I think we have cleaned up some of the language in the bill, the intent of the legislation has been read into the record, and I am relatively convinced that the actions we are taking here today are appropriate.

I think the gentleman from East Millinocket hit the nail on the head when he said that it is the legislative intent, and the legislative intent of passing this constitutional amendment last year, the 108th, was very simply to get us here to start and form the constitutional officers and the officers of the House and the Senate. I think that was the intent of the amendment when it was originally introduced, when it was originally passed. I think we did not foresee the problems we would have, or the potential problems that we could have, of things happening between the first of December and the first of January. The Alternative is obviously there that we could spend two or three weeks here, and nobody really wants that, I don't think.

I think today we have to look at the alternatives. If we don't pass this, we have the option or the possibility of making people stay here in opposition to the intent of what we really passed in the 108th Legislature. I think we have the ability to proceed and save about three weeks of Legislative time. It seems to me that it was about the 12th to 15th day, at least the third week in January of this year, before we had our committee assignments made. If we pass this today and make it very specific as to what we are going to do, by the first of January, it seems to me that we would be able to determine the committee assignments that we all have and we could start right in the first or second week in January having hearings and proceeding along with legislative business, speed up the process. That was the intent, and I think that is why we ought to enact this today.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think what we are doing today is, we are Monday morning quarterbacking. We are trying to tell today what the intent was in the 108th Legislature, when we had no debate in the 108th Legislature to determine the intent at that time. I think we are trying to cover up some of our mistakes and Monday morning quarterback a little bit and say, well, we wanted to do this and we wanted to do that or maybe we wanted to do this or maybe we wanted to do that. I think it is wrong for us in the 109th Legislature to be pass-

ing a strict limitation. Granted, it is by way of a constitutional route, to be putting a stricture on the 110th Legislature or the 111th and 112th Legislatures.

I had to agree with the lady from Waterville who said — well, we haven't run these plays yet. You know, we can Monday morning quarterback about the 108th Legislature, but we have not run these plays yet. Let's run a few of these plays and find out how they work. If it is necessary to create a whole new offense or to change our defense in some way, maybe we can carry the ball a little more efficiently in the future legislatures. But regardless of which month of the year we meet, whether it is in December or January, personally I am opposed to meeting at all in December but now we have it, regardless of when we meet and how long we meet, we are still going to have the same problems and it is still going to take us the same number of days to solve those problems.

So, trying to either read or misread past intent into the record today really doesn't solve the problem. I don't think we need to place this kind of a limit on future legislatures at this time. We really don't know of what the early convening will be. If we should meet in December and we need six or eight days, because we have tied ourselves into a very narrow, limited method of operation. So, I urge that we continue to vote the way we did the other day and not pass this measure at this time.

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

Mrs. MASTERTON: Mr. Speaker and Members of the House: I certainly don't want to protract it, but I would like to comment on the remarks made by the Representative from Brunswick, Mrs. Bachrach. When we instituted annual sessions by constitutional amendment in 1975, we at that time, set the time limit on the first regular session to 100 legislative days and in the second regular session to 50 legislative days, so we are stuck with that.

As far as Representative Cunningham's remarks are concerned, if we need six days or if the Governor wants us for something, Representative Cunningham, he has constitutional authority to call us into special session and we, indeed, have constitutional authority to call ourselves into special session.

I just want to urge on you my feeling of responsibility in this whole matter. I have the figures here of the referendum vote on the various issues in November, and it is quite dramatic that this proposed constitutional amendment had the closest margin of any of the other items that were voted on. It only passed by 11,000 votes — that is close. I think that people were a little bit concerned about the vagueness, the ambiguousness of this constitutional amendment. So, I think we will be doing them a favor if we enact this bill today.

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

Mrs. KANY: Mr. Speaker and Members of the House: I wanted to talk about something which I don't think is very well known and that is something that was referred to by Representative Masterton. I wonder how many of you here in the House believe that the number of days that we have for our session this year is set in the Constitution. How many of you believe that? None of you? How many of you believe that it is set in the statutes? No one knows. Isn't that interesting?

Shall I tell you what the language is in the Constitution? The language is that the legislature shall enact appropriate statutory limits on the length of the first regular session. So in other words, that is the Constitutional language — within the statutes we set the number of days, and I don't think that that was clear from what Mrs. Masterton said. That is one way we may want to go about talking about what we would like to have done in December, during our December convention.

Once again, why don't we, in two years, go through the December convening. We will not have a lame duck Governor at that time, and after we have experienced it once, as the voters told us they wished us to do, then perhaps we can make a decision. We might at that time want to recommend to them that, no, we want to go back to a January convening — that is one option.

A second option would be to delineate very specifically what could be done in December, such as is being offered in the bill up for enactment here today, or we could choose to have simple constitutional language stating that we would decide statutorily what we would do during the December convening. Let's make that decision at that time.

I hope you vote against enactment.

The SPEAKER: A roll call has been ordered. The pending question before the House is on final passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Baker, Barry, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brown, D., Brown, K. C., Bunker, Carroll, Carter, D., Carter, F., Chonko, Churchill, Cloutier, Conary, Damren, Davis, Dellert, Dexter, Diamond, Dow, Drinkwater, Dudley, Dutremble, D., Dutremble, L., Elias, Fenlason, Fillmore, Fowle, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hutchings, Immonen, Jackson, Jacques, E., Kane, Kelleher, Kiesman, Laffin, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A., Masterman, Masterton, Matthews, Maxwell, McHenry, McMahon, McPherson, McSweeney, Morton, Nadeau, Nelson, A., Nelson, M., Nelson, N., Payne, Post, Reeves, J., Rollins, Sewall, Sherburne, Small, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tuttle, Twitcheell, Vincent, Wentworth, Whittlemore, Wyman, The Speaker.

NAY — Austin, Bachrach, Beaulieu, Benoit, Brodeur, Brown, A., Call, Connolly, Cox, Cunningham, Curtis, Doukas, Gray, Hughes, Jacques, P., Lancaster, LaPlante, Locke, MacEachern, McKean, Michael, Mitchell, Norris, Paradis, Paul, Pearson, Peterson, Prescott, Reeves, P., Rolde, Roope, Silsby, Smith, Soulas, Tozier, Violette, Vose.

ABSENT—Brown, K. L., Carrier, Davies, Jalbert, Lizotte, Peltier, Simon, Strout, Wood. Yes, 102; No, 40; Absent, 9.

The SPEAKER: One hundred and two having voted in the affirmative and forty in the negative, with nine being absent, the resolution was finally, signed by the Speaker and sent to the Senate.

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

Bill, "An Act to Exempt Teacher Certification Records from Freedom of Access Statutes" (H. P. 953) (L. D. 1186) — In House, referred to Committee on Judiciary on March 14, 1979. — In Senate, referred to Committee on Education in non-concurrence.

Tabled—March 21, 1979 by Mr. Hobbins of Saco.

Pending—Further Consideration.

On motion of Mr. Hobbins of Saco, the House voted to recede and concur.

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

Bill, "An Act to Amend the Split Sentencing Provisions of the Criminal Code" (H. P. 1130) (Committee on Judiciary suggested)

Tabled—March 21, 1979 by Mrs. Prescott of Hampden.

Pending—Motion of Mr. Cloutier of South Portland to Refer to Joint Select Committee on Correctional Institutions.

Thereupon, the motion prevailed and the Bill

was referred to the Joint Select Committee on Correctional Institutions, ordered printed and sent up for concurrence.

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

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Require Public Disclosure of Certain Financial Information by Large Public Utilities" (H. P. 322) (L. D. 423)

Report was signed by the following members:

Messrs. DEVOE of Penobscot

COLLINS of Knox

Mrs. TRAFTON of Androscoggin

— of the Senate.

Messrs. VOSE of Eastport

BROWN of Livermore Falls

BERRY of Buxton

Miss GAVETT of Orono

Messrs. CUNNINGHAM of New Gloucester

McKEAN of Limestone

Mrs. NELSON of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-119) on same Bill.

Report was signed by the following members:

Messrs. LOWE of Winterport

REEVES of Newport

— of the House.

Reports were read.

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

Mr. TIERNEY: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The bill we have before us today is probably one of the greatest pieces of legislation that will ever come before this House. It is a bill that we can all be very concerned and very happy with.

The public utilities of this state don't have a very good image right now. I think in order to correct it, it takes a nice piece of legislation like this to bring it to your attention.

What the Committee Amendment does, and I certainly am at fault here, I don't know how I ever let it slip by me, but for some reason it exempted the New England Telephone Company because they are not a Maine-based corporation. Not having all the answers and knowing everything, it slipped right by me but, nevertheless, it was brought to my attention. So, because of the two fine Representatives who signed the bill out in the minority, we have that included now, the New England Telephone Company will be included in this bill.

What the bill does is, it simply tells the people of Maine that it is a disclosure piece of legislation. It requires that the salaries of the vice-president and general manager of these big companies and the lobbyists and the out-of-state shareholders, the first 500 of them, how much they are going to receive in compensation for their services.

You know, you see these ads on TV that big public utility companies say that the cost of oil has gone up 700 percent, telephone poles have increased, trucks have increased, but you know the funny thing that bothers me is that they forget to tell you that the power companies of this state made 41 percent profit last year. I am sure they didn't do it intentionally, I am not saying that they did, they just leave that off their ad, they forget to tell you how much they make. Probably 20 years ago, trucks were not so expensive, their oil was certainly not as expensive, they were probably only making 20 percent profit, but we don't know that, do we, because they are not telling us how much they make.

I wouldn't want to stand up here today and tell you that the public utilities are trying to rip the people of this state off. I think that would be very inappropriate at this time.

If we enact my bill, I will stand before this body and I will apologize to the members of this House for calling them a bunch of bandits — I certainly would, because then I would have no grounds to call them that because they would be divulging, telling the people how much money they made.

If the president of the company, of the New England Telephone Company, and the very good lobbyists that circulate this capitol, if they weren't making the minimum wage, we would all feel sorry for them. So, naturally, when they went downstairs and asked the Public Utilities Commission for a rate increase, they could say, "Listen, our president isn't making much money and our lobbyists aren't making much money and our stockholders out of state are not making much money," then we would all agree and say, okay, people in Maine, let's cough up and give them more money. Then they would have a legitimate argument for an increase, but when they continue to take money out of the people, when they continue to get raises, when they continue to have increases in all this, then a few days later you read in the paper that they made 41 percent profit, I don't know about you but I then become a little suspicious.

You can beat me once and I am very stupid and ignorant and I don't know what is going on, but the second time they do it, I begin to get a little suspicious that somewhere along the line somebody isn't telling the people just like it is.

I want to tell you about my bill and how it came to me. It came to me in a vision. This bill I dreamed. This bill is probably one of the best dreams that any person could ever have. Most people live their entire lifetime and could never dream anything as good as this.

I want to share with you today what my vision was. It started three years ago. I could see it all taking place in a great coliseum. I could see the public utilities on one hand and the people on the other hand, and they were trying to get closer and closer together but, you see, they couldn't get closer together. Why? Because they hadn't seen the light at the end of the tunnel. They were still separated. The people didn't know how much more they were going to have to pay the telephone companies and the public utility companies who were preaching poverty they were going poor, they were going into bankruptcy. We really didn't know that, so we had to keep them apart.

My bill will bring them together. When we put my bill together, the intelligent members of this House, when we vote for this piece of legislation and we tell the people, okay, what we have here today, ladies and gentlemen, is the fact that the public utilities have to divulge their lobbyists' pay, their managers' pay, their general managers' pay — you see, this is nothing secret anyway. I don't want you to get me wrong. There is nothing secret about what they are doing, because they put out a book probably about so-thick, but you know, the only trouble with that is, they only give it to their hand-picked few, like the board of directors. I am sure that they are not doing anything intentional. They just forget to give it to the people. That is all they do. They are perfectly within their right to do so. While they are forgetting to do these things, we continue to sit here not knowing just what is going on.

When the public utilities of this state want to put something over on the Public Utilities Commission, they hire these high muckamuck lawyers to come up from Boston. They don't bother with the local people. They think a lot of people around think if you are from Maine you are a bunch of hicks and you don't know anything, but we have a lot of intelligent people in this state, a lot of intelligent people who never had any education or money spent on their edu-

cation. They somehow get the feeling that they are getting ripped off.

You don't have to know too much, you don't have a lot of degrees to know when you are getting ripped off. I think that is like instinct, like a mother bear and her little cubs. She senses dangers around the corner. She doesn't have to go to school to learn that, it is instinct to protect her cub. In fact, she would even give her life to protect her cub.

I certainly wouldn't expect any people out here on the streets of Maine to give their life to divulge what the public utilities are doing to the people of this state, I wouldn't be that harsh but I would like to have you consider a few things in my bill.

If they take and print this big book that they send out to the people, to their people, to the ones that they want to see it with all the information in it, they could take, and it would save them probably half of the cost by printing it once in five of the Maine largest newspapers. That is all and it would be all done. It would be all over and nothing else would be said about it. It would completely end right there. You know, there is nothing like a satisfied people, a satisfied mind. They don't mind getting ripped off but if they are satisfied, you never hear a word from them, nothing will ever be said about it.

I think that if we do that and they come up and say well, — I, personally, ladies and gentlemen, could care less what the president of the New England Telephone or Central Maine or Bangor Hydro, I could care less what they make, if I want to know bad enough, it's a public utilities, I could find out very easily. I don't care what the lobbyists of this state make either and if I want to find out bad enough, I know how to do it and I can find out. I don't check on those things because I do not care but I think that when they are going to the Public Utilities Commission, crying for rate increases — it used to be once every couple of years, then it got to be once a year, you know now, I guess it is about every six months, something like that, isn't it? About every six months. You see what we are faced with now? All of a sudden they can't stretch their dollars to go because they are not making money fast enough, so now it is about every six months. You see, this is what my bill will do. It will cure an awful lot of ills. The public utilities is probably — I like to use this phrase once in a while and I will be very careful how I phrase it, because we do have a lot of lovely ladies and gentlemen in this House and I am getting a stare from the Speaker so I will choose my words very carefully, but you know, the public utilities, I like to compare them in my dream, I like to compare them with an old Chinese proverb. That proverb I like to compare with the companies and the people and it goes like this. "Sweet wine make sweet woman sour." Consequently, the public utilities company has turned the people against them because of their own actions, because of their greed, because of their desire to get more money out of the people of Maine.

All I am asking is in my bill is to hold them accountable just like you are held accountable to your family, to your expenses and to what you do with your money, that is all I am asking. If we do not run our family and our home on a budget to know where each and every dollar goes, then why should we expect the New England Telephone and the Bangor Hydro and Central Maine Power to do the same thing? When we do not clamp down on them and say listen, we want you to account to the people of Maine, we don't want to have to go up into the offices of the Public Utilities Commission to check on it, we don't want to have to go to some back room where the board of directors meet to check on it, I want to read my morning newspaper, even though I may not care for a certain newspaper, but at least they will print it, pick up my morning newspaper and say, well, this is it. Now, I may not care any more about it than that but at least it will be there.

I don't think that we, as individuals, who come into this legislature, do not know and do not understand the process of the workings of the Public Utilities Commission. It is a hard job, it is long hours, it is pages and pages and pages and pages of law entanglement but the bottom line will always say, "increase granted." Now, I think that is very important to the people. I think that is important to you as a Representative and I think it is important to the people that they are taking money from.

This book that they print is of no value whatsoever and I think they only print 30 of their largest stockholders and that I do not want to be held accountable for, it could be lower, but it is right in that area. They publish this information themselves but I would like to have it go out to the people. That is why today I want to share that dream with you because of the fact that we, as individuals, have got to do something.

I have got a couple of other bills in this that can't be debated this morning because they are not before us but those other bills will be, I am hoping, debated. They are also part of the structure that the Public Utilities Companies of this state are breaking down. They are breaking the backs of the people, they are continuously going after them for raises, and I really and truly do not know whether they are entitled or whether they need these or not, but I am sure there are intelligent people in this House, more so than myself, who are better qualified to answer that.

So, this morning I would oppose my good friend, the Chairman of the Public Utilities Committee. In fact, I am kind of surprised this morning that he chose to go against this good people's bill, but — well, we have to accept things. Maybe another day he will give me a vote on it.

I would ask today, my friends, that you read the bill over and remember what it is. It is very simple. It is a beautiful bill. It is a beautiful people bill. It is a bill you can all live with. It is something that we can go home and be very proud of. We can say, well, at least we are trying to do something for the people who have to pay these bills each and every month. If we were in a situation where you would forget to mail the bill once in a while and cross it off, well you could probably have a good argument, but they don't, where I think that they never miss a payment, I think that in all due fairness to the people of Maine that we should definitely support my bill and thank you for your indulgence.

I know that you are all hungry and it is late but I do want to thank you for listening to me this morning. I believe in this bill, it is a good bill and Mr. Speaker, when the vote is taken, I request the yeas and nays.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: There is probably no one in this House who shares with Mr. Laffin his distrust of utilities more so than I. I have stated that on many occasions on the floor of the House.

However, today, the bill that Mr. Laffin has brought before us doesn't really do anything that can't already be done. If Mr. Laffin wants something like this to be done, feels that it would be appropriate for the people to have this information, I am sure that a few ads in newspapers in the State of Maine could be purchased for less than a legislator's annual salary and he could have the pleasure and privilege of himself putting that information, which is all on public record, before the people of the state in newspaper ads. If he should choose to do that, I would applaud him for doing it because I think it is information that should be out. I think that this bill is not the approach to take on it.

I would like to briefly go through what the bill proposes and see if you feel the same way

as I do.

First of all, it proposes that the salaries of the president, the vice-president and the chief operating officer of the corporation should be listed. This information is made public record with the Public Utilities Commission, the Secretary of State's Office and it is on file in their annual reports. It calls for a listing of the payments to lobbyists, who lobby in the legislature for and against bills, that effect utilities. This information is also available in the Secretary of State's office. All you have to do is see Secretary of State Quinn, he will be glad to give it to you.

Thirdly, it asks for a list of the dividends paid during the period of time covered by the annual report to the 500 largest shareholders of the utilities who reside in states other than Maine.

Now, I had a question at the public hearing and I will throw it out to you to see if you have the same feeling that I do. I like to have definitions that are precise. I am afraid that the definition of the largest stock holders might run into some problems. Does Mr. Laffin mean the largest in terms of height, are they going to be looking for those who are over seven feet tall, or are —

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin and inquires as to what purpose the gentleman arises?

Mr. LAFFIN: Mr. Speaker, I object on the grounds that he is making fun of the bill, He knows perfectly well that does not pertain to that. The largest means in dollars and cents and he knows that.

The SPEAKER: The Chair would advise the gentleman that is not an item under which he may rise to a point of personal privilege. We are discussing the merits or demerits of the bill and it is a common practice even used by the gentleman from Westbrook, Mr. Laffin, to make fun of the legislation.

The gentleman from Orono, Mr. Davies, may proceed.

Mr. DAVIES: Mr. Speaker and Members of the House: I am perhaps a bit facetiously raising these issues because I raise them at the public hearings about that, brought than to Mr. Laffin's attention, but I do think that when we pass legislation in this House, we should say what we mean and we should mean what we say and this particular word is fraught with a lot of possible definitions, some of which could be the tallest shareholders, the heaviest shareholders. So, I think it is a question that really isn't properly addressed there.

Also, why aren't we asking for the 500 largest stockholders, whatever largest might happen to mean, here in the State of Maine and why those who are outside of the state? If you were to look into this information as I have looked into some of the large stockholders of the telephone company and some of the utilities, it is very difficult to get correct information on that because they are permitted under federal law to use merely a street address, meaning the brokerage firm that has purchased the stock for them and holds it in safe keeping for them. So, you are not going to get the most accurate information anyway.

I think the committee report says it very clearly. Eleven members of the committee, Republicans and Democrats, All members of the other body, were opposed to this idea. I don't think it is a case where we don't want the public to have information about the utilities that we do business with but it was the feeling that this is unnecessary because the information is available if someone as enterprising as Mr. Laffin should choose to collect the information and make it available to the public, it is certainly there for him to collect and I am sure the public would benefit somewhat from it. But, the bill isn't necessary. It costs us money, it costs the utilities money. I don't think it is appropriate to pass along any additional costs to the utilities because we know for sure that

they are going to find some way to turn around and put it right back in our bills.

So, I would hope that you would go along with the large majority of the Public Utilities Committee and accept the Majority "Ought Not to Pass" Report.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: It wouldn't be right if I didn't get up and oppose my pal's bill. So, while I am doing that, I would just like to remind him that I gave a speech one time quite similar to the one that he gave with the same attitude and so forth and an old gentleman sitting in the back of the room came down front as soon as I finished and he said to me, "Young fellow," I was young then, and that was a long time ago, "you shouldn't have put more fire into your speech, you should have put your speech into the fire." I never forgot that.

I am opposed to the bill because, as has been told, it doesn't do a thing that is not presently done. I think it has been explained to you and I hope you will not pass this out.

I would just like to make a couple of more comments. I am glad that the good gentleman from Westbrook told us where this bill came from because I had been wondering where it came from. In my endeavors to find out, I went out and picked up all of his bills and that is a substantial number of bills, they are all here. This one, as he told you, is his best. I don't know what he is going to tell you about the rest of these. He, by the way, is the sponsor of more bills than anybody else in either body. I guess that brings another story to mind.

One day I visited a farmer in a nearby town. He was standing in the barnyard and the chickens were running all over the farm yard. I said to the farmer, "Don't you occasionally lose one of these, a fox get it or something?" He said, "Oh yeh." I said, "Doesn't it bother you?" He said, "No, I have got so many I don't even miss them." So I would suggest that if Mr. Laffin has got this many bills, you can kill this one, because he has got so many he's not going to miss this, either.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to answer a few questions, that is all.

It is true that I do have a lot of bills. I don't have to apologize for that. I believe in them. If I put them in, I believe in them, and if I am found to be wrong later, I don't mind withdrawing a bill. You killed four of them this morning, and I didn't see anyone getting too upset over it. Anyway, that part is all right.

You know, usually when a chairman of a committee — I am on a committee and we have a very intelligent young man on that committee, and if the bill isn't just right, and many bills are not just right that you put in, they require a lot of work, they require an Attorney General to write them, and sometimes after that, they require two or three attorneys general to get on them because they are not just perfect, but usually if the chairman of the committee, if he is intelligent, if he knows what he is doing, he will usually try to put that in perspective, pick up the faults with the bill. But if we have a chairman that doesn't know or he doesn't understand the bill, he could probably care less and make the remarks that my very good friend Mr. Davies made this morning.

But the fact is and will remain, and it doesn't matter whether he is right or I am right, but why are the lobbyists for these companies always opposed to my bills? They follow me to every meeting I go to. Once I thought they were going to invite me to dinner, but they didn't. They were only down there to try to kill my bills again.

The other day I put a bill in and one of the lobbyists testified for the bill. Really, that was a

shock. No one else opposed the bill, by the way. The bill that we have before us today is opposed by them, very much so. You know why it is? Because they don't want the people of Maine to know — that is why.

I stated earlier that I could find out what I wanted to, of course I could. I can find out anything I want to in this state capitol, if I want to know bad enough, but how many people can come up here and check on things that they want to know? How many do it? We have a million people in this state — a million people. How many come up and sit in the balcony? Sometimes it is full with a hundred or couple hundred people; many times there is no one there. They don't see what we do up here. As my very good friend from Buxton, Mr. Berry, has told me so many times — that is what they send me up here for, to do all their business; they don't care what is going on, that is what they send me for. That is what he has told me, and it is very possible that is true. Maybe that is the way a lot of people in his district think, but that is not what they think in my district.

I would say to you my friends, the reason the Public Utilities Commission and the Public Utilities Committee do not want to bother with my bill today, next week, next year or anytime is because they don't want to have anyone infringe on what they are doing. If I am wrong on that, I would like to have the chairman of the committee get up and tell me so.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief this morning. When debate began on L. D. 423, I had all the intentions in the world to support the House chairman, but you know, I don't honestly think Mr. Laffin is a joke nor do I think the legislation he presents before this body in all good conscience should be laughed at. If there is any one individual who raises the consciousness in the thinking part of members of this House, I have to say it is my good and dear friend from Westbrook, Mr. Laffin.

This L. D. as it is to be quite honest with you, Mr. Laffin, is not well written. I don't think that the task that you want to perform here can honestly be done with 423 as it is, because I, myself, would not support it.

But I do believe that the members of the Public Utilities Committee, as well as the other body, if they really wanted to support L. D. 423, it should be recommitted back to the Committee on Public Utilities and you can put in the annual report of the Maine Public Utilities Commission, which goes to each and every member of this body, and we are here representing the people of the State of Maine, and do just what you want. I really don't see anything wrong with that, but I do think there is something wrong in this House when we take a legislator, who honestly attempts to present a document before this body, and try to make a laughing matter out of it.

Mr. Speaker I move that L. D. 423 be recommitted to the Committee on Public Utilities.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that this bill be recommitted to the Committee on Public Utilities.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I thank the good gentleman from Bangor for his advice; however, I am quite confident that if this bill was recommitted to the committee, it would come out in exactly the same form that it came out today, with a divided report with a large majority in opposition to it. This bill is going nowhere. While we sympathize with the thoughts of the good gentleman from Westbrook that we do something on this, he was given an adequate opportunity to come up with a redraft. I suggested some changes to him myself. There were members of the committee who were willing to put out a

redraft if he was willing to take the time to do the work to bring out something that said what he wanted to say. He didn't do it. The bill is before you and I think we should take our action right now.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am also one of the signers that did not support this bill, although I am in sympathy with my very good friend Mr. Laffin, and I think that is evident from some of the bills I have cosponsored which are coming up for hearing in the very near future, and I think as a member of that particular committee, anyone who sat in on the committee hearings knows where my feelings lie. I am a very careful watchdog and I am not going to let the public utilities get by with anything if I can help it, but this particular bill is not an answer, and I will tell you why it is not an answer.

If you as a representative want to do the job that you feel should be done on this matter, then you can do the same thing I did. I have got bulletin boards in four or five stores in my particular town, and I can go up to the Public Utilities and I can get the information, exactly what is in this particular bill, and I can type it on a piece of paper and send it up so my people can put it on their bulletin boards and it is there for them to see, because it is part of my job to let them know what is going on. I don't need an L. D. to tell me to do it.

The second thing — I question even the constitutionality of this. I do believe that there is a federal right-to-privacy act and I don't know how this would affect our federal right-to-privacy act. I think the stockholders who live in another state may question this, and I think if it went to the Federal Supreme Court, we would find ourselves in trouble and wrong. This is why I cannot support this particular type of legislation, although I am in sympathy with my good friend Mr. Laffin.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know who Representative Kelleher's remarks are directed toward, but I guess I will assume that — the old saying, 'if the shoe fits, wear it,' and maybe it does fit.

I would just like to point out that a long time ago I decided that if I was going to try to kill somebody's bill, I would rather do it in a lighter vein than to get all up tight about it, and I am sure Mr. Laffin doesn't object to that. If he does, he has never said so. This is not the first time that it has been done in this manner. I meant nothing toward Mr. Laffin personally. His bills are bad enough so I can get it all out there. I don't have to go to him personally.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill be recommitted to the Committee on Public Utilities. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: The pending question is acceptance of the Majority "Ought Not to Pass" Report. 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.

ROLL CALL

YEA—Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Bunker, Carroll, Carter, F.; Chonko, Clou-

tier, Conary, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, L.; Elias, Fenlason, Fillmore, Garsoe, Gavett, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane, Kelleher, Kiesman, LaPlante, Leighton, Lewis, Locke, Lougee, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Peterson, Post, Rolde, Roope, Sewall, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Tierney, Torrey, Tuttle, Twitchell, Violette, Vose, Whittemore, Wyman.

NAY—Brown, A.; Brown, K. C.; Connolly, Cox, Curtis, Dutremble, D.; Fowlie, Gould, Jacques, E.; Jacques, P.; Laffin, Lowe, Martin, A.; Masterton, McHenry, Michael, Reeves, J.; Reeves, P.; Rollins, Sherburne, Theriault, Tozier, Vincent, Wentworth.

ABSENT—Bowden, Call, Carrier, Carter, D.; Churchill, Gillis, Huber, Jalbert, Kany, Lancaster, Leonard, Lizotte, Pearson, Peltier, Prescott, Simon, Strout, Wood.

Yes, 108; No, 24; Absent, 18.

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

Sent up for concurrence.

On motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action of yesterday whereby House Paper 1113, Communication from Rodney S. Quinn, Secretary of State, Relative to initiated petitions relating to "An Act to Repeal the Forced Deposit Law" was ordered placed on file.

On motion of the same gentleman, tabled pending being placed on file and tomorrow assigned.

On motion of Mrs. Post of Owl's Head, the House reconsidered its action of yesterday whereby "Bill 'An Act Eliminating the Requirements for Licensing Retail Cigarette Outlets and Cigarette Vending Machines,'" House Paper 1122, was referred to the Committee on Business Legislation.

On motion of the same gentlewoman, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Pertaining to Solicitation by Law Enforcement Officers." (H. P. 1147) which was tabled earlier in the day pending reference.

On motion of Mr. Howe of South Portland, was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Clarify Home Rule Authority" (H. P. 1097) which was tabled earlier in the day pending reference.

On motion of Mr. LaPlante of Sabattus, retabled pending reference and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Carter of Winslow, adjourned until twelve o'clock noon tomorrow.