

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

Monday, April 23, 1979

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

Prayer by Reverend Clayton Alward of the North Monmouth Pentecostal Church.

Rev. ALWARD: Our eternal God and Father, we thank you this morning for this privilege we have of gathering together on behalf of this great day. We thank you Father that we can pause at this time to ask you for wisdom and knowledge, Lord, and to make proper decisions.

We ask, God, your eternal blessings upon each one here this day gathered that we might make good decisions for your honor, for your glory.

Guide us, we pray, Lord, give us strength for which we will be grateful to give you all the praise, the honor and the glory in Jesus wonderful name. Amen.

The journal of the previous session was read and approved.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE

Augusta

April 20, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Permit Deer Hunting with Muzzle-loading Rifles", (S. P. 39) (L. D. 25)

Senators:

REDMOND of Somerset

PERKINS of Hancock

USHER of Cumberland

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

SENATE OF MAINE

Augusta

April 20, 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 Relating to Nomination Petitions for Municipal Office", (H. P. 556) (L. D. 703).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and passed and ordered placed on file.

The following Communication:

THE SENATE OF MAINE

Augusta

April 20, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act Relating to Occupational Loss of Hearing", (S. P. 199) (L. D. 495).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered

placed on file.

The following Communication:

THE SENATE OF MAINE

Augusta

April 20, 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 Extend Conditional Exemption from Utility Deposits to Commercial and Industrial Customers under the Public Utility Law", (H. P. 443) (L. D. 560).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and passed and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta

April 20, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate voted to Adhere to its former action whereby it accepted the 'Ought Not to Pass' Report of the Committee on Bill, "An Act to Amend the Spruce Budworm Protection District Boundary", (S. P. 320) (L. D. 950)

Respectfully,

S/May M. Ross

Secretary of the Senate

The Communication was read and passed and ordered placed on file.

The following Joint Order, an Expression of Legislative Sentiment recognizing that: The South Freeport Church Senior High Fellowship broke the wiffle ball world record of 22 1/2 hours during a 25-hour marathon wiffle ball game and in the process raised \$200 for CROP, a hunger relief branch of Church World Services (S. P. 511)

Came from the Senate Read and Passed.

The Order was Read and Passed in concurrence.

The following Joint Order, an Expression of Legislative Sentiment recognizing that: "Aunt Eunice" Young of Lamoine, who has been a member of the Grange for 80 years and who served as Town Clerk in Lamoine for over 40 years, celebrated her 96th birthday on April 20, 1979 (S. P. 509)

Came from the Senate Read and Passed.

The Order was read and passed in concurrence.

(Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro, Recessed until the sound of the gong.

After Recess

The House was called to order by the Speaker.

Reports of the Committees

Ought Not to Pass

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act Requiring Motor Vehicles Registered in this State to Carry Liability Insurance" (S. P. 134) (L. D. 311)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 in concurrence.

Divided Report

Majority report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Relating to Holding Tanks for New Seasonal Dwellings" (S. P. 375) (L. D. 1155)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot

McBREAIRTY of Aroostook

— of the Senate.

Messrs. JACQUES of Waterville

BLODGETT of Waldoboro

HALL of Sangerville

KIESMAN of Fryeburg

MICHAEL of Auburn

PELTIER of Houlton

Mrs. HUBER of Falmouth

Messrs. DOUKAS of Portland

DEXTER of Kingfield

AUSTIN of Bingham

— of the House.

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

Report was signed by the following member: Mr. O'LEARY of Oxford

— of the Senate.

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

In the House: Reports were read.

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

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

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I will just say a few words on this. This was brought up because no one wanted to have the responsibility for holding tanks, especially the department, because they didn't have the staff to handle it. So, this is an attempt to get some legislative intent.

Thereupon, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Amend the Law Relating to the Maine Milk Tax Committee" (H. P. 206) (L. D. 254) which was passed to be engrossed as amended by House Amendments "C" (H-232) and "D" (H-243) in the House on April 19, 1979.

Came from the Senate with the Bill and accompanying papers Recommended to the Committee on Agriculture in non-concurrence.

In the House: On motion of Mr. Mahany of Easton, tabled pending further consideration and specially assigned for Wednesday, April 25.

Non-Concurrent Matter

Bill "An Act Regulating Hunting with Muzzle-loading Rifles" (H. P. 498) (L. D. 622) which was passed to be enacted in the House on April 6, 1979.

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

In the House: On motion of Mr. Dow of West Gardiner, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Fund and Implement Agreements Between the State and the Maine State Employees Association and to Fund and Implement Benefits for Managerial and Other Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act" (Emergency) (H. P. 1321) (L. D. 1573) which failed of Passage to be Enacted in the House on April 20, 1979.

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

In the House:

The SPEAKER: The Chair recognizes the

gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am here today asking those of you who behaved so admirably last Friday to hold fast.

To those of you who expect to vote yes on this question today, I would like to relate to you something that may take place one day in the future if fair share takes effect and ask you how fair you think it is.

One day the MSEA president will write the Governor and he will say: "Dear Governor: Mary Doe and John Doe have refused to join my union. They have also refused to voluntarily contribute 80 percent of union dues, so I am calling on you to execute the agreement we made and fire these people from state employment."

There are currently 2,000 to 3,000 state employees to whom this could happen. Of course, it will not happen to very many, and why not? Because faced with their livelihood, faced with the loss of their income, they will, one by one, quietly join the union or voluntarily "make the required payment" and that will be the greater tragedy, that will be the worst thing that could happen.

If these people had the financial resources to stand in defiance and be fired, public outrage would soon put a stop to the practice, but one by one we will see them comply and by so doing become the victims of the insidious erosion of individual freedom and individual dignity that will be put into motion if fair share becomes the law of the land.

We are seeing here today an attempt to cloud the fundamental policy issue that is at stake by use of a device described as a compromise, which is no compromise at all. It is being suggested that we wash our hands of this thorny problem; the problem will not wash.

Firing state employees simply because they will not pay to a union is against the principle of Maine citizens and can there be any question of this fact? I think not. This action is so repulsive to the concept of right and wrong, that I believe Governor Brennan has earned one leg on a single-term Governor trophy, regrettably on the basis of bad advice from those close to him. There is nothing wrong with the Governor regarding himself as a friend of labor but when the Governor goes to the bargaining table, he sits as a representative of the people of Maine, the whole people of Maine, not as a friend of labor or of any other special interest group. Three previous contracts have been negotiated with no such provision.

The first hundred days of this administration bang—a union sugar plum dropped right into their lap.

There are many other benefits accorded the union in this contract but none that would do as much damage to the merit system and the freedom of the individual. This is wrong in principle. I believe this action is against the principles of the great majority of my colleagues here in this body today, and it is my hope today that principle will overcome mere political loyalty.

I ask you to judge your vote today from the prospective of ten years down the road as to what this state is going to be like if this provision permeates every aspect of public employment, as it most certainly will do if you give it the green light today.

Vote no here today and send our state employees a message. The message is the money is here and waiting, retroactive to April 1st. The only thing holding it up is an intransigent Governor and a greedy union. Let us also send the Governor and the union a message—remove this odious provision and let's get on with our business.

The SPEAKER: The Chair would inquire of the gentleman from Cumberland, Mr. Garsoe—he indicated that he wanted the members to vote no. Was the Chair to assume that the gentleman wished to move to recede and concur?

Mr. GARSOE: Mr. Speaker, I realize there should have been a motion and if I didn't think it might be misunderstood by somebody, I would move that, but I am not going to.

The SPEAKER: The gentleman may if he so desires.

Mr. GARSOE: No, I wouldn't be caught dead moving that.

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

Mr. TIERNEY: Mr. Speaker, I move that the House recede and concur.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: The name of the game today is green lights and red lights. I feel that our green lights would have been lighted three weeks ago had it not been for the "pay 80 per cent or be fired" clause. There is no question in my mind that the state employees have, again been used by the makers of this employment contract. Knowing all of us want these folks to have their raises, it was felt that this is the time to get a bite from the minority.

Ladies and gentlemen, my philosophy has been not only to belong but to participate in an association related to my vocations as well as my avocations. I have done so by choice. There is no doubt work of these associations have many times contributed to the welfare of non-members in the same vocations and avocations previously mentioned. This freedom of choice is one of the prices for living in a free society and I, for one, feel it is well worth it and I hope you do. This freedom of choice also keeps associations viable, always trying to prove their worth and thus inducing non-members to join and participate. We have seen this very thing happening to the MSEA in recent weeks, increased membership. I am sure these new members who have committed themselves voluntarily will make good members.

Let's get back to the freedoms on which our country was founded. Send this bill back for the removal of the "80 per cent or be fired" clause, so we can all light up the green lights and give the state employees the money they have long deserved.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: As early as seven o'clock this morning, I was having a very friendly discussion with the minority leader, Mr. Garsoe from Cumberland. He was in his office, incidentally, and I was 30 miles away, and I felt that I wanted to talk to him. I have always liked him. He believes in taking one position, as Mr. Leighton believes as Mr. Morton believed in last week and certainly that did not make us in any way worse enemies. I got from him the same conversation when he spoke this morning as I got just now on the floor of the House, and that is the whole point of the matter.

There is nothing that we can do about this now. Our job on the Appropriations Committee in bringing it back here on a vote of 13 to nothing, never mind what was said after we voted at the Civic Center, the fact of the matter is, we voted 13 to nothing to pass this bill unanimously. When you do something on Wednesday afternoon, usually you are in the habit of doing the same thing on Thursday morning, at least I am in that habit, and I like to keep that habit.

I am not here to criticize, as I stated last week, the friendly. I could never, in all honesty, stand here and even speak harshly of the gentleman from Cumberland, Mr. Garsoe, because of my personal feeling about him. I might go in his office and close the door and throw a few paragraphs at him, but nobody else but he and I would know about it, and that would be done in a friendly fashion.

I am here today to give you possibly another version of things that are going to happen. There is word here that we have 104 votes to

pass this, we have 101, we don't have 97, we have 98, we have 99, whatever happens, we have got 34 days left here. We are meeting for three days, beginning at eight o'clock tomorrow morning and there is only so much legislation that you can pass. There is only so much that will come in here and stay here.

The fact that I have been absent at times doesn't mean that I haven't done my share of work. I have worked my heart out, and I worked my heart out giving my word to the Republican members of the Appropriations Committee, and the gentleman from Cumberland, Mr. Garsoe, knows that because I told him so, that I wanted no part of touching Part I, because we couldn't afford to do it timewise. If something is wrong with Part I, we will pick it up on Part II. If something is overfunded in Part I, or underfunded in Part I, we could take care of it in Part II.

The Committee is now in the throes of starting to get its teeth, not fully but starting to get its teeth into Part II. Besides that, they have got a stack of bills a mile long that they haven't worked on. Bond issues haven't been worked on, and believe me, if you think that Part I was easy, I can assure you that when we get to Part II, it is going to be an easy task. In the meantime, the clock is going around, and from what I can gather around here, you couldn't get 30 votes to reconvene after we adjourn. We adjourn and we go home.

A lot of you have committed yourselves to bring home legislation, and some of that legislation has a fiscal note on it. Now, just hear this and hear it loud and clear, because believe me, if this doesn't pass this morning, it is going to be tabled until tomorrow. If it doesn't pass tomorrow, it is going to be tabled until the next day and the next day and the next day and the next day until we get 101 votes, and if we don't get 101 votes, there might not even be a Part II.

All these measures that are on the Appropriations Table, which is getting to be a mile long, all these measures that are found in every committee with price tags on them, all the measures that are already in the committees with price tags on them, all the bills that Part II will entail, and the bond issues and the programs have got to be acted upon. There are three things that can happen to them, and I refer myself to the Speaker—the first thing is that we will adjourn sine die and all measures that haven't been acted upon are dead; or, two, a sweeping order would be put in, a joint order would be put in, which is sometimes hard to get by, that these measures, all of them, when we return next year will come back in the status that we left them in, and that is a little bit doubtful; or, three, that they would be coming back here and we only have 50 days to act on them, and that alone would take 25 or 30 days.

Now, the gentleman from Cumberland, Mr. Garsoe, has talked about the odious clause, and I respect his language. I did get a kick out of calling the Governor out by a mile. I don't know if he was talking about the present umpires in the American or National Leagues, because I can tell you one thing right now, if he is watching some of those games, and I saw some calls that were brutal because they are only getting \$108 a week anyway, that is scab labor, and they should be getting it.

I respect all of his opinions. I know what his beliefs are, and if I were in his shoes, I am sure that he would respect my position. As far as I am concerned, you know, when I sit at a meeting of my own work as part of a corporation, and many of you know the corporation I belong to, the meeting of the board of officers is not exactly shared by many and it is not exactly a meeting of the AFL-CIO, so possibly I might have some of that thinking. But right now we are told to work and talk on the money, act on the money. The courts will address themselves to this, and I am with that. I stand hand in hand with the gentleman from Cumberland, Mr. Garsoe, and some of you other gentlemen. How

do we know what the courts will say? How do we know what language they will put in. The fact of the matter is, we cannot address this language.

Be that as it may, and I know I could probably talk for 14 days and 14 nights, but this has not been brought about. Believe me when I tell you this, this will come back and back and back, and the longer it comes back and the more often it comes back, the more and more some pet projects might be flying out the window. That is not a threat, it is a promise that I make as an individual member of the committee, if it means anything. I have seen it happen before and it is going to happen this time.

If we were 35 or 50 votes away, that is another matter, but when you get up to 97 or 98 or 99, or 96, it is time to say, well, this is going to go anyway. I ask any one of you to tell me that something of a magnitude of this measure here that has come so close has not eventually become a law. Why delay it any longer? Why make some of us come back here who should not be here? I want to be here and I guarantee you, I will be here everyday, no matter how, and if it doesn't pass this morning, we are going to get 101 votes before we get out, and if we don't get 101 votes, and if you think that is a threat, you are wrong—it is a dead set promise. We cannot afford to fund measures when we haven't given the state employees any money for four years. They have had all the conversation they need; now they want bread, and I don't blame them.

Mr. Speaker, if a roll call has not been asked for, I ask for a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has requested a roll call vote.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to get into the debate on the state employees' contract, but the gentleman from Eagle Lake, the other day, mentioned my name in the context of the Hay Plan controversy, and a number of memories did come flooding back to me and a number of thoughts have been circulating in my mind as a result of our discussions here.

First, I would like to say that my recollections of the Hay Plan controversy match those of the gentleman from Eagle Lake, that his bringing it up here was not a strawman, as the gentleman from Cumberland has suggested, that it did represent in the minds of many what was hopefully the last intrusion of the legislature acting in that case in behalf of management into a process of negotiation. In this process of negotiation, the 106th Legislature had declared would supercede all attempts to structure state government—state employees relations. In other words, they had established a collective bargaining process which then, at the time of the Hay Plan controversy, would still not be fully flushed out or in place. But the Hay Plan is ancient history and we are here today dealing with the very essence of state government—state employees relations, the collective bargaining process itself.

As the debate has developed, I have been struck by a number of things that have been said. I have been amused, for example, by the straight-forward earnestness of my good friend from Harrison, Mr. Leighton. In the bluff and hardy manner of an old time highway man, he is really saying, well, I have got this gun at your head fellow, hand over your wallet and then I will let you go on your way. To Mr. Leighton the issue is simple—strike out the clause that offends him and he will be happy to support the settlement, without perhaps realizing or wanting to realize that the clause that offends him was part and parcel of that entire settlement, that something else may have been bargained away for it and that without it, final settlement might look very different from what we have been offered.

I was struck, too, by the words of the gentlelady from Bangor, Miss Aloupis, who reminded us that America is the land of free choice. Yes, that is certainly true, I thought, but America is also the land of majority rule, that once we have election on a subject and a majority prevails, the losers bow to the wishes of the winners. We have made our democracy work on that principle for over 200 years.

It was stated in the debate the other day that bills establish agency shop or other measures relating to union security have been defeated in this body in the past but still have yet to be considered in this session, and that the contract was simply a way to circumvent the legislative process and achieve this purpose without our approval.

Let's turn this argument around. In the past, so-called right-to-work legislation has been defeated in the Maine Legislature. I believe that the issue even went out to referendum a number of years ago and was handily defeated by the people of the state. We have right-to-work bills before us in this session that we have not yet considered. Is not the attempt to remove Mr. Harrison's offending clause nothing more than an imposition of a right-to-work law without going through the legislative process? Think about it. By removing the offending clause, you are in effect saying what right to work says, that an employer and an employee are forbidden to bargain in a certain manner, even if both parties wish to do so and, parenthetically, where is the freedom of choice there?

I have not had the time to research the debate of the 106th Legislature when the collective bargaining law was established, but if my memory serves me correctly, I recall that some of the opponents of collective bargaining tried to discourage us from going to collective bargaining by saying that the process wouldn't work in government, that the legislature wouldn't be able to keep its fingers out of the pie, that despite all assurances written into law that the legislature would only deal with the fiscal aspects of the settlement, we would not be able to refrain from our natural bent to want to be able to amend, change, bargain, whittle away, nitpick and all the other things we do almost by instinct when we get our hands on a piece of legislation. But this settlement is not a piece of legislation as such, although it is in legislative form, and the suspicious part of me wonders if this confusion is not being manipulated deliberately to fry some bigger fish here.

What really is at stake here is not just the offending clause of fair share or agency shop or whatever, but the collective bargaining process itself.

After almost seven years, up to thousands of hours of work, negotiation, painstaking effort, the system established by the 106th Legislature has brought forth its first settlement. What better time in the minds of those who never wanted collective bargaining in the first place to show that the nightmares of legislative interference conjured in debate were now about to wreck our settlement. See, collective bargaining won't work because the legislature will get into the act, say those who are getting the legislature into the act.

I can appreciate the feelings of my colleagues who sincerely rebel in their conscience because of the idea that a person might lose his or her job for refusal to join an organization. They are sincere in feeling and stand for that minority of 2,000 resolute individualists who aren't going to be forced to join anything, although I would state that the number has been considerably reduced in the past few weeks because there have been more than 600 new memberships come into the MSEA since this controversy began and more are flooding in every day.

Be that as it may, I am not happy with the offending clause either. I have some sensitivity to the person who might not want to be coerced

into joining an organization. If I had my druthers and this were an ordinary legislative act with which I could tinker, I would prefer to see a provision that those who did not wish to be represented by the bargaining agent did not have to share in the settlement and reduce the amount of the settlement accordingly. But by my rights, I do not see that I have a right to tinker.

I voted in the 106th Legislature to establish a collective bargaining process and I, too, at the time, had misgivings that the legislature could not keep its hands off. Nevertheless, now that those fears have been borne out, I am going to stick with the process that we established back then as public policy for the relationship between state employees and the state, that they would bargain between themselves, but I might want to see in that bargain is irrelevant except for the price tag, hard as that might be for us to swallow. Otherwise, and I know this is the secret wish of some who are leading the charge to interfere, we will destroy the collective bargaining process itself.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that you, like I, have done a great deal of soul-searching over the weekend, and in the process there is one ugly word that keeps coming back to mind, and that is the word 'hypocrisy'. Hypocrisy is defined as a feigning to be what one is not or to believe what one does not, especially the false assumption of an appearance of virtue.

It has been argued that the legislature may, only pass on the funding of state employees' contracts and therefore, the fair share provisions is off limits. But if we approve the contract as negotiated, we are doing nothing less than appropriating \$152,880 per year in tax dollars to a private organization, the MSEA. We would be mandating that \$1.47 per week will be withheld from each non-union employee's pay. Multiply that by approximately 2,000 employees, it gives us \$2,940 per week or \$152,880 per year. That is money taken out of the homes of 2,000 employees, money that is taken out of the general economy of our state, money that must be raised and appropriated by the taxpayers acting through their representatives, the 109th Legislature of the State of Maine. Let me remind you that this figure of \$152,880 will be the price tag for every year to come.

Is this meddling in contract negotiations? Is this tinkering with the bargaining process? Is this union busting? Is this beyond the legislature's authority, even its responsibility, or rather is this the very fabric of the legislative process to approve or disapprove the raising and spending of public funds.

So, I say with all due respect, Governor Brennan, I cannot in good faith vote to raise and appropriate that \$152,880 for the MSEA.

Mr. Speaker, I cannot in good faith vote for a long overdue pay raise when it is conditioned on such an appropriation.

Mr. Tarbell and Mr. Tierney, I cannot in good faith shut my eyes to the fiscal impact on a fair share provision for this year and of the years to come.

My fellow Representatives, let us not falsely assume an appearance of virtue in voting for a pay raise while abdicating our sworn duty to the taxpayers of the State of Maine.

Earlier this morning, I suggested that those who would have trouble in voting on this issue might just refrain from showing a green light but that to me, I realize now, is like showing a yellow light, a yellow light of a coward.

I urge you to show the red light.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't think today we have to apologize, I don't think today, after waiting almost five years, that there is any

member of this House who has any doubt, I realize that we get up and talk about words that we have used somewhere or we dug up somewhere and we look up somewhere to pinpoint a certain item that we would like to defeat and there is nothing wrong with that. Sometimes I even look up certain words because I like to use them on the floor of the House but I find it inappropriate to use them. Today I am not going to use any words.

Today I am going to ask you to be fair. I am going to ask you to have a little respect and I am going to ask you to have dignity for the people who deserve this money. We are not talking today about what may go to the courts. The court will take care of that.

There are those here who say, well, the Governor is being supported by the unions. Well, let me tell you something, when the Governor of this state ran in the Democratic primary, those unions of state employees did not support him. In fact, they gave money to his opponent. They didn't support him, but now that it is over, he is to represent them.

I am not very pleased with some of the things that the Governor of this state had done. I am not going to criticize them this morning because there might be something in the contract we may not agree on 100 per cent, but I will tell you something that we must agree on, we have to give people more money to take home to encourage them to work and keep them on the jobs. You can talk for a million years and it will never take the place of a take-home pay, the pay they need to support their families with today. It doesn't matter what happens down the road. If we took that attitude, I don't think many of us would pass any bill in this House. There are going to be bills coming in here from judiciary, and if you are going to look down the road on certain ones, we are not going to have anything. I have one that will be debated that way.

Today we are talking about dollars, dollars that will buy a buying power for the things the people need to take home. We should encourage that. We should give them a raise. They are entitled to it. I don't believe that is asking too much, to give people who have been loyal and faithful, I don't think it is asking too much that we should say, well, you probably need the raise but we don't want to give it to you because there is something else where the court may not rule in our favor. I don't think that is the issue. The court may rule that the unions and the Governor were wrong. They might rule them right, I don't know, I am not a lawyer. The way I look at this is, there is nobody in this House that knows either.

We don't know what is going to happen but we do know that if we give them a raise, they will be taking home pay retroactive from last April that they are entitled to. That is buying power and that is what we should have, that is what we should do. If we sit and say, no, you can't have that buying power because something is going to happen that we may not approve of, the state employees have never done one thing for me but they are working people. There are a lot of other working people who never did anything for me either, but I will stick by them.

I asked a couple of state employees to help me on capital punishment and they turned me down. That is their prerogative. They don't owe me anything. The working people all over this state don't owe me anything, but I will tell you what, I owe them, common sense, respect and dignity—that when a pay bill comes before this House, we have a moral obligation to support it, regardless of what else you throw into the picture. We have that obligation for the respect and the dignity and if we are not going to do that, then let's tell them once and for all, we are all done and go home and forget the whole thing.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: In the past two years, I have attended several meetings of the chapters of the Maine State Employees in Washington County. As a result of those meetings, I have learned of the hardships that the Maine state employee in my area are living with. I gave them my word at that time that I would support any pay raise that may come before this body, and I will continue to support that pay raise. The time has come to live up to that commitment, and that I will do.

I don't agree with the cited clause in the contract, a great many of us don't, but I know that the state employees in Washington County are hurting financially. It is for this reason that I will keep my word to them.

I have been told that the state employees will receive their pay raise eventually; this could go on for months and eventually is not soon enough for me. I have been told that I am voting for union plums. For the Governor's ego, and, believe it or not, I have been told that I am voting for personal gain. I am not voting for union plums, I am not voting for the Governor's ego and I am not voting for personal gain, even though I may have a yellow streak up my back. I am voting for the state employees who are a pawn on this chess board of political maneuvering.

The past few hours, just before we came into session, I have taken a great deal of pressure from my colleagues here. Nothing is going to change. I have been accused of deserting the Republican Party. I am not deserting the Republican Party. I was born into the Republican Party, I adopted the Republican philosophy at an early age. I ran for office as a Republican and I will die as a Republican but that doesn't mean I have to sell my principles to satisfy the whims of a few. I still have my principles that I must defend and those principles include the welfare of my fellow citizens. Believe it or not, the Maine State Employees fall in that category.

I will vote for the recede and concur motion by showing a green light on the board. Believe me, that is not the act of a coward.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I just have a couple of comments I would like to make. One of them I covered somewhat last week. I think when the public employee negotiation law was passed, I remember very well one person speaking on that bill. He was a member of the committee that worked to draw up the original report that became the basis for the bill. He, at that time, indicated that there probably were problems to be found in the bill, that a bill of this type would have to be worked out through trial and error, court tests and many other considerations before it finally becomes workable law that we might want to live by. Because of the complicated nature of this subject, this is the only way it could be done.

If we want to look back at the National Labor Relations Act which we passed in 1936-37, we are still getting decisions coming down interpreting that piece of legislation, and that is 40 years ago.

I think this is the first real test we have had of the Maine State Employees Labor Relations Act. Last summer, after long, long negotiations, which broke down several times under the previous administration, the contract negotiations were sent to fact finding. I understand that was done in July. The fact finding report was finalized in October as far as the hearings and discussion with the two parties were concerned. The final report was released in January. It is my understanding from all the information I can get, that the report was not the product of this administration. The report was developed during the period when the previous administration was in office. The report was released to the state employees on the 8th

of January. The number one item in that report is the issue that is in this contract today. I think that I could have accepted it with the original bill, I had no problems, but the method of sending it to court and getting a decision would be one of the things that was made by the original people who spoke on this bill six years ago when he said that it was going to have to be tested in various ways. I think this is the test of it today. I think the sentence of this, the recede and concur, and allowing this particular part of it to be developed or processed in the method recommended in the legislation is an excellent approach and I hope that the recede and concur motion does prevail.

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

Mr. TARBELL: Mr. Speaker and Members of the House: You know, for several weeks now, we have been listening to all the arguments on all the sides of this issue. It is really ironic and unfortunate that during this entire period of time and during the period of time that we have been in session this year, we have been waiting for this contract to come forward. We were all unanimously in favor of funding a pay raise for our state employees and our state workers that have waited for five years for a contract under the new collective bargaining system to come to fruition. I know today that we all still unanimously support that pay raise. It is really unfortunate that rhetoric, inflammatory in many instances and misleading in others, has really clouded the true issue that is before us. It is really unfortunate that state employees are caught in the crunch.

My good friend from Westbrook, Mr. Laffin, earlier was talking about respect and dignity of the employees, they are entitled to their pay raise. He is absolutely correct, but what about the respect and dignity of the state employees in the pay raise that were shown or not shown by those at the collective bargaining table when they negotiated this contract and they placed this snag in the contract? It was bound and determined to get caught in the legislative process. Where was the consideration for the state employees and our state workers that have waited so long during that negotiation process? Where should the onus really be placed today? Where should the burden really be placed? I submit to you it is really the Governor and the MSEA officials at that bargaining table, then and now, that have held up and continue to hold up the pay raise. I suggest to state workers throughout the state, you are pointing a finger at the wrong party and at the wrong branch of government.

Let me give you a couple of reasons why. It has been argued that if we tinker with one single word in that contract that compromises the collective bargaining process, that constitutes meddling in the collective bargaining process.

And my good friend from Lisbon Falls, Mr. Tierney, another attorney which can agree or disagree with me, and he does disagree in this case, but I submit to you that the collective bargaining process has already been compromised. It is compromised at the very table when the parties sitting at the table negotiating the contract go outside of their statutory authority and negotiate something where there is no statutory authority passed by the legislative branch, which is supposed to be deciding the important state policies in written law and writing the law in the State of Maine for our people.

The minute the parties go outside that contract now it is statutory authority and beyond that they are off limits and that compromises the integrity of the collective bargaining process. That also goes one step further, it constitutes meddling in the legislative process. So, I submit to you that the shoe is really on the other foot in this case.

Now, let me ask a couple of questions. If that contract had a provision in it that said every

state employee would have to take a lie detector test and pass a lie detector test in order to keep his or her job or to remain employed or to get a job with the State of Maine, is that something the legislature has to turn its head the other way and ignore because it is not a cost item? If there is a provision in the state employee's contract which violates the Maine Human Rights Act and there is a provision in the bill before us that says that the bill and the contract will supersede all other state law that might conflict with it, does that mean we have to turn our head to the Maine Human Rights Act because it is not a cost item?

What if there is a provision in the contract that says promotions will only come within that collective bargaining unit. But if you are a state employee and you are an engineer working for DEP and there is an opening in the Highway Department for an engineer, you cannot apply for that merit or if you are a private citizen you cannot apply for that because you are not a member of that unit? The Legislature has to turn its head and look the other way, it is a non-cost item? You could go on and on and on.

The argument has been made and the argument will continue to be made, and I think unfairly so, that we have to completely look the other way, no matter how ridiculous or absurd some provisions might be that go into that contract. That just breaks the bounds of propriety and common sense. The legislative branch cannot abdicate those kinds of responsibilities.

You know a lot has been said about the fair share doctrine. We have some 75 percent, I estimate, of state employees that are within these collective bargainings under these five contracts that belong to the MSEA, roughly 25 percent, give or take a few percent, do not belong. The argument is that 2,400 state employees are free loaders. They are not contributing their fair share and it is unfair. It sounds good on the surface but harken back to the collective bargaining bill in the 106th Legislature. Who was it that was asking for the exclusivity to represent all state employees whether they belonged to the union or not? We want to represent all of them whether they belong to MSEA or not and so it was granted by the Legislature. Now that it was granted, they turn around and say, well, now there are some that don't belong and we have to represent them by statute and it is unfair, they are free loaders, you have got to have them contribute to us. Now, that is the kind of logic that we are faced with today and we have been faced with for the last several weeks.

Now, with respect to the fair share doctrine, there is some validity to it. I think most people in their minds can grant some validity to it. For example, if you are a non-union state employee and you have a grievance and it is very legal in nature and you have to hire the MSEA attorneys and they have to litigate it with appeals up through the courts and the Maine Labor Relations Board, that can be extremely costly, and if you are a non-union member and you receive that kind of a benefit, it seems to me that there should be some kind of a contribution and reimbursement as a non-union employee. I think that is fair.

You know, we have a bill before us, in fact, we have two bills in our Labor Committee, and I have stated this over and over again, that could be adopted and could be fashioned and formulated in such a way to address this fair share issue.

I submit to you that if this bill does not pass enactment today and fails once again in this body, that there are a couple of things to be considered. First, the state employees and the people of Maine look to their MSEA leaders for the resolution. Give us a bill to fund the pay raise without this onerous and without this disputable clause, let the legislature, which is supposed to write the laws and make the state policy, handle it in the two bills we have sitting

in our Labor Committee. Let us take care of that once and for all in a fair and deliberate manner. Let's address the Governor and the MSEA if this matter fails. Let's stop all the rancorous rhetoric and debate and let's get down to the issue, which really is here, and that is the pay raise.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bangor, Mr. Tarbell has used a plethora of words and even attempted to use the word logic upon occasion. It reminded me of a remark that Kam Wu made about 25 years ago, which was that despite the magic of words and the acrobats logic to understand is above all to unify. I am afraid the good gentleman from Bangor has done very little to unify the debate. As a matter of fact, he left me personally perplexed as to how he is going to vote. So, I am going to ask the good gentleman from Bangor, before he leaves, if he would come back and, at least, tell the good House after the excellent speech he gave us, is he for the pending motion or is he against it?

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I was particularly appreciative of the remarks of the gentleman from York, Mr. Rolde. I would like to assure my friend that as a highwayman, I am forced to look down the road but, in my choice of weapons, I will be choosing a rifle rather than a shotgun.

Today, I was joining the House debate that asks and answers the rhetorical question, when is a pay raise not just a pay raise? A pay raise is not just a pay raise, when they will only let you have it, if you give them something in return, like a large slice of individual liberty or a like agreeing to fire over 2,000 state employees if they don't pay tribute to the union against their will.

I stood here last Friday afternoon and suggested a game that the objectionable clause be removed over the weekend, so that today, we could enact the pay raise but, instead, here they are again back with the same deal, seeming to care more for their agency shop clause than for the plight of our state employees and their need for a raise.

Let me put it in stronger terms. The people of Maine demand that this contemptible clause be removed today so that Maine people can work for their own government without being compelled to pay tribute to a union against their wishes and so that our good state employees can get their long awaited and well deserved raise.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: To try and answer, I guess no one has tried to answer the question of my young colleague from Bangor. I would tell him that I feel that the matters that he asked about, if they were included in the plan, would, indeed, be a matter for the courts to decide if the plan came through with those different matters in them that he mentioned.

As I said Friday, I think it is unfortunate that we keep debating the issue that was debated before, the infamous Hay Report, which was passed as a trade-off. I, along with my good friend Mr. Rolde, opposed that and opposed it all during the session, went back and came back to a regular session to cement the concession.

The third and final point I would make, because I don't know how my young colleague is going to vote from Bangor, he voted with us Friday after debating against the bill, and I hope that he is still confused today and will continue to vote with us, because there are many, many, many Republican state employees out there, state employees don't belong to just one

party, they belong to both parties.

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

Mr. JALBERT: Mr. Speaker, Members of the House: First, I would like to address myself to Mr. Leighton if I may. Mention was made by the good gentleman if we would remove this clause and then go on with this thing. We can't remove it, that is why we want to go to court with it. If we removed it, we would have to pack the whole deal up, go back to the negotiating table and by the time we get through doing that, it would be some time in August and the deadline for adjournment is June 8.

To answer the young man from Bangor, Mr. Tarbell, who said we should stop our rhetoric after he had spoken for some 20 minutes, I am willing to stop but I am not going to stop if somebody else is going to get into the act. He talked about a wise man, talking about fair share - well, I want seven wise men to discuss fair share. Seven wise men said what they thought of closed shop and what it was, that a closed shop you join, you become a member: a union shop, in 30 days you became a member. Agency fee, you pay your dues, you didn't have to be a member. The court specifically said they did not want to intimate anything wherein it concerns fair share. That is why we are asking them to do it, that is exactly what we are asking them to do.

I don't know what they are going to say, as the gentleman from Westbrook said, Mr. Laffin, they may say five to ten, they may say zero, they may say fifteen, they may say thirty. I don't know what they are going to do. We have three systems in this state, don't you have any faith in our judicial system? I do. I have faith in the legislative system, as I have faith in the executive system.

On two occasions, the gentleman from Brewer, Mr. Norris, has spoken very, very briefly and he has not clobbered the books about rhetoric. He has stated it right on the line just the way it is, without rhetoric, some of us can't do that. We love to listen to ourselves talk. I happen to be one of them and I have never denied it.

The fact of the matter is this, I said right on the floor of this House the first day we were in session when we were deciding whether one man should vote or shouldn't vote, the trouble started then and it has kept on going and is going to keep on going. I can assure you of one thing - sometimes it is tough sledding to crawl up here, but I guarantee you, I am coming up if I have to come up on my hands and knees, because I am going to get in on this charade and I am going to play what is called hard ball. I don't know how to play softball. I am going to play harder and harder and harder.

I give my word, I keep my word and I guarantee you, I am going to take one long, hard look at what bills are flying around here. We are going to get 101 votes in this House. Maybe not today, maybe I am not changing one vote and, frankly, I could care less, but I am going to get something off my chest after coming up here this morning.

What has happened since I got up this morning, maybe in jest, maybe serious, I don't know how it happened, but the word yellow came up. My light on my thing almost went up - I would have taken it off its hinges but there were other people who got up before me and it is going to get rougher. We can't go back, it is impossible. We are going to court, where we should go, to find out once and for all, will this court of Maine, one of the finest in the country, finally decide if they want to intimate anything. Once that happens, I shall abide by it. I didn't put it in, I didn't know a thing about it until I read about it two or three days after it came out. somebody happened to hand me a copy of it. But I can guarantee you that we are heading in the wrong direction and I am not taking issue with anybody that is going to make harsh words

here because it is going to happen. It is bound to happen once it gets out of the hall, it is all over as far as I am concerned.

I see my good friend from Dixfield, who has been a close friend of mine for many years, we don't happen to take issue on this thing, this certainly is not going to infringe on our friendship, but somewhere along the line, we have got 34 more days to go and we are going to have to resolve this problem and we are going to have to have 101 votes to resolve it.

The good gentleman from Cumberland, Mr. Garsoe, who know how to play hard ball, believe me he knows how to play hard ball, I have watched him. I have listened to him, I have seen him in operation. As a matter of fact, I was once asked to go on a negotiating team with him. I was going to represent labor, and my answer was very brief, I don't like to be spit out like ice cubes. I will see him at a Democratic caucus, and I am not playing any violins.

We are going to get 101 votes. It is 97 now, it is 98-boom - it lays on the table, back it comes tomorrow - 97, 98, 99, back it comes tomorrow, we have time, but if it doesn't come, Mr. Speaker, by June 8, then I move we adjourn sine die and all chestnuts die with it, price tags, baubles to bring home, christmas presents to bring home, everything gonezo.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to get something off my chest this morning, too. This issue has been, without a doubt, the most difficult issue for me this session. I rise before you this morning as a former member of two unions and as a former employee of the State of Maine. Twice I have voted for the contract that is before us, twice I have voted for that contract with the mandatory fair share clause. Ladies and gentlemen, after those two votes, I didn't feel very good about myself. I had a problem with my own philosophy and with many of the philosophies of the folks that I represent back home.

The issue before us does not concern the question of whether or not the state employees deserve a raise. There is hardly one of us who does not believe that the raise is well deserved and long overdue. We are debating the philosophical question of forced payment to a private corporation in order for any of our good citizens to hold a public job.

My good friend, the Speaker from Eagle Lake, in his remarks last week referred to nit-picking because of, as he described it, something in the contract. That something in the contract goes against the grain of every free American and its long-term effects on government are more far reaching than any of us realize.

As I listened to the Star Spangled Banner this morning in this great hall, I was overwhelmed by the freedom that is expressed in that wonderful anthem. Our government is a government of all the people. It is a government that is an expression of every citizen of this state and country. If our good people wish to serve their government, they should be able to do so without coercion from any outside force.

I stand before you as one who is pro labor, but I oppose extremism at either end of the spectrum. I will oppose right to work legislation, but I want to emphasize to you that the two issues are very separate. The contract before us involves the public sector, which is financed and supported by every taxpayer in this state and the government that the taxpayers support should be responsive to all citizens without regard to party or organizational involvement.

The state employees have been sold a bill of goods. This legislature is not holding up their raise, it is being held up by their own union, the MSEA. The raise will be approved and it will be retroactive, but I can only, in good con-

science, support the pay raise without the mandatory fair share clause. As has been pointed out very eloquently, this can be done and it can be done very quickly.

It is easy to make the popular choice on a matter such as this, but my constituents did not send me down here to take the popular way out or the easy way out of a very difficult decision. This is a hard choice, one which took a great deal of thought. I have chosen the difficult route by the one that I believe is right.

I will not take a walk on this. I won't take a walk on this issue or any other issue. My constituents in the State of Maine will always know where I stand on any of the issues. I am pleased to say that I have not received undue pressure from my party or from any of my colleagues. My choice is my own and I believe represents the feelings of my people back home.

After much soul-searching and much discussion with my constituents over the weekend, I will be voting no on the pending motion. It is clearly a question of right and wrong. It is very right to give the state employees a pay raise, but it is wrong to require public employees to pay a fee to a private corporation in order to serve their government.

I urge you, my friends, to vote no on the pending motion so that we can proceed with providing 9300 very special people with their much deserved pay increases.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the House recede and concur. This requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

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

Mr. McMAHON: Mr. Speaker, I wish to pair my vote with the gentleman from Farmington, Mr. Morton. If he were here, he would be voting no and I would be voting yes.

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

Mr. HANSON: Mr. Speaker, I request permission to pair my vote with the gentlelady from Lincolnville, Mrs. Hutchings. If she were here, she would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Lowe.

Mr. LOWE: Mr. Speaker, I request permission to pair my vote with the gentleman from Woolwich, Mr. Leonard. If he were here, he would be voting no and if I were voting, I would be voting yes.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A., Brown, K. C., Call, Carrier, Carroll, Carter, D., Chonko, Churchill, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Drinkwater, Dutremble, D., Dutremble, L., Elias, Fowlie, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Jacques E., Jacques, P., Jalberty, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A., Masterman, Matthews, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M., Nelson, N., Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, J., Reeves, P., Rolde, Simon, Soulas, Strout, Tarbell, Teriault, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Bordeaux, Bowden, Brown, D., Brown, K. L., Bunker, Carter, F., Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Higgins, Hunter, Immonen, Jackson, Kiesman, Lancaster, Leighton, Lewis, Lougee, MacBride, Masterton, McPherson, Nelson, A.; Payne, Peltier, Peterson, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tierney, Torrey, Twitchell, Wentworth, Whittemore.

ABSENT — Austin, Lizotte.

PAIRED — Hanson—Hutchings, Leonard—Lowe, McMahon—Morton.

Yes, 92; No, 51; Absent, 2; Paired, 6.

The SPEAKER: Ninety-two having voted in the affirmative and fifty-one in the negative, with two being absent and six paired, the motion does not prevail.

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

Mr. TIERNEY: Mr. Speaker, having voted on the prevailing side, I move that the House reconsider its action whereby it failed to recede and concur.

On motion of the same gentleman, tabled pending his motion to reconsider and by unanimous consent made a special order of the day assigned for 9:30 tomorrow.

Mr. Garsoe of Cumberland was granted unanimous consent to address the House.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make a statement that there are three branches of government, and no one is ever going to be any prouder than I am to belong to this one, and the people of the State of Maine are never going to be any more thankful than they are to the minority that put a stop to this piece of business here today, and I hope we will continue to put a stop to this piece of business here today. And I predict that they are not going to think very well of the threatening remarks of my good friend, the gentleman from Lewiston, Mr. Jalberty, when he proposes to emasculate the process that we are here to uphold and put it back and put it back and put it back, and I will tell you, sir, you can put it back until Hell freezes over and we are not going to pass it.

Mr. Tierney of Lisbon Falls was granted unanimous consent to address the House.

Mr. TIERNEY: Mr. Speaker and Members of the House: We have a lot of business to do today, and I felt that in granting unanimous consent to my good friend Mr. Garsoe, that he was not going to try to continue on the debate, because I feel that to debate an issue under unanimous consent, in my personal opinion, is a flagrant abuse of the process and a flagrant abuse of unanimous consent.

I will say to the good gentleman from Cumberland that we will have a lot of opportunity to debate this matter in the future because it is not going to go away, and I think that we should proceed with our calendar.

Orders

An Expression of Legislative Sentiment (H. P. 1323) recognizing that:

Leone G. Allen of Scarborough has been named New England Agent of the year by the members of the Independent Mutual Insurance Agents of New England at their 36th annual convention.

Presented by Mr. Higgins of Scarborough.

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

An Expression of Legislative Sentiment (H. P. 1322) recognizing that:

Joan Benoit of Cape Elizabeth, Maine, a Bowdoin College Senior, has won the women's division in 2:35.15, the fastest time ever recorded by a woman in the Boston Marathon.

Presented by Ms. Benoit of South Portland (Cosponsors: Mrs. Masterton of Cape Eliza-

beth. Senator Gill of Cumberland and Senator Traflet of Androscoggin)

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

House Reports of Committees Ought Not to Pass

Mr. Diamond from the Committee on Appropriations and Financial Affairs on Bill "An Act to Dedicate Lottery Revenue to Programs for the Elderly" (H. P. 866) (L. D. 1063) reporting "Ought Not to Pass"

Mr. Boudreau from the Committee on Appropriations and Financial Affairs on Bill "An Act Revising the Pauper Laws" (H. P. 776) (L. D. 978) reporting "Ought Not to Pass"

Mr. Violette from the Committee on Legal Affairs on Bill "An Act to Remove Duplicating License and Inspection Requirements for Victualers" (H. P. 607) (L. D. 752) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Fowlie from the Committee on Marine Resources on Bill "An Act to Remove the Maximum Length for Taking Lobsters" (H. P. 107) (L. D. 116) reporting "Leave to Withdraw"

Mrs. Masterton from the Committee on State Government on Bill "An Act Relating to the Activities of Persons in Public Employment" (H. P. 1146) (L. D. 1408) reporting "Leave to Withdraw"

Mr. Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds to the State Library for the Purchase of 125 Copies of 'Our Maine Heritage' by Rita Stadig" (H. P. 886) (L. D. 866) reporting "Leave to Withdraw"

Mr. Sprowl from the Committee on Business Legislation on Bill "An Act Permitting Businesses to Remain Open on 4 Sundays Prior to December 25th" (H. P. 862) (L. D. 1060) reporting "Leave to Withdraw"

Mr. Sprowl from the Committee on Business Legislation on Bill "An Act Regulating Motor Vehicle Repairs" (H. P. 965) (L. D. 1209) reporting "Leave to Withdraw"

Mr. Silsby from the Committee on Judiciary on Bill "An Act Concerning Periodic Tenancy under the Landlord Tenant Law" (H. P. 702) (L. D. 877) reporting "Leave to Withdraw"

Mr. Carrier from the Committee on Taxation on Bill "An Act to Permit Municipalities to Levy a Sales Tax on Hotel Room Rental, Restaurants and Amusements" (H. P. 648) (L. D. 801) reporting "Leave to Withdraw"

Mr. Carter from the Committee on Taxation on Bill "An Act to Provide for Quarterly Collection of the Sales Tax from Retailers having Annual Sales of \$50,000 or Less" (H. P. 478) (L. D. 594) reporting "Leave to Withdraw"

Mr. Hanson from the Committee on Marine Resources on Bill "An Act to Prohibit Fishing for Atlantic Salmon in any Territorial Waters in this State" (H. P. 491) (L. D. 645) reporting "Leave to Withdraw"

Mr. Bunker from the Committee on Marine Resources on Bill "An Act to Establish a License Classification and Trap Tagging System for Lobster Fishing" (H. P. 879) (L. D. 1093) reporting "Leave to Withdraw"

Mr. Fowlie from the Committee on Marine Resources on Bill "An Act to Establish a Two-inch Minimum Size for Soft-shell Clams" (H. P. 192) (L. D. 241) reporting "Leave to Withdraw"

Mr. Violette from the Committee on Legal Affairs on Bill "An Act to Enable the Establishment of Municipal Police Aid Agreements" (H. P. 1029) (L. D. 1259) reporting "Leave to Withdraw"

Mr. Bowden from the Committee on Marine Resources on Bill "An Act to Provide for a Reduced Fee for Lobster and Crab Fishing Licenses for Residents 60 Years of Age or Over"

(H. P. 254) (L. D. 299) reporting "Leave to Withdraw"

Mr. Dellert from the Committee on Aging, Retirement and Veterans on Bill "An Act Concerning Retirement Benefits under the Maine State Retirement System" (H. P. 774) (L. D. 976) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Consent Calendar First Day

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

(H. P. 1164) (L. D. 1438) Bill "An Act to Clarify the Uniform Act for Out-of-state Parolee Supervision" Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 1123) (L. D. 1393) Bill "An Act to Clarify Transfers from County Jails to the Correctional Facilities" Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 1166) (L. D. 1441) Bill "An Act Relating to the Transfer of Prisoners to Federal Penal Institutions" Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 1165) (L. D. 1430) Bill "An Act Relating to the Division of Probation and Parole" Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 826) (L. D. 1024) Bill "An Act Prohibiting any Person from Selling or Offering for Sale or Exchange to a Minor any Product which Seeks to Imitate an Alcoholic Beverage by Looks, Taste and Smell" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 1142) (L. D. 1395) Bill "An Act to Conform the Health Maintenance Organization Act of 1975 to the Maine Certificate of Need Act of 1978" Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 512) (L. D. 628) Bill "An Act to Require Lobstermen to Use Only One Buoy Color Combination" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-253)

(S. P. 355) (L. D. 1103) Bill "An Act to Revise the Method of Accounting for the Restriction on Additional Compensation for Retirees under the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(S. P. 386) (L. D. 1198) Bill "An Act Authorizing a Legislative Study on Family Impact" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-112)

(S. P. 188) (L. D. 455) Bill "An Act Relating to the Operation of Snowmobiles on Private Ways" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-111)

(H. P. 605) (L. D. 760) Bill "An Act to Require the Disclosure of Relevant Information in Workers' Compensation Rate Filing Proceedings" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-254)

(H. P. 984) (L. D. 1193) Bill "An Act to Provide Ferry Service to Matinicus Plantation" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-256)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 24, 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. 908) (L. D. 1132) Bill "An Act to Authorize a Bond Issue in the Amount of \$2,500,000 for Energy Conservation Improvements for

Local Government Buildings and Public Care Institutions"

(H. P. 1137) (L. D. 1403) Bill "An Act to Remove the Limitation on Outside Earnings of Disability Retirement Allowance Recipients"

(H. P. 944) (L. D. 1174) Bill "An Act to Assist in the Use of Foreign Trade Zones" (Emergency)

(H. P. 698) (L. D. 909) Bill "An Act to Require that Certain Information be Provided by Insulation Installers"

(H. P. 1001) (L. D. 1247) Bill "An Act Relating to Mining on State Lands"

(H. P. 493) (L. D. 619) Bill "An Act to Provide for a Junior Archery License" (C. "A" H-248)

(H. P. 920) (L. D. 1128) RESOLVE, providing for a Study to Determine the Need for and Location of an Additional River Crossing Between the City of Bath and the Town of Woolwich (Emergency) (C. "A" H-247)

(H. P. 198) (L. D. 247) Bill "An Act to Clarify Motor Vehicle Registration and Operator Licensing Requirements of Nonresidents" (C. "A" H-246)

(H. P. 240) (L. D. 285) Bill "An Act to Prohibit Regulation of Solar Heating and Cooling Equipment by the Oil Burner Men's Licensing Board"

(H. P. 268) (L. D. 349) Bill "An Act Relating to Discharges and Emissions from Nuclear Generating Facilities"

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

Bill, "An Act Concerning the Issuance of Work Permits and Charging of Fees" (H. P. 670) (L. D. 830)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1979 (Emergency) (H. P. 1320) (L. D. 1568)

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

Amended Bill

Bill "An Act to Establish Physical Boundaries for Deer Hunting Zones" (H. P. 299) (L. D. 394) (C. "A" H-233)

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

Passed to Be Enacted

Emergency Measure

An Act Making Appropriations from the General Fund for Current Services and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1980 and June 30, 1981 (S. P. 238) (L. D. 687)

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. 122 voted in favor of same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Extend the Deadline for Legislative Determination of Municipal Cost Components (S. P. 508) (L. D. 1565)

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

Emergency Measure

An Act to Appropriate Funds to the Department of Mental Health and Corrections (S. P. 494) (L. D. 1545)

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

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

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

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

YEA—Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Laffin, LaPlante, Lewis, Locke, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY—Carter, F.; Conary, Damren, Kelleher, Leighton, Lougee, Lowe, McKean, Reeves, P.; Strout.

ABSENT—Austin, Boudreau, Bunker, Call, Gould, Hobbins, Hutchings, Lancaster, Leonard, Lizotte, Morton.

Yes, 130; No, 10; Absent, 11.

The SPEAKER: One hundred thirty having voted in the affirmative and ten having voted in the negative, the eleven being absent, the bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Permit Maine Pharmacists to Fill the Prescription of Nonresident Physicians (H. P. 784) (L. D. 984) (S. "A" S-108 and C. "A" H-195)

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I have a couple of questions that I would like to pose to anyone who might care to answer. The first question is, if Maine pharmacists are able to fill prescriptions of nonresident physicians, is there included in this bill reciprocity with other states so that if we do it, we do it with the understanding that they will do it in other states?

The second question is, will this also include reciprocity with the Province of New Brunswick.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question

through the Chair to anyone who may care to answer.

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

Mr. HOWE: Mr. Speaker and Members of the House: The gentleman from Old Town has caught me off guard.

The bill is intended to solve the following problem. There are people who live in border towns in Maine, that is bordering New Hampshire or two of the Canadian Provinces, who have medical problems and who do not live close to doctors in this country, yet they may live fairly close to the doctors across the border. The bill will not permit Maine pharmacists to issue drugs that would not be otherwise legally permissible. It will simply permit Maine pharmacists to issue drugs prescribed by doctors across the border. To do otherwise may impose a hardship on some people who would have to travel much further to reach a doctor in Maine than they would the doctor just across the border.

The SPEAKER: The pending question is on passage to be enacted.

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

A vote of the House was taken.

120 having voted in affirmative and 3 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Increase the Compensation for Substitute Teachers (H. P. 3) (L. D. 9)

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

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

Mrs. MASTERTON: Mr. Speaker, I would like to ask for a brief explanation of this bill from a member of the committee or the sponsor please.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, the bill raises the minimum wage compensation, daily compensation, for substitute from the present \$20 per day to \$30 per day. It merely serves as a minimum and a guideline for school boards. They can increase it beyond that if they want to.

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

Mrs. MASTERTON: Mr. Speaker, it seems to me that if a locality—if we are talking about raising the minimum, we ought to leave this up to the local school districts. I would like to ask for a roll call, please.

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

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

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

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, K.L.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Connolly, Cox, Damren, Davies, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Dutremble, D.; Elias, Fenlason, Fowlie, Garsoe,

Gould, Gowen, Gwadosky, Hall, Higgins, Howe, Hughes, Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Laffin, Laplante, Lowe, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Norris, Peltier, Post, Prescott, Reeves, P.; Rolde, Silsby, Simon, Smith, Soulas, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker

NAY — Aloupis, Berry, Brown, D.; Bunker, Conary, Cunningham, Curtis, Diamond, Dudley, Dutremble, L.; Fillmore, Gavett, Gillis, Gray, Hanson, Hickey, Huber, Hunter, Kiesman, Leighton, Locke, Lund, Marshall, Masterton, McPherson, Nelson, A.; Nelson, M.; Paul, Payne, Pearson, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Sprowl, Stover, Strout, Studley, Torrey, Wentworth, Whittemore

ABSENT — Austin, Boudreau, Brown, A.; Churchill, Hobbins, Hutchings, Jalbert, Kelleher, Lancaster, Leonard, Lewis, Lizotte, Lougee, McKean, McMahon, Morton, Paradis, Stetson

Yes, 89; No, 44; Absent, 18.

The SPEAKER: Eighty-nine having voted in the affirmative and forty-four in the negative, with eighteen being absent, the Bill is passed to be Enacted.

Signed by the Speaker and sent to the Senate.

An Act Relating to Weights of Commercial Vehicles (H. P. 73) (L. D. 82) (C. "A" H-205)

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

An Act to Provide an Effective Penalty Under the Labor Laws for Violation of the Statute Requiring Written Statement of Reason for Termination of Employment (H. P. 176) (L. D. 210) (C. "B" H-162)

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

Mr. Tarbell of Bangor requested a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.C.; Call, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Cunningham, Davies, Dellert, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Howe, Huber, Hughes, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, LaPlante, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Matthews, Maxwell, McHenry, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Norris, Paul, Payne, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Silsby, Simon, Soulas, Strout, Studley, Tarbell, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY — Brown, K.L.; Bunker, Carrier, Carter, F.; Conary, Curtis, Damren, Davis, Dexter, Gavett, Hunter, Immonen, Leighton,

Masterman, McPherson, Nelson, A.; Nelson, M.; Peltier, Peterson, Rollins, Roope, Sewall, Sherburne, Small, Smith, Sprowl, Stover, Torrey, Tozier, Twitchell.

ABSENT — Austin, Boudreau, Brown, A.; Churchill, Hobbins, Hutchings, Lancaster, Leonard, Lewis, Lizotte, Lougee, McKean, McMahon, Morton, Paradis, Stetson

Yes, 105; No, 30; Absent, 16.

The SPEAKER: One hundred five having voted in the affirmative and thirty in the negative, with sixteen being absent, the bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Establish an Advisory Committee to the Commissioner of Educational and Cultural Services Relating to the Firemen's Training Program (H. P. 173) (L. D. 223) (C. "A" H-132)

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

Enactor Indefinitely Postponed

An Act to Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices (H. P. 624) (L. D. 766)

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

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have said about all there is needed to be said on this in days gone by, unless you didn't happen to be here. I think this is bad legislation and this House shouldn't be passing this kind of legislation. There seems to be dissatisfaction with the prices of gasoline in the State of Maine and there are people who are dissatisfied with the price of electricity and the price of a lot of other commodities.

I visited a grocery store last Friday and I picked out 20 items on the shelf that have doubled in price since last year, one was bread. Gasoline hasn't doubled anywhere in the State of Maine from what it was last year, to my knowledge, and the prices of these things in the stores that I noted, like bread, are not federally regulated but gasoline is. It has to be posted on the pumps, both the price and octane. If we do what this bill proposes, we are going to have to hire a crew of men to cover this state from one end to the other to see that these big signs are posted outside. Lately, they have been changing twice a week, and this is going to be quite a thing to keep somebody posting signs.

I think it is wrong to pick out one industry and say, you must do such and such when others are doing even worse in the area of pricing merchandise. I think they should be dealt with also. Before this bill is enacted, if this is the way you feel about it, I think it should be amended to say a lot of other things besides gasoline, because a lot of other things have doubled and gasoline hasn't yet. The fact that these other things are not controlled by price and gasoline is, I see no reason for us to hire a few more state personnel and put them on the payroll. I object to that more than anything, because every bill that comes before this House that puts more people on the payroll, I am objecting to, because my people have had it as far as state employees are concerned. When our previous Governor left, he said we could get along with 700 less than we now have, and I believe he may have been right or close to it. Every time we meet, we employ more and I am against that. I hope you are too and defeat this bill this morning.

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

Mr. HOWE: Mr. Speaker and Members of the House: The gentleman from Enfield did not catch me off guard as the gentleman from Old Town did. I fully expected that he would put the

bill aside. I believe that he is waving a herring before you this morning which is so brilliant in color, red, that it would dazzle you. Nowhere in the bill, which I am responsible for, are we requiring that a crew of people be hired to enforce this law, and if my knowledge of the powers of the legislature and the power of the personnel department in this state are correct, we would have to specifically require that an appropriation be offered and state employees be hired in order to do that. State employees aren't simply hired at whim and neither this bill nor my intent is that anybody be hired to do anything. So much for the big crews.

As for the big signs, I would suggest that it would be as simple as taking a piece of cardboard and a magic marker and putting up a sign with numerals that have to only be four inches in height. So, we are not going to be requiring anybody to be putting up large metal signs. Many people in the business don't put up signs at all now. In fact, it is my impression and the impression of others who have spoken with me about this, it seems to be that the number of stations posting their prices is diminishing. The small numbers on the pump are fine when and if you can see them, such as on a dark, rainy night.

I think being able to see the price of gasoline before we enter the station is probably the least we ought to be able to do for purchasers of gasoline in the time when the prices are rising rapidly and when it does pay to shop around.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you support Mr. Dudley's position here this morning for two reasons. One, if the law is passed, and listening to my good friend from South Portland, there seems to be no one who is going to supervise the intent of the law.

Secondly, I might inform the House, if you are not buying gasoline, which I am sure you all are. Yesterday I was caught a little short for gasoline when I was in the City of Portland and it didn't take me very long to find a station, particularly because of the fact that I didn't see one single station that wasn't posted.

I think it is nonsense legislation. I hope you support the good gentleman from Enfield's position.

I would move the indefinite postponement of this bill and all of its accompanying papers, and I would request the yeas and nays when the vote is taken, because I believe it is nonsense legislation.

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

Mr. CALL: Mr. Speaker, Members of the House: I support the motion to indefinitely postpone this legislation. I won't say anymore because I agree with what the gentleman from Bangor and the gentleman from Enfield have said. I spoke on it the other day. You will recall that I said I am against it despite the fact that I was a victim of a filling station subterfuge, which I will not repeat.

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

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

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

ROLL CALL

YEA — Aloupis, Austin, Berube, Birt, Blodgett, Bordeaux, Bowden, Brown, D.; Brown, K. C.; Brown, K. L.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Chonko, Conary, Cunningham, Curtis, Damren, Davies, Dow, Drink-

water, Dudley, Dutremble, L.; Elias, Fenlason, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Hall, Hanson, Higgins, Hunter, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Kelleher, Laffin, Leighton, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Masterman, Maxwell, McPherson, Nelson, A.; Payne, Peltier, Peterson, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stover, Strout, Studley, Theriault, Torrey, Tozier, Twitchell, Vose, Wentworth, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Cloutier, Connolly, Cox, Davies, Dellert, Dexter, Diamond, Doukas, Dutremble, D.; Fillmore, Fowle, Gwadosky, Hickey, Howe, Huber, Hughes, Joyce, Kany, Kiesman, LaPlante, MacEachern, Martin, A.; Masterton, Matthews, McHenry, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Simon, Tarbell, Tierney, Tuttle, Vincent, Violette, Wood, Wyman.

ABSENT — Boudreau, Churchill, Hobbins, Hutchings, Kane, Lancaster, Leonard, Lizotte, McKean, McMahon, Morton, Stetson.

Yes, 78; No, 60; Absent 12.

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

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

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

Mr. HOWE: Mr. Speaker, I move that this be tabled one day.

Whereupon, Mr. Kelleher of Bangor requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Howe, that this be tabled one legislative day. Those in favor will vote Yes; those opposed will vote No.

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

The SPEAKER: The pending question before the House, is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action whereby this bill was indefinitely postponed. Those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

An Act to Establish a Demonstration Project to Create a Grant and Loan Program to Assist Older Citizens in Purchasing Medically Prescribed Eyeglasses, Dentures and Hearing Aids. (H. P. 683) (L. D. 907) (C. "A" H-200)

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

An Act to Provide for Continuing Education for Real Estate Brokers and Salesmen (H. P. 1303) (L. D. 1559)

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

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: In respect to this bill, I had it set aside because I believe the Real Estate Commission has enough authority to hold all the educational seminars it needs to at the present time.

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

I would request a roll call.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the roll call and would ask for a division on it.

This bill probably had its beginnings in the 106th Legislature when Mr. Tierney and I were both sitting on the Business Legislation Committee. We saw at that time, and we have seen since then, repeated efforts by the real estate salesmen and brokers of the state, and I admit that I am a real estate broker, to increase the requirements to become a real estate broker or salesman. Our feelings, or certainly my feelings, are that this should not be due unless the profession is willing to upgrade the qualifications within itself. In other words, they shouldn't be excluding the public from this profession unless they are willing to upgrade within his profession. This bill would do that. The commission does not have the ability to do this, because this would require that every two years you would have completed 12 clock hours, not class hours, clock hours, of continuing education. We feel that this is needed because the real estate profession is changing constantly in this state through the enactment of the laws that we pass here.

I would also point out that this was a unanimous report of the Business Legislation Committee, and I urge you to defeat the indefinite postponement motion and to pass this bill.

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

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not go along with the indefinite postponement motion.

I am a good example. I used to be in the real estate business and sold my business but I have a license hanging up in an office. If I am not more knowledgeable about the laws changing and keep up with this, I can go out and sell real estate now knowing what I am doing. I think if I am going to have that license, I should follow this and be more knowledgeable so if I should handle a piece of property I would know what I am doing. I see many real estate offices, where they have other businesses and they do this part-time, they never attend a seminar, never aware of the changes in the law and they are listing people's property and this is their life savings many times. I think it is too great a risk to put in the hands of somebody that doesn't know what they are doing, so I hope you will go along with the indefinite postponement.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: In 1962, I was President of the Maine Association of Realtors in this state and at that time we instituted the educational program in which brokers and salesmen were given exams and we finally worked it so we had schooling. In fact, I taught the course for a couple of years myself.

I am of the opinion that if a broker gets into the business, he should have his education in the beginning and if he is going to stay in it, he should know enough to keep himself up to date.

Therefore, I hope you will support my motion to indefinitely postpone.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I strongly believe in continuing education in the field of real estate and I support part of this bill. However, I have contacted a number of brokers and salesmen, and they feel that 12 hours every two years is too much in the very beginning, inasmuch as courses will have to be set up by the Real Estate Commission and it will take a little while to get that started and to find exactly what is needed. They have suggested to me that six hours every two years would be very adequate in the beginning to see how the program

is progressing, if there are enough programs or if more programs need to be added to it, then at that time it could be reviewed and six more hours or whatever it was deemed advisable could be added.

I would like to have this matter tabled for one legislative day so that an amendment could be prepared.

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

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

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

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

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that this matter be tabled for one day. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Howe of South Portland requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that this matter be tabled pending the motion of the gentleman from Caribou, Mr. Peterson to indefinitely postpone and tomorrow assigned. All those in favor of the motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Barry, Birt, Bowden, Brodeur, Brown, D.; Bunker, Carter, F.; Cunningham, Damren, Dellert, Dexter, Diamond, Gillis, Gould, Gray, Hanson, Hunter, Immonen, Kany, Kiesman, LaPlante, Leighton, Lewis, Locke, Lougee, Lowe, MacBride, Marshall, Martin, A.; Masterman, Maxwell, McPherson, Nelson, A.; Norris, Payne, Pearson, Peltier, Prescott, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Smith, Stetson, Strout, Tarbell, Torrey, Twitchell, Wentworth, Wood.

NAY — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Blodgett, Bordeaux, Brannigan, Brennerman, Brown, A.; Brown, K.C.; Call, Carrier, Carroll, Carter, D.; Cloutier, Conary, Connolly, Cox, Curtis, Davies, Davis, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hickey, Higgins, Howe, Huber, Hughes, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Laffin, Lund, MacEachern, Mahany, Masterton, Matthews, McHenry, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Paradis, Paul, Peterson, Post, Reeves, P.; Rolde, Silsby, Simon, Small, Soulas, Sprowl, Stover, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Whittemore, Wyman

ABSENT — Boudreau, Brown, K.L.; Chonko, Churchill, Garsoe, Hobbins, Hutchings, Jalburt, Kelleher, Lancaster, Leonard, Lizotte, McKean, McMahon, Morton, Nelson, M.; Studley,

Yes, 52; No, 81; Absent, 17.

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

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I was a little hesitant to force the issue on the tabling matter, but I really believe the bill is in a very reasonable form at this point. The original bill as drafted

was sent out, as I recall from testimony at the hearing, to members of the association to which Representative Peterson referred. The testimony from the officials of that association was that 65 percent of the members responding supported the bill and there were criticisms from other members. The redrafted bill is intended, in part at least, to answer a lot of those criticisms, one of the criticisms was that it was going to be tough to get to a location where these courses were offered.

I think one of the best parts of the bill at this point is the fairly broad recognition of the kinds of courses and where they may be offered and they include in-office classes so that a broker may establish classes for his or her own employees right in the office, video-tape and telelecture presentations which are offered on closed circuit networks by the University of Maine around the state in a number of locations; correspondence courses so that you may sit in your very own home and comply with this requirement, and some other lessening of the restrictions in the original bill.

Twelve hours on the clock in the course of two years I don't think is too burdensome in the light of the fact that when we purchase a home, it is generally the largest single investment of any person in a lifetime. I think it is especially important that these people keep up with the current law and know what they are doing when they handle that transaction.

I hope you will oppose the present motion.

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

Mr. GRAY: Mr. Speaker and Members of the House: I have been contacted by a number of real estate dealers in my area and out of those many that did contact me, only one of them was in favor of this bill. I think that was only through the effort of the organization that would like to see this bill passed.

Although nobody really knows the extent of seriousness of injuries to the public attributed to the failure of licensees to maintain their competence, regulatory officials and legislative bodies have been pondering ways to ensure that licensees are not only initially competent but they maintain their competence.

The problem is, though, that as most such laws have been written, no relationship is required between a practitioner's area of weakness and the courses he or she takes to satisfy the continuing education requirement.

If licensees are conscientious professionals, they can be expected to take relevant courses and voluntarily seek other relevant educational experiences. If they are not conscientious, a mandatory continuing education law is not likely to change, in any major respect, either their attitude or behavior. They can satisfy the letter of the law by taking whatever courses are easiest or most convenient. Showing that a serious problem exists is probably the most critical point of all. Otherwise, mandatory continuing education may be a solution in search of a problem.

I think legislators should try to determine as specifically as possible the events that gave rise to the request. What is the evidence that a problem exists? What is the magnitude of the problem? Is there any data to show how many licensees lack the knowledge and skill to make safe agents?

Mandatory continuing education is being challenged by those that believe that such requirements tend to serve the interest of occupational groups rather than those of the public. So, for this reason, I am going to vote against this bill and I hope you will join with me.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I will be brief, blunt and truthful about this bill. The situation is that I have been a real estate broker since 1950. On my own many times, I have taken different courses. For those of you who are not aware of what you

have to do now to be a real estate broker, you have to take certain courses which are passed by the real estate commission in order to even apply to take your test for either broker or salesman's license.

The fact is, ladies and gentlemen, first I want to suggest to you what I believe would be the ideal thing to do to take care of any problems if there are any. I don't know of any problems that the real estate brokers have had. A few years back in Portland, 15 or 20 years ago, we had a few people who had taken money as escrow and put it to their own use, but they got taken care of.

I haven't heard about this for years. I don't know of any complaints anywhere about why we should have such courses. Education is great, but let's not make it to the point where you cut people from getting into a trade. With a very limited amount of education, maybe it is not desirable, but with a very limited education you can do a good job. Actually, as a real estate broker or salesman, and this is what I suggest they put salesmen to work under real estate brokers for a year or two or whatever it is and the real estate broker in fact would be the one responsible for the contract and what you have to do, the main thing you have to know is to be able to show a house, to get a listing contract and show the house and then to make a contract with the people who will be buying, and get it accepted or rejected and what you do if it is rejected.

From then on it is great to be an appraiser or self-declared expert as to value of property, but you don't have to do that. All you have to do is take that contract and go down to the bank or to a lending institution if somebody wants a mortgage and go down there and make arrangements with them. From then on it is up to them to appraise the house, get a credit report on the people and see if they want to extend the mortgage. If they do extend the mortgage, then the search of title is automatic with the lawyers and with the papers drawn up and you take the people together and inform them when the thing is. Basically, this is what happens, this is what you do as a real estate broker.

Now we can say that you do a lot of other things. Yes, you do, you can but you don't have to. The fact is, ladies and gentlemen, that this particular bill, in one way, says for you to take 12 hours of courses. Well, in general, most of them are courses which will cost you money.

Just to refresh your memory of what happened a few years back when they decided to make the brokers take courses, they did and the courses cost them \$35 apiece to take these three courses. Last week it was advertised in the Portland paper for each course, the same courses, with the same teachers, they are asking \$95 for each course to be given. That means that somebody has to dish out \$300 besides his time, effort, energy and everything else just to be able to take the exam. He should at least be able to take the exam. If he flunks, let him go and study some more. That is what this is all about.

There is nothing in this bill that says you have to pass the course. You don't have to. I recall too — I might be wrong on this one, but awhile back the teachers who are dealing with kids all year round and everything, which is a profession that requires much more knowledge. I would think, than a real estate broker, if my information is right, they have to take a six credit course or accumulate six credits every three years. Someone tells me it is five, it doesn't matter if it is three years or not.

Let me tell you what happened. I took a course, in some kind of psychology at the University of Maine and it was a three-week day course which gives you the proper credit. Who was in there? 95 percent of the people in there were teachers taking courses on child psychology and how to deal with these people. Well, you know what the assignment was—we would go home at night and the assignment was that

you take a pencil, put it between your toes and write something with it just to see the difference between writing with your hand and writing with your feet. This is ridiculous. We can go on forever.

How many cases have we got that have been reported to the Real Estate Commission where somebody actually took the funds and put them in their pocket or spent it? I don't know of any. Occasionally you do get some complaints from certain brokers, but that isn't actual with some people. Some people try to get out of a contract after they got into it and, you know, it is just natural to discredit the broker by bringing a complaint against him.

There is very little good about this bill that I can say. I think if the broker wants to perfect himself, he can do it all on his own. There are all kinds of courses around the University of Maine.

You can become a good real estate appraiser if you want to along with becoming a broker, but it is not necessary. This is bill that was put in by a few people who want to keep the average people out of the business. I submit to you, ladies and gentlemen, that this is not a good bill. I heard from two people in my town, I usually never hear from them except when I see them on the street once every six months. I hope you see in your wisdom to vote for the indefinite postponement.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know quite where to start. Yes, the problem exists. The Real Estate Commission came in and testified that the problem exists. There are many people who hold licenses in this state, who received the licenses without taking any exams—this was back before there were exams. They just sent in and received a license. This has nothing to do with the exam that you take to be licensed as a real estate broker or a salesman in the beginning, this is a continuing education. You have to pass the licensing exam and all in the first place before you are licensed. If you are a salesman, you have to operate under a broker, that is present law now. You cannot act as a salesman unless you are operating under a broker or licensed as a broker and then you can operate just individually.

There are 20 states that have laws such as this for continuing education of real estate salesmen and brokers. This is one of the more lax of the laws that are designed. There are certainly none that are laxer than this.

There are 8 Maine professions required to have continuing education, osteopaths, pharmacists, optometrists, speech pathologists, audiologists, substance abuse counselors, nursing home administrators, chiropractors and social workers. All of these have continuing education written into them.

There is a need for it. The committee saw the need and the committee found that this was a good solution.

I was very concerned and the committee was very concerned that these courses would be readily available to everybody within the state, whether they are in Fort Kent or Portland. We feel that we have designed the bill to do this. We feel that 12 hours is not excessive to do this. We also told the commission and the Realtors Association that if there is a problem getting these courses out, and if the people are having trouble reaching them, that we would be more than happy to change the bill in the next session. The feeling here is that there is a need; the need is addressed in this. If we are going to have professions such as this that requires examinations to get into it, I think the profession should require a standard of its people and that continuing education is a reasonable way to do this.

I hope you will vote against the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the

gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, if this bill is passed, I believe that the cost of education for every real estate broker would be a business expense, a deductible item on his income tax. I inquire of the Chair whether or not there should be a fiscal note prepared by the Bureau of Taxation before this bill is properly before this body?

The SPEAKER: The Chair would advise the gentleman from Wiscasset, Mr. Stetson, that there is no fiscal note on it, attached or required.

Mr. STETSON: Mr. Speaker, I suggest that there should be a fiscal note from the standpoint of the lost revenues through the tax deduction of the cost of such continuing education.

The SPEAKER: The Chair can only advise the gentleman that the department has indicated that no fiscal note was necessary.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: As was mentioned here earlier, a real estate broker must have a license in order to do business. He must take several courses before he is qualified to take examinations to become a broker. A license, once obtained, is a privilege to do business. It is not a right to continue to do business the rest of your life, so I feel that we must have this type of legislation in order to get our folks to keep up to date. Look at the land use laws that we have had come within the last few years. Look at the changes in banking procedures, the forms are now that thick that we have to deal with. I really feel that to be a good broker and do a good service to your customers, at least once in awhile, you have to get updated.

I hope you will defeat this motion to indefinitely postpone.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: One last word which I forgot and probably the most important. You want to make the real estate brokers go to school on matters which are really, technically and legally, not that important, because you are almost always dealing and working with somebody else. Either the lawyers have it in their hands or the bank officials have it in their hands. As long as you know how to make a good enforceable contract but you see, this is what you want to do, you want to take the one at the lower echelon and put them into a place where they have to go to school again. Yet, on the other one, in a profession where there is an absolute amount of responsibility and where they should carry liability insurance or malpractice insurance or whatever they call it, that is the lawyer's profession—right at present, they don't have to take any courses whatsoever at any time if they don't desire to in order to keep practicing.

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

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to dispute what Mr. Carrier just said. In a contract, there is an area there which also says, "Subject to" and with the changes in the laws, you shall and should be aware of laws which would pertain to that property and as a broker you should be knowledgeable in those areas and be able to include them in the contract. A contract, basically, is not as simple as saying the price shall be, the deposit is and day of transfer. There are a lot of "subject to's" that we should know about.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have had a lot of thoughts about this bill but I guess it comes down to the fact this morning that here we are again regulating and mandating in the statutes

more governmental control when it could be done very easily through the commission and their rules and regulations. Nothing in the world prohibits them from holding their public hearings around the state and if it is agreed within the profession, even just a simple majority of the profession, they can promulgate these under the administrative act as was granted to the commission back several years ago. So, it is not necessary to put this in the statutes.

As my good friend Mr. Jackson, said, if it isn't right and they can't get the courses set up, then we can change the law next time around. I say, let's put it in the rules and regulations if that is the wish of the professionals. I understand the people in the real estate profession, there is nothing that precludes them from going to any continuing education program that they so desire to now. Any professional broker or salesman can attend all these updating programs. There is nothing to prevent them from doing it. It is a competitive business and I will venture to say that the people that do attend the seminars and do know what they are doing, are the people, nine times out of ten, who get the business.

Just to answer the question of my good friend Miss Aloupis from Bangor about contract, to be strictly within the exact letter of the law, a real estate broker shouldn't write a contract, it should be done by the legal profession. Lawyers are the people that contract. We are given the privilege of having a lawyer and there was a long battle back about 8 or 9 years ago about real estate brokers writing contracts. We do have a form that attorneys make up for us and we try to fill in the blank spaces. In my opinion, that is all right. If you get into any broad scope away from the regular form of the contract, then you should immediately call your attorney because you are opening yourself up for libel if you don't.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with the gentleman from Brewer insofar as he believes that the commission can promulgate regulations in this area. No commission and no part of the bureaucracy can act in any way without authority from this legislature. We have to set the basic statutory framework before any regulations can be issued. This is what we are proposing to do today. We are leaving the details to the commission with this following sentence: "The commission may promulgate rules necessary for implementation and enforcement of this section and shall maintain a current list of programs receiving approval under this section." So, we propose to do precisely what Representatives Norris asks us to do, we are providing that legislative framework so the commission may act.

Insofar as protecting the public in licensing and all that sort of thing, I have some fairly strong feelings on the matter. I often see licensing legislation precisely the way Representative Carrier does, and that is an attempt by a particular group within a profession or occupation to limit its numbers. That may be, very well have been the intent, for all I know, when licensing in the real estate area was first passed but it is there. It is very difficult, politically and otherwise, as you probably know, to undo licensing boards and agencies get themselves licensed and trot off and do their own thing and there is nobody around to watch them. We would like to see it that the real estate commission and the real estate profession are using their licensing authority to really protect the public, and that is why this legislation is before us.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This certain piece of legislation probably wouldn't have drawn too

much of my attention at the onset, but last week I received a petition from the Northern Kennebec Valley Board of Realtors and in going through the list, there were quite a few people that I do know personally, that either live in my district or right nearby. In support of this bill, there were 38 that signed this petition supporting this L.D. and there were 3 that signed against it. Of the three that signed against it, there is only one that lives in my area, and if he had had his way, he would be here now instead of me and he could have voted for this bill or against this bill. He is not here so I just wanted to bring this out because I was interested in what Mr. Gray said, there was 38 to 3 in favor of this bill so I really don't have much choice. They have expressed their support and I have to give them mine because I haven't heard anything against this bill that would convince me to go against it, when 38 to 3 went for it.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I realize that the hour is late but I also realize that in the 106th Legislature, they had this jewel before it. The 107th, the 108th and 109th, what does this tell you? It tells you that they keep coming back, knowing full well that if we couldn't sow the 106th, maybe, we can the 107th; if we couldn't sow them under, maybe we can the 108th and if we couldn't convince them, we have the 109th to work on. They go back in the records and study all the debates and find out why people were against it and they came in with a watered down version.

You just heard the gentleman from South Portland, Mr. Howe, get up and say, that all we want you to do is pass this, leave all those blank spaces and the bureaucrats, who live across the bridge on the auto inspection deal, they filled in the blank spaces, you get the blank spaces, 2700 inspection stations, now you only have 1600 and many areas are without them. Do you want to pass legislation with all the blank spaces in it? This is exactly why I keep running for this House and coming back consistently, watering it down, changing it a little here, getting a different lobbyists to work over here, he has been out here consistently.

I have had a few conversations with him—they weren't always good, they weren't always bad. He is a nice young man. I want to point out to you, ladies and gentlemen of the House, I represent people in rural areas and I have had some letters, and the state agents in those areas are slightly puzzled by this legislation because you are going to set up an educational system, and it is a very watered down system, but that is just a foot in the door. Once you get your toe in the door, you push the door wide open. That is the secret of salesmanship, and that is what they are out to do, they have oversold themselves here today. I sat down for a long while, and I was tickled to sit and listen, but I think we are on the right track. It was killed in the 106th, the 107th, the 108th and today, in the 109th, we will give it another funeral.

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

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

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

ROLL CALL

YEA — Austin, Barry, Berry, Birt, Blodgett,

Brown, A.; Brown, K.C.; Call, Carrier, Carroll, Carter, F.; Cunningham, Curtis, Diamond, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Gray, Hall, Immonen, Jacques, E.; Joyce, Kelleher, LaPlante, Lougee, MacBride, Mahany, Marshall, Martin, A.; Masterman, Matthews, McHenry, McKean, McPherson, McSweeney, Nadeau, Nelson, A.; Nelson, N.; Norris, Pearson, Peterson, Post, Reeves, J.; Roope, Simon, Smith, Stetson, Strout, Studley, Theriault, Torrey, Tozier, Tuttle, Twitchell, Wood, The Speaker

NAY — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Bordeaux, Bowden, Brannigan, Brenerman, Brodeur, Brown, D.; Brown, K.L.; Bunker, Carter, D.; Cloutier, Connolly, Cox, Damren, Davies, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Dudley, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hanson, Higgins, Howe, Huber, Hughes, Jackson, Jacques, P.; Kane, Kany, Kiesman, Laffin, Leighton, Locke, Lowe, Lund, MacEachern, Masterton, Michael, Mitchell, Nelson, M.; Paradis, Paul, Payne, Prescott, Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Silsby, Small, Sprowl, Stover, Tarbell, Tierney, Vincent, Violette, Vose, Wentworth, Whittemore, Wyman

ABSENT — Boudreau, Chonko, Churchill, Conary, Hickey, Hobbins, Hunter, Hutchings, Jalbert, Lancaster, Leonard, Lewis, Lizotte, Maxwell, McMahon, Morton, Peltier, Soulas
Yes, 58; No, 75; Absent, 18.

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

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

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

Mr. LAFFIN: Mr. Speaker, I move, with the Senate concurring, that this body adjourn sine die.

Mr. Tierney of Lisbon Falls requested a vote.

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

Mr. LAFFIN: Mr. Speaker, I request 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 having expressed a desire for a roll call, a roll call was ordered.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, that the House adjourn sine die. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Barry, Connolly, Hall, Laffin, McHenry, Norris, Reeves, P., Sprowl.

NAY — Aloupis, Austin, Bachrach, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Cloutier, Conary, Cox, Cunningham, Curtis, 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, Howe, Huber, Hughes, Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, LaPlante, Leighton, Lewis, Locke, Lougee, Lowe, Lund MacBride, MacEachern,

Mahany, Marshall, Martin, A. Masterman, Masterton, Matthews, McKean, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A., Nelson, M., Nelson, N., Paradis, Paul, Payne, Pearson, Peterson, Post, Prescott, Reeves, J., Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Wentworth, Whittemore, Wood, Wyman, The Speaker.

ABSENT — Boudreau, Chonko, Churchill, Hobbins, Hutchings, Jalbert, Lancaster, Leonard, Lizotte, Maxwell, McMahon, Morton, Peltier, Soulas.

Yes: 9; No: 127; Absent: 15.

The SPEAKER: Nine having voted in the affirmative and one hundred twenty-seven in the negative, with fifteen being absent, the motion does not prevail.

Mr. Laffin of Westbrook requested permission to address the House.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, requests unanimous consent to address the House on the record. Is there objection?

The Chair hears objection.

Mr. LAFFIN: Mr. Speaker, I would request who objected.

The SPEAKER: The point is well taken. Under the rules, the person has to be recognized in order for the objection to be sustained by the Chair. Does the Chair hear objection?

The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, I object to Mr. Laffin speaking at this particular moment.

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

Mr. TIERNEY: Mr. Speaker, I move that the rules be suspended for the purpose of allowing the good gentleman from Westbrook, Mr. Laffin, to address the House on the record.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that the rules be suspended for the purpose of allowing the gentleman from Westbrook, Mr. Laffin, to address this body. The Chair will order a vote. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 8 having voted in the negative, the rules were suspended.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin, who may Proceed on the record.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I can plainly see that by this body it is all right to deprive someone or any group of people a pay raise, that is perfectly all right. We can sit here and we can laugh and we can joke about it because, you see, it is not coming out of our pockets.

I made that motion to send us home, cut off our pay, and then see who would be laughing about who is taking what pay home. My motion would have sent us home and the only way we could have come back would be to have the Governor call us back or two-thirds of the members of both branches decide to come back ourselves. So, when we are talking about whose money comes out of what pocket, it is awful easy to vote for something or against something, but when it comes out of our own pockets, this body doesn't have the guts to stand up and do it themselves — cut your own pay off, go home without any pay, adjourn right now, and they see how much guts you have got.

Mr. Theriault of Rumford was granted unanimous consent to address the House.

Mr. THERIAULT: Mr. Speaker and Members of the House: Maybe I don't understand, but I believe that if you adjourn sine die and then you come back, you are paid on a per diem basis and you would be paid \$4,500, plus per

diem. Am I correct?

The SPEAKER: The Chair would answer in the affirmative.

Mr. Kelleher of Bangor was granted unanimous consent to address the House.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The unanimous consent rule that is granted to each and every one of us in this House is a privilege that I never minded extending to any member of this body, and I always hope that this body will have the courtesy to extend it to me.

The motion that Mr. Laffin made this morning, in my humble belief, is absolutely irresponsible because there is a lot of serious business still pending before this House, in committees and in the other body. I can sympathize with you only to a point concerning the pay raise, and I think it is absolutely irresponsible and ridiculous for you to play upon the patience of this House in attempting to adjourn this House sine die.

I respect each and every one of you in this House, and I respect the rules that we operate under, but I think it is totally ridiculous, the motion that was made this morning, and I hope the House will tend to the serious business that it has today and tomorrow and for the next 25 or 30 days that we are here, and I would appreciate not hearing those kinds of motions while we still are in session.

The SPEAKER: The Chair would like to state at this point, based on the fact that it is 1:15 and emotions have obviously reached the point where some of us are concerned about the passage or defeat of an issue, that we give serious thought to the issues that are before us in this body and in this session.

I fully sympathize with the gentleman from Westbrook, Mr. Laffin, in terms of his support of an issue. It is obvious that I, on this issue, happen to be on the same side and on others will probably be on separate sides, on different sides of that issue. Because we are dealing with 1,600 different bills, it is obvious from time to time that we can never agree with one another and I am sure that we all sympathize with that, but I think it is critical at this point that we remember that we have before us 900 bills left in the hands of the committees to deal with in 25 legislative days. It is going to be a very difficult time for all of us and it is one when emotions, because of the fact that we will be overworked and because of the situations that exist between the two bodies, that we are not going to be in any position to get much relief between now and the end of the legislative session, and I guess we have no choice but to work together and to try to make the best of a very bad situation.

But, I would ask your cooperation this morning to bring this to a close. Public hearings are due at one o'clock. It is obviously 1:15 or 1:20 at this time. The issue on the pay raise will be back before us tomorrow morning at 9:30. I am asking all of you to be present so that a vote may be taken and that we may dispose of this issue once and for all. It is obvious that the votes are in this body, or somewhere, it is just a question of getting everyone here at the same time. Simply by counting, I think everybody ought to be able to figure that out by now, and I think that it is critical for all of us that we simply bring that situation to a head.

I would also apologize to the gentleman from Westbrook, Mr. Carrier, for my obvious reference again, for the third time in the past two weeks, to another gentleman. I wouldn't like to be referred to as anyone else and I am sure that no one would like to be referred to and compared with me. If he is upset, I can concur with that problem, so I will simply, at this point, ask that we proceed with our business.

We are going to adjourn now, and whatever matters are going to be coming back tomorrow, tomorrow morning we will begin at eight o'clock and will adjourn at ten. There are very

long hearings scheduled for tomorrow. It is very doubtful whether we can come in for an afternoon session. We will try to do the same on Wednesday and Thursday and see how that works, and if that doesn't work, we are going to have to try something else.

The Chair would ask any members at this point that any comments that they might have to refrain until tomorrow so that people can go to public hearings and not keep the public waiting.

On motion of Mr. Carrier of Westbrook, adjourned until eight o'clock tomorrow morning.