

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

Tuesday, April 24, 1979

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

Prayer by the Reverend David Rienstra of the Church of the New Jerusalem, Fryeburg. Rev. RIENSTRA: Let us seek the divine guidance of our Lord. O Lord, God, Father of all mankind, we offer up to you our praise and our thanksgiving this morning. We ask this morning for thy blessings on Governor Brennan and everyone in this legislative body. We would ask thy special blessings on these, thy servants, here gathered as Representatives of the people of this great State of Maine. They have a great work to do, Lord, work that requires a pure conscience, a clear mind and an understanding heart. We would ask that your servants here will be able to remove from their minds those things that are petty or frivolous or those things that are personally advantageous and therefore with a clear understanding they will be able to work for and pursue what is best for the common good of all people, and we would ask, Lord, that each one here from the love of what is right and good will seek and promote that good. We would ask, too, that each one here, from the highest to the lowest, will be guided by thy infinite love and wisdom, will be so moved by spiritual law and by moral law that civil law may be wisely established.

Let each one here remember, Lord, unless the Lord build the house, they labor in vain that build. We remember too, Lord, that this legislative body can only be as good as those they serve; therefore, we would ask that the people of this state who have chosen them to be inspired to give them the respect due the high office they hold and, finally, we would ask, O Lord, that in all that is accomplished today and everyday, that it may be in accordance with thy divine end and for the growth of your kingdom on earth. May your grace, mercy and peace be with us all today and every day. We ask it in thy name, O Jesus Christ, our Lord and Savior. Amen.

The journal of Yesterday was read and approved.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE

Augusta

April 23, 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 Municipal Use of Land Control Techniques Under the Zoning Laws," (H. P. 371) (L. D. 482).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order, An Expression of Legislative Sentiment recognizing that: Brunswick High School won first place in the large school division in the Third Annual State Championship Math Meet held on April 12, 1979, at the University of Southern Maine and sponsored by the Maine Association of Math Leagues (S. P. 515)

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: Yarmouth High School won first place in the small

school division in the Third Annual State Championship Math Meet held on April 12, 1979, at the University of Southern Maine and sponsored by the Maine Association of Math Leagues (S. P. 516)

Came from the Senate Read and Passed.
The Order was read and passed in concurrence.

Bill, "An Act to Provide for the Codification and Indexing of State Agency Rules by the Secretary of State" (Emergency) (S. P. 510) (L. D. 1576)

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

Was referred to the Committee on State Government in concurrence.

Study Report

Committee on Business Legislation

Report of the Committee on Business Legislation to which was referred the Study of the Continuation of Coverage under certain group Health Insurance policies, pursuant to Resolve 1977, Chapter 66 asks leave to report that Bill "An Act to Require Conversion of Group Medical Coverage and Extension of Benefits" (S. P. 514) (L. D. 1575) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report Read and Accepted and the Bill referred to the Committee on Business Legislation.

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

Study Report

Commissioner of Business Regulation

Report of the Commissioner of Business Regulation to whom was referred the study of the costs and benefits accruing to the State as a result of self-insurance of all or part of the group health benefits for State Employees, pursuant to Resolve 1977, Chapter 75, has had the same under consideration and asks leave to report that Bill "An Act Relating to a Health Benefits Program for State Employees" (S. P. 513) (L. D. 1574) be referred to the Committee on Business Legislation for public hearing, and printed pursuant to Joint Rule 17.

Came from the Senate with the Report Read and Accepted and the Bill referred to the Committee on Business Legislation.

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

Reports of Committees

Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Concerning the Licensing of Wholesale Used Vehicle Dealers" (S. P. 435) (L. D. 1384)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Relating to the Sunday Sale of Furniture" (S. P. 388) (L. D. 1199)

Report of the Committee on Marine Resources reporting "Leave to Withdraw" on Bill "An Act to Limit 3 Lobster Traps to One Warp in the New Meadows River North of the Basin" (S. P. 168) (L. D. 376)

Report of the Committee on Marine Resources reporting "Leave to Withdraw" on Bill "An Act to Establish a Marine Worm Council" (S. P. 315) (L. D. 945)

Came from the Senate with the Reports read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Prohibit Hunting of Bear with Dogs and to Prohibit Hunting Bear with Bait" (H. P. 457) (L. D. 570) on which the Bill was substituted for the "Leave to Withdraw"

Report of the Committee on Fisheries and Wildlife and the Bill passed to be engrossed as amended by House Amendments "A" (H-199) and "C" (H-218) in the House on April 20, 1979.

Came from the Senate with the "Leave to Withdraw" Report of the Committee on Fisheries and Wildlife read and accepted in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from West Gardiner, Mr. Dow, moves that we recede and concur.

The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker and Members of the House: I move that we adhere.

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

A vote of the House was taken.

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

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

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

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

ROLL CALL

YEA — Austin, Barry, Bordeaux, Boudreau, Brown, D.; Brown, K.L.; Churchill, Cunningham, Damren, Dow, Drinkwater, Dudley, Fenlason, Gavett, Hall, Hunter, Immonen, Jacques, P.; Laffin, Leighton, Lewis, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Maxwell, McHenry, McKean, McMahon, Nelson, A.; Norris, Paul, Payne, Peterson, Prescott, Reeves, J.; Roope, Sewall, Sherburne, Silsby, Smith, Soulas, Sprowl, Stetson, Strout, Tozier, Violette, Vose, Whittemore
NAY — Alounis, Bachrach, Beaulieu, Berry, Berube, Birt, Brannigan, Brennerman, Brown, A.; Brown, K. C.; Call, Carter, F.; Chonko, Cloutier, Conary, Cox, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dutremble, D.; Elias, Fillmore, Fowlie, Gillis, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Huber, Hughes, Hutchings, Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Lizotte, Martin, A.; Masterman, Matthews, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, N.; Paradis, Pearson, Reeves, P.; Rolde, Rollins, Simon, Small, Studley, Tarbell, Theriault, Tierney, Torrey, Tuttle, Vincent, Wentworth, Wood, Wyman

ABSENT — Baker, Benoit, Blodgett, Bowden, Brodeur, Bunker, Carrier, Carroll, Carter, D.; Connolly, Curtis, Dutremble, L.; Garsoe, Howe, Jackson, Jacques, E.; Jalbert, Leonard, Locke, Masterton, Nelson, M.; Peltier, Post, Stover, Twitchell, The Speaker.
Yes, 52; No, 73; Absent, 25.

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

Thereupon, on motion of Mrs. Martin of Brunswick, the House voted to adhere.

Messages and Documents

The following Communication:

State of Maine

OFFICE OF THE GOVERNOR

Augusta, Maine

April 20, 1979

To: The Honorable Members of the Senate and House of Representatives of the 109th Maine Legislature:

I am returning without my signature or approval H. P. 18, L. D. 35, **AN ACT to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances.**

We all share the same goals of protecting our communities from juvenile crime and of encouraging our youth to live good and decent lives.

I recognize that this Act was passed in the hope it would assist in reaching those goals.

But I am convinced it would be counterproductive.

As a defense attorney, as Cumberland County Attorney and as Attorney General during the period of the enactment of the juvenile code, I have had considerable opportunity to observe the juvenile justice system.

It is not perfect.

Improvements can be made.

The new juvenile code will need revisions.

Further reforms will be in order.

But I fear this bill would not assist in achieving our mutual goals. It would make the most minor offenses committed by the youngest offenders a matter of public record in the absence of affirmative action by the court in each individual case.

It would mean that a 16 year old found in possession of a can of beer could have his name revealed to the press.

It would mean a 13 year old who broke a window would have reporters disclosing his school and family circumstances.

It would mean a 10 year old who turned in a false alarm could have his name and address subjected to public curiosity.

I do not mean to suggest that any of this conduct is worthy, or that any of these youths should go unpunished. Quite the contrary.

But I do not believe that their lives, or the future of their communities, will be improved by disclosing their identities, and their families' identities, to the public at large.

In fact, I fear that after publicity for such minor infractions, the stigma, the sense of unworthiness, the feeling of being a loser and a victim of his circumstances, would only encourage a youth to commit further, and more serious, crimes against society.

That is why I believe, based on my long experience with juveniles in trouble, that publicity could well result, not in the deterrence of crime, which I know the bill's supporters sincerely hoped, but rather, in an increase in both the amount and severity of the criminal conduct of the youth with these early adjudications.

There are other considerations that also compel the conclusion that this legislation is not truly in the best interests of the public.

First, the juvenile code itself has only been in operation for a year, affording hardly any time for an intelligent evaluation of how well it is functioning.

Before major changes in its philosophy or operation are undertaken, a careful review of the accomplishments and drawbacks of this system should be made. In the area of juvenile rights and responsibilities, I must counsel caution in making significant changes without adequate information, in this case as a result of the system itself being so new.

Finally, I am frankly concerned that this legislation contains a serious potential for creating a new kind of discrimination between economic classes. There will always be an argument to the court that the good boy from the good home in the good neighborhood will be irreparably injured by revelation of his name after adjudication. While the personal and family reputation, and the impact of the disclosure on the future of the youth from a poor area is given short shrift.

We are now in the process of striving to achieve equal justice for all.

This legislation could well undermine that fundamental goal in far too many cases.

In conclusion, I appreciate that the efforts of the advocates of this measure represented a good faith attempt to deal with the serious problem of juvenile crime. I respect that effort, and in the case of major crimes, the A, B and C crimes such as aggravated assault and battery, burglary, and arson, I fully endorse the provisions of law permitting public knowledge of the individuals involved. For public knowledge of the individuals involved. For I believe that in such instances the public right to know of serious threats to its safety and well-being outweighs any future effect such publicity might have on a juvenile already so heavily committed to a criminal way of life.

But at the same time, I am convinced that the public's true interest lies in shielding the child who has a can of beer, or breaks a window, or pulls a fire alarm, from the full glare of media publicity. For on balance, in the case of lesser infractions, I believe such exposure will increase, not deter, the problems of both the child and his community.

I respectfully request that you sustain my veto of this measure.

Very truly yours,

S/ JOSEPH E. BRENNAN

Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Bill "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances," (H. P. 18) (L. D. 35) become law notwithstanding the objections of the Governor?

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

Mr. CALL: Mr. Speaker, and Members of the House: I find the Governor's argument against this bill unrealistic and exaggerated. Apparently, he was not aware that judges do not have mandates, that they are not forced to reveal the names of juveniles adjudicated to have committed minor crimes.

When he indicated, as he does, in his veto message that a 16 year old found in possession of a can of beer could have his name revealed to the press, I stated the name would not be revealed if the judge chose otherwise on the first or even the second and third offense.

I might say that to begin with, Governor Brennan told me several months ago, before the start of this session, when I outlined and explained L. D. 35 to him, that the bill was not something that he would veto. With that encouragement, I proceeded with optimism to submit and promote L. D. 35.

To go on with his message, a youth who broke one window and did not continue the practice of window breaking would have reporters disclosing his school and family circumstances, according to the Governor. By the same token, a 10 year old who turned in a false alarm could have his name and address subjected to public curiosity, as was the case with the first-mentioned example with the can of beer. I disagree with the possible outcome of the latter two illustrations. I disagree with the Governor that the stigma derived from committing a minor infraction would only encourage a youth to commit further and more serious crimes against society.

In essence, Governor Brennan feels just the opposite from what I intended the bill to accomplish would be the result. I disagree profoundly with him on that score.

Along with other opponents of this bill the governor presents as one argument against this that the juvenile code itself has been in operation for only a year, affording insufficient time for any intelligent evaluation of how well it is working.

In the special session of the 107th legislature, a bill similar to L. D. 35 came out of committee successfully after being presented by a House member and was debated once in the House before its sponsor was persuaded to withdraw it. The argument presented to him was, a juvenile code was being prepared by a special committee, so why shouldn't we wait for that report and code, and the legislator went along. If that bill had been permitted to stay alive it might have become law, because it was known that the people were ready for something like it. Today, they are even more ready. Insisting that this legislation is not truly in the best interest of the public, the Governor does know that the people want L. D. 35 to become law. The greater part of Maine's population wants L. D. 35 to become law. I beg of this House to override the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: Two and a half weeks ago, I stood before you and I made basically the same arguments that are raised today by the Governor of this State in opposition to this bill. I won't go into a long dissertation, I think I explained my position then and I feel the same way now. I commend the Governor for taking such a position. I suppose sometimes we have to show our leadership ability by doing such things, and I think the Governor has proven that today.

The intention of the bill has great merit and I have a lot of respect for the sponsor of this particular piece of legislation. However, the end result is, the intention of the bill will not be accomplished by this piece of legislation.

As the Governor mentions in his veto message, the juvenile code has only been in existence less than a year. I think it is an inopportune time to change the major portions of that code until we see the effects of that particular code in the near future.

I am sponsoring a piece of legislation which will provide a monitoring device for the juvenile code in order to make recommendations and revisions which are needed after much study. I urge you this morning to go along with the Governor, to let the juvenile code take effect, look at it, monitor it and if we decide a year from now that this is the right approach, then I will be the first one to take it. However, I feel that the Governor is right, that the intention, even though good, this particular piece of legislation is contrary in nature to what the result will be. I urge you today to sustain the Governor's veto.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: As you folks are aware, we have had several bills dealing with the release of juveniles' names this session. L. D. 35 was the culmination of the effort to get something passed.

I feel that in my area, at least, there has been a public outcry to have the names of juveniles released under certain circumstances. I think, gauging from the number of bills introduced, that is the feeling in other areas too. People have the right to know who is committing crime. It isn't only that we are trying to protect the juvenile, but after several misadventures by a juvenile, I think the public is entitled to know whether he is out on the streets committing crime. That is the reason for L. D. 35.

When we started with this, with the Gray amendment, so called, we were going to require a mandatory release of those names after the second adjudication. However, that amendment failed. But the bill as passed was a watered down version, which gave the discretion to the court to release those names—excuse me. I will take that back, it gave the court the discretion of withholding the names if he felt it was in the best interest of the child.

So, as the bill finally came out, if the court

felt that a juvenile's name shouldn't be released, all he had to do was withhold it. I feel that is the reasonable compromise in this area. I feel that something should be done and I urge you to override the veto.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I, too, urge you to override the Governor's veto. That is one man's opinion and the opinion of both branches of this government has been to pass this bill. I suppose a lot of you are like myself, the outcry from the local communities of which you represent has been in favor of this bill. They are the people that I am here to represent and them alone.

Let me tell you one of the reasons why people cry out for this piece of legislation. We have had several arson cases by young people in my town, so the people in my town are scared of every young person on the street at night. They shouldn't be, they should be scared of the ones that are doing it. So, this here would make it so that they wouldn't suspect everybody. At the present time, they have to suspect everybody, all these young people that they see out after dark. This is not the case, because they are not all arsonists, one amongst them is. I think if this continues, the public is entitled to know so they can be aware and watch this particular person, not watch everybody, it is quite a job to watch every child in a community. This is just one of the reasons why.

I have been around here a long time and I consider my judgment fairly sound for my area and I don't need someone from any office here trying to tell my community what is good and what is bad. As for giving this case, like the good gentleman in the back row has said, a chance for trial. I say it has had trial enough. The people are not satisfied with it and now is the time to change it. Override this veto and we will be on the right road.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I will keep my remarks brief because I saw the looks I was getting. However, as the gentleman from Ellsworth pointed out, we got over 100 votes on the stronger version which would have mandated the release of juvenile offenders. That was my amendment. It was the gentleman from Saco, Mr. Hobbins, that moved to adhere, in other words, it would have kept the stronger version on, but in the spirit of compromise with the other body, we agreed to give the court discretion in the release of juvenile names.

I don't know who prepared the veto message for the Governor, but it certainly was not a scholar of the court. The offenses mentioned here in the message at the very most would probably be handled by an intake worker. I really can't imagine a juvenile standing trial for possession of a can of beer.

I would also like to point out that in three terms serving in this House, this is the first bill that the gentleman from Lewiston, Mr. Call, has had passed. I would hope that we would continue to support him.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to sustain the Governor's veto. I think that the remarks of the gentleman from Enfield, Mr. Dudley, are a good case in point as to why it should be sustained. He talked about the crime of arson and the need for people in his community to find out the names of those who are charged with arson. Well, arson is a serious crime, it is a felony. In fact, under the new juvenile code, those names would be made public. I think that illustrates the fact that the public has not yet accepted or understood that changes we did make in the last legislature in regard to our treatment of juveniles. We ought to give those changes a chance to work before we begin to deal with

making public, even the minor crimes committed by juveniles.

I think the Governor said it very well in his message. The Judiciary Committee in this Legislature has a history of very successfully, I think, coming up with compromises to try to please everybody. This was one of those compromises which pleased everybody and ended up really pleasing no one. I think the Governor, very wisely taking an independent look at the situation, saw that the bill simply didn't do much good and did, in fact, some harm. I think that outside look that he gave it is a useful one and we ought to support him and sustain his veto.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? This requires a two-thirds vote of all the members present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Berry, Berube, Birt, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Call, Carroll, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, MacEachern, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Morton, Nelson, A.; Paul, Payne, Peterson, Post, Prescott, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stetson, Strout, Studley, Tarbell, Torrey, Tozier, Twitchell, Wentworth, Whitemore, Wood

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Blodgett, Brannigan, Brenerman, Brown, K. C.; Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Joyce, Kane, Kany, Kelleher, LaPlante, Lizotte, Locke, Lund, Mahany, Maxwell, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Pearson, Reeves, P.; Rolde, Theriault, Tierney, Tuttle, Violette, Vose, Wyman, The Speaker.

ABSENT — Brodeur, Carrier, Carter, D.; Chonko, Curtis, Jalbert, Peltier, Stover, Vincent

Yes, 87; No, 55; Absent, 9.

The SPEAKER: Eighty-seven having voted in the affirmative and fifty-five in the negative, with nine being absent, the Governor's veto is sustained.

Sent up for concurrence.

Petitions, Bills and Resolves

Requiring Reference

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

Election Laws

Bill "An Act to Redefine the Term 'Political Committee' Under the Election Laws" (H. P. 1332) (L. D. 1579) (Presented by Mrs. Master-ton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Clarify the Powers of the Masonic Trustees of Portland as to their Authority to Sell Real Estate" (H. P. 1335) (L. D. 1582) (Presented by Mrs. Nelson of Portland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Prohibit Unreasonable and Unjust Fuel Charges from Being Passed on to

Consumers" (Emergency) (H. P. 1333) (L. D. 1580) (Presented by Mr. Berry of Buxton) (Co-sponsor: Mr. Tierney of Lisbon) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Public Utilities was suggested.

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

Mr. DAVIES: Mr. Speaker, I move that this be referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

Whereupon, Mr. Garsoe of Cumberland requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, that this matter be referred to the Committee on Energy and Natural Resources. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Public Utilities

Bill "An Act to Extend until July 1, 1980, the Date for the Newport Water District to Purchase the Property of the Maine Water Company" (Emergency) (H. P. 1334) (L. D. 1581) (Presented by Mr. Reeves of Newport) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, all matters requiring reference were ordered sent forthwith to the Senate.

Orders

An Expression of Legislative Sentiment (H. P. 1324) recognizing that: Penny Moody, a Junior at Wells High School, has been awarded the Class C Basketball Tournament's Good Sportsmanship Award

Presented by Mrs. Wentworth of Wells (Co-sponsor: Senator Hichens of York)

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

An Expression of Legislative Sentiment (H. P. 1325) recognizing that: Falmouth High School won first place in the medium school division in the Third Annual State Championship Math Meet held on April 12, 1979 at the University of Southern Maine and sponsored by the Maine Association of Math Leagues

Presented by Mrs. Huber of Falmouth

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

An Expression of Legislative Sentiment (H. P. 1326) recognizing that: Jim Robinson of Presque Isle, a young farmer advisor, county agent and area potato specialist, has served the potato industry and Aroostook County with great dedication for the past 22 years and through his outstanding work, including herbicide usage, the agronomic aspects of potato storage and production and the formation of co-operative centralized packaging and storage facilities, he has contributed greatly to his community, county and state

Presented by Mr. Roope of Presque Isle (Co-sponsors: Mrs. MacBride of Presque Isle and Senator McBrearty of Aroostook)

The Order was read and passed and sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 1327) recognizing that: Edith M. Lake of Wilton, on May 2, 1979, will celebrate, with family and friends, the 100th anniversary of her birth

Presented by Mr. Rollins of Dixfield (Co-sponsor: Senator O'Leary of Oxford)
The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1330) recognizing that: Lieutenant Dewey A. Martin, Jr. and Detective Peter M. Conley of the Criminal Investigation Division of the Portland Police Department were awarded a Departmental Citation on January 26, 1979, for outstanding police service to the City of Portland

Presented by Mr. Brannigan of Portland
The Order was read and passed and sent up for concurrence.

Tabled Unassigned

On Motion of Mrs. Lewis of Auburn, the following Joint Order: (H. P. 1328) (Cosponsor: Mrs. Berube of Lewiston)

WHEREAS, there is no judicial policy with respect to sex offenders, at either the federal or state level which is consistent with contemporary biomedical, sexological knowledge; and WHEREAS, sexual abuse of children in this State reflects a serious and damaging illness in our society; and

WHEREAS, the incidence of rape and gross sexual misconduct in this State is higher than either law enforcement or medical authorities can accurately estimate; and

WHEREAS, to maintain order and to ensure their own personal safety, inmates at the Maine State Prison who have been convicted of sex crimes, particularly against children, are segregated from the rest of the prison population; and

WHEREAS, the Criminal Law Revision Commission has not had an opportunity to address these problems particularly from the standpoint of law enforcement, protection of the public and the confinement or treatment of convicted offenders; now, therefore, be it

ORDERED, the Senate concurring, that the Criminal Law Revision Commission be requested to study possible medical treatment alternatives in incarceration or probation for convicted sex offenders; to consult with medical authorities in the field, the Department of Human Services and the Department of Mental Health and Corrections; to recommend any necessary revisions to the Criminal Code which would authorize treatment alternatives, and the establishment of appropriate treatment programs; and be it further

ORDERED, that the Criminal Law Revision Commission be requested to submit their findings and recommendations together with all necessary legislation in accordance with the Joint Rules at the Second Regular Session of the 109th Legislature; and be it further

ORDERED, that \$5,000 be allocated from the Legislature Account to carry out the purposes of this Order.

The Order was read.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage.

An Expression of Legislative Sentiment (H. P. 1336) recognizing that: Linwood E. Palmer, Jr. of Nobleboro served as a Representative to the 93rd, 94th, 106th, 107th and 108th Legislatures and as a Senator in the 95th Legislature; and

WHEREAS, he served with great honor and distinction as a House Minority Leader in the 107th and 108th Legislatures; and

WHEREAS, on April 28, 1979, the people of Lincoln County and particularly Legislative District 61 are paying special tribute to their native son, Linwood E. Palmer, Jr., in recognition of his many years of faithful public service

Presented by Mr. Stetson of Wiscasset

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

By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committees Ought Not to Pass

Mr. Connolly from the Committee on Education on Bill "An Act to Permit School Administrative Units to Grant Leaves of Absence Without Loss of Contract Status to Teachers who are Elected to County or Local Office" (H. P. 789) (L. D. 989) reporting "Ought Not to Pass"

Mrs. Locke from the Committee on Education on Bill "An Act to Provide Representation Based on Population to the Various Regions of Maine on the University of Maine Board of Trustees" (H. P. 790) (L. D. 995) reporting "Ought Not to Pass"

Mrs. Lewis from the Committee on Education on Bill "An Act to Reduce the Total Debt Service and Interest on School Construction in any One Year from \$30,000,000 to \$20,000,000" (H. P. 904) (L. D. 1129) reporting "Ought Not to Pass"

Mr. Fenlason from the Committee on Education on Bill "An Act to Provide for a Legislative Management Audit of the University of Maine" (H. P. 791) (L. D. 990) 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. Birt from the Committee on Education on Bill "An Act Concerning School Principals" (H. P. 264) (L. D. 340) reporting "Leave to Withdraw"

Mr. Fenlason from the Committee on Education on Bill "An Act Concerning State Reimbursement for Private School Transportation" (H. P. 947) (L. D. 1178) reporting "Leave to Withdraw"

Mr. Wood from the Committee on Agriculture on Bill "An Act to Establish the Maine Potato Industry Promotion Board and to Set the Potato Tax at \$.025 per Hundredweight" (H. P. 1233) (L. D. 1544) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mrs. Reeves from the Committee on State Government on Bill "An Act Concerning Public Agencies Contracting for Architectural Services" (H. P. 759) (L. D. 939) reporting "Ought to Pass" in New Draft (H. P. 1331) (L. D. 1578)

Report was read and accepted, the new draft read once and assigned for second reading, Wednesday, April 25.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-252) on Bill "An Act to Establish a Deadline for Removal of Ice Fishing Shacks" (H. P. 432) (L. D. 549)

Report was signed by the following members:

Messrs. SILVERMAN of Washington
CHAPMAN of Sagadahoc

— of the Senate.

Ms. SMALL of Bath
Messrs. BOWDEN of Brooklyn
NELSON of Roque Bluffs
BLODGETT of Waldoboro
FOWLIE of Rockland

Mrs. POST of Owl's Head

— of the House.

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

Report was signed by the following members:

Mr. SHUTE of Waldo

— of the Senate.

Messrs. JACKSON of Yarmouth
BUNKER of Gouldsboro
HANSON of Kennebunkport

KIESMAN of Fryeburg

— of the House.

Reports were read.

On motion of Mr. Fowlie of Rockland, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-252) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-251) on RESOLVE, Authorizing Barry A. Brann of Wilton to Bring Civil Action Against the State of Maine" (H. P. 547) (L. D. 678)

Report was signed by the following members:

Messrs. SHUTE of Waldo
FARLEY of York

— of the Senate.

Messrs. DELLERT of Gardiner
VIOLETTE of Van Buren
SOULAS of Bangor
Miss GAVETT of Orono
Mr. MAXWELL of Jay

— of the House.

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

Report was signed by the following members:

Mr. COTE of Androscoggin

— of the Senate.

Mr. CALL of Lewiston
Ms. BROWN of Gorham
Messrs. STOVER of West Bath
DUDLEY of Enfield
McSWEENEY of Old Orchard Beach

— of the House.

Reports were read.

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

Mr. SOULAS: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report. Whereupon, Mr. Dexter of Kingfield requested a vote.

The SPEAKER: The pending question is on the motion of Mr. Soulas of Bangor that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

Whereupon, Mr. Dexter of Kingfield requested a roll call vote.

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

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

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

Mr. DEXTER: Mr. Speaker, could I have an explanation of this?

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

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: This is an action for the state to get involved in regarding a man who was hurt at our local prison.

The testimony that we heard was accurately reported to our committee. The guards at Thomaston agreed that the area where the accident took place was off limits, but no signs were present, so no one really would know whether this area was a restricted area.

All we are doing here is allowing Mr. Brann the opportunity to have his day in court. We should not sit here as judge and jury, because all we have to do, if we do this, is give this man the opportunity to have his day in court.

If we turn down this request, there is abso-

lately nowhere else Mr. Brann can go. We here in the House are the beginning or the end—it is up to you.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Soulas, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bowden, Brannigan, Brennerman, Brown, D.; Brown, K. C.; Bunker, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dellert, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble L.; Elias, Gavett, Gillis, Gould, Gray, Gwadosky, Hanson, Hickey, Hobbins, Howe, Hughes, Hutchings, Jackson, Jacques, E.; Kane, Kany, Kiesman, Laffin, Lancaster, Leighton, Lizotte, Lougee, Lowe, Lund, MacEachern, Mahany, Martin, A.; Masterton, Matthews, Maxwell, McHenry, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, Paul, Payne, Pearson, Peterson, Post, Prescott, Reeves, P.; Rolde, Rollins, Sewall, Simon, Soulas, Sprowl, Stetson, Studley, Tarbell, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman.

NAY — Aloupis, Austin, Bordeaux, Brown, A.; Brown, K.L.; Call, Carter, F.; Conary, Dexter, Fenlason, Fillmore, Fowlie, Garsoe, Gowen, Hall, Higgins, Hunter, Immonen, Jacques, P.; Joyce, LaPlante, Leonard, Lewis, MacBride, Marshall, Masterman, McKean, McMahon, McSweeney, Reeves, J.; Roope, Sherburne, Silsby, Small, Smith, Theriault, Wentworth, Whittemore.

ABSENT — Boudreau, Brodeur, Carrier, Churchill, Curtis, Dudley, Huber, Jalbert, Kelleher, Locke, Norris, Peltier, Stover, Strout, The Speaker.

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

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

Thereupon, the Resolve was read once. Committee Amendment "A" (H-251) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

Consent Calendar

First Day

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

(H. P. 946) (L. D. 1179) Bill "An Act to Permit Sorority Houses at University of Maine Campuses" Committee on Education reporting "Ought to Pass"

On the objection of Mr. Tierney of Lisbon Falls, was removed from the Consent Calendar.

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

Mr. TIERNEY: Mr. Speaker, I would like to pose a question through the Chair to the sponsor of this piece of legislation and ask him what his particular interest is in the subject and why the change is necessary?

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

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

Mr. TARBELL: Mr. Speaker, I am pleased that my counterpart in the other corner wants to jolly and folly a little bit this morning. After some of the tense moments we have had here in the House in the past few days, it is probably appropriate.

The measure is just a definitional measure. It says that sorority houses will be included in the definition of fraternity houses with the Uni-

versity of Maine so that sorority houses as well as fraternity houses, in terms of buildings, not in terms of the organization, could be constructed. It is a clarification measure, it is one sentence. It is ambiguous right now as to whether or not a sorority house could, in fact be constructed. This would just simply clarify it so that both fraternity houses and sorority houses could be constructed.

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

(H. P. 981) (L. D. 1217) Bill "An Act Concerning the Leasing and Management of Public Lands" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-259)

(H. P. 1100) (L. D. 1352) Bill "An Act Relating to the Management of the Department of Attorney General" Committee on State Government reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 25, 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. 1164) (L. D. 1438) Bill "An Act to Clarify the Uniform Act for Out-of-state Parolee Supervision"

(H. P. 1123) (L. D. 1393) Bill "An Act to Clarify Transfers from County Jails to the Correctional Facilities"

(H. P. 1166) (L. D. 1441) Bill "An Act Relating to the Transfer of Prisoners to Federal Penal Institutions"

(H. P. 1165) (L. D. 1430) Bill "An Act Relating to the Division of Probation and Parole"

(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"

(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"

(H. P. 512) (L. D. 628) Bill "An Act to Require Lobstermen to Use Only One Buoy Color Combination" (C. "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"

(S. P. 386) (L. D. 1198) Bill "An Act Authorizing a Legislative Study on Family Impact" (C. "A" S-112)

(S. P. 188) (L. D. 455) Bill "An Act Relating to the Operation of Snowmobiles on Private Ways" (C. "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" (C. "A" H-254)

(H. P. 984) (L. D. 1193) Bill "An Act to Provide Ferry Service to Matinicus Plantation" (C. "A" H-256)

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

Passed to Be Enacted Emergency Measure

An Act to Allocate \$8,000 to the Maine Food and Farmland Supply Commission (H. P. 362) (L. D. 472) (C. "A" H-217)

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, 129 voted in favor of same and none against and ac-

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

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1979 (H. P. 1304) (L. D. 1560)

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, 128 voted in favor of same and 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act Pertaining to Absentee Voting (S. P. 121) (L. D. 230) (C. "A" S-98)

An Act Relating to Native Farm Produce (S. P. 226) (L. D. 641) (C. "A" S-103)

An Act to Authorize the Secretary of State to Issue a Duplicate Certificate of Title for a Motor Vehicle if the Original Certificate is Unavailable (S. P. 356) (L. D. 1104) (C. "A" S-104)

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

Enactor

Tabled and Assigned

An Act to Clarify and Correct Laws Related to Real Estate Brokers and Salesmen (S. P. 391) (L. D. 1202)

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

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

An Act to Revise the Fees for the Licensing of Psychologists (S. P. 426) (L. D. 1295)

An Act to Amend the Safe Drinking Water Act (H. P. 279) (L. D. 353) (C. "A" H-215)

An Act Relating to Forfeiture of Bail on Persons Who Have Left the State (H. P. 304) (L. D. 415) (C. "A" H-211)

An Act to Amend Existing Stumpage Allowance to the Passamaquoddy Indian Tribe (H. P. 422) (L. D. 517) (C. "A" H-216)

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

Enactor

Tabled and Assigned

An Act Concerning the Powers of the Board of Trustees and the Treasurer of the University of Maine and Concerning Real Property Belonging to the University (H. P. 793) (L. D. 1001)

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

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and tomorrow assigned.

An Act Providing for the Fee for Examination by the Office of State Fire Marshal of Plans for the Construction of Hotels or Motels with 2 or More Stories (H. P. 958) (L. D. 1188)

An Act to Revise the Statutes Governing Chemical Control of Rodents as Agricultural Pests (H. P. 990) (L. D. 1227)

An Act to Amend the Frozen Dairy Products Law (H. P. 992) (L. D. 1229)

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

Orders of the Day

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

Bill, "An Act to Eliminate the Jurisdiction of the Maine Milk Commission over ½ Pint Containers of Milk" (H. P. 482) (L. D. 613) — In House, Minority "Ought to Pass" Report of Committee on Agriculture Accepted and Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-212) on April 18, 1979. — In Senate, Majority "Ought Not to Pass" Report Accepted on April 19.

Tabled—April 20, 1979, by Mr. Mahany of Easton.

Pending—Further Consideration.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, I now move we insist.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Roope.

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

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

A vote of the House was taken.

Mr. Brenerman of 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 will vote yes; those opposed will vote no.

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

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

Mr. BRENERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill was well debated last week and passed. To remind the members of the House, there are two basic issues addressed by the Committee amendment. First the bill exempts schools from price regulation of the Milk Commission. This makes our treatment of local public schools consistent with the way the state treats state and federal institutions which purchase half pints of milk. In other words, there is no reason that schools should not be exempt if other institutions are statutorily exempt and competitively bid for the price of milk.

Second and most important, regulation or the possibility of regulation of half pints by the Milk Commission can cause problems with school budgets after they have been adopted. Presently, the commission can hold hearings to re-regulate any time that they are requested. In fact, that was done twice last year. Once a school budget is set, it is certainly burdensome for Maine communities to attempt to add to those budgets. Had regulation occurred at the recent hearing, milk cost for schools would have risen by \$1 million to be paid by our taxpayers.

As we said last week, and as the Department of Agriculture has concurred, the commission will still have control over the quality of milk being sold. They would not have control, of course, over the price that would make our law consistent with the way that we treat state and federal institutions.

I ask that the House vote against the recede and concur motion.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Men and Women of the House: I am reluctant to get up and debate this issue. We did have an extensive discussion on it the other day. I do feel that the present system and situation is satisfactory.

The Milk Commission has reviewed the procedures and has allowed the school milk be purchased under the bid process and I maintain

that if this could continue, the authority and power of the Milk Commission would be in place if the bid price became so low that the quality of milk deteriorated to an extent that it needed to be supervised and they had to come in and say that a higher price is needed to be established to preserve the Maine market for our good quality of milk. Therefore, we need to keep this regulation on the books.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: We are talking about prices of milk as though the price of milk were maybe rather high right now. I would just like to make a few statements here.

The dealers that are supplying this milk pay the farmers 13½ cents a pound for this milk. At the price it is being bid in to the schools at present, the schools are paying 16 cents a pound, two and a half cents difference. In that pound of milk, the dealer is furnishing two cartons. These little cartons are one-half pound packages. For two and a half cents, the dealer is furnishing two cartons and he is doing the processing and the delivering. I believe that at these bids, it is dangerously low. I would think that there is a big danger of the quality of the milk being lowered. I understand that even now some of these packages are being filled with 2 percent milk. That is one way of making this very small margin possible. I would be afraid that older milk or milk of other poor quality for other reasons would stand a chance of getting into these cartons. I don't think the Milk Commission or the dairy industry are looking to control the price as long as this part of our business is run in a good manner. I would contend that the Milk Commission should be allowed to have the power to step in and control if the need arises.

The milk that is sold in the stores today is sold at under 22 cents a pound. When we compare the price of milk to other products at 22 cents a pound in the stores—this is a product that is ready for consumption. You buy a gallon of milk or a carton of milk, you can take it home, take it out of the carton and consume it with absolutely no preparation. I doubt very much that there is another product in the store that we can say that about. The milk in the stores is under 22 cents a pound, or almost 22 cents.

The schools with the lowest bid that I have heard is 8.6 per carton and is exactly 16 cents a pound or 6 cents a pound below that in the stores.

We talk about a million dollar difference in the budget. Nobody knows that that would be a million dollars, nobody knows that if the Maine Milk Commission were to enforce their power and set prices, nobody knows what that price would be. So, I don't see how we can say a million dollar cost to schools.

I would hope that we would go along, leave the commission with this power to regulate the price of milk and to safeguard the quality of milk that is in the schools.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be extremely brief. We debated this bill the other day and I think very sufficiently at that time. I cannot understand or accept the logic that the only way you have any power over the quality of the milk is by being able to control the price. If you use that logic, then you might as well erase all the quality standards we have on the books.

I would argue and point out that the State Prison, state institutions and Federal Institutions have been exempt from the pricing powers since the 1950's. I have yet heard of a case where any of those institutions had any problems with the quality of the milk they received. So, I don't see where the argument about the quality has any relevance. Obviously, if it did, these institutions would have been

complaining about the quality of the milk they have been receiving and they have not.

This bill does not take away the level of quality or the ability of the commission to judge quality of milk. I would also argue that since half pints have been deregulated, there have been no problems with the quality of milk. So, I really think that that argument is sort of a red herring. I don't see any problems with the quality of the milk if this bill passes. I think the argument that everything is all right, does make sense. Everything is all right, right now, but there is no guarantee that it is going to stay that way. To say that the milk industry doesn't want to regulate these prices sort of flies in the face of logic or fact, because last year the Maine Dairy Association went before the Milk Commission and asked them to reregulate half pints. If they didn't want that to happen, why did they ask the Maine Milk Commission to do that?

I would argue that these are costly hearings for the schools to attend and this adds a cost to the taxpayers. So, if everything is all right right now, why is the dairy industry so interested in having these half-pints reregulated?

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

ROLL CALL

YEA — Alopis, Austin, Birt, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carter, F.; Churchill, Cunningham, Davis, Dellert, Drinkwater, Dudley, Fenlason, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Marshall, Masterman, Masterton, Matthews, Maxwell, McPherson, Morton, Nelson, A.; Norris, Pearson, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Soulas, Strout, Studley, Torrey, Twitchell, Vose, Wentworth, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Boudreau, Brannigan, Brenerman, Brodeur, Brown, A.; Carrier, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fillmore, Gowen, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Jacques P.; Joyce, Kane, Kany, Kelleher, Lizotte, Mahany, Martin, A.; McHenry, McKean, McSweeney, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Post, Prescott, Reeves, P.; Rolde, Simon, Sprowl, Stetson, Stover, Tarbell, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Wood, Wyman, The Speaker.

ABSENT — Carroll, Conary, Damren, Dexter, Elias, Fowle, Huber, Jalbert, McMahon, Michael, Payne, Peltier, Smith.

Yes, 68; No, 70; Absent, 13.

The SPEAKER: Sixty-eight having voted in the affirmative and seventy in the negative, with thirteen being absent, the motion to recede and concur does not prevail.

Thereupon on the motion of Mr. Mahany of Easton, the House moved to insist.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Education on Bill, "An Act to Extend the National School Breakfast Program Availability to Maine School Children" (H. P. 660) (L. D. 820)

Tabled—April 20, 1979 by Mr. Connolly of Portland.

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

On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of the gentleman

from Portland, Mr. Connolly, that the Minority "Ought to Pass" Report be accepted and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-235) — Minority (6) "Ought Not to Pass" — Committee on Labor on Bill, "An Act to Provide for an Offset for Holiday Pay under the Employment Security Law" (H. P. 604) (L. D. 750)

Tabled—April 20, 1979 by Mr. Baker of Portland.

Pending—Acceptance of either Report.

On motion of Mr. Wyman of Pittsfield, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-236) — Minority (6) "Ought Not to Pass" — Committee on Labor on Bill, "An Act Relating to Penalty Provisions under the Maine Labor Law" (H. P. 247) (L. D. 292)

Tabled—April 20, 1979 by Mr. Tuttle of Sanford.

Pending—Acceptance of Either Report.

On motion of Mr. Wyman of Pittsfield, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-236) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the fifth item of Unfinished Business.

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (5) "Ought to Pass" as Amended by Committee Amendment "A" (H-237) — Committee on Labor on Bill, "An Act to Require that Certain Employers Provide Regular Physical Examinations for their Employees to Detect Carcinogenic and Pulmonary Disorders" (H. P. 220) (L. D. 268)

Tabled—April 20, 1979 by Mr. Tierney of Lisbon.

Pending—Acceptance of either Report.

On motion of Mr. Wyman of Pittsfield, the Minority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-237) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

HOUSE REPORT — "Ought to Pass" as Amended by Committee Amendment "A" (H-238) — Committee on Labor on Bill, "An Act to Require that all Public Employees be Paid at Least the Federal Minimum Wage" (H. P. 435) (L. D. 552)

Tabled—April 20, 1979 by Mr. Baker of Portland.

Pending—Acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-238) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

An Act to Abolish County Subsidies to the Superior Court System (H. P. 597) (L. D. 741) (C. "A" H-171)

Tabled—April 20, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

The Chair laid before the House the eighth item of Unfinished Business.

An Act to Appropriate Funds for a Conference on Families (Emergency) (H. P. 877) (L. D. 1083)

Tabled—April 20, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

A vote of the House was taken.

80 having voted in the affirmative and 56 having voted in the negative, the Bill failed of passage to be enacted.

Sent up for concurrence.

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

An Act to Prohibit an Intentional Attempt to Elude a Police Officer through High-speed Driving (H. P. 543) (L. D. 674) (C. "A" H-182)

Tabled—April 20, 1979 by Mr. Hobbins of Saco.

Pending—Motion of Mr. Carroll of Limerick to reconsider Passage to be Enacted.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you won't reconsider this morning. This bill is a good bill. The amendment has reduced the crime from a Class E crime down to a Class D, and the purpose of the new amendment was to lower the penalty from Class C to Class D. So, I certainly hope that we will pass this bill this morning. I am not going to elaborate on it. I think we all know what it is, it is a separate crime, and when people try to get away from the police officers and go 80, 90 or 100 miles an hour, they are jeopardizing innocent people's lives in doing this.

It is a deterrent. I would like to see the Class E crime left on, but on the wisdom of the Judiciary Committee, they felt that it should not; consequently, I went along with it and I will this morning and hope it shall be passed.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would reconsider this morning because I would like to offer an amendment to this bill and I would like to back it up to second reading so I can do that.

I think the bill is a good bill. It does back the police officer up in the performance of his duty and it puts the pressure on the offender and that is what we want to do. But it does fail to define what a high speed chase is. If you will look across your desk, you will see I have an amendment which will offer to do that, and I hope you will reconsider the bill so we can back it up and offer the amendment.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I asked the gentleman from Westbrook to explain the bill, and in his explanation, he spoke about 80 or 100 mile an hour high-speed chases. I have great difficulty saying that a police officer should chase someone at 100 miles an hour down the highway, and that is why I hope you would allow this bill to be backed up and that we do whatever we can to make this a better piece of legislation.

I don't want to tell the state police that I approve of 100 mile an hour police chases because I do not. With modern communications, modern radio, you have no right to chase someone at 100 miles an hour. You aren't only apt to destroy the person you are chasing, who may be a kid on his first fling, but you can destroy many, many other people at 100 miles an hour.

I have had a couple of them go by my house and I want you to know I said the 'Hail Mary' and a few other prayers hoping that no one would die in this high speed chase.

I am totally opposed to high speed chases because many many times they are nothing but minor offenses. A minor offense is no reason to chase someone at 100 miles an hour down the highway. I consider a car at 100 miles an hour more dangerous than a rifle aimed at my heart and the man is going to squeeze the trigger.

I am opposed to high speed chases and that is one of the reasons I wish that our state police had to be 30 years old before they could get behind the wheel of a car and chase someone, because I have seen some high speed chases and I just think they are against the best judgment and the best interest of the public in the State of Maine.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: Many years ago, when I was working as a news reporter for the Lewiston Evening Journal, there was a prominent citizen of the area who was arrested for speeding in a nearby town and the judge fined him the limit, so the city editor asked me to contact the judge in that nearby town, and incidentally, he had a reputation for being strict. I asked him why he fined the man the limit. His answer was, "I fined him not only for his own car going 100 miles an hour but causing the police car to go 100 miles an hour. Neither one of those cars should have been going at that rate of speed." I certainly understand the judge's decision and I think that is something for us to take into account here today.

When the speeder and the policeman are both going at breakneck speeds, the chances are greater for a bad accident.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have no objection at this time to the amendment.

Thereupon, the House reconsidered its action whereby the Bill was passed to be enacted.

On motion of Mrs. Prescott of Hampden, under suspension of the rules, the House reconsidered its action whereby the bill was passed to be engrossed.

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

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

House Amendment "A" to Committee Amendment "A" (H-260) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: In explanation of this amendment, I would like to offer the fact that I think, in my opinion, 30 miles over the speed limit is a definition of what a high speed chase is or multiple violations; that is, it could be a red light or failure to stop for the police officer, and I think there should be some cutoff point so the officer does have some effect in court. If we don't, we are going to have defense lawyers argue all day as to what a high speed chase is, and I think this clarifies that.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: Just looking over the amendment, I question whether the amendment is reaching the problem that we faced in our committee. For example, if a police officer is driving along at 25 miles an hour and the defendant is driving along at 60 miles an hour on a 55 mile an hour road, that is a high speed chase. Now, I don't think that is what we were looking at in the committee. We were looking at situa-

tions where a man is driving 100 to 110 miles and hour.

I might say, while I am on my feet, that the purpose of a high speed chase is not—I tend to agree with the people that don't favor that sort of thing, but high speed chases are done by the police because of the fact that they have to keep this defendant in view, or at least under circumstances so they can't shift drivers. In other words, when they go into court, they have to be able to prove the operation of that vehicle by the defendant. If they lose sight of the vehicle or lose sight of the vehicle for a sufficient period of time so that he could stop, change drivers or put someone else behind the wheel, then they lose their case. That is the reason that we have these high speed chases, or one of the reasons we have them.

I don't know about the amendment. At this time I think we ought to have a little time to study it. I would request that somebody table this for a day.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Members of the House: I would like to say a few words and then ask someone to table it after I get done speaking.

I think we tried to address the problem in the Judiciary Committee which we felt existed. None of us condone high speed chases; however, unfortunately under certain circumstances those particular things happen.

This amendment has some problems, I feel. I think it is important for the members of the Judiciary Committee who looked at this bill and had the public hearing to look at it more in a work session and then come back and report to this body.

I request that someone table this bill for one legislative day.

Thereupon, on motion of Mr. Simon of Lewiston, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

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

Bill, "An Act to Amend the Statutes Relating to Airmobiles" (H. P. 663) (L. D. 838) (C. "A" H-204)

Tabled—April 20, 1979 by Mr. Blodgett of Waldoboro.

Pending—Passage to be Engrossed.

On motion of Mr. Blodgett of Waldoboro, retable pending passage to be engrossed and later today assigned.

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

Bill, "An Act to Grant the Public Utilities Commission Jurisdiction to Review Adjustments under the Fuel Adjustment Clause" (Emergency) (S. P. 507) (L. D. 1567) — In Senate, referred to the Committee on Public Utilities

Tabled—April 20, 1979 by Mr. Davies of Orono.

Pending—Reference in concurrence.

Thereupon, the Bill was referred to the committee on Public Utilities in concurrence.

The Chair laid before the House the following Special Order of the Day:

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) — In House, Failed of Passage to be Enacted on April 20, 1979 — In Senate, Passed to be Enacted on April 20, 1979 — In House, Motion to Recede and Concur failed on April 23, 1979

Tabled—April 23, 1979 by Mr. Tierney of Lisbon.

Pending—Motion of the same gentleman to Reconsider Failing to Recede and Concur (Specially Assigned for Tuesday, April 24, at 9:30 A.M.)

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

Mr. GARSOE: Mr. Speaker and Members of the House: If I might impose briefly on this body, I don't intend to go into any great speech, but it is my understanding that this vote to reconsider takes a majority. I don't think there is any doubt as to how the vote is going to go. If this vote passed, and I will be corrected if I am wrong, I am sure, we will then be back to vote on recede and concur and that, again, will take 101 votes. I am asking all those who withheld so far through so much pressure to continue, and I welcome aboard those that I understand are going to join us in this effort today.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action whereby it failed to recede and concur with the Senate.

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

A vote of the House was taken.

Whereupon, Mr. Tierney of Lisbon Falls 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 Lisbon Falls, Mr. Tierney, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

The chair recognizes the gentleman from Winterport, Mr. Lowe.

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

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Brannigan, Brenerman, 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, Gowen, Gwadodsky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Hunter, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Strout, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker

NAY — Aloupis, Austin, Bordeaux, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gould, Gray, Hanson, Higgins, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, MacBride, Masterton, McPherson, Morton, Nelson, A.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tar-

bell, Torrey, Twitchell, Wentworth, Whittemore

ABSENT — None

PAIRED — Lowe-Peltier

Yes, 92; No, 57; Absent, none; Paired, 2.

The SPEAKER: Ninety-two having voted in the affirmative, fifty-seven in the negative, with none being absent and two having paired, the motion to recede and concur does not prevail.

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

Mr. TIERNEY: Mr. Speaker, I move that the House insist and I hope you all vote against me.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the House insist. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

13 having voted in the affirmative and 115 in the negative, the motion does not prevail.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House adhere and I hope you all vote against me.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the House adhere. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

12 having voted in the affirmative and 127 in the negative, the motion to adhere did not prevail.

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 Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, a point of order, sir. As I read House Rule 35, it says a motion to reconsider cannot be entertained twice upon the same question. Now, I hope that—

The SPEAKER: Would members please let the Chair respond to the gentleman from Cumberland, he does not need any help from the members. The gentleman may continue.

Mr. GARSOE: I hope the charade that we have just witnessed is not going to be advanced as intervening action that would, in my book, even then not make it possible for the same question to be entertained again on the matter of recede and concur. I would like the Chair's ruling.

The SPEAKER: The Chair would be pleased to do so. The Chair would advise the gentleman from Cumberland, Mr. Garsoe, that the processes in terms of the non-concurrent matter are very clear. In the past, and the Chair will, of course, rule the same way today, once all motions have been exhausted between a body in non-concurrent matters, the matter is before us in its original form, as if it came back to us for the first time. There are two other instances, when the gentleman was a member with me, serving with me in this body, when the exact same thing has occurred. I would point out that this is not a charade and the Chair would simply ask the gentleman from Cumberland to refrain from accusing anyone of participating in a charade.

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

Mr. GARSOE: Mr. Speaker, I don't think charade is a very strong word to use in light of what we are being subjected with.

The SPEAKER: I guess the gentleman from Cumberland and I went to different schools.

Mr. GARSOE: Mr. Speaker, I want to challenge this ruling, but I don't want to interfere with the normal course of business. Would the gentleman from Lisbon Falls allow this to be

tabled until such time as I can satisfy myself that my feelings are perhaps out of order or inaccurate?

The SPEAKER: The Chair would advise the gentleman that it is our intention to table this matter.

Mr. GARSOE: Then we are in concurrence on that.

The SPEAKER: The Chair would simply like to ask the members who have any questions about the procedure that we are following to go back to the rule book and to check it.

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

Mr. GARSOE: Mr. Speaker, my problem stems from the fact that I can't believe we are under a parliamentary system that would allow this endless repetition, this very abrasive course of action that stands a good show of breaking down the function of this body, that stands to interfere with the orderly flow of business that stands to abrade and erode our relationships with one another. I don't believe that that is what parliamentary procedure was ever intended to do.

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

Mr. TIERNEY: Mr. Speaker, a point of order? The gentleman is clearly not debating the issue of recede and concur and is clearly debating a parliamentary challenge to the Chair, and yet he has not made the motion to challenge the ruling of the Chair and I suggest that he do so should he desire to continue the debate.

The SPEAKER: The point is well taken. The gentleman may debate the question if he so desires to of course, he may appeal the ruling of the Chair.

The Chair would simply make one additional comment. Both historical and parliamentary procedure provides for an orderly disposition of business. As the gentleman well knows, the Joint Rules provide for a system of dealing with matters in which this body and the other body are not in concurrence and are not in agreement with. We have now, prior to the motion of the gentleman from Lisbon Falls, Mr. Tierney, exhausted all motions before us that can be made properly before this body. That is to say, no other motions could, in fact, have been made, since all motions had been made and defeated—I repeat, had been made and defeated.

Parliamentary procedure—the Chair would ask the gentleman from Bangor to please refrain. If he wishes to address the House, he may do so at a later time. Parliamentary procedure provides a necessity to handle that situation because, at this point, unless that capability were to exist, the issue would, in effect, remain in this body in limbo. So as a result, as long as there is a majority in this body, the process that you have just seen could continue until someone achieves a majority on either side.

The gentleman may continue if he wishes.

Mr. GARSOE: Mr. Speaker, I will continue in a different vein.

I would insist that the rule. . . .

The SPEAKER: The gentleman may question the ruling of the Chair if he so desires.

Mr. GARSOE: Mr. Speaker, I am not ready to do that and I had hoped we could have a little dialogue here because I regard that as a serious piece of business and I wouldn't enter into it lightly. I want to know that my feelings have some basis. But it seems to me, Mr. Speaker, despite the parliamentary procedure you have recited to me, and I have never questioned your grasp of parliamentary procedure, but in the face of a specific rule governing a specific situation, I challenge the logic and the reasoning that tends to supplement the vaporous parliamentary rulings that may be found in Mason's, Reed's or anywhere else, because I also believe it is an accepted rule of parliamentary procedure that you do not use authority

such as that in the face of a specific rule which we have on our books. That type of reasoning is only supposed to prevail where we are in absence of a specific ruling, and I feel that this thing should have a suspension of the rules before the gentleman's motion could be entertained.

The SPEAKER: The Chair would advise the gentleman that the Chair has made the ruling.

Mr. GARSOE: Mr. Speaker, I challenge the ruling of the Chair and I ask for a vote of the body.

The SPEAKER: It requires a vote of the body. The gentleman from Cumberland, Mr. Garsoe, challenges the ruling of the Chair. The matter is not debatable.

Mr. Kelleher of Bangor requested a roll call.

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

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

The SPEAKER: The pending question before the House is, shall the ruling of the Chair be sustained. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

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

NAY — Aloupis, Austin, Barry, Berry, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Bunker, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, McMahon, McPherson, Nelson, A.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whittemore.

ABSENT — Peltier

Yes, 83; No, 67; Absent, 1.

The SPEAKER: Eighty-three having voted in the affirmative and sixty-seven in the negative, with one being absent, the ruling of the Chair is sustained.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: To recede and concur, would it be, in fact, to sanction what the other body has done in the past, and that was passed to be enacted, is that correct?

The SPEAKER: The Chair would answer in the affirmative.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: It's safe to assume that the opposition has gained strength in the last few days, and I think it is safe to assume that this bill will not receive passage in its present form. If that is the case, and if we are all, in fact, concerned with the state employees, concerned that they ultimately get

their raise in as expeditious manner as possible, it would be wise of us, at this point, to simply dispose of this bill, kill it, and then let the bill go back, wherever it has to go, so the employees can ultimately have, or those people responsible for negotiating a contract can put a contract in front of us that we will accept.

I think if we are in favor of the state employees, we will vote against the recede and concur motion and we will ultimately dispose of the bill.

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

Mr. TIERNEY: Mr. Speaker, I move that this item lie on the table and I further move that it be specially assigned for April 25 at nine-thirty in the morning.

Thereupon, Mr. Tarbell of Bangor requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that this item lie on the table and be specially assigned for April 25th at nine-thirty in the morning pending his motion to recede and concur. Those in favor will vote yes; those opposed will vote no.

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

NAY — Aloupis, Austin, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Masterman, Masterton, McMahon, McPherson, Morton, Nelson, A.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whittemore.

ABSENT — Peltier.

Yes, 88; No, 62; Absent, 1.

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

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

Bill "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships" (S. P. 310) (L. D. 901) (C. "A" S-107)

Tabled—April 20, 1979 by Mr. Paul of Sanford.

Pending—Passage to be engrossed.

On motion of Mr. Paul of Sanford, tabled pending passage to be engrossed and specially assigned for Thursday, April 26.

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

Bill, "An Act to Prohibit the Gathering of Signatures Within 250 Feet of the Entrance to a Polling Place and Within any Registrar's Office" (H. P. 174) (L. D. 208) (C. "A" H-203)
Tabled—April 20, 1979 by Mr. Morton of Farmington.

Pending—Passage to be Engrossed

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

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

Mr. Marshall of Millinocket requested a vote.

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

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

Ms. Benoit of South Portland requested a vote on the tabling motion.

The SPEAKER: The pending question before the House is the motion of the gentleman from Old Town, Mr. Pearson, that this be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Lizotte of Biddeford requested a roll call.

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

A vote of the House was taken and, more than one-fifth of the members present and 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 Old Town, Mr. Pearson, that this matter be tabled for one legislative day pending the motion of Mr. Berry of Buxton to indefinitely postpone. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Blodgett, Boudreau, Bowden, Brodeur, Brown, D.; Brown, K.C.; Cloutier, Conary, Cox, Curtis, Damren, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbins, Hughes, Hunter, Hutchings, Jackson, Jacques, P.; Joyce, Kane, Kelleher, Lizotte, Locke, Lowe, MacEachern, Marshall, Master-ton, Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Morton, Nadeau, Norris, Paradis, Paul, Pearson, Rolde, Rollins, Simon, Soulas, Sprowl, Stetson, Tarbell, Tierney, Tozier, Tuttle, Vincent, Viollette, Vose, Wood

NAY — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Bordaueux, Brannigan, Brennerman, Brown, A.; Brown, K.L.; Call, Carter, F.; Connolly, Cunningham, Davies, Dow, Gould, Howe, Immonen, Jacques, E.; Jalbert, Kany, Kiesman, Laffin, Lancaster, Leighton, Lewis, Lougee, Lund, MacBride, Mahany, Martin, A.; Masterman, Mitchell, Nelson, A.; Nelson, M.; Nelson, N.; Payne, Peterson, Post, Prescott, Reeves, J.; Roope, Sewall, Sherburne, Silsby, Small, Smith, Stover, Studley, Theriault, Torrey, Twitchell, Wentworth, Whittemore, Wyman

ABSENT — Austin, Bunker, Carrier, Carroll, Carter, D.; Chonko, Churchill, Gowen, Hanson, Huber, LaPlante, Leonard, McMahon, Peltier, Reeves, P.; Strout

Yes, 74; No, 60; Absent, 16.

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

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

Bill, "An Act to Authorize Service of Process

by Notaries Public and Justices of the Peace" (S. P. 246) (L. D. 695)

Tabled—April 20, 1979 by Mr. Hobbins of Saco.

Pending—Passage to be Engrossed

On motion of Mr. Hobbins of Saco, tabled pending passage to be engrossed and tomorrow assigned.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. D. Dutremble.

Mr. D. DUTREMBLE: Mr. Speaker, is the House in possession of An Act to provide for Continuing Education for Real Estate Brokers and Salesmen (H. P. 1303) (L. D. 1559)?

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentleman from Biddeford, Mr. Dutremble.

The Chair recognizes that gentleman.

Mr. D. DUTREMBLE: Mr. Speaker, I now move that the House reconsider its action whereby the Bill was passed to be enacted.

On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Dutremble of Biddeford to reconsider and tomorrow assigned.

Reference was made to (S. P. 39) (L. D. 25) Bill "An Act to Permit Deer Hunting with Muzzle-loading Rifles"

In reference to the action in the House on Wednesday, April 18, 1979, whereby it joined in a Committee of Conference, the Chair appointed the following members of the part of the House as Conferees:

Messrs. DOW of West Gardiner
MacEACHERN of Lincoln
PETERSON of Caribou

The SPEAKER: One of the toughest things that happens from time to time is to make rulings. It is something which has to be done and I have chosen, since I have that position, to make those rulings and I will continue to do so. One of the toughest things however, is to make those rulings with members not knowing what the rules are, and I can well appreciate that for freshmen; I can well understand that, because as I often tell students in my own class in government, it takes us a month around here just to find out where the bathrooms are. It is very difficult for a freshman, and in this House we tend to have at least one-third brand new every time.

For second termers, it is also a problem, but less of a problem since we have been here, but so often we don't really listen to all these things that go on. Also, what happens very often is that we hear something goes on, so we accuse someone of doing it for their own personal reasons without really knowing what the rules are.

I would beg of you, if any of you have questions about the rules, ask them. I am always in my office and I am there from eight o'clock in the morning until usually seven o'clock at night. I am almost always available and always pleased to respond to any of the questions that you might have based on rules.

As you may know, the rules under which we operate are joint rules adopted early in the session, or they are our own House and Senate rules that are also adopted at the beginning of the session. Our own rules specify that if we do not follow those rules and there is nothing in our rules to handle a certain situation, then we proceed in dealing with Reed's Rules. Based on that, if there is nothing in Reed's, it says "any other standard rules." There are normally two that you can look at, one is Mason and the other is Hughes, not former Speaker Hewes but the Hughes Rule Book which was adopted in 1935 by the Ohio Legislature. Those are available for your perusal in the library and I also have a copy of them in my office, except for Hughes, which is a rather tough one to have and possess, since there is only one, and it is not one that we use all that often.

I know that this morning was a rather difficult time for you and you are sort of divided between loyalty between the gentleman from Cumberland and myself, between state employees and your own personal consciences, or whatever other position.

Challenging the ruling of the chair, I view it as a very serious matter. This morning, I shall so do that because I think it is illustrative of a problem. The rules are clear, legislative precedent is clear on that question upon which I ruled, and the basis for a lack of understanding is the lack of knowledge of the rules.

(Off Record Remarks)

On motion of Mrs. Post of Owl's Head, adjourned until eight o'clock tomorrow morning.