

# 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

Friday, May 4, 1979

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

Prayer by the Reverend James Johnson of the United Methodist Church, Waldoboro.

Rev. JOHNSON: Our Father and our God, Creator and sustainer of all that is, was and ever shall be, it is before your throne of grace that we come this day to ask your blessings upon the proceedings of the House of Representatives of the State of Maine. Because of your great love of us, Father, you have given us the freedom to rule over ourselves, to determine our destinies within the bounds you have set for us, love for God and love for neighbor. Along with this freedom, however, goes the responsibility for the choices we have made and the end results of those choices we alone must bear.

Many and complex are the problems we must face and sometimes the wisdom and understanding necessary to deal with our problems and their solutions seem to elude us. Such is the case with the pay contract for state employees. You might say, Father, we are in a bit of a mess here and things appear to be at an impasse. Help us, Father, in the spirit of compromise and fair play, seasoned with a genuine concern for what is right and what is just, resolve this issue once and for all.

Let us not be seduced by those things which corrupt the hearts of men and women, the desire for power, for recognition, for wealth, that our judgments might be free from self-interest, prejudice and greed and, lastly, Father, let us not forget that you are the ultimate judge of the righteousness of our acts. We shall not escape the consequences of those acts for good or for ill.

Thank you, Father, for sharing this moment with us. May the proceedings of this afternoon reflect our desire to serve you and our brothers and sisters in this great state. In the name of Jesus Christ we ask it. Amen.

The journal of yesterday was read and approved.

(Off Record Remarks)

#### Papers from the Senate Reports of Committees Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Prohibit Abortions after Viability" (S. P. 262) (L. D. 806)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

#### Ought to Pass Amended in Senate

Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act to Clarify Inconsistencies in the Liquor Laws" (S. P. 436) (L. D. 1367)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-138)

In the House, the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-138) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading the next legislative day.

#### Ought to Pass

Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Require Certain Out-of-state Sellers to Register Under the Maine Sales and Use Tax Law" (S. P. 448) (L. D. 1363)

Came from the Senate with the Report read

and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Bill read once and assigned for second reading the next legislative day.

#### Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "B" (S-136) on Bill "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs" (S. P. 147) (L. D. 324)

Report was signed by the following members:

Messrs. SILVERMAN of Washington  
LOVELL of York  
TEAGUE of Somerset

— of the Senate.

Mrs. NELSON of Portland  
Messrs. CHURCHILL of Orland  
DELLERT of Gardiner  
REEVES of Newport  
HANSON of Kennebunkport  
LOWE of Winterport  
STUDLEY of Berwick  
PAUL of Sanford

— of the House.

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

Report was signed by the following members:

Messrs. THERIAULT of Rumford  
HICKEY of Augusta

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-136)

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Portland, Mrs. Nelson, moves that the Majority "Ought to Pass" Report be accepted in concurrence.

The gentleman may proceed.

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: You may remember, this is a bill that had been recommitted to our Committee. Let me explain to you what this bill does.

Presently, if the local participating district wishes to permit special retirement beneficiaries to acquire credit for military service, creditable years for military service are applied to reduce the minimum period of service whether that is 20 years or 25 years.

Committee Amendment "A" of L. D. 324 gives the local districts a new option with regard to military service. Military service credits under this amendment may now be applied so as to increase the benefits once the minimum period, 20 or 25 years, has been served. Thus, the districts would no longer have to grant military credit so that it reduces minimum service, although that remains an option—nothing is changed there.

Under L. D. 324 as amended, local districts may be more willing to grant military service credits to special retirement beneficiaries, because time and service will not be reduced. Some cities and towns don't have that option; this amendment gives them that option.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: Some towns do not have this option, it is true. Every district has the right to take that option if they are so willing to take it. This bill will not do what my friend, Mr. Car-

roll said the last time, nothing, but it will do something. What it does is take away a chance for some servicemen to buy some time.

I went along with this bill when it said it would apply for 20 years, to people who are under this 20 year retirement plan, because I felt like others, that it was a little too much to ask a person only to serve 16 years and then be able to retire with full benefits. This amendment would change that so that no one, whether they were under a 20 year plan, 25 year plan, 30 year plan, or even the 35 year plan, I think there are still some districts that have the 35 year plan, they would have to serve all that time before they can buy any service time. What good is it to them to buy the time when they are ready for retirement anyway? The only thing they would get out of that would be an additional 2 percent, and they would have to pay dearly for that additional 2 percent, and I doubt very much if any of them would want to take the 2 percent, because they wouldn't make anything out of it anyway.

So, definitely, I am now against this bill as it stands, and I would move for its indefinite postponement.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, voted against the "Ought Not to Pass" on this bill. It was my feeling that it is a local option. Many towns and cities in the state already have an arrangement for the veterans to acquire their time, and I feel that it would be disruptive to the towns who already have this.

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

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify several points that have been made on the floor. There are 117 towns and cities that are involved in local units. Of those 117 towns and cities, only five have got an agreement with veterans on Option 1. Option 1 is that a person may work 16 years, buy 4, and retire after 20 years.

We were asked in the committee if we could give some towns and cities another option to help their veterans, that is an option to work 20 years and then give them 4 years towards a 24 or 25 year retirement. The committee was concerned for the five communities that already have agreements with their towns and their veterans and their workers, so the committee had Amendment "B" added to it. This amendment was to protect those units that are already there so they would not lose their benefits.

What this bill does with the amendment is now give the bargaining people two options to help the veterans. I do hope that you will vote against the indefinite postponement motion.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Nelson requested a roll call.

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

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

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to clarify something. This bill, as amended, is not anti-veterans but allows another option of those towns, those communities that don't have this now to pay in, and for some people, maybe 2 per cent more isn't enough to worry about, but

for others. 2 per cent more is a lot of money when it comes down to this type and high cost of living. This amendment allows another option.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, I disagree with my friend from Portland, Mrs. Nelson. The towns now have the option to take this and they won't take it. There are only five of them that have it, and I don't see that this would make any difference at all in their feelings.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I would like to pose a question through the Chair to anyone who might want to answer it.

The question is, is the route that we would provide by adopting this bill, actuarially sound or would we be getting into a situation of subsidizing early retirement, as such is the case, I believe, with the current retirement system?

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

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, maybe this doesn't help my cause but the answer is no. We are not getting into a position that would harm the system if we do adopt this. It is strictly a district matter. It would be the district that would pay.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. Would it cost the pension fund more money if this bill passes?

The SPEAKER: The gentleman from Waterville, Mrs. Kany, has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: In response to the question, it is not up to the state, it is a local option. As Mr. Theriault stated, it is a local option, local control, they have the option to do it.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I understand that it is a local option if they care to participate but, as I understand it, it is one big pension fund. Would it be money from the pension fund or would it be from some separate, little fund? That is my question.

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

Mr. THERIAULT: Mr. Speaker, Members of the House: If I may go a little more into detail on that. Any difference from what the state retirement system is, any separate benefits, all these separate benefits that pass would be a permissive sort of thing so the district, if they want them, can take them, but they have to pay for it. Everything except within their own system has to be paid for by the district, so this would include this matter.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that this bill and all its accompanying papers be indefinitely postponed in non-concurrence. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Barry, Beaulieu, Berube, Birt, Bordeaux, Brown, A.; Brown, K.C.; Carrier, Carroll, Carter, D.; Chonko, Cloutier, Cunningham, Davis, Diamond, Dudley, Fenlason, Garsoe, Gavett, Gould, Gray, Hall, Hickey, Higgins, Hughes,

Hunter, Joyce, Kane, Kany, LaPlante, Leonard, Lewis, Locke, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, N.; Paradis, Pearson, Peterson, Roope, Sewall, Simon, Small, Smith, Soulas, Sprowl, Stover, Strout, Theriault, Torrey, Tozier, Tuttle, Vincent, Violette, Vose, Whittemore.

NAY — Baker, Benoit, Blodgett, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Call, Carter, F.; Churchill, Conary, Connolly, Cox, Curtis, Damren, Davies, Dellert, Dexter, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gowen, Gwadosky, Hanson, Hobbins, Huber, Hutchings, Jackson, Jacques, E.; Kiesman, Lancaster, Leighton, Lougee, Lowe, Lund, Masterton, Matthews, Maxwell, McPherson, Nelson, M.; Paul, Payne, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sherburne, Silsby, Studley, Tarbell, Twitchell, Wentworth, Wood, Wyman.

ABSENT — Berry, Boudreau, Bowden, Branigan, Gillis, Howe, Immonen, Jacques, P.; Jalbert, Kelleher, Laffin, Lizotte, Norris, Stetson, Tierney, The Speaker.

Yes, 73; No, 62; Absent, 15.

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

Sent up for concurrence.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act Concerning Warning Signs Posted at Certain Railroad Grade Crossings under the Public Utilities Commission" (H. P. 1133) (L. D. 1401) which was passed to be engrossed as amended by Committee Amendment "A" (H-290) in the House on May 1, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-290) as amended by Senate Amendment "A" (S-139) thereto in non-concurrence.

In the House: on motion of Mr. Carroll of Limerick, tabled pending further consideration and specially assigned for Monday, May 7.

#### Non-Concurrent Matter

Bill "An Act to Provide Information Assistance under the Public Utilities Law" (H. P. 1064) (L. D. 1318) on which the Minority "Ought to Pass" Report of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed in the House on May 2, 1979.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Public Utilities read and accepted in non-concurrence.

In the House: On motion of Mr. Davies of Orono, the House voted to insist and ask for a Committee of Conference.

#### Non-Concurrent Matter Tabled and Assigned

Bill, "An Act to Fund and Implement Agreements between the State and the Maine State Employees Association and to Fund and Implement Benefits for Managerial and other Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act" (H. P. 1361) (L. D. 1597) which was passed to be engrossed without reference to a Committee in the House on May 2, 1979.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House:

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

Mrs. MITCHELL: Mr. Speaker, I move that this be tabled for two legislative days.

Miss Brown of Bethel 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 is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this bill be tabled for two legislative days.

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

Mr. BIRT: Mr. Speaker, I would like to pair my vote with the gentleman from Wiscasset, Mr. Stetson. If he were here, he would be voting no; I would be voting yes.

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

Mr. HOWE: Mr. Speaker, I would like to pair my vote with the gentleman from Brooklin, Mr. Bowden. If he were here, he would be voting no; I would be voting yes.

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this bill be tabled for two legislative days pending further consideration. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Davis, Dellert, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Hughes, Jackson, Jacques, E.; Joyce, Kane, Kany, Kiesman, Laffin, LaPlante, Locke, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Roope, Sherburne, Simon, Smith, Soulas, Stover, Strout, Studley, Theriault, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker

NAY — Aloupis, Bordeaux, Brown, K.L.; Bunker, Call, Conary, Damren, Dexter, Gavett, Higgins, Huber, Hunter, Hutchings, Lancaster, Leighton, Leonard, Lewis, Lougee, Lund, Masterman, Masterton, Rollins, Sewall, Silsby, Small, Sprowl, Tarbell, Torrey, Whittemore

ABSENT — Berry, Bordeaux, Brannigan, Gillis, Immonen, Jacques, P.; Jalbert, Kelleher, Lizotte, Tierney

PAIRED — Birt-Stetson; Bowden-Howe  
Yes, 108; No, 29; Absent, 10; Paired, 4.

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

#### Petitions, Bills and Resolves Requiring Reference

The following Bill was received and referred to the following committee:

#### Health and Institutional Services

Bill "An Act to Provide for the Licensing of Denturists" (H. P. 1365) (L. D. 1598) (Presented by Mr. Dudley of Enfield)

The Committee on Business Legislation was suggested.

On motion of Mrs. Prescott of Hampden, was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

## House Reports of Committees

## Ought Not to Pass

Mr. Hall from the Committee on Election Laws on Bill "An Act Concerning Designation of Nonparty Candidates on Election Ballots" (H. P. 557) (L. D. 704) reporting "Ought Not to Pass."

Mr. Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate \$40,000 to Youth-in-Action, Inc., of Portland for the Youth Tides Program" (H. P. 1178) (L. D. 1437) reporting "Ought Not to Pass."

Mr. Diamond from the Committee on Appropriations and Financial Affairs on Bill "An Act to Require the Department of Mental Health and Corrections to Reimburse the Knox County Sheriff's Department for the Costs of Transportation Provided Convicts at the State Prison." (H. P. 1114) (L. D. 1374) reporting "Ought Not to Pass."

Mrs. Berube from the Committee on Audit and Program Review on Bill "An Act to Facilitate the Setting of State Financial and Revenue Policy by the Legislature" (H. P. 363) (L. D. 483) reporting "Ought Not to Pass."

Mr. Brennerman from the Committee on Health and Institutional Services on Bill "An Act to Improve Investment Opportunities for Local Government Units" (H. P. 1055) (L. D. 1298) reporting "Ought Not to Pass."

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

## Leave to Withdraw

Mr. Connolly from the Committee on Education on Bill "An Act to Relieve Local School Districts from the Impact of Social Services Institutions" (H. P. 902) (L. D. 1116) reporting "Leave to Withdraw"

Mr. Birt from the Committee on Education on Bill, "An Act to Assure the Continuance of Privately Operated Schools for the Handicapped" (H. P. 1078) (L. D. 1331) reporting "Leave to Withdraw"

Mr. Torrey from the Committee on Agriculture on Bill, "An Act to Amend the Laws Relating to the State Harness Racing Commission" (H. P. 407) (L. D. 543) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

## Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-316) on Bill "An Act to Establish Maine Cultural Heritage Week" (H. P. 677) (L. D. 836)

Report was signed by the following members:

Messrs. AULT of Kennebec  
SUTTON of Oxford  
MARTIN of Aroostook

— of the Senate.

Mrs. KANY of Waterville  
Mrs. MASTERTON of Cape Elizabeth  
Mr. PARADIS of Augusta  
Mrs. BACHRACH of Brunswick  
Mrs. REEVES of Pittston  
Ms. LUND of Augusta

— of the House.

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

Report was signed by the following members:

Messrs. BARRY of Fort Kent  
LANCASTER of Kittery  
CONARY of Oakland  
Mrs. DAMREN of Belgrade

— of the House.

## Reports were Read.

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

Mrs. KANY: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

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

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: I would briefly like to explain the reason why I signed the "Ought Not to Pass" Report. As far as I know, the Governor already has the authority to issue proclamations, and I think this is an unnecessary piece of legislation to be written on our books, and that is the reason why I have signed the "Ought Not to Pass." He already has the authority to do this.

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

Mrs. KANY: Mr. Speaker and Members of the House: What Representative Barry just described was the immediate feeling of most of us at the hearing, but the more we discussed it, the more we thought about it, we really like the idea. Times are so serious, in fact, just before the start of this session today, I heard some people talking in the corner about how seriously we all take ourselves and perhaps we should even have a jester around here. It just seemed kind of a positive thing for us all to do, to establish one week in which we could celebrate life, celebrate Maine and our heritage and all that is great about Maine.

I really would love it if the fine gentleman from Farmington, Representative Morton, could explain to you all the fun and happiness which is involved in a similar proclamation which this legislature before passed which had to do with establishing Chester Greenwood Day. I happen to live in Waterville, and Farmington news is covered within our Waterville Morning Sentinel, and I sit there and am a little bit jealous as I read the paper and see the fun that these people have in celebrating this marvelous day.

That is the reason that I voted for it and I think it was the feeling of most members of the committee that we wanted to see something like this happen here in Maine, especially in these times.

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

Mr. MORTON: Mr. Speaker and Members of the House: It is true that the Governor can make these proclamations, but I have found, in the past at least, that there have been Governors that have been reluctant to make any proclamations. I think sometimes they have to be reminded of these things and the need for some of these things.

A Cultural Heritage Week is certainly a week that is good for all of us to have to remember what has gone before us, what has created the State of Maine as we see it today, perhaps remind us of some of the things that we ought not to do so rapidly and hold back to some of the old traditions.

Therefore, I would certainly support this bill. I hope you will all vote for it, realizing that it is necessary sometimes to remind people that these are good things to do.

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

Mr. JACKSON: Mr. Speaker, I would pose a question. If we pass this, do we all have to wear earmuffs for a week?

(Off Record Remarks)

Mr. Barry of Fort Kent requested a vote.

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 24 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-316) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

## Divided Report

Majority Report of the Committee on Agri-

culture reporting "Ought to Pass" on Bill "An Act Relating to Registration of Commercial and Custom Establishments under the Maine Meat Inspection Act" (H. P. 991) (L. D. 1228)

Report was signed by the following members:

Messrs. HICHENS of York  
MARTIN of Aroostook  
CARPENTER of Aroostook

— of the Senate.

Messrs. TOZIER of Unity  
WOOD of Sanford

Mrs. LOCKE of Sebec

Messrs. TORREY of Poland  
MAHANY of Easton  
MICHAEL of Auburn  
SHERBURNE of Dexter

— of the House.

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

Report was signed by the following members:

Messrs. ROOPE of Presque Isle  
ROLLINS of Dixfield  
NELSON of New Sweden

— of the House.

## Reports were read.

On motion of Mr. Mahany of Easton, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report  
Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-320) on Bill "An Act Relating to Resident State Police Troopers" (H. P. 841) (L. D. 1069)

Report was signed by the following members:

Messrs. MARTIN of Aroostook  
AULT of Kennebec  
SUTTON of Oxford

— of the Senate.

Messrs. BARRY of Fort Kent  
CONARY of Oakland  
DAMREN of Belgrade  
Mr. LANCASTER of Kittery  
Mrs. MASTERTON of Cape Elizabeth  
Mr. PARADIS of Augusta

— of the House.

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

Report was signed by the following members:

Mrs. KANY of Waterville  
Mrs. BACHRACH of Brunswick  
Ms. LUND of Augusta  
Mrs. REEVES of Pittston

— of the House.

## Reports were read.

On motion of Mrs. Kany of Waterville, tabled pending acceptance of either Report and assigned for Monday, May 7.

## Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" on Bill "An Act to Establish Holiday Pay for Deputy Sheriffs" (H. P. 104) (L. D. 114)

Report was signed by the following members:

Messrs. COTE of Androscoggin  
EMERSON of Penobscot  
REDMOND of Somerset

— of the Senate.

Messrs. DRINKWATER of Belfast  
BORDEAUX of Mount Desert  
NELSON of Roque Bluffs  
L. DUTREMBLE of Biddeford  
McMAHON of Kennebunk  
BROWN of Livermore Falls  
LaPLANTE of Sabattus  
Mrs. WENTWORTH of Wells

— of the House.

Minority Report of the same Committee re-

porting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. McHENRY of Madawaska  
STOVER of West Bath

— of the House.

Reports were read.

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

Mr. LaPLANTE: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I wish that you wouldn't accept the Majority "Ought to Pass" Report. We are here in Augusta and we are going to mandate to our county government which holidays are going to be paid and which are not.

We had our sheriffs appear before us on their knees in front of our committee saying, look, we need this, we need that, and yet we are the same people that a few weeks ago it just so happened that the Labor Committee, which is very much divided, we voted a hundred percent, unanimous, one person, I understand, didn't agree fully, but we voted to give them bargaining rights. My Chairman on Local and County Government managed to kill that one, but the Labor Committee voted a hundred percent for it, and my Chairman on Labor just managed to be off on vacation that day.

Anyway, we are mandating holiday pay for the sheriffs. I say, let my county commissioners say which holidays are going to be paid and which aren't going to be paid, and let your county commissioners do the same thing.

I hope you don't pass this.

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

Mr. SPROWL: Mr. Speaker, I would like to pose a question through the Chair to anyone. Aren't the deputy sheriffs now paid per diem for seven days per week, and if you pay someone seven days per week, how do you then pay them for holidays, or are they going to get double pay for a holiday?

They are going to be paid for eight days.

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

The Chair will order a vote. The pending question is on the motion of the gentleman from Sabattus, Mr. LaPlante, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Gray of Rockland 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 Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: In response to the question of the gentleman from Hope, Mr. Sprowl, it is true that deputy sheriffs, their salary is based on seven days. They are not overly paid, however. What this means is, if during their normal assigned off hours they are needed, they are called in.

Other departments—I am talking about the municipal police departments—are paid on an hourly basis. The fact that their salaries are based on seven days probably is more of a drawback or a detriment than it gives a benefit to them when they have to be called in for special duty. However, this particular bill before

us now would establish six normal holidays for full-time sheriff deputies. This is fewer than the number of days normally granted to state employees. Presently, full-time sheriff deputies have no statutory holidays. I have spoken on this before, but this bill will begin implementing the normal personnel policy on holidays for the county law enforcement officers. I think this is a reasonable approach.

As you know, full-time deputy sheriffs are required to go through the same training, they are required to attend the Criminal Justice Academy within one year, and in order to retain these people with the county law enforcement agencies, we have to somehow begin to approach the same benefits and the same provisions that are provided municipal law enforcement.

I certainly would hope you would let this bill go through its first reading, and then if you have any problems with it, perhaps we can address these through amendments.

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

Mr. SPROWL: Mr. Speaker, I move we indefinitely postpone this bill and all its accompanying papers.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: This bill is sponsored by Representative Gray and cosponsored by Mr. Blodgett of Waldoboro and Mr. LaPlante of Sabattus and myself.

It is a bill which is geared to address some problems that, for those of you who may not be aware, are not covered by collective bargaining because in Maine we do not have collective bargaining for county employees, which include, of course, the deputy sheriff's department in the State of Maine. That bill, I believe, was killed about three weeks ago, overwhelmingly, if I recall correctly. This bill, to me, addresses some problems which, to date, we have not addressed because we don't have a collective bargaining statute on the books. I had a problem in the 108th regarding the collective bargaining concept for county employees and, as such, I thought this was a viable alternative to address at least some of the problems that have been presented because of that lack of statutory authority.

I do hope that you will reconsider this vote that we had taken previously and I am not so sure that it needs any amendments. If it does, we will certainly entertain them in second reader.

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

Mr. NORRIS: Mr. Speaker and Members of the House: This afternoon, the only amendment this bill requires is to be killed. With the problem that we have all had with county budgets across this state, we are still unresolved on our Penobscot County budget. We, as legislators, don't want to give the money to fund in a lot of cases and, on the other hand, we have fellows like my good young friend from Millinocket that says he wants to give some pay increases. I submit that is a function . . .

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall, and inquires for what purpose the gentleman rises?

Mr. MARSHALL: Mr. Speaker, I will defer.

Mr. NORRIS: Mr. Speaker, if I said anything offensive, I will apologize. In no way did I intend to be offensive to the young man.

I would say this is strictly a matter to be handled at the county level and reviewed by the legislative delegations. I see no reason in the world to mandate pay increases at the county level at this time and place by state law.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Brewer, Mr. Norris, has referred to the county

budget which is pending before us and is still being debated in our particular county. I have been very much involved and upset with the increases in our county budget, particularly in many areas, but I don't believe that a parallel can be drawn between my support or opposition to the county budget in this bill. I don't think there is any discrepancy between the two and if he sees it, he sees it from a different perspective than I do.

The bill is a good bill. I really believe that, I think it is attempting to address some problems where we are not paying certain individuals in state government the benefits that we guarantee in practically every other profession, in all other areas. I think holiday pay for deputy sheriffs is varied throughout the state and this simply provides that there is a minimum of paid holidays.

Currently, many counties in the state already exceed that limit and I believe our county does, in fact, so I hope you would reconsider this bill in the light of the comments of the gentleman from Rockland, Mr. Gray.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to reiterate what my good seatmate, Mr. Norris said. I had a talk just two days ago in regard to this bill with one of my county commissioners. They would prefer to leave that in their own budget. They are getting big enough as it is now — why in heck do we down here want to mandate to them to put more pay in for any of the county employees? Let them do that themselves.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out that, as you are well aware, the counties are still a child of the legislature. They have only those provisions and benefits that we are willing to extend to them.

Almost any profession that you can think of either provides holidays or pay in lieu of, and it would seem to me that this would be a very reasonable adjustment for the county law enforcement.

As far as the commissioners objecting to this, you go into the county courthouse on any holiday, including election day, and you will find the Registrar of Probate and the Registrar of Deeds and the other offices all closed. I think it is only fair and right that we should extend the same privilege to the deputy sheriffs.

I hope you will vote not to indefinitely postpone this bill.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: As some of you may remember, I was the sponsor of the bill to allow collective bargaining rights for deputy sheriffs. Of course, if we had passed that, we would have done what the gentleman from Sangerville, Mr. Hall, would like, which would be to allow the counties to deal with these questions on a county by county basis. However, that was not the will of the legislature and at the hearing on my bill, there was testimony from many deputy sheriffs throughout the state on some of the problems that they have. So, while this bill is certainly not my first preference, I will go along with it today and I hope you do, too.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Hope, Mr. Sprowl, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Vincent of Portland requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting.

Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: the pending question is on the motion of the gentleman from Hope, Mr. Sprowl, that this Bill and its accompanying papers be indefinitely postponed.

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

Mr. BARRY: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mr. Brannigan. If he were here, he would be voting no; I would be voting yes;

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Hope, Mr. Sprowl, that this Bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Austin, Birt, Brown, A.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Churchill, Connolly, Cox, Cunningham, Curtis, Davis, Dexter, Diamond, Doukas, Dow, Dudley, Elias, Fenlason, Fillmore, Garsoe, Gavett, Gwadosky, Hall, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Jackson, Jacques, E.; Joyce, Kane, Kany, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Michael, Morton Nadeau, Nelson, A.; Norris, Paul, Pearson, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stover, Studley, Theriault, Torrey, Tozier, Tuttle, Violette, Whittemore, Wyman.

NAY — Bachrach, Baker, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Brennerman, Brodeur, Brown, D., Carroll, Chonko, Cloutier, Canary, Damren, Davies, Dellert, Drinkwater, Dutremble, D.; Dutremble, L.; Fowlie, Gould, Gowen, Gray, Hobbins, Howe, Hughes, LaPlante, Locke, Marshall, Maxwell, McMahon, Mitchell, Nelson, M.; Nelson, N.; Paradis, Payne, Peltier, Post, Prescott, Reeves, P.; Rolde, Simon, Strout, Tarbell, Twitchell, Vose, Wentworth, Wood.

ABSENT — Berry, Boudreau, Bowden, Gillis, Immonen, Jacques, P.; Jalbert, Kelleher, Laffin, Lizotte, Stetson, Tierney.

PAIRED — Barry-Brannigan.

Yes, 86; No, 50; Absent, 12; Paired 2.

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

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action and hope you all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, having voted on the prevailing side, now moves that the House reconsider its action whereby the bill and all its papers were indefinitely postponed. Those in favor will say yes; those opposed will say no.

A Viva Voce Vote being taken, the motion did not prevail.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-324) on Bill, "An Act Concerning Benefits for Fire Fighters under the State Retirement System for Heart or Lung Injuries" (H. P. 583) (L. D. 733)

Report was signed by the following members:

Mr. SILVERMAN of Washington  
— of the Senate.

Messrs. DELLERT of Gardiner  
HICKEY of Augusta  
THERIAULT of Rumford  
Mrs. NELSON of Portland  
Messrs. LOWE of Winterport  
HANSON of Kennebunkport  
PAUL of Sanford

— of the House.

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

Report was signed by the following members:

Messrs. LOVELL of York  
TEAGUE of Somerset

— of the Senate.

Messrs. STUDLEY of Berwick  
REEVES of Newport  
CHURCHILL of Orland

— of the House.

Reports were read.

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

Committee Amendment "A" (H-324) was read by the Clerk and adopted and the Bill assigned for second reading, Monday, May 7th.

#### Divided Report

##### Later Today Assigned

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-323) on Bill "An Act to Establish a Uniform Allowance for Deputy Sheriffs" (H. P. 70) (L. D. 80)

Report was signed by the following members:

Messrs. REDMOND of Somerset  
EMERSON of Penobscot

— of the Senate.

Messrs. LaPLANTE of Sabattus  
L. DUTREMBLE of Biddeford  
DRINKWATER of Belfast

Mrs. WENTWORTH of Wells

Messrs. BORDEAUX of Mount Desert

NELSON of Roque Bluffs

McMAHON of Kennebunk

BROWN of Livermore Falls

— 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. COTE of Androscoggin

— of the Senate.

Messrs. McHENRY of Madawaska

STOVER of West Bath

— of the House.

Reports were read.

Mr. LaPlante of Sabattus moved acceptance of the Majority "Ought to Pass" Report.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and later today assigned.

#### Divided Report

Three members of the Committee on Public Utilities on Bill "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 380) (L. D. 487) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-321)

Report was signed by the following members:

Messrs. DEVOE of Penobscot  
COLLINS of Knox

— of the Senate.

Mr. BROWN of Livermore Falls

— of the House.

Six members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-322)

Mrs. TRAFON of Androscoggin

— of the Senate.

Messrs. DAVIES of Orono  
BERRY of Buxton  
VOSE of Eastport  
McKEAN of Limestone  
Mrs. NELSON of Portland

— of the House.

Four members of the same Committee on same Bill report in Report "C" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. CUNNINGHAM of New Gloucester  
REEVES of Newport

LOWE of Winterport

Miss GAVETT of Orono

— of the House.

Reports were read.

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

Mr. DAVIES: Mr. Speaker, I move the acceptance of Report B, "Ought to Pass."

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I guess you can see that this issue divided our committee quite a lot, and I would like to indicate to you why several of us voted "Ought Not to Pass" on this particular bill.

What the bill does is provide that a percentage of the rate that a utility charges will be taxed to give the Public Utilities Commission to increase their budget. I believe one of the amendments does have a limit of up to \$150,000.

The thing that I don't like about this kind of tax is that there appears to be a conflict of interest when the regulator, who awards the rate increases to the utilities, will be getting for his own budget a percentage of that award. So you see, the regulator's own budget will be dependent upon how much of an award he gives to the utilities, and if this doesn't appear to the ratepayer to be a conflict of interest, it appears to be so to me. Therefore, I would urge that we defeat any of these "Ought to Pass" Reports and in favor of "Ought Not to Pass."

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go through the Committee Amendment "B" which I moved the other acceptance of to explain it, because, as perhaps you have gathered from Mr. Cunningham's remarks, it is not a simple issue. I would certainly take a different position than he takes on what should be done with it. I think after an explanation, you will see that we have made certain improvements in the process by which regulation takes place, and I think we have found a way that we can provide benefits to all parties that are involved, the ratepayers, the customers that are regulated and the Public Utilities Commission.

The Committee Amendment that replaces the bill has a filing number of H-322, and I will go through it section by section, because I think it is important enough to point out some of the aspects of it so you will have a full understanding of what the committee is trying to do.

In the first section, it subjects utilities to assessment to cover the cost of operations of the Public Utilities Commission. The assessment is 25/100 of one percent of the intrastate gross operating revenues of each utility. The monies that will be generated from this assessment on each of the utilities will go into a fund from which the Public Utilities Commission will have its operating budget.

Exempted from these revenues that will be assessed will be revenues derived from the fuel adjustment clause, sales for resale and sales tax revenues from retail intrastate sales, so that we do not have double taxation in a sense.

The legislature will continue to have approval of the Public Utilities Commission Budget, much as they do with the Bureau of Banking and Bureau of Insurance, Department of

Transportation, other budgets that are funded partly or in full by dedicated revenues.

The funds will be used to defray the expenses incurred by the commission in the fiscal year immediately following the assessment. They shall include administrative expenses, general regulatory expenses, consulting fees and all other reasonable costs incurred to administer the provisions of Title 35, Chapters 1 through 17. We also have a provision in there so that if the assessments bring in more money than is necessary to cover the operations of the commission, when the excess reaches \$150,000, any amount of money in excess of that \$150,000 will go back and be credited against the assessment on the utilities during the second assessment period during the year. So, if they collected \$190,000 and they only needed \$150,000, the \$40,000 excess would go back reducing the assessments on utilities for the second half of the year.

There is a built in sunset provision so that the Public Utilities Commission and the Public Utilities Committee will review this new approach as of June 30, 1984, so that we have built into the law a requirement that we go back and see how effective it has been.

Here is the part that is a little difficult to explain and I have written it down to make sure that I get it clear, because it is very important to understand the procedure correctly. I am going to go through step by step on how this operation would work.

First of all, the legislature would approve the Public Utilities Commission budget through the Appropriations Committee. Let's, for instance, choose a figure of \$868,000 for their budget. The Public Utilities Commission is then authorized to levy an assessment against the utilities to bring in this \$868,000. The effect of this is that there is no longer a need for a General Fund appropriation to the Public Utilities Commission through the Appropriations Committee, so we immediately save the \$868,000 from the general revenues.

The utilities then collect sales taxes for the state, as they do presently. Then, to avoid some problems that we have with revenues that the companies receive being considered operating revenues that are acceptable by the PUC and therefore part of the rate base, the utilities collect the sales tax, they pay 11/12 of the sales tax that they collect each month to the budget officer in the state, 1/12 of that is retained to defray the cost of the assessment. The effect of this is that the sales tax revenues to the state are reduced by 1/12 in those coming from the public utilities, but the ratepayer is not billed through the rate structure for these revenues. We are saving the ratepayer the equivalent of 1/12 of the sales taxes on their utilities. So, instead of the PUC being directly funded through the General Fund, in a sense it is being partially funded through sales tax revenues, the reason being that this is the only route that we can take to avoid passing regular operating costs, which would include the assessments, on to the ratepayers.

So, the effect is a threefold one, we have reduced the cost of regulation to the beneficiaries of the regulation, the ratepayers. We have somewhat reduced the sales taxes that they are going to have to pay to the utilities. We have established a way by which the Public Utilities Commission will have adequate revenues coming in each year to handle the very weighty and expensive costs of regulation, and the amount of money that they will be receiving will be directly tied to the revenues of the companies. So, if the companies receive more revenues from you and I and the ratepayers, the amount of money available to the Public Utilities Commission to make sure that those revenues are just and reasonable is going to be on a relatively comparable basis so that they can do the very difficult job of regulating utilities effectively.

This bill is very closely tied with another bill

that went through this body earlier this week and is in the other body at the present time, which will speed up the process for handling regulatory matters. Both of these measures are endorsed by Central Maine Power Company and by other utilities, because they see that it is essential that we speed up the regulatory process because regulator lag costs everybody money. But they also recognize that the Public Utilities Commission can only move faster and do their job efficiently if they have adequate revenues available to them to do this job in a prompt and proper fashion.

So, Committee Report B, which is the plurality report of the committee, is one of two "Ought to Pass" Reports. Both reports will try and do something to improve the ability of the Public Utilities Commission to function. It was the feeling of those people who were in favor of some form of "Ought to Pass" on the committee that this should be offered first, and if the members of this House and the other body are willing to accept this new concept, which has been tried in about 17 other states and found to be very successful, if it flies in both bodies, then we should take this route. If it doesn't fly, for whatever reason, we have a second "Ought to Pass" Report that we would consider a 'fall-back' position that most, if not all the people who signed "Ought to Pass" Reports, would accept.

I urge you to give this consideration. It is a rather complex proposal, but I think we have worked it out satisfactorily. The Central Maine Power Company was very closely involved in helping us draft up this final committee report. It comes to their satisfaction, as well as the Commission's satisfaction, and a large number of the people on the committee. So, I hope you will accept Committee Report B, "Ought to Pass."

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

Mr. DIAMOND: Mr. Speaker and Members of the House: I would pose a question through the Chair. On page 3 of Committee Amendment "B", \$781,000 are you saying in essence that that will not be a drain on the General Fund? Did you just say that?

The SPEAKER: The gentleman from Windham, Mr. Diamond, has posed a question through the Chair to the gentleman from Orono, Mr. Davies, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. DAVIES: Mr. Speaker, in response to Mr. Diamond, the Section 2 of the appropriation is a de-appropriation. It will take out of the General Fund budget \$781,000 that otherwise would have gone for the operations of the Public Utilities Commission.

There was a fear on the part of members of the Committee if this were to take place and the money was to simply go back into the General Fund, the effect would be that the money would be spent elsewhere and there would be no direct savings returned to the ratepayers. So, the approach that we took was to allow them to utilize the sales tax money that they collect as the deferment against this money, so that we would not run into the situation where assessments would be considered as part of operating costs of the utilities and therefore be something that they could recover through the rate base. The only way we can avoid that problem is to, in a sense, dedicate a portion of the sales tax revenues that are coming in to help defray this cost.

There will be no loss of revenue to the State of Maine. It will simply redirect it so that the benefits return to the ratepayers rather than be lost in additional expenditures by the State of Maine.

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

Mr. MORTON: Mr. Speaker and Members of the House: I was a little confused by the gentleman's explanation. I thought, at first, he had

found some way to create a money-making machine and I don't think he has.

In essence, if I am correct, then the question is, you are dedicating some sales tax money to the operation of the PUC. It is just as simple as that, isn't it? It is a dedicated fund for the operation of the PUC, the money coming out of sales tax. That money will therefore not be available to the General Fund. Is that correct?

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

The Chair recognizes that gentleman.

Mr. DAVIES: Mr. Speaker, I would respond in the affirmative.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that in my presentation earlier I did not give you the opportunity to sunset this bill on May 4, 1979. Therefore, I want you to have that opportunity. I will move the indefinite postponement of this bill and all its accompanying papers and I ask for the yeas and nays.

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 New Gloucester, Mr. Cunningham, that this Bill and its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Berube, Bordeaux, Brown, D.; Brown, K.L.; Bunker, Call, Carter, F.; Churchill, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Dutremble, L.; Fenlason, Gavett, Gould, Gray, Hickey, Higgins, Hunter, Hutchings, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Masterman, McPherson, Morton, Nelson, A.; Nelson, N.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stover, Studley, Tarbell, Torrey, Wentworth, Whittemore

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Blodgett, Brenerman, Brodeur, Brown, K.C.; Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fillmore, Fowlie, Gwadosky, Hanson, Hall, Hobbins, Howe, Huber, Hughes, Jacques, E.; Joyce, Kane, Kany, Laffin, LaPlante, Locke, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Theriault, Tozier, Tuttle, Twichell, Vincent, Violette, Vose, Wood, Wyman, The Speaker

nigan, Brown, A.; Conary, Garsoe, Gillis, Gowen, Jacques, P.; Jalbert, Kelleher, Lizotte, Stetson, Strout, Tierney

Yes, 59; No, 75; Absent, 17.

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

Thereupon, Report B was accepted and the Bill read once. Committee Amendment "B" (H-322) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

**Consent Calendar****First Day**

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

(S. P. 352) (L. D. 1100) Bill "An Act to Partially Exempt Musicians from Coverage for Unemployment Insurance" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-132)

(S. P. 95) (L. D. 181) Bill "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly" (Emergency) Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (S-134)

(H. P. 1253) (L. D. 1508) Bill "An Act to Consolidate Aquatic Pesticide Permits into One Agency" Committee on Energy and Natural Resources reporting "Ought to Pass"

(S. P. 405) (L. D. 1276) Bill "An Act Concerning Reserve Officer Standards for Professional Law Enforcement Personnel" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 898) (L. D. 1136) Bill "An Act to Improve Election Laws and to Make Equal Application of Legal Requirements for Independents, Democrats and Republicans in all Respects" Committee on Election Laws reporting "Ought to Pass"

(H. P. 49) (L. D. 58) Bill "An Act to Clarify the Filing Deadline for Candidates' Reports to the Commission on Governmental Ethics and Election Practices" Committee on Election Laws reporting "Ought to Pass"

(H. P. 519) (L. D. 662) Bill "An Act Concerning Nomination Procedure for Nonparty Candidates" Committee on Election Laws reporting "Ought to Pass"

(H. P. 1023) (L. D. 1256) Bill "An Act to Allow the Board of Environmental Protection to Exempt Snow Dumps from the Waste Discharge Licensing Provisions of the Statutes" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 1120) (L. D. 1392) Bill "An Act Relating to Municipal Recreation Grants" Committee on Energy and Natural Resources reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 7, under listing of Second Day.

**Recommitted to the Committee on Local and County Government**

(H. P. 1234) (L. D. 1546) Bill "An Act to Require the State to Partially Reimburse Municipalities for Functions which the State Requires of Municipalities" Committee on Local and County Government reporting "Ought to Pass"

On the objection of Mr. LaPlante of Sabattus, was removed from the Consent Calendar.

On motion of the same gentleman, was recommitted to the Committee on Local and County Government and sent up for concurrence.

(H. P. 474) (L. D. 591) Bill "An Act to Provide County Commissioner Districts in Washington County" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-334)

(H. P. 979) (L. D. 1192) Bill "An Act to Enable Town Meetings to be Held Outside the Corporate Limits Subject to Certain Limitations" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-335)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 7, under 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. 1335) (L. D. 1582) Bill "An Act to Clarify the Powers of the Masonic Trustees of Portland as to their Authority to Sell Real Estate"

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

**Tabled and Assigned**

(H. P. 1024) (L. D. 1257) Bill "An Act Concerning Training of Ambulance Personnel and Providing for Review of Ambulance Funding by the Governor's Advisory Board on Ambulance Services" (C. "A" H-327)

On objection of Mrs. Prescott of Hampden, was removed from the Consent Calendar.

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

Committee Amendment "A" (H-327) was read by the Clerk.

On motion of Mrs. Prescott of Hampden, tabled pending the adoption of Committee Amendment "A" and assigned for Monday, May 7th.

(S. P. 316) (L. D. 946) Bill "An Act to Appropriate Funds for Emergency Shelters and Services for Victims of Domestic Violence" (C. "A" S-119)

(H. P. 475) (L. D. 592) Bill "An Act to Appropriate Funds to Provide for Lobster Rearing Stations" (C. "A" H-329)

(H. P. 511) (L. D. 627) Bill "An Act to Strengthen the Requirement to Remove Lobstering Equipment when a Lobster License is Suspended" (C. "A" H-330)

(H. P. 957) (L. D. 1187) Bill "An Act to Amend the Authority Granted to Municipalities to Enact Police Power Ordinances" (C. "A" H-326)

(H. P. 508) (L. D. 625) Bill "An Act to Amend the Laws Relating to Beano or Bingo" (C. "A" H-325)

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 Engrossed**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1979 (Emergency) (H. P. 1360) (L. D. 1596)

Bill "An Act to Encourage Disabled Employees to Return to Work" (H. P. 751) (L. D. 935)

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

Bill "An Act Eliminating the Requirements for Licensing Retail Cigarette Outlets and Cigarette Vending Machines" (H. P. 1122) (L. D. 1452)

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone who might like to answer as to the need for this bill. I note that it does take a little bit of revenue away, be it a very small amount, I was wondering why the bill was necessary?

The SPEAKER: The gentleman from Farmington, Mr. Morton, poses a question through the Chair to anyone who may respond.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This bill was actually put in at the request of the Bureau of Taxation because they feel that this requirement of licensing is no longer necessary. It is simply a matter of trying to get some businessmen a little bit of relief in processing the forms that nobody even

bothers to look at.

There is a \$600 revenue loss, I think, but the Bureau of Taxation felt that it was certainly costing more in time and effort all the way along the line than that \$600 was worth.

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

**Amended Bills**

Bill "An Act Relating to the Salary of the Director of the Maine State Housing Authority" (S. P. 365) (L. D. 1112) (C. "A" S-135)

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

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: Looking at Senate Amendment 135, as well as the bill, L. D. 1112, it appears to me where we are going to be increasing a salary that there should be a fiscal note and I would pose that question to the Chair.

The SPEAKER: The Chair would advise the gentleman that the other body indefinitely postponed the bill.

Mr. DIAMOND: Mr. Speaker, 8-4?

The SPEAKER: The Chair would answer in the affirmative. However, in reference to the request for a fiscal note, the Chair will check.

The Chair would advise the members of the House, in reference to the question posed by the gentleman from Windham, Mr. Diamond, the fiscal note provision of the Joint Rules, which the Chair did not write, does not cover this incident or this particular provision.

The bill before the body, L. D. 1112, deals with the Maine Housing Authority. The bill is drafted in such a way that any fiscal note, therefore, does not cover the Maine State Housing Authority.

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

Mrs. KANY: Mr. Speaker and Members of the House: Because of Representative Diamond's question, I would like to tell you what the bill does.

Presently, the Director of the Maine State Housing Authority's compensation is set by the Governor. The Bill, as we amended it, changes that so that we have put the director within a salary range. The bottom step of that salary range is exactly \$177 over and above what a director's salary is now set at. There is an unending amount in which the Governor can now, under the statutes, set the salary. So, it was an intent, on the committee's part to put it in a range so that the Governor would not be involved in that, in having to decide that. The fiscal note comments by the Speaker were accurate.

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

Bill "An Act to Amend the Labor Law in Relation to Items to be Furnished Employees by Railroad Corporations with Every Payment of Wages" (H. P. 344) (L. D. 443) (C. "A" H-309)

Bill "An Act Relating to Bass Tournament Permits" (H. P. 413) (L. D. 529) (C. "A" H-310)

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

Bill "An Act to Amend the Burden of Proof Placed on the Bureau of Taxation in an Appeals Proceeding" (H. P. 1036) (L. D. 1273) (C. "A" H-317)

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Again, a bill which I took off the Consent Calendar to take the oppor-

tunity to ask about it, it seems to me that the burden of proof in this particular instance is already on the state and I just really don't see any need for this bill. I would like an explanation.

The SPEAKER: The gentleman from Farmington, Mr. Morton, poses a question through the Chair to any one who may respond.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This particular bill does, indeed, amend the section of statutes, which deals with the burden of proof when a municipality appeals its state valuation. Essentially, what it does is, the intent of this bill is not to change the Bureau of Taxation's burden of proof as far as proving that its own valuation is correct, but simply sets up a system where the bureau also has to look at the municipalities own finding of its valuation. Unfortunately, very often it is possible for the bureau to show that its correct, for the municipality to show that its correct and if those two instances are indeed true, then the bureau's findings are automatically sustained.

The bill as you will note, has been completely replaced by the committee amendment. This committee amendment, which is indeed a compromise, has the approval now of the State Bureau of Taxation and what it simply does is to set up the system assuring that when the municipal appeals board meet, they do, in fact, take a look at the municipal's figures as well as looking at the figures of the state.

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

#### Passed to be Enacted

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

An Act to Eliminate an Unnecessary Reference in the Hunting Statutes to Use of Lights to Hunt from Vehicles (H. P. 276) (L. D. 351) (C. "A" H-270)

An Act to Increase Penalties for Owners of Dogs Chasing Moose, Caribou or Deer (H. P. 300) (L. D. 399)

An Act Relating to Self-insurance under the Worker's Compensation Act (H. P. 396) (L. D. 526)

An Act Concerning Causes for a Seven-day Notice of Termination of Tenancy (H. P. 466) (L. D. 586)

An Act to Regulate the Hunting of Bear (H. P. 497) (L. D. 634) (C. "A" H-271)

An Act to Provide for Dismissal of Frivolous Title Claims to Personal Property in Forcible Detainer Actions (H. P. 599) (L. D. 743)

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.

An Act to Amend the Statutes Relating to Airmobiles (H. P. 663) (L. D. 838) (C. "A" H-204; (H "C" H-263)

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am not an expert on airmobiles and I expect that I may make a few errors but I will tell you, from the very beginning I don't like them. The thing that I am concerned about is that is going to create another mode of transportation, another toy to be used all year round in Maine.

Now, as I understand airmobiles, they don't climb hills, they don't go over rough terrain they are usually used on flat surfaces and most effectively, I guess, on water.

Let's just assume that if airmobiles are allowed in this state, that you have taken yourself and your family in a canoe up a stream to

enjoy a wilderness experience and pretty soon some rich kid from out of state or in state comes whizzing by on an airmobile and has ruined it. I just don't think that it is a necessary thing.

There are people in here who don't like snowmobiles. I happen to like snowmobiles because I think they change one's whole winter, but I don't think that an airmobile is a necessity in this state. It seems to me that what one ought to do is use his own feet or a canoe or something else of that sort instead of having these machines whizzing all over the state, up streams and rivers and across lakes. I guess I wouldn't be opposed to them if they were just going to be used for ferries, much like they do on the Channel between Britain and France, but that is not what they are going to be used for here. They are going to be used for toys, for rich people to ruin our wilderness and I just don't like it.

I would move for indefinite postponement of this bill and all its accompanying papers.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: It is obvious that the good gentleman from Old Town, Mr. Pearson, doesn't know what these machines are or what they, in fact, will be used for.

They are, basically a utilitarian vehicle, which may be used by people, again, on the water. They are not going to be zinging up and down waterways as he would imply. In fact, built into the bill are safeguards against this sort of thing, whereas the Commissioner of Inland Fisheries and Wildlife shall promulgate rules and regulations to prohibit the use of these in those areas which would be requested or be deemed necessary to safeguard these wilderness waterways which Mr. Pearson want to protect so much. They would be very useful for some of our fishermen and our clambers or some of the people on the coast. I, frankly, don't know how many people inland would use them just for a toy or, in any case, on the water.

They are expensive items, probably \$4,000 or \$5,000, so I suppose it would have to be the proverbial rich kid that would be doing this, but I think he is grossly exaggerating how these would be used.

I would urge you to defeat the motion and pass this on for enactment.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: This bill had a good hearing. It was before our committee and had a good report out of committee.

The fundamental of this was to be built in the State of Maine and was to be used not as my good friend, Mr. Pearson, would think it to be. Some of the fishermen have shown interest and want to use it on the coast. It can't go but an inch or two off the ground, can't go in deep grass or anything like that, it is limited to what it can do. So, I fear that we won't have too many of them to be used.

I hope you don't defeat this bill.

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

Mr. JACKSON: Mr. Speaker, I would like to pose a question through the Chair.

When one of these clambers comes churning over the mudflats in one of these, what is the noise level likely to be?

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

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: In an attempt to make this a safe and quiet machine, guaranteed to keep the solitude of our coastline and our inland waterways, we built into this bill a

requirement that would be 78 decibels, the maximum noise level, which is the same as a snowmobile, and much less than many of the power that you use on outboard motors, some of the large outboard motors.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, I would like to pose a question through the Chair.

Do these run on gasoline? If they do, is it necessary for us to have another toy or another faucet to drain our gasoline supplies anymore than they are now? I have heard that perhaps these are more economical, but I do question whether or not the general public can afford these, and I have some serious problems with this bill.

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

The Chair recognizes the gentleman from Portland, Mr. Doukas.

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: If I may answer, these vehicles are generally more efficient than boats with outboard motors because they don't have to push through the water when they are on the water. They skim over the top and there is a lot less friction.

I might also point out, you are not going to find these things where canoes go. For one thing, they can't get in there and I don't know why you would want to take one where a canoe goes anyway.

Most of them that I am familiar with come in kits, you put them together yourself. They give you the plans and you construct them much as you would construct a kit car, and I think we should allow the people the opportunity to experiment with these vehicles.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: It is true, as Mr. Blodgett indicated, that it gives the commissioner the power to promulgate rules and regulations restricting the operation of these airmobiles in areas where they might be harmful. You know, one commissioner might do one thing and one commissioner might do another thing, and I just don't think we ought to get that far. I just think it is a foot in the door, and I would respond to Representative Doukas' observation that it is much more efficient than powermotors and ask him if you control with these?

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

Mrs. MASTERTON: Mr. Speaker, I would like to pose a question through the Chair.

I would like to know what the cost of these airmobiles are, because maybe I would alert my rich constituents.

The Chair recognizes the gentleman from Portland, Mr. Doukas.

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: In regard to the cost, I have seen plans for these things and I have seen these boats that go anywhere from \$200 on up. If you are really a backyard tinkerer, you can take a four horsepower lawnmower engine and build a plywood platform with a little nylon skirt around the edge of it and you can have one of those things to putter around in your backyard with. If you want to build one to carry boats or cars or whatever, from island to island, you could probably spend \$60,000, \$70,000 or \$80,000 on one.

In answer to the question of control on these vehicles, it is very limited control, but for where these things are designed to be used, they should not have trouble. You don't take these things up a stream or river, you keep them on a very wide, expansive water or a very wide field, that is where they are used.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the

gentleman from Old Town, Mr. Pearson, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

An Act to Provide Student Loans to Candidates for Practice of Chiropractic in Maine (H. P. 694) (L. D. 872)

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

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

Miss ALOUPIS: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would oppose that motion and stand firm with the decision that this body made on April 26th where we passed this by 103 votes. Nothing has changed in the bill. It should be engrossed after today, and I would ask for a division.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Bangor, Miss Aloupis, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

An Act to Designate the Moose as the State Animal (H. P. 713) (L. D. 886)

An Act Concerning Restitution under the Juvenile Code (H. P. 746) (L. D. 932)

An Act to Amend the Salary Range for the State Librarian and the Executive Director of the Historic Preservation Commission (H. P. 1035) (L. D. 1272) (C. "A" H-266)

An Act to Define What Foods May be Labeled or Advertised as Natural or Organic (H. P. 1016) (L. D. 1286) (C. "A" H-269)

An Act to Allow Assignment of Personnel in Emergency Situations (H. P. 1090) (L. D. 1344)

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:

HOUSE DIVIDED REPORT — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Transportation on Bill, "An Act to Provide that a Person's Picture shall Appear on His Driver's License and to Provide for a Photographic Identification for Nondrivers." (H. P. 940) (L. D. 1164)

Tabled—May 2 (Till Later Today) by Mr. Simon of Lewiston.

Pending—Motion of Mr. McKean of Limestone to Accept the Minority "Ought to Pass" Report.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask you to support the Minority "Ought to Pass" Report. It is difficult for me to understand why the good members of the Transportation Committee, with the exception of two fine individuals, did not look favorably upon this proposal. Ladies and Gentlemen, this is a bill whose time has come. L. D. 1164 would provide for pictured driver licenses as well as nondrivers' identification cards.

cation cards.

I would first like to inform you about the individuals who spoke in favor of the bill at the public hearing. The Maine Police Chiefs Association, representatives of the Bureau of Public Safety, the Maine Banker's Association, representatives of the Motor Vehicle Division, not to mention the two fine cosponsors for whom I have a great deal of respect, Representative Birt and Representative McKean.

I've also received correspondence from individual bankers, the Southern Maine Association for Handicapped Persons, various small business people from around the state, and the Secretary of State's office. Not one group or individual opposed this bill at the hearing, nor have I received any negative correspondence in regards to this bill. As a matter of fact, in a questionnaire I sent to residents in my own legislative district, they favored this proposal by better than an 85 percent margin.

I would also like to address the question of cost, I am sure it will be brought up. I can assure you, if this bill were going to cost the General Fund or D.O.T. revenues any great amount of money, I would certainly not have submitted it, but that is not the case here. An initial investment of \$245,000 will have to be made, of course, but when the increased fee takes effect, that investment will be recovered. Currently, the fee for renewal is \$10 every four years. The fee would be increased 25 cents per year, or a total renewal fee of \$11 every four years. This increase is indeed a frugal one. So essentially, there is really no fiscal note on this bill. It is basically a washout when the revenue is realized.

Ladies and Gentlemen of the House, I am convinced that the people of Maine want this service. If you have ever tried to cash a check using the current drivers' license as identification, you know why they want this service. It is something we can provide for them with very little effort. It will also provide for those individuals who do not drive and, suprisingly, there are many. I respectfully ask you for your support.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the remarks of Mr. Nadeau. I think this is a bill that is worthwhile. I realize probably the financial problems that all of the departments are into and the dedicated revenue departments of Highway and Fish and Game both have the same problem. I think with the gradual movement to four year licenses, the paper license that we now have in our pockets today, in most cases, is going to be pretty well eroded away by the time that they come up for renewal. The plastic license has been used by the liquor people for identification of the younger people and it lasts almost indefinitely.

I think that, among other things, the other issue that he pointed out was one of the things that was brought out at the hearing, that drivers' licenses today are becoming more and more a means of identity. I think the extra cost will be well worthwhile to the person to have something of particular identity to him in his or her pocket that they could have available anytime they might want to do such things, cashing checks or things of that nature.

I hope that you will support the "Ought to Pass" Report.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I fail to see why this has become such an important issue, that you must have your photo taken to have a driver's license. Now, just think of the people in the rural areas, when they apply for their driver's license and they get a notice that says no, you must come to one of our stations to have your photo taken for a special driver's license.

This is a hidden cost. When they say it is going to cost only so much money and they only

want two people, that is the foot in the door. Next time around, they will want eight people and they will want more of these photo-taking cameras, they will want more areas throughout the state to locate them and so we have another hidden cost.

When they say a time has come, I am wondering just whose time has come. Everytime we turn around, everybody wants someone's picture taken, they want an additional 25 cents here and 50 cents there. The people in the rural areas have to travel many miles to comply with the law now, many, many times. And in this particular instance, I think it is going to work an extreme hardship on many of the people in order for them to go and to have their photos taken and put on their drivers' licenses.

Now, this isn't going to last very long, it is going to be a short time and then they have got to come down and have their picture taken again. They are not going to keep transferring that photo from one license to another, they are going to have to keep taking it over and over again. So, I think the time has come for a deep six, that is what the time has come for, and that is why I urge you all to vote to indefinitely postpone this bill and all its accompanying papers, not to accept the Minority Report.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I would like to disagree with my good friend, Mr. Carroll. As far as the rural areas are concerned, one thing this bill does provide with the revenues received by the increase in fees is a couple of additional mobile units along with the mobile units that are currently existing. These mobile units purpose is to go out to the rural area and service the individuals out there and as far as renewing it every Mr. Carroll indicates it is every six months or every year, it is every four years, once every four years. I understand that they are considering making it a five year renewal. That is not too much to ask.

As I said, I have polled my constituents and they are not complaining about it one bit. This is a service they want, this is a service they feel they can use, especially in these days of official identification or a valid identification being so important.

I would like to take a little bit of time and read to you some correspondence, not in full, of course, just some various letters and articles that have been written.

There are several editorials around the state, favoring this and one of my own papers states something to the effect that Representative Greg Nadeau would have the Secretary of State issue and explains what the bill does and it closes by saying, "Maine drivers' licenses are printed on light cardboard and can be altered quite easily. Durable uniform licenses and ID's would be a step forward." that is in the editorial.

I have received letters from, as I mentioned, numerous small businesses, this is one from a local business in my own city congratulating me for sponsoring the bill and urging all of you to pass it. "I am writing to you this letter in support of your proposed actions to have drivers' licenses include a photo of its owner on it. I believe this would be one of the best things to happen in the state in a good many years for both business community and for law enforcement officials. The ability to determine if a holder of the license is, in fact, the same person is almost impossible at this time. As you can well imagine, this can create quite a problem in my line of work where proper identification is a must." This gentleman is in the renting business and identification is extremely important for his livelihood.

Letters from the Southern Maine Association of the Handicapped Persons. Apparently one of the members of the association called Mr. Lila Stockwell, the coordinator, and complained that this individual was blind and went to cash

a check at a bank and the teller asked for his driver's license. Obviously, this individual doesn't have a driver's license, the only other method or form of identification that individual had was a social security card. Obviously, that wasn't acceptable. Therefore they have endorsed this proposal to help their members, something I never even considered, quite honestly, when drafting the bill.

One other little point I would like to make. Forty-four states in this country have instituted this form of licensing in their states. We are one of six that does not. Eventually, we will have to, I am convinced. Five years down the road, this equipment is going to cost three or four times as much. Therefore there is another reason, I feel, we should move quickly.

Ladies and Gentlemen, I am not going to bore you with all the correspondence I have received, because we would be here until five o'clock, but I am just trying to impress upon you the unusual amount of interest displayed to me over the last three weeks from individuals from all around the state and urge that you oppose the motion that was made to indefinitely postpone.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Originally, I will be honest with you, I wasn't in favor of the bill when I first worked with it in committee. I did change my mind, however, because of some calls that I had received from some people at home including some senior citizens.

There are a lot of problems in this state with going to another town, including adjoining towns, and cashing checks. The information I received, even members of the banking institutions was that this would be a favorable step when an individual goes to another town, they find themselves short of funds, they want to cash a check and they have nothing with a picture on it to identify exactly who they are.

Another thing that convinced me, more or less, was when the State Police came down to our hearing with a Maine driver's license which was a counterfeit. To look at that counterfeit driver's license, you would never know it. It even had the counterfeit certification from the Department of Motor Vehicle Bureau. I think he got this in the State of New York. That is where it originally came from. He said there was many of them floating around like this. So, you see how easy it is to counterfeit the Maine driver's license? We don't know how many people right now actually are driving with counterfeit licenses. So, there is quite a bit of loss of revenue in that.

Another thing, the new license that would be proposed, which would be within plastic with a picture on it, there were many states that we had pictures on their licenses and even had a sample of their licenses, so when you put it in your wallet, you keep it four years and it doesn't come out looking like a rag when you hand it to somebody for identification.

There is a lot of merit in this bill, especially when you go somewhere to cash a check, when you go to Zayre's or Mammouth Mart or anywhere else to cash a check, this is a lead-in product for you to cash that particular check.

Now, I think sooner or later we are going to come to this, as Representative Nadeau has said, I think now is a good time to take that step.

There is not going to be a cost to the department, because the cost is taken care of by the fees that he has suggested which are really not all that high. For an extra 50 cents or a dollar, I would be glad to have the comfort of knowing I have some sort of identification in my pocket which somebody will accept. This is where the problem lies, so I would hope you would not indefinitely postpone this bill and let's give it a fair reading.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I am not too worried about the bankers. I think they will take care of themselves all right cashing checks. The other groups, the State Police and the other departments that were mentioned, they like this for their own convenience. When I voted against this, I voted for the inconvenience to my people back home.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I was going to rest my mouth today but I have just read this bill and, frankly I am shocked. I am not surprised that the State Police support this piece of legislation, because it has all the earmarks of the kind of thing that the police would do. As I read this it takes a program that involves licensure of operators of motor vehicles that would require them to prove their competency to operate an automobile and goes beyond that into a citizen identification program. This looks more like something that would happen in a banana republic. There has been a great tradition in this country, as you travel around geographically, no one stops you and says, your papers, please.

At this time, I would like to move to indefinitely postpone this bill and all its accompanying papers.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: Just to reply briefly to the gentleman from Harrison, I think his charges are a little overstated. I think it is ridiculous to start throwing wild accusations of State Police mentality.

Come on ladies and gentlemen, let's discuss this bill very intelligently. Forty-four states in the union have adopted this kind of practice. There is probably a good reason for it. I am certainly not about to say that those 44 states are police states.

Now, it seems to me very logical to adopt this kind of proposal, simply because we have a problem when people take licenses or they drive under false licenses. How many accidents are created by people who shouldn't be on the road who do not know how to drive, who do not have proper licenses and how many of these accidents could be prevented if we had the right kind of license, which clearly shows that that is the person who should have that license? That is what this license would do. It would go a long way toward preventing some very serious accidents on our roads.

So, I would hope you would vote against the "Ought Not to Pass" Report.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I hate to oppose Mr. Nadeau's bill here but I see a serious element developing. In the last session of the legislature, we created a problem where everybody had to have an eye test. You have to go to a line, get your license, have an eye test, now we are creating a third line to have a picture taken. I think we are imposing an awful lot on the drivers of Maine.

Mr. Nadeau of Lewiston was granted permission to speak a third time.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of quick points I couldn't let pass. Mr. Hunter mentioned that he wasn't worried about the bankers. I am not either, the bankers don't concern me very much at all. It is the consumers and the customers of the bank that I am worried about. If the bank refuses to cash the check, it is no skin off the banker's nose, but the individual trying to cash the check is not going to have too much luck buying his groceries.

As far as Mr. Leighton is concerned, I can't understand it, frankly. All this bill does is, it is good, efficient management in government. It

takes the ID section of the Bureau of Alcoholic Beverages out. It takes them out of ID business, consolidates it all under one department, licensing, identification would all be under the Motor Vehicle Division. It is simply good management. There is no Social Security Number on Maine Drivers' licenses, so there is no fear of nation wide ID or anything like that. I wasn't expecting arguments, I wasn't prepared. It is simply not valid, I would have to say. I just wanted to clear up those two points. It is a good management bill and it is not very costly. As far as my good friend, Mr. Hickey, is concerned, I don't think it will cause that much of a problem, because the Division of Motor Vehicle, the Secretary of State's Office, both feel it is a good idea. They run the department, they know what their problems are. If they feel it can work efficiently, I believe them.

Thereupon, Mr. Tarbell requested a roll call vote.

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

Mr. LEIGHTON: Mr. Speaker and Members of the House: I don't want to prolong things, but I would just like to read the statement of fact. Again I am shocked. I just read it this afternoon, I had thought this referred strictly to drivers' licenses. It says "It would also provide for non-drivers' identification cards to be issued by the Secretary of State's Office. If that isn't going from registration of guns right into registration of people, I would like to know what it does."

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

Mr. SIMON: Mr. Speaker and Members of the House: I am concerned about liberty and privacy as anybody in this room. When a bill comes through that threatens our liberty or privacy, I will help put the hammers to it. I really do think that my good friend on the other side of the aisle is crying wolf here. If a procedure like this, which has been adopted by 44 of our sister states, makes them police states or banana republics, then I think we need to question our definition of those inflammatory terms.

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I noticed that most of the ones that are speaking for this bill come from the city. I am sure that their people will be taken care of very nicely. I don't think that they understand the problems we have out in the country.

Mr. Rollins of Dixfield requested the Committee Report be read.

Thereupon, the Report was read by the Clerk.

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

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

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief this afternoon, and I apologize for getting up again. As a neighboring district of Mr. Hunter from Benton, I am also from the sticks, so I don't represent our city folks.

I have two really important things that I think we want to remember when we are voting on this bill. I guess I have always thought the idea of an effective legislator was a person who knew his constituents back home, could sit down with them and grasp their ideas and then he took these ideas when he came to Augusta, took the message and translated this into working pieces of legislation. Well, I think

that is exactly what Mr. Nadeau has done here.

During the debate, I took the opportunity to pull out my license, and I hope many of you will do the same thing. I have seen them become tampered with on many, many occasions. It is very easy to erase the numbers, erase the birthdate for the purpose of changing it to obtain alcohol or whatever you are trying to obtain. I think the idea of having a license in a plastic enclosed packet is very desirable.

I also think it is a very good idea for our retail people I have had the opportunity to work in retail for three or four years and there is just no doubt that it is a very effective way of cashing checks.

I hope you will support this bill, give it a chance. I believe the motion now is for indefinite postponement. I hope you will oppose the motion.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: What we are talking about now is not a driver's license, we are talking about identification for people cashing checks. You are going to open the door now. You are going to have the Motor Vehicle Bureau setting up a system for everybody in the State of Maine to have their picture taken for an identification card. This is why I have said once and I will repeat, there is a hidden cost here. It certainly is going to cost a lot more and they are going to need a lot more personnel, and that is my reason for being against this legislation.

You heard the argument that the little old blind lady will go get a driver's license. You know, I think the young gentleman had some very good ideas. I think he is a nice young man, but I am concerned about the cost. We have driver examiners now, supposedly giving people tests. They tell us they are behind and they want more personnel down there. Yet, they come up with another bill and say there is no problem, we can handle this. So, I say we do have problems. We have it in the automobile dealers section, the used car dealers section, we have got it in the fraud section of this state. We have got more problems than we can shake a stick at, and yet you want to go right ahead and go into the identification field.

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

Mr. TUTTLE: Mr. Speaker, I would like to pose a question to Mr. Nadeau. If people don't have licenses, are they required to have a card also?

The SPEAKER: The gentleman from Sanford, Mr. Tuttle, poses a question to the gentleman from Lewiston, Mr. Nadeau, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. NADEAU: Mr. Speaker and Members of the House: In answer to the question, there is no requirement to do anything. No one in this state is required to have a driver's license. The driver's license procedure changes in no way whatsoever. The only addition is the picture. As far as the non-driver's identification card, that is the exact type of system we have presently for liquor identification. The only difference is, instead of going to the Bureau of Alcoholic Beverages to get your liquor identification, you can go to the Motor Vehicle Division, which is making it a lot easier for the consumer and the people of this state because, obviously, there are more outlets in that division. So, there is no change whatsoever, it is simply making the process more efficient, and I think in the long run, less costly.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Harrison, Mr. Leighton, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Bachrach, Blodgett, Bor-

deaux, Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carroll, Carter, F.; Churchill, Connolly, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Dutremble, L.; Fenlason, Garsoe, Gavett, Gray, Hanson, Hickey, Higgins, Howe, Huber, Hunter, Hutchings, Jacques, E.; Kiesman, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Masterton, Matthews, Maxwell, McHenry, McPherson, Morton, Nelson, A.; Nelson, N.; Payne, Peltier, Peterson, Reeves, J.; Rolde, Rollins, Sherburne, Silsby, Small, Smith, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Tozier, Vose, Wentworth, Whittemore, Wood

NAY — Aloupis, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Brenerman, Brodeur, Brown, A.; Carter, D.; Cloutier, Cox, Davies, Diamond, Doukas, Dow, Dudley, Dutremble, D.; Elias, Fillmore, Fowlie, Gould, Gowen, Gwadosky, Hall, Hobbs, Hughes, Jackson, Joyce, Kane, Kany, Laffin, Lancaster, LaPlante, Locke, Marshall, Martin, A.; Masterman, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Norris, Paradis, Paul, Pearson, Post, Prescott, Roope, Sewall, Simon, Soulas, Tierney, Tuttle, Twitchell, Vincent, Violette, Wyman.

ABSENT — Berry, Boudreau, Bowden, Brannigan, Carrier, Chonko, Conary, Gillis, Immonen, Jacques, P.; Jalbert, Kelleher, Lizotte, Nelson, M.; Reeves, P.; Stetson.

Yes, 73; No, 61; Absent, 16.

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

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Local and County Government on Bill, "An Act to Permit Use of the Municipal Securities Approval Act for Development of Low and Middle Income Housing" (H. P. 911) (L. D. 1137)

Tabled—May 1, 1979 by Mr. LaPlante of Sabattus.

Pending—Motion of Mr. Pearson of Old Town to Indefinitely Postpone Bill and all Accompanying Papers.

Thereupon, the Bill and all its accompanying papers were indefinitely postponed and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Local and County Government on Bill "An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act" (H. P. 754) (L. D. 960)

Tabled—May 1, 1979 by Mr. LaPlante of Sabattus.

Pending—Motion of the same gentleman to Accept the Majority "Ought Not to Pass" Report.

On motion of Mr. LaPlante of Sabattus, was recommitted to the Committee on Local and County Government and sent up for concurrence.

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

Bill, "An Act Pertaining to Motor Vehicles Passing Stopped School Buses" (H. P. 1041) (L. D. 1278)

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

Pending—Passage to be Engrossed.

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

Mr. CARROLL: Mr. Speaker, due to difficul-

ty in having an amendment drafted, we would like to have this tabled for another couple of days.

Whereupon, on motion of Mr. Strout of Corinth, tabled pending passage to be engrossed and specially assigned for Tuesday, May 8.

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

Bill, "An Act to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Act" (H. P. 1139) (L. D. 1518)

Tabled—May, 2, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

Mr. Blodgett of Waldoboro offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-318) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

Mr. Blodgett of Waldoboro was granted unanimous consent to address the House.

Mr. BLODGETT: Mr. Speaker, I would just like to explain a little bit about our water here that we have. This is very innocent looking water, as you see, but it is appropriate to go along with this bill. This is gray water and from the Town of Gray. It is tap water that comes from an aquifer from an entire section of town and it was completely destroyed for not only our lifetime but for an indefinite period of time.

Some of you may observe, it looks very innocent. Some of you have smelled it and it doesn't smell so innocent and it is not innocent. This water is like the Indian Chief's snake poison and all that sort of thing. You rub it on you and you get a good rash and all sorts of great things will happen. So, avoid, using this water, but it gives you an idea of what polluted water can be like.

Mr. Jackson of Yarmouth was granted unanimous consent to address the House.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would point out that I represent the town next to the Town of Gray, and the only reason their aquifer hasn't been polluted by this, at least the geologist tells us, there is a natural dike in there that keeps it from flowing in. This water does flow by ground means down into the Royal River and finds its way down through that river system because of that, so the pollution is very slight at this point. Had it not been for the impervious rock layers, our natural aquifer, that we draw all our drinking water for both North Yarmouth and Yarmouth, would also smell like this.

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

Mr. TARBELL: Mr. Speaker, I move we reconsider our action of yesterday whereby we adopted the Majority "Ought Not to Pass" Report on Bill "An Act to Permit Hunting until 1/2 Hour after Sunset During Open Season on Deer," House Paper 932, L. D. 1146.

Mr. Dow of West Gardiner requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that the House reconsider its action of yesterday whereby the majority "Ought Not to Pass" Report was accepted on L. D. 1146. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Elias.

Mr. ELIAS: Mr. Speaker, I move we reconsider our action of yesterday whereby Bill "An Act to Increase Merchandising in State Liquor Stores," Senate Paper 433, L. D. 1335, was indefinitely postponed.

On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Elias of Madison to reconsider and assigned for Monday, May 7.

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

Mr. GARSOE: Mr. Speaker, I move we reconsider our action of earlier in the day whereby we indefinitely postponed Bill "An Act to Clarify the Application of Military Services Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs," Senate Paper 147, L. D. 324.

On motion of the same gentleman, tabled pending his motion to reconsider and assigned for Monday, May 7.

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

Bill, "An Act to Require the Purse Seine Season in Washington County to Close on September 15th" (H. P. 321) (L. D. 425) (C. "A" H-295)

Tabled—May 2, 1979 by Mr. Nelson of Roque Bluffs.

Pending—Passage to be Engrossed.

On motion of Mr. Jackson of Yarmouth, the rules were suspended for the purpose of reconsideration.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to present this amendment. The amendment would strip the commissioner's emergency powers off the bill. As the bill is now drafted, if the commissioner wanted to institute a purse seining season in Washington County, in this particular area, he doesn't even need to hold a hearing. If he did hold a hearing, it would only be five days' notice before. I personally feel that there is a tremendous gear conflict here and that this should be taken off so there would be proper time for the fixed gear fishermen and other fishermen in the area to respond and have a chance to speak on this.

The bill that we are amending here was put in by the Mearl Corporation and their interest, and I feel that the other interests that are involved in this, the weir fishermen, the lobster fishermen and many of the other fishermen should have ample opportunity to respond to the opening of this area and the gear conflicts that will happen if it is open.

I move we reconsider adoption of Committee Amendment "A".

The SPEAKER: The Chair will order a vote. All those in favor of reconsidering whereby Committee Amendment "A" was adopted will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Post of Owl's Head 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 gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker and Members of the House: This bill is changed quite a bit from when it first came in here. Essentially what it does, it gives the commissioner some powers to function in some very extraordinary circumstances when fish might not be available for packers in the eastern Washington County

area.

There are safeguards in it. If you accept Mr. Jackson's amendment, then you might as well kill the whole bill, because by the time he goes through the regulatory process that we have under the APA, the emergency that existed most likely would be over. In any instance, people would have been out of work from between 30 to 45 days.

So, I would ask you to vote against reconsideration of adoption of the committee report and, Mr. Speaker, I would ask that the original report on that bill from the Marine Resources Committee be read.

Thereupon, the Report was read by the Clerk.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, that the House reconsider its action whereby Committee Amendment "A" was adopted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Bachrach, Carter, F.; Cox, Curtis, Dellert, Fillmore, Garsoe, Gowen, Higgins, Howe, Huber, Hunter, Jackson, Kany, Leighton, Lewis, Lougee, Masterton, Morton, Norris, Payne, Sewall, Smith, Soulas, Torrey.

NAY—Aloupis, Austin, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Call, Carroll, Carter, D.; Churchill, Cloutier, Connolly, Cunningham, Damren, Davies, Davis, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Gavett, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Hughes, Hutchings, Joyce, Kane, Kiesman, LaPlante, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Nadeau, Nelson, N.; Paradis, Paul, Pearson, Peterson, Post, Reeves, J.; Rolde, Rollins, Roope, Sherburne, Simon, Small, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Wood, Wyman.

ABSENT—Berry, Boudreau, Bowden, Branigan, Bunker, Carrier, Chonko, Conary, Dexter, Diamond, Gillis, Gould, Immonen, Jacques, E.; Jacques, P.; Jalbert, Kelleher, Laffin, Lancaster, Leonard, Lizotte, Martin, A.; Nelson, A.; Nelson, M.; Peltier, Prescott, Reeves, P.; Silsby, Stetson, Vincent, Whittemore.

Yes, 25; No, 94; Absent, 31.

The SPEAKER: Twenty-five having voted in the affirmative and ninety-four in the negative, with thirty-one being absent, the motion does not prevail.

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

#### (Off Record Remarks)

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

An Act to Simplify the Requirements for Licensing Certain Clergymen to Perform Marriages (S. P. 287) (L. D. 847)

Tabled—May 2, 1979 by Mr. Wyman of Pittsfield.

Pending—Passage to be Enacted.

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

On motion of Mr. Mahany of Easton, Adjourned until Monday, May 7, at nine-thirty in the morning.