

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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HOUSE

Tuesday, May 8, 1979

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

Prayer by Representative John Simon of Lewiston.

Mr. SIMON: Let us pray. O God, the fountain of wisdom, whose will is good and gracious, whose law is truth, we beseech you to guide and bless us in this House that we may enact such laws as shall please you, to the glory of your name and the common good of the people we are charged to serve. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The Following Communication:

THE SENATE OF MAINE

Augusta

May 7, 1979

The Honorable Edwin H. Pert
Clerk of the House
109th Legislature
Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the "Ought Not to Pass" report of the Committee on Bill, "An Act to Provide Information Assistance Under the Public Utilities Law" (H. P. 1064) (L. D. 1318).

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The Following Communication:

THE SENATE OF MAINE

Augusta

May 7, 1979

The Honorable Edwin H. Pert
Clerk of the House
109th Legislature
Augusta, Maine 04333

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act Relating to the Salary of the Director of the Maine State Housing Authority" (S. P. 365) (L. D. 1112).

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

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

Joseph Dietrich, a Brunswick High School senior, is among 1,000 finalists selected nationwide for the Presidential Scholar Competition. (S. P. 537)

Came from the Senate Read and Passed.
In the House, was read and passed in concurrence.

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

Nancy Prince, a Brunswick High School senior, is among 1,000 finalists selected nationwide for the Presidential Scholar Competition. (S. P. 536)

Came from the Senate Read and Passed.
In the House, was read and passed in concurrence.

Reports of the Committees
Ought Not to Pass

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Safeguard a Citizen's Fundamental Right to Work without Being Compelled to Join a Union" (S. P. 364) (L. D. 1111)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill, "An Act Amend-

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

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

Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill, "An Act to Amend the Manufactured Housing Act" (S. P. 394) (L. D. 1203)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Relating to the Licensing of Insurance Agents or Brokers" (S. P. 302) (L. D. 895)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Requiring Certain Agreements Involving Consumer Transactions to be Written so that they are Readable and Understandable" (S. P. 300) (L. D. 897)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Set Forth the Rights and Responsibilities of Hospital Patients and Responsibilities of Physicians" (S. P. 229) (L. D. 644)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Relating to Service Fees of Authorized Bargaining Agents" (S. P. 137) (L. D. 314)

Came from the Senate with the Reports read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Encourage Disabled Employees to Return to Work" (H. P. 751) (L. D. 935) on which the Majority "Ought to Pass" Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed in the House on May 4, 1979.

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

In the House: The House voted to adhere.

Messages and Documents

The Following Communication: (S. P. 538)

State of Maine

SENATE CHAMBER

President's Office

Augusta, Maine 04333

May 4, 1979

Honorable John D. Chapman
Honorable Robert S. Howe
Chairmen, Business Legislation Committee
State House
Augusta, Maine 04333

Please be advised that with the advice and consent of the Governor Joseph Brennan, Commissioner Weil is nominating Theodore T. Briggs of Augusta for the position of Superintendent of Insurance, and Barbara Reid Alexander of Readfield for the position of Superintendent of the Bureau of Consumer Protection.

Pursuant to Title 24-A, MRSA, Section 201, and Title 9-A, MRSA, Section 6.103, these nominations will require review by the Joint Standing Committee on Business Legislation and confirmation by the Senate.

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

Came from the Senate Read and Referred to the Committee on Business Legislation.

The Communication was read and referred to the Committee on Business Legislation in concurrence.

The Following Communication: (S. P. 539)
State of Maine

SENATE CHAMBER
President's Office
Augusta, Maine

May 4, 1979

Honorable Andrew Redmond
Honorable Charles Dow
Chairmen, Fisheries and Wildlife Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Glenn H. Manuel of Littleton to the position of Commissioner of the Department of Inland Fisheries and Wildlife. Pursuant to Title 12, MRSA, Section 1951, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

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

Came from the Senate Read and Referred to the Committee on Fisheries and Wildlife.

The Communication was read and referred to the Committee on Fisheries and Wildlife in concurrence.

Petitions, Bills and Resolves
Requiring Reference

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

Fisheries and Wildlife

Bill "An Act to Increase Revenue Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs" (H. P. 1373) (L. D. 1600) (Presented by Mr. Dow of West Gardiner)

(Ordered Printed)
Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1371) recognizing that:

Sylvia Wilson Leuteman, formally of England, now of Phippsburg, Maine, who has been a prominent member of that community over the past 5 years received her United States Citizenship on May 1, 1979.

Presented by Mr. Leonard of Woolwich
The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1372) recognizing that:

In March of 1979, Kevin Frates of Portland, at great risk to himself, heroically saved the life of another human being.

Presented by Mr. Connolly of Portland (Cosponsor: Senator Conley of Cumberland)

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

On motion of Mr. Jalbert of Lewiston, under suspension of the rules, the following Joint Resolution: (H. P. 1374) (Cosponsor: Mr. Birt of East Millinocket)

JOINT RESOLUTION COMMEMORATING
THE BIRTHDATE OF
HARRY S. TRUMAN

WHEREAS, the people of Maine and the Nation pay tribute to great American citizens on notice of their birthdates; and

WHEREAS, the people of Maine and the Nation hold in especial high esteem this great Nation's former Presidents; and

WHEREAS, May 8, 1979, marks the anniversary of the birth of the former President who guided this great Nation into the second half of the twentieth century; now, therefore, be it

RESOLVED: That the 109th Maine Legislature, on behalf of the people of Maine, hereby commemorate the birthdate of Harry S. Truman, a great former President of this Nation, who helped devote the strength, resources and resolve of this great Nation toward assuring a world of justice, harmony and peace

for the future of mankind; and be it further
RESOLVED: That suitable copies of this Resolution be prepared and be transmitted by the Secretary of State to Mrs. Harry S. Truman and Mrs. Margaret Truman Daniels.
 The Resolution was read and adopted and sent up for concurrence.

On motion of Mr. Cox of Brewer, it was
ORDERED, that Representative Emile Jacques of Lewiston be excused May 7 to May 11, 1979 for personal reasons;

AND BE IT FURTHER ORDERED, that Representative Hugh Bowden of Brooklin be excused May 7 and May 8, 1979 for personal reasons;

House Reports of Committees Leave to Withdraw

Mr. Stover from the Committee on Local and County Government on Bill "An Act to Empower Municipal Boards of Zoning Appeals to Grant Moderate Variances" (H. P. 320) (L. D. 418) reporting "Leave to Withdraw"

Mr. Kane from the Committee on Taxation on Bill "An Act to Provide for a Local Excise Tax on Watercraft" (H. P. 133) (L. D. 144) reporting "Leave to Withdraw"

Mr. Davis from the Committee on Education on Bill "An Act Giving Local School Committees more Control with Respect to the Setting of School Calendars" (H. P. 640) (L. D. 794) reporting "Leave to Withdraw"

Mr. Connolly from the Committee on Education on Bill "An Act to Provide for Using an Average of Recent State Valuations for Purposes of Computing State Subsidies Under the School Finance Report" (Emergency) (H. P. 1157) (L. D. 1324) reporting "Leave to Withdraw"

Mrs. Kany from the Committee on State Government on Bill "An Act to Permit the Attorney General to Retain Amounts Recovered for Costs of Investigation and Suit" (H. P. 1075) (L. D. 1339) reporting "Leave to Withdraw"

Mrs. Nelson from the Committee on Aging, Retirement and Veterans on Bill "An Act Relating to Retirement Benefits of Superior Court Employees" (H. P. 1093) (L. D. 1332) reporting "Leave to Withdraw"

Mr. Birt from the Committee on Education on Bill "An Act to Better Reflect True Education Costs by Reducing Transportation Reimbursement to School Units for Noninstructional Purposes" (H. P. 1080) (L. D. 1341) reporting "Leave to Withdraw"

Mr. Brenerman from the Committee on Health and Institutional Services on Bill "An Act Relating to the Costs of Transporting Persons to Hospitals for the Mentally Ill" (H. P. 878) (L. D. 1066) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-344) on Bill "An Act to Define Suitable Work After the First Twelve Consecutive Weeks of Unemployment" (H. P. 823) (L. D. 1023)

Report was signed by the following members:

Messrs. PRAY of Penobscot
 LOVELL of York
 SUTTON of Oxford

— of the Senate.

Messrs. TUTTLE of Sanford
 CUNNINGHAM of New Gloucester
 Mrs. LEWIS of Auburn
 Messrs. FILLMORE of Freeport
 DEXTER of Kingfield
 WYMAN of Pittsfield

— 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. BAKER of Portland
 Mrs. MARTIN of Brunswick
 Mr. McHENRY of Madawaska
 Mrs. BEAULIEU of Portland

— of the House.

Reports were read.

Mr. Wyman of Pittsfield moved that the Majority "Ought to Pass" Report be accepted.

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

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine Changing the Legislature to a Single Chamber, Unicameral System (H. P. 1033) (L. D. 1347)

Report was signed by the following members:

Messrs. MARTIN of Aroostook
 AULT of Kennebec
 SUTTON of Oxford

— of the Senate.

Mrs. KANY of Waterville
 BACHRACH of Brunswick
 DAMREN of Belgrade

Ms. LUND of Augusta

Mrs. MASTERTON of Cape Elizabeth

Messrs. LANCASTER of Kittery

CONARY of Oakland
 BARRY of Fort Kent

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1366) (L. D. 1599) on same Resolution.

Report was signed by the following members:

Mr. PARADIS of Augusta
 Mrs. REEVES of Pittsfield

— of the House.

Reports were read.

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

Mrs. KANY: Mr. Speaker, I move that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. PARADIS: Mr. Speaker and Members of the House: I shall be very brief. I want to urge all of you to vote against the motion of the gentlelady from Waterville, Mrs. Kany, because I strongly believe that this is a very important issue and we ought to consider letting the people of Maine vote on it.

First of all, I think at the outset that this Constitutional Amendment provides that if this change comes about, it will not come about until the election of 1984 and the legislative session of 1985.

Secondly, it will not come about until the people have had the opportunity to vote upon it. It seems to me that we are asking, really, for this legislature to send this very important issue to the people for their vote.

I think, Mr. Speaker and Members of the House, if we keep in perspective the history of bicameral and unicameral legislatures, I think if you keep the historical perspective in mind, you will find that the historical reason for bicameralism really no longer exists.

The history of bicameralism in the Anglo-saxon tradition arose because the second or upper House was really representative of a different constituency, and it originally arose in England where the aristocracy was represented in the House of Lords and the common people were represented in the House of Commons.

In the United States, the Senate, the upper House, represents a different constituency. That is, it represents the states, and the lower House, or the House of Representatives, represents the people. And in state governments,

which were modeled after the United States government, the lower House represented the people and the upper House, or the Senate, could be apportioned on a different basis. They could represent a different constituency and, traditionally, until recent history, they did, in fact, represent geographic and economic interests. And throughout most of Maine's bicameral history, the State Senate represented the geographic and economic areas on a county-wide basis.

But in 1964, Mr. Speaker and Members of the House, the United States Supreme Court said, in the case of Reynolds vs. Sims, that you can no longer do this in state Senates; that the only basis of a representation in state Senates, as well as in the state Houses of Representatives, was a one-man one-vote factor, so that in the bicameral system you no longer, in your state Senates, can have a different basis of representation than you can in the House of Representatives. So, most of the historical reasons for the second House, the upper Chamber, or the Senate, no longer exists, and the only reason which still exists, Mr. Speaker and Member of the House, the only argument made for the existence of the second House, or the bicameral two houses, is that it allows one body to take a second look, it allows a delay in the passage of bills, and it prevents bad bills from being passed.

Well, I submit that this is a procedural matter which can well be taken care of within a unicameral, one-body system, in their own procedure, such as delays in the readings of bills, etc., limits on the number of bills to be introduced.

Unicameral, one-chamber system of government exists in Nebraska which, by the way, has a 50-member—it is called a State Senate—and Nebraska, interestingly enough, has approximately the same geographic size as Maine and approximately the same population as Maine. This bill calls for a 101 member single-district Senate. So that Nebraska does have a unicameral legislature, it works well, and there is no pressure from any circles in Nebraska to bring back bicameralism.

The Virgin Islands and Guam both have unicameral legislatures. All of our major cities have gone from bicameral legislatures to unicameral legislatures and, of course, many of them represent a much larger constituency than the State of Maine. All the Canadian provinces have unicameral legislatures. England now has a de facto unicameral legislature as the House of Lords has become, in fact, powerless and ceremonial only.

The advantages of a unicameral legislature, it seems to me, first of all, there is economics. We presently have 184 members in this legislature, and in order to provide them with adequate staff, in order to pay them, it costs a tremendous amount of money. I think it costs approximately \$20,000 per day to keep this legislature going. In order to adequately staff a legislature, we certainly need more staff than we presently have, and a 101 member unicameral legislature could be very well staffed at less money.

I think that a unicameral legislature would be more efficient, more understanding of the issues, and there wouldn't be the committees of conference and "the other House killed it" kind of thing.

I think the third reason, Mr. Speaker and Members of the House, and probably the most important reason, although the economic reason, I feel is important—I think the most important reason would be that there would be accountability of the individual legislators to the people who elect them. I think there is too much in the bicameral system of "the other House killed it," "let's let the other House kill it," "let's send it to a committee of conference." If you had one House and single-member districts, those people would be accountable, those representatives, and only

those representatives, would be accountable to the people in their districts for the way they voted and the way the issues came out. The voters in the district could look to that one person for his or her vote as to a vote on a particular issue.

In view of the fact, Mr. Speaker and Members of the House, that this would not be effective until the election of 1984 and the legislative session of 1985, and in further view of the fact that the only thing we could do is send it to the people and let them decide, it seems to me that the least we could do is to do that.

Therefore, Mr. Speaker and Members of the House, I would urge all of you to vote against the motion of the gentlelady from Waterville.

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

Mrs. KANY: Mr. Speaker and Members of the House: I, for one, appreciate the attempt of Representative Paradis to try and improve our government. But, of course one person's better government is another person's worse government. Also, it is kind of tempting, isn't it, to perhaps get rid of the other house? But this legislature just recently turned down an attempt to lower the size of the House, and I think we decided at that point in time that we do have a pretty good setup here, that maybe we wouldn't want to have just 101 members in our legislature.

One thing I know, I learn a few things from all of you as time goes on; I have learned that all of us can make mistakes, even me and even the Speaker and even Representative Garsoe, so it is nice sometimes to have a second body to perhaps prolong the deliberations.

I urge you to go along with the motion before you, and that is to accept the Majority "Ought Not to Pass" Report.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House accept the Majority "Ought Not to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brennerman, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carroll, Carter, F.; Chonko, Conary, Cunningham, Damren, Delert, Doukas, Drinkwater, Dutremble, D.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jacques, P.; Jalbert, Joyce, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, MacEachern, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nelson, A.; Nelson, M.; Paul, Payne, Peltier, Peterson, Post, Reeves, J.; Rolde, Roope, Sewall, Sherburne, Silsby, Simon, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Twitchell, Vincent, Violette, Wentworth, Whittemore, Wood, Wyman

NAY — Baker, Brannigan, Brodeur, Brown, K.C.; Carrier, Connolly, Cox, Curtis, Davies, Dexter, Diamond, Dow, Dudley, Hall, Hobbins, Kane, Laffin, McHenry, Michael, Nadeau, Norris, Paradis, Reeves, P.; Rollins, Tierney, Tozier, Tuttle, Vose

ABSENT — Barry, Berry, Bowden, Carter, D.; Churchill, Cloutier, Davis, Dutremble, L.; Howe, Hughes, Jackson, Jacques, E.; Lizotte,

Locke, Nelson, N.; Pearson, Prescott, Small Yes, 103; No, 28, Absent, 19.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-346) on Bill "An Act to Require the Public Utilities Commission to Study the Safe and Proper Decommissioning of Nuclear Generating Facilities in Maine" (H. P. 632) (L. D. 783)

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin — of the Senate.

Messrs. DAVIES of Orono
McKEAN of Limestone
LOWE of Winterport
BROWN of Livermore Falls

Mrs. NELSON of Portland

Messrs. BERRY of Buxton
VOSE of Eastport

— 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. COLLINS of Knox
DEVOE of Penobscot

— of the Senate.

Mr. REEVES of Newport

Miss GAVETT of Orono

Mr. CUNNINGHAM of New Gloucester — of the House.

Reports were read.

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

Mr. DAVIES: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" and I would ask for a roll call when the vote is taken.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: I would pose a question through the Chair to Mr. Davies of Orono.

First, I would like to know if we need this bill now? Secondly, does the PUC have enough money, enough time and enough staff to do this?

The SPEAKER: The gentleman from Waterville, Mr. Boudreau 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 and Members of the House: The answer to the first question is, yes, we do need it now. The subject of decommissioning nuclear power plants should not be confused with the difficulties that we have had with nuclear power in the last month or two. This matter has been a serious concern for a number of years. It is not a matter of safety concerns, it is simply a matter of economics.

As probably all of you know, a nuclear power plant has a life span just like a human being does. Fortunately, we have some ability to extend our life span by good medical care and eating properly and things of that sort, but a nuclear power plant is destined from the day that it is completed to have a definite point in time when it is going to have to be decommissioned.

Now, that process of decommissioning is extremely expensive. If a nuclear power plant costs \$600 million to construct today, when it is decommissioned 35 years from now, it could very easily cost over \$1 billion to decommission. This should be a matter that we begin looking at well in advance, because if we wait until just prior to the decommissioning of the power plant, the price that will be added onto the utility ratepayers' electric bills each month

will be extremely high. For instance, if you had to come up with the \$1 billion to cover the cost of decommissioning Maine Yankee in about 20 or 25 years, it could very easily raise the electric bill of each ratepayer in the State of Maine by somewhere in the vicinity of \$100 a month. Now, that is a price that I certainly don't want to see ratepayers have to pay. I don't think any one of us wants to see our electric bill jump by that amount.

The only way that we can do anything about that is to begin setting aside some of electric bills right now into a fund to begin for paying for this cost of shutdown so that the impact is not felt in the last few years before the decommission.

Now, there are a variety of ways we can approach this problem. We have a number of alternatives, but those alternatives begin disappearing as we go further down the road. So, if we don't begin considering the various alternatives that we have for eventual decommissioning of our nuclear power plants, we are going to be left with fewer and fewer decisions and a higher and higher price tag that we have to pass on to our ratepayers.

The bill that we have before us provides a mechanism where the Public Utilities Committee, a representative from the Public Utilities Commission, a representative of a nuclear power generating facility and two members of the general public will have an opportunity to come together to begin studying the alternatives that we have available to us and make recommendations to the Public Utilities Commission and to this legislature on which approach seems to provide us the most viable method for keeping the cost down for our ratepayers and doing an adequate job in assuring that when we do have to close down Maine Yankee because its lifetime has expired, that we will do so in a safe manner, with the least amount of economic impact on our rate payers.

I think it is a very important bill. It has bipartisan support from the committee, it had strong support at the hearing. I think that it is time that we take some action on it now, because the alternative is higher electric bills, more confusion and a greater amount of risk when we do finally shut down our nuclear power plants. So, I do urge you to support the "Ought to Pass" Report.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank Mr. Davies for that explanation. However, if we are going to be decommissioning this nuclear power plant in 35 years, I don't think in 1979 that we have to pass a bill to start studying how to do it.

When the PUC came to the Appropriations Committee for money, they were crying that they didn't have enough money, didn't have enough staff, didn't have enough time to do all the things they had to do dealing with CMP, etc.

Now we are going to pass a bill that says they are going to study how to decommission our nuclear power plant that is going to happen in 35 years. If you want to vote for this bill, fine. I am not going to move indefinite postponement, but I will be voting against it in a roll call.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make one amendment to the remarks of my good friend from Orono, Mr. Davies, on what I feel is an excellent bill. He says they are going to be decommissioning our nuclear power plant in 35 years if everything goes right. I would like to remind the good gentleman that we may have to decommission that plant earlier because we don't know what is going to happen. I would suggest that to vote against a good bill like this to study decommissioning at this time would be irresponsible. I am glad the good gentleman

asked for a roll call. We may have to worry about decommissioning the plant or we may all be decommissioned beyond our control.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think private industry has done a great job in the State of Maine and will continue to do so. I am not for any socialistic attitude towards trying to tell them what to do because, first of all, nobody in government has the know-how to tell them what to do and nobody off the street does. As far as financing, private industry generally has bonds that, when the time comes, they sell to the public and they continue to do business and take care of things as they come along. They have in the past and will in the future.

I think it is another step to try to get government picking on private industry. We find it here every day. I think they have done a commendable job, all industry, not only this industry but the other. Of course their costs have gone up; what hasn't gone up? As it goes up to them, the cost is going to be passed on to the user or the consumer. This cannot be helped. The only way we can do, it has to stop all along the way, not just in electrical power and so forth. As I see this, this is just trying to put the government in more interference in private industry, which I am opposed to.

I would like to move that this bill be indefinitely postponed as soon as possible.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I have been called a lot of things before, but this is the first time I have been called a socialist.

As one of the signers of the "Ought to Pass" Report, I feel very strongly about this bill. I don't think it is interference in the private sector. I don't think it is interference with private enterprise, Central Maine Power Company or any other public utility.

You know, nuclear power or nuclear anything is nothing to be taken lightly. We all remember back a couple months ago when Yankee Atomic was shut down and about the rhetoric that we heard, and yes, participated in, myself included. What a crazy thing for the government to have done. Whoever heard tell of an earthquake in the State of Maine? Nuclear power is probably the safest kind of power there is. Then, just a few short weeks after that, Three Mile Island occurred, and then as we were sitting by our TV sets watching the impact of Three Mile Island on the various specials, we felt the rumbling and that rumbling was an earthquake. The center of that earthquake was nine miles from Wiscasset.

My purpose in speaking is not to speak against nuclear power, because I continue to believe that nuclear power has the potential of being one of the cheapest and, yes, has the potential of being one of the safest forms of power in this country and in our world.

I also stand to inform the good people in this body that it is not without problems. If the people in the State of Maine choose to ignore the potential of some of those problems, I think we are being very remiss.

The people in the State of Maine have an awful lot of expertise, we have a lot of ingenuity, an awful lot to offer the rest of the world, and I firmly believe that. The bill before you is nothing more than a study, a study bill, which will study the issue with representatives from all walks of life, including utilities, including the various groups that were mentioned earlier, and it is a real possibility for Maine to be a front-runner in providing some possible decommissioning techniques or some possible methods of decommissioning by bringing all of these people together and working together for a solution to what can be a problem but what I hope will be a solution to potential problems so that nuclear power will not be the feared menace

that it is by many but can continue to be a safe, reasonable source of power.

I would certainly hope that you would give this bill all of your consideration and I sincerely hope that you agree that those of us in Maine do have the ingenuity and the ability to come up with some meaningful and worthwhile answers to some very difficult questions.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, I would like to pose a question to anyone who may care to answer. My understanding is that the Federal Nuclear Commission, don't they have the ability and don't they supercede us on the Maine Yankee?

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

The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: The answer to Mr. Smith's question is yes. However, I guess one of the reasons I agreed to cosponsor this bill was because federal government also has, to give you another example, a responsibility for determining the disposal of nuclear waste. Nuclear waste has been around for many years, ever since the first bomb was exploded and, very honestly, I don't think they have made much progress. I don't think anyone at the federal level would tell you that they have made much progress in determining what to do with this particular problem.

Decommissioning, on the other hand, is something that has only happened in two very small commercial reactors throughout the country. There are many currently operating reactors with a life between 30 and 40 years, that is a possibility, and the federal government is, again, studying how these reactors will be decommissioned.

I think it is very important that states take an interest, if not the ultimate responsibility, in this question, and one very good reason, and forgive me if I am repeating what has been said, but I think it is terribly important, is that the ultimate cost of that decommissioning, which may be a very large amount of money, is going to be paid by the ratepayers, not the stockholders and not by some federal pot of gold, but by the ratepayers. I guess that is why the sponsor and myself felt that it was important that this question be addressed at the state level now, because conceivably, and just conceivably, we may wish to begin to spread out the cost of that decommissioning over the next 20 years. It would be a terrible thing to have it come all at once, as this charge for alternate fuel has come since we had to shut down Maine Yankee. I think it makes good and prudent sense to begin to look at the question now, particularly in view of the fact that the federal government apparently doesn't have the time or the inclination to take it very seriously.

I hope you will support this bill and vote against the motion that is pending.

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

Mr. JACKSON: Mr. Speaker, a question. We also have a number of fossil fuel plants in this county which may be running out of oil before the nuclear plants. Will we also have to go through decommissioning procedures for them?

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 gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, the answer is no.

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

Mr. LEONARD: Mr. Speaker and Members of the House: This issue concerns me a little bit

because I happened to sit on the center of the earthquake and also nine miles from Maine Yankee. But I wonder about the bill, because I have seen study orders in the past implemented by the State of Maine, and I look at the ones that I have participated in and I think that maybe we are putting a first grader in a room to study the law of relativity, it is quite the same. I, frankly, don't think the expertise is here in the State of Maine.

I wonder just exactly what will be accomplished by this expenditure of time, and I would assume money, and of the two, maybe the best route to take would be to pass a resolve or something of that order here to request that the federal government and the NRC take some time and study this particular problem, because I would assume that decommissioning is going to be, for the most part, pretty much the same for every nuclear plant in the United States. Maybe if I am wrong, you could correct me.

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

Mr. DAVIES: Mr. Speaker and Members of the House: There is a very good reason why the legislature should be enacting a bill of this sort and be involved in the study of decommissioning. The reason why is, we are not going to be dealing specifically with technical issues of nuclear engineering, we are going to be dealing with a number of very broad public policy questions that the legislature is ultimately going to be asked to make decisions on, whether it is going to be now or 25 years in the future.

An example of some of the questions that we are going to have to deal with are, who should bear the burden of decommissioning, present users or users at the time when the decommissioning occurs? To what extent should stockholders be held financially responsible for decommissioning? How should the burden of financing be shared by users? Should each user pay the same amount, or should each class bear a proportionate share based on their proportionate use? What is the best method of decommissioning? Should we bury it in concrete, should we dismantle it, should we use one of the other four or five alternatives? These are questions that scientists can help us on, but the decisions are going to be made by public policy makers such as the legislature. We should be involved in the study and the determination of what these real alternatives are and begin narrowing down our choices until we come to one that satisfies the particular needs of the State of Maine.

This is another reason why the state should get involved with what the federal government is already doing. The feds have been able to come up with a variety of alternatives, but each one has its own specific benefits and disadvantages, and the State of Maine should find one that is best suited to its own current situation.

It also strikes me as very interesting that the people who seem to be speaking in opposition to this bill in the past have voiced a great deal of feeling that the federal government was stupid and unable to handle what it has before it. But here on this issue, which is one that we are particularly concerned with, they seem to be saying, well, why don't we pass this on to the federal government to let them do it. It sounds like an argument that is used to kill a bill, not because it has any substance to the argument, but because it is a very useful and handy thing to wave in front of the eyes of legislators, that the federal government is doing it and we should leave it all to them.

I don't think we should leave it to the federal government. I am not particularly satisfied with their ability to deal with these problems, and I think that when we come up with an answer to deal with decommissioning, I would want it to be an answer that comes from Maine, it serves Maine and, in the long run, is Maine.

The SPEAKER: The Chair will order a vote. The pending question is one the motion of the gentleman from Enfield, Mr. Dudley, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Davies of Orono requested a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Austin, Birt, Bordeaux, Boudreau, Brown, K.L.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Churchill, Conary, Cunningham, Damren, Dellert, Dexter, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Kelleher, Laffin, Lancaster, Leighton, Lewis, Lizotte, Lougee, MacBride, Marshall, Masterman, Matthews, McPherson, Morton, Nelson, A.; Nelson, N.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Studley, Torrey, Tozier, Wentworth, Whitemore.

NAY — Bachrach, Baker, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Broder, Brown, A.; Brown, D.; Brown, K. C.; Carroll, Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Dow, Elias, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbs, Howe, Huber, Jalbert, Joyce, Kane, Kany, Kiesman, LaPlante, Leonard, Locke, Lowe, Lund, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Paradis, Paul, Pearson, Peltier, Post, Reeves, P.; Rolde, Sewall, Simon, Stover, Strout, Tarbell, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Barry, Berry, Bowden, Davis, Gray, Hughes, Jacques, E.; Norris, Prescott. Yes, 66; No, 76; Absent, 9.

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

Mr. Davies of Orono withdrew his request for a roll call on acceptance of the Majority "Ought to Pass" Report.

Thereupon, on motion of Mr. Davies of Orono, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-346) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-345) on Bill "An Act to Increase Job Security for Employment for Employees Elected to the Legislature, Excluding Employees Covered under Provisions Dealing with Teachers" (H. P. 760) (L. D. 940)

Report was signed by the following members:

Messrs. PRAY of Penobscot
LOVELL of York
SUTTON of Oxford

— of the Senate.

Messrs. TUTTLE of Sanford

BAKER of Portland
BEAULIEU of Portland
MRS. MARTIN of Brunswick
Messrs. DEXTER of Kingfield
WYMAN of Pittsfield
CUNNINGHAM of New Gloucester
FILLMORE of Freeport

— of the House.

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

Report was signed by the following member:
Mrs. LEWIS of Auburn

— of the House.

Reports were read.

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

Mr. WYMAN: Mr. Speaker, I move the Majority "Ought to Pass" Report be accepted.

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

Mrs. LEWIS: Mr. Speaker, I would ask for a division.

I wish people in this body would look at this, it is L. D. 940, and the amendment has a filing number of H-345. What the bill says is that any employer has to allow an employee time to serve in the legislature, which is up to two years.

Originally, some members of the committee had thought there was going to be an amendment that would say that the person, if he should be elected to serve in the legislature, would have to come back to his place of employment, but this amendment does not say that. However, the employer does have to allow the person to come back if he still qualifies to perform the duties. The person comes back to the same position, the same pay, the same seniority, the same accumulated benefits. That is the amendment.

Then, on the original bill, the second paragraph, which is still there, it says that the absence shall not affect the employee's right to receive normal vacation, sick leave, bonus, advancement and other advantages of his employment normally to be anticipated. In other words, the person—I mean, take a very small business. It could be, for example a gas station or a small grocery store or any place that might have just one employee. The employer would have to allow that employee to serve in the legislature. He probably would have to hire somebody to take his place while he is gone, and then if the legislator finishes his two years, he comes back, he has to have the job back, so it means the person who was hired in his place would have to be laid off. That person, then, of course, would be entitled to unemployment insurance. When the person came back for the summer, he could then have a two-weeks' vacation or however much vacation he was entitled to. It seems to me that this is something that an employer should decide for himself.

We know that teachers are granted this leave and they are specifically excluded from this bill, but I think this is a terrible infringement on private industry in our state. I think that it is absolutely up to the employer to decide whether or not he can afford to have one of his employees take these two years off to serve in the legislature.

I realize I am the only one who has signed the "Ought Not to Pass" Report, but I do feel strongly enough about it that I did want to speak about it, and I would ask for a division.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would say in comment to what Mrs. Lewis has said, what is wrong with all that? You know, if you are a man and you go in the service and you serve your country in the Armed Services, you are guaranteed your job when you come back, you are given a leave from your employment because people recognize that it is a service to your country. I think that service in the legislature is a service to your state and should be

recognized by everybody that way. The law should be drafted in such a way that anybody who is willing to give up money, and that is what we do, to come here to serve in the legislature as a service to the state, then that ought to be applauded and encouraged so that everybody from every walk of life will be able to be here.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to Mr. Pearson from Old Town and point out that there is a difference. When you are drafted, you are not volunteering for service, you are taken, and that is the only provision under which you are protected. It is because it is an involuntary action.

I think this bill is one of the best examples of poor drafting that I have ever seen. It may be a good idea, but Mrs. Lewis has pointed out that in small businesses you could be doing quite a bit of damage to the ability to carry on that business.

I am not sure that this will be well received in this body, but I was denied the opportunity to run for this office for quite a few years because I couldn't leave my business, it was so small. But, had any of my employees been able to go, it would have been equally damaging to my ability to run my business. I don't think the people who drafted this have had any experience in running a business. I don't think they have any sensitivity for the needs that are varied and so diverse across this state, which is a small business state.

I wanted to observe our dean, the gentleman from Lewiston who has outlasted everyone in this country in this legislature, he was able to do this without the protection that is proposed in this bad bill. So, I hope that it will be indefinitely postponed and I so move.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The good leader of the minority party has said, if you are drafted, you have to go into the service and that is what is different. Well, that is not so. I went in the service and I spent three and half years in the service and I volunteered. You can, if you volunteer, get your job back. If you volunteer for service in the State Legislature to serve your state, you should also have that same benefit.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Mr. Pearson, you should have your job back, but you should also be forced to go back to work when the legislative session is over.

This amendment says that you get a leave of absence, your benefits are accumulated and in June, when the Legislature gets out, you don't have to go back to work. That is what the amendment says. If you can vote for that—you know, an employer has been put in a position where he has to pay benefits to someone who doesn't have to come back to work. Now, I say, fine, let's protect people who want to run for the legislature but when the legislative session is over, they should have to report back to their job.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of L. D. 940. I am sorry there is so much objection to this bill this morning.

The basic purpose of this bill is to allow a person to request a leave of absence from his work while he is serving in the legislature. More specifically, it would require an employer to grant a leave of absence to an employee if that employee gives his notice of his intent to become a candidate for the legislature and that is already in the bill. After his term, the employer must restore him to his job or a

similar one. When the employee resumes work, his leave of absence will not have to affect his right to normal benefits on his job.

Obviously, as some of you have heard already, this proposal is just placing a burden on some of the employers in the state, but I feel this burden would be far outweighed by the public interest this bill would serve. It would open to all economic classes of citizens the opportunity to serve here in the legislature.

Currently, a man or a woman who depends on a job to put food on his or her table or family's table and to insure some sort of secure retirement income must sacrifice that job if he or she wishes to represent his or her peers at the legislature. Because of this extraordinary sacrifice many points of view go unrepresented. Further, this bill affects both public and private sector employees; therefore, it is all who carry any burden and it is all who would benefit from what I consider more universal economic representation.

I would also ask you to keep in mind that this proposal would be limited to a relatively few, that is, no more than 184 employers or employees that could be required to provide job security, security which is already available.

I guess in closing, on a personal note, I was an emergency medical technician with the Sanford Fire Department and had been told prior to winning the election that I would be granted leave of absence while serving the legislature. Unfortunately after getting elected, the promise was reneged on and I found myself without employment or job security. In my opinion, this is not right.

After talking with many people on this issue who have considered serving in the legislature, this bill is a very important issue. The purpose of this bill is to provide that any employee who serves as a state legislator shall be granted a leave of absence from employment during one's term of office. This bill will prevent economic discrimination and insure persons from all walks of economic life a chance to serve in the legislature.

Since, I have submitted the bill, a couple of problems as to the wording have been brought up by the opponents to the bill. This is taken care of by the Committee Amendment "A" in which Section 822. Absence for Service in the State Legislature not to Affect Employee's Rights" has been taken out. I think this is, for the most part, all the objection to the bill. That is the reason why the committee amendment was placed and why this section was taken out.

I hope you would support the committee's Majority "Ought to Pass", because I feel this is an important piece of legislation for all economic classes in the state.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I hate to think that this place would be run by all retired people like myself. We need the young people with new ideas and most decent businessmen realize that new blood is needed. I remember when the House was run by old fogeys like me and I remember some of the laws they passed. I just hope that we don't go back to the way they were doing things in those days.

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

Mr. ELIAS: Mr. Speaker and Members of the House: In the title of the bill, it states a clause excluding employees covered under provisions dealing with teachers. Can anyone tell me how this would affect teachers? The law states now, dealing with teachers, that if you are teaching in a public school, then you are covered, but what about teachers in the private school? How does it affect the teachers in the private school? How does it affect the teachers in the private school?

The SPEAKER: The gentleman from Madison, Mr. Elais, has posed a question through the Chair to any member who cares to respond.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman's question, I believe that this bill would not in any way alter the present statute with regard to teachers. If teachers in private schools are not exempt now and permitted to serve now or permitted to be given a leave, they would not be under this bill. I think the title speaks for itself. We exclude employees covered under the provision dealing with teachers. So, all of these statutes, and I am not familiar with all of them in detail, would remain the same. This bill would not alter them at all.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I really believe that this bill is one that we have to pass. As most of you know, I am not seeking reelection to this body. That is a choice I made, I am very comfortable with it. When I was interviewed by the media as to what I thought should be done to make it easier for people to serve, the one answer I gave the media was that employers should be encouraged to allow their employees to take time to serve in the legislature. So, I am going to have an opportunity now to support the comments that I made several months ago to the press.

However, I am going to vote for this amendment today, but I wish to ask the sponsor of the bill if he would be amenable to seeing this amendment replaced or further amended tomorrow by another amendment to do several things—first, to make sure that it is understood that the leave of absence would only be during the legislative session, or perhaps it could be either/or at the discretion of the employer and also perhaps to amend this so that employers with fewer than five employees would perhaps be exempted from it.

Now, I have made these comments to the Chairman of the Labor Committee. I have received a preliminary assent to my thoughts, which encourages me, so with that in mind, I would hope that you would pass this, keeping in mind that tomorrow we would be ready to amend it further.

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

Mr. STETSON: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the sponsor or the cosponsors. I note that this bill calls for the notice to be given by the employee. I would like to know just when the notice of the employee's intention to become a candidate for the legislature be given? Must it be given at the time of his first employment, must it be given a week before he files his nomination papers, must it be given a year before he becomes a candidate? This is very indefinite.

Now, if he gives notice of his intention to become a candidate, would the employer then find that he no longer wanted to employ this particular person? Would it not lead to the firing of the individual who gave such notice before he ever became a candidate? How is that handled in this bill?

The SPEAKER: The gentleman from Wiscasset, Mr. Stetson, has posed several questions through the Chair to any member of the committee who cares to respond.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's questions, it sounds to me like this particular section might be a candidate for an amendment. I can't say exactly when the employee is going to have to give notice. It would seem to me that this would not be a very difficult area to deal with and correct and clarify, but we are going to amend the bill anyway, and I think when we do, we can maybe stipulate that so that the gentleman from Wiscasset will

be pleased to support the bill.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify a couple of points that have been raised today. First of all, I think we do have a fairly broad-based cross-section of representation of our citizens throughout the State of Maine here in our House alone. We are not restricted to retired people, we are not restricted to young people, we have got middle-aged people, we have got people who come from mills, we have got people who come from the farm, we have got people who come from businesses, we have teachers, we have got a couple of attorneys, we have got—did I leave anybody out—I think we have got a good cross-section of representation.

The other point is that it has been represented here today that this would give an opportunity to all citizens throughout the State of Maine, to qualify if this bill were passed to come in and serve in the legislature and that simply is not true. What about the cobbler in the small shoe shop? How is he going to leave his shop and come down here? How about the mom and pop store or how about the self-employed shopkeeper or salesman who travels on the road throughout the State of Maine?

It doesn't extend to all citizens. I just think that is a point that needs to be clarified.

Mr. Speaker, I ask for the yeas and nays when this vote is taken.

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

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

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to speak more than once today. This bill, it deserves a fate worse than death. The first question that anyone asked themselves, I would assume, in this House, and I did and I know of many others that have asked themselves the same question, can I afford to run? Can I afford to serve in this body? All of us have obviously said, yes, we can. How about the employer? Now, I am not talking about the Bath Iron Works, the S. D. Warren Co., I am not talking about those employers, because I think they are perfectly capable of absorbing the loss of a particular employee. I am talking about the small businessman, the small businessman that might have three or four key people in his organization and by the absence of one will create a great economic burden upon himself and all the other employees in his business.

If the employee's absence causes the burden, there is no relief for the businessman, the employer in this bill, none whatsoever. The only question that has to be asked under this bill is whether the employee can, in fact, afford to serve in the legislature. I think you are setting a double standard.

I am afraid the roll call has been asked for and I would like to move for indefinite postponement of this bill and all of its accompanying papers.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I must say that I am really getting annoyed sitting here listening to some of the previous speakers who suggest to you that we should not be interested in having a majority or a cross-section of Maine's people serve in this legislature. Is this legislature to be for the privileged few or just teachers, of which I used to be one, who can come and

afford to sit here and pass judgement on everyone else who cannot? I think it is absolutely ridiculous. The issue is clear. If you want to allow a cross-section of Maine people to serve in this legislature, and I think we should, then we should vote to keep this bill alive so it can be amended along the lines that we have suggested previously.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would agree that people should be encouraged to serve in the legislature and, as one of the previous speakers said, if you look at the people in this body, you will see a real cross-section of the people of this state, without this bill.

I think that we should do everything that we can to encourage people. I could never understand why businesses don't encourage more of their people to come here, when you look at some of the labor laws that we have in this state and you know why they were passed, because business has not been well represented here. I also think about the person who might be politically active. That person, I think, might find it difficult to get a job, because an employer might be a little reluctant to hire him knowing that this is something he might face. So, I think that for many, many reasons this bill should be indefinitely postponed.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope the House will give Mr. Tuttle an opportunity to clean up his bill. If he offers an amendment tomorrow and the same objections are raised, it can be killed tomorrow, so I hope we can keep it alive today for one more day.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am a working man. If you look at the vote on this, I am on the Labor Committee and I didn't sign it because I felt peculiar. I sort of feel that I am protecting myself by voting for it. I already have those benefits through the mill but they are not guaranteed where I work but I already have these benefits. All you are saying is that the people who are not represented here, the people that are working for minimum wage will never be here, that is what you are saying.

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

ROLL CALL

YEA — Aloupis, Austin, Berube, Bordeaux, Brown, K. L.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Churchill, Dellert, Dudley, Fenlason, Garsoe, Gavett, Gould, Gray, Hunter, Hutchings, Immonen, Jackson, Kelleher, Lancaster, Leighton, Leonard, Lewis, Lougee, Lund, Masterman, Masterton, McPherson, Morton, Nelson, A.; Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Whittemore.

NAY — Bachrach, Baker, Beaulieu, Benoit, Birt, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Carroll, Chonko, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Laffin, LaPlante, Lizotte, Locke, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Matthews, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson,

M.; Nelson, N.; Paradis, Paul, Payne, Pearson, Post, Reeves, P.; Rolde, Simon, Soulas, Strout, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT— Barry, Berry, Bowden, Davies, Davis, Hughes, Jacques, E.; Norris, Prescott. Yes, 51; No, 91; Absent, 9.

The SPEAKER: Fifty-one having voted in the affirmative, ninety-one in the negative, with nine being absent, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-345) was read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker, I move the indefinite postponement of Committee Amendment "A".

Mr. Speaker, Men and Women of the House: It is obvious that we would like to be in a position to amend this bill and amend it cleanly tomorrow without the necessity of suspending the rules. So, for that purpose, by killing Committee Amendment "A", we are back to the original bill and I would trust that those people who spoke for the amendment would be working on it this afternoon and we will be able to deal with it tomorrow.

Thereupon, Committee Amendment "A" was indefinitely postponed and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act Relating to Arbitration under the State Employees Labor Relations Act" (H. P. 142) (L. D. 162)

Report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate.

Messrs. WYMAN of Pittsfield
TUTTLE of Sanford
BAKER of Portland
MARTIN of Brunswick
Mrs. BEAULIEU of Portland
Mr. McHENRY of Madawaska

— of the House.

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

Report was signed by the following members:

Messrs. LOVELL of York
SUTTON of Oxford

— of the Senate.

Messrs. DEXTER of Kingfield
FILLMORE of Freeport
CUNNINGHAM of New Gloucester

Mrs. LEWIS of Auburn — of the House.

Reports were read.

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

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

Mr. Tarbell of Bangor requested a vote on the motion to accept the Majority "Ought to Pass" Report.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the House accept the Majority "Ought to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Tarbell of Bangor requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call vote, 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 Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I am reluctant to let this measure go through without any debate on it whatsoever. The bill is to provide binding arbitration for Maine State Employees with respect to the negotiations at the bargaining table and it would bind the Governor's hands. There were some questions we raised in our caucus yesterday when we brought this up that I think are worthy of debate and discussion today. One of them is the propriety, the public policy at stake in binding the Governor's hands at the bargaining table, the legality and the constitutionality of that, of actually passing a statute which is going to bind the Governor in terms of cost items, in terms of tax dollars that might have to be raised and revenues spent to cover the negotiation figure that might come from the executive branch in the negotiation table.

The other issue that I think that needs to be addressed is, okay, what if the Governor's hands are to be bound in a contract in final binding arbitration and the bill comes into the legislative branch, and the legislature's job is either to accept or reject the funding of that particular measure. And say the legislature rejects it. You have got the Governor with his hands down by binding arbitration. Where is the flexibility then to go back to the table and to try to work out a measure that could come back to the legislature and pass?

So, bill No. 2 comes back to the legislature and it is rejected again. And what you wind up doing, you have the legislative branch bypassing the executive branch, because the executive's hands are bound by the binding arbitrator and you have the executive branch dealing in unilateral or bilateral relations in negotiations to thrash out and hash out a figure of funding and taxing that would be acceptable to the legislative branch. I just wonder if it makes good state policy to bypass the executive branch in that kind of process.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: With all due respect, it is painfully obvious that my colleague in the other corner has not read the bill and does not understand the bill. It is also very interesting to note that he is very concerned about binding the Chief Executive's hands; this is a very interesting new twist to the past month's debate on the state employees' contract. But all that aside, may I explain perhaps one of the most simple bills of this session concerning state employee's relations—it does not bind the Governor's hands and it does not bind the state employees' hands nor does it bind this legislature's hands.

What it says is, if the Governor and the state employees cannot agree after months and months of negotiations, as occurred under the previous administration. As you recall, nothing happened, there was very little movement on the part of the executive because he didn't have to move. State employees did not have the right to strike, do not have the right to very much of anything, so it is certainly to the benefit of the Chief Executive to delay as long as possible.

What this bill is, it is a tool which would move both of these parties, because neither would want the binding arbitration, hopefully, to resolve their differences. If they could not, then they would go to binding arbitration. It is at that point that the legislature steps in. The legislature has every bit of control on the amount of money that would be spent on this contract and, as Mr. Tarbell pointed out, we are the ones who vote on the cost items. That would still be true under this bill.

It is a very simple bill which would hopefully expedite the bargaining process, but it binds only the Executive and the state employees. If we did not agree, then they go back to the table. It is a very simple bill and please don't be misled by the word 'binding arbitration'. I have a feeling that some people have seen that word in the title and have read no further. I would request that you go back and read the bill; it is a very good bill.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Some time ago, I went and looked up or tried to find out in talking with a local minister what the word 'Amen' meant. As far as I can determine, it comes out of a great philosophy of which I agree. I don't think I could ever have said any better than what has been said, and I will say "Amen" to what the gentlewoman from Vassalboro has said.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: As the cosponsor of this bill, and just to give you a brief idea of what happened at the hearing, this hearing was held at the Civic Center and we expected an enormous amount of people, and there were, all the people who were there supported the bill. Absolutely no one was there who spoke against the bill.

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

Mr. MORTON: Mr. Speaker and Members of the House: The gentlelady has raised some questions in my mind by her remarks this morning, the gentlelady from Vassalboro. I have read the bill, I have read it quite carefully and I went out and got the law books to see what it was replacing, and the bill says very clearly "The determination by the arbitrator shall be final and binding on the parties," meaning both the union and the Governor, "subject to submission of cost items to the legislature pursuant to Paragraph 1-E, Sub 3," which is presently the one that is in existence and which we are all much aware of as being a requirement that cost items come to the legislature.

But I think you perhaps should also read what this new paragraph replaces, and that says, with respect to controversies over salaries, pensions and insurance, the arbitrator will recommend terms of settlement and make findings of fact. Such recommendations and findings shall be advisory and shall not be binding upon the parties. The determination of the arbitrator on all other issues shall be final and binding.

So, what you are doing here is a fundamental change in the process, and you are telling the Chief Executive and the union that cost items will be binding on them and must be submitted to the legislature. You know, the extension of this, it seems to me, is why there has been such a great deal of rhetoric expended in this body in the last five or six weeks in relation to the legislature getting into the bargaining process. Frankly, I don't quite see why this is the greatest thing since sliced bread. It does seem to be a fundamental change, and I think we ought to take a real strong look at it.

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

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

Mr. GRAY: Mr. Speaker, I would like to pair my vote with the gentlelady from Hampden, Mrs. Prescott. If she were here, she would be voting yes and I would be voting no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Birt, Blodgett, Brannigan, Brenerman, Bro-

deur, Brown, A.; Brown, D.; Brown, K. C.; Call, Chonko, Churchill, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowle, Gould, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Jacques, P.; Jalbert, Joyce, Kane, Kelleher, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Marshall, Martin, A.; Matthews, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Reeves, P.; Rolde, Simon, Soulas, Strout, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berube, Bordeaux, Brown, K. L.; Bunker, Carrier, Carroll, Carter, D.; Carter, F.; Conary, Cunningham, Curtis, Damren, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kany, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Masterman, Master-ton, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Twitchell, Wentworth, Whittemore.

ABSENT — Barry, Berry, Boudreau, Bowden, Davis, Hughes, Jacques, E.; Norris.

PAIRED — Gray-Prescott.

Yes, 75; No, 66; Absent, 8; Paired, 2.

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

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill, "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State" (H. P. 674) (L. D. 834)

Report was signed by the following members:

Messrs. COTE of Androscoggin
FARLEY of York

— of the Senate.

Messrs. STOVER of West Bath
CALL of Lewiston
VIOLETTE of Van Buren
DUDLEY of Enfield
McSWEENEY of Old Orchard Beach

— of the House.

Minority report of the Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-337) on same bill.

Report was signed by the following members:

Mr. SHUTE of Waldo

— of the Senate.

Messrs. DELLERT of Gardiner
MAXWELL of Jay
SOULAS of Bangor

Ms. BROWN of Gorham

Miss GAVETT of Orono

— of the House.

Reports were read.

On motion of Mr. Violette of Van Buren, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 1172) (L. D. 1432) Bill "An Act to Extend the Period for Tax Abatement From One to 5 Years if the Abatement is Justified by an Admitted Error in Assessment Records or Procedure" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-349)

(S. P. 373) (L. D. 1153) Bill "An Act to

Amend the Uniform Criminal Extradition Act and the Uniform Interstate Compact on Juveniles" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-142)

(H. P. 613) (L. D. 777) Bill "An Act Creating a Statehouse and Blaine House Commission" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-352)

(H. P. 1034) (L. D. 1282) Bill "An Act to Refine the State's Accounting System" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-351)

(H. P. 937) (L. D. 1147) Bill "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-353)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 9, under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 684) (L. D. 864) Bill "An Act Appropriating Funds for Promotion of Direct Marketing of Agricultural Commodities"

(H. P. 157) (L. D. 185) Bill "An Act Relating to Juvenile Clients of the Protective Care Division of the Department of Human Services"

(H. P. 1017) (L. D. 1250) Bill "An Act to Prohibit the Licensing of Deceptively Similar Names for Firms or Corporations of Agents, Brokers, Adjusters or Consultants under the Insurance Law"

(H. P. 969) (L. D. 1207) Bill "An Act to Extend a Barber Shop License 60 Days upon Death of the Barber to Allow Transitional Time for Getting a New License"

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

Tabled and Assigned

(H. P. 1243) (L. D. 1487) Bill "An Act to Regulate State Liquor Stores and Agencies" (C. "A" H-338)

On the objection of Mr. Carrier of Westbrook, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-338) was read by the Clerk.

On motion of Mr. Carrier of Westbrook, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

Tabled and Assigned

(H. P. 545) (L. D. 676) Bill "An Act to Clarify Certain Provisions Relating to the Statistical Reporting of Abortions" (C. "A" H-339)

On the objection of Mrs. Bachrach of Brunswick, was removed from the Consent Calendar.

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

Mrs. BACHRACH: Mr. Speaker, I would like to pose a question to anyone who can answer. As I see in this L. D., they are protecting the identity of anyone who has had an abortion or miscarriage, and then the last section, Section 4, says that these reports must be made to the clerk of a municipality. I would like to know how they can protect the identity of the patient in reporting to the clerk of the municipality.

Thereupon, on motion of Mrs. Sewall of Newcastle, tabled pending acceptance of the Committee Report and tomorrow assigned.

(H. P. 1027) (L. D. 1258) Bill "An Act to Revise the Fees for Service of Civil Process" (C. "A" H-340)

(H. P. 668) (L. D. 828) Bill "An Act to Facilitate the Enforcement of Child Support Obligations and Make Statutory Changes Consistent with the Administrative Procedure Act." (C. "A" H-341)

(H. P. 1210) (L. D. 1542) Bill, "An Act Enabling the State to Enter into an Interstate Compact on the Emotionally Disordered Offender"

(H. P. 595) (L. D. 739) Bill "An Act to Require that Certain Notices of Termination of Tenancy Contain Minimum Information"

(H. P. 811) (L. D. 1067) Bill "An Act to Amend the Judicial Retirement System"

(H. P. 1077) (L. D. 1330) Bill "An Act to Improve Private Remedies for Violations of the Antitrust Law" (C. "A" H-343)

(H. P. 1252) (L. D. 1522) Bill "An Act to Protect the Retirement Benefits of Employees and Former Employees of the Greater Portland Public Development Commission" (C. "A" H-348)

(S. P. 272) (L. D. 842) Bill "An Act to Amend the Form of Election Ballots to Omit the Secretary of State's Name under Certain Conditions" (C. "A" S-133)

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

Passed to Be Engrossed

Bill "An Act to Establish Minimum Warranties for the Sale and Installation of Solar Energy Equipment in Maine" (H. P. 871) (L. D. 1076)

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

Second Readers

Tabled and Assigned

Bill "An Act Concerning Reserve Officer Standards for Professional Law Enforcement Personnel" (S. P. 405) (L. D. 1276)

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

On motion of Mr. Violette of Van Buren, tabled pending passage to be engrossed and specially assigned for Thursday, May 10.

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

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

On motion of Ms. Benoit of South Portland, tabled pending passage to be engrossed and tomorrow assigned.

Bill, "An Act Concerning Nomination Procedure for Nonparty Candidates" (H. P. 519) (L. D. 662)

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

Amended Bills

Bill "An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations Relating to the Operation or use of Motor Vehicles on Streets and Highways" (S. P. 183) (L. D. 413) (C. "A" S-137) (Later Reconsidered)

Bill "An Act to Establish a Voluntary and Certification Program for Installers of Solar Energy Equipment in Maine" (H. P. 872) (L. D. 1077) (C. "A" H-333)

Bill "An Act to Establish a Marijuana Therapeutic Research Program" (H. P. 523) (L. D. 665) (C. "A" H-332)

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

passed to be engrossed as amended and sent to the Senate.

Bill, "An Act to Make the Attorney General's Explanation of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters" (H. P. 183) (L. D. 235) (C. "A" H-336)

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, I have a question that deals with the funding on the bill. I note that the amendment changes the funding from \$12,000 down to \$350, and I thought it meant that the publication in newspapers would not be required, but it seems to me, in section 1 of the amendment, that that is still required, and I am curious as to how you get the figure down to \$350.

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

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

Mr. BRENNERMAN: Mr. Speaker, in answer to the gentleman from Farmington, present law requires the Attorney General to provide information on referendum questions in the legal notices of the newspaper.

What the bill originally said was that the explanation of the referendum questions had to be placed in a different section. That is why the cost was so great. We took that out of the bill, and now the bill just provides for posters at the polling places with explanations of referendum questions, and the cost of that would only be \$350.

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

Second Reader

Later Today Assigned

Bill "An Act Relating to Permits for Contract Carriers" (H. P. 577) (L. D. 725) (C. "A" H-347)

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

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: This item inadvertently had one section of the committee amendment left off when it was brought up to be printed, and I would like to have it tabled until later in today's session so we can amend that.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and later today assigned.

Passed to be Enacted Emergency Measure

An Act to Permit Depuration Facilities to Operate during Red Tide (H. P. 755) (L. D. 937) (C. "A" H-296)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Allow the Various Counties to Pay on a Biweekly Basis (S. P. 124) (L. D. 250)

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

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to make any motion on this bill, but I would point out that the title is extremely misleading. It does not allow the counties to pay on a biweekly basis.

The only people they can pay on a biweekly basis are the department heads and not the clerk hire in those counties.

The clerk's help in York County are opposed to being paid biweekly but they are not opposed to this bill since it only applies to the departments and not the clerk hire.

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

An Act to Permit Nonreceiving Units to Approve School Appropriations in a Single Warrant Article (S. P. 173) (L. D. 379) (C. "A" S-123)

An Act to Increase Maximum Gross Vehicle Weight for Farm Trucks (S. P. 233) (L. D. 685) (C. "A" S-124)

An Act to Provide Additional Assistance to the County Law Libraries (S. P. 344) (L. D. 1032)

An Act to Define Educational Institutions as they Relate to the Unemployment Compensation System (S. P. 351) (L. D. 1099)

An Act Relating to the Location of the Office of Superintendent of Insurance (S. P. 441) (L. D. 1334)

An Act Relating to Appointment of Bail Commissioners and to Lessen the Burden upon Sheriffs and the Court for "Prompt Bail Review" (S. P. 470) (L. D. 1418) (S. "A" S-131; C. "A" S-127)

An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility (S. P. 530) (L. D. 1589)

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

Enactor

Tabled and Assigned

An Act Relating to Action by the Public Utilities Commission on Petitions by Electrical Companies for Certificates of Public Convenience and Necessity (H. P. 164) (L. D. 196) (C. "A" H-298)

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

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

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

Whereupon, Mr. Kelleher requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell that this matter be tabled pending passage to be enacted and specially assigned for Thursday, May 10. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Berube, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Call, Carroll, Carter, D.; Chonko, Cloutier, Cox, Davies, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gowen, Gray, Gwadosky, Hall, Hobbins, Howe, Huber, Hunter, Jackson, Jacques, P.; Joyce, Kane, Kiesman, Laffin, LaPlante, Leighton, Lizotte, MacEachern, Mahany, Marshall, Martin A.; Masterman, Masterton, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paul, Pearson, Post, Reeves, P.; Rolde, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Bordeaux, Brown, K. L.; Brown, K. C.; Bunker, Carrier, Carter, F.; Connolly, Cunningham, Curtis, Damren, Dellert, Drinkwater, Dudley, Fenlason, Garsoe, Gavett, Gillis, Gould, Hanson, Hickey, Higgins, Hutchings, Immonen, Jalbert, Kelleher, Lancaster, Lewis, Lund, MacBride, Matthews, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth.

ABSENT — Barry, Berry, Boudreau, Bowden, Churchill, Conary, Davis, Hughes, Jacques, E.; Kany, Leonard, Locke, Lougee, Lowe, Norris, Paradis, Prescott, Silsby, Whittemore.

Yes, 77; No, 55; Absent, 19.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty-five in the negative, with nineteen being absent, the motion does prevail.

Enator Indefinitely Postponed

An Act to Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices. (H. P. 624) (L. D. 766) (S. "A" S-130)

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: On at least one occasion in this House, we voted to indefinitely postpone this bill, which was the right decision, I am sure. At that time, I went into great detail in explaining why. I hope I don't have to do that again today.

In my absence the other day, it was passed further on and now it is at the enacting stage. This is the one that makes the gasoline retailers post a large sign. There was no fiscal note on the bill, number one, and it would cost a lot of money to enforce it from Fort Kent to Kittery. Number two, if you make them out of paper, they are going to be blown away every time it rains and, number three, if you make them out of metal, you have got to change them twice a week, that is about the rate the gasoline prices are changing. These stations are already federally regulated by posting price and octane, and not only price is important, the octane rating is getting to be more important than the price, because if you buy 40 octane gas or 80 octane gas, there should be a difference in price, and this has to be posted by federal law.

So, at this time, I once again move that this bill be indefinitely postponed, and I hope this will have to be the last time I infringe on your good patience to get rid of what I consider a very bad bill.

In addition, I have recently sent out questionnaires to my constituents and so far I have gotten 75 or so back, and almost to a person they are in favor of the posted gas prices. So I urge you to join my conversion and vote for this bill, because I think the people want it.

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

Mr. HOWE: Mr. Speaker and Members of the House: The House did not indefinitely postpone the document you have before you today. We did indefinitely postpone the original bill.

The bill has been amended in the Senate, seldom I have seen a bill up and down as many times as this one has, but it is up today, I hope, and out for final enactment.

The Senate amendment removes the requirement of a minimum size on the numbers on a sign and removes the requirement that the sign be posted at every entrance. It says that the price of each grade shall be posted in a manner that is clearly visible to the traveling public. If one sign, even though there may be two or more entrances, is sufficient to accomplish that purpose, then we are not going to burden somebody down with two or three signs.

I hope that you will vote favorably for this

bill today in order to give Maine people a small weapon in the war on OPEC price increases.

As I pointed out before, I don't blame service station operators for OPEC oil policies or, for that matter, for U. S. federal energy policies, but they are a link in that chain and the only one that most of us can deal with in any reasonable way.

I believe that this bill with further competition because there is a difference in gasoline prices, sometimes just down the street. I don't believe the requirement, as it is written in Senate Amendment "A", will be overly burdensome to the operators of these stations.

I hope you will vote no on the pending motion.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I don't see any need for these signs. Every 15 or 20 minutes the gas prices change, and you are going to be lucky if you find any gas in those stations. So what in heck do you want to put this on the books for to make more signs?

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I started out voting against this bill in sympathy with the poor gas station owners and managers, but the members of the committee who were interested in the bill and the sponsor did a pretty effective job in lobbying me and I am on my knees now before this bill.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will go along with the motion of Mr. Dudley from Enfield this morning to indefinitely postpone this bill and all accompanying papers. I think the amendment makes it unenforceable.

It says, as the good Representative from South Portland, Mr. Howe, has already told you, that it would only make the posting visible to the traveling public. I think it is very difficult to enforce a bill such as that. What someone else can see, I might not be able to see, and I just think this is a harassment to the dealer out there.

I agree with the good gentleman from Sangerville, my seatmate, that the prices are changing all the time and I think we are very fortunate if we can only obtain gas at this time, let alone squinting to see what the prices are.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: If the gentleman from South Portland would amend this bill to make it applicable only in Portland and South Portland, I could go along with it. You see, the people in Nobleboro and Dresden and a few other small towns that I represent, they are not taken in by any gas station that is going to rip them off by failing to post a price. Maybe the people in the country are a little smarter; maybe they know enough how to shop for gasoline.

I don't see that there is any great need for the small filling station operator up country to have to abide by another law requiring him to post signs which may just scare off the business from a lot of our tourists this summer or even next fall and steer that business to these bigger stations who are able to enter into the price wars. I think this would work a severe handicap on the small town and country filling station operator. Therefore, I am going to vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: A case in point—since this is a consumer bill and not a service station bill, yesterday I went by two gas stations about three blocks apart, both of them did have signs.

One was selling no-lead for 86.9; the other one was 79.9. If you are buying gas these days, that is a substantial difference.

I hope that you will vote no on the pending motion.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I regret to have to say something a second time. Let me tell you, first of all, that I am a distributor of gasoline and I am the one that posts the low price gasoline in my area and I don't want to put my small competitors out of business. Let me tell you how it is a disservice to the public.

Already in my community, two fairly good sized stations have gone out of business. That means that my community has lost the allocation of gas in that community. Here is what happens. My gasoline has only been cut this time 15 percent of what I had a year ago; that is not bad. The price going up took care of the 15 percent, but what is bad in my town and my area, which is causing my people some concern, is the loss of this allocation from these two stations. This is what is happening in Augusta and makes gas a little short in Augusta. We force so many stations out of business, that they can't get their allocation and that makes gas short in that given area.

Believe me, if this bill is passed, I am sure that it is going to put some small operators out of business right in my area and make gas even shorter. I consider that a disservice to the public, because when each station that goes out of business, you lose that allocation for that given area. That puts more strain on the party.

First of all, I like to have good-neighbor relations with the small dealers in my area, and this would tend to make bad relations. They would say that Dudley is a big shot, he is the big fish eating up the little fish, and this is just what this bill does. It forces the big fellow to eat up the little fellow, which I don't want to do.

It is a disservice to the public, because every little station you drive out of business, you lose that allocation and there is no way to get it back. I don't care if it is in West Enfield, Augusta, Bangor or where. That is what is making a shortage in Bangor right now, they have forced so many little people out that gas is starting to get short in the City of Bangor. The big reason is because they lost the allocation of these little stations.

Losing 15 percent off my allocation doesn't hurt me that much because the price of gas going up took care of the 15 percent—a lot of people buy \$5 worth, \$2 worth and what have you, so the price going up took care of the 15 percent, but nothing takes care of the allocation that you lose.

If you want to do your people in your community service, I think the right thing to do is to get rid of this bill and stop harassing the little fellow in business and stop this disservice to the public. I know you think you are doing something to help the people, but you will not be if you vote for this bill.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would like to concur with the good lady from Falmouth, Mrs. Huber, I think this is a consumer bill. Yesterday, when I went to buy gas before coming to Augusta, I went to five gas stations, some were posted. I know Mr. Kelleher thinks they are all posted in Portland or South Portland, but they aren't. I had to drive into a few to ask them what the price was and there is a difference. There is a difference of anywhere from one, two, three to five cents, and in some cases, even more. I think in this time of the high price of gasoline, there should be competition and now is the time for competition. If the gas stations are forced to post their prices, and I don't think we need to nit pick on the size of the sign, if we want to see it.

we will be able to see it, and we will be able to make a choice.

I would think the people in the rural areas would be just as concerned with the price of gas as the people in the city. After all, you probably have to drive further to do your shopping, errands, etc., so I would urge you to also support this and vote against the motion to indefinitely postpone and I would request a roll call.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think the free enterprise system can solve the problem here. If there is competition among gas stations, they will post their signs.

I would like to call your attention, if you have seen the McNally political cartoon in the Bangor Daily News today.

There is a woman in a car getting gas and the gas is posted 92.9, and next to the gas station there are, I believe, 8 signs with different prices on them and the gas station attendant is saying, sure it is high lady, but think of my cost last month, electricity, labor, gas, oil, rent, sign painters.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to the gentlelady from South Portland and the gentlelady from Falmouth, that if they would only purchase their gas in Wiscasset, they wouldn't be bothered that way.

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

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

THE SPEAKER: The pending question before the House is on the motion of the gentleman from Enfield, Mr. Dudley, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Birt, Bordeaux, Brown, K. L.; Brown K. C.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Conary, Cox, Cunningham, Curtis, Damren, Dexter, Dow, Dudley, Fenlason, Garsoe, Gavett, Gillis, Gould, Gray, Hall, Hickey, Higgins, Howe, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Kelleher, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Masterman, Maxwell, McPherson, Morton, Nadeau, Nelson, A.; Nelson, N.; Payne, Pearson, Peltier, Peterson, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Sprowl, Stetson, Stover, Strout, Studley, Theriault, Torrey, Twitchell, Wentworth, Whittemore.

NAY — Austin, Bachrach, Baker, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Carroll, Chonko, Churchill, Cloutier, Connolly, Davies, Dellert, Diamond, Doukas, Drinkwater, Dutremble, D.; Elias, Fillmore, Fowlie, Gowen, Gwadosky, Hobbins, Huber, Jalbert, Joyce, Kane, Kany, Kiesman, LaPlante, Lizotte, MacEachern, Martin, A.; Masterton, Matthews, McKean, McMahon, McMahoney, Michael, Mitchell, Nelson, M.; Paradis, Paul, Post, Reeves, J.; Reeves, P.; Rolde, Simon, Smith, Soulas, Tarbell, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman.

ABSENT — Barry, Berry, Boudreau, Bowden, Davis, Dutremble, L.; Hanson, Hughes, Jacques, E.; Norris, Prescott.

Yes, 73; No, 66; Absent, 11.

THE SPEAKER: Seventy-three having voted in the affirmative and sixty-six in the negative, with eleven being absent, the motion does pre-

vail.

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

Mr. HOWE: Mr. Speaker, I move that we reconsider whereby we indefinitely postponed this bill, and I further move that we table the bill for one legislative day.

Whereupon, Mr. Dudley of Enfield requested a roll call vote on the tabling motion.

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 on the motion of the gentleman from South Portland, Mr. Howe, that this be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Baker, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Chonko, Cloutier, Connolly, Cox, Davies, Dellert, Diamond, Doukas, Drinkwater, Dutremble, L.; Elias, Fillmore, Fowlie, Gowen, Gwadosky, Higgins, Hobbins, Howe, Huber, Jackson, Kane, Kany, LaPlante, Lizotte, MacEachern, Martin, A.; Masterton, Matthews, McKean, McMahon, Michael, Mitchell, Nadeau, Nelson, M.; Paradis, Paul, Pearson, Post, Reeves, J.; Reeves, P.; Rolde, Simon, Smith, Soulas, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, Wyman.

NAY — Aloupis, Birt, Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Churchill, Conary, Cunningham, Curtis, Damren, Dexter, Dow, Dudley, Dutremble, D.; Fenlason, Garsoe, Gavett, Gillis, Gould, Gray, Hall, Hickey, Hunter, Hutchings, Immonen, Jacques, P.; Jalbert, Joyce, Kelleher, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Masterman, Maxwell, McPherson, McSweeney, Morton, Nelson, A.; Nelson, N.; Payne, Peltier, Peterson, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Twitchell, Whittemore.

ABSENT — Bachrach, Barry, Berry, Boudreau, Bowden, Brown, K. C.; Davis, Hanson, Hughes, Jacques, E.; Norris, Prescott.

Yes, 66; No, 72; Absent, 12.

THE SPEAKER: Sixty-six having voted in the affirmative and seventy-two in the negative, with twelve being absent, the motion does not prevail.

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

Mr. HOWE: Mr. Speaker, Members of the House: A couple of further points I would like to address. You probably saw over the weekend that the lines at the gas stations are building up in California. I hope that it does not work its way east but likely it will. As has been pointed out earlier in debate on other days on this bill, the federal law does require that numbers be posted on the pumps, they are about an inch or inch and a half high. When you are stuck in one of those lines, you aren't going to be able to see those numbers when you get in line, and when you get up to the pumps, if you don't like the price, you are not going to be able to get out of line.

Mrs. Lewis points out that if there is competition there, the signs will be posted but, apparently, not all of the operators believe in competition as some of them do or they would all post the signs. It is because some of them are not posting the signs that the bill is here and I think we ought to pass it so we can ensure this competition in the marketplace. I think it

is a proper role for government to ensure that competition operates in the marketplace.

I hope that you will vote to reconsider this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: There is no reason when you are in line at a filling station that you can't get out of the line; the only reason would be if your car stalled.

Let me tell you, the signs on the pumps that are already there are big enough so that anyone who can't read them shouldn't have a driver's license. They are big enough so that you can see at quite a distance. If you can't read the signs that are on the pump now, you certainly shouldn't have a driver's license. Once again, I would ask again for a roll call on the reconsidering motion. It is the same people voting each time.

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

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

THE SPEAKER: The pending question before the house is on the motion of the gentleman from South Portland, Mr. Howe, that the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Baker, Beaulieu, Benoit, Berube, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Chonko, Cloutier, Connolly, Davies, Dellert, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble L.; Fillmore, Fowlie, Gowen, Gwadosky, Hanson, Hobbins, Howe, Huber, Kane, Kany, LaPlante, Lizotte, MacEachern, Martin, A.; Masterton, Matthews, McKean, McMahon, Michael, Mitchell, Nadeau, Nelson, M.; Paradis, Paul, Post, Reeves, J.; Reeves, P.; Rolde, Simon, Smith, Soulas, Tarbell, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman.

NAY — Aloupis, Birt, Bordeaux, Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Churchill, Conary, Cox, Cunningham, Curtis, Damren, Dexter, Dow, Dudley, Elias, Fenlason, Garsoe, Gavett, Gillis, Gould, Gray, Hall, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Jalbert, Joyce, Kelleher, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Masterman, Maxwell, McPherson, McSweeney, Morton, Nelson, A.; Nelson, N.; Payne, Pearson, Peltier, Peterson, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Sprowl, Stetson, Stover, Strout, Studley, Theriault, Torrey, Twitchell, Wentworth, Whittemore.

ABSENT — Barry, Berry, Blodgett, Boudreau, Bowden, Davis, Hughes, Jacques, E.; Norris, Prescott.

Yes, 62; No, 78; Absent, 10.

THE SPEAKER: Sixty-two having voted in the affirmative and seventy-eight in the negative with ten being absent, the motion to reconsider does not prevail.

Sent up for concurrence.

An Act Concerning Access by Physically Disabled Persons to Certain Public Facilities (H. P. 707) (L. D. 891) (H. "A" H-297 to C. "A" H-283)

An Act to Revise the Qualifications for Burial in the Veterans Memorial Cemetery (H. P. 923) (L. D. 1138) (C. "A" H-264)

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

passed to be enacted as amended, signed by the Speaker and sent to the Senate.

An Act to Increase Fees Charged by Bail Commissioners (H. P. 1129) (L. D. 1398) (C. "A" H-293)

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been a very allusive item for me. I finally caught up with it and I apologize that it is so late in the process.

This particular bill would raise the fees for bail commissioners an additional \$5.00, up to \$20 for being bailed after 8:00 P.M. in the evening. Now, a bail commissioner is not a full-time position. He drops by and is rarely in the police station or the county jail more than five minutes.

We are, in this bill, trying to raise from \$15 to \$20, his fee for that short visit. This fee will come many times from those who come many times from those who can least afford it. Believe me, right now, the bail commissioners at \$15 for a bail job are having a field day. Now, with the high prices that we have around, you consider that prisoner in the lockup, the choice comes to call a bail commissioner, he looks at it and he is not feeling too good, he might, rather than leave the jail for \$20, decide to call an M.D. for a physical and it will only cost him \$12. You know, when you think of economics and fee schedules, when you can hire a doctor for \$12 or hire a bail commissioner for \$20, it really doesn't look like a fair choice.

There are many, many bail jobs today, more bail jobs than there are house calls for the doctor. I think this is a little bit too stiff on the people that least afford it.

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

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

Mr. BRANNIGAN: Mr. Speaker and Members of the House: I am very surprised at the fact that the gentleman from Portland, Mr. Joyce, has found this bill allusive. First of all, it was heard before his committee a number of weeks ago. It was amended to reduce the request of the bail commissioners.

This is my bill, by the way, I am the sponsor of the bill. They had asked for an increase both at night and in the day time. It was decided by the Judiciary Committee, unanimously, to give them a modest increase of \$5 for the night time only. Bail commissioners are officers of the court, do the work of the court, but their fees are paid by those who use them. Bail commissioners are both men and women, who have to operate on this fee.

In 1903, their commission was \$5, day and night; 1903, \$5. Their commission now is \$10 in 1979—\$10 during the day and it will remain with this bill at \$10 during the day. The only increase is for night call of \$5, therefore, bringing it up from \$15, which it is presently, to \$20.

A night call can often mean two calls for bail commissioners, as I understand it in talking with them and in sponsoring this bill and listening to the testimony at the hearing. It may mean that a call is made to the bail commissioner trying to decide whether bail can be met, what it can be set for, the commissioner is awakened up in the middle of the night, goes back to bed, another call, yes, the people involved do think they can raise the bail, would he or she please come down to the station? Two calls in the middle of the night. Other times they call, they get up, go out, go down, the bail has not been able to be raised, they get no fee.

So, in the evening time and the middle of the night is an arduous time for these people who assist the courts. It may be, men and women of women of this House, that this fee should be paid by the state. Maybe people feel it should

be paid by the Judiciary Department and not by the people who use it. But, at the present time, the people who pay are the people who pay are the people who use it. The bail commissioners have to get a decent fee. So, remembering it has been a very slight increase, I would ask you to oppose the motion, to go along with the unanimous committee report of Judiciary, unanimous, including Representative Joyce, and to give these men and women who deserve this modest night time increase. I urge you to oppose indefinite postponement.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: My heart almost started to bleed for those bail commissioners. But I have got to really tell it how it is now and it is only going to take a minute.

Yes, it is true they come down there and might not be able to put together the deals so they will earn their \$20, but that is a rare exception. What in actuality happens, when that bail commissioner is called out at 3:00 a. m., he goes down and talks to the turnkey and he finds out the status of the other prisoners and he will talk to the other prisoners and so, rather than take, under this bill, that one \$20 fee, he is more apt than not to pick up a couple more good candidates in there for bail. He is apt to walk out more often than not for that short two to four minute visit perhaps—for each two to four minutes a \$20 bill. Yes, about \$80 and you know the turnkeys, and the police and the sheriffs, they welcome the bail commissioners to come in and clean their cells out and we make it easy for them. But you know, I think in Portland, up there on Danforth Street and Tink Street, how those constituents of my good friend, Representative Connolly, used to call and say, "how can I get my boy out tonight?" You know, those \$5 came awful hard. I submit to you that this additional \$5 will come just as hard to those mothers who are waiting in the kitchen up there for their sons to return home. This might even be the first "Mother's" bill of this session, where Mother's Day is next Sunday and I don't think it would be unfair if I asked for your vote on indefinite postponement as a tribute to those mothers on Danforth Street, yes, even the mothers in Wiscasset.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: When the gentleman from Portland and I myself were children, we played cops and robbers. When Mr. Joyce and I grew up, we continued to play cops and robbers. He was a cop, I was a prosecutor.

Quite seriously though, the concern that Mr. Joyce has for the mothers and their errant children might be better directed at the fact that bail commissioners are getting less and less interested in getting up in the middle of the night going on down to the courthouse, having to deal with somebody who is six sheets to the wind and getting them bailed out and then having to proceed home, whether it be midwinter or in the balmy evenings of summer.

I suggest that it is not just a two minute or a four minute ordeal. I further suggest that to increase this fee from \$15 to \$20 for a night time mission like that might encourage more bail commissioners to respond affirmatively to the plaintiff call for help in the middle of the night rather than to take the phone off the hook or to say, call somebody else.

I suggest we pass this bill.

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

Mr. HOBBS: Mr. Speaker and Members of the House: Before the Judiciary Committee, we have had over 167 bills. It is very seldom we have a bill that is signed out of our committee with a unanimous committee report.

In fact, we have had such controversial bills as the death penalty, abortion, asexualization, and we finally found a bill which everybody

agreed upon in amended form, and this was it. It is surprising now that one of our members of our committee decides that this isn't a good bill.

It was one of these bills that we thought was a housekeeping bill that was a compromise before the committee. The original bill increased the fees both in the day and night. We felt, in committee, to get a unanimous committee report, which is a rarity in our committee, that we would compromise and come up with a proposal which would increase the fee at night, which we did.

At the committee hearing, we heard testimony from several bail commissioners and there were no opponents to this bill. It was thought by the members of the committee that this was giving the bail commissioners something for the task which they perform.

We heard testimony, which I didn't know about, I have never been bailed out or never witnessed a person being bailed out, but one of the bail commissioners told us of a couple of examples and one of them is, the person who has been caught for drunken driving, they go down at two o'clock in the morning to bail this individual out and the person is pretty incoherent and not cognizant of what is going on and the bail commissioner cannot bail that person out because that person cannot swear that they understand what the procedure is and have any knowledge of what is going on. So, the bail commissioner has to go home and the bail commissioner will say, when you feel that the prisoner or the person to be bailed is cognizant of what is going on, he says to the dispatcher, give me a call and I will be back. So, about two hours later, the call goes out to the bail commissioner, the person drags himself out of bed, goes down to the police station and bails that individual out. That person only gets paid for one bail, he doesn't get paid for the two trips that he or she made to the particular jail.

We had testimony of these instances and also testimony from one individual that said this was their sole livelihood, that this particular position which they have is the only source of income in order to support the family.

I think it is a compromise among the committee. The good gentleman from Portland, Mr. Joyce, didn't bring up any "Mother" stories during the committee, we all agreed to the proposal, and I hope you do today.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: This debate has given me a suggestion. I advise the gentleman from Portland, Mr. Brannigan, to add an amendment making the fee \$25 or even \$30 so that we might have in this new fee a deterrent to crime.

After the sorry defeat of L. D. 35, Maine citizens are still looking for a good crime deterrent.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say that bail commissioners have to eat too, and we are all in the same leaky, inflationary boat and under those circumstances, we are lucky to have someone who will bail.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: Most of this ground has been covered already but I would add a couple of things. One is that the bail commissioners are not a dime a dozen, contrary to what has been said by the gentleman from Portland, Mr. Joyce. They are getting fewer and fewer. They have to go to the jail houses in the middle of the night, they have to have people abuse them. Sometimes the people are not ready to be bailed. The commissioner has to go home to be called later, he has to make several trips on many occasions. He also has to take the papers

to the court the following day, which has not been brought up—that is another trip, and today we are dealing with a 27 cent dollar, or thereabouts, and I think it is high time these people got a modest increase.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have a roll call so the mothers will know how we stand.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: Just a final note, at the hearing, which the Judiciary Committee heard, one of the bail commissioners who testified is a mother.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mr. Joyce, that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. PAUL: Mr. Speaker, pursuant to Joint Rule 10, I request permission from the Chair to refrain from voting on this question.

The SPEAKER: Pursuant to House Rule 10, the Chair will excuse the gentleman from Sanford, Mr. Paul.

The Chair recognizes the gentleman from Newport, Mr. Reeves.

Mr. REEVES: Mr. Speaker, I would like to be excused as a bail commissioner.

The SPEAKER: The Chair will excuse the gentleman from Newport, Mr. Reeves.

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

ROLL CALL

YEA — Austin, Baker, Blodgett, Brodeur, Brown, K. C.; Carter, D.; Connolly, Cox, Curtis, Davies, Dutremble D.; Dutremble, L.; Fowlie, Howe, Joyce, Kelleher, Martin, A.; McHenry, McMahon, McSweeney, Nelson, N.; Paradis, Reeves, P.; Theriault, Tierney, Torrey, Vincent.

NAY — Aloupis, Bachrach, Beaulieu, Benoit, Berube, Birt, Bordeaux, Brannigan, Brennerman, Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carroll, Carter, F.; Chonko, Churchill, Cloutier, Cunningham, Damren, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Elias, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadowky, Hall, Hanson, Hickey, Higgins, Hobbins, Huber, Hunter, Hutchings, Jackson, Jacques, P.; Jalbert, Kane, Kany, Kiesman, Laffin, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Matthews, Maxwell, McKean, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Payne, Pearson, Peltier, Peterson, Post, Rolde, Rollins, Sewall, Sherburne, Silsby, Simon, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Wood, Wyman.

ABSENT — Barry, Berry, Boudreau, Bowden, Brown, A.; Conary, Davis, Fenlason, Hughes, Immonen, Jacques, E.; Lancaster, Norris, Prescott, Roope, Soulas, Whittemore.

EXCUSED — Paul, Reeves, J.

Yes, 27; No, 104; Absent, 17; Excused, 2.

The SPEAKER: Twenty-seven having voted in the affirmative and one hundred and four in

the negative, with seventeen being absent and two excused, the motion does not prevail.

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

An Act to Provide for Ancillary Complaints in Second Offense Operating Under the Influence Cases (H. P. 1256) (L. D. 1510) (C. "A" H-294)

An Act Concerning the Liability of Landowners for Recreational or Harvesting Activities on their Land (H. P. 1350) (L. D. 1588)

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 (10) "Ought to Pass" as amended by Committee Amendment "A" (H-323) — Minority (3) "Ought Not to Pass" — Committee on Local and County Government on Bill, "An Act to Establish a Uniform Allowance for Deputy Sheriffs" (H. P. 70) (L. D. 80)

Tabled—May 4 (Till Later Today) by Mr. LaPlante of Sabattus.

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

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

Mr. SPROWL: Mr. Speaker, I would request a division.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the intent of this bill and recognize the good wishes of the sponsor. I think this falls in another category of several bills that we have had of a similar nature relative to taking actions that will cause increased costs in the county budget. We are fighting the county budget, there has been a lot of criticism of it in practically all of the counties, and then we continually pass bills up here that would cause some increase. I think this is up to the local county commissioners and the individual sheriffs to face this issue themselves without us writing into the statutes language necessitating purchase of uniforms.

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

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I do concur with Mr. Birt as far as the county budgets. I am one who is very concerned with our own in Androscoggin County, but this is one bill that was quite amusing in a way, because in Title 30, Section 953, it states that sheriffs shall require each deputy, while engaged in the enforcement of Title 29, Section 2121, to wear a uniform sufficient to identify himself as an officer of the law. Each county shall furnish the sheriffs and each full-time deputy with one uniform required by this section. And Title 29, States, "Any law enforcement officer in uniform" and again specifies in uniform, "whose duty is to enforce the motor vehicle laws, may stop and examine any motor vehicle." Of course, this officer must be in uniform.

The only problem we have in the statute is that we don't specify what a uniform is. So, we asked for a small survey to be done and what the counties were doing in calling a uniform. So, it came back this way.

One county issues one shirt; 13 counties, 2 shirts; 2 counties, 4 shirts; 12 counties, 1 pair of trousers; 4 counties, 2 pair of trousers; 1 county, 1 hat; 13 counties, 2 hats; 1 county, 3

hats. Jackets, 10 counties, 1 jacket; 5 counties, 2 jackets; 14 counties, 1 tie; 1 county, 2 ties; 1 county, 4 ties. The ones issuing four ties and four shirts, we haven't been able to determine whether they issue one pair of trousers.

We have 13 counties issuing no pair of shoes and three counties 1 pair of shoes. One county issues no shirts, or something like that. 1 county issues some hats to some of the people some of the time, some counties issue some jackets to some people some of the time. I think somewhere, if we are talking about uniforms, we should have uniformity. We felt, really, that this was one way of doing it.

You are mandated by statute to wear a uniform, you are mandated by statute to be issued a uniform, but nowhere in the statutes do we say what a uniform is. We asked some people, and they said the badge and a T-shirt and a pair of trousers is sufficient; a badge, a shirt, whatever trousers you want to wear is sufficient. One said, whatever you want to wear as long as you wear a hat with a badge is sufficient. So, really, what is a uniform?

Now, understanding that we don't want the budgets to increase, but if we have a law enforcement agency out there, and normally their colors are tan and brown, and we mandate that they wear a uniform, let's have uniformity. And going further in the bill, we should have in the statutes what a uniform is, but if we are not going to do that, let's at least give them \$200 a year so that those who have four shirts and no trousers will maybe be able to afford a pair of trousers. Those who end up with trousers and no shirt may be able to buy a shirt. Those who end up with a shirt and trousers, they will be able to buy a tie, but at least we will have some uniformity and it won't look like a bunch of hicks out there trying to stop traffic and identify themselves as a law enforcement officer.

Any full-time deputy is required to go to the Criminal Justice Academy, we spend \$3,000 on them and we send them out there with a pair of trousers and a T-shirt and a badge. That doesn't make much sense.

Again, it is mandated in the statutes. Any full-time deputy, after one year in service, in order to maintain his job must attend the academy. So, we are going to spend \$3,000 on them but send them out there without a uniform. That doesn't seem to make much sense.

Really, considering the budgets, considering everything else we have mandated in the laws, we certainly should offer them a uniform maintenance allowance, and I hope you will vote for passage of this bill.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I think it goes without saying that any officer of the law should have some type of uniform on to be respected. I also agree that there are many different varieties of uniforms from one end of the state to the other, but I would suggest to the House that in the case of where we don't have that much money, it would be very nice if the women folks or the wives of the deputies or the deputies themselves, because in our county we have 32 of them and oftentimes they are just looking at one another or when someone comes along, they are hiding behind a bush or something so to keep out of sight, I do suggest that it would be very good if they learned to run a sewing machine and make their own.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I would pose a question to the Chairman of the Local and County Government Committee. As I read the amendment, maybe he could tell me when the effective date of this is, and if it doesn't clearly state it, would he object to saying that this be effective January 1, 1980?

The SPEAKER: The gentleman from Corinth, Mr. Strout, has posed a question through

the Chair to the gentleman from Sabattus, Mr. LaPlante, who may answer if he so desires.

The Chair recognizes the gentleman.

Mr. LaPLANTE: Mr. Speaker, I have no objections to that. In fact, I assumed that was how the amendment was going to come out, January 1, 1980.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I think that all of us agree that deputy sheriffs should be well dressed. However, as I see it, this bill will not do that, it just says that \$200 will go directly to the deputy sheriffs, \$100 twice a year, a total of \$200 will go to the deputy sheriffs. I think in some instances, and I am not trying to degrade deputy sheriffs. I think in some instances that the money would not go to buy clothes. I think they might have bills like the rest of us and feel that that would be a higher priority. So, I think if they are going to have \$200, it still should go through the county budget and the sheriff can see that the money is spent for clothes.

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

A vote of the House was taken.

53 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

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

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

Pending—Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and specially assigned for Thursday, May 10.

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

Bill, "An Act to Provide for Lifeline Electrical Service" (H. P. 840) (L. D. 1043) — In House, Passed to be Engrossed as amended by House Amendment "A" (H-304) on May 1, 1979; — In Senate, Majority "Ought Not to Pass" Report Accepted on May 2, 1979.

Tabled—May 3, 1979 by Mr. Davies of Orono.

Pending—Further Consideration.

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

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

Bill, "An Act Concerning Warning Signs Posted at Certain Railroad Grade Crossings under the Public Utilities Commission" (H. P. 1133) (L. D. 1401) — In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-290) on May 1, 1979; — In Senate, passed to be Engrossed as amended by Committee Amendment "A" (H-290) as amended by Senate Amendment "A" (S-139) thereto.

Tabled—May 14, 1979 by Mr. Carroll of Lime-rock.

Pending—Further Consideration.

On motion of Mr. Stetson of Wiscasset, the House receded from its action whereby the bill was passed to be engrossed.

On further motion of the same gentleman, the House receded from its action whereby Committee Amendment "A" was adopted.

Senate Amendment "A" to Committee Amendment "A" (S-139) was read by the Clerk.

On motion of Mr. Stetson of Wiscasset,

Senate Amendment "A" to Committee Amendment "A" was indefinitely postponed in non-concurrence.

On motion of the same gentleman, Committee Amendment "A" was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-355) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, could the gentleman from Wiscasset please explain what he has done.

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

Mr. STETSON: Mr. Speaker, this bill, as originally drafted, called for the sounding of a warning signal at certain grade crossings in the State of Maine. It was occasioned by a very serious grade crossing accident in the town of Wiscasset at a private way grade crossing, which had been the scene of a fatal accident a few years earlier.

When this bill reached the committee, the Transportation Committee, certain flaws appeared in the way it was addressing the problem, and the committee decided to amend the bill to place the responsibility on the Department of Transportation to adopt such warning devices as they might deem appropriate at such crossings. Then, when the bill got the Senate, a further consideration was given to it and it was decided that the bill ought not to be limited just to private crossings but ought to give the Department of Transportation the authority to establish safety devices or safety regulations for any grade crossing in the State of Maine. Unfortunately, at this point, the bill got off the track and in the Senate, the amendment applied to 35 MRSA, Section 818, and it really didn't fit there, so all this amendment does today is to shift the amendment adopted by the Senate to the proper section of the Code, 35 MRSA, 821.

Thereupon, House Amendment "A" was adopted.

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

Mr. JACKSON: Mr. Speaker, I would like to ask a question on this. We have a man in North Yarmouth who had a woodlot and he had to get across the grade crossing to reach his woodlot. He went to one of the railroads and he had to get permission to do this. They would give him permission and they would put in the grade crossing, they wouldn't allow him to do it, they had to do it. I think the cost was around \$1000, and I am wondering who is going to bear the cost on this and if this may not be a pretty prohibitive cost for people trying to reach, say, their woodlots and this type of thing.

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

Mr. STETSON: Mr. Speaker, the cost of establishing the safety warnings or devices generally is borne by the railroad and not by the individual, and all this bill does is to permit the Department of Transportation to prescribe what type of safety device will be established at any grade crossing.

The gentleman from Yarmouth apparently refers to what is known as a temporary crossing. Temporary crossings are common in the woodlands to permit those who are harvesting forest products to get to their wood and to get it across a rail line. Generally, those crossings are unprotected, but if a problem were to develop and somebody were to address this problem to the Department of Transportation, this bill would enable the Department of Transportation to compel the railroad to establish some type of warning device or to sound a whistle when approaching that particular crossing or to take other remedial action.

This bill simply permits the Department of Transportation to try to remedy these danger-

ous crossing situations. I don't believe it would in any way impair the ability of the woodsman to harvest his crop. I don't believe it would impose any financial burden on him nor on the railroads beyond that necessitated by public health and safety.

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

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-320) — Minority (4) "Ought Not to Pass" — Committee on State Government on Bill, "An act Relating to Resident State Police Troopers" (H. P. 841) (L. D. 1069)

Tabled—May 4, 1979 by Mrs. Kany of Waterville.

Pending—Acceptance of Either Report.

On motion of Mrs. Kany of Waterville, retabled pending acceptance of either Report and tomorrow assigned.

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

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

Tabled—May 4, 1979 by Mrs. Prescott of Hampden.

Pending—Adoption of Committee Amendment "A" (H-327).

Mr. Brenerman of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-350) to Committee Amendment "A" was read by the Clerk.

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

Mr. BRENERMAN: Mr. Speaker, Ladies and Gentlemen of the House: To explain this amendment, this clarifies an ambiguity in the Committee Amendment concerning the validity of several exams given to ambulance personnel. The state said both the American Red Cross and the DOT Crash Management Course are valid for three years after completion. In the Committee Amendment, the three years after completion was left off the section concerning American Red Cross.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill assigned for second reading tomorrow.

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

Bill, "An Act to Increase Merchandising in State Liquor Stores" (S. P. 433) (L. D. 1335) (C. "A" S-126)

Tabled—May 4, 1979 by Mr. Tierney of Lisbon.

Pending—Motion of Mr. Elias of Madison to reconsider Indefinite Postponement.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to ask for a division of the pending motion to reconsider.

I would like to bring out to this House that we did debate this bill quite thoroughly last Thursday and we resoundingly voted to indefinitely postpone this bill. But just to remind you of what the bill is all about, this is a bill that would allow the Liquor Commission to run sales on certain items at specified times. There is a fiscal note with the bill. In other words, there is a chance that the bill would cost the state money. As I said at that time, I don't see any reason for that. The state does have a mo-

nopoly, we don't have to run sales in order to get business. There is only one place that someone can buy it, so I don't know why we should jeopardize the profit picture of the State of Maine.

Also, I opposed it on other grounds, feeling as though I couldn't see any reason why we should promote this product because of the health problems that would incur from the use of it and the enforcement problems and other problems.

I understand there has been a great deal of lobbying done to get the people to reconsider the vote of last Thursday. It amazes me why they attach such great importance to this particular bill. I don't think it is a good bill, but I didn't realize it had that much significance. That makes me all the more suspicious as to the reasons for putting it in in the first place.

I might just make one other mention of a letter we have here from the State of Maine Department of Human Services. It says here that there are 90,000 people in Maine currently suffering from alcoholism. That is one in ten, that is a large number of people. Someone said to me the other day, what are you, your brother's keeper? I said, no, I am not my brother's keeper but I am concerned about my brother. Apparently, if there are 90,000 of them out there, that is a lot of people to be concerned about. I hope that you vote against the pending motion.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if a couple of points could be addressed. I would pose them, I guess, as questions through the Chair to anyone in the House. The first point is, what are the underlying facts that are going to give rise to having sales to begin with in the State of Maine at liquor stores throughout the state?

The second question is, we got hung up the other day on the merchandising aspect of the bill whereby liquor stores would actually be trying to push the sales through advertising and merchandising of greater sales of liquor to our citizens throughout the state and I think there was a lot of opposition to that. I just wonder, in reading the bill you really can't tell what kind of merchandising would be done or would not be done. I wonder if a more definitive answer could be given to the types of merchandising, advertising and actual attempted push of sales would be done or not be done in the state, because I think that is one of the major objectives that was raised the other day, one of the major fears that was raised.

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed a series of questions through the Chair to any member who cares to respond.

The Chair recognizes the gentleman from Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think last week when we voted on this bill there were a number of misconceptions in regards to it. I think Thursday and Friday, in speaking there were a number of people that had voted in opposition to the bill, that they hadn't quite understood it correctly and that the word merchandising led them to believe that the state was going to be getting into the business of promoting liquor that had been discounted because of a situation, a post-op situation which was being offered at a particular time of the year, which is something that all producers of alcoholic beverages do on a periodic basis, on a yearly basis. This is not going to favor any particular producer. All it is going to do is allow the Liquor Commission the opportunity, it doesn't necessarily say that they must, it simply allows them to discount the price of alcoholic beverages when they receive that discount from the producer and simply pass it on to the consumer.

It is not going to allow them to put ads in the-

papers and ads on TV and displays in the stores, signs in the windows of the store, which many people had concerns about. All it is going to allow the Liquor Commission to do is simply change that price of that bottle of liquor. It is not even going to allow them to put a little sign there saying that there is a special on it. All it does is allow for merchandising, which is what any store does. If you own a jewelry store and Timex gives you a reduction of 10 per cent on the watch you usually pass that reduction on to your customers. That is all this is doing.

There is no fiscal note, there is no fiscal impact as far as I am concerned in regard to this bill. It is a consumer bill and I don't see this causing any increase of problems as far as liquor is concerned in the state. I would hope that you would vote for the motion to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with my good friend Mr. Violette. In my opinion, this bill does put the state liquor stores in the promotion for the sale of alcoholic beverages for the liquor companies. I think that they should be able to pay for their own advertising and promotions. All the other businesses in the state pay their own way and I think that they should too.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with the good gentleman from Mars Hill, Mr. Smith. This does not put the state in any way, shape or manner in the business of favoring or promoting any particular producer of alcoholic beverages. I have started time and time again that all this bill does is, every producer of alcoholic beverages goes through a regular process and this bill will not favor any particular producer over any other and the state is not going to be advertising a reduction in price. Thus, the state isn't going to get involved in the business of advertising discounted brands. If a producer wants to advertise their own brands, that is up to them. They can't advertise the price of them and the state isn't going to do that either. This bill doesn't allow for that.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have heard the arguments of the young gentleman from Van Buren and I still say that this particular bill provides for the state getting into the hucksterism in connection with the purveying of liquor. It aids and abets the companies who want to put on a promotional pricing situation. As far as I am concerned, the state got into the liquor business as a control measure, it still should be in as a control measure and we should not participate in any way in any attempt by the various companies in the liquor industry to discount their prices.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: Though it is clearly a nonpartisan issue, every once in a while the gentleman from Lisbon Falls has to admit he was wrong. I voted to kill this bill the other day and subsequent discussions with Mr. Violette and others have convinced me that it is a good piece of legislation.

I think the one point we have to bring out is the mistake which I think the gentleman from Farmington just made. Why is it that when you are in favor of a bill, it is free enterprise and when you are against a bill it is hucksterism? What is the difference between legitimate advertising and hucksterism it is just what side of the coin you are on. So, don't be misled by the good gentleman from Farmington and join me for once and vote wet.

The SPEAKER: The Chair recognizes the

gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I voted to kill this bill the other day and I am proud to have voted that way.

I listened to a lot of the talk afterwards out in the rotunda on how this was really a good bill. The arguments seemed to be a familiar argument to me, and I recall reading about the argument in the papers of that Senator from Massachusetts who debated an issue with the President of the United States. A few days afterwards, the President was asked for further comment on the remarks by that Senator from Massachusetts, and do you know what the President said? Well, I will read it to you: "That is just a lot of baloney" and I think that is what the rhetoric is today when people tell you that this is a good bill. I think it is baloney no matter how they cut it.

I am going to stick with my vote today.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Madison, Mr. Elias, that the House reconsider its action whereby the Bill and all its papers were indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Stover of West Bath 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 Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly. I just want to say that I do not intend to change my vote and I hope you will not change your vote and vote in favor of reconsideration of this.

It is called a consumer bill. It seems absolutely unconscionable to me that the state would be involved in urging the consumption of something that not only are we charged with the legal responsibility of regulating but something that has had some very severe impact on our state economically, socially, on the institution of families, and it seems to me that the gentleman from Farmington, Mr. Morton, is right on in his remarks that it is the state's role in the liquor business, one of regulating and not one of urging the consumption, urging the sale and the purchase. It is on rare occasions that I agree with him but I do at this particular time and I hope that you will not reconsider.

The SPEAKER: The pending question before the House is on the motion to reconsider whereby the House voted to indefinitely postpone this bill and all its accompanying papers. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Brannigan, Brenerman, Brown, D.; Brown, K.L.; Brown, K.C.; Call, Carter, D.; Chonko, Cloutier, Conary, Connolly, Davies, Dellert, Doukas, Dow, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Gavett, Gwadosky, Hall, Hickey, Hobbins, Howe, Hutchings, Jacques, P.; Jalbert, Kany, Kelleher, Lancaster, LaPlante, Lizotte, MacEachern, Masterton, Matthews, Maxwell, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Peltier, Peterson, Reeves, J.; Reeves, P.; Rolde, Sewall, Simon, Stetson, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Whittemore, Wood, The Speaker

NAY — Austin, Birt, Blodgett, Bordeaux, Brodeur, Brown, A.; Carrier, Carroll, Carter, F.; Cox, Cunningham, Curtis, Damren, Dexter, Diamond, Drinkwater, Fillmore, Fowlie, Gillis, Gould, Gowen, Gray, Hanson, Higgins,

Hunter, Immonen, Jackson, Joyce, Kane, Kiesman, Laffin, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterman, McHenry, McPherson, Morton, Nelson, A.; Payne, Pearson, Post, Rollins, Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stover, Strout, Torrey, Wentworth, Wyman

ABSENT — Barry, Berry, Bordeau, Bowden, Bunker, Churchill, Davis, Garsoe, Huber, Hughes, Jacques, E.; Norris, Prescott, Soulas
Yes, 75; No, 62; Absent, 14.

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

The pending question is on the indefinite postponement of the bill and all its accompanying papers. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Bill was passed to be engrossed in concurrence.

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

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)

Tabled—May 4, 1979 by Mr. Garsoe of Cumberland.

Pending—Motion of the same gentleman to Reconsider Indefinite Postponement of Bill and all Accompanying Papers.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I would hope that we would reconsider this bill and I would like to speak to that motion.

I believe we ought to reconsider this bill because there are some questions in people's minds that have come up in the past, and perhaps in all of our talking about this bill and it has come up again and again, more questions have been asked and perhaps they haven't been answered to clarify, because again, we answer a question and another question comes up.

First of all, this is permissive legislation.

Second, it was a Majority Report out of the committee and it was passed in the other body.

Let me clarify some points right now. Right now, any person in the State Retirement System who has served for 15 years and who has been in the system since January 1, 1976, can already buy in their military service. This bill does not change that.

That was a bill that was enacted years ago and that is fine. This bill does nothing to that. This bill does not address the teachers. A teacher who is in the system may, after 15 years of service, and if he has joined the system since January 1, 1976, is not affected by this bill. It is true that no one can buy back military time if he or she has entered state service after January 1, 1976. That is a law that already exists; this bill does not address it.

This bill simply addresses the fact that there are some local communities that don't have an option to have those people who work for them, policemen, firemen, county officials, such as deputy sheriffs, local district employees, sheriffs and full-time sheriffs and they would like to have that option. It says "may." A local district "may" elect with regard to special retirement plan. The kicker is, of course, that an option means yes and it could mean no and the option here states that you must finish whatever retirement system you are in, whether it is 20 years or 25 years, you must finish those years of service before you can buy in your military service. Those people who are in the system now in a local community, if they are

concerned that their local communities won't allow them to buy in, they have between now and the passage of this bill, until January 1, 1980, if they have been in service for more than 15 years, they can buy their military credit between now and then.

As I said, the kicker in the whole bill is this, that a community might determine not to allow their employees to pay in military service until after they have finished their maximum number of years working in their local communities.

I don't know if I have explained this, but there is no cost to the state, it is a local option with your local community. That is the point. If you believe that those people must finish their full years, whether it is 20 to 25, and as Mr. Theriault has explained, 30 years, before they can buy in military service and you believe that is the option of the community to say yes or no to that factor, then they would be voting for this bill. If you believe that, you would also be voting for reconsideration. I hope you will.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: First, definitely the state employees or everyone in the State Retirement System, except the districts, would not be affected by this bill, that is true, no question about that at all. But, every district now has the option to go under this. They can give their employees the right to buy up service time. So, therefore, as far as that goes, this is not needed.

What this bill does is take away benefits. It says that you have to serve all the time that is necessary in your plan. In other words, if your plan for retirement is retirement after 20 years, you have to serve the 20 years before you can buy any. If your plan is to retire after 25 years, you have to serve the 25 years. If your plan is 30 years, you have to serve 30 years, and if there are any of them left, there used to be plans where you had to work 35 years before you could retire, then you would still have to work those 35 years before you could buy any service time.

This is bad enough in itself but, of course, if you buy after that time, you get 2 percent for each year you buy and it is questionable whether it is worth buying it to get 2 percent, because sometimes it costs quite a bit to buy that service time up.

In one case that I know of, when the person wanted to buy up some service time, it would have cost them about \$12,000 for each year of service that he was buying. What good is 2 percent?

Another thing, there is a question here that if this bill goes by, there are only five districts that now permit their personnel to buy their service time. These five units, five districts under this bill, they would have to go back to the negotiating table and it could very well be that they would be negotiating those people that have already bought their time, which they can do before they are ready to retire, so they can spread their payments with that time over a number of years. It could very well mean that those people have spent their money for nothing. If this bill passes, those people could be negotiated right out of the money that they have paid in, that is why I am against this bill. It would hurt the veterans and I am trying to help the veterans.

I would request a roll call.

The SPEAKER: For the Chair to request 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 Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I do not profess to be a retirement expert by any stretch of the imagination and I enter into this debate with a little bit of trepidation. It is my understanding and it may be flawed in certain degrees and if it is, I am sure that it will be pointed out on the floor of the House in debate. I just don't think the bill has been adequately explained on the floor.

This is enabling legislation. It is not mandatory. It is enabling legislation that would permit a municipality if it wished to opt into this legislation and adopt this plan.

Under current law, it is my understanding that if you have served in the military service for four years and, typically, retirement in your municipal system would be say 20 years, after you have served 16 years, you could then take the credit for the four years that you served in military service, retire at the end of your sixteen years under your municipality and pay for whatever the premiums would have been for the remaining four years had you served your full 20 years in the municipality. So, you get to retire after 16 years, you get to buy up your remaining four years that you would have had to have served and get a credit for the four years that you spent in the service.

Now, as I understand it, it is just a credit for being in the military, it is not a credit for being a war veteran or whatever, it is just having served in the military for four years for whatever period of time is.

The fiscal impact, of course, on the municipality is they start paying the retirement benefits out of their tax dollars four years quicker, instead at the end of 20 years when most municipal employees would be retiring. They would start paying the retirement benefits at the end of 16 years. That is the problem that it poses to some municipalities. I think that is the reason for the bill being before us.

What this measure would do is simply say that if you had a 20 year retirement system in your municipality, you could go to your 20 years and then I think you could buy up, and this is not where I am clear on the bill, your four years of military service and get an additional 2 per cent and maybe that isn't enough.

The bill is dead now pending the motion to reconsider, so let's reconsider the measure and if that isn't enough, let's consider amending the bill.

The point that Representative Theriault raised, which is an excellent point I think, which was the last point—he said, in municipal contracts now, if this bill were to pass and a particular municipality were to adopt this bill under enabling legislation, there are negotiated contracts where some people have already made their plans and they have already bought up their four years and planned their retirement and what have you, and this would be an unfair burden on them. I think that is a good point.

I haven't studied the bill that carefully, but I do think we could probably provide an amendment to take care of that point. I think that is a fair and reasonable point but it is enabling legislation and I think it is ridiculous to kill the whole thing out of hand.

I would urge you to reconsider and let's put it in a posture where we can work on it a little bit.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe that everything that Representative Tarbell said was correct and I think he took us through the progression of that in a very logical manner, and I think it is probably one of the clearest explanations we have had. There is only one thing I would like to add to that and that is that a couple of years ago, we recognized that since people in the military are now getting much more money than they used to, we said that anybody that joined state service after January 1, 1976, would no longer be eligible for those

benefits.

The thing that concerns me is, we made a promise to those people prior to that time and I think we ought to keep it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think probably I don't read things in the same light that the gentleman from Bangor, Mr. Tarbell, does. I listened very intently to the remarks of the gentleman from Rumford, Mr. Theriault, and I am satisfied that his explanation was a good one and I am also satisfied that I consider him probably one of the most knowledgeable men in the area that he was talking about that I have met since I have been here and I am going along with him.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: In reference to Representative Tarbell of Bangor, there is no need of putting in enabling legislation to permit people to adopt this. They already have that enabling legislation. They can do it if they want to at any time. Anytime that the City Council or the Board of Selectmen or whatever, whoever is in charge of that district, want to get into this and give their employees the right to buy up their service time, they can do it anytime, just by a vote amongst themselves. The City Council can vote on it and have that pass so, for that reason, this bill means nothing in that direction. It means nothing. If you do pass it, what it does is permit those people in these five districts that are now in the system, to sit back down and negotiate downwards on this thing, to take away the time that some of these people have already bought and paid for. That is why I object to it.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I would have to agree wholeheartedly with the Representative from Bangor, Mr. Tarbell, on the suggestions that he made. I don't feel that a person should be permitted to work 16 years and cash in on his military service time, four years, and become a burden on the people of this state.

I am not the first one that would agree that that is wrong and Mr. Tarbell's proposal is not original. When the veteran's time was put into the Maine State Retirement System, and it went into operation for one year, there was a group of about seven or eight, I believe, state troopers, who were permitted to retire out of the State Police with 16, 17 or 18 years. It was only a small group and, at that time, the legislature came back in session and I am sure the record will show, that they rewrote that law to get 16 years, and to be able to add on four hasn't been permitted, for at least 20 years now.

The Maine State Retirement System has in there, that credit of up to four years. There is a local option clause on it.

The City of Portland never chose to accept that. The City of South Portland did. They had a city manager and one partolman that used it. It is strictly a local option thing and I think the law now is pretty tight on it and, even today, if one of the local municipalities if a person chose to retire and use his veteran time and if he went over to the Maine State Retirement System and told them he would like to buy four years, because he is planning to retire two years from now, they would talk to him and show him the law and convince him not to buy that time, not to buy that time until he has 21 years within one month of completion and then they would tell him, sure, buy the time now. If you get somebody with 15 years and they go over and buy four years now, and it could run them \$12,000, \$14,000, \$15,000; then they decide family circumstances changed and they decide to stay in the system, there is no way, under the law, that they can get refunded for that

money paid in to buy that veteran's time. The system urges if you are going to use it, buy it in the last days.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the gentleman from Cumberland, Mr. Garsoe, that the House reconsider its action whereby the bill was indefinitely postponed.

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

Mr. McMAHON: Mr. Speaker, I would like to pair my vote with the gentleman from Lisbon Falls, Mr. Tierney. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Cumberland, Mr. Garsoe, that the House reconsider its action whereby the bill and all its accompanying papers were indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Benoit, Brannigan, Brennerman, Brodeur, Brown, K.L.; Damren, Dellert, Dexter, Doukas, Drinkwater, Fowlie, Garsoe, Gowen, Hanson, Howe, Kiesman, Lewis, Lowe, MacBride, Matthews, McPherson Morton, Nelson, M.; Payne, Peltier, Peterson, Reeves, J.; Sherburne, Smith, Stetson, Studley, Tarbell, Wentworth, Wood, Wyman

NAY — Austin, Baker, Beaulieu, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brown, A.; Brown, D.; Brown, K.C.; Call, Carroll, Carter, D.; Carter, F.; Chonko, Conary, Connolly, Cox, Cunningham, Curtis, Davies, Diamond, Dow, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Gavett, Gillis, Gould, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lizotte, Locke, Lougee, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Paradis, Paul, Pearson, Reeves, P.; Rolde, Rollins, Roope, Sewall, Silsby, Simon, Small, Soulas, Stover, Strout, Theriault, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose

ABSENT — Barry, Berry, Bowden, Bunker, Carrier, Churchill, Cloutier, Davis, Huber, Hughes, Jacques, E.; Norris, Post, Prescott, Sprowl, Whittemore, The Speaker

PAIRED — McMahon-Tierney
Yes, 37; No, 95; Absent, 16; Paired, 2.

The SPEAKER: Thirty-seven having voted in the affirmative and ninety-five in the negative, with sixteen being absent and two paired, the motion did not prevail.

Sent up for concurrence.

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

Mr. LEIGHTON: Mr. Speaker, I move that we reconsider our action of earlier today whereby the House accepted the Majority "Ought Not to Pass" Report on Bill "An Act Equalizing the Retail Price of Alcoholic Beverages throughout the State" L. D. 834.

Mr. Speaker and Members of the House: This is my bill. I want to apologize for my tortoise like behavior earlier this morning in my slow reaction time.

This bill addressed the problem of the State of Maine discriminating against its own citizens in the pricing of the liquor that it sells to them, pricing liquor down in the Kittery store less than the other state stores.

There have been bills in both bodies passed in previous sessions that would end this discrimination but not passed by both bodies in the same session. In looking up the debate in past sessions, by both bodies, everyone seemed to say that the discrimination in pricing was

wrong but necessary in order to compete effectively with New Hampshire stores and to prevent a loss of revenue. When a state monopoly sells goods and services to its citizens, there can't be, in my mind, any rationale for treating one citizen differently from another, even if the sky falls. If there could be such a rationale, then I suppose we could sell hunting and fishing licenses cheaper close to Canada to compete with cheaper Canadian licenses. I suppose we could stop imposing the sales tax in towns close to New Hampshire to compete with New Hampshire's lack of a sales tax. I suppose we could exempt border towns from the income tax and so on.

On a practical level, I think Maine stumbled onto a marketing truth in lowering prices at Kittery, that is lower prices can mean increased profits and volume, especially in a state like Maine with its long border with New Hampshire and our high percentage of sales to tourists who, as long as Maine has a reputation for higher prices, they will buy before they get here. Kittery is not the only border town.

In my district, we have a little liquor store in Bridgton, but nearly everyone buys their booze in North Conway.

In summary, let's give the Liquor Commission a chance to again treat all citizens equally and at the same time reap a harvest of increased profits by extending the success of the Kittery store, the pricing policy, the width and breadth of the state.

There is a fiscal note on this bill—I am only a freshman, but it is the first one like it I have seen, and it says the fiscal note is approximately \$11.5 million loss or, for increased consumption to offset lower prices and increasing gross sales of approximately \$33 million. I would ask you to think about that very carefully, because at the hearing, the comments of the liquor people didn't make any sense to me whatsoever, and I don't see how anybody could possibly, without a marketing study, which there has never been, to my knowledge, predict whether there would be increased or decreased revenue.

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

Mr. MARSHALL: Mr. Speaker and Members of the House: I would suggest to my good friend that if he were interested in equalizing the treatment, that he would consider raising the price of the Kittery Liquor Store and thereby avoiding any financial impact that this bill offers, and that I would again repeat is \$11 million plus.

I hope you vote against the reconsideration motion and ask for the yeas and nays.

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

Mrs. KANY: Mr. Speaker and Members of the House: I am proud to be a cosponsor of this bill. I would like to point out to Representative Marshall and anyone else who is interested, that the original bill does not talk about lowering the price to the price of the Kittery store level; it just talks about equalizing the price throughout the state. That is what I am interested in.

I do hope that you reconsider, and as far as I know, there may be other laws on our books in which people are discriminated against or treated with unequal opportunity, but if they are, I am not aware of them. That is what I object to very strongly, and I hope you will vote in favor of the motion to reconsider.

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

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

The SPEAKER: The pending question is on

the motion of the gentleman from Harrison, Mr. Leighton, that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Berube, Blodgett, Bordeaux, Boudreau, Brannigan, Brown, A.; Brown, D.; Carrier, Carter, D.; Chonko, Conary, Connolly, Curtis, Damren, Dellert, Doukas, Dutremble, D.; Dutremble, L.; Gavett, Gowen, Higgins, Hobbins, Hutchings, Jacques, P.; Kany, Kelleher, Kiesman, LaPlante, Leighton, Leonard, Lewis, Lowe, Martin, A.; Masterton, Matthews, McHenry, McMahon, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Paradis, Payne, Peltier, Peterson, Reeves, P.; Rolde, Rollins, Sewall, Small, Soulas, Studley, Tarbell, Tuttle, Twitchell, Wentworth

NAY — Austin, Benoit, Brennerman, Brodeur, Brown, K.L.; Brown, K.C.; Call, Carroll, Cox, Cunningham, Davies, Dexter, Diamond, Dow, Drinkwater, Elias, Fenlason, Fillmore, Fowlie, Gillis, Gould, Gray, Gwadosky, Hall, Hanson, Hickey, Howe, Hunter, Immonen, Jackson, Jalbert, Joyce, Kane, Laffin, Lancaster, Lizotte, Lund, MacBride, MacEachern, Mahany, Marshall, McPherson, McSweeney, Morton, Nelson, N.; Paul, Pearson, Post, Reeves, J.; Roope, Sherburne, Silsby, Simon, Smith, Stetson, Stover, Theriault, Tozier, Viollette, Vose, Whittemore, Wood, Wyman

ABSENT — Barry, Beaulieu, Berry, Birt, Bowden, Bunker, Carter, F.; Churchill, Cloutier, Davis, Dudley, Garsoe, Huber, Hughes, Jacques, E.; Locke, Lougee, Masterman, Maxwell, McKean, Michael, Norris, Prescott, Sprowl, Strout, Tierney, Torrey, Vincent
Yes, 59; No, 63; Absent, 28.

The SPEAKER: Fifty-nine having voted in the affirmative and sixty-three in the negative, with twenty-eight being absent, the motion does not prevail.

On motion of Mr. Connolly of Portland, the House reconsidered its action of earlier in the day whereby Bill "An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations Relating to the Operation or Use of Motor Vehicles on Streets and Highways," Senate Paper 183, L. D. 413, was passed to be engrossed.

The same gentleman moved the indefinite postponement of the Bill and all its accompanying papers.

On motion of the same gentleman, tabled pending his motion to indefinitely postpone and tomorrow assigned.

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

Mr. LaPLANTE: Mr. Speaker, I move that we reconsider our action of earlier whereby Bill "An Act to Establish a Uniform Allowance for Deputy Sheriffs," House Paper 70, L. D. 80, was indefinitely postponed.

I further move that this be tabled for one legislative day.

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

Mr. McHENRY: Mr. Speaker, I believe the gentleman did not vote on the prevailing side.

The SPEAKER: The Chair would advise the gentleman that there is no way to check that; there was no roll call.

Thereupon, Mr. McHenry of Madawaska requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Sabattus, Mr. LaPlante, that this matter be tabled pending his motion to reconsider and tomorrow assigned. All those in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 55 having voted in the negative, the motion did not

prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Sabattus, Mr. LaPlante, that the House reconsider its action whereby the Bill and all its accompanying papers were indefinitely postponed. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

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

Mr. HOBBS: Mr. Speaker, I move we reconsider our action of earlier in the day whereby An Act to Expand the Availability of Appointment of Bail Commissioners and to Lessen the Burden upon Sheriffs and the Court for "Prompt Bail Review", Senate Paper 470, L. D. 1418, was passed to be enacted.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act Relating to Permits for Contract Carriers," (H. P. 577) (L. D. 725) (C. "A" H-347) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. Davies of Orono, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-357) was read by the Clerk.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: Inadvertently, when the committee amendment was conveyed to the Legislative Research Office, one section of it was not sent along. This amendment to the committee amendment would restore it to the bill. It was a provision by which contract carriers who are in the process of having their rights clarified in the six months previous to the enactment of this legislation would have an opportunity to come back in under the new provisions of the clarification law and have their case reconsidered so that they do not suffer adversely from the clarification procedures.

It is supported by the entire membership of the committee and it is a very important aspect to the bill. I hope you will accept it.

Thereupon, House Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Mr. McHenry of Madawaska was granted unanimous consent to address the House.

Mr. McHENRY: Mr. Speaker, I would like to say to the House that Bill "An Act Amending the Permanent Impairment Provisions under the Workers' Compensation Act," Senate Paper 321, L. D. 951, was kicked out of the committee and on the calendar Monday and we had a work session on Friday. I had signed the jacket "ought to pass" but I am not going to fight it anymore than this. I just wanted to let you know.

(Off Record Remarks)

On motion of Mr. Kelleher of Bangor, adjourned until nine o'clock tomorrow morning.