

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

Wednesday, May 9, 1979

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

Prayer by the Reverend W. E. Jackson of St. Andrews Episcopal Church, Readfield.

Rev. JACKSON: Let us pray! Almighty God, who has given us this good land for our heritage, we humbly pray you that we might always prove ourselves as people mindful of your favor and glad to do your will. Bless our state with honorable industry, sound learning and pure manners. Save us from violence, discord and confusion, from pride and arrogance and from every evil way. Defend our liberties and fashion our future and deal with the spirit of wisdom those to whom in your name we entrust the authority of government, that there may be justice and peace and that through obedience to your law, we may show forth your praise. In time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in you to fail.

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth, we pray you so to guide and bless our representatives here assembled in this legislature that they may enact such laws as shall be pleasing to you, to the glory of your name and to the welfare of its people, through Jesus Christ, Our Lord. Amen.

The journal of yesterday was read and approved.

Papers from the Senate Reports of Committees Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Authorizing the City of Portland to Lease to the State its Central Fire Station Presently Located on Land Known as Lincoln Park Extension for Court use and for the Administration of a Court System" (S. P. 110) (L. D. 214)

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

Ought to Pass

Report of the Committee on Health and Institutional Services reporting "Ought to Pass" on Bill "An Act to Amend the Law with Regard to the Diagnostic Laboratory of the Department of Human Services" (S. P. 406) (L. D. 1245)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-149)

In the House, the Report was read and accepted and the Bill read once. Senate Amendment "A" (S-149) read and adopted and the Bill assigned for second reading, Thursday, May 10.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-145) on Bill "An Act to Assist Handicapped Workers in Returning to Employment by Transfer to Suitable Work" (S. P. 322) (L. D. 952)

Report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate.
Mrs. MARTIN of Brunswick
Mr. BAKER of Portland
Mrs. BEAULIEU of Portland
Messrs. McHENRY of Madawaska
WYMAN of Pittsfield
TUTTLE of Sanford

— of the House.

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

Report was signed by the following members:
Messrs. SUTTON of Oxford

LOVELL of York

— of the Senate.

Messrs. DEXTER of Kingfield
CUNNINGHAM of New Gloucester
Mrs. LEWIS of Auburn
Mr. FILLMORE of Freeport

— of the House.

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

In the House: Reports were read.

On motion of Mr. Vincent of Portland, the Majority "Ought to Pass" Report was accepted in non-concurrence and the Bill read once. Committee Amendment "A" (S-145) was read by the Clerk and adopted in non-concurrence and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act Concerning Contracts of Town Managers" (S. P. 456) (L. D. 1369)

Report was signed by the following members:

Messrs. REDMOND of Somerset
COTE of Androscoggin
EMERSON of Penobscot

— of the Senate.

Messrs. NELSON of Roque Bluffs
LaPLANTE of Sabattus
BORDEAUX of Mount Desert

Mrs. WENTWORTH of Wells

Messrs. DRINKWATER of Belfast
L. DUTREMBLE of Biddeford
STOVER of West Bath

— of the House.

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

Report was signed by the following members:

Messrs. McMAHON of Kennebunk
BROWN of Livermore Falls
McHENRY of Madawaska

— of the House.

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

In the House: Reports were read.

On motion of Mr. LaPlante of Sabattus, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act to Base Adjustments of Retirement Allowances on Cost of Living" (S. P. 130) (L. D. 307)

Report was signed by the following members:

Messrs. SILVERMAN of Washington
LOVELL of York
TEAGUE of Somerset

— of the Senate.

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

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-147) on same Bill.

Report was signed by the following members:

Mrs. NELSON of Portland
Messrs. THERIAULT of Rumford
HICKEY of Augusta

— of the House.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed.

In the House: Reports were read.

On motion of Mrs. Nelson of Portland, the Minority "Ought to Pass" Report was ac-

cepted in non-concurrence and the Bill read once. Committee Amendment "A" (S-147) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill, "An Act to Establish Holiday Pay for Deputy Sheriffs" (H. P. 104) (L. D. 114) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on May 4, 1979.

Came from the Senate with the Majority "Ought to Pass" Report of the Committee on Local and County Government read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mr. McHENRY: Mr. Speaker, I move that we adhere.

Whereupon, Mr. Gray of Rockland requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Madawaska, Mr. McHenry, that the House adhere. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to General Assistance" (H. P. 859) (L. D. 1070) on which the Majority "Ought to Pass" in New Draft under New Title Bill "An Act Relating to State Participation in General Assistance Programs" (H. P. 1356) (L. D. 1592) Report of the Committee on Health and Institutional Services was read and accepted and the New Draft passed to be engrossed in the House on May 3, 1979.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mrs. Prescott of Hampden, the House voted to recede.

On motion of the same gentlewoman, tabled pending passage to be engrossed in non-concurrence and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Concerning Benefits for Fire Fighters under the State Retirement System for Heart or Lung Injuries" (H. P. 583) (L. D. 733) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-324) Report of the Committee on Aging, Retirement and Veterans was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-324) in the House on May 7, 1979.

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

In the House: On motion of Mrs. Nelson of Portland, the House voted to insist.

Messages and Documents

The Following Communication: (S. P. 540)

State of Maine

One Hundred and Ninth Legislature
COMMITTEE ON TAXATION

April 19, 1979

Senator Richard H. Pierce
Chairman
Legislative Council
State House
Augusta, Maine 04333
Dear Senator Pierce:

In accordance with the directive contained in H. P. 2351 of the 108th Legislature and the request of the Legislative Council, the Joint Standing Committee on Taxation hereby submits its report on the subject of "a uniform

state policy on the use of state employment and investment tax credits." Although the Committee recommends no specific legislation, its report discusses a few measures that might be appropriate including certain bills now before the Legislature.

Sincerely,
S/THOMAS M. TEAGUE
Senate Chairman
S/BONNIE POST
House Chairwoman

Came from the Senate Read and with Accompanying Report ordered placed on file.

In the House, was Read and with Accompanying Report ordered placed on file in concurrence.

Petitions, Bills and Resolves Requiring Reference

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

Labor

Bill "An Act to Ensure the Prompt Decision of Cases Before the Workers' Compensation Commission" (H. P. 1380) (L. D. 1605) (Presented by Mr. Wyman of Pittsfield) (Cosponsors: Mr. Tuttle of Sanford and Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Later Today Assigned

Bill "An Act Relating to Motor Carrier Reform" (H. P. 1381) (L. D. 1606) (Presented by Mr. Howe of South Portland) (Cosponsor: Mr. Davies of Orono)

Committee on Public Utilities was suggested.

On motion of Mr. Davies of Orono, tabled pending reference and later today assigned.

Orders

An Expression of Legislative Sentiment (H. P. 1376) recognizing that:

Dave Whitlow has resigned his post as Town Manager of Falmouth after serving the community well for the past 5 years.

Presented by Mrs. Huber of Falmouth (Cosponsor: Senator Huber of Cumberland)

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

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 1377) recognizing that:

Dan Bolduc, of Waterville, a former Olympic hockey player and presently a member of the Detroit Red Wings Hockey Team, had displayed outstanding achievement in the sport of hockey.

Presented by Mr. Jacques of Waterville (Cosponsors: Mrs. Kany of Waterville, Mr. Boudreau of Waterville, and Senator Pierce of Kennebec)

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

House Reports of Committees Ought Not to Pass

Mr. Lougee from the Committee on Transportation on Bill "An Act to Permit Conventional Registration of Institutional Vehicles" (H. P. 1108) (L. D. 1358) reporting "Ought Not to Pass"

Mr. Strout from the Committee on Transportation on Bill "An Act Relating to Winter Driving Skills Under the Motor Vehicle Laws." (H. P. 1107) (L. D. 1356) reporting "Ought Not to Pass"

Mrs. Hutchings from the Committee on Transportation on Bill "An Act to Revise the Method of Collection of Tolls on the Maine Turnpike" (H. P. 869) (L. D. 1075) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and

sent up for concurrence.

Leave to Withdraw

Mr. McPherson from the Committee on Transportation on Bill "An Act to Authorize a Bond Issue in the Amount of \$526,000 for Expansion and Improvement of the Sanford Municipal Airport" (H. P. 963) (L. D. 1211) reporting "Leave to Withdraw"

Mrs. Locke from the Committee on Agriculture on Bill "An Act Concerning Regulations of the Department of Agriculture Governing Organic Fertilizers" (H. P. 1015) (L. D. 1249) reporting "Leave to Withdraw"

Mr. Lougee from the Committee on Transportation on Bill "An Act to Repeal the Agent Requirement for the Issuance of Certain Semitrailer Permits" (H. P. 716) (L. D. 889) reporting "Leave to Withdraw"

Mrs. Kany from the Committee on State Government on Bill "An Act to Amend the Administrative Procedure Act by Providing for Prospective Review of Agency Rules by the Legislature" (H. P. 381) (L. D. 488) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Brannigan from the Committee on Business Legislation on Bill "An Act Providing for Interest and Receipts for Security Deposits" (H. P. 507) (L. D. 624) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Protecting Security Deposits" (H. P. 1378) (L. D. 1603)

Mrs. Kany from the Committee on State Government on Bill, "An Act to Increase the Salaries of the Workers' Compensation Commissioners" (H. P. 756) (L. D. 938) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide for Full-time Workers' Compensation Commissioners and to Organize the Administration of the Commission" (H. P. 1379) (L. D. 1604)

Reports were read and accepted, the New Drafts read once and assigned for second reading, Thursday, May 10.

Ought to Pass

Mr. Immonen from the Committee on Taxation on Bill "An Act Relating to Gifts in Contemplation of Death" (H. P. 1145) (L. D. 1407) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-363)

Reports were read and accepted and the Bill read once. Committee Amendment "A" was read and adopted and the Bill assigned for second reading, Thursday, May 10.

Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act to Include Teachers in the Hope Training School for Retarded Children in the Maine State Retirement System" (H. P. 1177) (L. D. 1442)

Report was signed by the following members:

Messrs. SILVERMAN of Washington
LOVELL of York
TEAGUE of Somerset

— of the Senate.

Mr. REEVES of Newport
Mrs. NELSON of Portland
Messrs. HANSON of Kennebunkport
HICKEY of Augusta

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-354) on same Bill.

Report was signed by the following members:

Messrs. DELLERT of Gardiner
CHURCHILL of Orland
PAUL of Sanford
THERIAULT of Rumford
LOWE of Winterport

STUDLEY of Berwick

— of the House.

Reports were read.

On motion of Mr. Theriault of Rumford, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-354) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act to Require that Most Hearings and Records Concerning Juvenile Crimes be Open to the Public" (H. P. 1091) (L. D. 1383) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify the Provision Relating to Hearings on Juvenile Crimes and to Establish an Experimental Program for Education" (H. P. 1375) (L. D. 1601)

Report was signed by the following members:

Messrs. COLLINS of Knox
DEVOE of Penobscot

— of the Senate.

Messrs. GRAY of Rockland
SILSBY of Ellsworth
LAFFIN of Westbrook
STETSON of Wiscasset
JOYCE of Portland
Mrs. SEWALL of Newcastle
Mr. SIMON of Lewiston

— of the House.

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

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin

— of the Senate.

Messrs. HOBBS of Saco
CARRIER of Westbrook

— of the House.

Reports were read.

Mr. Hobbins of Saco moved that the Minority "Ought Not to Pass" Report be accepted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Hobbins of Saco to accept the Minority Report and tomorrow assigned.

Consent Calendar First Day

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

(H. P. 1104) (L. D. 1319) Bill "An Act to Require Payment of Taxes on Timberland Repossessed by the Maine Guarantee Authority" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-358)

(H. P. 1163) (L. D. 1468) Bill "An Act to Allow the Board of Environmental Protection to Regulate Activities Affecting Sand Dunes under the Alteration of Coastal Wetlands Program" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-360)

(H. P. 291) (L. D. 388) Bill "An Act to Amend the Maine Veterinary Practice Act of 1975" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-361)

(H. P. 1109) (L. D. 1372) Bill "An Act Concerning State Highways and Parking on State Controlled Property" Committee on Transportation reporting "Ought to Pass"

(S. P. 421) (L. D. 1315) Bill "An Act to Permit Municipalities to Issue Bonds Under the Municipal Securities Approval Act for Water Supply Systems Projects" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-146)

(S. P. 404) (L. D. 1255) Bill "An Act to Amend the Charter of the Portland Water District" Committee on Public Utilities reporting

"Ought to Pass"

(S. P. 399) (L. D. 1204) Bill "An Act to Transfer the Board of Registration for Professional Foresters from the Department of Conservation to the Department of Business Regulation" Committee on Business Legislation reporting "Ought to Pass"

(S. P. 446) (L. D. 1366) Bill "An Act Concerning Licensing Manufactured Housing Dealers, Itinerant Vendors, Lightning Rod Salesmen and Apprentices and Helper Electricians" Committee on Business Legislation reporting "Ought to Pass"

(S. P. 398) (L. D. 1216) Bill "An Act to Transfer the State Board of Certification for Geologists and Soil Scientists to the Department of Business Regulation" Committee on Business Legislation reporting "Ought to Pass"

(S. P. 390) (L. D. 1201) Bill "An Act to Revise the Qualifications for Electricians" Committee on Business Legislation reporting "Ought to Pass"

(H. P. 292) (L. D. 389) Bill "An Act Authorizing the Issuing of Ex Parte Orders by the Courts and Complaint Justices to Allow Humane Agents and other Authorized Officers to take Possession of Neglected, Mistreated or Injured Animals" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-362)

(H. P. 560) (L. D. 707) Bill "An Act to Permit Juveniles in the Custody of the Department of Mental Health and Corrections to Receive Services from the Department of Human Services" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-365)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 10, 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. 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" (C. "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" (C. "A" S-142)

(H. P. 613) (L. D. 777) Bill "An Act Creating a Statehouse and Blaine House Commission" (C. "A" H-352)

(H. P. 1034) (L. D. 1282) Bill "An Act to Refine the State's Accounting System" (C. "A" H-351)

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.

Later Today Assigned

(H. P. 937) (L. D. 1147) Bill "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education" (C. "A" H-353)

On the objection of Mr. Connolly of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-353) was read by the Clerk.

On motion of Mr. Connolly of Portland, tabled pending adoption of Committee Amendment "A" and later today assigned.

Second Reader Tabled and Assigned

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)

Reports were read.

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

Mr. McMahon of Kennebunk offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-364) was read by the Clerk.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I presume my error in speaking too quickly a moment ago had at least one beneficial effect. That is, I hope you all found filing number H-364 on your desk and looked at it. I would ask you to do so, keeping in mind the debate which took place yesterday on this bill.

I wrote this amendment yesterday afternoon and specifically tried to cover the points that were raised in yesterday's debate. This amendment has the approval of the cosponsors of the Bill as well as Representative Tuttle, the sponsor. The amendment, if you have it now in front of you H-364, I would like to go through it; it is not long. The amendment is amendment to the bill that would replace the bill, so from this point on, hopefully we will be talking about the amendment itself.

In a new section, 821 we have tried to address the question of the time of the leave and the amendment specifies the leave shall be during the time the legislature is in session. We have added another sentence that says that nothing in this section shall prohibit an employer and an employee from agreeing to a longer period of time, for an employees leave, if that is so desired. We have tried to cover the situation of the certified teacher in the private school by making Title 20, Section 2001 apply to that individual for the purpose of this section. We go on and also address the method of the notice and stipulate that a written notice must be given at least 90 days prior to a person becoming a candidate as defined in the Election Laws. The written notice requirement is similar to Title 20, section 2001, where a similar notice is required from a teacher prior to this contract period being renewed.

On the back side of this, we continue the language of the bill but we do add a change, about the fifth line, we say that an employee may discontinue employer paid benefits or make them contributory during the time of the leave of absence. This is so the employer will not be required to continue employer paid benefits such as Blue Cross, Blue Shield and other insurances if he does not wish to do so. Of course, those benefits are available to us as legislators here. So, both the employer and the employee, hopefully, would have their needs in this area satisfied.

We go on and say, the bill does, that the leave of absence may be with or without pay at the discretion of the employer and then we add an exemption for employers, who employ fewer than ten employees. I truly hope this addresses the kind of concerns that many of you had yesterday. I appreciate the fact, as do the sponsors, that yesterday you agreed to allow this bill to come to second reader for the purpose of amendment. I hope today that you can support it.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I do object to House Amendment "A" and would move that it be indefinitely postponed.

House Amendment "A" certainly improves this bill considerably over what it was to begin with. However, I still feel it is a direct infringement on peoples private business. If people want to be in business in this state, I think that they should be able to choose how they want to run their business and they certainly should not have the government telling them what they can or cannot do, as far as the employees run-

ning for public office.

You notice this is just the legislature, it doesn't even include any other kind of an office that a person might want to run for. I don't know what the situation would be if a Maine person were, for example, if he lived on the New Hampshire border or the Canadian border, suppose the Maine person worked outside of the state. I presume that those people would be excluded, those Maine citizens would be excluded, because I don't think we can tell New Hampshire or Candian employers how they should run their business, anymore than I think we ought to be telling Maine People how to run theirs.

To me it is just a terrible government infringement upon peoples' rights, so, therefore, I cannot possibly vote for this amendment.

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

Mr. TUTTLE: Mr. Speaker, I request a division and hope that you vote against indefinite postponement.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: With knack for making errors, I hope I don't make the gravest error of all and see this amendment defeated.

The arguments that were advanced by the gentlelady are, in my view, rather shallow in view of the discussion that she and others had yesterday about their concern for small business. The amendment attempts to address the concern many of you had by exempting small business people in Maine and also by providing other changes that hopefully will make this a more palatable amendment for both employers and employees.

The real issue, I think, is whether or not we are anxious to encourage a broad cross-section of Maine people to serve in this legislature. The situation with regard to the legislature is unique. Other officials, county, town officials can serve on a part-time basis and can do so rather easily and still hold their employment. That is not true with a legislator and that is why this bill only addresses legislative service.

There is a precedent in the law now for teachers. As I said yesterday, as a former teacher, I think there is a certain inequity in allowing this for teachers and not for allowing it for everyone else. So, I truly hope that you will support this amendment and will vote against the pending motion.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: A question. Are we voting on the entire bill?

The SPEAKER: The Chair would answer in the negative. The only question we are now voting on is the motion of the gentleman from Auburn, Mrs. Lewis to indefinitely postpone House Amendment "A" which was offered by the gentleman from Kennebunk, Mr. McMahon.

The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: The amendment is now the whole bill as I see it.

I couldn't be comfortable voting for this. For 35 and a half years, I was connected with an out-of-state firm and I think this would be bad legislation.

I hope that you will join with Mrs. Lewis in the indefinite postponement of this amendment, the bill and all accompanying papers.

The SPEAKER: The Chair would advise the gentleman that is not the motion.

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 ex-

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

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 of the amendment.

I would like to know just how many employers in the State of Maine who would qualify under this amendment, who are not already granting such leave of absence? If he could give me an idea of how many such employers and how many such employees would be affected thereby?

The SPEAKER: The gentleman from Wiscasset, Mr. Stetson, posed a question through the Chair to the gentleman from Kennebunk, Mr. McMahon, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, the answer to that question is not with this legislator, perhaps the person who asked the question can provide his own answer.

I would address a question to the Speaker however, and that is, is it not true that if this amendment is defeated we will then be dealing with the bill as it was printed? But that if this amendment is passed, we will then have to vote on the bill as amended.

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I have read the amendment and I am between a rock and a hard place in whether to support the amendment or not. As you know, I am against the bill. The amendment does little to make it really palatable in its total intent. However, if ultimately we have to swallow this kind of legislation, I would hope that we would swallow it with the amendment on it. So, I guess maybe it is a mistake on my part but I would sooner support the amendment and then I hope you will join me and feel free to kill the whole blooming thing a little later on. So, I am going to vote for the amendment, but not with the idea that it will ultimately be the best piece of legislation this House can put out.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I feel exactly the way that the gentleman from Woolwich, Mr. Leonard feels and I wonder if I should withdraw my motion to indefinitely postpone the amendment and could I then move to indefinitely postpone the bill and its accompanying papers?

The SPEAKER: The Chair would advise the gentlewoman that it is her prerogative to withdraw her motion to indefinitely postpone.

Mrs. LEWIS: The Amendment? And then, at the same time, can I make the motion to indefinitely postpone the bill and accompanying papers?

The SPEAKER: The Chair would advise the gentlewoman that, at the same time, she could not do that since the amendment would still be before this body. However, she may make the motion to indefinitely postpone the bill once House Amendment "A" has been adopted by this body.

Mrs. Lewis of Auburn withdrew her motion to indefinitely postpone House Amendment "A".

Thereupon, House Amendment "A" (H-364) was adopted.

Mrs. Lewis of Auburn moved that the bill and all accompanying papers be indefinitely postponed.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I want to commend the

gentleman from Kennebunk, Mr. McMahon, for taking upon himself the responsibility of drafting this amendment.

The amendment, for all intents and purposes, is now the bill, so I find it very difficult to understand how anyone could support the amendment but now vote against the bill, since now the bill as amended is the amendment, you see.

If you will notice in the beginning of the amendment, it says "Amend the bill by striking out everything after the enacting clause." So, I hope that no one is under any confusion that they supported the amendment but they are going to oppose the bill, because the amendment is the bill. You can't do one without the other. I want to make that point very clear.

Also, I think, if I remember the debate accurately, the debate yesterday, I do believe that this amendment deals with just about every issue that was raised in opposition to this bill. If those objections were sincere, and I can only assume that they were, and all of them have been addressed to the amendment, I fail to understand what the reason for opposing the bill, which is now the amendment, would be at this point. If someone could clarify for me and give me one substantive reason now, other than the fact that they just don't want to see people encouraged to run for the legislature, if that is the reason, then I can accept that, but I think it ought to be stated, because we have dealt with every issue. Every issue and every reservation that was raised yesterday, I think we have dealt with quite satisfactorily.

I would pose a question, Mr. Speaker, to anyone on the other side who may care to answer, just what the substantive reason for opposing the bill is at this point?

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: My reason for opposing the bill is because I think it is an unnecessary bill. I have been there, this is my fifth term, and I have seen people from all walks of life in this House, and I see no reason why it couldn't continue that way.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a parliamentary question. Has any action been taken on this bill in the other body?

The SPEAKER: The Chair would answer in the negative. This is the first time it has come out of committee.

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

Mr. LEONARD: Mr. Speaker, to answer the gentleman from Pittsfield, Mr. Wyman, two things — one thing is, he says if you supported the amendment, how on earth can you, because it replaces the bill, how on earth can you oppose the legislation now? I say that if I had to have my choice between eating two vegetables I didn't like, I would probably take the one that I liked a little better than the other, at least the one that wouldn't make me gag. In this case, the same thing has happened, so I hope he doesn't try to misconstrue what my feelings are anyway.

Second is, I said yesterday, and it is still true today, regardless whether you have 10 employees, which it now limits it to, that makes it a little bit better but still the thrust of the legislation is wrong, I said the one question you ask yourself when you run, I asked myself this question and I am sure and I know a lot of other people did as well, I said, can I afford to do it, can I afford to serve here? I say there are two questions that should be asked and one is, you ask the question yourself and, second you ask the question of your employer, and your employer says at the time you ask for a leave of absence, can I afford his absence? Because it is a sacrifice on his part as well as your own to have you absent from that corporation or that company or that business or whatever it might

be. This mandates that he make the sacrifice, regardless of the financial consequences not only on himself, but on all of his employees within that company. That, ultimately, will affect the livelihood of all of the employees and is it worth the sacrifice?

I say that the employer is in a much better position to say whether he can, in fact, afford the absence of the employee to serve in the legislature. It is a twofold sacrifice and this only addresses half of it.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to this debate several times here in the House. There is probably no one anymore knowledgeable of this fact, what you are talking about, you are trying to cure, than I am.

Prior to my running each term, I go and ask the superintendent and I ask my immediate supervisors if I can have permission to run for the House. Once I have done this, it is cleared and I have never been refused. I was told that all companies enjoy and encourage people, as a matter of fact, they like to have someone down here.

There is conflict here. If that person was a salaried person, I do think that this amendment might help, but it still isn't necessary, none of this bill is necessary to start with. But if you were a salaried person, you would be in direct conflict and they would own you. Myself, I come here and I do not get paid for any time that I serve in this House of Representatives.

At one time, companies used to do this, they used to guarantee you a 40-hour paycheck all the time you were here, but I think it was around Watergate time, they ceased that, all companies ceased this. After that, the only pay you receive, an hourly paid worker, is the time that you work. I go home on a Friday night and go to work at midnight or four to twelve if I can make it, whatever shift I am supposed to be on, and I do get paid for the weekend that I work, but while I am here, I don't. They really like to have someone. They think you are looking out for their interest. Sometimes they have their doubts about my votes.

I don't think any company in this state would refuse someone to run if it is a company of any size. Small companies, yes, and if you are a salaried employee, yes, or if you are in management. That is all I have to say, and I don't think this bill is necessary.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill is necessary. I think there is a perfect example of the necessity of this bill, because the sponsor of this measure found himself in that particular predicament.

You know, if you believe in democracy and you really think it ought to work and you believe that every American ought to be able to serve his country, then I don't see how you can be opposed to this bill.

There were some objections raised yesterday by a number of people in this House. The sponsor, the chairman of that committee, and the people who were for the bill have tried to clear it up in a compromising manner, every one of those objections.

I still have not heard one person tell me exactly why they don't want everybody to be able to serve in this House. You talk about all walks of life—yes, it is true. We have had all walks of life in this House, but that is not the only point. What we ought to be able to have is, anybody who wants to serve in here who is old enough should be able to serve. It doesn't matter who they are.

I, personally, don't particularly like the 'ten' business. I would have been more comfortable with five, but it is ten, and I will accept that, and I think you should too. After all, are we a closed corporation here? Are we a closed club?

Are we trying to keep people out of here? I am not afraid of people running against me. I might not come back. I might come back, but I think that competition is healthy and I think everybody in this state ought to be able to run.

If an employer is so shallow that he doesn't recognize the value of democracy and the ability of the people in this state to run for office, then that is too bad, that is what this law is going to address, those people that don't understand that.

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

Mr. MORTON: Mr. Speaker and Members of the House: I hate to take issue with my friend, the gentleman from Old Town, but he said he had failed to hear one good reason, and obviously he wasn't listening to the gentleman from Woolwich. The gentleman from Woolwich gave not only one good reason but the very best and really a very important reason, and that was because someone else was being asked to sacrifice as well as the person who is coming here in the legislature. It is just as broad as that. You are mandating to employers that they must support someone coming to the legislature by making sure that their job is available when they get back.

The gentleman from Old Town is concerned with five, ten is better than five, twenty-five is another number one might have used, but it is pretty obvious that if you are dealing with hundreds of employees, the dilution factor becomes less and less, you don't have the problems that you do if you are dealing with small numbers. I am not sure what a proper number would be, but I do feel as though it should be no number and that this bill deserves to be defeated on the basis that it is mandating support when we really should allow these things to be done voluntarily. People should come here with dedication which, as far as I can see, everyone does, and that is what should be the motivating factor to come here, but don't mandate it on employers to have to support this.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I already stated my reason for being opposed to this bill, but Mr. Churchill mentioned something that also is just one facet of my overall objection. I was a salaried employee, and that was one of the many reasons why I think this would be too restrictive on a company. The company that I worked for not only was national but it was international, too, and I don't think this would be a good piece of legislation at all. I do hope we indefinitely postpone this bill and all its accompanying papers once and for all.

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

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

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: When I first read the amendment by my good friend Representative McMahon, I was going to vote for this, but as the debate unfolds and as I sit here and think, I am finding what appears to me to be all kinds of holes in the thing.

First of all, what happens when an employee comes back to what was, say, an 11 man work force that now has been reduced to five or six? How can we help one set of people in their quest for political office by hurting another set of people who have to be fired when they come back? What happens when a man's specialty that he performs for the company is eliminated or changed? It says that the man shall be reemployed if he is still qualified to perform the duties of the position from which he was granted leave. What if that no longer exists? It says that he will be restored to his previous or similar position with the same pay, seniority and

accumulated benefits. My good Lord, the way I read that, that means that he wouldn't be entitled to any intervening raises. If I can think of this many holes in just five minutes that have gone by, I really think that until we can come up with a better bill, that we ought to go along with the motion to indefinitely postpone.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Old Town, Mr. Pearson's flag-waving argument, I would like to know what is so sacrosanct about the position of a legislator in the Maine Legislature as compared with a member of the United States Congress, a sheriff in many of our counties, or any other elected officer who must serve full time who wants to serve his country, his state or his county. Isn't there something terribly inconsistent about saying that we must have this legislation for democratic purposes and limit it only to legislators? Why are the Congressmen, the Senators, why are the sheriffs, why are other elected officials, who must devote substantial amounts of their time to public service, why aren't they included under this same umbrella, this beautiful American flag?

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

Mr. McMAHON: Mr. Speaker and Members of the House: I must rise to answer the previous speaker, as well as the speaker before him. I would say to the good gentleman from Wiscasset that the major difference between a member of Congress and a member of this body is \$52,000 per year. I would also point out to the good gentleman that other officials, such as sheriffs and the commissioners, work either on a full-time basis, such as the sheriff, and this body, just passed a bill earlier this session requiring that all sheriffs in this state be full-time and we appropriate their salaries in the county bill, or they work part-time, as county commissioners do, a couple nights a week in the evening. So, it is only the legislature that is affected and that is why, because it is only legislators that can't afford to serve down here.

I must tell you the reason for my strong interest in this bill. Some of you perhaps know and perhaps I shouldn't tell you, but I am going to anyway in view of the way the debate is going. When I first decided to run for this body six and a half or seven years ago, I had to make a decision whether or not I was going to give up my employment and become a legislator for an existing salary at that time of \$3500. After some discussion in my family, I made that decision and ran and was elected to this House.

I worked at four part-time jobs during my first term down here, along with the gentleman from Lisbon Falls, Mr. Tierney. He and I came and went from this body in many hours in many frames of mind because of our family obligations. I don't make any excuse for that, I don't ask for any praise for that, I simply state it as a matter of fact. Fortunately, that is not my situation now, but I hope by my strong support of this amendment, which is now the bill, and hopefully, with your support, that no other legislator will have to do that kind of thing for the privilege of serving in this body and serving the people of this state.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When I came to the legislature in 1969, there was no limit on the number of days that we served here. In fact, I think that first session that I was here, we went to June 5th or 6th. In the last several years, the legislature, itself, has tried to streamline the process, and in doing that, we have reduced the number of days of our serving in here by putting a mandatory limit of 100 days for an annual session and 60 days on a special session. There isn't one single one of us here, I believe, that isn't serving without offering some per-

sonal sacrifice in being a member of this distinguished body. I find it a privilege to serve here, as I am sure each and every one of you do. I don't believe that we should be passing legislation that would be guaranteeing our existence in any way, shape or form, no matter how it has been amended to suit the good gentleman from Kennebunk or for anyone else in this House. This is a citizen legislature and I suggest that if we pass legislation such as this, we would be trying to make it more professional than some people think it is.

I highly endorse the recommendation of indefinitely postponing this bill, and I hope you support the motion this morning, not for just yourselves but for the citizens of this state.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the good gentleman from Bangor, Mr. Kelleher, that I am not seeking re-election to this body and, therefore, my motives for sponsoring this amendment do not benefit me whatsoever.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In response to the good gentleman, I listened to the debate yesterday and I entirely understood what you said.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I see this as an interesting token and I think probably we deserve this token. We have other tokens, we get pretty license plates, we get places to park, we get various things, and if you really want to do something to make everybody able to serve in this legislature and make it easier, let's raise the pay.

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

A vote of the House was taken.

Mr. Tuttle of Sanford 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 Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: After listening to much debate this morning and listening to a number of comments, I would like to basically start out with the amendment that the gentleman from Kennebunk, Mr. McMahon, has presented. It is important; it does four things that were brought up yesterday in the debate. It clarifies the language that caused considerable debate and I don't understand the reason for the objections today. It protects those private sector teachers not covered. It specifies that written notice of intent has to be 90 days prior to that candidate becoming a candidate. It also exempts employers employing fewer than 10 employees, which I feel is very important. I feel that this joint effort in the construction of this amendment, which is the bill now, meets the legitimate concerns of all those who expressed problems with the bill yesterday.

As I did say yesterday, obviously this proposal suggests placing a burden on some employers, but I feel that this burden would be far outweighed by the public interest that this bill would serve. It would open to all economic classes of citizens the opportunity to serve here in the legislature. That is a very important

thing. Currently, a man or woman, as the debate has brought out here, who depends on a job to put food on his or her family table and to assure some sort of secure retirement, must sacrifice that job as I did, as Mr. McMahon did, as a lot of you in here today have done. If that person wishes to be a representative up here, there is an extraordinary sacrifice that person has to make.

Further, this bill affects both public and private sector; therefore, it is all who carry the burden and it is all who would be benefited by this legislation.

I would also ask you to keep in mind that this proposal would affect a very limited or relatively few, we are talking about 184 people, employees or employers. Therefore, I hope that you would vote against the motion to indefinitely postpone.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Very briefly, I consider it an honor to be here. I also want you to know that it is quite a sacrifice for me to be here. I don't want to sound facetious either. I know that in my own business I can earn probably \$150 a day without working too hard, and I don't work too hard here, so I feel as though to be here I make a sacrifice. It looks to me like this bill is trying to get some people here without any sacrifice. I see some attorneys here and I know that it must be a sacrifice for them to be here. As I look around, I see several people that must sacrifice to be here.

Now, this bill tends to put the sacrifice on the employer rather than the employee, as I see it, and he is not interested in running for this office. If he was, he would take the sacrifice on his own like I did and run. So, I think it is a very poor bill and is another bill that says that industry has got to do something that they don't wish to do in most cases.

However, it has been stated in this House and it is a fact that most major companies do enjoy their employees being here, but there are some that do not or there is that particular person that wants to come here that is in such a key position it would bother not only the small industry that he works for but the other employees, because he may be a key man there. I think it is a very bad piece of legislation and I hope it is indefinitely postponed.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I have kept quiet through this whole debate and watched in amazement some of the rationalization that is being provided for non-passage of this bill.

I work for a rather large company. I am very happy to be here but, most of all, I am grateful because my company allowed me to be here.

While I am here I get no benefits, no pay, but I know that they are there when I leave here. That is vitally important to my company, but I think I am important to the constituents I serve. I see no reason why a nurse, a reporter, a waitress, a police officer or a firefighter can't serve here. We are allowing an exemption for our educators to be here. Why not grant that same privilege to other people. As far as I am concerned, they would have as much to contribute to this body and to the policies of this state as I do. So, if I can be here, I certainly feel that those who are disenfranchised now should be given the same privileges. My company does not suffer because I am here because they are not accountable to me while I am here, but I am glad that I am able to go back.

For the small employers, I guess I would look at it from this way, What do they do when an employee is out on a long-term illness or disability? They are paying while he is out; at least they would not be paying while he is here. I certainly hope you will not indefinitely postpone this bill.

The SPEAKER: A roll call has been ordered.

The pending question is on the motion of the gentlelady from Auburn, Mrs. Lewis, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

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

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

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

Mrs. HUBER: Mr. Speaker. I request permission to pair my vote with the gentleman from Lisbon Falls, Mr. Tierney. If he were here he would be voting no; and if I were voting, I would be voting yes.

ROLL CALL

YEA—Aloupis, Austin, Berry, Berube, Bordeaux, Boudreau, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Churchill, Conary, Curtis, Damren, Davis, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Mahany, Masterman, Matthews, Maxwell, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Tozier, Twitcheil, Whittemore, Wood.

NAY—Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Cloutier, Connolly, Cox, Cunningham, Curtis, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gray, Gwadosky, Hall, Hanson, Hobbins, Howe, Hughes, Joyce, Kane, Kany, Laffin, LaPlante, Lizotte, Locke, MacEachern, Marshall, Martin, A.; McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Theriault, Tuttle, Vincent, Violette, Vose, Wentworth, Wyman.

ABSENT—Bowden, Dellert, Jacques, E.; Masterton, Strout.

PAIRED—Huber; Tierney, and Jalbert; Silsby.

Yes, 73; No, 68; Absent, 5; Paired, 4.

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

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

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

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

Mrs. MITCHELL: Mr. Speaker, I move this matter be tabled one legislative day.

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

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

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

Mr. DUDLEY: Mr. Speaker, I request a roll call on the tabling motion.

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 Vassalboro, Mrs. Mitchell, that this matter be tabled one legislative day pending the motion of the gentleman from Bangor, Mr. Kelleher, to reconsider. All in favor of that motion will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA—Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Cloutier, Connolly, Cox, Cunningham, Curtis, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Joyce, Kane, Kany, Laffin, LaPlante, Lizotte, Locke, MacEachern, Marshall, Martin, A.; Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Theriault, Tuttle, Twitcheil, Vincent, Violette, Vose, Wentworth, Wood, Wyman. The Speaker.

NAY—Aloupis, Austin, Berube, Bordeaux, Boudreau, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Churchill, Conary, Damren, Davies, Davis, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Mahany, Masterman, Matthews, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Tozier, Whittemore.

ABSENT—Bowden, Dellert, Jacques, E.; Jalbert, Masterton, Strout.

PAIRED—Huber-Tierney.

Yes, 74; No, 69; Absent, 6; Paired, 2.

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

Bill "An Act Relating to Arbitration under the State Employees Labor Relations Act" (H. P. 142) (L. D. 162)

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

Amended Bills

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) (C. "A" H-346)

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) (H. "A" H-330 to C. "A" H-327)

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

Passed to Be Enacted Emergency Measure

An Act to Provide for Temporary Driver Education Teacher Certification (H. P. 237) (L. D. 283) (C. "A" H-274)

Was reported by the Committee on En-

grossed 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. 112 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

An Act to Improve Survivor Benefits under the Maine State Retirement System (H. P. 260) (L. D. 341) (C. "A" H-299)

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

An Act Regulating Business Practices Between Motion Picture Distributors and Exhibitors (H. P. 365) (L. D. 473) (H. "A" H-220 to C. "A" H-206)

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

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

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

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

ROLL CALL

YEA—Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Bunker, Call, Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cunningham, Curtis, Damren, Davies, Davis, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gould, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Jackson, Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, Paul, Payne, Pearson, Peterson, Post, Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman.

NAY—Brown, K. L.; Carter, F.; Cox, Howe, Hutchings, Immonen, Leonard, Lewis, Morton, Prescott, Whittemore.

ABSENT—Boudreau, Bowden, Conary, Delert, Dexter, Garsoe, Gillis, Gowen, Jacques, E.; Jalbert, Masterton, Norris, Peltier, Reeves, J.; Strout, Tierney.

Yes, 123; No, 11; Absent, 16.

The SPEAKER: One hundred twenty-three having vote in the affirmative and eleven in the negative, with sixteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act Authorizing the State to Contract with Tufts University School of Veterinary Medicine (H. P. 411) (L. D. 528) (H. "A" H-307)

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

On motion of Mr. Rolde of York, tabled pending passage to be enacted and specially assigned for Friday, May 11.

An Act to Amend the Alternative Method of Support Enforcement (H. P. 701) (L. D. 861) (C. "A" H-292)

An Act Relating to the Term of Membership on the Inland Fisheries and Wildlife Advisory Council (H. P. 803) (L. D. 1006) (H. "A" H-305 to C. "A" H-287)

An Act to Provide for Voter Approval of School Construction Projects (H. P. 863) (L. D. 1062) (C. "A" H-303)

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

Orders of the Day

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

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

Tabled — May 4, 1979 by Mrs. Mitchell of Vassalboro.

Pending — Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, retabled pending further consideration and tomorrow assigned.

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

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

Tabled — May 4, 1979 by Mr. Strout of Co-rinth.

Pending — Passage to be Engrossed.

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

Mr. COX: Mr. Speaker, I have an amendment being prepared which has not been returned to this House yet, and I would ask someone to table this for one legislative day.

Whereupon, on motion of Mr. Carroll of Limerick, tabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act to Provide that a Person's Picture shall Appear on His Driver's License and to Provide for a Photographic Identification for Nondrivers" (H. P. 940) (L. D. 1164)

Tabled — May 7, 1979 by Mr. Birt of East Millinocket.

Pending — Motion of Mr. Wood of Sanford to Reconsider Indefinite Postponement of Bill and all Accompanying Papers.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I also have an amendment being prepared. It is ready but it hasn't been distributed yet. I would ask that someone table this for me, please.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending the motion of Mr. Wood of Sanford to reconsider indefinite postponement and tomorrow assigned.

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

An Act Concerning Fire Permits for Registered Guides (H. P. 431) (L. D. 548) (C. "A" H-286)

Tabled — May 7, 1979 by Mr. Dow of West Gardiner.

Pending — Passage to be Enacted.

On motion of Mr. Dow of West Gardiner, retabled pending passage to be enacted and tomorrow assigned.

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

An Act to Establish the Beer and Wine Franchising Act (H. P. 608) (L. D. 776) (C. "A" H-285)

Tabled — May 7, 1979 by Mr. Violette of Van Buren.

Pending — Passage to be Enacted.

On motion of Mr. Violette of Van Buren, retabled pending passage to be enacted and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to Pass" as Amended by Committee Amendment "A" (H-344) — Minority (4) "Ought Not to Pass" — Committee on Labor on Bill, "An Act to Define Suitable Work After the First Twelve Consecutive Weeks of Unemployment" (H. P. 823) (L. D. 1023)

Tabled — May 8, 1979 by Mr. Wyman of Pittsfield.

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

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

Mr. MCHENRY: Mr. Speaker, I would like to have this tabled for one legislative day.

Whereupon, Mr. Wyman of Pittsfield requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Madawaska, Mr. McHenry, that this be tabled pending the motion of Mr. Wyman of Pittsfield to accept the Majority "Ought to Pass" Report and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

63 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

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

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

Tabled — May 8, 1979 by Mr. Carrier of Westbrook.

Pending — Adoption of Committee Amendment "A" (H-338)

On motion of Mr. Violette of Van Buren, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

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

HOUSE REPORT — "Ought to Pass" as Amended by Committee Amendment "A" (H-339) — Committee on Judiciary on Bill, "An Act to Clarify Certain Provisions Relating to the Statistical Reporting of Abortions" (H. P. 545) (L. D. 676)

Tabled — May 8, 1979 by Mrs. Sewall of New-castle.

Pending — Acceptance of the Committee Report.

On motion of Mr. Hobbins of Saco, retabled pending acceptance of the committee report and tomorrow assigned.

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

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)

Tabled — May 8, 1979 by Ms. Benoit of South Portland.

Pending — Passage to be Engrossed.

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

Ms. BENOIT: Mr. Speaker, I am having an

amendment prepared for this and it isn't ready yet. I would like to have it tabled, please.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and tomorrow assigned.

On motion of Mr. Lowe of Winterport, adjourned until nine o'clock tomorrow morning.

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

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 8, 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 specially assigned for Friday, May 11.

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

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

Tabled — May 8, 1979 by Mr. Connolly of Portland.

Pending — Motion of the same gentleman to Indefinitely Postpone Bill and all Accompanying Papers.

On motion of Mr. Connolly of Portland, retabled pending his motion to indefinitely postpone and tomorrow assigned.

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

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)

Tabled — May 8, 1979 by Mr. Hobbins of Saco.

Pending — Motion of the same gentleman to Reconsider Passage to be Enacted.

Mr. Hobbins of Saco withdrew his motion to reconsider.

The Chair laid before the House the following matter:

Bill "An Act Relating to Motor Carrier Reform" (H. P. 1381) (L. D. 1606) which was tabled earlier in the day pending reference.

Thereupon, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education" (H. P. 937) (L. D. 1147) (C. "A" H-353) which was tabled earlier in the day pending adoption of Committee Amendment "A".

On motion of Mr. Connolly of Portland, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

(Off Record Remarks)

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

Bill "An Act to Integrate the Activities of the District Court into the Superior Court" (S. P. 542) (L. D. 1602)

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

In the House, the Bill was referred to the Committee on Judiciary in concurrence.