

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

Friday, May 18, 1979

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

Prayer by Pastor Gordon Fleming of the North Lebanon Second Baptist Church.

Pastor FLEMING: Our blessed, heavenly Father, we are grateful to you for another day. As a psalm says, **this is the day that the Lord has made; rejoice and be glad in it.** Father, we come to you now and we put our needs before you. Your word said that the fear of the Lord is the beginning of wisdom and beginning of knowledge. It also said, if any man lacks wisdom, let him ask of God, who upbraideth not but giveth to all men liberally, and it shall be given him. Father, this is what we come for now as we ask for the wisdom that comes from you so that the decisions made will be glorifying to you, pleasing to you and to the benefit of men that you have made and placed on earth and, Lord, we give you the thanks for it. Thank you in the name of Our Lord, Jesus Christ. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE

Augusta

May 17, 1979

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

Dear Clerk Pert:

The Governor having returned: Bill, "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships", S. P. 310, L. D. 901, together with his objections to the same, the Senate proceeded to vote on the question: "Shall the Bill become a law notwithstanding the objections of the Governor?"

According to the provisions of the Constitution, a yea and nay vote was taken. Seventeen Senators voted in the affirmative and fourteen in the negative, and the Bill accordingly failed to become law, and the veto was sustained.

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 17, 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 action on Bill, "An Act to Eliminate the Boards of Visitors within the Department of Mental Health and Corrections." (H. P. 1143) (L. D. 1405)

Respectfully,

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:

Ed Anderson, President of the Maine Mariners who have just won their second consecutive Calder Cup, has been selected Minor League Hockey Executive of the Year by the **Hockey News** (S. P. 559)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Reports of the Committees

Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Increase the State Tourism Promotion Effort Under the Tourism Promotion and Information Services Act" (S. P. 292) (L. D. 859)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers" (S. P. 74) (L. D. 153)

Report of the Committee on State Government reporting "Leave to Withdraw" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit the Governor to Veto or Reduce Appropriations in Bills and to Permit the Legislature to Override that Veto or Reduction (S. P. 457) (L. D. 1386)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Prevent the Simultaneous Collection of Both Workers' Compensation and Unemployment Compensation Benefits" (S. P. 167) (L. D. 375)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Amend the Oil Burner Men's Licensing Board's Authority to Include Regulation of Oil and Solid Fuel Equipment and the Licensing of Service People" (S. P. 485) (L. D. 1548)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Prohibit Loitering for the Purpose of Engaging in a Criminal Offense" (S. P. 488) (L. D. 1515)

Came from the Senate, with the Reports Read and Accepted.

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Concerning Strikes or Work Stoppages by Public Employees" (S. P. 249) (L. D. 713)

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Messrs. TUTTLE of Sanford

BAKER of Pittsfield

WYMAN of Portland

Mrs. MARTIN of Brunswick

LEWIS of Auburn

Mr. MCHENRY of Madawaska

Mrs. BEAULIEU of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-197) on same Bill.

Report was signed by the following members:

Messrs. SUTTON of Oxford

LOVELL of York

— of the Senate.

Messrs. CUNNINGHAM of New Gloucester

FILLMORE of Freeport

DEXTER of Kingfield

— of the House.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (S-197) Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-197)

In the House: Reports were read.

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

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Authorize a Bond Issue in the

Amount of \$4,500,000 to Make Improvements on State Route 17 in Letter D Township and Rangely Plantation" (S. P. 88) (L. D. 173)

Report was signed by the following members:

Mr. EMERSON of Penobscot

— of the Senate.

Messrs. JACQUES of Lewiston

CARROLL of Limerick

STROUT of Corinth

ELIAS of Madison

McKEAN of Limestone

McPHERSON of Eliot

Mrs. HUTCHINGS of Lincolnville

Mr. HUNTER of Benton

— of the House.

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

Report was signed by the following members:

Messrs. USHER of Cumberland

O'LEARY of Oxford

— of the Senate.

Messrs. LOUGEE of Island Falls

BROWN of Mexico

— 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. McKean of Limestone, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report

Tabled and Assigned

Six Members of the Committee on State Government on Bill "An Act Pertaining to Employment Status of Unclassified Policy-Making Positions" (S. P. 371) (L. D. 1151) report in Report "A" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. AULT of Kennebec

SUTTON of Oxford

— of the Senate.

Messrs. CONARY of Oakland

LANCASTER of Kittery

Mrs. DAMREN of Belgrade

Ms. LUND of Augusta

— of the House.

Six Members of the same Committee on the same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-173)

Report was signed by the following members:

Mr. MARTIN of Aroostook

— of the Senate.

Mrs. REEVES of Pittston

KANY of Waterville

BACHRACH of Brunswick

MASTERTON of Cape Elizabeth

Mr. PARADIS of Augusta

— of the House.

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-174)

Report was signed by the following member:

Mr. BARRY of Fort Kent

— of the House.

Came from the Senate with Report "A" read and accepted.

In the House: Reports were read.

On motion of Mrs. Kany of Waterville, tabled pending acceptance of any Report and special assigned for Tuesday, May 22.

Non-Concurrent Matter

Bill "An Act Pertaining to Motor Vehicles Passing Stopped School Buses" (H. P. 1041) (L. D. 1278) which was passed to be engrossed as amended by House Amendment "A" (H-368) in the House on May 11, 1979

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-368) as amended by Senate Amend-

ment "A" (S-188) thereto in non-concurrence. In the House:

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

Mr. COX: Mr. Speaker, I move we recede and concur with the Senate.

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

Mr. STROUT: Mr. Speaker, I would pose a question. Would I be in order to move indefinite postponement of the bill and accompanying papers?

The SPEAKER: The Chair would answer in the negative, this is a non-concurrent matter. The gentleman may proceed.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would hope today that you would vote against recede and concur.

For the benefit of the members, I would just like to bring to your attention that this bill, as the sponsors are suggesting, that the police first issue a summons to a fictitious person, intentionally lose the case in court and then say, we win anyway because the owner loses his car registration.

L. D. 1278 and the amendments place a burden on the state to prove a negative in criminal court to open the gate to administrative hearings.

I would ask the members, as this proceeds on its way, to look this bill over on the weekend, get the information from people who may be in the legal field or who have better knowledge maybe than I do and maybe some of you.

As I read this statute, it appears to penalize motor vehicles. That concept has no basis in any Title 29 provision. The purpose of any criminal statute is to punish persons, not motor vehicles. So, in effect, the owner of the vehicle is the loser.

If he were the driver of the offending vehicle, he may be convicted for passing a stopped school bus. If he wasn't the driver and the witnesses can't identify the real villain, the owner loses anyway.

I would relate to you that in addition this statute authorizes a judicial suspension of a motor vehicle registration. However, the suspension commences only after a district court hearing. This bill, and its amendment, places a burden on the district court, which, in my opinion, belongs with the Secretary of State.

In order to show cause in a civil proceeding, and would ask some of the questions that maybe you ought to ask people over the weekend — who prepares the order to show cause? The district court has no power. The district attorney's office has no authority and the police have no authority. Who serves the order to show cause on the registered owner? Who pays for the service of process? Who presents the evidence at this hearing in district court? Who is responsible for producing the witnesses?

A uniform traffic ticket cannot be substituted for an order to show cause. L. D. 1278 and its amendments create a presumption in Subsection 2. However, since this bill effectively penalizes not only motor vehicles but also the owner, it creates a second presumption that the owner is at fault for the conduct of an unidentified driver. That presumption undoubtedly fails the constitutional requirements of due process if this were a criminal proceeding.

The 9th Circuit Court of Appeals has announced the principle as follows. Under the due process clause of the 5th and 14th Amendments, the legislature has the power to make proof of one fact or group of facts, evidence of the existence of the ultimate facts upon which guilt of the crime is predicated, but its power is limited to situations where a rational connection exists between the facts proved and the ultimate facts presumed.

I would ask any member if they have any further discussion on this between now and when the bill gets back to us, that I have other information that might be of interest. Therefore, Mr. Speaker, I would let the bill go on its way.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I thought that the gentleman and my colleague from Brewer was going to get up and explain the amendment, particularly after the speech he has just been given raising all kinds of questions, many of which have nothing to do with the bill.

The amendment that has come down to the House that we are asked to recede and concur with tightens the bill up and makes the burden of proof on the state even higher than the bill that we passed here in the House a week ago. Two things would have to be proven in a hearing in a district court. One, the registration number of the license plate would have to be proven beyond a reasonable doubt. Two, there would have to be other identifying features of the car or vehicle also proven beyond a reasonable doubt. And the "beyond reasonable doubt" standard is a standard that is used in a criminal proceeding, and this proceeding is civil. So, we are going to use the high criminal standard of beyond a reasonable doubt for a civil proceeding, which gives additional protection to the owner and registered owner of that vehicle. So this tightens the bill up very, very high, and unless the state could prove beyond a reasonable doubt both the license plate number and other identifying features of that vehicle, the state wouldn't even have a case, wouldn't even have a day in court. So, the bill is tightened up very, very high, and I won't attempt to address all the arguments made here at this time by my colleague, Mr. Strout, because many of them have absolutely nothing to do with the bill.

Thereupon, on motion of Mr. Cox of Brewer, the House voted to recede and concur.

Non-Concurrent 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) which was passed to be engrossed in the House on May 11, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-195) in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Modify the Dispute Resolution Process under the Labor Statutes" (H. P. 824) (L. D. 1035) which was recommended to the Committee on Labor in the House on May 3, 1979.

Came from the Senate with the Majority "Ought to Pass" Report of the Committee on Labor read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "C" (S-198) in non-concurrence.

In the House: On motion of Mr. Wyman of Pittsfield, the House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Act" (H. P. 1139) (L. D. 1518) which was passed to be engrossed as amended by House Amendment "A" (H-318) in the House on May 4, 1979.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-318) as amended by Senate Amendment "A" (S-180) thereto in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and assigned for Monday, May 21.

Non-Concurrent Matter

Bill "An Act Relating to Resident State

Police Troopers" (H. P. 841) (L. D. 1069) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-320) Report of the Committee on State Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-320) in the House on May 15, 1979.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Brooklin, Mr. Bowden.

Mr. BOWDEN: Mr. Speaker and Members of the House: I won't prolong the debate on this bill because we have discussed it before, but I would like to move that the House insist and I would request a roll call on that motion.

The SPEAKER: The Chair recognizes the gentleman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, I would move that the House recede and concur.

Whereupon, Mr. Bowden of Brooklin 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. 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 Pittston, Mrs. Reeves, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Benoit, Berry, Berube, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Call, Carrier, Carroll, Carter, F.; Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Drinkwater, Dudley, Fillmore, Gowen, Gray, Hickey, Jalbert, Kane, Kany, Kelleher, LaPlante, Lowe, Lund, McHenry, McPherson, Michael, Mitchell, Morton, Nelson, M.; Nelson, N.; Pearson, Reeves, J.; Reeves, P.; Rolde, Sherburne, Simon, Soulas, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Wentworth.

NAY — Aloupis, Austin, Barry, Beaulieu, Blodgett, Bordeaux, Boudreau, Bowden, Brown, K.L.; Bunker, Carter, D.; Chonko Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Dow, Du Tremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Garsoe, Gavett, Gillis, Gould, Gwadodsky, Hall, Hanson, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Joyce, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Mckean, McMahon, McSweeney, Nadeau, Nelson, A.; Paradis, Paul, Payne, Peltier, Peterson, Post, Prescott, Rollins, Sewall, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Vose, Whitemore, Wood, Wyman, the Speaker

ABSENT — Birt, Brown, D.; Hobbins, Hughes, Jacques, E.; Marshall, Matthews, Maxwell, Norris, Roope

Yes, 55; No, 86; Absent, 10.

The SPEAKER: Fifty-five having voted in the affirmative and eighty-six in the negative, with ten being absent, the motion does not prevail.

Thereupon, on motion of Mr. Bowden of Brooklin, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Authorize Per Diem for Members of an Advisory Committee or Panel of the New England Regional Fisheries Man-

agement Council" (H. P. 1245) (L. D. 1490) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-405) Report of the Committee on Marine Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-405) in the House on May 16, 1979.

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

In the House: On motion of Mr. Fowlie of Rockland, the House voted to adhere.

Non-Concurrent Matter

Bill, "An Act to Increase the Fee for Tagging Wild Game to \$1" (S. P. 277) (L. D. 843) on which the Majority "Ought Not to Pass" Report of the Committee on Fisheries and Wildlife was read and accepted in the House on May 16, 1979.

Came from the Senate with that Body having adhered to its former action whereby the Minority "Ought to Pass" as amended by Committee Amendment "A" (S-179) Report of the Committee on Fisheries and Wildlife was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-179) in non-concurrence.

In the House: On motion of Mr. Dow of West Gardiner, the House voted to adhere.

Messages and Documents

The following Communication: (S. P. 560)

State of Maine
SENATE CHAMBER
President's Office
Augusta, Maine 04333

May 16, 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 E. Brennan, Commissioner Gordon Weil is nominating H. Donald DeMatteis for the position of Superintendent of the Bureau of Banking.

Pursuant to Title 9-B, M.R.S.A., Section 211, this nomination 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.

In the House, was Read and referred to the Committee on Business Legislation in concurrence.

The following Communication:
COMMITTEE ON AGING, RETIREMENT
AND VETERANS

May 16, 1979

The Honorable John L. Martin
Speaker of the House of Representatives
State House
Augusta, Maine 04333
Dear Speaker Martin:

The Committee on Aging, Retirement and Veterans is pleased to report that it has completed all business placed before it by the First Regular Session of the 109th legislature.

Total Bills Received	51
Unanimous Reports	40
Leave to Withdraw	19
Ought to Pass	10
Ought to Pass as Amended	10
Ought Not to Pass	1
Divided Reports	11

Respectfully,
S/Rep. MERLE NELSON
House Chairwoman

The Communication was read and ordered placed on file.

The SPEAKER: The Chair would like to thank the gentlewoman from Portland, Mrs. Nelson, and members of that committee for being the first committee to finish all their work.

Orders

An Expression of Legislative Sentiment (H. P. 1415) recognizing that:

John A. Hill, retired businessman and beloved "oldest citizen" of Wells, will celebrate his 99th birthday on July 9, 1979

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

House Reports of Committees

Ought Not to Pass — Initiated Bill

Mr. Jackson from the Committee on Business Legislation on Bill "An Act to Repeal the Forced Deposit Law" (I.B. 1) (L. D. 1412) reporting "Ought Not to Pass"

Pursuant to Joint Rule 22, placed in the Legislative Files without further legislative action and set up for concurrence.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you a little bit of background on this, so you will be able to reply to your constituents in regard to it and then I think I will also give you a couple of my own personal opinions.

This bill comes out of the referendum petitions that were circulated and it came to the Business Legislation Committee.

The bill is very simple. It would repeal MRSA, Section 28. We had the hearing, it is the first one that we passed out on a number of bottle bills, it is a unanimous "Ought Not to Pass" from the Business Legislation Committee. The sponsors of the bill, or I should say the people who worked on the referendum, namely, Mrs. Marks, and various other people, came to the committee and tried to tell us that this wasn't really a repeal bill, that this was to allow us to pass new bottle legislation that would liberalize and solve some of the problems in the bottle law. There is no present way that this could be done because of the Constitution of this State.

What we ran into was a problem here that any changes in the bottle law that we pass will have to go on the ballot along with this in November, and if we make any changes, it will be on the ballot. There is one way that we can make some changes, and that would be emergency legislation and the committee, at this point, does hold a number of bottle bills, which we will be having a working session on Monday, and at that time we may be putting together some emergency legislation to address some of the problems that the retailers and the people of Maine are having with the present bottle bill.

The committee felt at this point there was absolutely no way this could be worked on and, therefore, we passed the unanimous "Ought Not to Pass" on it.

My own opinion here, I would like to give you a couple of figures. You can go to the Secretary of State's Office and you can get a complete report on the referendum and the money that was raised and used. The money that was raised on the referendum was \$21,268.32. It is interesting to note that that was raised chiefly from 11 distributors who contributed \$20,468. If you want to go further and look at what these 11 distributors distributed, it was pretty much the same product. There were a couple that varied but generally they were distributing the same product from the same brewer.

It is also interesting to notice that the coordinator for this campaign, Mrs. Marks, received in compensation, pay and expenses \$8,119, and

there were 19 poll workers collecting signatures who received an average of between \$30 and \$36 a piece for a total of \$568.

In my opinion, I think this is a very fine example of an abort referendum. I think certain interests and a fairly narrow segment of interests contributed money, they ran their campaign, they got their signatures, they paid their poll workers and they bought themselves a referendum.

We will see the referendum in November and I hope very much that the referendum is defeated.

Leave to Withdraw

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Impose a Tax on Timber at Harvest to Provide for Reimbursement to Communities for Loss from the Tree Growth Tax Law" (H. P. 1270) (L. D. 1523) reporting "Leave to Withdraw"

The Report was read and accepted and sent up for concurrence.

Mr. Simon from the Committee on Judiciary on Bill "An Act to Establish an Office of Mediation in the Area of Domestic Relations" (H. P. 1211) (L. D. 1541) reporting "Leave to Withdraw"

The Report was read.

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: Speaking for myself and at least a minority on the Judiciary Committee, I would like to make the following statement with respect to this item.

We believe that this is a good idea in general. We support ongoing programs of this nature and we believe the idea deserves further consideration, but we were faced with a situation where the bill came to us too late in the session for us to do it justice, and therefore its sponsors graciously consent to take a "Leave to Withdraw"

Thereupon, the Report was accepted and sent up for concurrence.

Mr. Carrier from the Committee on Judiciary on Bill "An Act Relating to Criminal History Record Information" (H. P. 544) (L. D. 675) reporting "Leave to Withdraw"

Mr. Gray from the Committee on Judiciary on Bill "An Act Concerning Police Records" (H. P. 500) (L. D. 607) reporting "Leave to Withdraw"

The Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Provide Mandatory Penalties for Drunken Driving" (H. P. 43) (L. D. 54)

Report was signed by the following members:

Mr. COLLINS of Knox
Mrs. TRAFTON of Androscoggin
Mr. DEVOE of Penobscot

— of the Senate.

Mr. HOBBS of Saco
Mrs. SEWALL of Newcastle
Messrs. JOYCE of Portland
STETSON of Wiscasset
CARRIER of Westbrook
SIMON of Lewiston

— of the House.

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

Report was signed by the following members:

Messrs. LAFFIN of Westbrook
GRAY of Rockland
SILSBY of Ellsworth

— of the House.

Reports were read.

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

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The bill that we have before us today is a bill that is of great importance to every citizen in the State of Maine because we have too many drunks on our highways, because the drunks that we have on our highways are average people like you and me. During the week, we are just perfect, but Saturday night, we go out, have too much to drink and what happens? We become a menace to society. We are worse than any person with a loaded gun, not so much that we would take one life, but in highway accidents, there is no limit.

I have talked to many people about drinking on the highway and often they say to me, I am a better driver drunk than I am sober. You know, that just shows you how ignorant people can be. We all know today, that drunken drivers are causing 60 percent of the highway accidents that involve fatal accidents. I don't think that is a very good thing for this legislature to let happen out on our streets. I think today we have a chance for a deterrent. We have a chance today to say to the drunken drivers, you drink on our highways, you jeopardize our people, and we are going to put you in jail. I say to you, my friends, that in itself is a deterrent.

How much longer are we going to sit up here and continue to ignore the drunken driver on the highway? It is not the alcoholics. The majority of the alcoholics don't even drive. The people that are killing people on our highways are the average people who drink too much at a party on a Saturday night, but you know they are just as dead if an alcoholic killed them.

What my bill will do on the first offense, it is two days in jail. The second offense, on my bill, it is 30 days in jail. The third offense, it is one year in jail and a \$1,000 fine.

I don't know about you people, but I am asking you today, how much value do you put on your wife's life? How much value on your children? Some of you might say not too much, but others, I am sure, will say that money cannot buy my children's life or my wife's life. To you people, you are the ones I am speaking to today, because you can realize and visualize that no one is immune to the drunken driver. He doesn't pick his victims, he does it unconsciously and he murders without provocation, so nobody is immune. Little children, your wives, no one is protected even on a Sunday afternoon to go out for a drive, because this legislature, and I am just as guilty as anyone else, this legislature gave permission to the people of Maine to buy booze and alcoholic beverages even on a Sunday now. So, you see, they can drink and drive seven days a week. It used to be on Sunday afternoon people felt relatively safe being out on the highways because the drunken driver, as a rule, would not be out on the highway. It wasn't so accessible to him. We have done away with all of that. We have made alcoholic beverages so accessible today that it is at our fingertips anytime we want it. We have lowered ourselves so low in government and become so greedy that we want every dollar and every dime that we can suck out of the people to buy that rotten gut stuff. Yet, if we are going to do it, then we should have the responsibility to say okay, you do it and you drive, we are going to put you in jail.

If people want to drink in their own home, fine and good, no problem, they are not hurting anyone, let them do it. I have no objections to that. That is the place to do it, in your own home, not on the highways. That is the problem that is facing the State of Maine today.

The average person who is so good on Monday morning, so good even next Sunday, he may even go to church, but Saturday night or a night at a party, he forgets about being so good and he becomes a menace to society. He is just

as much a menace as the worse person you could imagine, because he is deadly behind the wheel as a drunken driver. When he is not drinking, he is the nicest guy you would ever want to know. I have some friends who are the biggest drunks that you would ever want to know, but when they are not drinking, they are the nicest people you would ever want to know. But when they get on the highway and get behind the wheel of that car, your lives are at stake and so is mine, and that is what I am trying to stop today.

Stop and think of all the people that were killed on the highway last year, and 60 percent of that total was because they were drinking. That is a terrible, terrible thing.

I know that many of you have compassion for the drunkards. You proved it in your voting record, and I guess I probably do too, but what I am asking you, my friends, is that if they commit this crime, and it is a crime, whether you kill someone intentionally or not it is a crime, whether you kill that person because you didn't know that you killed them, you are just as guilty as if you pulled the trigger and they are just as dead.

I ask the members of this House to have compassion today, not for the drunkard, we will take care of him in due time, we have given him plenty of chances — I ask today for the compassion of this House to protect the innocent people on the highways. I think probably the worst thing that can happen is to have an innocent person out for an afternoon drive with their family and some drunken bum kills one member of that family, that is a terrible thing.

I know there are going to be people who will say, well, we don't have room in our prisons, we don't have room to incarcerate drunken drivers, we don't have the facilities. I have never voted much for tax increases, but I will tell you something, I will vote for any tax increase you want for a new wing at Thomaston, two new wings in South Windham and even at the Boys' Reform School, if we can get the drunks off the highway. You know why? If they are behind bars, they are not drinking on our highways, peoples' lives are going to be saved and that is the purpose of this bill.

I have had legislators come to me and say, it is too strict, it is too strong. Well, it is not too strong. I didn't want to be sarcastic to those who asked me that question but I said under my breath, wait until your wife gets murdered by a drunkard on the highway, then come back and tell me it is too hard, come back then and tell me. I wouldn't say that to anyone, I would say it to you as a group because it probably goes in one ear and out the other anyway.

I do believe today that we have a situation in this state that is very, very serious and I am asking the members of this House to do just one thing — jail drunken drivers, taking their licenses away from them, we do that now.

You can pick up the Portland paper any day you want and run down through the whole list, so and so suspended for drunken driving, licenses suspended; so and so, and go down through the whole list and you know, it is there night after night and still people are being murdered on the highways, so you see that it is not working. A \$250 fine is nothing compared to a person's life, and I say to you my friends, there is one way we are going to go, we are either going to make stricter laws for the drunks that drive on our highways or people are going to continue to be murdered on the highways. That decision is going to lay with you today. I just hope that in the future some intelligent person doesn't have a roll call vote and say to you, you refuse to put this man in prison the first time that he was drunk or his second time and this morning he murdered my wife on the highway.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Portland, Mr. Joyce, that the House accept the Majority

"Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Joyce of Portland requested a roll call.

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

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: It is Friday and I am going to make it very brief.

The Judiciary Committee, as you may well understand when you look at this bill before us today, it is L. D. 54, with such a low number, it has been a long time up in that committee. We wrestled with that committee trying to come out with a solution and we had to conclude last week that we could not pull the switch and solve the problem.

We have other bills there that are getting at this problem, and I urge you today to vote "Ought Not to Pass" on this bill. I agree that we just don't have the room in our jails to handle such a law as this.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Joyce, 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, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, K.L.; Brown, K.C., Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dellert, Drinkwater, Dudley, Elias, Garsoe, Gavett, Gowen, Gwadosky, Hall, Higgins, Howe, Huber, Hutchings, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kelleher, LaPlante, Leighton, Leonard, Locke, Lund, MacBride, MacEachern, Mahany, Masterton, Masterton, Maxwell, McHenry, McMahon, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson, N.; Paul, Peltier, Peterson, Reeves, J.; Reeves, P.; Sewall, Simon, Small, Sprowl, Stetson, Studley, Tarbell, Theriault, Tierney, Twitchell, Vincent, Violette.

NAY — Austin, Barry, Brown, A.; Bunker, Churchill, Cloutier, Conary, Curtis, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fillmore, Fowlie, Gillis, Gould, Gray, Hanson, Hickey, Hunter, Immonen, Kiesman, Laffin, Lancaster, Lizotte, Lougee, Lowe, Marshall, Martin, A.; McKean, McSweeney, Nelson, A.; Payne, Pearson, Post, Prescott, Rollins, Sherburne, Silsby, Smith, Stover, Torrey, Tozier, Tuttle, Vose, Wentworth, Wood, Wyman.

ABSENT — Birt, Brown, D.; Fenlason, Hobbins, Hughes, Kany, Lewis, Matthews, Nelson, M.; Norris, Paradis, Rolde, Roope, Soulas, Strout, Whittemore.

Yes, 84; No, 50; Absent, 16.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide Matching Funds to Support and Expand the Foster Grandparent Program" (H. P. 685) (L. D. 865)

Report was signed by the following members:

Messrs. PERKINS of Hancock
HUBER of Cumberland

— of the Senate.

Messrs. CARTER of Winslow
HIGGINS of Scarborough
BOUDREAU of Waterville
DIAMOND of Windham
MORTON of Farmington
Mrs. CHONKO of Topsham
Messrs. PEARSON of Old Town
JALBERT of Lewiston
KELLEHER of Bangor
SMITH of Mars Hill

— of the House.

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

Report was signed by the following member:

Mrs. NAJARIAN of Cumberland

— of the Senate.

Reports were read.

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

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

The SPEAKER: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Men and Women of the House: As the sponsor of this bill, I want to tell you a little bit about the Foster Grandparent Program. This program is considered one of the most successful programs for the elderly in the nation and it has been operating here in Maine for the last five years. It is partly a federally funded volunteer program that recruits low-income older people to work with children who have handicaps or special needs. While the children are given the support and guidance of these caring adults, the foster grandparents are provided with 20 hours a week of meaningful activity for which they receive a weekly stipend of \$32, which is provided by the agency where they work and an annual physical exam and transportation to and from their work sites. Each foster grandparent generally works with two children but sometimes works in group settings, such as head start, day care centers and institutions.

What I want to point out to you is that this program provides many benefits and develops a lot of community resources. It is very cost effective. It provides employment opportunities for low-income elderly who otherwise couldn't support themselves and would be needing more expensive services from the state. The \$1.60 an hour stipend they are paid is very important to these volunteers. Many of the extra benefits are donated to local groups, the meals, the medical exams, transportation and supportive counseling services, such as budgeting and legal services.

Also, this is one of the few programs that provides job training for older people. This is a scarce commodity and a very important part of this program. The services of the foster grandparents are very valuable. They are intergenerational. In institutions, the foster grandparents work with children on a one-to-one basis and free up professional staff to use their time more productively.

In the community-based program in Portland, low income foster grandparents are hired from the neighborhood to work with neighborhood children and youth and families who have problems like unwanted pregnancies, child abuse and neglect, juvenile delinquency. Many testified at the hearing to the unique ability of older people to help with these complex social problems. This program, this community based program, is a national model program.

The Foster Grandparent Program generates a lot of money, federal funding equals several times the state match money, all of the valuable services that are contributed by the local sponsors and finally the services of the grandparents themselves. This program draws on the strength of the elderly, not their problems and needs, and because of its multiple benefits and cost effectiveness, I think the program is well worthy of partial funding by the state. I

hope you will defeat the "ought not to pass" report.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I feel somewhat like Mr. Theriault of Rumford does, who often has the chore of being the bad guy in having to kill some bills before retirement. This is a Foster Grandparents Program, and when you get involved in grandparents, of course it is very difficult to do that sort of thing. But I want to point out to you that this costs nearly \$44,000 a year. It is very expensive. I might add of that \$43,799, about \$17,000 of that is dedicated to Portland, the West End Neighborhood Planning Council.

We have information reaching us that the federal government has provided a grant through the Action Program for the Foster Grandparent Program of \$148,000 to the State of Maine. I think with that sizable amount of money, there ought to be enough money for the Foster Grandparent Program for the entire state.

During the testimony that we had on this Foster Grandparent Program, presented by Representative Reeves, who did an outstanding job presenting it as she does in the legislature representing her district, we came to the conclusion — well, I asked a question of the people from Portland if the city of Portland provided any money for this, and the answer was no, they had been asked but the city had turned them down. For those reasons, I would urge you not to pass this bill and accept the Majority Report.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask Representative Pearson a question. I think this is the group that worked very effectively over to the State Hospital, and last fall, when we were going around with applications for people, elderly people, low income people, I ran into a number of these people who were very dependent upon this program. I would just like to ask, if the state does not contribute towards this program, do we get the federal matching money?

The SPEAKER: The Gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to the gentleman from Old Town, Mr. Pearson, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I do not wish to mislead you. I am not absolutely sure of the answer to that question and to say otherwise would be not truthful. It is my understanding that the grant is not conditioned upon matching funds, that grant of \$148,000 from the Action Agency of the federal government.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I merely want to rise this morning to support the good gentleman from Old Town. I would point out to you that lack of furnishing of these funds will not mean the demise of the Foster Grandparent Program in any way, shape or manner. These funds were for expansion of the program. The gentlelady from Pittston, has done an excellent job of describing it. It is a fine program, it is just that we do not feel as though at this point in time the state has the funds to expand this program.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, 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.

A vote of the House was taken.

Mr. Connolly of Portland requested a roll call

vote.

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

A vote of the House was taken, and more than one-fifth of the member 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 Old Town, Mr. Pearson, that the House accept the Majority "Ought Not to Pass" Report. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Barry, Benoit, Berry, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brown, K. L., Brown, K. C., Bunker, Call, Carrier, Carroll, Carter, D., Carter, F., Chonko, Churchill, Cunningham, Curtis, Davies, Dexter, Diamond, Drinkwater, Dudley, Dutremble, D., Elias, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Gwadosky, Hall, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, P., Jalbert, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Lizotte, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Maxwell, McKean, McMahon, McPherson, Morton, Nadeau, Nelson, A., Nelson, N., Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J., Rollins, Sewall, Sherburne, Silsby, Simon, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tozier, Tuttle, Violette, Vose, Whittemore, Wood, Wyman.

NAY—Bachrach, Baker, Beaulieu, Brannigan, Brennerman, Brodeur, Cloutier, Conary, Connolly, Cox, Davies, Dellert, Doukas, Dow, Fowlie, Gowen, Hanson, Hickey, Howe, Joyce, Kane, Kany, Laffin, Locke, Lowe, Lund, Martin, A., McHenry, McSweeney, Michael, Mitchell, Nelson, M., Paradis, Rolde, Tierney, Twitchell, Vincent, Wentworth, The Speaker.

ABSENT—Birt, Brown, A., Brown, D., Damren, Dutremble, L., Hobbins, Hughes, Jacques, E., Leonard, Lougee, Matthew, Norris, Reeves, P., Roope, Soulas, Strout, Torrey.

Yes; 95; No, 39; Absent, 17.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Increase Interest Rates on Judgment Debts to 18%" (H. P. 501) (L. D. 608)

Report was signed by the following members:

Mr. DEVOE of Penobscot

Mrs. TRAFON of Androscoggin

— of the Senate.

Messrs. JOYCE of Portland

GRAY of Rockland

SILSBY of Ellsworth

Mrs. SEWALL of Newcastle

Mr. CARRIER of Westbrook

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-449) on same Bill.

Report was signed by the following members:

Mr. COLLINS of Knox

— of the Senate.

Messrs. STETSON of Wiscasset

HOBBINS of Saco

SIMON of Lewiston

LAFFIN of Westbrook

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the

gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: As you look at this particular item today, I ask of you to recall that to err is human, to forgive is divine, because I made a fatal mistake and I got confused with all the debate we had in committee here and I signed on the wrong side of the jacket on that rainy day last week. I ask that you support the "Ought to Pass." I can't understand why I made that mistake. Today, when I look at the bill it is not a very difficult bill to understand. I will explain it in less than a minute.

When judgment against an insurance company is determined in court, it appears a widespread practice to delay the payment. Many times it is done with frivolous appeals and other delays rather than pay up. Now, this is done because these large companies are able to invest that money you or your constituent has been awarded and to reap 20 percent interest rates on it. The consumer then is the loser. I urge that you vote the "Ought to Pass".

I move the House accept the Minority "Ought to Pass" Report.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I want you to notice today that sometimes kindness in the House or any other place doesn't pay off, because I had risen to make the motion to accept the "Ought Not to Pass" report, which is the majority report. I saw on the calendar where Mr. Joyce was with us, so I yielded to him, much to my sorrow. This is not the way I thought it would turn out. You know you learn and sometimes it takes 11 years before you find these things out, but you can be ready so the next time it won't happen again.

All in all, ladies and gentlemen, as you know, the report, and I hope you have noticed the title of the bill, this would raise the judgment debt charge of interest rate to 18 percent. Most people are already overcharged on many charge accounts, but this is not a charge account; at present, what you can charge it on the judgment debt is 10 percent. They will say to you, and the statement of fact will say that people are using this type of interest and not paying the judgment debt because it is cheaper for them than it is to go out and borrow money. Well, it isn't so, ladies and gentlemen. I believe that today I could go many places and I could actually mortgage my house, if they have a judgment against me, and borrow the money at 10 percent at the local banks around Portland. I think I will pose the same question to you that I did in my committee. I think that raising the interest rate on collections from 10 to 18 percent naturally will cause hardship. My question in committee was, isn't this, in fact, using the people of this state and using the ones that pay the least? I do think that this is using people and almost doubling the interest rate on a debt.

Now, nobody likes to have debts. I can also tell you that the recipients or the ones that end up having a judgment debt against them are not always the ones that can afford to pay the debt in the first place, never mind 18 percent, which is a tremendous interest rate.

Now, you are not buying a car and you are not buying a boat and you are not financing all the luxuries at 18 percent, because a judgment debt is not a luxury. To some of them, a judgment debt against them is actually one that has come of necessity, one that they didn't have any control over.

I submit that as it is now, the judgment debt is 10 percent. I think 10 percent is a fair rate of interest, and whether the 18 percent would apply only after all the appeals and everything else has gone through is immaterial. This bill is suggested to be 18 percent. I submit to you, this is an extravagant rate of interest and I hope that you vote against the motion of "Ought to Pass" so we can make the motion "Ought Not to Pass."

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: I hate to differ with my senior colleague the good gentleman from Westbrook, Mr. Carrier, but he is not debating the matter before us. The matter before us is Committee Amendment "A" under filing H-449. The 18 percent figure has been stricken. At no point are we talking about 18 percent. Furthermore, I think that the comments of the good gentleman from Westbrook create a highly mistaken impression that we are talking about debts generally.

Under existing Maine law, if a person or corporation injures you or destroys your property and you sue for damages and win, the losing party must pay interest on the amount of damages awarded to you by the court.

At the present time, the rate of interest is 6 percent per year for the period between the filing of your complaint and the court's decisions and 10 percent per year for the period from the court's decision until the judgment is paid.

Under this set of rules, taking account of inflation, it often is cheaper to delay payment to the injured party in two different sets of circumstances. First, a person who does not have the ready cash to pay the judgment but who does have enough assets to borrow the money from a bank cannot get as low a rate from a bank as he can from the court.

Second, some losers, especially big insurance companies, can make a higher rate of interest on the money they owe by investing it, than they are now required to pay by our statutes, so they do invest it rather than pay it to the person who has it coming to him.

As one witness at our hearing summed it up, to the extent that the court interest rate differs from the bank rate, there is an incentive to delay. That delay is an injustice to people who have already been wronged once. Because I believe that justice delayed is justice denied, I decided to put in a bill to rectify this situation.

In committee, we reworked the bill entirely, and the product is, the Committee Amendment "A" that is before you. We proposed to raise the interest rate between judgment and appeal from 10 percent to 12 percent; as proposed to raise the interest rate after appeal to 15 percent. Finally, we added a provision to allow a court to waive this interest in the case of the defendant or appellant who is actually too poor to pay.

The bill was going to come out unanimous "Ought to Pass" as amended until we put on this last provision, but the majority, of which I am a part, I believe I am still in the minority, I think we have turned around enough people that I am no longer in the minority, the minority of which I was a part believed that it is both practical and compassionate to give the court this discretion. Therefore, I hope you will support the motion of the gentleman from Portland, Mr. Joyce, that this bill "Ought to Pass" as amended.

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

Mr. PAUL: Mr. Speaker and Members of the House: I would like to speak to you this morning to give you some of my experiences that I have had in the courts in this state. I used to be a deputy clerk of courts in my own home county in Superior Court. I am pretty familiar with judgments and interest rates. I view this bill as one thing, it is a hardship and unfair measure against an individual who is not on the prevailing side.

Pure and simple, this is a bill that would put more money in the pockets of those lawyers who would abuse the system. What I mean is, the practice is pretty familiar to most people of delaying a case, repeated continuances, to allow the interest to accumulate on these judgments. By increasing from the present 10 percent to the proposed 12 percent, this is

really uncalled for. The lawyers, I believe, make sufficient money now on these judgments and it is just unfair and unnecessary to give them more money and another encouragement here to delay a case which in my judgment, is not justice.

So I would hope this morning that you would vote against the motion "Ought to Pass" and when the vote is taken, I would request the yeas and nays.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I respectfully disagree with my colleague in the back row. The money involved in this bill does not go to an attorney but would rather it is just the opposite. This bill, this amendment, would raise the amount of interest that is going back to the person who had been injured by another party. For example, if you and I were in dispute and you have used my money for over a year because you have carried out the court process for so long, even when the court gives me a judgment and says you are wrong, you really do owe me the money, you have been able to use my money for a very small penalty. One, the state says they believe there should be a penalty if you are using someone else's money. We agree to that because that is on the books.

This bill simply makes the penalty worthy enough to be a detriment to keep you from drawing out the court process and make you pay the bill and to pay a fair amount for using someone else's money.

I would just like to tell you a story about someone from a nearby town who is known about the town. He runs a small business, he uses the money that he owes other people and they take him to court and he said this personally, that he did not pay the bill because it was much cheaper to use the money this way, and he waited right until the time the sheriff's bail after he had the judgment given to him, and then he paid his debt, and he was simply using an innocent person's money.

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

Mr. PAUL: Mr. Speaker and Members of the House: The point I was trying to make was, the prevailing party would be getting the interest and there are many arrangements between lawyers and clients of a contingent basis. In other words, the lawyer will get 30 percent or whatever they arranged of the judgment. They will get a percentage of what the final judgment is plus interest. So, I would maintain in my argument that this would just be nothing more than more money in the pockets of lawyers.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: Just to be brief on this, I feel that not all claims are covered by insurance and sometimes a judgment can be entered right against you as an individual without any coverage at all by insurance. Therefore, I feel that when you get into the 15 percent range, it could be very difficult for an individual because not all claims are covered by insurance.

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

Mr. SIMON: Mr. Speaker and Members of the House: Very often when I see an L. D. come across my desk, or an amendment, sometimes I don't look at the rest of the statute that it is a part of.

I would urge that if you do look at the rest of the statute, the rest of Title 14, section 1602, you will see that this increase in judgment debt interest would not apply where there had been the kinds of continuances that the gentleman from Sanford, Mr. Paul, referred to.

So, I hope that that is not an obstacle to your accepting the "Ought to Pass" Report.

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 add another word to what the good gentleman from Lewiston has mentioned, also, to answer my good friend from Ellsworth, Mr. Silsby, who mentioned the figure of 15 percent. Bear in mind that the 15 percent comes into play only after the appeal has been denied. That means the judgment debtor has exhausted all avenues of appeal. If he pays the judgment upon the denial of his appeal, he will never have to incur the 15 percent rate. If he delays after his appeal has been denied, then the 15 percent rate comes into effect. So it is not fair to argue that this imposes a severe burden on those unfortunate people who happen to lose their case in court. The burden is for a delay in paying one's judgment debts. That can be paid at the time the appeal is denied without the 15 percent rate.

On this argument about assisting the attorneys—that is about as fallacious an argument as I have heard delivered here in these halls. The increase on the interest from the date of judgment until the appeal expiration or the appeal is denied is a modest increase of only 2 percent. It is presently 10 percent; this increases it to 12 percent. I can't conceive of an attorney for the successful plaintiff conspiring with his client to delay the payment by the judgment debtor in order to increase the attorney's fee. That would be just about as stupid a move as any client or attorney could take. So, this definitely is not to favor the attorney. If the attorney taking a case on a contingent basis wins in his case in the trial court, he is going to try to get that judgment paid as quickly as possible. He is not going to delay it in order for his client to collect interest so he can pad his bill that slight amount of 33 percent of the interest that might be added to it. I suggest that is a red herring and you should not bite on it.

I think the bill that is presently before you in the amended fashion is a good bill and it simply would assist the judgment creditors against the unfairness of those who delay the payment of their just debts.

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 the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Barry, Beaulieu, Benoit, Berry, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brown, K.L.; Brown, K.C.; Carroll, Chonko, Cloutier, Cox, Dellert, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gould, Gray, Gwadosky, Hall, Hickey, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jalbert, Joyce, Kane, Kany, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lund, MacBride, MacEachern, Marshall, Martin, A.; Masterton, McKean, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Payne, Peltier, Post, Roide, Sewall, Simon, Small, Smith, Sprowl, Stetson, Stover, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Vose, Wood, Wyman

NAY — Aloupis, Baker, Berube, Bordeaux, Brodeur, Bunker, Call, Carrier, Carter, F.; Conary, Connolly, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Drinkwater, Hanson, Locke, Lougee, Lowe, Mahany, Masterman, Maxwell, McHenry, Nelson, M.; Par-

adis, Paul, Pearson, Peterson, Prescott, Reeves, J.; Reeves, P.; Rollins, Sherburne, Silsby, Soulas, Strout, Studley, Violette, Wentworth, Whitemore

ABSENT — Brown, A.; Brown, D.; Carter, D.; Churchill, Dudley, Gillis, Gowen, Higgins, Hobbins, Hughes, Jacques, P.; Kelleher, McPherson, Nelson, N.; Norris, Roope

Yes, 90; No, 43; Absent, 17.

The SPEAKER: Ninety having voted in the affirmative and forty-three in the negative with seventeen being absent, the motion does prevail.

The Bill was read once.

Committee Amendment "A" (H-449) was read by the Clerk and adopted and the Bill assigned for second reading Monday, May 21.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-450) on Bill "An Act Amending the Claim Period Provision of the Workers' Compensation Act" (H. P. 706) (L. D. 881)

Report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate.

Messrs. MCHENRY of Madawaska

TUTTLE of Sanford

WYMAN of Pittsfield

Mrs. MARTIN of Brunswick

Mr. BAKER of Portland

Mrs. BEAULIEU of Portland

— 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. CUNNINGHAM of New Gloucester

FILLMORE of Freeport

DEXTER of Kingfield

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.

On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Wyman of Pittsfield to accept the Majority "Ought to Pass" Report and assigned for Monday, May 21.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-451) on Bill, "An Act Concerning Eligibility Under the Second Injury Fund Under the Workers' Compensation Statutes" (H. P. 825) (L. D. 1026)

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Messrs. MCHENRY of Madawaska

WYMAN of Pittsfield

Mrs. MARTIN of Brunswick

Mr. BAKER of Portland

Mrs. BEAULIEU of Portland

— of the House.

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

Report was signed by the following members:

Messrs. LOVELL of York

SUTTON of Oxford

— of the Senate.

Mrs. LEWIS of Auburn

Mr. CUNNINGHAM of New Gloucester

DEXTER of Kingfield

— of the House.

The Reports were read.

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

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

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

Mr. TARBELL: Mr. Speaker, I would appreciate an explanation of what the current law is on both the bill and the Committee Amendment, and how the bill and the Committee Amendment changes the current law and what the rationale is for the need to change the law?

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This L. D. 1026, sponsored by the gentleman from Bingham, Mr. Austin, is An Act Concerning Eligibility Under the Second Injury Fund Under the Worker's Compensation statute, received a certain rate of compensation.

After 1975, because of the changes the legislature made in the law, people who were injured subsequent to that change received more. All that this bill does, that the gentleman from Bingham, Mr. Austin, has sponsored, is make sure that from here on out the benefits will remain the same for people regardless of when they were injured if they received a total permanent impairment. Under the provisions of the statutes they will receive the same amount of benefits whether they were injured prior to 1975 or subsequent to 1975.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: The bill addresses the second injury fund under Section 57 of the state, and the Committee Amendment addresses Section 54 of the statute, and the Committee Amendment addresses Section 57 and also what the total incapacity section is and how that differs from the second injury fund under Section 54.

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed additional questions through the Chair to the gentleman from Pittsfield, Mr. Wyman, who may respond if he so desires.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I apologize, I should have addressed that in my initial presentation.

The amendment, which as a filing number of H-451, simply corrects an inadvertent error in the original bill which referred to Section 57. The appropriate section would have been Section 54, so that simply is a technical error and has been rectified.

Also, in the second paragraph, you will notice, henceforth, payments under this section shall apply to all cases of total permanent impairment covered by this section regardless of when the industrial accident occurred.

The Statement of Fact says, "The purpose of this amendment is to make clear that payments under this act shall not be retroactive to 1972."

There was concern on the part of the committee, the way the original bill was worded, it was not clear whether or not this particular statute change was going to mean that everybody who had received injuries prior to when the law was changed would not be getting all of their back payments that would have been due them from the time they were injured until the time the law was changed. Of course, that would be an enormous sum of money. It was not the intent of the sponsor, as I understand it from his testimony at the hearing. Therefore,

we wanted to clarify that to make sure we are simply talking about equalizing the situation from the time this goes into effect; we are not talking about any retroactive payments prior to when this change was made for those who were injured prior to the statute change.

I hope this does clarify the situation for the gentleman from Bangor. If he has any further questions, I will certainly be glad to see him out back to try to clarify them if he is still unsure of what this bill does and the purpose for it.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I do appreciate the efforts of the good gentleman from Pittsfield to explain this.

My very particular question, however, is, the bill is entitled, the second injury fund, and the second injury fund under Section 57 of the statutes, is something totally different from compensation for total incapacity, which is under Section 54 of the statute. The bill only addresses Section 57, which is the second injury fund. The committee amendment addresses something totally different. I am just wondering what relation Section 54 with the committee amendment has to do with the second injury fund. I don't see any.

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Austin.

Mr. AUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bangor is correct. When I requested this bill and it was drafted, this is a drafting error. The amendment probably should have included a change in the bill's title.

What this bill does, the problem it addresses is a simple discrimination problem by totally disabled people under the workmen's compensation act.

Under present law, anyone who has been totally disabled on or since January 1, 1972, annually, on July 1 each year, receives a cost of living adjustment in the amount of income he receives to bring him up to date with the cost of living. Any person injured, totally disabled one day before that day does not receive this cost of living adjustment.

Unfortunately, the person who is totally disabled can't get other employment to make up the difference in cost of living, and it costs that person just as much to buy a loaf of bread one day after January 1972. Therefore, I feel that to treat everyone equally, all people who are totally disabled today should be receiving this adjustment. That is what this bill attempts to do.

The SPEAKER: The Chair recognizes the gentlewoman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker, what I would like to know is, where does the fund come from to pay for these injuries? Are they usually set up when the person is injured, under the rate make up of that time, and if you go backwards into time, you have to take money from some other source.

Could I have an answer for that, please?

The SPEAKER: The gentlewoman from Belgrade, Mrs. Damren, has posed a question through the Chair to anyone who may care to answer.

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

Mr. WYMAN: Mr. Speaker, in answer to that gentlelady's question, I believe that the workers' comp fund is paid into by employers, employer contributions, obviously, have some impact on the fund, but I would doubt very much if it would have the impact to the extent that it is going to make any significant difference.

We don't know, at least I don't know, perhaps the gentleman from Bingham, Mr. Austin, knows, in his preparation of drafting this bill, exactly how many people we are talking about who would be affected under this, those who were injured prior to 1972 and were eligible

under the second injury fund and are now going to be eligible for the full payment of what that difference is.

I think, however, that the overriding issue is the one that Mr. Austin has pointed out to us very clearly, and that is, the people who are injured and are just as eligible, or should be just as eligible, regardless of when their injury took place, are now going to be able to receive the same payment as someone who was injured at 1972. That is the purpose of the legislation.

The purpose of the legislation is to make sure that someone who is now incapacitated is not discriminated against simply because he happened to be injured at the wrong time. I don't know why the legislature made the changes that it did, but the fact is that it did make the change and the gentleman from Bingham, myself and those who support this bill feel very strongly that a person ought not to be discriminated against because they happened to get injured one day before the law was changed. It corrects that situation, it corrects that unintentional discrimination and makes sure that everyone is treated equitably from here on out.

It will have a financial impact, and if someone would be willing to give us the time, I would be glad to try to determine exactly what that impact is going to be, and it can be done at second reading.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-451) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Eight Members of the Committee on Labor on Bill "An Act to Protect Management Personnel Where Unjustly Discharged or Involuntarily Retired" (H. P. 748) (L. D. 957) report in Report "A" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. PRAY of Penobscot
LOVELL of York
SUTTON of Oxford

— of the Senate.

Mr. TUTTLE of Sanford
Mrs. BEAULIEU of Portland
Mr. CUNNINGHAM of New Gloucester
Mrs. LEWIS of Auburn
Mr. FILLMORE of Freeport

— of the House.

Four members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass"

Report was signed by the following members:

Messrs. DEXTER of Kingfield
McHENRY of Madawaska
Mrs. MARTIN of Brunswick
Mr. WYMAN of Pittsfield

— of the House.

One member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-448).

Report was signed by the following member:
Mr. BAKER of Portland

— 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 Report C.

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, moves that Report C be accepted.

The gentleman may proceed.

Mr. WYMAN: Mr. Speaker, just for the purpose of clarification, if anyone is confused about this, it is not that the gentleman from Portland, Mr. Baker, has been so persuasive with the other members of the committee, although sometimes he is, it is just that the committee members who signed Report B did so inadvertently and we were intending to support

the bill with the amendment.

Thereupon, Report C was accepted and the Bill read once. Committee Amendment "A" (H-448) was read by the Clerk and adopted and the bill assigned for second reading the next legislative day.

Consent Calendar First Day

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

(H. P. 267) (L. D. 385) Bill "An Act to Amend the Stream Alteration Act" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-457)

(H. P. 1054) (L. D. 1305) Bill "An Act to Permit a Resident of an Intermediate Care Facility who Receives Aid for the Medically Needy to Give at least \$250 a Month from His Income to a Dependent Spouse" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-458)

(H. P. 666) (L. D. 826) Bill "An Act Relating to Personnel Records of Employees of Political Subdivisions of the State" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-460)

(H. P. 858) (L. D. 1058) Bill "An Act to Provide for the Issuance of a Warning for Operating an Unregistered Motor Vehicle within One Month of the Expiration of Registration" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-465)

(S. P. 283) (L. D. 857) Bill "An Act to Amend the Maine Certificate of Need Act of 1978" Committee on Health and Institutional Services reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-187)

(S. P. 473) (L. D. 1414) Bill "An Act Concerning Health Services in Rural and Underserved Areas" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-186)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 21, 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. 1355) (L. D. 1591) Bill "An Act to Require the Reporting of Petroleum Inventories and Deliveries to the Office of Energy Resources" (Emergency)

(H. P. 499) (L. D. 635) Bill "An Act to Exempt Farmland from Sewer Assessments When the Land Receives no Benefit from this Construction" (C. "A" H-452)

On the objection of Mr. Davies of Orono, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 913) (L. D. 1118) Bill "An Act Concerning Setting of Electric Rates by the Public Utilities Commission" (C. "A" H-453)

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

Passed to be Engrossed

Bill "An Act to Assess a Surcharge on Fines for the Operation of the Maine Criminal Justice Academy" (S. P. 545) (L. D. 1608)

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

Amended Bills

Bill "An Act to Increase the Funds for the Displaced Homemaker Program" (H. P. 779) (L. D. 981) (C. "A" H-432)

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

Bill "An Act to Provide the Method of Arranging Voluntary Meetings Between Adoptees and Adoptive Parents and Natural Parents" (H. P. 1190) (L. D. 1431) (C. "A" H-434)

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

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

Mr. CARRIER: Mr. Speaker and Members of the House: This is a bill that has been of great concern to me and probably to you too, if you look at it closely. This particular bill could create a situation which would be very embarrassing and, indeed, could break up the family unit.

For those of you who know about the adoption process, if you are an adopted child, probably it is natural, you want to find out who your biological parents are. You go through the process of the Judge of Probate and ask him to furnish you the information that you desire, and it is hard for a judge who finds himself in that position, but I think the judge will ask the party, and this usually happens to grown up children, 18 or 19 years old, the judge actually tries to discourage such a procedure, giving such information, because all he can do, apparently, is harm the parties that are to be involved.

The party to be involved is a child 18 or 19 years old. He asks the judge for the information about who his parents might be, and the judge, rightly so, tells them about one of the worst conditions, that he has been bastardized. If the party is willing to go along with this and found out, finds out, that this is the situation, then the judge will provide some of the information for him or her to find out who the biological parents are.

Let's make it clear here that on the birth record of people who are not married, the father's name does not appear on there unless the father specifically consents in writing that he wants his name on there. That aggravates the situation again.

Actually, what the situation would be, let's say the boy or girl that is 18 or 19 years old does live with his mother and finds out that his father lives across the river in a nice, big house and this is what the boy desires instead of living with his mother in limited funds and limited property. As a result of it, what happens? The young adult can go and the judge tells him and the records will show who the mother is and she or he will go to her mother, and the mother doesn't have the right, but she can tell if she wants to who the father is. This is actually where part of the trouble comes in, because you have a woman who is probably remarried and very happy and has lead a life after making one single mistake, and then she is pitted against a young adult and at the same time pits her former husband or former lover against his present wife and family which he has enjoyed for the past 18 or 20 years.

I don't see where this bill would do any good for anyone. I realize that in order to register it would have to be voluntary. Ladies and gentlemen, the voluntary part of it usually they will not tell the opposite spouse about the mistake that they made when they were younger. I don't believe that this bill would do much good, if any good at all.

I could go into the legality of it, but I don't think it is necessary. I think this could break up the family unit, not only one, but two, and could put the child in a very unpleasant situation.

From the judges of probate that I have talked to, the main question that bothers the young

adults is that they want to know not just their biological father and mother but they want to know their ethnic background, which is okay but they can live without it.

I do know people who have been in that situation for 10, 20 or 30 years, they never knew their parents, and sometimes you have to count your blessings, especially those people in that situation, because it might be very distasteful, very embarrassing and surely not helpful to the one who wants the information.

For those reasons, ladies and gentlemen, I move that this bill and all its accompanying papers be indefinitely postponed and I ask for a roll call.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the gentleman from Westbrook, was describing my bill, I think so, and I would like to attempt to do the same thing.

This is a bill that resulted from my knowing some people who were adopted a number of years ago and their attempt to find out who one or both of their biological parents were. If you have known someone in such a situation, I think you may be aware that for some such people, it becomes a very strong psychological need to find their roots, if you will. I think it is often that case when someone does not discover until they are an adolescent or older that they are adopted. And the only procedure now available to such a person is to go to the probate judge in their county and ask the judge to open their birth records, their original birth record, which is sealed by law, in order to find out who their biological parents were.

The probate judges normally, and for very good reasons deny the adopted person that opportunity, and I think the chief reason they do that is that it would, in most cases, constitute a serious invasion of privacy of their biological parents.

Now, I thought for a long while about a way to try to facilitate a meeting without opening up the sealed records. The bill had no opponents at the hearing and I didn't make any great attempt to drum up a lot of proponents, but one of the proponents was the Judge of Probate for Cumberland County, Dana Childs. It is his position that in most cases, virtually all cases, he will not open up that birth record because of the privacy question, but he spoke in favor of this bill.

The bill would work this way, it creates at the Bureau of Vital Statistics, which is the state agency which keeps the originals of all of our birth and marriage and death records. It probably would be nothing but a notebook where if I were adopted I could come in and register my desire to find and meet my biological parents, or either of them. If either of my biological parents came in and did the same thing, then the state would do nothing more than give each of us the other's name and address, but if both the child and the parent did not come forward, nothing would happen. The state would not take any action at all. The state would play a very passive role in all of this.

The original bill had a small fiscal note on it. We have taken that off by saying that the bureau can charge a fee in order to pay for the service they perform, which is a minimal one, it is nothing more than cross-referencing the names of the two parties because, in any case, they won't know each other's last name because the adopted child's name would have changed.

I have talked with a number of persons who have adopted children, including members of this very body. They have found nothing objectionable about the bill.

It would permit an adopted person, only after he or she became an adult, to do this, and I

drafted it that way so it wouldn't mean that a minor, who is still dependent upon that adoptive parent who has loved and nurtured that child from being threatened by this. I don't think there is anything about an adopted child wanting to find relationship between the adoptive parents and the adopted child.

I hope that you will concur that this is a measure which doesn't threaten that relationship, doesn't violate anyone's privacy and, believe me, since getting into this issue, I have found that there are a lot of people out there, more than I ever would have realized, who have been involved from one point of view or another in adoption who really support this bill.

I would ask the Clerk to read the Committee Report.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: This is another issue that is very close to me because I am one of the parents in this body that has an adopted son. He is now 2 1/2 almost 3, and the whole issue of adoption is very important.

I have worked in the legislature before I came here to assist with bills dealing with adoption. Also, in my work in counseling in mental health, I have dealt with problems of children who are adopted and some of the insecurities and feelings of rejection that they have. I do feel I can speak with some authority and I am speaking in favor of this bill.

Some of the problems that Representative Carrier has brought up are real problems. I believe that this bill will help alleviate some of those problems, will help to head off some of movements in our country that are going on now. There are movements in our country that are going on now. There are movements of freedom that adopted children have a right to know who their biological parents are; biological parents have a right to know who adopted their children and where they are, very big problems, great problems in one wanting to know and the other not, or wondering if one does and the other doesn't.

Representative Howe's bill addresses that in a way that I have never heard before, in a way that I never even thought of before. It is the only way that all of a sudden it opens up if both want to meet, and it is only in that way that this bill will work, that this little small registry will work.

If my son decides that he, and at certain times in his life, he is definitely going to have great curiosity and probably anxiety about the rejection he had at birth, and if after he has thought that over and we have worked with this over the years, he decides he really would like to know and meet his biological mother, then he would sign up in this registry. Nothing would happen unless his mother, somewhere along the line, had decided that she also would like to know where he is and she would have put her name in, maybe next January, when this bill is in effect maybe 10 years from now, only when those two things happen, both decided that they wanted to meet would that trigger that meeting of those two consenting adults—terrible word, terrible expression, I am sorry to use that, but they have consented and everyone knows that they want to. That is so much smoother, so much more dignified, so much more safe than the movements that are afoot and may need to come where people have the right to go in, one party only will have the right to go in, find out and then wonder, should I visit, should I, at least, drive by the house, should I follow the person? Those are some of the problems. This bill would create none of those problems and I submit it would help alleviate them.

I urge you, please, do not support the motion to indefinitely postpone.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: We have had all sorts

of bills in this House. We call them lawyer's bills, we call them farmer's bills, we call them milk bills, we call them everything—I call this bill a heartbreaker bill for the people who adopted and brought up a child and even the child itself. It is going to cause a terrible, terrible heartache on all parts. Sometimes the biological mother could care less where her child is and she probably doesn't want to know where he or she is because she is better off where she is. I do not like this bill and I shall vote against it.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: Just a matter of clarification, either I don't understand the bill, I don't understand the procedure or else somebody else doesn't.

They say that if a young adult wants to find out who their mother is, they go in and sign up. If the mother doesn't sign up, then she won't find out who it is.

This is not the way it is. The way it is today is that they can go to a judge of probate and the judge of probate, if he so desires and if there is enough insistence on the part of the young adult, or enough pressure on the judge of probate to open up their records, and on the records there might only be the mother's name. The father's name doesn't have to be on there unless he consents in writing to have his name on there. That mother can be pestered forever, the mother of this child that has been bastardized.

I am telling you that this is not a good bill. This probably is, I will use the word Mrs. Martin used, a heartbreaker, and I am not involved in adoption and never have been.

This particular bill, the young adult can go and get an order from a judge and open up the files and if the judge happens to open up the files, there is nothing that says he has to but there is nothing that says he can or can't do it, she or he will find out who their mother is. If the mother succumbs to the questions and to the begging of the young adult, she will also bring the father of the child, who in both cases might be very happily married, have settled down, have had legal families, and this, ladies and gentlemen, is one of the worst invasions of privacy for those involved in this particular situation.

I sympathize and I think it is a great deed for people that do adopt children, but I am also stating bluntly that young people today, they want to know and the adoptive parents in many cases want to know the ethnic background of the child that is to be adopted or the one that has been adopted.

I submit to you that this is one of the worst invasions of privacy that you can have and I hope that you do vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, Ladies and Gentlemen of the House: At this time, an adopted person reaching their majority can go to the courts, ask that the records be broken open and find out if the judge of probate so desires.

If, on the other hand, you have two people, one that gave up a child for adoption and one that had been adopted, who voluntarily want to get together, this happens on both sides sometimes, then they can voluntarily sign the register. If they are both there, both names of each party, then they will be informed where the other party is so they can get together, but only if they both want it on the record. It is not mandating anything. If one person doesn't care or doesn't want to, they don't have to sign it. It is trying to make it easier for those two parties that want to get together in later years and only for adults.

The bill doesn't change the court method at all. You can still go at age 18 to the probate judge, ask that the records be opened and they

could still be opened and that is perhaps when you have the heartbreaker business. This way, at least if people are in agreement, if both the mother and father of an adopted child and the adopted child want to get together, they can.

In the paper there was an article which I gave to the good gentleman from South Portland which explained about a mother who had given up her child for adoption some 20 years ago. Perhaps you saw it on your desks, I believe he distributed it, and she was very anxious to find the child that she had given up for adoption. The reason was that she had a disease which was generic which would be handed down to the child. She was very anxious to find that child so the child could get treatment. There are instances where both people want to get together at a later time in life, maybe much later in life, and we are only making it a little easier for those who both want it.

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 was ordered.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise this afternoon not only in opposition to this monstrosity but in vigorous opposition. I have an adopted daughter, and as far as I am concerned, no cotton picker in state government, federal government, court legal aspects or what has anything to do with my daughter's life except me. She was my responsibility from the day she was born. Her mother did not want her. I saw her an hour after she was born.

The SPEAKER: The Chair recognizes the gentleman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker and Members of the House: To address that point, if your daughter, Mr. Gillis, does not wish to sign this register, she does not have to. No one is going to come looking for her or she doesn't have to go looking for anyone if she decides she does not want to.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: After the gentlelady, all I can say is this. We don't need a bill on the statutes in the State of Maine to direct what my daughter is going to do. If she wants to see her mother, I can take her to her mother. I don't need a statute to tell me this or to give me permission to do this or give her permission to do this. She is my daughter and I am not going to take a chance on the psychological effects it might have on her.

You can take this bill and you can do with it what you will, but if I have to break a law, I will break this one. She is my daughter, she is my responsibility, and I will never surrender that right.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I sympathize entirely with Mr. Gillis attitude, but this bill does not tell his daughter what she must do. It simply says what she may do in the sad event that Mr. Gillis isn't around 18 years from now and she decides she wants to know her natural mother. Even then, the record is sealed unless her natural mother signs that register too, and this bill does not tell the natural mother that she 'must' sign that register but only that she 'may' sign the register. So rather than mandate anything by this bill, it is providing an avenue, providing a connecting link that does not exist under the present law.

It is a good bill and you should defeat the pending motion.

The SPEAKER: The Chair recognizes the

gentlewoman from Portland, Mrs. Payne.

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this bill could lead to a feeling of second rejection. The child may know she is adopted or he is adopted. **Young people often go through an identity crisis, we all know that. A child may sign on this register and then wait and wait and wait and no mother comes looking for them. I think this could do them more harm than not having the opportunity at all.**

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: This is every bit the emotional issue I know it to be and have known it to be for some time.

I guess with the response of several of the opponents of the bill, I cannot say anything that would ease their concern. You have heard today from two adoptive fathers.

I guess when it comes to our role as legislators and agents of the government, I think what we must ask ourselves, perhaps among a number of other questions, is whether in this situation the state has that much interest in and reason to keep two human beings apart who want to meet. We do that now because our law says, and for good reasons, that the birth records, the original birth records of adopted children will remain sealed.

Mr. Carrier was describing to you the present law, but that bears no relationship to this bill. This bill doesn't talk about what the probate judge may do, and generally those judges say no, and for good reason, because the other party hasn't come forth. I feel strongly, however, that if two human beings out there want to meet, the state should not continue to provide that barrier to their meeting.

I hope you will vote against the pending motion.

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

Mr. SIMON: Mr. Speaker and Members of the House: When this bill came before our committee, I took a special interest in it because one of my long and dear boyhood friends was an adoptee and had only recently, within the last six months, found his mother, his biological mother. He found her without the aid of a statute like this, so I said to myself, this may be very good for some people but do we need this statute?

The question that I posed to the good gentleman from South Portland, Mr. Howe, was concerning the privacy of the second biological parent, be it mother or father. Mr. Carrier has articulated that problem. Young Mr. Smith finds that he is the biological son of Mrs. Brown. He goes to Mrs. Brown though this process. Mrs. Brown tells him that he is the biological son of Mr. Green. Mr. Green may be a very rich individual, he may be an individual who has a well-settled reputation in the community, a family that he is now attached to, and his privacy is in gross jeopardy by this bill.

Mr. Howe satisfied me, I think, by saying, well, let the chips fall where they may. If you are satisfied with that, then you should vote for the bill. That was my concern with the bill, and I think Mr. Carrier regardless of whatever else he has said, has pointed out that problem with the bill.

I want you to know that the committee report does not reflect quite as overwhelming degree of support as it might have otherwise.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: There seems to be more misunderstanding about this bill than almost any bill I have seen in here for a long time. We are talking about people over 18 years of age, and as parents we lose control of our children when they are 18 years of age or 20 years of age or 40 years of age or 50 years of age. They have to make a decision, they put

their names in the book. This doesn't connect them to their biological parents. It only means if their biological parents want to reach them, they can.

I happen to have two adopted children, and I will bring them up the best I can as a parent, but when they are 20 or 30 or 40 years old, they have to make their decisions, and if they want to do this type of thing, then they should be allowed to do it.

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

ROLL CALL

YEA—Austin, Berry, Berube, Bordeaux, Boudreau, Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Conary, Cunningham, Dexter, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fowlie, Garsoe, Gillis, Gould, Hickey, Higgins, Hunter, Immonen, Jacques, E., Jalbert, Kelleher, Kiesman, Lancaster, Lewis, Lizotte, Lowe, Lund, MacBride, Mahany, Martin, A.; Masterman, Morton, Nelson, A.; Paradis, Payne, Peltier, Peterson, Reeves, J.; Rollins, Simon, Soulas, Sprowl, Stover, Strout, Studley, Torrey, Tozier, Twitcheall, Vose, Wentworth, Wood.

NAY—Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Brown, K. L.; Bunker, Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Damren, Davies, Davis, Dellert, Diamond, Doukas, Dow, Dudley, Elias, Fillmore, Gavett, Gowen, Gary, Gwadosky, Hall, Hanson, Howe, Huber, Hutchings, Jackson, Jacques, P.; Joyce, Kane, Kany, Laffin, LaPlante, Leighton, Leonard, Locke, MacEachern, Marshall, Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Sewall, Sherburne, Silsby, Small, Stetson, Tarbell, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wentworth, Wood.

ABSENT—Brown, D.; Hobbins, Hughes, Lougee, Matthews, Norris, Roope, Smith, Mr. Speaker.

Yes, 58; No, 84; Absent, 8.

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

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

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

Mr. HOWE: Mr. Speaker, having voted on the prevailing side, I move we reconsider and hope you will vote against the motion.

The SPEAKER: The gentleman from South Portland, Mr. Howe, moves that the House reconsider its action whereby the Bill was passed to be engrossed. All those in favor will say yes; those opposed will say no.

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

Second Reading Indefinitely Postponed

Bill, "An Act Permitting Binding Arbitration for Public Employees in Critical Public Services" (H. P. 102) (L. D. 122) (C. "A" H-425)

Was reported by the Committee on Bills in the Second Reading and read the second time. Mrs. Beaulieu of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-463) was read by the Clerk and adopted.

On motion of the same gentleman, 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-464) was read by the Clerk and adopted.

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I know we don't want another long debate on this, as we did yesterday, but I do just want to be sure that people realize that in passing this particular piece of legislation you are increasing property taxes. Now, we all hear that that is the most regressive tax that we have. I move indefinite postponement and I would like to ask for a roll call, Mr. Speaker.

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 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 Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to call this bill to your attention. It has been going along pretty well and perhaps will continue to, but as you vote on this motion to indefinitely postpone, the bill we had the other day dealt with municipalities. This one does, too, but in Section 3, we now have direct care services in state correctional institutions, state mental institutions and the Maine State Police. Now, if you don't have any hesitation to impose binding arbitration on municipal officials and their budgets, their ability to pay, you might want to think twice as you consider the impact of this piece of legislation, because the arbitrator is given the authority to set wages, pensions and insurance and, of course, as they always have, all aspects of working conditions on these state employees.

Here, again, the arbitrator and not the legislature will make the determination as to what the lawful authority of the employer is, the financial ability of the employer to meet costs and the interest and welfare of the public. This arbitrator is going to make those determinations.

The retroactivity of the arbitrator is unimpaired. It says, "the commencement of a new fiscal year for the employer prior to the final award by the arbitrator shall not be deemed to render a dispute moot or to otherwise impair the jurisdiction of the arbitrator."

Now, try that on for size, that we have ended a fiscal year with a labor dispute and an arbitrator is coming in and makes awards that become retroactive back into the preceding fiscal year.

The first section of the bill gives this authority over municipalities, the second section gives it over the state itself.

There is one other little interesting nugget in the amendment, Committee Amendment "A" under filing 425. "In the event of a strike, the union shall forfeit, shall be unable to require that employees upon being hired join the union." We have just had quite a go-round on this very subject. This bill, by implication, is at least going to raise the question as to whether or not the unions have that right. I thought we laid the dust on that question, but by a backdoor approach, this seems to be attempting to create the illusion, at least, that this is a right of the union at this time.

I hope you have heard enough now to give this one the deep six and vote, indeed, to indefinitely postpone this piece of legislation.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: I find the arguments raised

against binding arbitration in general very, very interesting, but I think the time has come to talk about why binding arbitration and why for this group of people.

I bring this bill to this legislature in the identical form it was in when I presented it in the 108th, and the bill went through this body and we lost it by three or four votes in the Senate. I bring it back because I believe in what it is to do and I am convinced that it is needed.

The bill addresses the issue of critical service employees. They are identified to you in this L. D. as police, firefighters, state police, emergency vehicle operators, individuals in state and municipal hospitals and institutions, particularly those in the last group involved in direct patient care. These are the people, in the estimation of experts in our citizenry, namely the people you and I represent, that are involved in what I call potential loss of life and loss of property professions.

There isn't a single citizen in this state who can afford to have strikes, work slowdowns, sick-in activities of any sort by people in these professions, and no citizen anywhere should ever have to worry about any of the before mentioned activities.

There are a few citizens who will admit that all is well with our current collective bargaining problems that these professional people have to endure. There is enormous evidence, ladies and gentlemen, and continuing evidence of prolonged and bitter disputes involving the settlement of contracts, particularly for police and firefighters. As it stands now, arbitration, which is an effective tool, isn't binding and it isn't binding on the matters that matter most to the people in these professions.

Salaries for police and firefighters in this state are pitiful. I come from the largest city in the state. A starting firefighter or policeman, if he is lucky and is there six months, will gross \$176 a week. I work as a cleaning lady, ladies and gentlemen, and my starting pay is \$159 a week, and I have all my medical insurances paid, three weeks of vacation after five years of working, and I have the right to strike. Even umpires, ladies and gentlemen, have the right to strike.

The bill I presented to you has had the amendments put on it that several members of this body showed concern for—what would the penalties be. I believe that the Labor Committee certainly worked very hard to draft proper amendments. I have studied binding arbitration in the state for four years before I even got here, and I worked with legal experts so that we researched binding arbitration laws from all of the states that have it and we have pulled sections of those laws to come up with a reasonable, workable and fair binding arbitration settlement if the parties ever have to get there.

The major feature of this bill is that it is not a union or a management bill, it is not a 'last best offer' bill, if you understand labor terminology. The last best offer premise, an arbitrator must select only one of the packages, either the union package or the management package. In this bill, he can use both, pick between both last best offers and on each impasse item. I believe this provides flexibility and gives account and creditability to the needs of both parties. The most important thing that people don't ever talk about, and if my seatmate would stop laughing it would make it easier for me to continue here—binding arbitration, ladies and gentlemen, is the ultimate of resolves in a labor dispute. As it stands now, we find our working men and women in these critical public safety jobs held in abeyance too many times to unskilled, elected lay groups who are either elected for one, two or three year periods, yet the employees are there forever, who make decisions about the professional jobs that they do know, and these decisions are usually made in the arena of politics and dollars only. And I would ask you whether the pharmacist or a small businessman, even a lawyer or doctor

knows about firefighting or police work. I would gather a majority of them still think you have to use a key to turn on fire engines.

The fact that there is no ultimate resolve in the labor dispute for these public servants is why we must address the issue of binding arbitration and look at it as the very last step to end the contract dispute. These people cannot strike, the public does not want them to strike, they do not want to strike, so what are we going to do? Leave them held there forever.

We have instances in this state of contracts that are not settled for as long as 10-plus months, and I find that ludicrous and ridiculous. Management too often procrastinates and the end result is that the citizens, the people in your cities and towns, sit nervously by and they should not have to. With cities and towns facing dollar problems more and more down the road, I contend that the collective bargaining process will be more and more abused. And since these public service people are charged with public protection responsibilities, they will bear the brunt of department cutbacks.

Our fire department in Portland, at one time, had over 200 men; we now have 167. They are laid off by attrition—wonderful term.

I predict and I am confident that if we do not find a way to stop the foolishness to these kinds of employees, we will, indeed, have a legal strike and work slowdown, and I don't want that to happen. I don't believe the citizens in the state need to be put in the position of worrying about what happened out in Minnesota and other communities, down in New Orleans and what not, so I say to you, please look at binding arbitration not as an end run to get a resolve by somebody outside of the system but to look at it as the ultimate resolve in our statutes, and I maintain that critical service employees must be and have to be the first group to be considered.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, just for my own information, I am a little confused. We have two L. D.'s which seem to address the same problem, the issue. Upon looking at the committee amendment to L. D. 1463, which concerns the arbitration of municipal fire and police departments, in that committee amendment, the University of Maine police are placed under that bill, and as I look at the amendment which Representative Beaulieu has just presented, the University police are also put in, so I am a little confused, I guess.

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, has posed a question through the Chair to the gentlewoman from Portland, Mrs. Beaulieu, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. BEAULIEU: Mr. Speaker, they were not included in the amendment that was prepared for the committee. Therefore, I chose to amend them by using this process because I had no other choice. I consider them critical service employees.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I know that it is late, but this is not the bill which I co-sponsored and I thought, knowing what my vote is going to be when the vote is taken, I might describe why I can vote for one and not the other.

I believe the comments of Mr. Garsoe of Cumberland have highlighted the questions that I had with this bill. I think it goes too far and its impact is too vast, and I don't think it is as moderate an approach as my bill, and I will be voting in opposition to this bill.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I know that the hour is late but I have a 300 mile drive to take, I am the one that travels the furthest.

I would think that this bill ought to pass. We are not forcing anyone to go to arbitration. If management gets together with labor and are reasonable and respect one another, you will never have arbitration.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of Mrs. Lewis of Auburn that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, I would like to pair my vote with the gentleman from Livermore Falls, Mr. Brown. If he were here, he would be voting yes and I would be voting no.

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

Mr. GRAY: Mr. Speaker, I would like to pair my vote with the gentleman from Auburn, Mr. Hughes. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The pending question is on the motion of the gentlewoman 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.

ROLL CALL

YEA—Aloups, Austin, Berry, Berube, Birt, Bordaue, Boudreau, Bowden, Brown, K. L.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Hall, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kane, Kany, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, McMahon, McPherson, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Sewall, Sherburne, Silsby, Small, Smith, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Tozier, Twitchell, Wentworth, Whittmore, Wood.

NAY—Bachrach, Baker, Barry, Beaulieu, Benoit, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Chonko, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Fowlie, Gowen, Gwadodsky, Hickey, Howe, Jacques, E.; Jacques, P.; Jalbert, Joyce, Laffin, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Pearson, Post, Reeves, P.; Rolde, Simon, Soulas, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wyman, The Speaker.

ABSENT—Elias, Hobbins, Kelleher, Matthews, Morton, Norris, Roope, Sprowl.

PAIRED—Brown D.- Prescott; Gray - Hughes.

Yes, 79; No, 60; Absent, 8; Paired, 4.

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

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

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

The SPEAKER: Mrs. Lewis of Auburn, having voted on the prevailing side, now moves reconsideration. Those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Bill "An Act Concerning Retirement for State Prison Employees" (H. P. 1138) (L. D. 1404) (C. "A" H-422)

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

Bill "An Act to Insure that Informed Consent is Obtained before an Elective Abortion is Performed" (S. P. 484) (L. D. 1482) (S. "A" S-190 to C. "A" S-182)

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

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

I know what it must feel like to go off to battle every day in the minority and still feel that you must do it very single time because it is something that you believe in that much.

Addressing L. D. 1482, there is already a well developed body of law which imposes a duty on physicians to inform all patients of any risks or alternatives to any proposed treatment or procedure before obtaining the patient's consent. This bill is an unnecessary duplication of existing law.

The requirement that no abortion may be performed within 48 hours of a woman's consent places an unreasonable burden on those women who have already made up their minds.

This is very different from the situation involving encyclopedias and siding on a house. In those cases, the consumer needs protection from the salesman who may be too aggressive, while in the abortion situation, the consumer seeks out the physician's services.

The 48 hour waiting period places an unreasonable financial burden on women seeking an abortion. In a rural state like Maine, the waiting period may be too long and time-consuming trips to the doctors or even staying in a hotel for two nights. This places a large financial burden on women needing abortions.

The bill requires physicians to inform their patients seeking abortions about "information concerning public and private agencies that will provide the woman with economic and other assistance to carry the fetus to term." This provisions requires physicians to be experts on charitable and welfare benefits available to women. The physician will have to be aware of all the latest benefits available under all state and federal programs. In addition, the physician will have to know about the benefits and classes provided by every prepared childbirth group. This requirement places an intolerable burden on physicians trying to provide services to which women have a constitutional right.

This bill is unconstitutional. On March 5, 1979, the United States Supreme Court ruled in *Friedman versus Ashcroft* that a similar Missouri statute was unconstitutional. The court bases a decision on the finding that the law singled out abortion from other surgical procedures for "imposition of this strait-jacket approach" and also "interfered with the woman's right to consult with her physician concerning her decision of an abortion without undue restriction by the state."

This bill not a pro-truth bill nor a pro-consumer bill. This bill is simply an attempt to harass both women exercising their constitutional rights to have an abortion and doctors who provide that service. If members of the legislature feel obligated to vote against abortion, they should do so by voting the viability bill we have already had. At least that bill honestly addressed the issue.

This bill is an unconstitutional invasion of a doctor-patient relationship for the sole purpose of trying to restrict the first trimester of abortions, which the Supreme Court has said that states may not prohibit.

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. I have my stop watch here.

With respect to *Friedman versus Ashcroft*, to which the gentlelady from Newcastle referred

I would simply like to clear up the matter because the good gentleman from Farmington, Mr. Morton, distributed a piece of literature with a quotation from *Freidman versus Ashcroft* contending that it demonstrated the unconstitutionality of the statute we have before us.

Freidman versus Ashcroft did not hold informed consent unconstitutional. It held one aspect of one state's informed consent statute unconstitutional. That provision required the physician to make some statements about custody of a live born fetus. The *Freidman* court intimated and another court held that that rule itself was unconstitutional, the rule about losing custody of a live born fetus, if you were the one to have the abortion, and that is one of the reasons why it held that requirement unconstitutional.

The second reason why the *Freidman* court held that statute unconstitutional was because another part of the law which was not challenged forbade the abortion of a viable fetus. Therefore, a legal abortion could not result in a live born child.

Second, this particular provision of the statute that was held unconstitutional made no distinction between the part of pregnancy which the warnings had to be given. Therefore, if the threat was that of losing custody of a live born fetus, the statute did absolutely no good, the courts held that it was meaningless.

As to the general contention that this statute is unconstitutional, in *Planned Parenthood Association versus Fitzpatrick*, 401, Federal Supplement 554, Act 583, 1975 — the U. S. Court of Appeals held a statute very much like the one we are dealing with to be constitutional. That, in turn, Mr. Speaker, was upheld by the United States Supreme Court unanimously under the name of *Franklin versus Fitzpatrick* in 1976.

Because I am getting snickers and dirty looks, I will quit now. If anyone would like to talk to me about this later, I would be more than happy to do so, but I urge you to vote against the pending motion for indefinite postponement.

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 Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate your indulgence. I will only be a few moments.

The gentleman from Lewiston, Mr. Simon, pointed out incorrectly that this provision in the Missouri law, which the court said would not be constitutional for the doctor to have to talk about, was declared unconstitutional — that is not correct. That court did not decide that; they said it was perfectly okay for that to be on the books. It just said that the doctors should not have to talk about it, just as I put out in this flyer. I apologize for the words at the top, but I wanted to get everyone's attention. I didn't want to have to spend the time reading it on the floor, because I knew I would get rather frowning looks from the Speaker's platform, but I trust you will all read this and vote in favor of the motion to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from Newcastle, Mrs. Sewall, 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, Bachrach, Baker, Benoit, Berry, Bordeaux, Brannigan, Brenerman, Brown, A.; Brown, K. L.; Connolly, Davies,

Davis, Dellert, Doukas, Dow, Drinkwater, Fenlason, Garsoe, Gowen, Gwadosky, Hall, Higgins, Howe, Huber, Hutchings, Immonen, Jackson, Kiesman, Leonard, Locke, Lowe, Lund, MacEachern, Masterton, McKean, Morton, Nelson, M.; Post, Reeves, J.; Reeves, P.; Rollins, Sewall Small, Sprowl, Studley, Tarbell, Tozier, Vose, Wentworth.

NAY — Austin, Barry, Beaulieu, Berube, Birt, Blodgett, Boudreau, Brodeur, Brown, K. C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Cox, Cunningham, Curtis, Damren, Dexter, Diamond, Dudley, Dutremble, D.; Dutremble, L.; Fillmore, Fowlie, Gavett, Gillis, Gould, Gray, Hanson, Hickey, Hunter, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Lougee, MacBride, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McHenry, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Paradis, Payne, Pearson, Peltier, Peterson, Prescott, Rolde, Sherburne, Silsby, Simon, Smith, Stetson, Stover, Strout, Theriault, Tierney, Torrey, Tuttle, Twitchell, Violette, Whittemore, Wood, Wyman, The Speaker.

ABSENT — Bowden, Brown, D.; Elias, Hobbs, Hughes, Matthews, Norris, Roope, Soulas, Vincent.

Yes, 50; No, 91; Absent, 10.

The SPEAKER: Fifty having voted in the affirmative and ninety-one in the negative, with ten being absent, the motion does not prevail. Thereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

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

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

The SPEAKER: The gentleman from Fort Kent, Mr. Barry, having voted on the prevailing side, now moves reconsideration. Those in favor will say yes; those opposed will say no.

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

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the seventh tabled and unassigned matter:

Bill, "An Act to Fund and Implement Agreements between the State and the Maine State Employees Association and to Fund and Implement Benefit 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 10, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, the House voted to recede.

Mr. Pearson of Old Town offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-443) was read by the Clerk.

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

House Amendment "A" to House Amendment "A" (H-472) was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

Passed to be Engrossed Emergency Measure

An Act to Extend until July 1, 1980, the Date

for the Newport Water District to Purchase the Property of the Maine Water Company (H. P. 1334) (L. D. 1581)

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

An Act Prohibiting a Bank Holding Company from Owning more than One Type of Financial Institution (S. P. 91) (L. D. 177)

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

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

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

Mr. Howe of South Portland requested a division.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Biddeford, Mr. D. Dutremble, that this item be tabled for one legislative day pending passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Passed to be Engrossed

An Act to Clarify the Publication of School Records (S. P. 123) (L. D. 249) (C. "A" S-166)

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

An Act to Include Services Performed by Chiropractors under Health Insurance Policies and Health Care Contracts which Pay Benefits for those Procedures if Performed by a Physician (S. P. 131) (L. D. 308) (C. "A" S-164)

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

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

Mr. HOWE: Mr. Speaker and Members of the House: I would like to make a couple of comments for the record at the urging of the proponents of the bill. In the bill it says that the services will be covered for those Chiropractors with whom Blue Cross—Blue Shield simply refuses to contract with chiropractors and I wanted to say that it is the position of myself and the majority of the committee, I believe, that it is our intention this bill will require Blue Cross—Blue Shield to contract with chiropractors who are licensed and who comply with the law.

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

Enactor

Tabled and Assigned

An Act to Prohibit the Practice of a Mandatory Retirement Age (S. P. 260) (L. D. 790) (C. "A" S-162)

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

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

Mr. STETSON: Mr. Speaker, I ask that this be tabled for one legislative day.

Mr. Theriault of Rumford requested a division.

The SPEAKER: The pending question before the House is on the motion of Mr. Stetson of Wiscasset that this item be tabled for one legislative day pending passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 33 in the negative, the motion did prevail.

An Act to Create a Ground Water Protection Commission to Review the Laws Dealing with Ground Water (S. P. 397) (L. D. 1215)

An Act to Eliminate the Termination Provisions of the "Food Product" Sales Tax Exemption (S. P. 462) (L. D. 1428) (S. "A" S-167 to C. "A" S-152)

An Act to Amend the Maine Automobile Insurance Cancellation Control Act (S. P. 463) (L. D. 1429) (C. "A" S-154)

An Act to Amend the Rate Filing Disapproval Requirements Pertaining to Nonprofit Hospital and Medical Service Organizations and Health Insurance Carriers (S. P. 505) (L. D. 1566)

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

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This is another binding arbitration bill but rather than like the bill we just discussed, this one would bind the Chief Executive, in other words, the Governor in our state, to cost items of negotiations. It would say that whatever items the two parties came up with, the Chief Executive would be bound to those items. Then they in turn go to the legislature. I think it ties the Chief Executive's hands too much and I would even question whether this would be constitutional. Maybe it is since it has gone this far, but I think it is a bad practice and I would move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that I introduced and I introduced by my own desires, my own interests, because I feel there is need to improve the capability of the bargaining process.

Thinking back to somewhere around 1971, when we first started considering collective bargaining for the state employees and public employees, the program was considered first by the Legislative Research Committee, and if my memory is right, and I haven't researched this, the person who did most of the work on it was a gentleman from Bath who was in the legislature at that time and a very excellent legislator by the name of Rodney Ross.

In 1974, when collective bargaining came before the legislature, Representative Ross indicated at that time that it was not a perfect bill, it was a bill that was going to have to be looked at and reviewed and tried and tested. Among the things in trial and testing is the need to be able to provide a mechanism whereby the collective bargaining process can operate more effectively.

This bill covers mainly what was a situation whereby if you get in an impasse with the executive, the cost items can be carried through the legislature and let them make a decision. The Constitution is quite clear as to the fact that the power to appropriate money lies entirely in the hands of the people in the legislature. I think that this is a good example of where this can be effectively used to allow the cost items to be brought to the legislature in the event that there is an impasse between the executive department and the people bargaining, in this case the state employees.

I think this is a bill that is worth considering and I think it is a bill that is worth putting on

the statutes, and I hope you will vote against the indefinite postponement motion and then we can pass this bill.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the good gentlewoman from Auburn, Mrs. Lewis, in her motion to indefinitely postpone this bill.

I really appreciate the frustrations and the problems that are inherent and implicit in the collective bargaining process. It is really too bad that the problems exist, but it seems to me that by the very nature of collective bargaining you have set up an adversarial relationship with adversarial parties and that is just implicit and inherent in the whole system. It is just one of the problems that is going to remain and it seems to me that this is an inappropriate way to attempt to resolve that.

I would say that for the Chief Executive of the State of Maine to be bound by a third party binding arbitrator is really equivalent to the emasculation of the sovereign power of the Chief Executive of the State of Maine and the people of the State of Maine that are represented by the executive branch of our state government.

I would like to pose some questions. The question of constitutionality was never really addressed on this. Can you really constitutionally bind by a third party arbitrator or the Executive at the negotiation table? Even if you could constitutionally do that, what happens if the legislature were to go ahead and pass a bill funding a collective bargaining contract and the Governor had disagreed with it all along but it had been taken out of his hands basically by the arbitration process? Could he veto it? I think that is an excellent question as well.

Even if the question of constitutionality and the question of veto are not really obstacles in this area, it seems to me that this makes a very, very bad state policy, whether it be at the state level or the local level or whatever level of government when you are talking about the public sector and you are talking about responsibility to the taxpayers and the public of the State of Maine. I would urge you to go along with the motion to indefinite postpone.

I would just like to add another remark at the end. A few days ago, we were discussing this issue on the side with our Chief Executive, Governor Brennan, and he even indicated that he was concerned about this measure and we did not press him with respect to asking what he might do if this legislative branch passed it, but even our own Executive thinks this measure has problems and goes a bit too far as an encroachment of the sovereign power of the Executive of the State of Maine.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: It is obvious to see that since Mrs. Lewis has been successful on one arbitration bill, she is really feeling her oats this afternoon and is going to attempt to kill the other bill. I just hope that her streak of good luck is a short one.

I do want to address some of the points that the gentleman from Bangor, Mr. Tarbell, has raised and also some of the points that the gentlelady from Auburn has raised.

This particular bill, I think the most important thing to note about this bill, ladies and gentlemen, is that unlike the other arbitration bills that we are dealing with, there is nothing in this bill that is going to bind the hands of the State Legislature. It is going to be binding on the Chief Executive. Now, the gentleman from Bangor, Mr. Tarbell, has suggested that the Chief Executive is the representative of the people. I certainly will not contend that, but I would also like to humbly suggest that 184 of us in the Legislature also are elected by the people, we also represent the people and we represent the people as much as the Governor

of the state, regardless of who he may be.

I can certainly understand Governor Brennan's concerns about this particular bill. In this particular case he is management, and I am sure he doesn't want to see anything that is going to weaken his hand. However, I think it is quite obvious to all of us that we face a very difficult situation in this state as it pertains to state employees and public employees in general. The problem is that the rights and the prerogatives that are available to employees in the private sector are not available to employees in the public sector. That is what it boils down to.

The question we have before us really, it seems to me, is one of whether or not we are going to attempt to make the collective bargaining process more equitable and fairer than it is. Obviously, anyone in a management capacity is going to be opposed to these kinds of bills and to this bill. The reason for that is that in the present situation, the public employer has the advantage over the public employee. In the private sector, if the employees don't particularly like the situation, they don't like a final offer or settlement, they can go on strike.

I would remind you, ladies and gentlemen, that in 1919, during the Boston police strike, the Governor of the State of Massachusetts, who was Calvin Coolidge, said that no one has the right to strike against the public health, public welfare and public safety at any time, anywhere. In addition to landing himself a spot on the 1920 Republican ticket for Vice President, I think that statement also served to reinforce the perception, reinforce the opinion that we ought not to be extending the right to strike to the public sector at any level, but if we do not do that, then it seems to me that we must consider an alternative, and if it is not binding arbitration, then what is it going to be?

I would challenge those who oppose this particular bill to come forward with an alternative. I haven't seen an alternative. All I have seen is people who have said that they don't want the right to strike, and I happen to agree that the right to strike is not in the best public interest and I strongly oppose it at any level, but if we are not going to do that, then we must come up with an alternative, and the alternative, it seems to me, is this bill. This bill is reasonable. This bill is only going to go into effect at all when the Chief Executive of this state and the employees and their representatives have reached an impasse situation in which they, themselves, cannot possibly find a way out. Otherwise, this bill is not going to have any effect at all. And even if it reaches the point where this particular arbitration bill is going to go into effect, the legislature, and I would remind you that we are the people's representatives, are going to have final say on the bill. So I think it is a very reasonable approach.

Ladies and gentlemen, I would hope that you would not defeat this. I am the cosponsor of the bill, along with the gentleman from East Millinocket, Mr. Birt, and I feel very strongly that we ought to take this step to protect and give this very basic right to our state employees.

Mr. Speaker, I would ask that when the vote is taken, it be taken by the yeas and nays.

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

Mr. STETSON: Mr. Speaker, I rise for a point of inquiry to the gentleman from Pittsfield, since he brought into the picture the good gentleman from Massachusetts, Calvin Coolidge. I would like to know, how has the federal sector, the public sector, how has that handled this problem of the employees not being able to strike and no binding arbitration? How have they coped with it?

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

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

Mr. TIERNEY: Mr. Speaker, I was speaking with Calvin Coolidge just last week and he told me he had no idea how they were going to handle the problem.

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

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Just one brief comment in answer to one of the questions that was raised by the gentleman from Bangor, Mr. Tarbell.

Over the years that I have been in the legislature, I have heard quite a few times, when your argument is weak, the question of constitutionality. I say on the floor that I have seen a couple of cases, and one that I took to the Supreme Court myself involving the development of the decision in which — there was many times that it was said that the bill was unconstitutional. I took it to the Supreme Court and the Supreme Court ruled it was constitutional. It is one of the better accomplishments, as I look back on the years that I have been in the legislature. I think the same thing applies in this case. Whether the bill is or is not constitutional is not an issue on the floor. If the bill is unconstitutional, this is a privilege of the court and we do not have the right to decide that.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Auburn, Mrs. Lewis, 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, Berry, Bordeaux, Boudreau, Bowden, Brown, K. L.; Bunker, Call, Carrier, Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Joyce, Kany, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Masterman, Masterton, McMahon, McPherson, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Sewall, Sherburne, Small, Smith, Stetson, Stover, Studley, Tarbell, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Fowlie, Gowen, Hall, Hanson, Hickey, Howe, Jacques, P.; Jalbert, Kane, Kelleher, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McHenry, McSweeney, Michael, Mitchell, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Prescott, Reeves, P.; Rolde, Simon, Soulas, Strout, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman. The Speaker.

ABSENT — Brown, D.; Dutremble, L.; Elias, Gwadosky, Hobbins, Hughes, Jacques, E.; Matthews, McKean, Morton, Nadeau, Norris, Post, Roope, Silsby, Sprowl.

Yes, 67; No, 68; Absent, 16.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-eight in the negative, with sixteen being absent, 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 Make the Attorney General's Explanations of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters (H. P. 183) (L. D. 235) (S. "A" S-177 to C. "A" H-336)

An Act Relating to Revisions of the Adoption Law (H. P. 242) (L. D. 287)

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

Enactor

Tabled and Assigned

An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission (H. P. 380) (L. D. 487) (C. "A" H-321)

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

On motion of Mr. Davies of Orono, tabled pending passage to be enacted and tomorrow assigned.

An Act Concerning Fire Permits for Registered Guides (H. P. 431) (L. D. 548) (H. "B" H-416 to C. "A" H-286)

An Act Concerning Writ of Possession and Abandoned Property (H. P. 669) (L. D. 829) (C. "A" H-379)

An Act to Ensure Firefighters may use a Reasonable Degree of Nondeadly Force to Carry Out their Firefighting Duties (H. P. 815) (L. D. 1017)

An Act to Exempt Teacher Certification Records from the Freedom of Access Statutes (H. P. 953) (L. D. 1186) (C. "A" H-378)

An Act to Require Payment of Taxes on Timberland Repossessed by the Maine Guarantee Authority (H. P. 1104) (L. D. 1319) (C. "A" H-358)

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 Relating to State Participation in General Assistance Programs (H. P. 1356) (L. D. 1592) (H. "A" H-148)

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

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The House Amendment which I added earlier this week which, by the way, as I said, was supported by the Maine Municipal Association, was incorrectly drafted by Legislative Research. There were two sentences in the bill that were supposed to come out and they didn't come out. I would like to offer a House Amendment which would correct that and take out those two sentences. I would hope that someone would move to suspend the rules so that I could do that.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, the rules were suspended for the purpose of reconsideration.

On motion of Mrs. Prescott of Hampden, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" was adopted, and on motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

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

House Amendment "B" (H-469) was read by the Clerk and adopted.

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

An Act to Provide for Full-time Workers' Compensation Commissioners and to Organize

the Administration of the Commission (H. P. 1379) (L. D. 1604)

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

Orders of the Day

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

HOUSE DIVIDED REPORT — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Public Utilities on Bill, "An Act to Abolish the Fuel Adjustment Clause" (H. P. 961) (L. D. 1189)

Tabled—May 15, 1979 by Mr. Davies of Orono.

Pending—Motion of the same gentleman to Accept the Majority "Ought Not to Pass" Report. (Roll Call Requested)

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 Orono, Mr. Davies, that the Majority "Ought Not to Pass" be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Benoit, Berry, Berube, Birt, Boudreau, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carter, F.; Churchill, Conary, Cox, Cunningham, Curtis, Damren, Davies, Dellert, Diamond, Doukas, Dow, Dudley, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gould, Gray, Hall, Hickey, Howe, Huber, Hunter, Hutchings, Jacques, P.; Jalbert, Joyce, Kane, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nelson, A.; Nelson, M.; Paradis, Paul, Payne, Pearson, Peterson, Reeves, J.; Sewall, Sherburne, Small, Smith, Soulas, Stover, Theriault, Tierney, Torrey, Tozier, Vincent, Violette, Vose, Whittemore.

NAY — Aloupis, Austin, Baker, Barry, Blodgett, Bordeaux, Bowden, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Dexter, Drinkwater, Dutremble, D.; Dutremble, L.; Garsoe, Gowen, Hanson, Higgins, Immonen, Jackson, Jacques, E.; Kany, Laffin, Leonard, Lizotte, Locke, MacEachern, Nelson, N.; Post, Prescott, Reeves, P.; Rollins, Simon, Stetson, Strout, Studley, Tarbell, Twitchell, Wentworth, Wood, Wyman.

ABSENT — Beaulieu, Brown, D.; Davis, Elias, Gwadosky, Hobbins, Hughes, Kelleher, Matthews, Morton, Nadeau, Norris, Peltier, Rolde, Roope, Silsby, Sprowl, Tuttle.

Yes, 89; No, 43; Absent, 18.

The SPEAKER: Eighty-nine having voted in the affirmative and forty-three in the negative, with eighteen being absent, the motion does prevail.

Sent up for concurrence.

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

Bill, "An Act to Clarify the Provisions Relating to Hearings on Juvenile Crimes and to Establish an Experimental Program for Education and Counseling of Juveniles" (H. P. 1375) (L. D. 1601)

Tabled—May 16, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: This bill has gone to the dentist. No more teeth are being pulled, I assure you, but a few minor cavities are being filled. An amendment is being prepared, and I ask that somebody table this bill for one legislative day.

On motion of Mrs. Mitchell of Vassalboro, 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 Assist School Administrative Units in Addressing Problems Associated with Alcohol, Tobacco and Drug Use and Abuse" (S. P. 209) (L. D. 582) (C. "A" S-172)

Tabled—May 16, 1979 by Mr. McHenry of Madawaska.

Pending—Passage to be Engrossed.

Mr. McHenry of Madawaska offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-446) was read by the Clerk and adopted.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: L. D. 582 I want to bring to your attention before we send it on; I hope we don't. It is going to give almost \$400,000 to the Department of Education to hire three new people to run a program that is being run very inefficiently right now. Currently, in the Department of Education, there is a small department that is under the human development and guidance heading that tried to deal with drug and alcohol problems in the schools around the state. As the statement of fact, in 582, states at the present time there is a lack of coordination and absence of sufficient state support. Well, sufficient state support is accurate and it is also accurate to say that there is a lack of coordination. This program is being run very poorly now.

In the Part I Budget, if you notice and probably you hadn't, and that is understandable, but in the Part I Budget, which we adopted, they were given \$62,000 and they asked for \$64,000 for the year 1980. Then comes along an L. D. which says that they need almost \$400,000 more to make this inefficient program become more efficient. Well, I question a couple of things here; number one, they only asked for \$2,000 more than they got. At the hearing they came out and supported a kind of a bill that would give them \$400,000 more.

If you have not had a chance to see this program, even though they sincerely try to make it work, you would appreciate what I am trying to say. The program is poorly run, it is not done well, and by dumping \$400,000 into the Department of Education, we are assuring nothing except the possible loss of \$400,000.

Primarily, they are going to use this to hire three new people. These new people, if you would read the statement of fact, in 582, would be an education and training specialist, an intervention and referral specialist — I don't know what that means, really, to them — and a clerk-steno. That leaves about \$300,000 left under "all other."

Now, I listened to this bill when it was heard, part of it at least, and I saw or heard nothing since. It changes my mind, and I want to bring to your attention, I sincerely am concerned about this amount of money being put to this kind of a cause, which is certainly a genuine cause, but in this kind of a department which is being inefficiently run now, it scares me tremendously to think what might happen with that kind of money being allocated there.

I would move, Mr. Speaker, that this bill, with all its papers, 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 spoke against this bill the other day and we did move it along. If

you want to spend \$400,000, put it in the Department of Special Investigation. Don't put it into a program like this.

As I mentioned the other day, we had some school superintendents that came to the hearing, said they were very pleased with the job DSI was doing and they didn't have that much faith in the department's program as far as alcohol and drugs. Believe me, if you want to get a bang for your buck, put the money in the DSI and not in this program.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think probably one of the areas where you are getting a lot of real problems today, and I have heard at home and I have heard it from several other areas, is the drug abuse in the schools.

At the present time, the department has really no expertise to handle questions, referrals, all kinds of information that is referred to them by local school people to give them some help with drug abuse. It also applies to in this case alcohol. I think they are two of the major problems facing our society today.

I think if we are going to do anything towards correcting drug abuse and alcohol abuse, we have got to start where we get the children when they are younger. As they get older, they become more indoctrinated in it, they become more ingrained into the whole program and it is a great deal harder to break them off it.

I think the department's position on this was the fact that they do not have any capability, any information, and they do need something because they are having a good deal of referrals to them. I think that this is at least an attempt to give them some help in the Department of Education, and I hope that this bill will not be indefinitely postponed. I think the department badly feels the need for it and they would appreciate its passage.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I couldn't agree more with the gentleman from Windham, Mr. Diamond, and the gentleman from Waterville, Mr. Boudreau, although I don't know whether or not I would want to go for \$400,000 in the area that he wants to go into. As far as I am concerned, what are we talking about when we are talking about the Department of Education? We have got a man now that knows he is not going to be reappointed, he is just hanging on until some other man is put in there. Personally, in my experience with the Department of Education in the last few years has not made me give them necessarily a A+ card as far as their report card is concerned. I can well remember right here, and I made the man admit it, that they are short \$21 million for the second year. That is what has plunged us into financial problems to begin with. I spent \$400,000 to reorganize the Department of Education from top to bottom, sideways and this way.

If a roll call hasn't been asked for, I ask for a roll call, Mr. Speaker.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just very briefly like to explain why I signed the "Ought Not to Pass" Report on this bill in the company of people whose company I am not usually with, because I am not known as one of the more conservative members of the legislature.

I agree that there is a real problem of drug abuse in the schools, there is a real problem of alcohol abuse in the schools, even though we did raise the drinking age, but I just did not feel and could not feel that this bill would address that problem.

I sympathize with the frustrations of the gentleman who is trying to run the program now and deal with this problem. I could not, in questioning during the hearing and work sessions,

get a very concrete or vivid sense from him of what programs they were using to combat it. I just felt that to add three more positions, to spend another almost half a million dollars, was really not going to address this problem at all. It has been called a bandaid, I think this is a bandaid and I don't think this would do the trick.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the more conservative members of the House and it gives me pleasure to be in a unique position today to be in agreement with Representative Rolde and Representative Jalbert.

I moved for the defeat of this bill last week. I feel even more that way today. It is a duplication of already existing efforts that are going on in the Department of Human Services, a federally funded program at Farmington, and the teacher know-how already exists in the schools, and the body of technical information which they need to teach exists within the Department of Human Services.

I would urge your support of the motion to indefinitely postpone.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: This bill, at one point when it was before the Education Committee, almost received a unanimous "Ought Not to Pass" Report. All the problems that Representative Diamond, Representative Jalbert, Representative Rolde, and Representative Leighton have pointed out with this legislation exist. We brought this to the attention of the sponsors of this legislation in the other body, we brought the problems to the attention of the Maine School Management Association who put this bill in, we brought these problems to the attention of the Department of Transportation and the Department of Education people who are responsible for this type program. We asked them to try to help us come up with an answer to deal with the problem that we believe is serious. Six of the members of the Education Committee, in the hope that something could be done, realizing that this bill is not the answer, signed the bill out "Ought to Pass".

But at this point in the game, since there is no compromise forthcoming from any of the people that are involved in the situation, I would support the motion to indefinitely postpone. If the people who would like to do something with this legislation are serious, there still is a chance in the process, in the other body, to offer an amendment that might be acceptable that might do something good with this legislation.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I offered a simple little bill that would have taken care of this problem. I have taken a "leave to withdraw" and I can assure you, with the help of leadership next year, it will be back.

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

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

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

ROLL CALL

YEA — Aloupis, Austin, Baker, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Bou-

dreau, Bowden, Brannigan, Brodeur, Brown, A.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Conary, Connolly, Cunningham, Curtis, Damren, Davies, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, L.; Fenslason, Fillmore, Garsoe, Gavett, Gillis, Gray, Hall, Hanson, Hickey, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, MacBride, MacEachern, Marshall, Masterton, Masterton, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, Paul, Payne, Peterson, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Simon, Small, Smith, Soulas, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitchell, Violette, Wentworth, Whittemore.

NAY — Bachrach, Barry, Birt, Cox, Dow, Dutremble, D.; Gould, Gowen, Jacques, E.; Laffin, Locke, Lund, Mahany, Martin, A.; McMahon, Pearson, Tuttle, Vose, Wood, Wyman.
ABSENT — Berry, Churchill, Davis, Elias, Fowlie, Gwadosky, Hobbins, Hughes, Kelleher, Matthews, Morton, Nadeau, Norris, Peltier, Post, Roope, Silsby, Sprowl, Vincent.

Yes, 109; No, 20; Absent, 21.

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

Sent up for concurrence.

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

Bill, "An Act to Authorize the Provision of Services to Developmentally Disabled Children" (S. P. 377) (L. D. 1157)

Tabled—May 17 (Till Later Today) by Mrs. Prescott of Hampden.

Pending—Adoption of Committee Amendment "A" (S-163).

Mrs. Prescott of Hampden offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-454) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the bill assigned for second reading Monday, May 21.

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

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

Tabled — May 17 (Till Later Today) by Mr. Brennerman of Portland.

Pending — Passage to be Enacted.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The other day, I raised the issue of concern that I had for the fact that this bill may have a fiscal note. I still have not yet heard from the department on whether or not they can analyze marijuana for the potency and the impurities of the drug. Since I haven't heard from them, I would like to request of the Speaker if he would rule on whether or not this bill needs a fiscal note as it is before us.

The SPEAKER: The Chair has had an opportunity to review this, since it has been in here for a day, the Chair has reviewed it and has also reviewed it with the Legislative Finance Office and there is no fiscal note required on the bill.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if any of you

heard the news today or have seen it in the paper, but there is a problem in the state obviously with nurses and doctors and the elicit use of drugs by those nurses and doctors. In reading over this bill, there is a section that exempts the proceedings from the right-to-know law. I am just wondering if this could be used to block prosecution of any doctor that used this law in violation of the intent of the law. I think this is a serious question, since the recent news that I have heard this morning about certain doctors and nurses in the state and the problem of elicit drugs.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to turn to Committee Amendment "A", Filing H-332, page 3 of that amendment, Section 2408. One of the advantages of sitting next to an astute seatmate is that he from time to time calls my attention to problem areas and this is one of those times. I have been voting for this bill and support it, but I also have a problem with Section 2408, the confidentiality section, and the second sentence of that section says, "Persons acting under this section may not be compelled in any civil, criminal, administrative, legislative or other proceeding to identify practitioners or patients." Now, that in itself is a pretty broad grant of immunity. Then it goes on to say, "except to the extent necessary to permit the commissioner and the board to determine whether the program is being administered under the law." Well, I think the two halves of that sentence are inconsistent with each other, because either you are going to force them to testify or you are not. I think that this should be tabled until Monday so that we might think about it a little bit.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I am no legal eagle, but it seems to me that this does nothing but preserve the usual doctor-patient relationship.

I would urge your support of the bill.

On the motion of Mrs. MacBride of Presque Isle, tabled pending passage to be enacted and assigned for Monday, May 21.

Bill Held

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)
— In House, Passed to be Enacted on May 17, 1979.

Held at the request of Mr. Carroll of Limerick.

On motion of Mr. Carroll of Limerick, the House reconsidered its action whereby the Bill was passed to be enacted.

On motion of the same gentleman, tabled pending passage to be enacted and assigned for Monday, May 21st.

Mrs. Nelson of Portland was granted unanimous consent to address the House.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Earlier today, you noticed on your calendar that the Committee on Aging, Veterans and Retirement was the first committee to get done with their work before them. I would publicly and on the record like to state my personal thanks to my fine committee who have helped — you can't do it alone. I would like to thank them and also the members of the Senate for their cooperation and help and your help too. Thank you.

(Off Record Remarks)

On motion of Mr. Hall of Sangerville, adjourned until Monday, May 21, at nine-thirty in the morning.