

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

HOUSE

Wednesday, May 30, 1979

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

Prayer by the Reverend Maximos C. Moses of the Holy Trinity Greek Orthodox Church, Portland.

Rev. MOSES: Let us pray. O Lord, the Master of our lives, deliver us, your people, from the spirit of indolence, meddling, ambition and vanity. Bestow upon us, your servants, the spirit of innocence, meekness of mind and love.

O Lord, extend unto us, the laborers of justice, peace and the cause of liberty, Thy divine and gracious guidance.

On this day of traditional memory, we commemorate those champions of liberty, who fought so valiantly for the cause of freedom. We bow our heads humbly before Thee, Lord, petitioning Thy blessings for our weak endeavors of political stability, equality of justice and the strength to respect human dignity amongst all nations and all men, whatever their color, creed or race might be.

Heavenly Father, we ask in His name that His truth and light may abide in us forever more as we serve the anointed King of all creation. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE

Augusta

May 29, 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 whereby it accepted the Majority Ought Not to Pass Report on Bill, "An Act to Increase Interest Rates on Judgment Debts to 18%." (H. P. 501) (L. D. 608)

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 29, 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 whereby it Indefinitely Postponed the Bill, "An Act to Require County Charters and to Transfer Approval for County Budgets from the Legislature to the Counties." (H. P. 1412) (L. D. 1618)

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 29, 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 whereby it Indefinitely Postponed the Bill, "An Act to Continue Medical Benefits to

Employees During Collective Bargaining Negotiations, Lockouts, Strikes and Other Job Actions." (S. P. 317) (L. D. 947)

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 29, 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 whereby it Indefinitely Postponed JOINT RESOLUTION Urging the State Principal's Association to Allow Participation in New England Championship Games. (H. P. 1280)

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 29, 1979

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

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Provide a Grant to Community Health Services, Inc., for a Long-term Care Demonstration Project." (H. P. 1087) (L. D. 1343)

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 29, 1979

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

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass Report on Bill, "An Act Amending the Claim Period Provision of the Workers' Compensation Act." (H. P. 706) (L. D. 881)

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 29, 1979

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

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Establish Special Retirement Provisions for CETA Employees." (S. P. 268) (L. D. 809)

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees

Ought Not to Pass

Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Set Aside Two Days in January of Each Legislative Session to Review the Several County Budgets" (S. P. 525) (L. D. 1594)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide for Annual Adjustment of Key Personal Income Tax Elements for Inflation" (S. P. 84) (L. D. 170)

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

Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Clarify Executive Conflict of Interest" (S. P. 400) (L. D. 1223)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Revise the Statute Providing Reimbursement to Municipalities for Revenue Loss Due to Certain Personal Property Tax Exemptions" (S. P. 94) (L. D. 180)

Report of the Committee on Energy and Natural Resources Reporting "Leave to Withdraw" on Bill "An Act to Remove the Continuing Jurisdiction of the Land Use Regulation Commission over Towns that have Adopted Zoning Ordinances" (S. P. 419) (L. D. 1291)

Came from the Senate with the Reports read and accepted.

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

Non-Concurrent Matter

Later Today Assigned

Bill "An Act to Amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions" (H. P. 768) (L. D. 855) 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-226) in non-concurrence.

In the House: On motion of Mrs. Post of Owl's Head, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 380) (L. D. 487) which was passed to be enacted in the House on May 24, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-321) as amended by Senate Amendment "A" (S-244) thereto in non-concurrence.

In the House:

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been before this House on a number of occasions. Perhaps some of you are wondering why we have it twice and then we don't see it again. The problem was that the last time it was here we put on an amendment to require that the Appropriations Committee review the four positions that are established by this bill. Unfortunately, the Senate had adhered to their positive action in passing the bill without that on there, so we had to have the amendment offered in the Senate. So that body has now put that amendment on placing us in non-concurrence.

Thereupon, on motion of Mr. Davies of Orono, the House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H. P. 982) (L. D. 1162) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-466) Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-466) in the House on May 23, 1979.

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

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and specially assigned for Friday, June 1.

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Increase the Good Time Deduction" (H. P. 1058) (L. D. 1308) on which Report "B" "Ought to Pass" as amended by Committee Amendment "B" (H-437) of the Committee on Judiciary was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-437) as amended by House Amendment "A" (H-486) thereto in the House on May 23, 1979.

Came from the Senate with Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-436) of the Committee on Judiciary read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-436) in non-concurrence.

In the House:

Mr. Hobbins of Saco moved that the House Insist and ask for a Committee of Conference.

Whereupon, Mr. Gray of Rockland moved that the House recede and concur.

On motion of Mr. Hobbins of Saco, tabled pending the motion of Mr. Gray of Rockland to recede and concur and later today assigned.

Non-Concurrent Matter

Bill "An Act to Clarify the Disqualification Provisions of the Employment Security Law" (H. P. 821) (L. D. 1028) on which the Majority "Ought Not to Pass" Report of the Committee on Labor was read and accepted in the House on May 23, 1979.

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

In the House:

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

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

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

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

The SPEAKER: The gentleman from Auburn, Mrs. Lewis, moves that the House recede and concur.

The gentleman may proceed.

Mrs. LEWIS: Mr. Speaker and Members of the House: If you remember, we had this bill, I think it was last week, and there was some question about exactly how the funds would be used. This is the Unemployment Insurance Fund that we are talking about. This is the fund that presently the State of Maine owes \$36.4 million to the federal government. This is really one very small way that we can tighten this terrible drain. We owe that money to the federal government. We have gotten a reprieve from having to pay it, but the day of reckoning is coming, so it is going to have to be paid.

We really ought to stop kidding ourselves, because more than half of the states in the union don't owe the federal government anything on it, so it is not as though the fund is going to be forgiven.

All this bill says is that when a person is fired from his job for misconduct or he quits his job, in order to collect unemployment insurance, some people would think a person in those circumstances shouldn't collect the unemployment insurance at all, but in our state, we do say that if a person can qualify, and by qualifying he has to attach himself to a job market and has to earn money from an employer who also pays into the fund, and that is all this bill is asking. It is saying that the person, in order to qualify, a person who has quit or been fired for misconduct, in order for that person to qualify, he must get another job with an employer.

I made the statement when we talked about this bill before that in some cases it was the original employer, the one from whom the person quit or was fired, whose rating was touched. It isn't in every case, but municipalities and hospitals, places such as that, are self insured, so if the person is fired or quits from that job, he might go paint somebody's house or something like that, then he collects money from the municipality or from the hospital because they are self-insured. They are the ones that are footing the bill.

Also, if a person commits a crime and then gets a job where he earns enough money but not from an insured employer, he also can collect. So I think this is very reasonable. All it is saying is that this person get attached to the job market in a job where the employer is paying into the insurance fund.

I would hope that we would recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Auburn, Mrs. Lewis, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Wyman of Pittsfield requested a roll call vote.

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

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: We have passed a number of bills this session out of the Labor Committee, and we have passed them into law, which will help our unemployment fund and the debt that we are facing. This particular bill is not the proper direction to go. There are many employees who will be working for uninsured employers and because their employer does not choose to pay into the unemployment fund, even though that employee may go out and earn the necessary amount to qualify, he will not qualify because the employer was not insured.

I would submit to you, ladies and gentlemen, if an employer chooses not to be insured, not to pay into the unemployment fund, then that is the employer's problem and it ought to be corrected at that level and we ought not to be penalizing the employee who may, in many cases, earn the required amount to qualify for unemployment but will be ineligible under this bill because he has worked for an employer who is not an insured employer.

I understand the problem with abuse and I think that the Department of Manpower Affairs wants to handle that and I think we need to. I am sympathetic, I am sensitive to the problem, but I do not believe that this bill is the answer, I don't believe it is the direction to go and I would hope that you would defeat the pending motion so that we might adhere.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Someday I think Mr. Wyman is going to have to respond and be held responsible to the working people of this state for actions such as he is urging you to take right here today.

I don't know how many people are abusing the fund, but the reports are in that if there is smoke, there is fire, there is abuse, and what is being attempted to be corrected here today is a loophole that allows someone to paint Mr. Wyman's house and go in and show that he has earned a certain amount of money and requalify for unemployment compensation. And there is an abuse in this area. I don't know the extent of it, but there is an abuse and this is a loophole, and the people that are put at hazard are the working people of this state, those committed to the working epic, if you will, those who aren't interested in making a life style that is shaped around unemployment compensation, and it is this loophole that is being sought to be closed here today to safeguard a fund that is in danger, a fund that is the only thing that stands between the workingman, the man committed to the work force, and tragedy.

I hope we will take the step that is being offered to us here today, on behalf of the working people of this state, to close this loophole.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: The people that Mr. Wyman are talking about are not receiving any benefit in terms of getting any money put into the fund for them. I think eventually you have got to make a decision that those people collecting from the fund have to be getting money that was put there by their employer. The exact people Mr. Wyman is talking about are people who have no one contributing for them to collect from the fund and that is one of our problems. That is why we have \$36 million that we owe to the federal government, because there are more people collecting from that fund than there are employers putting into the fund. I think the decision has got to be made eventually that we are going to have to get those two factions together, that the people who collect should be insured and we shouldn't have people collecting who are not benefitting from someone putting money into that fund. The exact people he is talking about are the people who work for someone who doesn't pay into the fund, so how can they possibly collect? If their employer doesn't put into the fund, there is no money for them to collect, is there?

I hope you will not vote with Mr. Wyman this morning and take the first step in cleaning this problem up.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have heard so many times on the floor of this House that the working people don't contribute to the fund, and that is about one of the biggest farces we have ever heard. I can assure you that when an employer figures out what his expenses are going to be, he is right in there x-number of dollars for his services for the people that are working for him. There's no two ways about that.

A lot of people in this House don't know it, but I happen to have served on the Labor Committee four years. I have the greatest respect for the gentleman from Cumberland, Mr. Garsoe, I consider him to be very knowledgeable, I consider him to be, in the field of the labor situation, very knowledgeable, but he has said something here that is not quite true and I am going to correct the House this morning.

First of all, the fund is not in trouble, the fund is not in jeopardy. I served four years on the Labor Committee, and we have had continuous meetings, in fact, one time the Department of Manpower Affairs was down there and explained how much money we owed. I do not have the figures before me because I didn't

know this was going to be debated this morning, but I certainly could get them in short order, and either in 1981 or 1982, and from there on out, and this is not predicting any great inflationary period like we went through during 1975-76 where so many Maine people were out of work — our fund up until that time was solvent. We had over \$60 million; we were a solvent fund. We were paying our own way but, unfortunately, we had a situation that I hope will never happen again where a great number of Maine people were out of work. They were out of work, no fault of their own. Our own paper mill in the city of Westbrook never had a layoff, and we had to lay off over 200 people during those bad years. Consequently, and thank the good Lord, they are back on the payroll, they are back working now. But that was a bad situation that many of you in this House do not understand, do not know the first thing about, because you weren't here. How could you know about it? Probably you all had jobs and were all working, and that is understandable. I wouldn't have known about it myself, but the fund is getting better, the fund is going to get better. We are going to pay back that money that we had to borrow from the federal government.

This is not a give-away program. To be sure, the employers of this state pay into that fund for their employees from the profits they have made from the employees. The employers of this state couldn't make a dime if it wasn't for the employees, the skilled labor of the Maine people. I don't care where you go across this country, you go to apply for a job and if the employer knows you are from Maine, you have better than a 50 percent chance of being hired, because Maine people are qualified, they are skilled workers.

We don't have a lot of industry in this state, we are not an industrial state, but I am telling you what we do have is quality craftsmanship.

Each and every time certain people get up in this House to say, oh, the fund, the fund, well, I am sick and tired of hearing about the fund. We are going to pay that back and we are going to be solvent. In fact, I asked the commissioner who was presenting that before the committee one afternoon, and you members who were here back then, you can remember that meeting, because I wasn't the only one there, the whole Labor Committee was there, and I asked him, at that time, it was figured and it went way up into the 80's that we would be insolvent around \$92 million. I asked him myself and you people will remember that I asked him, because I asked a lot of questions on that Labor Committee. I said, would that make our funds solvent? He replied, "The fund will be solvent if we don't have another era like we went through where so many people lost their jobs." We thought that we had a solvent fund of \$60 million, but when over 33,000 people in this state were out of jobs, it drained the fund, and that is understandable.

I ask the members of this House this morning to support the Labor Chairman. I ask the members of this House not to recede and concur, to have a little compassion for the people who are out there making money so the employers of this state can live in wealth and live on clover. That is all I am asking.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support a few things that Representative Laffin has said. I find it amazing that whenever we try to protect the honest workingman, the \$36 million fund is always slapped around to prove how much trouble we are in. Well, let me tell you, when a state like Rhode Island owes over \$200 million to the federal government, I can't be too upset over \$36 million from this state.

There are people who do legitimately earn their way to requalify. They are the kind of people who work for employers who don't have

to pay unless they have four or more individuals working for them. This is right out of our own law book.

A decision does have to be made, there is abuse. I don't bury my head in the sand, but we have got a commission and let them attend to stopping the abuse. There are people, particularly those I cited to you last week who live in small towns, in communities where there are no industries or there is only one industry, and the only way they have to work is two or three weeks at a time either in a potato field or in the farm fields or in the woods for small employers who find themselves coming under this category of being exempt.

As for my Chairman, Representative Wyman's responsibility to the people of this state, let me tell you, there are other people right here in this House who also need to be accountable, and those are the people who voted against our attaching penalties to employers who are in default with their payments. I didn't see anybody screaming about the fund then because we wanted to penalize those who are slipping into the loopholes of the law and not paying their fair share into the fund. Yet, when we came before this body and asked to attach penalties to them, all of those who were screaming against helping the workingman today were the first ones to try to protect them. So, I think it cuts both ways, ladies and gentleman, and I will go with the workingman any day.

What we have to do here is to remember we are potentially, by passage of this law, going to hurt more people than those we are really trying to get. Let's let the commission do their job and come back with some kind of constructive proposals for legislations to address that issue without disenfranchising a majority of honest, decent, hardworking people in this state.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of corrections, one is that we didn't have a single bill in the Labor Committee, and this is my second term, and I haven't seen one bill that would have penalized anybody by putting money into the fund. We did have penalties on employers, but in no way did we say that those penalties were going to be paid into the fund, into this unemployment insurance fund.

The other thing I would like to remind you of is that we are talking about people who quit their jobs, go to work one day, decide they don't want to work and they quit their jobs, or people who have been fired for misconduct. We are not talking about people who have been laid off. Any person who has been legitimately laid off, there isn't anybody questioning but that those people should collect unemployment insurance and that is what the fund is for, to help those people that are laid off so that they will have some money.

All we are asking in this bill is that the people who quit or are fired for misconduct get attached to the labor market again with an insured employer and not just expect to be able to quit or get fired and collect unemployment insurance.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't really think the question here today, in deference to my good friend, Mr. Laffin from Westbrook, is the quality of the working man and woman in the State of Maine or whether the employers are getting rich and living in clover or whether the employees are being discriminated against or whatever.

I really think the question is the integrity of the unemployment fund and perhaps clearing up a loophole that really discourages those people out there who are working for a living and who are trying to get by and they see some

of their friends, or maybe not their friends, but they see some people out there that are taking advantage of a system that is offensive to them.

Mr. Laffin has indicated, and I wanted to make it clear, that no employee, not one, pays a dime into the unemployment fund. It is all paid by the employer, and he is right, when he said it is passed on, I am sure, as a cost of operations in the product that the company does produce. But let there be no mistake about it, the employee contributes nothing to the fund.

I guess the reason why I would have to vote for this bill today is because I think that someone who is going to obtain benefits from the system ought to be paying into it, in this case, working for an employer who is paying into it. Since there is no employee participation, it is all employer, there is no reason why the employee should obtain benefits when the person that he is working for is not paying into the fund.

I would just pose a question, perhaps a rhetorical one, why should someone obtain benefits when they are not paying into the system under the unemployment system, why should they obtain benefits anymore than someone that does not receive benefits from the social security system of the United States. Anyone that does not pay into the social security system receives benefits, survivor benefits maybe, but that has been paid by the husband or the wife of the spouse who would be receiving them. I don't think this is any different than the social security system — pay as you go. If you are paying into the system, you ought to receive benefits there is no question about that, but if you are not paying in, you shouldn't receive any and I think we ought to close this loophole.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to answer the gentleman's questions. I think that he has drawn a very false analogy here, and one that is very erroneous, when he says that those that pay into the system should receive the benefits and those that do not pay into the system should not receive the benefits.

I think that Mr. Higgins answered the question himself when he said that he is well aware, as we all are, that there are no employees who pay into the system. There are no employees who pay into the system whether they work for an insured employer or a non-insured employer. The employer pays in and the question that I have for Mr. Higgins is one that is very simple. If an employee goes out and works on a job and earns the amount that is necessary for him to qualify, and we tightened up this law two years ago, I think in a very important way, the person has to go out and earn a certain amount if they are discharged for misconduct or they voluntarily quit. If they go out and earn that required amount, why should they be penalized and be deprived simply because their employer, it had nothing to do with the employee, it was not a decision by the employee but their employer decided not to pay in to the system? I agree with the gentleman from Scarborough that employers should be paying into the system. If they choose not to, then I don't think that is the fault or the responsibility of the employee who has gone out and earned the required amount.

Now, all of this business about people going out and painting houses and shoveling driveways in order to qualify for unemployment is a lot of boloney. That may be happening in a few instances, but what we are concerned with is a person who goes out and works at a legitimate job and because the employer doesn't pay into the system the employee is penalized. I want Mr. Higgins to explain that to me, how he can justify that.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I guess I would just simply respond that there are a lot of mostly public employers today who do not belong to the social security system. When you go to work there, you accept that as a condition of employment, I don't think that is any different. There are employers out there in some of the towns and cities in this state that do not belong to the social security system, they belong to the Maine State Retirement System. I don't think that is any different. If you are going to go to work for an employer who does not belong, for whatever reason is not paying into the fund, I don't think you should be expecting to receive benefits under that system any more than you would under the social security system, it is the same thing.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer Mr. Higgins in saying I work for a company, I have been working there for 19 years. Were I fired tomorrow because I was smoking in a non-smoking area, that is what would happen, I would be fired, I would not be able to draw unemployment, and in order to qualify, I would have to earn X-amount of money. If I go to work for a farmer to earn that money, you say no, you are not going to qualify, Mr. McHenry, that is what you are saying.

Now, in answer to Mr. Garsoe, somebody has got to take the responsibility for what we are doing here. I assure you that the federal government will not look on this lightly, because what we are doing to make the fund solvent is not what the federal government is recommending. The employers of the state used to pay 86 percent of the average wage in the unemployment fund, but today we are paying about 40 percent. That is where the trouble is. The employers are not paying the right amount for the inflation that we have been going through.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to prolong this discussion a great deal but there are a couple of points I have heard as I have listened to the debate this morning that I think need answering.

Again, as quite frequently happens, the Representative from Westbrook fails to understand this bill. It is not a concern about the employers who pay into the fund, and a great many of them do and the gentleman from Pittsfield talks about choosing not to, well, that choice is a very minor one based upon the decision of this legislature to exempt certain small businesses to encourage small business and to provide some employment in this state. Certainly most of us have to pay into the employment fund. So, this business of talking about choice is very, very limited.

Let's get down to the fundamentals, what we are talking about here, we are talking about an abuse that is occurring, an abuse has to be something that is done on purpose, it doesn't just happen. I just can't understand why people seem to feel as though I get the impression that this unemployment fund is supposed to be a way of life. I thought the unemployment fund was designed to take care of emergency situations, the fellow that was laid off and he couldn't help it and the company couldn't help it. But when he quits because he doesn't like the way the supervisor twitches his nose or when he loses the job for some other reason that is his own fault, then I don't see why he has got such a tremendous entitlement to this unemployment fund. To be sure he should have some entitlement after the necessary time period has elapsed and after he has qualified, but is it the feeling of this House that the object of employment is to become eligible for unemployment? Is that what we are encouraging

people to do? I certainly hope not. To look forward to getting on the unemployment role seems to me the very least that anybody should endeavor to do.

I would just hope that you would remember that these are people that voluntarily quit, these are people who are discharged for misconduct and don't acquire the eligibility this bill is talking about.

The gentlemen who have discussed this just haven't seemed to see the point. The Representative from Westbrook certainly made the point pretty well. He talked about the fund is not in trouble, but then he mentions that it is not solvent, it is going to get better, it is going to be solvent if no problems arise. But we are in the real world, ladies and gentlemen and problems may well arise again. Certainly, we want to do what little bit we possibly can to keep this fund in the best shape we possibly can.

I see no reason why this bill should not be supported this morning. I think it is an excellent bill.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: You know, I thought when I was listening to this debate that I might be looking at the wrong L. D. until I just heard the gentleman from Farmington lay it right on the line and I realized that perhaps I am looking at the right one, because this L. D. that we are voting on this morning has to do with a class of employees who either quit voluntarily or are fired for cause. I don't see that they should be rewarded by being able to raid the security funds without qualifying in the manner that this bill calls for. I urge you to support this bill.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a few points here in the debate because I think we are wandering off a little bit. We are talking about the voluntarily quit and the fine for misconduct revision, and we have already dealt with that in this body.

The first point I want to make deals, basically, with the solvency of the fund. You know, we got in debt not because all these people suddenly decided they wanted to go on unemployment but because we had a recession, we had a recession, ladies and gentlemen. We had a recession that we haven't fully recovered from yet. That is right.

Now, we had a proposal before our committee to try to deal with a mechanism for funding this fund, establishing a flexible wage base. It went nowhere. So, your concerns about the fund here, ladies and gentlemen, could have been addressed, but we didn't want to deal with that. All we want to deal with here is passing legislation aimed at the employee. You see, how we are going to deal with unemployment, we are simply going to say what we are going to do to make it so difficult to actually collect unemployment there won't be any more unemployment and that is how we are going to lower unemployment.

I don't believe the unemployment fund should be a way of life. The fact that it is is due to the fact that we are in a period of stagflation. That is the real world, ladies and gentlemen, we can't seem to get back to becoming a full employment economy and we can't seem to lower inflation. Those are very complex issues. There are no easy solutions.

Now, I want to get back to one of the points that we are missing on this bill, because I see a loophole here that nobody has brought up. You will remember, we passed a bill in this House about two months ago lowering the penalty on employers that are delinquent in paying into the fund for the first month. That was done to sort of give a break to some of the smaller employers who had trouble with this. Now, the

loophole I see in this bill is, what would happen to somebody working in a low wage job for someone who was delinquent and hadn't paid into the fund, was delinquent and then they are laid off? Remember that we are talking about, people who go back to work and then are laid off. Never mind what they did with their other job, we are talking about requalifying. We are not talking about the voluntary quit, we are not talking about that, that was something else. It was another bill, we have already dealt with that issue. We are talking about somebody who goes back to work to requalify.

The employers are delinquent in their payments, a person who is delinquent in his payments, they haven't paid into the fund and let's say they get laid off, what happens to that employee? They suddenly can't collect. Well, I gave you an example the other day about an employer that was delinquent in his payment into the Workers Compensation Fund, I used that as an example to the fact that, yes, ladies and gentlemen, sometimes employers are delinquent into these funds. It hurts the employee and that employee is hurt because of something that the employer has done and that is the loophole that I see. I suggest that this whole matter be dealt with administratively and when people apply for unemployment, that we heartily endorse some kind of directive that the Manpower Affairs use a lot more scrutiny.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't usually get up a second time but I think the good gentleman from Farmington has said a few things that I would like to put on the record and put them straight.

Yes, Mr. Morton, I know what this bill is, I am very familiar with it. In fact, this is not the first time that this bill has been before this House. You see, voluntary quit without good cause, in my opinion, is not the same as yours, and for an employer to fire someone for twitching his nose, I think we have heard all those kinds of remarks before. What about the part where an employer deliberately harasses, deliberately abuses, the employee? What about that?

You see, management has always had on its side the one power that the working people do not have, and that is to fire them. That is his only weapon and he has had it down through the ages because employers, they know that they have to pay this tax, they know that they have to pay this tax for the time when a person is out of work and I covered that. I was referring to the solvency of the fund because my very good friend Mr. Garsoe harped on it.

No one can predict, and I repeat, no one can predict what the economy is going to be — it used to be six month periods and then down to three months — they can't even predict it now from week to week. That is the inflation period that we are living in.

I am very familiar about a person being fired with "good cause." You see, we have several in my community. One of them was, the employer told this lady that she had to be to work 15 minutes before the bus went by the mill and by her home. She couldn't possibly be there at that time because she had no car but, you see, in Mr. Morton's mind, that is all right to fire a woman for that, there is nothing wrong with it. Fire her, that is good cause in his thinking, but that is not good cause in my thinking.

Justifiable good cause for an employer to fire an employee is a very, very difficult situation and employers want this kind of law, they thrive on this kind of law, they don't care about the fund. They only use that as a smoke screen, they only use that as an alibi. They say, for good cause, you are not doing your job and you are not on time, you are not doing what our foreman has told you to do and they call that good cause for firing. That is unjustifiable, that is not good cause.

When we talk on these labor bills which I have heard before, I could take a long time but I am not going to this morning. I think I have used up my share of time this year and I had planned not to talk even on this bill, but when individuals get up and will deliberately try to change the issue around, I think that is important to the members of this House.

If you want to support the employers this morning, you have a right to do it, but if you want to help the people that this fund was intended for, and to be sure the employer pays for it but he is making money because he is paying for it, and if the employee didn't make money for him, he couldn't pay that fund. There are a lot of other things I would like to say this morning on this because I feel right in the mood, it is a rainy day but I am not going to talk anymore today.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I sit here and after awhile I simply can't sit any longer. The one thing we have to keep in mind in this legislature and this state is the economy, that there is a balance out there, there is a balance of treating employees properly, equally and justifiably, and the employer as well.

Certainly, I wouldn't be standing here, and I hope you all know where I am coming from by now, because many times I will be on the other side of the fence from where you might think I would be, the one thing that we have to keep in mind is justice, what is fair for both sides, and all this bill does is address a problem, a problem that if every employee, a legitimate employee in the state knew what his money is going for, because what Mr. Laffin said is right, the employee indirectly pays into the fund, because the money or profit that he generates for the employer ultimately pays for his employment compensation insurance, but if he knew the abuses that exist, he would demand to the employer, and the employer to the State of Maine, that these loopholes be taken care of, because that means that when he legitimately has to call upon the Unemployment Compensation Fund, the insurance for benefits, that those benefits will be available for he or she and their family, that when they have a time of need, those funds will be available. He or she knows that if in the event they close up the loopholes and take away the abuses, that there will be more funds there eventually and those funds being larger in volume with the draw will ultimately come back to him and he will, in fact, be able to receive more insurance. That is all it is. It is a balance, it is only fair, not just for the employer because it isn't an employer bill, it is an employee bill, the legitimate employee, the employee that wants to make his way in this world and for unforeseen circumstances that may arise, he can't, that is all.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I concur completely with the remarks of the previous speaker. I would call it a consumer bill. Ultimately, the consumers pay the cost of everything and ultimately the consumers' costs pay for any abuses in the unemployment system.

I would just like to address myself briefly to the remarks of Mr. Baker. The economic facts of life are that the deficits that we have in this system are involved not with the current recession but with the previous recession, and to say that the fund is not in trouble when it is \$36 million in debt, seems to me to be stretching it a little bit, especially at a time when most economists agree that we are on the threshold of a new recession that is going to make new and increased demands on the system for uncertain duration.

I won't belabor the subject any further but I would support this bill.

The SPEAKER: The Chair recognizes the

gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am glad to learn this morning that I am on management side for once. Mr. Leonard says that I am on management side. He is on the employees' side and Mr. Garsoe is on the employee's side, Mrs. Lewis is on the employee's side, Mr. Morton is on the employees' side, Mr. Leighton is on the employees' side—I am very glad to learn that I am the only guy for management.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Auburn, Mrs. Lewis, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Birt, Blodgett, Boudreau, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Dutremble, L.; Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Kany, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McKean, McPherson, Morton, Nelson, A.; Nelson, M.; Nelson, N.; Paul, Payne, Peltier, Peterson, Post, Reeves, J., Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Sprowl, Stetson, Stover, Studley, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Elias, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Jacques, E.; Joyce, Kane, Laffin, LaPlante, Locke, MacEachern, Mahany, Maxwell, McHenry, McSweeney, Michael, Mitchell, Nadeau, Norris, Paradis, Pearson, Prescott, Reeves, P.; Rolde, Simon, Soulas, Strout, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Berry, Carrier, Conary, Huber, Hughes, Jacques, P.; Jalbert, Lizotte, Martin, A.; McMahon, Small, Tarbell.

Yes, 77; No, 62; Absent, 12.

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

Messages and Documents

The following Communications: (S. P. 584)

STATE OF MAINE

Senate Chamber

President's Office

Augusta, Maine 04333

May 29, 1979

Honorable Samuel Collins

Honorable Barry Hobbins

Chairmen, Judiciary Committee

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating retired District Court Judge Edwin R. Smith of Bar Harbor to serve on the District Court as an Active-Retired Judge.

Pursuant to title 4, MRSA, Section 157-B, this nomination will require review by the Joint Standing Committee on Judiciary 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 Judiciary.

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

The following Communication: (S. P. 583)

STATE OF MAINE

Senate Chamber

President's Office

Augusta, Maine

May 25, 1979

Honorable Barbara Gill

Honorable Sandra Prescott

Chairmen, Health & Institutional Services

Committee

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is withdrawing his nomination of Mary Golden to serve as a member of the Health Facilities Cost Review Board.

This nomination is pending before the Joint Standing Committee on Health and Institutional Services.

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 Health and Institutional Services.

In the House, was read and referred to the Committee on Health and Institutional Services in concurrence.

The following Communication: (S. P. 582)

STATE OF MAINE

Senate Chamber

President's Office

Augusta, Maine 04333

May 29, 1979

Honorable Howard Trotzky

Honorable Laurence Connolly

Chairmen, Education Committee

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Thaxter R. Trafton of Bangor to serve as a member of the Board of Trustees of the University of Maine.

Pursuant to Title 20, MRSA, Section 2251, this nomination will require review by the Joint Standing Committee on Education and review 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 Education.

In the House, was read and referred to the Committee on Education in concurrence.

Petitions, Bills and Resolves

Requiring Reference

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

Appropriations and Financial Affairs

Bill "An Act to Provide Compensation and Benefits Agreed to by the State and Council 74, American Federation of State, County and Municipal Employees, (AFSCME) for Employees in the Institutional Services Bargaining Unit" (Emergency) (H. P. 1445) (L. D. 1644) (Presented by Mr. Pearson of Old Town) (Cosponsor: Mr. Morton of Farmington)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

Tabled Unassigned

On motion of Mr. Paradis of Augusta, the following Joint Order: (H. P. 1438) (Cosponsors: Mrs. Kany of Waterville and Mr. Lancaster of Kittery)

WHEREAS, the Maine State Housing Authority has been given and has assumed a vast amount of power, responsibility and authority;

and

WHEREAS, as a result the number of activities in which the authority is engaged has proliferated; and

WHEREAS, it is important that any state instrumentality be accountable for all of its actions; and

WHEREAS, the expanding operations of the Maine State Housing Authority has resulted in a loss of accountability; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on State Government shall study, analyze and evaluate the activities of the Maine State Housing Authority to determine whether its authority has overexpanded and to insure adequate accountability for all areas of its responsibility; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the 2nd regular session of the 109th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

The Order was read.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passage.

Tabled Unassigned

On motion of Mr. LaPlante of Sabattus, the following Joint Order: (H. P. 1443)

WHEREAS, certain counties of the State are part of multicounty districts having a single elected district attorney to represent them rather than separate county attorneys; and

WHEREAS, certain counties or their inhabitants have indicated dissatisfaction with not having their own elected attorney to represent their interests in civil and criminal matters; and

WHEREAS, legislation has been proposed to breakup multicounty districts into single county district attorney districts; and

WHEREAS, sufficient information is not readily available regarding staffing, workload and costs of district attorneys' offices to permit informed decisions concerning redistricting; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that a Joint Select Committee be directed to study the subject of the bill, L. D. 579, "An Act to Authorize a District Attorney and Assistant District Attorneys for Washington County, as introduced at the First Regular Session of the 109th Legislature to determine whether or not the best interests of the state would be served by its enactment; and be it further

ORDERED, that the committee review the circumstances of all prosecutorial districts to determine the advisability of redistricting elsewhere in the State; and be it further

ORDERED, that the committee shall consist of 3 members of the Joint Standing Committee on Local and County Government, one Senator and 2 Representatives, and 3 members of the Joint Standing Committee on Judiciary, one senator and 2 Representatives, to be appointed by the President of the Senate and the Speaker of the House; and be it further

ORDERED, that the committee report its findings and recommendations together with all necessary implementing legislation in accordance with the Joint Rules to the Legislative Council for submission in final form at the Second Regular Session of the 109th Legislature; and be it further

ORDERED, that notwithstanding Joint Rule 21, L. D. 579 may be retained by the Joint Standing Committee on Local and County Government during the course of the interim between the First and Second Regular Sessions of the 109th Legislature and may be considered by that committee during that time under the supervision of the Legislative Council and shall be reported to the appropriate House on the first day of the Second Regular Session; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to the Chairmen of the Joint Standing Committee on Local and County Government and the Chairmen of the Joint Standing Committee on Judiciary.

The Order was read.

On motion of Mrs. Mitchell of Vassalboro, tabled Unassigned pending passage.

On motion of Mr. LaPlante of Sabattus, the following Joint Order: (H. P. 1444)

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out a Bill, "An Act Extending the Time for Apportionment of County Taxes to June in the Year 1979," to the House.

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

By unanimous consent, ordered sent forthwith to the Senate.

Joint Order

Tabled and Later Assigned

On motion of Mr. Connolly of Portland, the following Joint Order: (H. P. 1442) (Cosponsors: Mr. Norris of Brewer and Mr. Barry of Fort Kent)

ORDERED, the Senate concurring, that Bill, "An Act to Reinstate Aid to Families with Dependent Children Payments for Unborn Children" H. P. 687, L. D. 867, be recalled from the legislative files to the House.

The Order was read.

On motion of Mr. Connolly of Portland, tabled pending passage and later today assigned.

House Reports of Committee

Leave to Withdraw

Mr. McHenry from the Committee on Labor on Bill "An Act to Establish a Work Experience Training Program within the Department of Manpower Affairs" (H. P. 1028) (L. D. 1288) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Provide for a Self-insurance Fund for State Elementary and Secondary School Property" (H. P. 1183) (L. D. 1525) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Mr. Rollins from the Committee on Agriculture on Bill "An Act to Regulate the Distribution, Labeling and Sale of Plant and Soil Amendments" (H. P. 585) (L. D. 772) reporting "Ought to Pass" in New Draft (H. P. 1441) (L. D. 1643)

The Report was read and accepted, the New Draft read once and assigned for second reading later in the day.

Ought to Pass in New Draft

Mr. Connolly from the Committee on Education on Bill "An Act to Abolish Compulsory Education" (H. P. 236) (L. D. 282) reporting "Ought to Pass" in New Draft Under New Title Bill "An Act to Clarify Equivalent Instruction as an Alternative to Compulsory Education" (H. P. 1440) (L. D. 1642) (Mrs. Beaulieu of Portland — of the House — abstaining)

The Report was read and accepted and the New Draft read once and assigned second reading later in the day.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-529) on Bill "An Act to Provide for Licensing of Bottle Clubs" (H. P. 469) (L. D. 576)

Report was signed by the following members:

Mr. FARLEY of York

— of the Senate.

Messrs. MCSWEENEY of Old Orchard Beach

DELLERT of Gardiner

STOVER of West Bath

Miss GAVETT of Orono

Messrs. CALL of Lewiston

MAXWELL of Jay

DUDLEY of Enfield

Ms. BROWN of Gorham

— 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. COTE of Androscoggin

SHUTE of Waldo

— of the Senate.

Messrs. VIOLETTE of Van Buren

SOULAS of Bangor

— of the House.

Reports were read.

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

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

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the "Ought Not to Pass" Report. This bill has been here before. There are many versions of how we can license bottle clubs. I have my version and I think there are a few other people in this House on the Legal Affairs Committee that have their versions and we would like to get this bill to its second reading so we could offer our amendment.

I hope you will not accept the "Ought Not to Pass."

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think, quite frankly, what other versions there are to come before us today or tomorrow are going to be objectionable to me. I don't think the state should be getting into the business of licensing bottle clubs. I think there have been some objections made.

In the public hearing that we had on this bill, there were two communities that came out very strongly in favor of this L. D. from the aspect of wishing to license bottle clubs, and it has always been my feeling that these two localities, in particular the cities of Lewiston and Portland, have an avenue open to them which they have not exercised yet, and that is to try to do something at the local level through an ordinance, of which the cities of Lewiston and Portland have passed local ordinances regulating bottle clubs. Both of these ordinances are now in the courts and it is my feeling that we should determine, first of all, whether or not these local ordinances will have any teeth to them or whether or not they will be turned away. If they are turned away, then I will be receptive to a bill being put into the next session of the legislature dealing with this problem on a statewide basis if this is the only way that we can deal with this problem.

I would hope that it would not take a bill affecting every bottle club in the state, of which there are very few that we have a problem with, and I would hope that we would be able to deal with the problem that we have in the City

of Portland and the City of Lewiston through the local ordinance avenue. I am willing to wait and see whether or not the local ordinances will have any teeth to them. If they don't, I will be receptive to some idea of possibly licensing them so that we can deal with the problem in those cities.

I don't want to pass a state law dealing with bottle clubs and licensing that is going to affect every bottle club in the State of Maine. What this Committee Amendment proposes to do is close all bottle clubs at one o'clock in the morning, which, in effect, does away with the rationale behind having bottle clubs, and I would hope that today you would vote to accept the "Ought Not to Pass" Report.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: This bill isn't all that complex. It has been in the Legal Affairs Committee now since the beginning of the session. I find that unfortunate, because it seems to me we could have dealt with it before.

I personally don't care for the committee amendment, and if we can get the "Ought to Pass" Report, I am going to move that the committee amendment be indefinitely postponed and then I am going to offer my amendment, which has one version of licensing bottle clubs, and we can discuss that, and if the House doesn't like that version, then they can kill it.

I know of another person in this House that wants to offer an amendment for her version of how we can license bottle clubs.

Now, I am not in favor, as Mr. Violette has just said, of closing bottle clubs at one o'clock. My amendment would not do that, it would allow for local control as far as that is concerned.

For those people who have been here for many years, you will remember that back in the 107th Legislature, an omnibus bill came out of the Liquor Control Committee that said the state should license bottle clubs. At that time, that amendment was ruled not germane in this House at the end of the session and we never got to license bottle clubs. I think to let this bill go to second reading would at least allow some of us to discuss the matter and figure out if we want to do this or not. I think it needs some discussion, I think there are some problems. We heard at the committee not only from municipalities but Captain Martin from Liquor Enforcement, and they are really adamant about this bill and they have been trying to get it passed for the last couple of years.

I have contended all along that licensing a legitimate bottle club would not hurt that bottle club, and to say that to license them is going to affect them all, well, sure it is, they will be licensed, but if they are a legitimate bottle club, they won't be adversely affected, and I would like to get the bill to second reading to discuss some of the problems we are having in the state now.

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

Mr. CALL: Mr. Speaker and Members of the House: I am an alderman in the City of Lewiston and two of Lewiston's bottle clubs are in my ward. I have had many complaints, as has the entire city council. The city clerk and the police chief are among officials who approve of the bill.

I had a phone call at 4:00 a.m. Saturday morning from a man who lives up over one of the clubs. It is not too bad until the people start leaving the club after 4:00 a.m. The man said people are running up and down the street shouting. The worst of it is on a Saturday morning after four o'clock.

What bothered this man and caused him to call me at 4:00 a.m. instead of the usual 7:00 a.m., which is not bad, was that he knew, as did the entire city, that the aldermen passed an ordinance which would cause these bottle clubs, after May 1, to close at 1:00 a.m., but the pri-

prietor of one of the clubs, who I understand has a club in Waterville and a club in Portland, was ordered to the courts and he didn't have to close the place. The understanding was that the injunction, or whatever it was, would last until May 17. When May 17 came, the judge gave another extension. Now it is supposed to be after the end of June. Everything happens when these clubs let out — broken windows. These people even bring beer bottles out on the street so they can have the fun of smashing them on the sidewalk.

One night, at the suggestion of this gentleman who calls me all the time and keeps me posted, another alderman and I went to his apartment and we had a ringside seat looking out the window. But we went early Sunday morning; Saturday night isn't as bad as Friday night, but we did see what we knew was happening, that when these places are ready to close, we have four or five police cars go to these places to be ready to break up the fights.

I want you people to know that this is necessary, even though the cities can have an ordinance like we have in Lewiston calling for a 1:00 a.m. closing.

As I said, I have talked with the police chief in Lewiston and he feels that we should pass this bill.

Now, one of the benefits is that the State Liquor Department will be having its inspectors go around to these bottle clubs, and that will take pressure off local police. I guess that is enough for now.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring some clarification to you this morning. This version of the divided report that you see in front of you is really, to my way of thinking, not the absolute final version. There has been a mixup, because I have favored the licensing under the different amendment, but the amendment in front of you is not the one that I personally had agreed on.

This morning, I will have to agree with the gentleman from Waterville, Mr. Boudreau, that I think we should vote for the bill and get a chance to indefinitely postpone this amendment and then get the proper amendment, which I had personally wanted to support in the first place.

The SPEAKER: The pending question is on the motion of the gentleman from Van Buren, Mr. Violette, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 50 having voted in the negative, the motion did not prevail.

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

Committee Amendment "A" (H-529) was read by the Clerk.

On motion of Mr. Boudreau of Waterville, Committee Amendment "A" was indefinitely postponed.

The Bill was assigned for second reading later in the day.

Consent Calendar First Day

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

(H. P. 1000) (L. D. 1235) Bill "An Act Authorizing a Study to Determine the Feasibility of Establishing a System of Youth Hostels" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-527)

No objections being noted, the above item was ordered to appear on the Consent Calendar, Second Day, later in today's session.

(H. P. 522) (L. D. 666) Bill "An Act to Estab-

lish Energy Efficiency Building Performance Standards for the State of Maine" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-536)

On the objection of Mr. Boudreau of Waterville, 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 later in the day.

(H. P. 1260) (L. D. 1521) Bill "An Act to Improve the Administration of the Second Injury Fund under the Workers' Compensation Laws" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-533)

(H. P. 1206) (L. D. 1485) Bill "An Act to Implement a Plan for the Prevention and Treatment of Alcohol Abuse" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-534)

(H. P. 951) (L. D. 1220) Bill "An Act to Require a Study of a Single State Source for Funding and Reporting by Residential Programs for Youth" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-535)

(H. P. 905) (L. D. 1126) Bill "An Act to Facilitate Absentee Voting in Foreign Jurisdictions" Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-537)

(H. P. 1050) (L. D. 1301) Bill "An Act to Clarify the Requirements Relating to Campaign Reports and Finances" Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-545)

(H. P. 842) (L. D. 1044) Bill "An Act to Authorize the Bureau of Public Lands to Lease Lands in the Intertidal Zone Adjacent to Permanent Structures" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-544)

(S. P. 450) (L. D. 1413) Bill "An Act to Amend Financial Institutions and Credit Union Laws" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-223)

(S. P. 132) (L. D. 309) Bill "An Act Concerning the Financial Responsibility Laws" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-232)

(S. P. 242) (L. D. 691) Bill "An Act to Provide that SAD's May Contract for High School Education for its Students with any Other Approved School" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-231)

(H. P. 621) (L. D. 778) Bill "An Act to Clarify and Amend the Investment Provisions of the Maine Insurance Code" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-552)

(H. P. 1276) (L. D. 1555) Bill "An Act to Require Disclosure of Certain Information to Prospective Purchasers of Life Insurance" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-551)

(H. P. 726) (L. D. 913) Bill "An Act to Amend the State Nonforfeiture Law" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-550)

No objections being noted, the above items were ordered to appear on the Consent Calendar Second Day later in today's session.

Passed to Be Engrossed

Bill "An Act to Promote Woodlot Cooperative Marketing" (H. P. 875) (L. D. 1082)

Bill "An Act Relating to State Agency Purchase of Products of Maine Farm and Fisheries" (H. P. 1436) (L. D. 1638)

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

Amended Bills

Bill "An Act Relating to License Fees for Dogs" (H. P. 775) (L. D. 977) (C. "A" H-515)

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

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I shall commence by reading the Statement of Fact that goes with this bill.

"The purpose of this bill is to curb the overpopulation of dogs and to raise revenue for approved municipal and regional animal shelters by charging the same license fee for unaltered male dogs as is presently charged for unaltered female dogs."

This bill is unfair. It is unrealistic to believe that a male dog tied at his home or out for a walk with his owner is going to be impregnating female dogs. The frightening thought is that it appears as though the problem of too many dogs will be solved if this bill passes by the owners destroying their dogs so that they won't have to pay an increased dog fee.

I will not go to the lengths which I did during the 105th Legislature when I opposed a dog leash law, but I will say that I cannot support a law which might cause an owner to destroy his dog rather than to have him neutered.

Sometimes pets are destroyed in a fantastic, cruel and unrealistic manner. I beg of you people to kill this bill and, Mr. Speaker, I move for the indefinite postponement of this bill and all its papers and furthermore I seek the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Call, moves the indefinite postponement of this Bill and all its accompanying papers.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not kill this bill. The Agriculture Committee spent many hours going over the problems of over dog population in this state. We have been dealing with dog bills for the three years that I have been on the committee and we have failed to come up with any kind of package. Every year we have five or six bills and they are killed not because we don't realize the problem, it is just because we can't find a solution to the problem.

This year, we asked all of the groups who were concerned about this problem, be they municipal officials, humane shelters, veterinarians, to get together and come up with a solution. They did that. They compromised their positions and came back to us with a bill that we felt was workable, because the bill did up the fees but it allowed for communities to keep a much larger portion of those fees in their own towns to deal with their own problems at the local level. It allows for these fees to be kept in the municipalities to run dog-control programs and to increase the fees for shelters. We felt that the only way we were going to deal with the problem of over population, the problem of dogs killing deer, the problems that running and wild dogs have, is to allow the municipalities to have some kind of say and some kind of power over this problem. The best way to do that is to provide some money for those people. This bill allows the communities to keep that money and would allow them to spend it only for dog control purposes.

It would also allow the dog shelters to receive an extra dollar. They have not had an increase since the late sixties. The cost of dog

food, the cost for caring for pets has gone up, and this, we felt, was a fair raise.

We also put in the bill a 50 cent increase for the clerks so that they would be able to have some kind of remuneration for all of the work they do in processing these papers.

I think it is a fair bill. We tried to deal honestly with the problem of over population, the problem of dogs chasing deer and the problem of loose and wild dogs in our communities. Every year we are faced with this problem; it won't go away until we begin to deal with it, and the only way we are going to begin to deal with it is to provide some money in those communities to come up with their own solutions.

I would urge you not to kill this bill. This bill has the support of the veterinarians of this state, the support of the humane societies and many municipal officials. It is a first step. If we kill this bill, we are only going to be faced next year with trying to solve the problem of dog over population.

I would argue that we were told that the \$5.50 fee was not an excessive fee and we did not feel that people would destroy their animals or fail to register them. For those people that believe that if you simply tie up your dog you are preventing them from being impregnated, you are totally wrong. We had case after case before our hearing of people that had their dogs, whether they be female or male, and the male has gotten loose or the female was impregnated when they were in their own kennels or on their own run. This problem is a serious one, it is not going to go away, and I would urge you to take the first step today at not killing this bill and sending it on its way.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: It has come to my attention that part of these fees go for the protection of sheep. Did you know that? I didn't until yesterday. I suggest maybe we could look at the law and get some of this money back to the town, and I can't, for the life of me, see how, if your dog is on a leash, if you get a secure chain, that you can promulgate the species.

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 Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not vote against this bill as it is badly needed. As for different towns setting their own fees, this should not be done. This is a state law and thus should be uniform in each municipality.

In regards to lambs, chickens, etc., people who lose these because of dogs are reimbursed through the clerk and the Agriculture Department.

We really do need this bill.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely support the statements of Representative Wood of Springvale. In the years I have served on the Agriculture Committee, we have always had proposals to clarify or improve the dog licensing situation.

This present bill is a combination of the better parts of several which have come before our committee this session, as stated by Mrs. Wentworth from Wells.

There are problems in a majority of the communities, though some may have the situation under control. One of our responsibilities is to work for the best interests of the majority of

the state's citizens, and I believe this proposal will do that.

By allowing more funds to the municipalities, we are asking them to share more of the responsibility and give greater input into solving the dog problems.

I request you vote against the Indefinite Postponement of this Bill.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Call, that this Bill and all its accompanying papers be Indefinitely Postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Birt, Blodgett, Boudreau, Brodeur, Brown, D.; Brown, K. L.; Brown, K. C.; Call, Carrier, Carroll, Carter, F.; Conary, Cunningham, Dellert, Dexter, Elias, Garsoe, Gould, Gray, Gwadosky, Hobbins, Huber, Hunter, Kelleher, Lougee, Marshall, McHenry, McKean, Peterson, Reeves, J., Rollins, Studley, Tierney, Vincent, Vose.

NAY — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Bordeaux, Bowden, Brannigan, Brennerman, Bunker, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Damren, Davies, Davis, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowlie, Gavett, Gillis, Hall, Hanson, Higgins, Howe, Hughes, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lowe, Lund, MacBride, MacEachern, Masterman, Master-ton, Matthews, Maxwell, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Sewall, Sherburne, Silsby, Simon, Small, Smith, Sprowl, Stetson, Stover, Strout, Theriault, Torrey, Tozier, Tuttle, Twitchell, Violette, Wentworth, Whittemore, Wood, Wyman.

ABSENT — Brown, A.; Gowen, Hickey, Kany, LaPlante, Lizotte, Mahany, Martin, A.; McMahon, Roope, Soulas, Tarbell.

Yes 36; No, 102; Absent, 12.

The SPEAKER: Thirty-six having voted in the affirmative and one hundred and two in the negative with twelve being absent, the motion does not prevail.

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

Second Reader

Tabled and Assigned

Bill "An Act to Permit Municipal Water Departments and Quasi-municipal Water Districts to Provide a Contingency Reserve" (H. P. 1132) (L. D. 1400) (C. "A" H-521)

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

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I have been in discussion with the sponsor of the bill and the Chairman of the Committee and there is an amendment being prepared that will protect the ratepayer, so I would hope that I can get this tabled for one day until the amendment is ready.

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

Bill "An Act to Amend the Unit Ownership Act" (S. P. 429) (L. D. 1377) (S. "A" S-236 to C. "A" S-222) and (S. "A" S-237)

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

On motion of Mr. Howe of South Portland, the House reconsidered its action whereby Senate Amendment "A" (S-237) was adopted.

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

Mr. HOWE: Mr. Speaker, Ladies and Gen-

tllemen of the House: The reason that I did that was because someone had this amendment drafted without realizing that the Committee had replaced the bill with Committee Amendment "A" so, therefore, the Senate Amendment is superfluous and I move that it be indefinitely postponed.

Thereupon, Senate Amendment "A" was indefinitely postponed.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence and sent up for concurrence.

Bill "An Act Relating to Access, Copying and Release of Medical Records" (H. P. 935) (L. D. 1165) (H. "B" H-530 to C. "A" H-491)

Bill "An Act to Authorize the Administration of Medications by State Corrections Officials in Certain Cases" (H. P. 1025) (L. D. 1270) (C. "A" H-493)

Bill "An Act to Amend the Tree Growth Tax Law" (H. P. 1115) (L. D. 1244) (H. "A" H-540 and H. "B" H-542 to C. "A" H-517)

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

Passed to Be Enacted Emergency Measure

An Act to Make Certain Adjustments for Legislative Personnel as a Result of Collective Bargaining (S. P. 564) (L. D. 1626)

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, 109 voted in favor of same and 17 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Exempt Certain Transportation Statutes from the Maine Administrative Procedure Act (S. P. 445) (L. D. 1365) (S. "A" S-217)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 115 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1980 and June 30, 1981 (S. P. 492) (L. D. 1532)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary, a vote of the House was taken.

Whereupon, Mr. Higgins of Scarborough requested a roll call.

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

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

The SPEAKER: The pending question before the House is on passage to be enacted as an emergency measure. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Baker, Barry, Beau-lieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Carroll, Carter, D.; Chonko, Churchill,

Cloutier, Conary, Connolly, Cox, Cunningham, Davies, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gwadlosky, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Jacques, E.; Jacques, P.; Jalbert, Kane, Kany, Kelleher, Kiesman, Laffin, LaPlante, Lizotte, Locke, Lund, MacBride, MacEachern, Masterman, Master-ton, Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nelson, M.; Norris, Paradis, Paul, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Rolde, Sherburne, Simon, Small, Soulas, Stetson, Strout, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Vose, Whittemore, Wood, Wyman, The Speak-er.

NAY — Bachrach, Bordeaux, Bowden, Bunker, Call, Carter, F.; Curtis, Damren, Davis, Dellert, Gray, Hanson, Hunter, Im-monen, Leighton, Leonard, Lewis, Lougee, Lowe, Marshall, Nelson, A.; Nelson, N.; Payne, Reeves, P.; Sewall, Smith, Sprowl, Stover, Studley, Wentworth.

ABSENT — Carrier, Dexter, Fenlason, Gould, Gowen, Jackson, Joyce, Lancaster, Mahany, Martin, A.; McMahon, Nadeau, Rol-lins, Roope, Silsby, Tarbell, Violette.

Yes, 104; No, 30; Absent, 17.

The SPEAKER: One hundred and four having voted in the affirmative and thirty in the negative with seventeen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Monitor the Juvenile Code (H. P. 892) (L. D. 1080) (H. "A" H-488 to C. "A" H-461)

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

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I haven't had an opportunity to review this bill and I wondered if the Chairman or someone on that Committee might explain to us what this bill does?

The SPEAKER: The gentleman from Port-land, Mr. Connolly, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. HOBBS: Mr. Speaker and Members of the House: As I stated on previous occasions when discussing the parental notifications bill, what this bill will do is set up a monitoring device to look at and evaluate the workings of the juvenile code which came into operation last year. There is a committee, which is set up in the bill, which will look at the code, just as we had with the Criminal Code Revision Com-mission. I think this bill is needed in order for us to have some type of device to look into the juvenile laws and whether or not, in fact, the juvenile code is working.

The Greater Portland United Way did a three months' study on the juvenile code and made several recommendations, which are very es-sential, I think, in strengthening the juvenile code, and a few of those recommendations were discussed by the Judiciary Committee and I think an overview of this particular area will be essential for the juvenile code to work in the future.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken, 124 voted in favor of same and 8 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Require the Reporting of Petrole-um Inventories and Deliveries to the Office of Energy Resources (H. P. 1355) (L. D. 1591) (S.

"A" S-221)

Was reported by the Committee on En-grossed Bills as truly and strictly engrossed.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I wish some member of the Com-mittee would tell us a little bit about this. Who has to do the reporting, the distributor or the station owner or who makes this report?

The SPEAKER: The gentleman from En-field, Mr. Dudley, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: This information is reported to the State Office of Energy Re-sources and DEP by the people who control the terminal.

This being an emergency measure a two-thirds vote of all the members elected to the House being necessary, a total was taken, 113 voted in favor of same and 10 against, and ac-cordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1979 (H. P. 1416) (L. D. 1620) (H. "A" H-487)

Was reported by the Committee on En-grossed Bills as truly and strictly engrossed.

On motion of Mr. LaPlante of Sabattus, tabled pending passage to be enacted and spe-cially assigned for Friday, June 1.

Finally Passed

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1979 (H. P. 1417) (L. D. 1621)

Was reported by the Committee on En-grossed Bills as truly and strictly engrossed. This being an emergency measure a two-thirds vote of all the members elected to the House being necessary, a total was taken, 126 voted in favor of same and none against, and accord-ingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act Relating to Appointment of Local Plumbing Inspectors in the Unorganized Town-ships (S. P. 378) (L. D. 1158) (C. "A" S-206)

An Act to Clarify the Consent Requirements for Adoptions (S. P. 455) (L. D. 1385) (C. "A" S-207)

An Act Concerning Gas Tax Refunds (S. P. 150) (L. D. 327) (C. "A" S-200)

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

Enactor

Later Today Assigned

An Act to Require Parental Notification of a Minor's Abortion (S. P. 220) (L. D. 604) (C. "A" S-181)

Was reported by the Committee on En-grossed Bills as truly and strictly engrossed.

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

Mrs. BERUBE: Mr. Speaker, I move the rules be suspended for the purpose of reconsid-eration.

The SPEAKER: The gentlewoman from Le-wiston, Mrs. Berube, moves that the rules be suspended for the purpose of reconsideration. Is there objection?

The Chair hears objection.

Mr. Barry of Fort Kent requested a roll call vote on suspension of the rules.

The SPEAKER: For the Chair to order a roll

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote of all the members present and voting. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Bunker, Call, Chonko, Connolly, Cox, Damren, Davies, Dellert, Doukas, Dow, Dutremble, D.; Elias, Gavett, Gowen, Gray, Gwadosky, Hall, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Kane, Kany, Kiesman, Leighton, Leonard, Lewis, Lizotte, Locke, Lowe, Lund, Marshall, Masterton, McKean, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Payne, Post, Reeves, J.; Reeves, P.; Rolde, Sewall, Small, Sprowl, Stover, Tierney, Torrey, Vincent, Vose, Wentworth, Wood, Wyman.

NAY — Austin, Barry, Bordeaux, Boudreau, Brown, A.; Brown, K. C.; Carrier, Carroll, Carter, D.; Cloutier, Cunningham, Dexter, Diamond, Drinkwater, Dutremble, L.; Fenlason, Fillmore, Fowlie, Gillis, Gould, Hanson, Hickey, Hunter, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kelleher, Laffin, Lancaster, LaPlante, Lougee, MacBride, MacEachern, Masterman, Matthews, Maxwell, McHenry, McPherson, McSweeney, Michael, Nelson, A.; Paradis, Paul, Pearson, Peltier, Peterson, Prescott, Rollins, Sherburne, Silsby, Simon, Smith, Stetson, Strout, Studley, Theriault, Tozier, Tuttle, Twitchell, Violette, Whittemore.

ABSENT — Blodgett, Carter, P.; Churchill, Conary, Curtis, Dudley, Garsoe, Mahany, Martin, A.; McMahon, Roope, Soulas, Tarbell
Yes, 75; No, 62, Absent, 13.

The SPEAKER: Seventy-five having voted in the affirmative and sixty-two in the negative, with thirteen being absent, the motion does not prevail.

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

Mrs. BERUBE: Mr. Speaker, I move that this item be tabled until later in today's session.

Whereupon, Mr. Gillis of Calais requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that this be tabled pending passage to be enacted and later today assigned. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Bunker, Chonko, Churchill, Connolly, Cox, Damren, Davies, Davis, Dellert, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gavett, Gowen, Gray, Gwadosky, Hall, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen,

Jackson, Kane, Kany, Kiesman, Leonard, Lewis, Lizotte, Locke, Lowe, Lund, Masterton, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paul, Payne, Peltier, Post, Reeves, J.; Reeves, P.; Rolde, Sewall, Small, Sprowl, Stover, Tierney, Tuttle, Vincent, Vose, Wentworth, Wood, Wyman.

NAY — Austin, Barry, Boudreau, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Carter, F.; Cloutier, Cunningham, Dexter, Diamond, Drinkwater, Fenlason, Fillmore, Gillis, Gould, Hanson, Hickey, Hunter, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kelleher, Laffin, Lancaster, LaPlante, Leighton, Lougee, MacBride, MacEachern, Marshall, Masterman, Matthews, Maxwell, McHenry, McKean, McSweeney, Nelson, A.; Paradis, Pearson, Peterson, Prescott, Rollins, Roope, Sherburne, Silsby, Simon, Smith, Stetson, Strout, Studley, Theriault, Tozier, Twitchell, Violette, Whittemore.

ABSENT — Berry, Conary, Curtis, Dudley, Garsoe, Mahany, Martin, A.; McMahon, Soulas, Tarbell, Torrey.

Yes, 78; No, 61; Absent, 11.

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

An Act to Expand the State's Program to Promote Apprenticeships (S. P. 354) (L. D. 1102) (C. "A" S-199)

An Act to Amend the Statutes Governing Vocational Regions (S. P. 402) (L. D. 1266) (C. "A" S-202)

An Act to Redistribute Responsibility for Enforcement of Laws Prohibiting Certain Unfair Trade Practices (S. P. 413) (L. D. 1277) (S. "A" S-203)

An Act to Clarify the Powers and Duties of the Office of Energy Resources (S. P. 423) (L. D. 1294) (S. "A" S-211 to C. "A" S-156)

An Act to Increase the Dollar Amount of an Accident That Must be Reported to the Secretary of State from \$200 to \$300 (H. P. 636) (L. D. 787) (C. "A" H-404)

An Act to Prohibit Rate Discrimination by Public Utilities (H. P. 837) (L. D. 1041) (S. "A" S-212 to C. "A" H-384)

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

Later Today Assigned

An Act to Provide for the Issuance of a Warning for Operating an Unregistered Motor Vehicle within One Month of the Expiration of Registration (H. P. 858) (L. D. 1058) (C. "A" H-465)

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

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: If the bill is enacted in its present form, with the committee amendment, there would be a conflict with another section of the law. An amendment has been prepared, it is just not ready yet but it should be later in today's session. Therefore, I would hope that someone would table it until later today.

Thereupon, on motion of Mr. Carroll of Limerick, tabled pending passage to be enacted and later today assigned.

An Act to Exempt Farmland from Sewer Assessments When the Land Receives no Benefit from this Construction (H. P. 960) (L. D. 1185) (H. "A" H-470 to C. "A" H-452)

An Act to Permit a Resident of an Intermediate Care Facility or a Skilled Nursing Facility who Receives Aid for the Medically Needy or Aid for the Categorically Needy to Give \$210 a Month from his Income to a Dependent Spouse (H. P. 1054) (L. D. 1305) (C. "A" H-458)

An Act to Clarify the Provisions Relating to Hearings on Juvenile Crimes and to Establish an Experimental Program for Education and Counseling of Juvenile (H. P. 1375) (L. D. 1601) (H. "A" H-477)

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 Abortions (H. P. 1394) (L. D. 1612)

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

Mrs. Masterton of Cape Elizabeth requested a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Austin, Barry, Beaulieu, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brennerman, Brown, A.; Brown, D.; Brown, K. C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Diamond, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gould, Gray, Gwadosky, Hanson, Hickey, Higgins, Hunter, Immonen, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, MacBride, MacEachern, Mahany, Marshall, Masterman, Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Nadeau, Nelson, A.; Nelson, N.; Norris, Paradis, Payne, Pearson, Peterson, Prescott, Rollins, Roope, Sherburne, Silsby, Simon, Smith, Stetson, Stover, Studley, Theriault, Tozier, Twitchell, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Bachrach, Baker, Benoit, Berry, Brannigan, Brodeur, Brown, K. L.; Connolly, Cox, Davies, Dow, Drinkwater, Garsoe, Gowen, Hall, Howe, Huber, Hughes, Hutchings, Jackson, Kiesman, Lowe, Lund, Masterton, Mitchell, Morton, Nelson, M.; Post, Reeves, J.; Reeves, P.; Rolde, Sewall, Small, Sprowl, Vincent, Whittemore.

ABSENT — Doukas, Dudley, Hobbins, Martin, A.; McMahon, Paul, Peltier, Soulas, Tarbell, Tierney, Torrey, Tuttle.

Yes, 103; No, 36; Absent, 12.

The SPEAKER: One hundred three having voted in the affirmative and thirty-six in the negative, with twelve being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith.

An Act Providing Additional Funds to Acquire Land for a Passenger Terminal, Transfer Bridge and a Parking Area for the Casco Bay Ferry Service in Portland and to Provide Funds for their Construction (H. P. 199) (L. D. 248) (C. "A" H-474)

An Act to Revise the Law Relating to Motor Vehicle Operators' Licenses (H. P. 618) (L. D. 759) (C. "A" H-473)

An Act Relating to Personnel Records of Employees of the State and its Political Subdivisions (H. P. 666) (L. D. 826) (H. "A" H-482 to C. "A" H-460)

An Act Concerning the Adoption of Management Plans by the Commissioner of Marine Resources (H. P. 912) (L. D. 1120) (C. "A" H-475)

An Act to Permit Optional Credit Life Insurance for the Comaker of a Debt (H. P. 929) (L. D. 1142) (C. "A" H-471)

An Act to Create a Special Commission on State Mandates Imposed on Local Units (H. P. 1083) (L. D. 1350) (C. "A" H-468)

An Act Concerning Preservation Interests under the Property Laws Pertaining to Preserving or Restoring Historic Property (H. P. 1212) (L. D. 1500)

An Act to Revise the Medical Examiner System (H. P. 1151) (L. D. 1533)

An Act to Provide Special Free License Plates for the 100% Disabled Veteran (H. P. 1174) (L. D. 1436) (S. "A" S-218 to C. "A" H-402)

An Act to Increase the Short-term Investment Capabilities of the State (H. P. 1048) (L. D. 1306)

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

Orders of the Day

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

Bill, "An Act Requiring Certain Consumer Agreements to be Written so that they are Readable and Understandable" (H. P. 1427) (L. D. 1634)

Tabled—May 24, 1979 by Mr. Jackson of Yarmouth.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act to Allow Direct Purchase by Citizens of Certain Bonds" (S. P. 459) (L. D. 1373) (C. "A" S-194)

Tabled—May 24, 1979 by Mr. McHenry of Madawaska.

Pending—Passage to be Engrossed.

On motion of Mr. Rolde of York, tabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act Concerning Licenses Issued by the Department of Inland Fisheries and Wildlife" (H. P. 270) (L. D. 344) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-438) on May 17, 1979. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-438) and Senate Amendment "A" (S-216)

Tabled—May 29, 1979 by Mr. Dow of West Gardiner.

Pending—Further Consideration.

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

Mr. ROLDE: Mr. Speaker, I have an amendment being prepared for this bill. I would like someone to table this until later in today's session.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending consideration and later today assigned.

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

Bill, "An Act to Permit Performing Arts Centers to Serve Alcoholic Beverages" (H.P. 252) (L. D. 297) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-60) and House Amendment "A" (H-69) on March 8, 1979. — In the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-129)

Tabled—May 29, 1979 by Mr. Violette of Van Buren.

Pending—Further Consideration.

On motion of Mr. Violette of Van Buren, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" as Amended by Committee Amendment "A" (H-507) — Committee on Local and County Government on Bill, "An Act Regarding Laws Relating to Town Lines" (H. P. 1281) (L. D. 1534)

Tabled—May 29, 1979 by Mr. LaPlante of Sabattus.

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

On motion of Mr. LaPlante of Sabattus, tabled pending his motion to accept the Majority Report and tomorrow assigned.

Bills Held

Bill, "An Act to Establish a Silvicultural Review Board" (H. P. 1187) (L. D. 1486) — In House, Bill and All Accompanying Papers Indefinitely Postponed on May 29, 1979.

Held at the request of Mr. Wyman of Pittsfield.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby this bill was indefinitely postponed and further move that this item be tabled for one legislative day pending reconsideration.

Mr. Dexter of Kingfield requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Gorham, Ms. Brown, that this matter be tabled pending her motion to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Carter, D.; Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fowle, Gowen, Gray, Gwadosky, Hall, Hobbins, Howe, Hughes, Jalbert, Joyce, Kane, Kany, Laffin, Lizotte, Locke, Masterman, Maxwell, McHenry, McKean, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Pearson, Post, Prescott, Reeves, P.; Rolde, Sewall, Simon, Stover, Tierney, Tuttle, Vincent, Violette, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Dow, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Jackson, Jacques, E.; Jacques, P., Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterton, Matthews, McPherson, Morton, Nelson, A.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Strout, Studley, Theriault, Tozier, Twitchell, Vose, Wentworth, Whittemore.

ABSENT — Berry, Chonko, Churchill, Dudley, Immonen, Lougee, Martin, A.; McMahon, McSweeney, Norris, Paul, Peltier, Soulas, Tarbell, Torrey.

Yes, 64; No, 72; Absent, 15.

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

Whereupon, Mr. Wyman of Pittsfield requested a roll call vote on the motion to reconsider.

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

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

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the gentlewoman. For what reason should we reconsider the vote of yesterday? I don't mind voting with her, but I would like to know the reason why I should be voting to reconsider.

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

The Chair recognizes the gentleman from Auburn, Mr. Michael.

Mr. MICHAEL: Mr. Speaker, we would like to reconsider this vote to indefinitely postpone so we can pass this bill to second reading. It was a very close vote yesterday, and we are working on an amendment that will significantly reduce the cost and also condense the bill so that it is more workable and I think will have a wider range of acceptance.

We would appreciate it if you would vote to reconsider so that we can pass this bill. I think it is all right if we didn't table it. I think we can move this thing right along and not lose any time on it.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: This is the same bill that we were talking about yesterday. As far as the financial end of the bill is concerned, the fiscal note, that is not the question. The question is the need of the bill, what it does. And in order to improve any part of this bill, the bill would have to be completely rewritten. It is still an invasion of the rights of industry in the State of Maine. It is still a bill to place obstacles in the way of industry in the State of Maine, and in order to improve it, it would have to be completely wiped out and rewritten.

I ask you to vote against the reconsideration motion.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Peltier.

Mr. PELTIER: Mr. Speaker, Ladies and Gentlemen of the House: Here is a little more information on what happens to someone logging in northern Maine, if anyone is concerned about whether or not anyone is keeping an eye on them or not. If you were logging, you could be involved with the following: the Land Use Regulation Commission, the Department of Environmental Protection, Inland Fisheries and Wildlife Department, Bureau of Forestry, Bureau of Parks and Recreation, Pesticide Control Board, Bureau of Public Lands, Soil and Water Conservation, Department of Transportation, the U.S. Army Corp of Engineers and, believe it or not, the U.S. Coast Guard, Federal Power Commission, National Parks Service, Department of Commerce, Environmental Protection Agency, United States Fish and Wildlife and the Federal Energy Administration, and that should be enough.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would reconsider your action on this particular

item. I do not profess to be an expert in this particular area, but I do not believe that we can have too many safeguards nor can we have too much protection for what is our most valuable natural resource, and that is our timber. This bill is going to put on record the management plans of the controller of the dominant portion of commercial forests in Maine. It is going to involve 50 owners and managers of parcels of over 1,000 acres in the unorganized territories, totaling over 7 million acres statewide. That is a lot of land; that is a lot of resource.

I think the proponents of this are simply desiring an opportunity to put into operation a mechanism which is not going to interfere with industry but it seeks, rather, to learn for the public, and I think every citizen in Maine has the right to know the use of this valuable resource. It is going to put on record the plans to control the forest products that these large landowners have. I think also it is going to provide not only an overseer sort of mechanism but it is also going to provide large landholders with recommendations, information and assistance to help not only control the forest product but also to enhance its economic viability for our state.

I would hope that you would reconsider. I think this bill is a very reasonable attempt to do something which is extremely important in this state. I hope that we won't be so shortsighted to not see the long-term need to oversee this extremely valuable, valuable not only from an aesthetic point of view but also from a financial point of view, as we all know.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: The remarks of the good gentleman from Pittsfield, Mr. Wyman, he states that this is not interfering in industry. If you will take the time to go to L. D. 1486, I think you can see where it does. The first paragraph on the first page is nothing but interference. On page 3, section 1805, it states that all persons who own more than 1,000 acres of commercial forest land in the deorganized and unorganized areas of the state 'shall' file a forest management plan with the board by January 1, 1980. Just below that, in the next section, 1806, "All persons shall file notice with the board at least 60 days prior to conducting any of the following activities on commercial and timber parcels of more than 1000 acres in the unorganized and deorganized areas of the state." It asks for specific information.

If the board calls a meeting or a public hearing, that public hearing must be held and the report from that public hearing given out before the paper industry can continue with any of those operations under the plan that is submitted.

If this isn't interference, I don't know what is. I am sure you people realize that this is interference. I ask you again to vote against the reconsideration.

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

Mr. MICHAEL: Mr. Speaker and Members of the House: I think the good gentleman from Calais hit the nail right on the head. This bill merely requires that a plan be filed. Most of the landowners don't even have a plan. The bill doesn't require that this board would have any authority to say what the plan would be, it is just a method of obtaining the information.

This part about having hearings and preventing these plans from being implemented is totally inaccurate, read the bill. We went through this yesterday.

What we are talking about today is whether or not you want to reconsider this bill, pass it to second reading, to get a look at what the amendment is going to say. Your Maine resource is at stake here, so if you feel strongly about it, perhaps you would want to take a look to see what the amended version is all about.

The SPEAKER: The Chair recognizes the

gentleman from Houlton, Mr. Peltier.

Mr. PELTIER: Mr. Speaker, Ladies and Gentlemen of the House: That is a good suggestion, read the bill—Carrying out the responsibilities under this Chapter, the board shall have the authority to issue subpoenas, to require attendance and testimony witnesses, the production of evidence and the board is also authorized to inspect all holdings. A violation hereunder is a civil violation and forfeiture of not more than \$500, that sounds pretty serious.

I think some people are worried about our forest and I am in agreement that cutting down trees is a horrible sight, it really is a horrible sight.

Representative Wyman, on your way home about six weeks ago, they were cutting trees on Route 95 along the roadside. I don't know why they were cutting these trees but I assume someone was worried for fear that these wild growing trees were going to choke off 95, and that is the way nature does things. If we are really worried about preserving our trees, you have to stop going to the fast food chains, you have to stop buying 12 lb. Sunday newspapers and you have to stop building houses and so forth. I think the industry can handle this problem and I think we should let this bill die right here.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Gorham, Ms. Brown, that the House reconsider its action whereby L. D. 1486 was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Benoit, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Carroll, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowle, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Kane, Kany, Laffin, LaPlante, Lizotte, Locke, McHenry, Michael, Mitchell, Nadeau, Nelson, N.; Post, Prescott, Reeves, P.; Rolde, Simon, Tierney, Tuttle, Vincent, Violette, Wood, Wyman

NAY — Aloupis, Austin, Beaulieu, Birt, Borda, Boudreau, Bowden, Brown, K.L.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Huber, Hunter, Hutchings, Jackson, Jalbert, Joyce, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Matthews, McKean, McPherson, McSweeney, Morton, Nelson, A.; Nelson, M.; Norris, Paradis, Payne, Pearson, Peltier, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Theriault, Tozier, Twitchell, Vose, Wentworth, Whittemore

ABSENT — Berry, Chonko, Dudley, Immonen, Martin, A.; McMahon, Paul, Peterson, Soulas, Tarbell, Torrey

Yes, 56; No, 83; Absent, 11.

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

Bill Held

Tabled and Later Assigned

Bill, "An Act to Amend the Law Relating to the Maine Milk Tax Committee" (H. P. 206) (L. D. 254) (C. "A." H-514) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-514) on May 29, 1979. (Consent Calendar 2nd Day—Held at the request of Mr. Wood of Sanford.)

On motion of Mr. Wood of Sanford, the House reconsidered its action whereby the Bill passed to be engrossed.

On motion of the same gentleman, tabled pending acceptance of the Committee Report and later today assigned.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-547) on Bill "An Act to Redefine the Term 'Political Committee' Under Election Laws" (H. P. 1332) (L. D. 1579)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
FARLEY of York

— of the Senate.

Messrs. TIERNEY of Lisbon
BERRY of Buxton
GOULD of Old Town
HALL of Sangerville
STUDLEY of Berwick
NADEAU of Lewiston

Ms. SMALL of Bath

Ms. BENOIT of South 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:

Mrs. WENTWORTH of Wells

Mrs. SEWALL of Newcastle

— of the House.

Reports were read.

On motion of Ms. Benoit of South Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-547) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-548) on Bill "An Act Relating to the Acquisition and Ownership of Real Property by Aliens and Businesses of Foreign Countries" (H. P. 976) (L. D. 1261)

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin

— of the Senate.

Messrs. HUGHES of Auburn
HOBBINS of Saco
LAFFIN of Westbrook
SILSBY of Ellsworth
CARRIER of Westbrook
SIMON of Lewiston
JOYCE 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. COLLINS of Knox

DEVOE of Penobscot

— of the Senate.

Mr. GRAY of Rockland

Mrs. SEWALL of Newcastle

Mr. STETSON of Wiscasset

— of the House.

Reports were read.

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

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

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown. Mr. BROWN: Mr. Speaker, I would request a division, please.

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

A vote of the House was taken.
46 having voted in the affirmative and 21 in the negative, the motion did prevail.

The Bill read once.

Committee Amendment "A" (H-548) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-549) on Bill "An Act to Determine What Environmental Laws Apply to Radioactive Waste Materials" (H. P. 799) (L. D. 1004)

Report was signed by the following members:

Messrs. O'LEARY of Oxford
McBREAIRTY of Aroostook
— of the Senate.

Messrs. DEXTER of Kingfield
DOUKAS of Portland
BLODGETT of Waldoboro
JACQUES of Waterville

Mrs. HUBER of Falmouth

Messrs. HALL of Sangerville
MICHAEL of Auburn
PELTIER of Houlton

— 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. AUSTIN of Bingham
KIESMAN of Fryeburg

— of the House.

Reports were read.

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

Committee Amendment "A" (H-549) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-546) on Bill "An Act to Require Each Primary Candidate to be a Resident of the District from which he is Running Prior to the Primaries" (H. P. 518) (L. D. 661)

Report was signed by the following members:

Mr. PIERCE of Kennebec
— of the Senate.

Messrs. STUDLEY of Berwick
GOULD of Old Town
Mrs. WENTWORTH of Wells
Mrs. SEWALL of Newcastle
Mr. BERRY of Buxton
Ms. SMALL of Bath

— 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. FARLEY of York
DANTON of York

— of the Senate.

Messrs. NADEAU of Lewiston
HALL of Sangerville
TIERNEY of Lisbon
Ms. BENOIT of South Portland

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit. Ms. BENOIT: Mr. Speaker, I move acceptance of the Minority "Ought Not to Pass" Report.

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. The purpose of this resolve is to clarify and define the residency requirements of candidates for this Legislature. When the Maine Constitution was

written, primary elections were not anticipated and three months were deemed a reasonable requirement of residency before elections.

More recently, because of the introduction of primaries, residency requirements of candidates for county and state office were spelled out, ruling that a candidate must be living in the district he hoped to represent prior to filing his or her petition. However, because of the difference between the statute and the Constitution, though of similar intent, the words "State Office" had to be deleted from the statute. The title or heading of 443, however, still shows this intent, which is also true of 492, these are references to the law.

In addition, both leave a gap. Even for county office, residency from April 1st which is the filing date to 90 days prior to the general election.

The Constitutional Amendment I am proposing spells out what was, I think the obvious and clear intent of both the statute and the Constitution by requiring that a candidate for either body be a resident and registered voter of the district he hopes to represent from the date of the primary until his election and through his term of office.

So, this resolve is primarily a housekeeping measure. The word "loophole" is defined as "means of escape" or "narrow opening." The tax loophole has a very negative and unpopular ring to it. Many of us decry legal loopholes, which produce results quite contrary to the obvious intent of the law. I feel that this would close up a political loophole or at least get that closing underway.

I also believe that this is a non-partisan measure, in spite of the way the committee is divided on this report. Carpetbagging, for the want of a better word, is perhaps more likely to take place in cities per population per transient and sometimes neighbors do not know or recognize each other, but it is possible and has taken place in rural areas. I cannot imagine for either a long time Democrat or Republican resident and candidate in the district would welcome primary competition from someone from an entirely different area of the city where perhaps the competition was too stiff for him. The challenger makes no move, no real commitment and takes no risk now in the way of a move until the primaries and even half the campaign are over. He can, actually he can comparison shop for a district to run from.

This loophole also gives an advantage to candidates who are not tied down to an area by a home, job or family, because he doesn't necessarily come from just the other side of town or even from the same county.

Right now with this loophole, it is perfectly legal under the present law for a political hopeful from Aroostook to run in Kittery, Skowhegan or any other locality that suits his fancy, knowing nothing of the people, problems or attitudes, and an aggressive campaign may win the voters a clever politician but not a real representative.

The Governor has repeatedly stated that he hopes his administration can and will give the voters of this state renewed faith in politics and politicians. I think this bill would help.

This is not an effort, surely, to discourage candidates. We all know how hard both parties work to find good candidates. We are simply saying that if a candidate is sincere and committed to the representative form of government, let him at least do his prospective constituents the courtesy of living among them from the time he first asks for their votes.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would like to give you a few reasons why I signed this bill "Ought Not to Pass." At first, it looked like a reasonable measure and I thought I would be able to support it, but the more I thought about it, the

more I got thinking of examples which made me really not like this bill very much.

First, I think we should leave the Constitution the way it is. It has served us well for quite a while. The Constitution states now that you must live in your district three months prior to the general election, which would be sometime in August.

I would like to give you a few examples of how this could really cause a problem and, granted, it probably would happen most in the cities. But as most of you probably know, in the cities sometimes a line dividing districts could be right down a street. You could live on one side of the street and be in District 1; you could live on the other side of the street and be in District 2.

Suppose you do live in District 1 but, for whatever reason, whether it be political or otherwise, you decide you want to run in District 2. I think that the voters ought to be able to decide whether they want to elect you in the primary or not. I am sure that would be made an issue, that you don't live in that district. If you win in the primary, you would, indeed, have to move into the district which you wish to represent three months prior to the general election.

Another example would be, the person might be building a home in another district within the same city, maybe not even in the same city. Nevertheless, that person would still be residing in another district at the time of the primary election, but come August, that person may know that he or she will be living in the district which he or she wishes to represent. I do believe that that even happened to my opponent in the past election. They were building a new home and at the time of the primary she did not live in her district. She was able to win the primary, able to run against me in the general election. I really don't see any problem with that. It is up to the voters to decide whether they want you to win the primary or not, whether you live in the district or not.

I would urge you to vote for the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of gentlewoman from South Portland, Ms. Benoit, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tierney of Lisbon Falls requested a roll call vote.

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

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

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I consider myself somewhat of an expert on this bill because, as most of you know, for two terms I was the gentleman from Durham and then I mysteriously became the gentleman from Lisbon Falls for my second two terms. I have kept that name, except occasionally when Mr. Palmer or Mr. Garsoe get mad at me and call me the gentleman from Durham Falls or whatever.

Ladies and gentlemen, this is a bad bill and we could save ourselves a lot of time by killing it right now.

It is a Constitutional amendment, first of all, and I think we all ought to think very seriously before we pass a Constitutional amendment. I am sure the vast majority of you haven't taken the time to actually read the text of it, and we have gotten ourselves into some pretty big difficulty in the past because of that particular problem, so on that basis alone, I urge you to

take a close look at it and if you are not absolutely sure what it does and how it does it, I think you ought to vote against it. It is going to take two-thirds eventually, and there are those of you who might want to vote to get rid of the bill this morning just to save us some time.

Then, the third problem, which we have to realize, is that so often the redistricting which does takes place very late in the process, oftentimes very late in the middle of a special session, and that puts us into February or March of an election year when we first decide where these lines are going to be. I think that poses a great hardship on people when they decide to run for the legislature, especially in the cities, when we don't even know where these lines go sometimes, and I just think it would be a hardship to place it on them.

Finally, and by far most important, the reason why this is a bad bill is that it is one more attempt to take away from the voters the choice of who they want to send to this place.

We all know that they made an excellent choice in at least 151 cases, we all know that, so why should we distrust their ability to make that judgement in the future? There is absolutely no reason for that. Don't mistrust the voters. Let them decide who they want, and if you think a legislator or your opponent is an interloper, someone from the outside, someone who really doesn't live in the area, use that as an issue and tell the voters that this person doesn't live around here and shouldn't represent you in Augusta because he doesn't know the area. That, ladies and gentlemen, is the way democracy is supposed to work. Then the voters will decide for themselves whether or not the person is a good person or a bad person.

Obviously, they had the good sense to send my good friend from Portland, Mrs. Payne, here instead of what's his name, Mr. Gorham, so, obviously the voters in her district had excellent sense and I just would hope that we could kill this bill now and save us all a lot of trouble.

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

Mrs. PAYNE: Mr. Speaker and Members of the House: I know this has been affectionally called the anti-Gorham bill in this legislature. This bill was suggested to me and I began thinking about it and I don't want to bring it down to just another Portland bill, but in Portland in this last election, there was a game of hopscotch. Areas opened up and people decided to run in them and it was just going this way all over the state, and I don't think that is why the single-districts rule was put in. I think the people understand their neighborhoods and I think that it is important for representative districts. Some of you represent enormous areas, 6,000 people spread over the area. Six thousand people in the cities is a very small area. Our kids have gone to the same schools, everything, it is still is a neighborhood.

I sent out a questionnaire to both parties after the election asking how they felt about this, among other questions. One hundred per cent answers came back—they wanted the candidate a registered resident before the primary. It is good government and it is cleaning up a hole in the laws now. The Constitution and the statutes are at variance and the only way you can do it is through a constitutional amendment, because the constitution overrides the statute.

I would please ask you to vote for this bill.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I would like to concur with my leader and my House Chairman in their comments and also put a new light on this debate.

The cities have been mentioned several times, the problems that arise in the cities, but I would like to point out something that could develop in the rural areas. I remember reading a couple of years ago, during the legislative

process, that some rural areas in Maine were having difficulty finding candidates to run for office. We all know the money up here is very tight and some rural areas in our state are very poor and people oftentimes can't afford to run for the legislature, so there is a difficulty finding candidates to fill some seats oftentimes. Putting a stipulation like this in our Constitution could create quite a hardship in the future.

I would urge you to support the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mrs. Small.

Mrs. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I thought I should speak on this where I was with the Majority Report and I don't believe that our Representative from Portland should have to carry it all by herself.

In a way, I would kind of be tempted to vote against this bill because up until now I didn't realize just how much leeway we had on the primary. If I do have a Republican candidate that is going to run against me in the primary, maybe I would rather run against the good gentleman from West Bath and see how my chance would be there. I think that just shows you that it opens up a lot of areas that we don't need opened. I don't think that I should have the choice of which primary to run in, which candidate would be the easiest for me to knock off.

I think Representative Payne has got a good idea for preventing this from happening.

I hope that you will support her measure and we can all vote for this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Ms. Benoit, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Blodgett, Brenerman, Brodeur, Brown, A.; Brown, K.C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gowen, Gwadodsky, Hall, Hickey, Hobbins, Howe, Jacques, E.; Jacques, P.; Jalbert, Kane, Kany, LaPlante, Lizotte, Locke, MacEachern, Maxwell, McKean, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker

NAY — Aloupis, Austin, Berry, Berube, Borda, Boudreau, Bowden, Brown, D.; Brown, K.L.; Bunker, Call, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Dow, Drinkwater, Dudley, Fenlason, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Hughes, Hunter, Hutchings, Immonen, Jackson, Joyce, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Masterman, Masterton, Matthews, McHenry, Morton, Nelson, A.; Paul, Payne, Pearson, Peltier, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Torrey, Tozier, Twitchell, Wentworth, Whittemore

ABSENT — Brannigan, Carrier, Churchill, Davies, Huber, Laffin, Martin, A.; McMahon, McPherson, McSweeney, Peterson, Post, Soulas, Tarbell

Yes, 62; No, 75, Absent, 14.

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

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

Committee Amendment "A" (H-546) was read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker, it is my under-

standing that Committee Amendment "A" changes what is a non-constitutional amendment bill into a bill that does have a constitutional amendment. Is that correct? The Speaker understands these matters so much more than I.

The SPEAKER: the Chair would answer in the affirmative. The amendment changes the Bill to a constitutional amendment.

Mr. TIERNEY: Mr. Speaker, I would like to inquire whether or not that is germane? I don't think it has ever been done before in my time here.

On motion of Mr. Garsoe of Cumberland, tabled pending a ruling from the Chair and tomorrow assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Provide Notification to Candidates of the Requirement to File a Campaign Report and to Provide the Necessary Forms" (H. P. 661) (L. D. 821)

Report was signed by the following members:

Mr. PIERCE of Kennebec — of the Senate.
Mrs. SEWALL of Newcastle
Messrs. NADEAU of Lewiston
BERRY of Buxton
Ms. SMALL of Bath
Messrs. TIERNEY of Lisbon Falls
HALL of Sangerville
STUDLEY of Berwick
Mrs. WENTWORTH of Wells — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-539) on same Bill.

Report was signed by the following members:

Mr. FARLEY of York — of the Senate.
Mr. GOULD of Old Town
Ms. BENOIT of South Portland — of the House.

Reports were read.

On motion of Ms. Benoit of South Portland, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-538) on Bill "An Act to Establish a Maine Labor Relations Law" (H. P. 1269) (L. D. 1551)

Report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate.
Messrs. WYMAN of Pittsfield
TUTTLE of Sanford
Mrs. BEAULIEU of Portland
Mrs. MARTIN of Brunswick
Messrs. McHENRY of Madawaska
BAKER 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. FILLMORE of Freeport
CUNNINGHAM of New Gloucester
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 and would speak very briefly to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, moves that the Majority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: What this bill does, very briefly, first of all, I would call your attention to the Committee Amendment with a filing number of H-538. The amendment is the bill. So if you have the bill in front of you, you are looking at something which is not actually before us in essence, because we amended the bill by striking out everything after the enacting clause and inserted in its place the following—so the amendment is the bill.

What this bill does, it establishes for certain agricultural employees, not all agricultural employees, and I think that point needs to be made and made again, lest we be under any false impressions.

Ladies and gentlemen, I represent many farmers in my district, and I am sure many of you do also, and it would not be in the best interest of agriculture or, for that matter, labor-management relations were we to include all agricultural employees under some sort of collective bargaining act, but certain agricultural employees will be granted, under this bill as amended, certain basic rights, rights which employees now have under the law in practically every other field of endeavor and field of labor. This will give them not only the right to organize collectively but would also require the employer to recognize the bargaining agent of the employees.

If you notice and it is extremely important if you have any interest in this bill at all or are interested in debating it, which I hope you are not, but if you are, you will notice at the bottom of the first page of the amendment, agricultural employee is defined. I think the important thing, and this is what I underlined in the amendment, is that we are limiting, notwithstanding any of the above definition, the definition of agricultural employee shall be limited to only those agricultural employees performing services for agricultural employers covered under Chapter 7, Subchapter 3, of the Labor Law, our state labor law, that is the minimum wage section—or services for agricultural employers managing, operating, controlling or having ownership interest in over 4,000 acres of land.

The intent of the committee, those of us who support the bill, is to make sure that employees who work on large agri-businesses, and we have a few in the state, granted, albeit a very few but we do have them, that these employees will be granted the right to collective bargaining, not the small farm employee and certainly not the family farm, those are exempt, very clearly. I think that covers a very general description. There are certainly things that I haven't covered, but I think that covers a general description of the bill.

As you will notice, the divided report was one of our classic Labor Committee reports, a bipartisan effort, as you can see if you will read the report. We have had many of those this session from the Labor Committee, and I hope that you would accept the "Ought to Pass" Report.

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

Committee Amendment "A" (H-538) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

(Off Record Remarks)

Mrs. Lewis of Auburn was granted unanimous consent to address the House.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: You may remember, yesterday during some debate, there was a very demeaning remark made about a scientist who

came to our state from Baltimore, Maryland. I think I owe it to him, and I think I owe it to you people here to give you some of his background.

Dr. John Money was willing to come to our state from Johns Hopkins University and I would think that everybody in this body has heard of Johns Hopkins University, since it is one of the outstanding medical institutions in our country. I would like to tell you what his background is.

He was born in New Zealand and he did his undergraduate and two years of graduate education at Victoria University College in New Zealand. He has a Trained Teacher's Certificate in New Zealand, the Department of Education; he has a Master of Arts and Second Class Honors at the University of New Zealand; Diploma of Honors, First Class, University of New Zealand; Certificate of Residency in Psychology, Western State Psychiatric Institute, University of Pittsburgh; Dr. of Philosophy, Harvard University; Certified Psychologist, State of Maryland. He is presently a professor of Medical Psychology at the Johns Hopkins University. These are some of his awards and honors. He is corecipient of the Hoffmire Prize, American Psychiatric Association; Gold Medal Award, Children's Hospital of Philadelphia; Rackford Lecture of the Children's Hospital, Cincinnati, Ohio; Visiting Professor of Pediatrics, Albert Einstein College of Medicine; Visiting Professor of Endocrinology, Harvard University; Visiting Professor of Pediatrics, University of Nebraska College of Medicine; Award of Merit, the Society for the Scientific Study of Sex; Visiting Professor, Obstetrics and Gynecology, University of Connecticut; Citation, American Neurological Association Lecturer; Master Lecturer on Physiological Psychology, American Psychological Association. I won't go on with every one here—Harry Benjamin M.D. Medal of Honor, Erickson Educational Foundation.

His biographical listings include American Men and Women of Science, Social and Behavioral Sciences, the Medical Sciences, Association of American Medical Colleges, Faculty Roster, Bicentennial Inventory of Neuroscientists, Contemporary Authors, Who's Who Among Authors and Journalists, Who's Who in North America, Who's Who in the East, World Who's Who in Science, World Who's Who of Authors.

There is lots more and I have this if anybody would like to read it. It would probably take me a half to three quarters of an hour to read all of it, but everybody is welcome to read it who would like to.

One of the main reasons I wanted to make this point is, I don't think we should insult anybody who comes to our state for two reasons, one, we ought to have better manners; the other is that it might be very difficult for us to get people, noted people, noted scientists, noted people in any field, to come to our state if they realize that this is the kind of treatment they are going to get from the people in this body.

Mr. Norris of Brewer was granted unanimous consent to address the House.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't in my seat yesterday, unfortunately, when the debate on the Conference Committee Report came up. I would only state this, that I do have considerable information on Psycho-surgery and on the movement by a limited number of psychiatrists and neurologists attempting to produce a controlled society. I won't go into it. I had it ready yesterday and I wasn't here, but if anyone is interested in that, I have reams of information, facts, figures, what has been done in the State of California, what the Appropriations Committee in the Federal Government has done to hold this back, to stop what apparently is an attempt in good faith by members of

the profession, such as we heard of this morning, to produce a completely controlled society, and I would be willing to furnish that information to anybody that is interested in it.

All matters acted upon were ordered sent forthwith to the Senate.

On motion of Mr. Reeves of Newport, Recessed until two o'clock in the afternoon.

After Recess 2:00 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions" (H. P. 768) (L. D. 855) which was tabled earlier in the day and later today assigned pending further consideration.

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

Mrs. POST: Mr. Speaker and Members of the House: We had a second amendment, which I think both sides of the disagreement are in agreement with and I am not sure whether it has been distributed or not. It is under Representative Kane's name.

On motion of Mr. Kane of South Portland, the House moved to recede.

Senate Amendment "A" (S-266) was read by the Clerk.

On motion of Mr. Kane of South Portland, Senate Amendment "A" was indefinitely postponed.

The same gentleman offered House Amendment and moved its adoption.

House Amendment "A" (H-560) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Increase the Good Time Deduction" (H. P. 1058) (L. D. 1308) which was tabled earlier in the day and later today assigned pending the motion of the gentleman from Rockland, Mr. Gray, that the House recede and concur.

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

Mr. FOWLIE: Mr. Speaker, Men and Women of the House: I hope the House today would defeat the motion to recede and concur and insist and ask for a Committee of Conference.

As we debated this bill a few days ago, I went over to the Department of Corrections and the Director, Don Allen, is in support of the action of the House a few days ago. So, I would hope that you would defeat the motion to recede and concur.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Rockland, Mr. Gray, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 42 in the negative, the motion did not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

JOINT ORDER (H. P. 1442) relative to recalling Bill "An Act to Reinstate Aid to Fami-

lies with Dependent Children Payments for Unborn Children," House Paper 687, L. D. 867, from the Legislative Files, which was tabled earlier in the day and later today assigned pending passage.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Before we begin, I would like to ask a parliamentary question.

In order for this to pass, does this require a two-thirds vote of the House?

The SPEAKER: The Chair would answer in the affirmative.

Mr. CONNOLLY: Mr. Speaker and Members of the House: This is a bill that I have introduced in the last two sessions of the legislature that would allow the state to include women who are pregnant to be covered under the AFDC program. This was a program that the state had initiated as the result of a court consent decree in 1974. In 1975, however, the courts ruled that it was up to the state to choose whether or not they wanted to offer such a program, that that decision was completely an optional one on the part of the state. As a result of that court ruling, the Longley administration and the Commissioner of Human Services, David Smith, unilaterally abandoned the program and discontinued the program.

Since that time, there have been two bills before the legislature asking for the program to be reinstated. The legislature, on one occasion, after extensive debate, killed the legislation on the argument that there wasn't sufficient funding available for the program.

This year, when the bill was introduced, it came out of the Appropriations Committee with a unanimous "Ought Not to Pass" Report.

It is my intention at this time, after the debate that has existed in this body for the last two to three weeks on the whole question of abortion, and clearly seen that the sentiment of both branches of the legislature is to provide protection for what many members proclaim to be the child that exists within the womb of a woman who is pregnant, and after hearing the remarks yesterday from the Chairman pro tem of the Appropriations Committee talking about how he and members of his committee are moved every time they hear the voice of a child, to bring this particular piece of legislation to the attention of the full legislature.

The bill would provide AFDC benefits, both medical benefits and financial benefits, to woman who are pregnant, who would otherwise qualify for AFDC assistance were the child in the womb already born. It merely extends that coverage to five, six or seven months earlier than it would normally be extended.

The arguments that have been used against this bill in the past, in addition to the cost that is involved, and I would point out that the cost of this legislation has been estimated by the Department of Human Services to be \$100,000 of state money. The other arguments that have been used against this particular piece of legislation is that there already exists now across the state, a variety of programs that would provide prenatal care to pregnant women. While I would agree that there are a variety of programs that exist, there is no coordination of these programs. The services that might exist for people in the southern part of the state do not exist to the same degree and extent for people who live in other parts of the state. There are not programs for poor, pregnant women that provide cash assistance, and that is one of the principal benefits, in addition to the medical benefits, that the AFDC program provides.

It is true that once a woman delivers her baby and she then qualifies for AFDC assistance, that the state, through the Medicaid program, will pick up her medical expenses for the three months prior to the birth of the baby, but that is the extent of the assistance that a woman can receive under the AFDC program.

This bill, in addition to providing those medical benefits, would also provide cash payments to help the woman meet, basically, the nutritional needs that she is required to meet during the term of her pregnancy.

I would hope that given the attitude of the legislature, and particularly the overwhelming vote of the House on the number of abortion issues that have come before us in the last two weeks, that we could see fit today to get the necessary two-thirds vote to get this bill before the legislature where the issue can be debated in full and where any amendments that might be necessary would be able to be attached to the legislation.

I would hope that you would support the Order and, Mr. Speaker, I would ask for a roll call.

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I guess I will start with the fact that up until this afternoon, I have neither sponsored nor cosponsored one piece of legislation in this term of the legislature. This will be the first piece that my name will be on, and this is resurrected from the files.

People where I come from have been concerned about the number of bills that have been flying through here, so I followed the dictative of local minority and I sponsored no legislation nor cosponsored legislation in this session. I noticed that this flew over the cuckoo's nest the other day here with the unanimous report of our Appropriations Committee, "Ought Not to Pass." It troubled me then and it troubles me now. I have never been able to phantom or to understand why we, with our feeling for life, for human life, seems to more or less turn our backs on these fetuses. It is simply a matter of discrimination money wise. The woman with money enough, the woman that God allowed to be married into a family with the money to take care of her needs when she is pregnant doesn't have to worry. She has no problem. This deals with people who are less fortunate.

The only other thing that I would say, from any of the reports that I have been able to get down through the years and I have been involved with mental health, mental retardation, over the years, they inform me that probably 80 percent of the problems are created during the term of pregnancy, with the fetus in the womb, due to malnutrition, sometimes the use of drugs and alcohol, so I think that if we were to speak to it purely from a fiscal point of view, that undoubtedly, if we were to put this money which the federal government will match, we would, in the long run, save millions of dollars of people who are born that are retarded, who have mental problems and end up in our institutions and we end up paying for them for their whole lives.

I would hope that you would put your hearts in your pocketbooks with us this afternoon and vote to recall this bill from the legislative files.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I have been absent for the last day and I did miss a lot of the debate, all of the debate yesterday, and I would like to float what I think are some facts onto the floor of the House, and I am not an expert in this area and if there are any contests of the facts, I would welcome them.

It is my understanding that we currently have a program in our state that is serving close to 2,000 women, close to 2,600 infants and

close to over 6,600 children, for a total of over 11,000 people, women and children in this state. It is funded by the United States Department of Agriculture, it is full 100 percent federal funding and the program has been extended recently until 1982. It is a fairly new program and its full potential really remains to be seen but it is available to us in the state.

The fiscal year of 1979, we are receiving somewhere in the neighborhood of \$3.6 million for this program and the highest priority is placed for pregnant women and infants who are medical risks. It covers things such as nutritional, medical risk, health problems, it focuses on people who are under 18. Pregnant women under 18 might have a fetal risk. Those of poor dietary history, nutrition, educational care, it provides food, milk, Vitamin C enriched food and so forth through coupons. There is a clinic, there are counselors and the highest priority, I understand is placed on pregnant women who would be of greatest need of these services.

I just wanted to indicate to the members of the House that Maine and our legislature and our state government is not completely disregarding or neglecting the needs of these people in the state. This is a fairly new program and, as I did say, it has been extended to 1982, so I would really think that we are addressing some of these needs now in our state.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to my young friend from Bangor, I am aware of this program and I don't know what effect that it would have on the other people's payments if they were to receive it under this, I think that is commendable, that program. What I am addressing, or trying to address, are those people that may slip between the cracks, and we are talking here not about babies, young babies, we are talking about prenatal care. We are talking about those youngsters in the womb. This isn't nutrition for them after they are born, this is before the fact. I appreciate that there are programs. From anything that I can determine, there are many people out there who are not receiving benefits.

For the price that we are talking about here this afternoon, some \$100,000 of taxpayer's money in the State of Maine, and I have asked this question of many of my constituents over the years since we have been debating this issue and this issue has been repeatedly defeated in this House, I have asked the people who object to AFDC, I have asked people who object to welfare, I have asked the people who object to all of the giveaway programs, if you want to use that term, and the one thing that they tell me, and these are people in Brewer and these are people in Veazie, if we have to draw priorities, particularly given the fact that you may well be turning someone around that will be on the system as long as they live if they are born with problems, if you can turn them around, if you can use this money to that advantage, no one that I have ever talked to about this has said to me, don't try to move ahead and provide this service for women on AFDC.

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

Mr. SILSBY: Mr. Speaker, a parliamentary inquiry?

Is the question before us to recall this bill from the legislative files?

The SPEAKER: The Chair would answer in the affirmative.

Mr. SILSBY: And not passage?

The SPEAKER: The Chair would answer in the affirmative.

The pending question is recalling this bill from the legislative files. Under the rules, it requires two thirds of the members present and voting favorably for its recall to this body, in addition to concurrence of the other body by the same margin.

The Chair recognizes the gentlewoman from

Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker and Members of the House: I would like you to consider this one case while you are considering this issue.

Imagine to yourself a young girl who is pregnant, whose family has invited her out of the house because they don't like this or they don't approve of anything she does and this is the final straw, she has a job but she is not in good health and she is not able to hold the job, and finally, there she is, she has no source of income. How is she, then, to give birth to this child with no place to go and no source of income? I feel that if we are to say that she is not to have an abortion, and that has been said repeatedly in this House, if she is not to be driven to desperation and somehow acquire an abortion, then I think we owe to her that we will supply her with enough funds so she can carry this baby to term.

I hope you will consider this bill in that light.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The committee that I serve on considered this particular measure and reported it out unanimous "Ought Not to Pass." We did it for a couple of reasons, one of which was that there are a number of programs around the state which would cover this sort of situation.

Mr. Norris has said that there are people who fall between the cracks, and I expect that that is probably true, it is probably true in almost any program that we have. If it is true and I think it is, then wouldn't it be better, instead of recalling this piece of legislation from the files, to instruct the Department of Human Services to tell us how these people fall between the cracks? If the programs aren't universally applied statewide, how can they be applied statewide so everybody has access to them so the situation that the Representative from Brunswick, Mrs. Bachrach, described, which I think probably that girl would be able to find this type of help if she knew how, they ought to be able to tell us how they go about getting it, and in the areas where it is not readily available, how to make it readily available through various programs that are already in existence.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: The argument that the Chairman of the Appropriations Committee just used was the same kind of "Charlie Cragin" type of argument that was used by the Commissioner of Human Services when they testified in opposition to this bill.

The position that the Department of Human Services took when they testified on this particular legislation was that they neither supported it nor were against it—but and but and but and but and they raised the very argument that you raised, that there were a variety of programs that were available across the state and they cited some of the examples in the same way that the gentleman from Bangor, Mr. Tarbell, cited examples of programs which offer, in Mr. Tarbell's case, \$20 a month in cash coupons to those women who are qualified—\$20 a month. You are right, Mr. Tarbell, it isn't very much.

The position that the Department of Human Services took, the new commissioner took personally, and he said this before the committee, was that he would like to see developed across the state, and, indeed, he was going to make it one of the goals of his administration, that there be developed a whole coordinated system providing prenatal care to pregnant women who choose to carry their babies to term. But in the absence, and this was a private discussion that I had with him and some of his staff people, of that coordinated system, a program such as this would indeed be appropriate

if the Appropriations Committee and the legislature saw fit to provide the funds for that program. It was the estimate of Commissioner Petit that it would probably take him a year to a year and a half to develop that coordinated system and that was the money available, there would be no problem at all with instituting this program until such a coordinated delivery system was set up. In the absence of a coordinated delivery system, it seems to me entirely appropriate that legislation such as this be enacted.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I view this as an expansion of the AFDC program, the program now that is so underfunded that it is almost ridiculous.

I am not going to stand up here and argue that prenatal care isn't important, but the fact of the matter is, we have an L. D. with an eight to ten million dollar price tag on it right now to help the kids that we already have living on AFDC and we can't find the money to do that. If you want to expand the program to include unborn children, that is fine, but I don't know where we are going to find the money. We have L. D. 734 on the table now and I don't know where we are going to get \$8 million to \$10 million to fund it based on some of the conversations I have had. That is why I voted in the committee not to pass the bill.

I am not going to try to argue with Mr. Connolly, because he probably knows more about prenatal care than I do, but the fact of the matter is, we are extending a program that we can't fund now and I just don't see how we are going to fund it or how we are going to pass this bill even if we recall it from the files.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the gentleman from Portland, Mr. Connolly, that L. D. 867 be recalled from the files. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Bachrach, Baker, Barry, Benoit, Berry, Brannigan, Brennerman, Brodeur, Brown, K. C.; Call, Carter F.; Cloutier, Connolly, Cox, Davies, Dellert, Diamond, Dow, Dutremble, D.; Dutremble, L.; Fowlie, Gwadnosky, Hall, Hickey, Howe, Hughes, Hutchings, Kane, Kany, Leonard, Locke, Lund, Martin, A.; McHenry, McSweeney, Michael, Mitchell, Nelson, M., Norris, Paradis, Post, Prescott, Reeves, P.; Rolde, Simon, Sprowl, Theriault, Tierney, Tuttle, Violette, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Beaulieu, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, K. L.; Bunker, Carrier, Carroll, Carter, D.; Chonko, Churchill, Conary, Cunningham, Curtis, Damren, Davies, Dexter, Doukas, Drinkwater, Dudley, Elias, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Hobbins, Huber, Hunter, Immonen, Jackson, Joyce, Kelleher, Kiesman, Lancaster, LaPlante Leighton, Lizotte, Lougee, Lowe, MacBride, MacEachern, Marshall, Masterman, Masterton, Matthews, Maxwell, McKean, McPherson, Morton, Nadeau, Nelson, A.; Nelson, N.; Paul, Payne, Pearson, Peltier, Reeves J.; Roope, Sewall, Sherburne, Silsby, Small, Smith, Stetson, Stover, Studley, Tarbell, Torrey, Tozier, Twitchell, Vose, Wentworth, Whittemore.

ABSENT — Brown, D.; Gowen, Jacques, E.; Jacques, P.; Jalbert, Laffin, Lewis, Mahany, McMahon, Peterson, Soulas, Strout, Vincent. Yes, 54; No, 84; Absent, 13.

The SPEAKER: Fifty-four having voted in the affirmative and eighty-four in the negative, with thirteen being absent, the Order fails of passage.

The Chair laid before the House the following matter:

"An Act to Require Parental Notification of a Minor's Abortion" (S. P. 220) (L. D. 604) (C. "A" S-181) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to thank the 75 people who voted to give me the courtesy this morning of suspending the rules and, as you are aware, we lacked a few votes. I would also like to thank the 78 to table it until this afternoon and I am very grateful to all of you.

It was the first time that I had ever, ever requested permission to suspend the rules in order to speak. I have never believed in stifling free speech but I guess I expected the same courtesy which has so often been extended to others.

Relative to the amendment, the argument yesterday seemed to concern a probable fiscal note, which has since disappeared, and today, I am told, it is a question of church opposition. Well, my personal religious beliefs and moral convictions would never have allowed me to support legislation which was detrimental to life of the unborn, and after personally discussing this with knowledgeable religious leaders of my church, including one theologian, and any hesitancy which I might have had in introducing this amendment has been satisfied.

Yesterday, I also made calls and an obstetrician told me that the first thing he tells the girl who goes to his office for help, tell your parents, and he says that inevitably the girl runs out the door. It is rare, he added, when there is physical abuse as a result of parental notification, but this amendment sought to address this rare instance of physical abuse on a girl, it did not dilute the bill. It is not rare, however, for parents to throw a girl out of the house; many are disowned, and the amendment leaves the bill intact for this form of emotional and mental abuse, if you will.

The amendment further strengthened the bill, as amended by Committee Amendment "A". I would add, because my amendment simply said "in the professional, medical judgment of a physician, if there were serious probability of physical abuse," that is all it said. It retained all else.

I suppose I was a little sickened last week when I stood out back and listened to the remarks of Representative Beaulieu, which were relative to physical abuse of a minor. Although, at the time I still voted against her to defeat that particular amendment, because it was, indeed, vague, I still felt that we should address ourselves to the one case in a hundred in that rare instance.

I have never labeled myself as a self-styled leader of my church nor a defender of all that is good, pro-life or sacred, but I have merely tried to live by the precepts of my church and my beliefs, finding no necessity whatsoever to flaunt them or use them as a means of achieving some creditability, which has alluded some people through the years. I was offering the amendment merely as an attempt to retain a rational and objective perspective, and that was the only reason.

Someone read into the record, I guess, I forget who it was, they read into the record yesterday that the nicest sound is that of a crying baby. I can attest to that.

Mr. Morton of Farmington requested a roll call on enactment.

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

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

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

Mr. GARSOE: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration.

Mr. Jalbert of Lewiston requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Cumberland, Mr. Garsoe, that the rules be suspended for the purpose of reconsideration. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Brown, K. L.; Carter, F.; Chonko, Churchill, Connolly, Cox, Curtis, Davies, Dellert, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Elias, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hall, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Kane, Kiesman, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Marshall, Martin, A.; Masterton, Matthews, McKean, McPherson, Michael, Mitchell Morton, Nadeau, Nelson, A.; Nelson, M.; Norris, Payne, Peltier, Post, Reeves, J.; Reeves, P.; Rolde, Sewall, Sherburne, Small, Sprowl, Stetson, Stover, Tarbell, Tierney, Torrey, Tozier, Tuttle, Vose, Wentworth, Wood, Wyman.

NAY — Austin, Barry, Bordeaux, Brown, A.; Brown, K. C.; Bunker, Call, Carrier, Carroll, Carter, D.; Cloutier, Conary, Cunningham, Damren, Dexter, Diamond, Dutremble, L.; Fowlie, Gray, Hanson, Hickey, Hunter, Jacques, E.; Jalbert, Joyce, Kelleher, Lancaster, LaPlante, Masterman, Maxwell, McHenry, McSweeney, Nelson, N.; Paradis, Paul, Pearson, Prescott, Rollins, Roope, Silsby, Simon, Smith, Soulas, Studley, Theriault, Twitshell, Violette, Whitemore.

ABSENT — Boudreau, Brown, D.; Fenlason, Jacques, P.; Laffin, Mahany, McMahon, Peterson, Strout, Vincent.

Yes, 91; No, 48; Absent, 11.

The SPEAKER: Ninety-one having voted in the affirmative and forty-eight in the negative, with eleven being absent, the motion does not prevail.

The pending question now is passage to be enacted, a roll call having been ordered.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this bill and all its accompanying papers and would request a roll call.

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

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

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the indefinite postponement of this bill. I don't quite agree with the last amendment that was put on, I think it leaves a loophole for the back-room abortion clinics springing up, but this is a bill that is needed and needed badly.

I believe that a parent should have the right to know what is happening to their children, to

the children that has been entrusted to them by the good Lord or by the laws of the courts. A parent is charged to look after a child for their education, health and welfare and he is charged by law that any punishment that he inflicts shall not be severe and abusive or cruel treatment. The child must have parental consent to go on a field trip or a class trip and a child must have parental consent to have her ears pierced, and here she can go out and have an abortion without the parent knowing anything about it.

We are talking about a minor child, not an adult. We are all aware that anybody having an abortion runs the risk of post-abortion complications, and you know what that can run into, hemorrhaging, perforation of the uterus, sterility, embolism and even death. I don't think anyone will deny that abortion proceedings leading up to, during and after the abortion can be and in many instances are the most traumatic experience that a child will ever have in her life. It is because of this, the psychological and medical future of the child, that a parent should be notified prior to the abortion so they may be there to offer the consolation, assurance and love that only a parent can give.

I am not flag waving or anything else, I am sincere in my comments. The parent should be there also to be watchful of the need of post-operational care that she may need, and who can do this better than a parent? Yes, the doctors are there but to them it is just another operation, and while they are concerned with the condition of the child, they cannot offer the love that a parent can. The child is facing the cold facts of life in a cold, cruel world, and the cold interior of an operating room and a recovery room cannot and does not offer her the warmth and love of a family.

It is obvious that we have a problem in Maine regarding teenage pregnancies, we all recognize this. The agencies that have been handling teenage abortion problems have not accomplished the purpose for which they were established, because an abortion unknown to the parents does nothing to resolve the problems of the child, the underlying problems of a pregnant teenager. They have not been dealing with the total person.

A more comprehensive program that takes into consideration the problems, the underlying problems, of the pregnant teenager has been proven very successful elsewhere, because this approach deals with the total person. It has been proven that pregnant teenagers handled in this comprehensive manner do finish their education, they do form stable families, they do have healthy children and they do not get pregnant again. L. D. 604, in my estimation, brings about this compromise care by placing a pregnant adolescent back into the arms of her family who can supply the necessary care.

Several agencies in Maine who are dealing with pregnant teenagers have spoken out in support of this document, this bill. They realize the position of the family in these matters. They recognize the family as the most basic support system for the pregnant adolescent who, in time of crisis and stress, because of her pregnancy, needs them. However, the family will not be in a position to provide this support and care unless they are first notified of the child's pregnancy and planned abortion. Without parental notification, the minor child remains totally in a psychologically traumatic situation.

This bill, L. D. 604, involves only the pregnant minor who is unmarried, under the age of 18 and who lives at home with her parents. Wouldn't you want to know if your minor daughter was going to have an abortion? I think I would. Please think about it? Please vote against the indefinite postponement.

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

Mrs. SEWALL: Mr. Speaker and Members of the House: I hope you will support the motion before you on this bill. I haven't spoken on the

amendments. I think the amendments that were offered, especially the one that was offered today, were kindly amendments and would have helped the bill.

I can just promise you that passage of this bill will be about as effective as asking to have parental consent before you become pregnant. Is this going to force the notification of parents or is it going to force the young girls to go out of state to an abortion clinic? Is it going to force them to go to some illegal person performing abortions or is it going to force them into a dilemma where they might do something drastic to themselves like suicide?

You cannot push your morals on somebody else. If a child of yours, at age 17, has decided that she is pregnant and she is not going to tell you, chances are she is not, she will go somewhere else. The jurisdiction only lasts that far.

The second thing and the last thing I want to say on this and hopefully on this issue for the session, the court has spoken to the notification and I would like to just read to you a paragraph from Wynn vs. Carey, which was the United States Court of Appeals, 7th Circuit. If anyone is interested I can give them the exact cite. I just want you to understand why the notification, in my opinion, and I know that there will be someone in my row who will disagree with me, will be struck down by the court eventually.

I will read the opinion: "We do not hold that parents can not be notified of their daughter's condition. To the contrary, because we believe that parents should be involved in their minor's decision whenever possible, they generally should be informed, nor do we hold that a minor should be free not to inform her parents merely because such a disclosure may cause family disharmony. The objectionable feature of this statute is, rather, that it requires that parents be informed in all cases, thereby precluding an independent assessment, whether by a court or by a physician, that it would not be in the minor's best interest for her parents to learn of that condition."

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here with you for weeks listening to debate. I have voted for three abortion bills. I am not opposed to parental notification, but when you refuse to accept a fact that there are circumstances where it is and would be totally wrong to notify, and that this decision would be handed down by the professionals who would be working with this young lady, then I can not abide with it. You are hiding your heads in the sand. There is probably not one parent here whose child would not come to them. Why? Because of who we are, because we are people who care, but I guess you are not willing to look around your communities and see what is happening.

I heard the other day debate on complications of abortions and it was raised again today. What if the parents agreed with the daughter that she should have an abortion? What would be there to prevent that abortion could go on?

In about a week from now, ladies and gentlemen, I will probably be representing this legislature at a Conference on Family Violence and Child Abuse. I think that I will use this kind of example of why I am fighting so hard or why I fought so hard to try to get this bill amended and to get you to accept the fact that not every parent is like us that there are young women, young people out there who would be the recipients of abuse, physical abuse, which results in deformed and retarded babies and unhealthy babies. But oh no, you feel so strongly that you know it all, well I say to you, unfortunately, maybe you should go home and really learn about the communities you are serving. You might be surprised to find out what goes on in the homes in your own neighborhood and in your districts. I say to you, to allow the possi-

bility of just one young person being abused and having her own unborn child the recipient of something drastic because of that abuse, the fact that you will not accept that as something that happens out there is abysmal. That is why I have chosen to ask you to kill this bill.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to straighten out one minor point. In all due respect to the gentlelady from Newcastle, she mentioned the 17-year-old daughter. Please not that although the original bill calls for notification for a minor under the age of 18, that the committee amendment dropped that to a minor under the age of 17. So, we are not talking about 17 year olds, we are talking about 16 year olds and below.

We are also talking about unemancipated 16 year olds and below.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to pose a parliamentary question to the Chair. Is the only way that those of us who wish to put this amendment on can do so by a majority vote? Does that take place if it comes back in non-concurrence from the other body?

The SPEAKER: The Chair would answer in the negative. The rules can be suspended for the adoption of an amendment.

Mrs. POST: If we wish to put an amendment on by a majority vote, the way that can be done is only if it comes back in non-concurrence?

The SPEAKER: The Chair would advise the gentlewoman that that is one possibility.

The gentlewoman may continue.

Mrs. POST: Mr. Speaker and Members of the House: I guess I rise today to speak on an abortion bill for the second time this session, and I do because I feel very strongly about the amendment. I agree with the comments that were made by the gentlelady previously. I think that many of us are unwilling to face the kinds of conditions that many of our children live in today.

Representative Gillis mentioned that our teenage girls, and they are at that point girls, if they have an abortion or have to deal with a pregnancy at the age of 15 or 16, need the assurance of their families and they need the love of their families. I think that is true. The problem is that many children are not able to get that assurance or love from their families. They do need the warmth and the love and they need to go back in the arms of their family, and that would be good if everyone were in that kind of situation. Unfortunately, that isn't what meets some of those children.

Whether you like it or not, rather than being welcomed with the open arms, they are sometimes welcomed back with fists and slaps and abuse. It is not very pleasant to think about that but those kinds of conditions do exist.

I personally have had experiences, when I worked as a nurse, with child abuse. In many of those instances, the abused children that I happened to deal with, because of a situation where I was working with in the hospital, they were with younger children. We saw children with hot water burns, we saw children with cigarette burns, we saw children that were bruised. Those same kinds of conditions continue to exist when the children get older. The parents who are not able to accept children, who are not able to give the children the warmth and support that they need and certainly would never be able to do so in cases of incest within the family. Those are not pleasant conditions, they exist, and the kinds of situations those young girls are going to be faced with is, they are not going to be able to go to the doctor knowing that the doctor is going to have to notify the parents and they are therefore going to be subject to abuse. They are then going to be faced with getting illegal abortions.

When teenagers go about that kind of thing, the results are extremely unpleasant.

As I see it now, the only way that this amendment can be adopted, or the amendment that had been proposed, it was not, as Mr. Gillis said, adopted, the only way that this amendment can be proposed at a future time is if we vote indefinite postponement of this bill. It will come back from the Senate and we will have another chance. But if you feel strongly about this amendment, I urge that you really think very carefully about it, not only in your situation and how your daughter might feel but think of other people in your neighborhood or in this state that this is going to effect. I would ask you to vote for indefinite postponement of this bill now, knowing that we will have another chance at the amendment.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I will try to be brief. I really wanted to vote for this bill this time. As you know, I have voted against the other bills, but I really did want to vote for this bill with Representative Berube's amendment on the bill. I feel very strongly about that.

I also feel very strongly about the comments made by Representative Gillis. I have an 8-year-old daughter and I am sure many of you know her. She has run around here enough and bothered enough of you. Perhaps someday, I hope not, but perhaps someday this will happen to my daughter. I want my daughter to come to me and I want to know if she is pregnant and if she is considering having an abortion—I want to know that. I would even go so far as to say that I want to be notified of that, but what about those few children that will not be welcomed with open arms, that will not be welcomed or received with love and good advice and sit down and discuss the situation with their parents, what about those children who will be physically abused? Perhaps harm will even come to them as well as the unborn fetus.

With the bill the way it is now, you have not protected that child in any way. Keep in mind that this bill does not require parental consent. All it requires is parental notification. Now, what have you done for those few children who might be beaten, might be abused? You have done absolutely nothing but send them possibly to a home where they will be physically abused or perhaps you have driven them to the back alley where they can get an illegal abortion and perhaps they will die too. So, I would ask you to please vote to indefinitely postpone this bill.

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: We debated this issue fully a week ago today. The same points were raised then, the same points are being raised now. The other body debated a similar amendment last week. The results in both bodies were the same.

The answer to the problems of physical abuse is not a simple one. It is one, however, that the state has sought to address by separate statutes. If a young girl, who is in an abusive family situation, believes that she needs an abortion, she can be protected under present statutes. The doctor is under an affirmative obligation, subject to criminal penalties, if he or she does not report the potential for abuse to the Department of Human Services.

We have enacted an informed consent bill that provides a 48-hour waiting period before the abortion can be performed, except in cases of medical necessity.

There are horror stories on both sides of this issue and I don't choose to recount any of them. The gentleman from South Portland, Mr. Cloutier, began to recount the horror stories that can result from teenage abortions without the support of a family, whether it is as good as we think ours is or not, and chose not to continue to read the examples into the record because of

the gruesome details contained therein.

This bill is addressed to those abuses. We have other laws that are addressed to the fists and other forms of abuse that may greet a young girl who is in an abusive family situation. I would respectfully suggest to the members of the House that these two bodies of law together, L. D. 604 that we are considering today and the laws on child abuse that we have on the books now and are seeking to improve, address both problems at the same time.

I would further address myself to the comments of the gentlelady from Owl's Head, Mrs. Post, concerning the prospect of nonconcurrency. We have only nine legislative days to go and Mr. Speaker and Members of the House, I would suggest that if you would like to vote for this bill, with or without any conceivable amendments, that you vote against the motion to indefinitely postpone lest it die in nonconcurrency. Please vote no.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Men and Women of the House: When I came into this legislature, I was asked whether I was running on a women's lib platform, how I felt about women's issues. When I ran for the legislature I did not consider myself primarily a woman, I felt like a person.

Let me tell you, during the last two weeks, I have felt more and more like an embattled minority. If you have listened to the debate, you have heard the women speaking about feelings and you have heard the men speaking about laws and relating cases and saying that they are doing it for the best of the poor girls. I am getting a very strong feeling of a double standard.

We had a bill this morning on dogs, if you remember, and I am paraphrasing a little bit, but somebody said if you have your female dog tied up, how can she get pregnant? Didn't it sound like that?

I don't think that we are always addressing the right issue here. Nobody mentioned parental notification on the part of the father. I think we ought to pass a law that the father of every unborn child should be notified and his family also. I think that might do more to solve our problems than pinning it on the poor girl.

We were told that we could not cost benefit argument earlier on. We could not say that we were going to save money by not carrying these children full term. Today, we refused to consider a cost benefit argument that would help to carry a child to full term. Again I see the men using a double standard.

I ask you seriously, women, but also particularly men, listen to the feelings of the mothers in this legislature who have carried children and who have daughters of their own. Listen to them carefully, because those are the people who are going to be suffering if we pass this law without the amendment.

I urge you to vote for the indefinite postponement.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am a woman too, and I don't feel I am in the minority. I am going to be on the men's safe side today.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: When this bill first began to come across the calendar in reference and so forth, I had some problems in trying to make up my mind in how I would feel about it. There were sponsors of this bill, both legislative sponsors and people promoting the bill who are not members of the legislature, who were interested in my comments and how I felt about it, but I was interested in theirs. So, one of the things that I asked them separately, two of them, two people I have known for many, many years and in many capacities, two people that I respect very much, I asked them independent-

ly— my discussion with them went as follows. Your argument went, you say you believe definitely in parental notification on many issues, that parental notification is now needed for many issues, things that happen with your children in schools, ear piercing, etc. Now you are pushing very hard for notification dealing with this very, very serious issue. Does it also follow—and I was trying to test not their sincerity but their logic, and I guess I am the man here in that case—do you believe that you want notification when a young girl receives birth control information and birth control devices? Both of them independently said no. It was that answer that helped me make up my mind and will help me to vote for indefinite postponement of this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mrs. Beaulieu, 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, Bachrach, Baker, Beaulieu, Benoit, Berry, Birt, Bowden, Brannigan, Brennerman, Brown, K.L.; Connolly, Cox, Davies, Davis, Dellert, Doukas, Dow, Fenlason, Garsoe, Gavett, Gowen, Hall, Hobbins, Huber, Hughes, Hutchings, Jackson, Kiesman, Leonard, Lewis, Lowe, Lund, Masterton, Mitchell, Morton, Nelson, A.; Nelson, M.; Post, Reeves, J.; Reeves, P.; Rollins, Sewall, Small, Sprowl, Tierney, Tozier, Twitchell, Whitemore.

NAY — Austin, Barry, Berube, Blodgett, Bordeaux, Boudreau, Brodeur, Brown, A.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Cunningham, Curtis, Damren, Dexter, Diamond, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gillis, Gould, Gray, Gwadosky, Hanson, Hickey, Higgins, Howe, Hunter, Immonen, Jacques, E.; Jalbert, Joyce, Kane, Kelleher, Lancaster, LaPlante, Leighton, Lizotte, Locke, Lougee, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Nadeau, Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Prescott, Rolde, Roope, Sherburne, Silsby, Simon, Smith, Soulas, Stover, Studley, Tarbell, Theriault, Torrey, Tuttle, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Brown, D.; Jacques, P.; Kany, Laffin, McMahon, Peterson, Stetson, Strout, Vincent.

Yes, 49; No, 93; Absent, 9.

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

The question now before the House is on passage to be enacted. A roll call has been ordered. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Barry, Berube, Blodgett, Bordeaux, Boudreau, Brodeur, Brown, A.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Cunningham, Curtis, Damren, Dexter, Diamond, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gillis, Gould, Gray, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Howe, Hunter, Immonen, Jacques, E.; Jalbert, Joyce, Kane, Kelleher, Lancaster, LaPlante, Leighton, Lizotte, Locke, Lougee, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McSweeney, Michael, Nadeau, Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Prescott, Rolde, Roope, Sherburne, Silsby, Simon, Smith, Soulas, Stover, Studley, Tarbell, Theriault, Torrey,

Tuttle, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Birt, Bowden, Brannigan, Brennerman, Brown, K.L.; Connolly, Cox, Davies, Davis, Dellert, Doukas, Dow, Drinkwater, Gavett, Gowen, Paul, Huber, Hughes, Hutchings, Jackson, Kiesman, Leonard, Lewis, Lowe, Lund, Masterton, McPherson, Mitchell, Morton, Nelson, A.; Nelson, M.; Post, Reeves, J.; Reeves, P.; Rollins, Sewall, Small, Sprowl, Tierney, Tozier, Twitchell, Whitemore.

ABSENT — Brown, D.; Garsoe, Jacques, P.; Kany, Laffin, McMahon, Peterson, Stetson, Strout, Vincent.

Yes, 93; No, 48; Absent, 10.

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

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forth with the Senate.

The Chair laid before the House the following matter:

An Act to Provide for the Issuance of a Warning for Operating an Unregistered Motor Vehicle within One Month of the Expiration of Registration (H. P. 858) (L. D. 1058) which was tabled earlier in the day pending passage to be enacted.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I move the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Limestone, Mr. McKean, moves that the rules be suspended for the purpose of reconsideration. Is there objection?

The Chair hears objection; the Chair will order a vote. All those in favor of the rules being suspended will vote yes; those opposed will vote no. This requires a two-thirds vote of all the members present and voting.

A vote of the House was taken.

79 having voted in the affirmative and 17 having voted in the negative, the rules were suspended.

On motion of Mr. McKean of Limestone, 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 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-556) was read by the Clerk.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: All this House Amendment does is clarify a conflict that we had when we enacted the original bill.

There are two sections that are involved in the registration, Section 102 and Section 106. We inadvertently left out Section 106. Actually, what we are doing is, we are giving the citizens of the state 30 days. What happens is this. If you are caught on the highway with an automobile within the 30-day period after the automobile is due to be registered, you have three business days to get your automobile registered. You will not get a ticket or citation. You will receive a warning, which means you have the three days. After that particular period of time, however, you fall under the purview of the law, which means after a 30-day period, you would be picked up and given a citation and go to court.

Also what it does, if your automobile is disabled or you don't use the car for a period in excess of 30 days and you can prove it, obvious-

ly, if you had the car on the highway after 33 days or 60 days or whatever, then you have automatically proved that you used the Vehicle, which means you would go to court, but in those cases where you do not use that particular vehicle, be it that the engine is bad on it, you have had to order parts and it has taken six months, or three months or four months to get the parts in, then all you have to do is prove to the Bureau, when you go down to reregister the car, that you did not use that vehicle and then they can give you a registration from the date that you go to reregister the automobile.

However, if you do get caught on the highway at any time, even the 30 day period or after, and you did use the automobile, then, of course, your registration goes back to the date that it was supposed to be registered. If you were caught in July and the car was to be registered in May or June, then the registration would be in effect from that period of time. This makes up for the loss of the excise taxes, which is presently being experienced by the towns.

I move for the adoption of the amendment.

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

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

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker and Members of the House: My interpretation of this bill is that it just gives everybody 13 months instead of 12 months on their registration. I wonder if it shouldn't have a fiscal note to determine how much it is going to cost.

Secondly, I just think it is a bad bill. It gives everybody an extra month on their registration. I think we all know that we should register our car every year in the same month. I have been registering mine now, ever since we adopted this system, in March. I know it comes in March and I know that everybody else feels the same way about theirs. I just think this is a bad bill.

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

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: In the past, I have mentioned to you that we had what we call a cash flow problem on the new stagger system of registration of automobiles. We do have some people that have four or five different vehicles, all expire at a different time. Due to this, they overlook their registration, not intentionally, but they actually overlook the time when these vehicles were to be registered. This legislation corrects this, it corrects it from the point of view that when they do go in, that vehicle goes back to be registered at the time that that vehicle's registration expired.

Now they can go to the town clerk and say, I want to register it from today forward, and they do register it from that day forward. Some of them have even gone three months over, not thirteen months but they have gone fifteen months on last year's registration, fifteen months on last year's excise tax, and a new automobile isn't \$10, it isn't \$15; some of your excise taxes are as much as \$140 or \$150.

This is a good piece of legislation. It plugs up the loopholes that we have in the law. And it has just a little bit of this on the other side of the totem pole where we are picking up the excise taxes that communities are losing and we are closing this gap in the tax laws. I think we have tried to address. We kept this bill in our committee a long time for the purpose of trying to be sure we were moving in the right direction. You saw this bill amended at the last minute before enactment, and I would urge you all not to vote for indefinite postponement but

to send this bill on and let it become law and see how it works out.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I share the concerns of the gentleman from Limerick, Mr. Carroll, and I wonder if Mr. MacEachern was as offended by the original intent of the bill, which is merely to advance a little courtesy for a 30-day lapse of memory. In fact, I am one speaking to you here hoping very fervently that my wife is licensing a car today that is on a May license.

I could join the gentleman in dumping the amendment, because that seems to be going in the other direction, but I would hope that we could preserve the main bill that the committee has brought into us.

I hope we won't indefinitely postpone the bill and all its accompanying papers. I don't know whether the gentleman would modify his motion to include the amendment or not.

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

A vote of the House was taken.

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

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

The Chair laid before the House the following matter:

Bill "An Act Concerning Licenses Issued by the Department of Inland Fisheries and Wildlife" (H. P. 270) (L. D. 344) In House, passed to be engrossed as amended by Committee Amendment "A" (H-438); in Senate, passed to be engrossed as amended by Committee Amendment "A" (H-438) and Senate Amendment "A" (S-216) which was tabled earlier in the day pending further consideration.

On motion of Mr. Dow of West Gardiner, retabled pending further consideration and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Law Relating to the Maine Milk Tax Committee" (H. P. 206) (L. D. 254) (C. "A" H-514) which was tabled earlier in the day pending acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-514) was read by the Clerk.

Mr. Wood of Sanford offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-564) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted. The Bill was assigned for second reading tomorrow.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (9) "Ought Not to Pass" — Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-539) — Committee on Election Laws on Bill "An Act to Provide Notification to Candidates of the Requirement to File a Campaign Report and to Provide the Necessary Forms" (H. P. 661) (L. D. 821) which was tabled earlier in the day pending acceptance of either report.

On motion of Ms. Benoit of South Portland, retabled pending acceptance of either report and tomorrow assigned.

The following papers appearing on Supple-

ment No. 2 were taken up out of order by unanimous consent:

Consent Calendar

Second Day

(H. P. 1000) (L. D. 1235) Bill "An Act Authorizing a Study to Determine the Feasibility of Establishing a System of Youth Hostels" (C. "A" H-527)

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-527) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 726) (L. D. 913) Bill "An Act to Amend the Standard Nonforfeiture Law" (C. "A" H-550)

(H. P. 1260) (L. D. 1521) Bill "An Act to Improve the Administration of the Second Injury Fund under the Workers' Compensation Laws" (C. "A" H-533)

No objections having been noted, the above items were passed to be engrossed as amended and sent up for concurrence.

(H. P. 1206) (L. D. 1485) Bill "An Act to Implement a Plan for the Prevention and Treatment of Alcoholism and Alcohol Abuse" (C. "A" H-534)

On objection of Mr. Diamond of Windham, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-534) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 951) (L. D. 1220) Bill "An Act to Require a Study of a Single State Source for Funding and Reporting by Residential Programs for Youth" (C. "A" H-535)

(H. P. 905) (L. D. 1126) Bill "An Act to Facilitate Absentee Voting in Foreign Jurisdictions" (C. "A" H-537)

No objections having been noted, the above items were passed to be engrossed as amended and sent up for concurrence.

(H. P. 1050) (L. D. 1301) Bill "An Act to Clarify the Requirements Relating to Campaign Reports and Finances" (C. "A" H-545)

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-545) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 842) (L. D. 1044) Bill "An Act to Authorize the Bureau of Public Lands to Lease Lands in the Intertidal Zone Adjacent to Permanent Structures" (C. "A" H-544)

(S. P. 450) (L. D. 1413) Bill "An Act to Amend the Financial Institutions and Credit Union Laws" (C. "A" S-223)

(S. P. 132) (L. D. 309) Bill "An Act Concerning the Financial Responsibility Laws" (C. "A" S-232)

(S. P. 242) (L. D. 691) Bill "An Act to Provide that SAD's May Contract for High School Education for its Students with any Other Approved School" (C. "A" S-231)

(H. P. 621) (L. D. 778) Bill "An Act to Clarify and Amend the Investment Provisions of the Maine Insurance Code" (C. "A" H-552)

(H. P. 1276) (L. D. 1555) Bill "An Act to Require Disclosure of Certain Information to Prospective Purchasers of Life Insurance" (C. "A" H-551)

No objections having been noted, the Senate Papers were passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed as amended and sent up for concurrence.

Passed to be Engrossed

Bill "An Act to Regulate the Distribution, Labeling and Sale of Plant and Soil Amendments" (H. P. 1441) (L. D. 1643)

Bill "An Act to Clarify Equivalent Instruction as an Alternative to Compulsory Education" (H. P. 1440) (L. D. 1642)

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

Bill "An Act to Provide for Licensing of Bottle Clubs" (H. P. 469) (L. D. 576)

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

Mr. Violette of Van Buren offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-562) was read by the Clerk.

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: As we have discussed, L. D. 576, "An Act to Provide for the Licensing of Bottle Clubs, I am not particularly inclined to license bottle clubs and I felt that I have given my reasons in regards to why I was opposed to the licensing of bottle clubs, I felt that the localities through the state could deal with the problem of bottle clubs by passing local ordinances. In seeing the vote this morning, I felt that it was appropriate that I should introduce the following amendment.

There was an error, insofar as I could see and other members of the committee see, with regards to the Committee Amendment. House Amendment "B", which I am proposing today, was, in actuality, what the committee had voted in favor of. Those eight people who had voted for this bill, as amended by the Committee Amendment, thought they were amending that bill with what I am now proposing to amend this bill with.

This amendment proposes to describe what a bottle club is. Presently in the statutes, there is no definition as to what a bottle club is. We are also going to exempt a bottle club from a public drinking bill, as there is a problem at present insofar as the Liquor Enforcement Division sees in regard to drinking in public and being in a bottle club.

Primarily, the most important part of this amendment is that we are going to deal with the problem of local control of bottle clubs through a local option. We are going to leave it to the discretion of each municipality, if it so deems necessary to limit the extent of the hours which a bottle club can operate. We are going to allow bottle clubs to operate until one o'clock and following one o'clock from the hours of one through six, we are going to allow this to the discretion of each municipality through a local option issue. This, I feel, and the majority of the members of the committee feel, that this would deal with the communities of Lewiston and Portland, which are presently having a problem with bottle clubs and wish to regulate the hours of the operation of those bottle clubs.

There are many other communities in the state that do have a problem with bottle clubs and the committee and myself do not feel it necessary to pass an amendment, such as this morning's Committee Amendment, which would have closed all bottle clubs at one, thus effectively putting many bottle clubs out of existence, as the only rationale behind many bottle clubs being in existence is their operation after the hours of one o'clock.

This amendment will allow for the continued operation of bottle clubs in municipalities from one through six, or any hour therein, as the community would vote upon in a local option. This is, in fact, the amendment which the majority of the members of the Committee on Legal Affairs supported and through an error another amendment, the Committee Amendment which we indefinitely postponed this morning, for some reason, came out as being the Committee Amendment, whereas in reali-

ty, this House Amendment "B" was actually what those eight members had supported in committee.

I would hope that you would accept this amendment, as it would allow those municipalities which have a problem with bottle clubs to begin to deal with that problem and it would allow those communities that have no problems with bottle clubs to continue to operate and operate, I feel, without any problems from the Liquor Enforcement Division of the State of Maine.

I hope you will support this amendment.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: You presently have House Amendment "B" before you, the motion of the gentleman from Van Buren. You also have another amendment on your desks, which is House Amendment "A". There is one basic difference, I guess, between the two amendments. House Amendment "B" incorporates all the things in House Amendment "A", except for one thing, House Amendment "A" licenses bottle clubs for the first time in the State of Maine. It requires them to pay a \$100 license fee. That is the difference in the two amendments. Mr. Violette's amendment does not license bottle clubs. It defines what a bottle club is. It says there will be local option as to what their hours will be.

I guess the argument that I could make for not supporting his amendment is that I think we have to license bottle clubs.

Captain Martin from the Division of Liquor Enforcement is very concerned about the proliferation of bottle clubs in the state. I really don't think that licensing any bottle club in this state that is a legitimate bottle club is going to hurt that bottle club. What it will do, as far as we are concerned, it will allow us to know where the bottle clubs are, who is running them and allow liquor enforcement people to check into these places occasionally.

You can call a bottle club anything you want, you can call it a private club, you can call it many things, but the fact of the matter is, as far as I am concerned, it is on a street corner, you pay \$2.00 to get in or you have a membership car l. and as far as I am concerned, it is public drinking plain and simple. It is not a private club. Most of these bottle clubs are places where you can walk into anytime of the day or night when they are open with your own bottle and drink. When you get these bottle clubs to have 100 to 200 people inside, I just call that public drinking; it is no longer a private special club.

So, the only difference between House Amendment "B" and House Amendment "A" is that House Amendment "A" licenses bottle clubs, requires them to pay a fee and law enforcement people in this state really feel that we have to get them licensed so they will come under the jurisdiction of somebody. House Amendment "B" simply defines what they are and allows for local control in the hours, all of those things are the same in House Amendment "A".

I am going to vote against House Amendment "B" and then, hopefully, if House Amendment "B" is not accepted then we can accept House Amendment "A", which licenses bottle clubs, which allows for local control of what the hours will be.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will, indeed, support House Amendment "B" today. I don't think we need to license or mandate that bottle clubs be licensed throughout the state. I think it is an unnecessary intrusion on our free enterprise system, and when we are talking about licensing, I think we want to seek alternatives anytime we can.

As I look at House Amendment "A", which

will be popping up in here in case House Amendment "B" doesn't prevail, I also see that bottle clubs once again will be able to be open until five o'clock in the morning. I don't see any reason why anyone has to be drinking from one o'clock to five o'clock in the morning. House Amendment "B" would offer this option. If the local communities want to do this, that is fine, they can do it. They can choose to be open to that; otherwise, they will be closed at one o'clock.

I have two bottle clubs in my district and I would categorize my district as pretty much of a rural district, even though we are only three or four miles from the Elm City of Waterville, and they have been in existence for four to five years. We were very much opposed to the original bill which required licensing. The bottle clubs in my district are very family oriented businesses. All the members of the family participate. They help serve the food, they maintain the operation, make sure no fights occur, and when they close at one o'clock, they know their clientele because they are the same people generally who come week after week. If somebody has had too much to drink, they take them to the kitchen and get them something to eat and drive them home if need be. So, I think it is pretty evident why I don't think these need to be licensed throughout the state.

The opponents of this bill, some of them, say that this is a working man's bill, that they should always be able to drink from one to six in the morning because the guy gets out of the mill at eleven o'clock at night and has to have some place to go. Well, I don't think this is a poor man's bill or a rich man's bill, I think this is a drinking bill.

I think House Amendment "B" typifies what we are trying to achieve. We are setting up a definition for bottle clubs, we are saying that they close at one o'clock unless the local community desires them to be open at another time.

I realize that the concept of a bottle club is very appealing to many Maine citizens who can't afford to go to the high class restaurants and they like to associate with their own group of people, perhaps go to a place where they have their own type of music, maybe it is county music, but I don't see a need for licensing.

I would hope that you would support House Amendment "B" and let's pass this bill on to the other body. I hope we can pass this message also to our friends in the House Retiring Room, who are probably also listening to us.

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

Mr. VIOLETTE: Mr. Speaker and Members of the House: When I say that I am opposed to licensing bottle clubs, it makes it sound like bottle clubs presently do not fall under any regulations at all. It is quite to the contrary. Bottle clubs, as they exist today, are inspected quite frequently by the Department of Health and Welfare in regards to the size of the facility, the number of people that can be there, the health facilities in regard to the bathroom facilities, the number of bathrooms, the number of people that can be in the facility, the food concession must be licensed, must receive licenses from the department. In addition to this, the bottle club usually has a van and it must obtain licenses from the municipality in which it is located. Also, the local fire department, the fire marshall, is in charge of enforcing fire regulations and the like. In addition, the local enforcement people can enter a bottle club if there is a problem with minors drinking there or an alleged problem with minors drinking there or an alleged problem of the sale of alcoholic beverages on the premise.

I think a recent case in the City of Portland. I believe the City of Portland closed three bottle clubs for problems in regard to minors drinking on the premise and the sale of alcoholic beverages on the premise. That particular city

has taken care of the problems by themselves, without the licensing being needed, without the Bureau of Liquor Enforcement, the Bureau of Alcoholic Beverages becoming involved. And what I am trying to see is whereby we can allow bottle clubs to continue with the least amount of involvement on the part of the state. I think this amendment will allow the municipalities to deal with the bottle clubs if they have a problem and if it wants to regulate them.

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

Mr. BOUDREAU: Mr. Speaker, I would pose a parliamentary question through the Chair. House Amendment "B" to L. D. 576, An Act Relating to Licensing of Bottle Clubs, House Amendment "B" does not license bottle clubs. Is this germane to the bill?

The SPEAKER: The Chair would advise the gentleman from Waterville, Mr. Boudreau, that if he will look at his own bill, the original bill, Section 1 contains pretty much identically the same language dealing with the definition of a bottle club as what the gentleman from Van Buren, Mr. Violette has done in somewhat different language. So there is no problem, because he is following pretty much the same line.

The gentleman may proceed.

Mr. BOUDREAU: Mr. Speaker, I guess my problem is that my amendment is an amendment to the bill, and under Section 8 of the bill, we talk about licensing bottle clubs, and under my amendment, I have left that language in the bill. So if this amendment is germane, I would then suggest that Mr. Violette's bill does, in fact, license bottle clubs, because his amendment doesn't deal with the sections of the bill that licenses bottle clubs. Therefore, he hasn't touched any of that section in his amendment and that language in the bill is still there.

The SPEAKER: The pending question is on the adoption of House Amendment "A". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Boudreau of Waterville requested a roll call vote.

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

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

The SPEAKER: The pending question is on the adoption of House Amendment "B". All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brodeur, Brown, K.L.; Call, Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Conary, Cox, Cunningham, Curtis, Davies, Davis, Dellert, Diamond, Dow, Du Tremble, D.; Elias, Fenlason, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hickey, Higgins, Hobbins, Huber, Hutchings, Jackson, Jacques, E.; Jacques, P.; Jalbert, Kane, Kany, Kelleher, Lancaster, LaPlante, Leighton, Lizotte, Locke, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McHenry, McKean, McSweeney, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Norris, Paul, Pearson, Peltier, Post, Prescott, Rolde, Silsby, Soulas, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker

NAY — Austin, Birt, Brennerman, Brown, A.; Brown, K.C.; Bunker, Carrier, Churchill, Damren, Dexter, Doukas, Drinkwater, Fillmore, Garsoe, Gould, Gray, Hanson, Hughes, Hunter, Immonen, Joyce, Kiesman, Lewis, Lougee, Lowe, Masterman, Matthews,

McPherson, Michael, Morton, Nelson, M.; Payne, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Simon, Small, Smith, Sprowl, Stover, Tarbell, Torrey

ABSENT — Baker, Brown, D.; Connolly, Dudley, Dutremble, L.; Howe, Laffin, Leonard, Marshall, McMahon, Paradis, Peterson, Reeves, P.; Stetson, Strout, Vincent.

Yes, 91; No, 44; Absent, 16.

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

The Bill was passed to be engrossed as amended by House Amendment "B" and sent up for concurrence.

Amended Bills Tabled and Assigned

Bill "An Act to Establish Energy Efficiency Building Performance Standards for the State of Maine" (H. P. 522) (L. D. 666) (C. "A" H-536)

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

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

Mrs. HUBER: Mr. Speaker and Members of the House: I had intended to pull this bill off the Consent Calendar this morning. Fortunately, or otherwise, the good gentleman from Waterville did it for me.

At this point, before I ask someone to table it for one day, I would like to fill you in on it because it is a very different bill from the one that was printed back in February.

The filing number is H-526, and it is a redraft of L. D. 666, which is An Act to Establish Energy Efficiency Building Performance Standards for the State of Maine. It was given a unanimous "Ought to Pass" by the Committee on Energy and Natural Resources. It is, in my opinion, and I believe theirs, the priority energy bill to be considered by the Maine Legislature this year.

I want to stress again that this Committee Amendment is a complete redraft of the original 666. If people have contacted you regarding this bill as printed before, please get their comments on the pink amendment, filing number H-536, which is not the bill.

It has been changed considerably in response to the comments and suggestions received at the committee's public hearing and afterwards. It has been improved considerably as a result and is a proposal which I hope will command both your attention and your support.

The last session of the Maine Legislature set up an eleven member commission on energy efficient building performance standards. From May through December 1978, that commission met 15 times and held 5 public hearings.

It was the intent of the commission that the energy efficiency building performance standard be written to reflect Maine's climate and its economic and social conditions. To comply with federal requirements for energy building standards, the commission has referred to nationally recognized standards but, equally important, the commission consulted with and invited comment from Maine people and held public hearings I referred to to assure that the standards would reflect Maine's needs.

The recommendations of the commission to set minimum levels for design and construction practices which will promote the efficient use of energy in all new buildings built in Maine after January 1, 1980 are adopted by reference in the bill. The basic standard is a performance standard that sets a maximum acceptable level for energy loss through the envelope of the building. This type of standard allows great flexibility to designers and contractors by allowing them to use a new and innovative techniques and materials. In addition to a performance standard, the bill proposed the

development of what is called a "manual of accepted practice" to cover the most common types of buildings. This manual will show basic building techniques which, if used, will ensure that the standard is met and recognizes that many buildings are built in Maine without the aid of a professional architect or engineer.

The standard in the bill is in two sections, a residential standard and a non-residential standard. Both will result in about the same energy consumption levels per square foot or floor area.

The commission determined, after a great deal of public comment and deliberation, that the interests of Maine people would best be served by providing for a mandatory standard for non-residential buildings and a voluntary standard for residential buildings. The committee concurred in this course.

The bottom line is conserving energy and saving Maine building owners and renters money. The commission also felt strongly that red tape delay and bureaucratic frustration should be kept to a minimum. Therefore, their recommendations to the legislature is that non-residential structures, where the potential energy savings is greatest and where tenants have the least control over their heating bills, should have to meet the standards. Competition and buyer awareness in the residential market, however, has done a great deal already to promote more energy-efficient housing. The provision in the bill that a home must meet the standard if it is so advertised will ensure that virtually all homes are so constructed in this highly competitive market.

In order to provide flexibility and adoption of new techniques and building methods as they occur, the committee amendment as I mentioned, does not put the building performance standard in statute, as was originally proposed in L. D. 666, but states that the Director of the Office of Energy Resources shall adopt energy performance standards for residential and non-residential buildings consistent with the provisions of the State of Maine energy conservation building standards already prepared by the commission. That means that we have a floor below which no future standards will be allowed to drop.

These standards, along with all necessary rules for administration, are to be adopted by the Director of Energy Resources in accordance with the Administrative Procedures Act and with the approval, not the advice, of an advisory council set up in the bill to advise the director and to evaluate the program and report back to the legislature after the act has been in effect for two years.

The changes in this amendment regarding implementation are probably the most significant and represent an awareness on the part of the committee that it is essential to do the job right while at the same time avoiding red tape and the establishment of a new bureaucratic entity that becomes oppressive rather than helpful.

If I may back track for a minute. Under federal law, Maine is required to establish an energy performance standard and to provide for its enforcement. If that does not take place, a federal standard will become effective in this state and we will still be required to enforce that federal standard.

In addition to being required to enforce a standard, either ours or a federal standard, if Maine does not show compliance with the federal mandate in this area, it is entirely possible, and I would say more than likely, that our state will lose energy conservation funds in the area of over \$300,000. In addition, federal guaranteed mortgages, which I think you are all aware happens to play a large part in any building that is done in this state, would certainly be extremely susceptible to some sort of federal sanction. It is not a question of whether or not we have a standard and plan to implement it. We will have a standard, ours or a federal one,

and we will have to enforce it.

The bill, as amended, makes the enforcement procedure as simple and reasonable as possible, consistent with the objectives ensuring that we build energy efficient buildings.

First, every person subject to the standard must file a notice of intent and a filing fee, specified in the bill, with the Office of Energy Resources or, if so desired by a municipality, with a municipality that wishes to administer the standard. Let me stress that it is up to the municipality to take on this authority and that all fees then go to the municipality to spend as it determines.

Second, the Director of the Office of Energy Resources or the municipality may inspect any building subject to the standard within a certain specific time limit. If the inspection does not take place within these limits, the certificate of energy efficiency will be issued if a builder certifies that the building meets the standard.

These provisions were redrafted, again from the original bill, with the knowledge that a combination of state-municipal system of enforcement is desirable to keep red tape at a minimum, and with the understanding that "time is money." We can't take delays if we want to help, if we want to comply, make it easy for us. I think the bill does that.

Finally, if, upon inspection, a building is found not to meet the standard, the owner has 30 days to correct the problem. Any non-residential building owner who fails to meet the standard and permits the building to be occupied is subject to a per diem fine. Any residential building owner required to meet the standard and which fails to comply is subject to a fine only.

Of utmost importance, I think, and I am about to finish, for those of you who wondered when I would, all standards, rules and regulations shall be presented to the Joint Standing Committee on Energy and Natural Resources for their review and approval. That is not clear in the current language of the bill. We intend to make it so by amendment.

Furthermore, the standards and penalties sections, and if you are keeping track, those are Sections 1415 and 1420, shall not take effect until the committee has approved the proposed standards and rules.

The legislative oversight is insurance that the standard be implemented in the most reasonable manner possible, again consistent with the intent of the bill.

The passage of this bill, as amended, will demonstrate the commitment of the legislature toward energy conservation in Maine, a commitment which 39 other states have already made in this area of building performance standards.

Maine has led the country in our low-income winterization program and by passing a \$10 million energy conservation bond issue for public schools and state-owned buildings.

I hope that you feel with me that it is time to extend the sound principle of energy conservation to new buildings with this amended bill.

On motion of Mr. Blodgett of Waldoboro, tabled pending passage to be engrossed and tomorrow assigned.

Bill, "An Act to Redefine the Term 'Political Committee' Under the Election Laws" (H. P. 1332) (L. D. 1579) (C. "A" H-547)

Bill "An Act Relating to the Acquisition and Ownership of Real Property by Aliens and Businesses of Foreign Countries" (H. P. 976) (L. D. 1261) (C. "A" H-548)

Bill "An Act to Determine What Environmental Laws Apply to Radioactive Waste Materials" (H. P. 799) (L. D. 1004) (C. "A" H-549)

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

Tabled and Assigned

Bill "An Act to Establish a Maine Labor Relations Law" (H. P. 1269) (L. D. 1551) (C. "A" H-538)

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

On motion of Mr. Wyman of Pittsfield, tabled pending passage to be engrossed and tomorrow assigned.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

The following Communication:

THE SENATE OF MAINE
Augusta

May 30, 1979

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

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass Report on Bill, "An Act Providing for the Career Development Needs of Maine Citizens through the Creation of a Division of Career Education within the Department of Educational and Cultural Services" (S. P. 258) (L. D. 731)

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 30, 1979

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

The Senate today voted to Adhere to its former action whereby it Failed to Enact, Bill, "An Act Pertaining to Motor Vehicles Passing Stopped School Buses." (H. P. 1041) (L. D. 1278)

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

The Communication was read and ordered placed on file.

Ought to Pass in New Draft
Tabled and Assigned

Committee on Fisheries and Wildlife on Bill "An Act to Revise the Inland Fisheries and Wildlife Laws" (S. P. 8) (L. D. 15) reporting Ought to Pass" in New Draft (S. P. 573) (L. D. 1637)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read.

On motion of Mr. Dow of West Gardiner, tabled pending acceptance of the Committee Report in concurrence and tomorrow assigned.

Divided Report
Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-235) on Bill "An Act Authorizing the Maine Bureau of Rehabilitation to Provide for Sheltered Workshop Employment for Severely Handicapped Residents of the State of Maine" (S. P. 361) (L. D. 1108)

Report was signed by the following members:

Mrs. GILL of Cumberland
Messrs. HICHENS of York
CARPENTER of Aroostook

— of the Senate.

Messrs. CLOUTIER of South Portland

NORRIS of Brewer
Mrs. MacBRIDE of Presque Isle
Mrs. CURTIS of Milbridge
Messrs. BRODEUR of Auburn
BRENERMAN of Portland
MATTHEWS of Caribou

— of the House.

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

Report was signed by the following members:

Mrs. PRESCOTT of Hampden
Mrs. PAYNE of Portland

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-235)

In the House: Reports were read.

Mr. Brenerman of Portland moved that the Majority "Ought to Pass" Report be accepted in concurrence.

On motion of Mr. Pearson of Old Town, tabled pending the motion of Mr. Brenerman of Portland to accept the Majority Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-248) on RESOLVE, Authorizing Aiden Redding, Victorian Villa, Maplewood Lodge, Mildred DeCoster, the Personal Care Boarding Home Association, Inc., et al, to Bring Civil Action against the State of Maine (S. P. 424) (L. D. 1310)

Report was signed by the following members:

Messrs. SHUTE of Waldo
FARLEY of York

— of the Senate.

Mr. CALL of Lewiston
Miss GAVETT of Orono
Messrs. DELLERT of Gardiner
VIOLETTE of Van Buren
MAXWELL of Jay
SOULAS of Bangor
Ms. BROWN of Gorham
Mr. STOVER of West Bath

— of the House.

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

Report was signed by the following members:

Mr. COTE of Androscoggin

— of the Senate.

Mr. DUDLEY of Enfield

— of the House.

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

In the House: Reports were read.

On motion of Mr. Violette of Van Buren, the Majority "Ought to Pass" Report was accepted in non-concurrence, the Resolve read once and assigned for second reading tomorrow.

Divided Report
Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill, "An Act to Clarify the Liability of Employers Under the Workers' Compensation Act" (S. P. 338) (L. D. 999)

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

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

— of the House.

Minority Report of the same Committee re-

porting "Ought to Pass" as amended by Committee Amendment "A" (S-249) on same Bill.

Report was signed by the following members:

Mr. SUTTON of Oxford
Mr. LOVELL of York

— of the Senate.

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

— of the House.

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-249)

In the House: Reports were read.

Mr. McHenry of Madawaska moved that the Majority "Ought Not to Pass" Report be accepted.

On motion of Mrs. Lewis of Auburn, tabled pending the motion of Mr. McHenry of Madawaska to accept the Majority Report in non-concurrence and tomorrow assigned.

Non-Concurrent Matter
Tabled and Assigned

Bill "An Act to Amend the Stream Alteration Act" (H. P. 267) (L. D. 385) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-457) as Amended by House Amendment "A" (H-506) thereto in the House on May 23, 1979.

Came from the Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-457) as Amended by House Amendment "A" (H-506) and Senate Amendment "A" (S-243) thereto in non-concurrence.

In the House: On motion of Mr. Blodgett of Waldoboro, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Amend the Laws Relating to Criminal History Record Information" (H. P. 1425) (L. D. 1632) which was Passed to be Engrossed in the House on May 24, 1979.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-238) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Require that Insurance Coverage for Outpatient Community Mental Health Services be Provided in Group Health Care Policies and Contracts" (H. P. 1121) (L. D. 1390) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-496) in the House on May 24, 1979.

Came from the Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-496) as Amended by Senate Amendments "A" (S-240) and "B" (S-246) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Concerning Eligibility Under the Second Injury Fund Under the Workers' Compensation Statutes" (H. P. 825) (L. D. 1026) on which the Majority "Ought to Pass" as Amended by Committee Amendment "A" (H-451) Report of the Committee on Labor was Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-451) in the House on May 29, 1979.

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

In the House: On motion of Mr. Wyman of Pittsfield, the House voted to adhere.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions" (H. P. 1051) (L. D. 1302) on which the Majority "Ought Not to Pass" Report of the Committee on Election Laws was Read and Accepted in the House on May 29, 1979.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on Election Laws Read and Accepted and the Bill Passed to be Engrossed in non-concurrence.

In the House:

Ms. Benoit of South Portland moved that the House adhere.

Mr. Hanson of Kennebunkport moved that this matter be tabled for one legislative day.

Whereupon, Ms. Benoit of South Portland requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunkport, Mr. Hanson, that this matter be tabled for one legislative day pending the motion of Ms. Benoit of South Portland to adhere. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

The following Communication:

State of Maine
DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES
Augusta, 04333

May 29, 1979

To: May M. Ross, Secretary of the Senate
Edwin H. Pert, Clerk of the House
From: H. Sawin Millett, Jr., Commissioner
Re: Report of the Advisory Committee on Medical Education

In accordance with the provisions of 20 MRSA, Chapter 304, it is my duty to annually present to the Legislature and the Governor a plan relating to the participation of Maine contract students in medical education programs. It is my pleasure, therefore, to transmit herewith an initial status report prepared by the Advisory Committee on Medical Education which summarizes the Committee's Activities and recommendations for the period August 4, 1978 to July 1, 1979. The Communication was read and ordered placed on file.

(Off Record Remarks)

On motion of Mr. Lougee of Island Falls, adjourned until eight-thirty o'clock tomorrow morning.