

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Ninth
Legislature

OF THE
STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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

Thursday, May 31, 1979

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

Prayer by the Reverend Stewart K. Rowley of the First Congregational Church, Ellsworth.

Rev. ROWLEY: O thou eternal God, we would ask that thou would be present in and amongst the councils of men. So may we be reminded that we are not the creator but we are stewards of what you have entrusted to us from the people and especially from you, stewards of that justice and that love and concern for all mankind so that we might live more bravely and provide for the vehicle to help men to abide by thy eternal laws. So may thy justice and love reign in our hearts and minds so that we might be guided in all the business that comes before us, so that it leads us into a closer relationship with each other and in harmony and in peace for the building of thy kingdom in this, thy world. In Christ's name we pray. Amen.

The journal of yesterday was read and approved.

Passed to be Engrossed

Bill "An Act Creating the Cornish Water District" (H. P. 1457) (L. D. 1650) (Emergency) (Presented by Mr. Carroll of Limerick) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) Committee on Public Utilities was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

An Expression of Legislative Sentiment (H. P. 1446) recognizing that:

Charles H. Milan, III, of Bangor, former world candlepin bowling champion, has won the men's state candlepin championship for 1979 and his 18th Maine State Candlepin Association crown

Presented by Mr. Kelleher of Bangor (Cosponsors: Senator Conley of Cumberland and Mr. Norris of Brewer)

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

An Expression of Legislative Sentiment (H. P. 1450) recognizing that:

Florence "Floss" Haskell of Limerick is retiring after 30 years of teaching in School Administrative District 57

Presented by Mr. Carroll of Limerick (Cosponsor: Senator Lovell of York)

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

An Expression of Legislative Sentiment (H. P. 1451) recognizing that:

Reuben T. Lumbr, son of Mr. and Mrs. Reuben W. Lumbr of Derby, is the salutatorian of the 1979 graduating class of Penquis Valley High School

Presented by Mr. Masterman of Milo (Cosponsor: Senator Pray of Penobscot)

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

An Expression of Legislative Sentiment (H. P. 1452) recognizing that:

Ellen Berry, daughter of Mr. and Mrs. Edwin Berry of Brownville, is the valedictorian of the 1979 graduating class of Penquis Valley High School

Presented by Mr. Masterman of Milo (Cosponsor: Senator Pray of Penobscot)

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

An Expression of Legislative Sentiment (H. P. 1453) recognizing that:

Susan Higgins, daughter of Mr. and Mrs. William Higgins of Greenville, is salutatorian of the 1979 graduating class of Greenville High School

Presented by Mr. Masterman of Milo (Cosponsor: Senator Pray of Penobscot)

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

An Expression of Legislative Sentiment (H. P. 1454) recognizing that:

Bonnie Gould, daughter of Mr. and Mrs. Richard Gould of Greenville, is valedictorian of the 1979 graduating class of Greenville High School

Presented by Mr. Masterman of Milo (Cosponsor: Senator Pray of Penobscot)

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

An Expression of Legislative Sentiment (H. P. 1455) recognizing that:

May 28th through June 3rd is Vietnam Veterans' Week in recognition of the great service performed for this country by citizens who served under difficult circumstances in the Vietnam War

Presented by Mr. Nadeau of Lewiston (Cosponsors: Senator Carpenter of Arroostook, Mr. Pearson of Old Town and Mr. Marshall of Millinocket)

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

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative James McMahon of Kennebunk be excused May 23 and 24, 1979 due to illness:

AND BE IT FURTHER ORDERED that Representative John Norris of Brewer be excused May 31 and June 1, 1979 for Legislative business.

On motion of Mr. Wyman of Pittsfield, the following Joint Resolution: (H. P. 1458) (Cosponsors: Senator Sutton of Oxford, Mr. Lancaster of Kittery and Mr. Diamond of Windham)

**JOINT RESOLUTION RECOGNIZING
THE NEED TO TRAIN
WELFARE RECIPIENTS FOR
PRODUCTIVE WORK**

WHEREAS, for the past several years Maine has been in the demoralizing grip of severe unemployment; and

WHEREAS, many Maine children through divorce or death have been left with only one parent; and

WHEREAS, it is extremely difficult for the single parent to care properly for children and to also find work which will provide necessary income; now, therefore, be it

RESOLVED: That we, the members of the 109th Legislature, hereby record our strong belief that more and better work opportunities are the most effective ways to remove the necessity of welfare payments to families with single parents; and be it further

RESOLVED: That we, as a Legislature, do hereby encourage all training programs and job development efforts designed to allow a single parent to both work and properly care for his children.

The Resolution was read and adopted and sent up for concurrence.

House Reports of Committees**Leave to Withdraw**

Mr. Michael from the Committee on Agriculture on Bill "An Act to Control Brucellosis in Cattle" (H. P. 537) (L. D. 668) reporting "Leave to Withdraw"

The Report was read.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and

Gentlemen of the House: The Committee on Agriculture has decided on "leave to withdraw" on the brucellosis bill. I would like to explain a little bit why we went this route.

The dairy industry feels that brucellosis is a very serious threat to the dairy industry, the cattle industry in the State of Maine. We have brucellosis to the north of us in Quebec and Ontario Provinces. We have brucellosis in Vermont where several herds have been depopulated. Many more are quarantined, and we felt that we needed to take what safeguards we could to protect the cattle industry in the State of Maine.

We came out with this bill which required that all female cattle be vaccinated in order to go from one farm to another. We found that this was going to create some hardships on certain people in the industry.

We do have a letter on our desks, which was distributed by Representative Whittemore a few days ago, written by Charles J. Carpenter of Skowhegan. I would like to explain that this letter contains some information that is not correct. In this letter it states that cattle cannot be brought into or shipped out of state after January 1, 1980, unless they were vaccinated against brucellosis. This was not a part of the bill. The bill which we had stated that any cattle born after January 1, 1980, could not be moved from one state to another or one farm to another.

Some parts of Canada, the Maritime Provinces, do have a clean reading, the same as the State of Maine, and many replacement cattle are coming in from the Maritime Provinces.

This bill, as it was written, would have stopped that traffic in cattle. Maine dairymen do depend on cattle that are coming in from Canada, and those cattle that are coming in from Canada are regulated by federal regulations, which means that they are not vaccinated but they are tested three times in the process of coming into the State of Maine. They are tested on the farm where they originate; they are tested at the border as they enter the State, and the dealer who brings them must hold those cattle until he gets a report from that test. Then, when they are placed on a farm, they have to have another test within 30 days. This is, we consider, a very good program. It safeguards the health of our cattle in a pretty good manner.

We felt that if we could get this kind of a program on cattle coming interstate and those interstate cattle that were going from one farm to another farm could be controlled in this manner, we would be safeguarding our industry. In order to do this, we had to rewrite the bill or put amendments on the bill. Being this late in the season and the difficulty in writing the amendments or rewriting the bill, it would have taken more time than we felt we had. We feel that we certainly need some safeguards, and where it is this late in the season, we felt that to withdraw the bill, try to bring it back next year as a good, clean bill with the changes which I have mentioned, we would be better off than try to put it through now, so we have asked "leave to withdraw."

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

Ought to Pass in New Draft

Mr. Hobbins from the Committee on Judiciary on Bill "An Act to Adopt the Uniform Child Custody Jurisdiction Act" (H. P. 1057) (L. D. 1380) reporting "Ought to Pass" in New Draft (H. P. 1456) (L. D. 1649)

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

Ought to Pass**Pursuant to Joint Order H. P. 135**

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing

Expenditures of Somerset County for the Year 1979 (Emergency) (H. P. 1447) (L. D. 1645) reporting "Ought to Pass" pursuant to Joint Order (H. P. 135)

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

Divided Report Later Today Assigned

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Encourage the University of Maine Law School to Offer Extension and Evening Programs for Part-time Students" (H. P. 1237) (L. D. 1495)

Report was signed by the following members:

Messrs. MINKOWSKY of Androscoggin
TROTSKY of Penobscot

— of the Senate.

Mrs. LOCKE of Sebec
Messrs. FENLASON of Danforth
BIRT of East Millinocket
ROLDE of York
LEIGHTON of Harrison
Mrs. BEAULIEU of Portland

— of the House.

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

Report was signed by the following members:

Mrs. GILL of Cumberland

— of the Senate.

Mrs. GOWEN of Standish
Messrs. CONNOLLY of Portland
DAVIS of Monmouth
Mrs. LEWIS of Auburn

— of the House.

Reports were read.

Mr. Davis of Monmouth moved that the Minority "Ought to Pass" Report be accepted.

On motion of Mrs. Beaulieu of Portland, tabled pending the motion of Mr. Davis of Monmouth to accept the Minority Report and later today assigned.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act Relating to Membership of Treasurer of State on Boards that Issue Debt" (H. P. 1065) (L. D. 1313) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Membership of Treasurer of State on Boards" (H. P. 1448) (L. D. 1646)

Report was signed by the following members:

Mr. SUTTON of Oxford

— of the Senate.

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

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Membership of Treasurer of State on Boards" (H. P. 1449) (L. D. 1647) on same Bill.

Report was signed by the following members:

Messrs. AULT of Kennebec
MARTIN of Aroostook

— of the Senate.

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

— of the House.

Reports were read.

On motion of Mrs. Kany of Waterville, the Minority "Ought to Pass" Report was accepted, the New Draft read once and 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 First Day:

(H. P. 134) (L. D. 145) Bill "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park" (Emergency) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-557)

(H. P. 1128) (L. D. 1505) Bill "An Act Concerning Maine's Maternal and Child Health Care Program" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-566)

(H. P. 1315) (L. D. 1569) Bill "An Act Relating to the Marketing of Potatoes" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-559)

(H. P. 1239) (L. D. 1543) Bill "An Act to Consolidate the Mining and Rehabilitation of Land into the Site Location of Development Statute" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-555)

(H. P. 767) (L. D. 970) Bill "An Act to Provide for Staggered Registration for Motor Trucks" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-565)

(H. P. 910) (L. D. 1133) Bill "An Act Concerning Abuse Between Family or Household Members" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-571)

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

Passed to Be Engrossed Amended Bills

Bill "An Act to Amend the Law Relating to the Maine Milk Tax Committee" (H. P. 206) (L. D. 254) (H. "A" H-564 to C. "A" H-514)

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

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.

Second Reader

Later Today Assigned

Bill "An Act to Implement a Plan for the Prevention and Treatment of Alcoholism and Alcohol Abuse" (H. P. 1206) (L. D. 1485) (C. "A" H-534)

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

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

On motion of the same gentleman, the Amendment was indefinitely postponed.

On motion of the same gentleman, tabled pending passage to be engrossed and later today assigned.

Bill, "An Act to Clarify the Requirements Relating to Campaign Reports and Finances" (H. P. 1050) (L. D. 1301) (C. "A" H-545)

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) (C. "A" S-248)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed as amended in non-concurrence and the House Paper was passed to be engrossed as amended

and sent up for concurrence.

Passed to be Enacted Emergency Measure

An Act to Increase the Self-imposed Tax on Blueberries to Support Research and Extension Work as to the Effects of Inflation, the Shortage of Fuel Oil and Promotional and Marketing Aspects to Keep Maine Blueberries Competitive in North America (H. P. 1340) (L. D. 1584)

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

Emergency Measure

An Act to Incorporate Standards in the Motor Vehicle Inspection Law and to Provide for Legislative Review of Rules Promulgated to Implement the Inspection Program (H. P. 1423) (L. D. 1628)

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

Emergency Measure Tabled and Assigned

An Act to Regulate Commercial Whitewater Outfitters (S. P. 348) (L. D. 1094) (S. "A" S-227) and S. "B" S-229 to C. "A" S-215)

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 being necessary, a total was taken.

Mr. Pearson of Old Town 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 Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against this bill this morning. As I said the other day, this bill is a bill to protect two or three rafters on one river in the State of Maine.

There are many other people in the State of Maine, and I learned this after we talked about this a couple of days ago. There are many other people in the State of Maine that are involved in what can be construed to be white water operations.

There are many other people in the State of Maine, it is one of the fastest growing sports in the area, and these involve whitewater canoeing. In addition, I have found that there are many of these people who are whitewater canoe entrepreneurs that also do a limited amount of, rafting through the whitewater. This usually involves the families of the youngsters that are taking courses in whitewater canoeing and the whitewater kayak operations.

The families will get quite concerned about what the youngsters are so enthused about and they come up to the outfitter that is renting these canoes and giving the instructions and say, I want to know what my youngsters are getting involved with. Is it dangerous? How safe is it? A lot of the so-called whitewater, and this bill does not define what whitewater is, it can be one rapid with a little bit of foam on top

and that can be considered to be whitewater, and these outfitters will take the families through the rapid section that the youngsters are working in and show them that it is not really the great hazardous situation that a lot of people have been led to believe.

There are a few of the rivers in Maine that have gorges and whitewater, such as the Snake and the Rogue out in Idaho, out in that area.

I have no problem with what this bill intended to do. It was intended to be a safety measure to make the whitewater operations more safe for the uninformed, the inexperienced; it does not do this. All this bill does is put on a \$250 annual fee to be licensed as a whitewater outfitter.

You heard it stated when we debated this before that these people, the free outfitters that we are speaking of in the Kennebec, are getting somewhere in the area of \$45 or \$50 per person and they are taking as many as 10 people per trip and they are busy all summer long, so you see, for these people, \$250 means nothing. You take the small operator who is working in much lesser whitewater operations, that wants to maybe take one or two groups per day or per week down through the training area that they are working in, then a \$250 annual fee is quite substantial.

As I said, this doesn't accomplish the purpose that was intended. All it says is that they will wear life jackets, they will have a guide in the raft, they will have a 50 foot throw line tied to the raft and they will have a first-aid kit in the raft. That is really all the bills says or does in the way of promoting safety.

As I said, I applaud the intent of the bill. I think it requires a lot of work. I hate to see this put on in the guise that it is going to do something and then we can work on it, because it is going to work a great deal of hardship to a lot of people before the bill is really well worked out to do what it is intended to do, and I hope you will vote against it.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I hate to differ with Representative Kiesman, but he is quite confused on this bill. Canoes are not included in this bill, I saw to that myself, because I have an outfit in my hometown that travels the St. Croix, the Allagash, the Kennebec and all over this state, and it does not include those in canoes. If he is referring to whitewatering on the Saco River down there, I have been down to the Saco River and there isn't a place that I couldn't wade. So, he doesn't have to worry about the Saco River down there in his area. As a matter of fact, it was mostly mud when I was down there, that was all I saw, you could pretty nearly walk across it. There were so many cows wading in the river up above, probably that is the reason for it. I should hate to fall in the river.

But I will tell you right now, this is a safety measure and he doesn't have to worry about those in canoes. They can take up to six or whatever number they want to in canoes and he is perfectly safe. He can go back down to Fryeburg and tell them that they can go out there and paddle around all they want to in those things. I will tell you right now, if you don't pass this, you are going to be sorry, because there was one woman lost last year. This is a very good bill and it does offer some safety features. This year it is known that there are going to be many more, there are about four outfitters in the state right now.

Of course, when this bill came up, they wanted \$1,000, that was the first proposal for each license that does whitewatering, and in order to allow other people to participate in this and charge anywhere from \$35 to \$45 per person, it has been reduced now to \$200, but I can assure Mr. Kiesman that the Saco River will be safe enough to canoe in down there with his families.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: And particularly to the gentleman from Orland: I feel this piece of legislation is quite ridiculous that we have before us this morning. It creates an illusion of safety and I don't think the people in Maine need legislation like this. Let's end it right here, kill this and get on to more important matters.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Churchill was right, if you want to read the amendment, which, of course, is the bill, under Section 6 it says: "Exceptions, nothing in this section shall apply to the operations of a canoe and that is just as plain as plain can be as far as I am concerned."

As it is right now, they do not have any safety measures; they can use whatever they want. This does at least give some safety measures, such as life preservers, the throw line, the first aid kit. It also licenses them and makes them have to take a test for a guide, which the commissioner is going to set up. I think it is a step in the right direction and I hope you pass it this morning.

The SPEAKER: The Chair recognizes gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This year, as a member of the Business Legislation Committee, I have seen the electrolysisists want to become licensed, you name it and they want to be licensed. This is just one more example and we don't need it.

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

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

I am looking through the engrossed copy under licenses, and I wonder if there is a reason for the fact that the annual fee for a license issued under this section shall be \$250. Subsection 4 says the renewal fee, the Commissioner may grant a renewal of a license upon written application and payment of the \$500 fee. I see that originally both were \$500 and then there was an amendment put on in the other body which struck out \$500 and put in \$250. I wonder if there is a reason why the initial fee is \$250 and the renewal is \$500 or if that is a technical error that someone missed along the way?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I haven't looked at that section, but apparently it is a technical error because it was changed to \$250 and it is supposed to be \$250 for both the beginning license and the renewal.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Miss Brown said that this is ridiculous and if you agree with her that it is ridiculous, trying to save lives, why you vote that way. But this morning, if you have a concern for these people that are taking this avenue of dangerous living so to speak, and a lot of us like to do that, but we would like to have it being done by outfitters who are responsible. There are no regulations currently and you and I or anybody can get into it. I think that is the issue this morning.

You heard the smoke screen about the definition of whitewater. Ladies and gentleman, there is no way under God's sun that you can define whitewater. If there is anyone here that has guided on whitewater, you know what I am saying is absolutely true. What is calm water today may be very dangerous tomorrow. If you

want to continue to have a sport that is not safe and will probably take more lives, then you vote against this bill. As for me, I want to save lives and not take them.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am rising only, I guess, Mr. Speaker, because I am beginning to hear this trite, I must say trite, argument that comes up every time we get into an area such as this; that if you vote against this, you are against motherhood; you want to put people in jeopardy, you don't believe in saving lives. I have to say that this bill convinces me that it is nothing really worth the paper that it is written on.

I have been told now, I am not one and I am not going to be one, but I am told that you can get a guide's license if you know a warden. It is very simple to get a guide's license in this state, and I am not saying that to demean them, but it isn't really the end all and be all to insure complete and absolute safety in what could be a hazardous situation.

A 50 piece foot of rope, first-aid kit and the life jacket perhaps don't need to be even suggested to the people running these trips. If you are really concerned with safety, the ultimate safety, aside from the automobile, I understand the bathtub is the most dangerous vehicle we have around this country, why don't we do something about the people who are being injured in those everyday?

I think there comes a point where we can over regulate and over worry about the safety of people, when perhaps under it all is what the gentleman from Bethel did refer to, this mad rush to create an occupation and then have it set up for licensing to make it just a little more difficult for those who might follow to come in with us.

I do want to say a word on behalf of the gentleman from Fryeburg. He didn't indicate that this was going to be a control of canoes and I think if you had listened carefully to him, you heard exactly what he did say in relation to canoes, but I would take a look at this and say that down the road, those whom do run the Saco and think more of it, perhaps, than the gentleman from Orland, may find that we are going to have to have permits and licenses to run the Saco, and since I can't walk it, like the gentleman from Orland indicates that he can, I do have to have a vehicle.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: It seems rather odd that Representative Garsoe is so concerned about saving some people in certain situations; yet, he had just as soon drown them.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the gentleman from Orland telling me about the Saco because I live 135 feet from it. I own a couple of miles of the river front up there. The most heavily used access point to the Saco River is on my property. I keep a boat in the Saco River for emergency purposes. Two years ago, I took a drowned girl out of the Saco and everytime we have high water on the Saco, I am out at daylight and check about 15 miles of this river for people that may be in trouble on it. I was out there last weekend, as a matter of fact. I can assure the gentleman from Orland, Mr. Churchill, that he would have to have awful long legs to walk it last weekend.

There are other rivers in the State of Maine, and I am not just concerned about the Saco River, there are other rivers, in case he hadn't heard. When I bring up canoes, if he had listened to what I said, he would have heard that I was referencing the comparability of canoes to the whitewater rafting. It is amazing to me that we people are talking about the safety of

people in the whitewater and still anybody can take a trailer load of canoes to the upper end of the whitest piece of whitewater in the State of Maine and rent them to the next guy that comes down the road and give him a life jacket and a paddle and push him off. That is perfectly legal, perfectly all right, and everybody seems to think that is all right. They made a point of exempting canoes from any whitewater control.

I think if you look at the statistics, you will find that there are a lot more people drowning in the whitewater in canoes and kayaks than there are on rafts. I don't think there are many outfitters that are doing rafting in whitewater without a guide in the boat or some experienced person, he may not be a licensed guide.

As I said before, I have no problems with this intent of this bill, but I don't think this is the answer to it and I think we are just going to cause a year of problem here before we can come up with something that really addresses the problem that everyone is talking about but nobody is saying. We are concerned about access onto the whitewater of people who are not experienced and do not have the proper equipment and capabilities.

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

MR. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of things here that really bother me a great deal. Somebody mentioned the smoke screen of the definition of whitewater, but I think that is a lot more than a smoke screen. I can see a situation developing somewhere down the line where one of these individuals who is providing the kind of trips that are being discussed, experiencing some kind of an accident, perhaps a drowning takes place or an injury and all of a sudden the question of whitewater becomes very real, especially when it has to be decided in the court room. I think that is a very grave question to be considered.

I guess the other thing, the thing that really bothers me about this is, why is this an emergency measure? Apparently, we have gotten along without this kind of regulation for a long time. The world hasn't stopped turning. I think those of us who are opposed to this piece of legislation are not necessarily opposed to life or opposed to saving lives, it is just that we are concerned that this type of legislation benefits just a very, very few people.

I would call your attention to that emergency measure and I think because of that emergency preamble, it does benefit just a few people and for that reason, I am going to continue to vote against this bill and I hope you will do the same.

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

MR. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: During my college years, about a decade ago, I used to work for the United States Forest Service in the State of Oregon, and I used to work on the banks of the Snake River. During that period of time and since then, there has been a lot of rafting activity increasing on the Snake River, which is one of the world's most renowned whitewater rivers. I want to tell you that they have regulations on rafting there and I think we ought to learn from experience, from people who have had a longer history of knowing what it is all about than we do.

I think that you have to have regulations in some things and I don't think it is trite for Mr. Masterman to be worried about the safety of those people that are going to be in rafting.

As far as the emergency clause is concerned, I think the reason that the people who sponsored the bill wanted an emergency clause on this is because the season is now beginning and if they are genuinely concerned about safety, and I think they are, they want it to be effective as soon as it possibly can be.

THE SPEAKER: The Chair recognizes the

gentleman from Lincoln, Mr. MacEachern.

MR. MACEachERN: Mr. Speaker, Ladies and Gentlemen of the House: The Fisheries and Wildlife Committee has been working on this bill for four years. We had a bill in the last session that I think we went a little bit too far with. We tried to regulate the canoes and so forth then, and we ran into the boy scouts and the girl scouts and the YMCA and all of the sporting camp people and everyone else.

This is pretty much a watered down bill but it seemed in the right direction.

Mention has been made that you can get a guide's license by knowing a game warden. If you will look at the amendment, Section 4, it provides that they have sufficient training and skill in the operation of watercraft equipment in whitewater. So that goes a little bit beyond just having a Maine Guide's License.

This is aimed at the commercial operation of rafts in whitewater. It doesn't pertain to the father and son going out in a canoe or anything else. It is a growing industry in the State of Maine. It is just beginning to get started. There are only four regular outfitters in the State of Maine at the present time, but I am sure that this is going to increase. One reason for the regulation is to prevent fly-by-night people coming in here and taking people down some of these rivers.

This pertains to the Allagash, the Penobscot, the Kennebec and several other rivers in the State of Maine that have whitewater. If we don't do something to regulate it, we are going to have a tragedy on our hands.

I hope that you will vote for this bill.

THE SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted as an emergency measure. This requires a two-thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brown, A.; Brown, K. C.; Carroll, Carter, D.; Chonko, Churchill, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Drinkwater, Dudley, Gowen, Hall, Hickey, Jacques, E.; Joyce, Kany, Laffin, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Marshall, Masterman, Masterton, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Paradis, Post, Rolde, Sewall, Silsby, Simon, Soulas, Sprowl, Stetson, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Austin, Bachrach, Berry, Boudreau, Brodeur, Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carter, F.; Cunningham, Damren, Davis, Dellert, Dexter, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Gwadosky, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Martin, A.; Matthews, McPherson, Morton, Nelson, A.; Paul, Payne, Pearson, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Small, Smith, Stover, Strout, Studley, Tarbell, Wentworth, Whittemore.

ABSENT — Baker, Cloutier, Conary, Elias, Fowle, Hobbins, Howe, Hughes, Jacques, P.; Jalbert, Kane, Kelleher, Nelson, N.; Norris, Prescott, Reeves, P.

Yes, 72; No, 63, Absent, 16.

THE SPEAKER: Seventy-two having voted in the affirmative and sixty-three in the negative, with sixteen being absent, the motion does not prevail.

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

MR. PAUL: Mr. Speaker, I move we reconsider our action whereby this bill failed of enactment and I move the vote be taken by the

yeas and nays.

THE SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will 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 Lincoln, Mr. MacEachern.

MR. MACEachERN: Mr. Speaker, I move this be tabled one legislative day.

Whereupon, Miss Brown of Bethel requested a division.

THE SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that this matter be tabled for one legislative day pending the motion of Mr. Paul of Sanford to reconsider. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 55 having voted in the negative, the motion did prevail.

Emergency Measure Later Today Assigned

RESOLVE, to Study the Need for an Environmental Health Program (H. P. 1422) (L. D. 1627)

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.

Mrs. Kany 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 for a roll call, a roll call was ordered.

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

MR. MORTON: Mr. Speaker, I had not looked at this 1627, which is the item we are on this morning, until this morning, and I guess my first question is to the Speaker. This is a redraft of 1090. Could there be a question of its germaneness?

THE SPEAKER: The original L. D. that was introduced was L. D. 1090, sponsored by Nelson, Masterton, Baker and Lund.

MR. MORTON: I think I would like to raise the question as to its germaneness, Mr. Speaker.

THE SPEAKER: The Chair would advise the gentleman that the proper time for germaneness would have been when the bill came out of committee. The Chair cannot rule on the germaneness, since that germaneness question was taken care of when the House voted to accept the redraft.

MR. MORTON: Mr. Speaker, I would like to ask another question, and probably that is going to get the same answer. Should this bill have a fiscal note on it?

THE SPEAKER: The Chair would advise the gentleman from Farmington, Mr. Morton, that the Chair has no fiscal note in his files.

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

MS. LUND: Mr. Speaker and Members of the House: I am sorry that nobody has risen to speak on this legislation before. I happen to feel that this is one of the most important bills that is coming out of the State Government Committee. It comes from a number of different concerns. It comes from the concern of the people in the Department of Environmental Protection.

You may or may not know, before I was in

the legislature, I was on the Board of Environmental Protection. We had many things come to the board which were threatening to human health. For example, we saw the water that came from Gray, we saw the sulfur dioxide in Millinocket, we heard of potential threats to health of humans and animals in the State of Maine. The question that was raised time and time again is, what is it going to do in a community if we put a dump near a source of water, if we do this, if we do that, and where in the state is there any expertise or any knowledge or any responsibility to tell us what may or may not happen to human health?

We started out with a bill that would create a person, a doctor or a public health official. We realized that the financial impact of this probably would not allow it to pass. We spent many, many sessions talking with people from the Public Health Service here in the State of Maine, from the Department of Environmental Protection and from the Department of Human Services. All these people agreed that there is a tremendous need, but before we talk about either a person or a department or anything of that nature, that we need to pull together the laws that we have, that we need to see where in state government there is responsibility and whether the people who have the responsibility are carrying it out.

Michael Petit met with us and he said that even if this law was not passed, he considered it a top priority for his department and he would do it. However, I feel that his days are going to get full. We feel that this is an important measure and that we should give him the impetus of this request, which is to do the study, to pull the laws together and to report to the State Government Committee next fall what, indeed, there exists in the state.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Carroll, Carter, D.; Chonko, Conary, Connolly, Cox, Damren, Davies, Dellert, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fillmore, Fowlie, Gowen, Gwadosky, Hall, Hickey, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, P.; Jalbert, Joyce, Kany, Lancaster, LaPlante, Leonard, Lewis, Locke, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterton, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Payne, Peltier, Post, Sewall, Silsby, Simon, Smith, Soulas, Tarbell, Theriault, Tierney, Torrey, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Austin, Berry, Boudreau, Brown, K. L.; Bunker, Call, Carrier, Carter, F.; Churchill, Cunningham, Curtis, Davis, Dexter, Drinkwater, Dudley, Fenlason, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Hunter, Immonen, Jacques, E.; Kiesman, Laffin, Leighton, Lougee, Lowe, Marshall, Masterman, Matthews, Maxwell, McPherson, Morton, Nelson, A.; Peterson, Reeves, J.; Rollins, Roope, Sherburne, Small, Sprowl, Stetson, Stover, Strout, Studley, Tozier, Wentworth, Whittemore.

ABSENT — Cloutier, Elias, Garsoe, Hobbins, Kane, Kelleher, Lizotte, Norris, Pearson, Prescott, Reeves, P.; Rolde.

Yes, 88; No, 51; Absent, 12.

The SPEAKER: Eighty-eight having voted in the affirmative and fifty-one in the negative, with twelve being absent, the motion does not prevail.

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

Mr. LAFFIN: Mr. Speaker, I move we reconsider whereby this bill failed of passage to be enacted.

On motion of Mrs. Kany of Waterville, tabled pending the motion of Mr. Laffin of Westbrook to reconsider and later today assigned.

An Act to Increase the Term of Special Licenses under the Marine Resources Law (S. P. 169) (L. D. 370) (C. "A" S-210)

An Act to Amend the Maine Consumer Credit Code (S. P. 243) (L. D. 692) (C. "A" S-225)

An Act Relating to the Listing of Contracts Made by Real Estate Brokers and Salesmen (S. P. 389) (L. D. 1200) (C. "A" S-224)

An Act Concerning the Coordination of Health Services Funded Through the State and Federal Funds (H. P. 737) (L. D. 924) (C. "A" H-483)

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 Establishing Mechanisms to Pinpoint Responsibility and Facilitate Coordination Between the Various Manpower Training and Economic Development Programs (H. P. 1418) (L. D. 1622)

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

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

Mrs. BERUBE: Mr. Speaker, I wonder if we could have an explanation of this redraft, please?

The SPEAKER: The gentleman from Lewiston, Mrs. Berube, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. KANY: Mr. Speaker and Members of the House: The redraft, under the title, An Act Establishing Mechanisms to Pinpoint Responsibility and Facilitate Coordination Between the Various Manpower Training and Economic Development Programs, the original bill before the State Government Committee, sponsored by four of us here in the House, was a detailed listing of how economic development programs and manpower training programs should be coordinated, basically using the State Employment and Training Council. That was the bulk of the bill.

Secondly, under Section 2, it called for the Maine Development Foundation, which some of you may remember as being an extremely autonomous group, to try to encourage economic development in the state, to at least make sure that that group kept the government and the State Development Office informed of its current activities.

The redraft is a much briefer bill and just requires that the Governor shall establish, by executive order, a council or councils to advise him regarding coordination of state manpower training, including vocational-technical education and economic development programs, and then the second part is intact.

The reason for this bill, that may not sound like a lot, it is all on one little page, it doesn't take up much room at all, but it does a heck of a lot. I had a chart made up, I made it up myself, which took a full legal page, and had boxes of all kinds of autonomous economic development programs or manpower training programs. Some of them are federal, some of them other agencies don't even know about, a lot within the state agencies, and I will just run off a few to you: The State Development Office, the State Planning Office, Vocational Rehabilitation within Human Services, WIN Program, Maine Publicity Bureau, the VTIs, Secondary Voc Ed, Apprenticeship, CETA with all their prime sponsors, SETC, Maine Occupational Information Coordinating Committee, Maine Development Foundation, Small Busi-

ness Loan Authority, Veterans Small Business Loan Authority, Maine Guarantee Association, Community Services Administration, which local CAPS involved in economic development, Local Industrial Development Authorities, Departments of Marine, Forestry, the Department of Agriculture, and so on and so on and so on, and there is literally a total lack of coordination.

All that this attempts to do is to make sure that in some way a governor will assure us that there is some coordination. I don't care how he does it, but let's make sure it is done, and that is what this little tiny bill in redraft is all about.

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

Mrs. BERUBE: Mr. Speaker, I would move indefinite postponement and 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. 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 Lewiston, Mrs. Berube, that this Bill be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Berry, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Cunningham, Curtis, Damren, Davies, Davis, Diamond, Drinkwater, Dudley, Dutremble, L.; Fenlason, Gavett, Gould, Gray, Hall, Hanson, Hickey, Higgins, Huber, Hunter, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kiesman, Laffin, LaPlante, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, MacBride, MacEachern, Marshall, Martin, A.; Masterman, Matthews, McKean, McMahon, Morton, Nelson, A.; Nelson, N.; Paul, Pearson, Peltier, Peterson, Post, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Sprowl, Stetson, Stover, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitchell, Vincent, Violette, Wentworth, Whittemore, Wood.

NAY — Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Brannigan, Brennerman, Brodeur, Carroll, Conary, Connolly, Cox, Dellert, Doukas, Dow, Dutremble, D.; Fillmore, Fowlie, Gwadosky, Hobbins, Howe, Hughes, Kany, Lizotte, Lund, Masterton, McHenry, Michael, Mitchell, Nadeau, Nelson, M., Paradis, Simon, Soulas, Studley, Tuttle, Vose, Wyman.

ABSENT — Cloutier, Dexter, Elias, Garsoe, Gillis, Gowen, Hutchings, Kane, Kelleher, Lancaster, Mahany, Maxwell, McPherson, McSweeney, Norris, Payne, Prescott, Reeves, P.; Rolde, Silsby, Smith, Strout.

Yes, 88; No, 40; Absent, 22.

The SPEAKER: Eighty-eight having voted in the affirmative and forty in the negative, with twenty-two being absent, the motion does not prevail.

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

Mrs. BERUBE: Mr. Speaker, I would like to move reconsideration and hope you will vote against my motion.

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

Mrs. KANY: Mr. Speaker and Members of the House: I would request a vote on this.

Earlier we talked about—please take out L. D. 1622, this is what we are talking about. It is a unanimous report from the State Government Committee. Right now we have a wildly uncoordinated system of both manpower training and economic development, and I think personally you are making a huge mistake if you don't

even want the governor to attempt to coordinate some of these things. That is basically what the bill calls for.

Secondly, the other little tiny section just calls for requiring that independent, autonomous Maine Development Foundation to keep the governor and the State Development Office informed about its current plans and activities.

If you want just a complete, chaotic mess, which is what we have now and what we have been having for the last several years, then you won't vote to reconsider and you will allow this to be indefinitely postponed—that is up to you.

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

Sent up for concurrence.

An Act to Clarify the Statutory Requirements for Issuance of Maine Guide's Licenses (S. P. 374) (L. D. 1154) (C. "A" S-214)

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

Orders of the Day

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

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)

Tabled—May 30, 1979 by Mr. Davies of Orono.

Pending—Passage to be Engrossed.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: The amendment has not been printed as yet. It should be here shortly if somebody would table this until later in today's session.

Whereupon, on motion of Mr. Davies of Orono, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the second 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 30, 1979 by Mr. Howe of South Portland.

Pending—Passage to be Engrossed.

On motion of Mr. Howe of South Portland, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the third 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 30, 1979 by Mr. Rolde of York.

Pending—Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and specially assigned for Monday, June 4.

The Chair laid before the House the fourth 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 30, 1979 by Mr. LaPlante of Sa-

battus.

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

Mr. LaPlante of Sabattus requested permission to withdraw his motion to accept the Majority "Ought Not to Pass" Report, which was granted.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-507) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the fifth 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 30, 1979 by Mr. Dow of West Gardiner.

Pending—Further Consideration.

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

The Chair laid before the House the sixth tabled and today assigned 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)

Tabled—May 30, 1979 by Ms. Benoit of South Portland.

Pending—Acceptance of Either Report.

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

Ms. BENOIT: Mr. Speaker, I hardly dare to say this. We do have a problem with this and I do need to have it tabled until later in today's session.

Whereupon, on motion of Mr. Brown of Livemore Falls, tabled pending acceptance of Either Report and later today assigned.

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

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)

Tabled—May 30, 1979 by Mr. Blodgett of Waldoboro.

Pending—Passage to be Engrossed.

On motion of Mr. Blodgett of Waldoboro, retabled pending passage to be engrossed and later today assigned.

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

Bill, "An Act to Establish a Maine Labor Relations Law" (H. P. 1269) (L. D. 1551) (C. "A" H-538)

Tabled—May 30, 1979 by Mr. Wyman of Pittsfield.

Pending—Passage to be Engrossed.

On motion of Mr. Michael of Auburn, 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-570) was read by the Clerk.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: As you recall, yester-

day the good gentleman from Pittsfield described this bill as one which would allow farms of over 4,000 acres to come under the provision of the bill. The way the language is now, it is unclear in its wording whether or not that 4,000 acres would have to be agricultural land or let's say a farm that had 200 acres of potatoes and might also own 4,000 acres of forest land would also come under the provisions of the bill. So the amendment, H-570, would amend the bill, which is now effectively H-538, and add the words, "used for agricultural purposes," to clear up that definition so that it is clear that the land we are talking about would have to be agriculture land and not just any land.

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

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

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

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

SENATE REPORT—"Ought to Pass" in New Draft (S. P. 573) (L. D. 1637) — Committee on Fisheries and Wildlife on Bill, "An Act to Revise the Inland Fisheries and Wildlife Laws" (S. P. 8) (L. D. 15) — In Senate, Passed to be Engrossed on May 29, 1979.

Tabled—May 30, 1979 by Mr. Dow of West Gardiner.

Pending—Acceptance of the Committee Report.

On motion of Mr. Dow of West Gardiner, the Report was accepted in concurrence, the New Draft read once and assigned for second reading later in the day.

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

SENATE DIVIDED REPORT — Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (S-235) — Minority (2) "Ought Not to Pass" — Committee on Health and Institutional Services 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) — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-235) on May 29, 1979.

Tabled—May 30, 1979 by Mr. Pearson of Old Town.

Pending—Motion of Mr. Brennerman of Portland to Accept the Majority "Ought to Pass" Report.

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

Committee Amendment "A" (S-235) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

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

SENATE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (S-249) — Committee on Labor on Bill, "An Act to Clarify the Liability of Employers Under the Workers' Compensation Act" (S. P. 338) (L. D. 999) — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-249)

Tabled—May 30, 1979 by Mrs. Lewis of Auburn.

Pending—Motion of Mr. McHenry of Madawaska to Accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Wyman of Pittsfield, tabled pending the motion of Mr. McHenry of Madawaska to accept the Majority "Ought Not to Pass" Report and later today assigned.

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

Bill, "An Act to Amend the Stream Alteration Act" (H. P. 267) (L. D. 385) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-457) as Amended by House Amendment "A" (H-506) thereto on May 23, 1979. — In 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 on May 30.

Tabled—May 30, 1979 by Mr. Blodgett of Wal-doboro.

Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and later today assigned.

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

Bill, "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions" (H. P. 1051) (L. D. 1302) — In House, Majority "Ought Not to Pass" Report Read and Accepted on May 29, 1979. — In Senate, Minority "Ought to Pass" Report Read and Accepted and the Bill Passed to be Engrossed on May 30.

Tabled—May 30, 1979 by Mr. Hanson of Kennebunkport.

Pending—Motion of Ms. Benoit of South Portland to Adhere.

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

Mr. HANSON: Mr. Speaker, I move that the House recede and concur and would request the yeas and nays.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would urge you not to vote to recede and concur, so we can then vote on the motion to adhere.

Registration on election day does cause extra work and some confusion at the polls, but that comes with the territory. Weighed against the voter's rights and the need for better voter turnout, it certainly seems worth all the effort on the part of public officials who are paid to perform this service, this is their job. If things get a little tough, a little confused, a little busy on election day, that may be a little unfortunate but that is their job.

In the United States, we have a very low percentage of voter participation, and I believe that any procedure that can improve on this problem is a definite plus. I believe that we also are obligated to serve the people, who sometimes find it difficult to register to vote during non-working hours. In many towns there are special hours but they are often not well advertised and people are just not aware of these special hours. Some people, quite frankly, don't even think about it until voting day comes. We are a very transient society now, we move from one town to the other, we don't think about registering to vote and all of a sudden it is election day and most people, hopefully, do want to vote.

Some are concerned about fraud. I think there is just as much fraud if you only had registrations two days, three days, four days, even up to 10 days before the election, there is no way to check on these that close to the election. If there is going to be fraud, it will take place probably almost anytime.

The fact remains that many citizens do register to vote on election day. This indicates to me that we should not repeal this provision. The numbers speak for themselves, and I submit to you that we have an obligation as elected officials to continue to see that our citizens are assured this service on election day.

In conclusion, I would only add that the most valuable tool that the people have in a free society is their vote. The ballot is the voice of the people and any convenience that can be afforded to the citizens of Maine to encourage more voter participation should be applauded. So, I would ask you to please vote against the

motion to recede and concur.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to disagree with my very pretty seatmate, and the reason that I am going to disagree with her and vote for the motion to recede and concur is for the statement that she made. She said people don't think about voting until election day, and I think in the kind of democracy that we have in this country, I think people ought to think a little bit more about what they are going to do. I think one of our biggest problems, apathy, and I think by allowing voter day registration, we are just simply encouraging that kind of apathy to continue.

She said we have an obligation as elected officials to provide our people with the simplest way of exercising their privilege of voting. I think the people in the state have an obligation to support the society in which they are given that precious opportunity and given those precious rights.

I have seen people come in by the carloads and register to vote on election day and it is a funny thing, they all register with their addresses at the same address on a particular street. These abuses occur, I think they ought to be curtailed, and I think we ought to be providing the kind of society where people are going to be thinking a little bit more, perhaps, about what they are doing. So I urge you very strongly to vote to recede and concur.

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

Ms. BENOIT: Mr. Speaker, Members of the House: I just want to correct one thing. Perhaps I did say that the voters don't think about voting, but I thought I said they don't think about registering quite often until election day. There is a great deal of difference.

Also, we did hear the argument of fraud again and there is a law that says that you do not register to vote illegally and fraud can happen and I am sure that it does happen, but I hope it doesn't happen all that much and if it is happening, then it should be taken care of in those municipalities.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to speak on this, but to address the previous speaker's last comment, the incidence of fraud is never proven, or very seldom proven, because the town municipal clerks don't have the money to follow through after election check-ups.

The gentlelady is right, a more recent change in the law made it a crime of violation of criminal law and that is fine, it should be. The simple fact of the matter is, there is never any follow up by the municipalities because they can't afford it, there is no money to do it and there is no manpower to do it.

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

Mr. NADEAU: Mr. Speaker, Men and Women of the House: A couple of points. One, in relation to the fraud aspect of it, I think that any town or city with responsible registrar of voters, as most towns and cities in Maine have, are capable of asking for proper identification. When you apply for a liquor identification, you must have three separate forms of identification to prove who you are and how old you are and where you live. I think this could be done with the registration of voters just as well, no reason why it can't be.

My second point would be in terms of election day registration. Just recently, I was visiting my own board of voter registration and I happen to know one of the people who works there in the office and she happens to know my brother.

My brother was recently married and apparently when you are married, you are automati-

cally removed from the voter list and asked to resubmit a card so that you can prove your residence remains the same if indeed it does, and the new wife or husband, whichever the case may be, must change their name if they choose to do so.

These people were withdrawn from the list automatically. They were sent a card but my brother never received the card or received it and inadvertently misplaced it or whatever, but he was taken off the voter list and he had no knowledge of that fact. So, he assumed on election day of next year that he was eligible and registered. If this law is in effect and he goes to vote at Ward 6 and the clerk says, I am sorry, you are not on the list, he would lose his right to vote on that particular day. This may sound like an isolated case but this happens quite often. People are taken off the voter list inadvertently through typing errors or computer errors or whatever the case may be, so I don't think the abuse is all that widespread. I don't think this is a necessary law to put on our books and I certainly hope you vote to kill it.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you of an experience I had two years ago. I thought I knew about everybody in my town and when the day was over, there were 27 people who came out of the woodwork somewhere to vote against me.

The point I want to make is this, afterwards I was little concerned about that because they all voted for an Independent that was running, but I would never want to deny them the right of that choice of voting, even if they registered that day and I will tell you why. I went around to see each one of them after and this last time they all voted for me.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who can answer.

Are there any exemptions under this bill, such as the person who turns 18 on election day or in that period?

The SPEAKER: The gentleman from York, Mr. Rolde, has posed a question through the Chair to anyone who may care to respond.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: To answer the question, this bill is very brief. It says that the registrar shall only accept registrations of applicants who attain their 18th birthday on election day and who appear in person on election day.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: We all have had our own experience with this, but I had a particularly sad experience with a young man who has already passed 18, I think he was about 20. I spent a great deal of time trying to persuade him to register to vote. As you know, many young people are almost afraid to register to vote, they feel awkward about it, they don't know anything about it and it is very difficult to get many of these people to register, but I spent a lot of time persuading this young man that it was his civic duty to register to vote. I took his card down, and this was before we had the bill that allows registration on election day, and when he came down to vote on election day, I was suddenly informed by the town clerk that the town clerk had lost the registration card, simply lost it and couldn't find it anywhere and that was the end of that young man's voting, and I assume that is the end of his voting for a very, very long time.

I hope you don't pass this bill and allow this system to continue the way we have it.

The SPEAKER: The Chair recognizes the

gentlewoman from Portland, Mrs. Payne.

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: I feel that Mr. Nadeau's story and Mr. Rolde's story are exactly why we should recede and concur. The registration officials, the town officials, are so busy on election day taking care of legitimate problems like this, then when you have people who are just coming in because they have put it off, though they have had the opportunity to register for the whole year, the thing becomes absolutely impossible to deal with. I think the town clerks and registrars should be available to people with these problems without the problem of a lot of people who could have taken care of it earlier.

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 speak on election things because I feel we all have our own problems and if people are running, they have a situation where they like to win or they wouldn't be running and they want to win or they wouldn't be on the ballot. I always believed that anything is fair in love, war and politics. Of course, I can say what I want to on the floor of this House and I can't be held liable and I can't be arrested and I can say a lot of things here that I wouldn't say on the street corner. But I am telling you, on election day, by allowing people to vote, I used to go around the barrooms, pick up all my friends and, believe you me, I have a lot of friends that do drink and I have a lot of people who work, I don't go to the high muckamuck houses but I do go around to the barrooms and I go around to those places and I get them out of the barrooms and I used to say to them — now, where are you registered? Well, I was registered in Portland or South Portland. How long have you been in Westbrook? On, just a short time. Well, you probably have been here six months, I am sure, so we will get by that. He said, well, if you say so, I have been here six months.

I would take him down to city hall and get him all registered and, by the way, we didn't have a puny, small registration that year, we had 730-some-odd people registered in the City of Westbrook, and I probably took 40 or 50 of them out of the barrooms to get them down there at the last minute to register to vote. They didn't care about their constitutional rights of whether they voted or not. I had a pint under the seat and I always gave them a drink anyway.

They didn't really care about who was on the ballot. I used to say to them, remember, my name is Stanley, be sure to look for that name on the ballot. They would say, well, where are you on the ballot? So, I would write on a piece of paper like it is on the ballot, because a lot of them don't know me as Stanley, they would go in and look for my name and cast a vote. Sometime later, I had several of the ballot clerks say to me in different wards, and we added it up I got 88 bullet votes by people just going in to vote for me that I picked out of the barrooms. I don't know where they came from or where they didn't come from or anything about it, but I went to the city clerk's office and I said, are you going to notify all these towns that these people are registered to vote in and he said, yes, we usually do but it takes a long time.

I said to one guy, are you sure you live in Westbrook? He said, yes, I live in Westbrook but I voted in Portland this morning. I said, that doesn't matter, you live in Westbrook, I can register you today because you are a resident of Westbrook — he voted for me.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Laffin is older than I am and I guess I don't remember the days when the kind of things he was talking about were possible, because the law has kept the barrooms closed on election day for quite a

number of years now, so, fortunately, we won't be faced with that the first Tuesday of next November.

I think this bill really is partly symbolic but it is not entirely symbolic because it has a very practical effect if it is passed. But what it symbolizes to me is the degree to which people are really concerned about letting the average citizen, everybody who has the right to vote, in on the process. From what I learned in school, nothing is anymore fundamental in this society than the right to vote. It seems to me that the evidence of fraud and problems to the clerks, and here we are defending the bureaucrats and, pardon me, I have very fond feelings for the gentlewoman from York County, Mrs. Wentworth, and I know she has been a clerk and a good one for many years, but I think our first consideration should not be to the clerks but the people who want to vote, no matter how late in the process they decide they are going to do it.

Candidates and politicians spend lots of money at the last minute to get those last few people out there to the polls and a lot of those people may just decide that it is important after all on the first Monday in November, and if we pass this, they are going to find out it is too late.

What about the person who turns 18 on the first Monday in November? The way I understood the chairwoman of the committee to read the bill, they can register to vote only if they turn 18 on election day itself.

I think the evidence of fraud has got to be absolutely overwhelming before we put more road blocks in the way of people exercising their constitutional right to vote. I have heard no such evidence, nor have I heard any such evidence that the problems of the clerks are so totally unmanageable that we should put more road blocks in the path of the people who want to vote.

The gentleman from Kennebunk made a factual point without stating which side of the bill he was on, but I think his remarks would tend to go against the bill. He pointed out that the clerks in many places don't have the funds to follow through on potential fraud, and if they don't have the funds to follow through on fraud on election day, they probably don't have the funds to follow through on fraud on someone who registered to vote six months before election day.

I just have heard no evidence this morning, barrooms notwithstanding, that we should put more road blocks on the people of Maine who want to exercise their constitutional right to vote.

Mr. Brown of Livermore Falls said that we should do more to create a society where people think about this process. We are not going to do it if we say, sorry, you are too late, you can't vote today.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I live in a community that has a very high young person population. In the election two years ago, the town of Orono registered 1,000 people on election day, students of the college and non-students. These were not people that I brought out of the dormitories to register to vote for me, they were not brought out by any other candidates.

They came out because they found themselves, for whatever reason, in the situation where they were unable to vote in any other location, they wanted to vote, they just became aware that they had the right to vote in the town of Orono if they chose to do that, so they came out of their own volition on election day. They streamed into the registration office and they registered in droves.

Our board of registration has been very diligent in checking out these matters. They carried out a full investigation of the 1,000 people who registered on election day and they found

three potential cases of fraud, which, after further investigation, one of them was disproved and the other two were prosecuted—1,000 new voters on election day; two cases of fraud. I think that makes the point very clear that these people want to participate in the process and they are not out to defraud anyone, they just want to have the opportunity to vote.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: As I am sure you are aware by now, this is an issue that I consider to be of paramount importance.

Contrary to the decision that the gentleman from York County, Mr. Rolde, made, I do not spend a lot of time trying to convince any adult to register to vote. If they choose not to register to vote, if they choose not to see the importance of that very important move in their life that is their problem and not mine.

There are 151 people in this House, 152 counting you, Ed, and those of us in that group are very lucky. We belong to a society, to a democracy which is unequaled in this world. It is a democracy which has endured for a long time and is going to continue to endure.

Ladies and gentlemen, if I don't leave you with anything else but one thought, it is this, a democracy takes a lot of endurance, that democracy takes a lot of work, takes a lot of input from everybody who is a member of that democracy. It is not easy to maintain that kind of a system. I think that if there is any evidence, and I believe that there is, of any fraud occurring on election day because of this kind of law, then I think that it ought to be done away with and it ought to be dealt with.

Again, ladies and gentlemen, we have something that is very special, something that is unequaled throughout the rest of the world. Let's maintain that, let's vote to recede and concur.

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

Mr. NADEAU: Mr. Speaker and Members of the House: The good gentleman from Livermore Falls, Mr. Brown, is absolutely right. If democracy is going to work, we are going to have to give the people in that democracy every opportunity to become involved and to participate in our free electoral process. This is a bill that will hinder that process. We must do all we can to urge people to get out there and support whichever candidate they desire. I, for one, am not willing to impede them in any way whatsoever.

I would also leave you with one other point and I think this wraps this up pretty clearly. The good gentlewoman from Portland, Mrs. Payne, mentioned that the lines are so long that some individuals weren't able to conduct business in the board of voter registration. I think if that is the case, that tells us what we should do here in this legislature today. If the lines are so long, obviously the people of our state want and need this service that is provided for them. Who are we to deny them? If for some reason unknown to me they choose to register on Election Day, whether they could have avoided it, and manytimes they cannot, I think we should allow them to and it would be a pretty sad day when we wouldn't.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: First, we are one of the few, if not the only, state in the Union that allows registration every day in the year and I think there is only one other state that allows it on election day.

It is not the clerks who are objecting to this, it is the voters coming to the clerks and protesting having to go through lines of people registering who had the entire year before then or whatever time they were eligible. I believe it is lax on the part of any voter to wait until the last day.

I have had many people call up and ask when

they might register to vote. Of course, they were coming from out of state where they are used to only certain days being allowed. I would say "any day of the year, or if you can't make it, you can come on election day." Invariably they would say "Oh, well, we will wait till then and save a trip." I don't believe that should be allowed. I would urge you to recede and concur.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: If a few years back we had the same idea as Mr. Brown of Livermore Falls, the good ladies of this House would not be here and the colored people would not be able to vote. We had a good system then, didn't we?

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

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I consider being a legislator, and I hope that everybody in this House does too, I consider this whole process here a very highly respectable profession. I would hope that everybody else in here does. Unfortunately, I think a lot of you realize that there are a lot of people out there who don't think of this as a highly respectable profession, and they have a lot of questions. I think what we are doing here, we are turning the whole thing around, we are putting the shoe on the other foot. We are saying that maybe some of these voters are practicing methods that are fraudulent. That really bothers me, because I think it is an attack on the whole constitutional process that our whole democratic principles are based on, and that is the right that everybody should have to elect their leaders.

Now, Representative Brown mentioned the fact that we should not be the ones that get people to go out and vote. Well, I think it is our duty. We are the leaders, we are the ones that should instill the spark in these people to go out and vote. There are a lot of problems out there and a lot of people complain. The problem is that a lot of people don't think that one vote makes a difference. I think it is up to us to make them know that one vote does make a difference.

The SPEAKER: The Chair recognizes the gentlewoman from Lincclnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to assure you that the instances of fraud are not isolated. At the hearing, we had several town clerks and registrars there who cited specific examples. It was not, as some people have said, for them that we put this bill in.

Their duties are overwhelming on election day without having to bother with lines of people wanting to register, but that is not the reason for it. There are instances, and they are frequent and they can be proven, and I would assure you and I would urge you to support the motion to recede and concur and let this bill go along.

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

Mrs. SEWALL: Mr. Speaker and Members of the House: I would like to direct a question to Representative Hall if he is within the sound of my voice. I was just dying to know how he knew how those people voted. I campaigned and I spent time at the polls before I was a candidate and I was curious to know how he knew how those 27 people voted so he could go to them and change their mind next time.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am sure all of you know I am a freshman legislator. I think the majority of you know that I spent my life in the military service. I wasn't very politically oriented until I retired from the service and came back to my home. So, when I did become politi-

cally involved, I got lots of good advice and I am sure all of the rest of you got all this good advice.

One of the things that I was advised to do was obtain a copy of the voter register and touch base with every voter. Being pretty naive politically, I tried to do that. I was amazed to discover that along on the bottom of the list was about 75 names that I wasn't able to contact. I had addresses but nobody in that area knew them. I checked with the town clerk and the town clerk said, you know, that is funny, all these people came in on election day to register and voted and I, too, tried to identify them and check up on them after and I couldn't find them either.

I think the Representative from Westbrook pretty well touched on the problem here that has brought this all about, and I shall certainly vote to recede and concur and I hope you do, too.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am just a country boy. You can get up here and tell these things about going in bars and picking up people and getting a vote and you can tell these hypothetical instances all you want, but what I like about my country is that we have come a long way Charlie Brown, we have come a long way.

A long time ago, the colored couldn't vote, people that couldn't speak the English language couldn't vote, or those who couldn't read English couldn't vote. I know that just a few years ago people were denied this opportunity. Now we have got a system where everybody has the opportunity to vote. You keep saying there is fraud, there is fraud. I don't buy it, because I believe that most people in my state and most people that I know are honest people. And for all the abuses that you talk about, there are hundreds of thousands of people that don't abuse. So what do you do, do you take 3 percent and say 97 percent is also bad because 3 percent is bad? No, I think you are off target today, you better dream up some more fairy tales, Representative Laffin, because I have heard quite a few.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address the issue of fraud just briefly, because having had some experience with the Chicago political machine, I can tell you that fraud is a very rampant thing. It exists in an area where we don't have election day registration.

I want to point out something which I find very disturbing. The good gentleman from Livermore Falls made reference to us being the greatest democracy. Well, let me tell you something which I find very frightening. Of all the western industrialized nations in the world, we have the lowest percentage of voter turnout. Survey after survey has shown that when we instituted election day registration, the percentage of voter turnout in this state increased significantly.

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 Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: We debate a lot of bills during the course of the legislative session, most deal with a matter of substance and issue which may affect many of us, may affect our taxes, may affect our revenues, may affect our budget. It is very rare when we debate a bill

which affects the fundamental process itself. When we do so, and when that fundamental nature of the process is the right to vote itself, that it is a very serious occasion.

Now, in this country, as my good friend from Limerick, Mr. Carroll, has pointed out, there has been a long tradition, a long battle between those who feel that some people are more equal than others, that some people should have the right to vote and some people make intrinsically better voters than others. Some people feel that a person with a college education is a better voter. Some people feel that a person is a better voter because of the color of his skin. Some people feel that a person is a better voter because he owns a couple hundred acres of land and pays more taxes and therefore should have more of a say as to what goes on in the society. I reject, and my gentlemen, that is not the way a democracy works. The worker at the third shift at the Biddeford Textile is every good a voter and understands the issues every bit as well as the PhD from Harvard. We can never forget that very fundamental precept and it is not our responsibility to erect artificial barriers to that very fundamental right to vote.

We have heard it today — Mr. Brown is upset because some members of his district all live at the same address when they come in to vote. Well, those who are from cities know what those kinds of places are called, they are called apartment houses.

It is true that people move in this society, young people, poor people, working people and they have difficulty in understanding the complete election laws that we, ourselves, fashion. Any artificial barrier which we erect to that is wrong, because the only way our collective public consciences will be able to effectuate itself, the only way that we as society will be able to operate in years to come, is if we have the highest number of people turn out and exercise their franchise.

I would like to say something else about fraud because, ladies and gentlemen, we have heard it right here on the floor of the House. Individual people are not guilty of fraud. We all know who is guilty of fraud when it happens — candidates are guilty of fraud. Political parties are guilty of fraud. Political organizations are guilty of fraud when this happens, not individuals, they get nothing out of it. We have heard a dramatic example of that from my good friend from Westbrook, Mr. Laffin, who stood before all of us and admitted a whole series of criminal acts. Ladies and gentlemen, that is where the problem lies, it is not with that individual voter. Don't disenfranchise those people, don't vote to recede and concur, because that would be a terrible mistake.

Only three states in this country have a larger degree of voter participation than our state, and I am proud of that. Don't turn your back on that to serve narrow partisan interests as they are obviously perceived on the floor of this House, because we can't forget what the whole system is all about.

I urge you to vote with me and to vote no on the pending motion.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I am sorry to disagree with Mr. Tierney, but we are not talking about the quality of voters, only about the infringement on the right of the properly registered voters by those who took the last minute and are interfering on election day.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I rise reluctantly. My good friend from the other corner, Mr. Tierney, has had one of his mornings, I guess, when he feels called upon to shake the rafters and embroider an issue with partisan overtones. I reject it. You have heard the sense of the matter from the gentlelady from Wells, Mrs. Wentworth,

who has spent a lifetime administering this function, and if we have to get philosophical about it, I guess I would be content to say that this does not put any impediment in the way of those who wish to exercise their franchise. I just suggest that there be a reasonable degree of initiative on the part of those that we do want to see voting every time.

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

Mr. BROWN: Mr. Speaker and Members of the House: I am sorry to prolong this anymore than it has been. Apparently, Mr. Tierney and I are going to have a discussion before long, because he always thinks that I am confused on the issues. Well, this morning I think that Mr. Tierney is confused.

I do come from the rural part of Androscoggin County. We do have apartments up there, I recognize them when I see them. Sometimes they are called something else. Sometimes those great numbers of people that come from one address are sometimes referred to as a commune as well as apartments.

He also clouded the issue by talking about professional people versus unprofessional people; educated versus uneducated. That is really clouding the issue, that is not what we are talking about at all.

One of the previous speakers talked about black people versus white people and, again, that its ungermane to the situation that we are talking about today.

I really feel very, very strongly, and it is not because of a problem that I had in my election, Mr. Tierney. I made it to Augusta, so I am not may have a problem that I may have had. I am looking at a potential problem that everybody may have, a problem that will affect the workability of this system.

Perhaps we have encouraged the apathy that occurs in this country that Mr. Baker from Portland alluded to. Perhaps by making things so very easy, our democracy is headed, I hope not, but perhaps it is headed for trouble because things are made too easy. I am not trying to suggest that we make the process of voting any more difficult than it is, but for gosh sake, let's at least have those people who are going to be voting, have put enough thought into it, so that on election morning somebody doesn't come to them and say, oh, gee, I noticed you haven't voted. I need your vote very desperately, let's go to the polls, let's get you signed up. That is not good government, that is not good democracy. Let's have people think a little bit about what they are going to do and let's have this democracy endure and let's have it do what the founding fathers wanted it to do.

Again, I encourage you very strongly to vote to recede and concur.

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

Mrs. BACHRACH: Mr. Speaker and Members of the House: I have thought of one point that I think perhaps hasn't been addressed in this debate, and that is the fact that sometimes it is very difficult for people to get out and go to take care of this matter of voting two different and separate times. For people who live out in the country without transportation, it is hard to go into town and register and then go into town again and vote. I think we should think about them.

In the course of my travels, I came across more than one young woman whose husband was in the Navy, who was away, who would have had to get a baby sitter two times in order to go and register and go and vote. I was very happy to be able to tell them that they could, in fact, do it all in one trip, vote and register at the same time.

I really think that we should not make an effort to put roadblocks in the way of people who want to vote.

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

Mr. DAVIES: Mr. Speaker and Members of

the House: We have heard the word 'apathy' thrown around here, and we have had the suggestion made that it is our easy election laws that have produced apathy in the State of Maine.

In the winter issue of the Public Opinion Quarterly, they did an analysis of voter turnout, voter participation and the voting laws that are involved in the various states of this country. It was found that the State of Maine had the fourth highest voter turnout percentage-wise of all the 50 states in the country, and the reason that that article attributed our high voter turnout, our high participation rate, was the very easiness of our election laws, particularly our registration laws for being registered on election day.

What I think this law does, it encourages people to come out and vote and to participate. And one of the things that I am most proud about the state is because we do continually turn out one of the highest voter turnouts in the country.

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

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to know and possibly raise this as a question to any member of the House, what happens on election day when a citizen has been voting for 15 years, goes and votes on a particular day, finds out that his registration card is lost? That has happened in two cases in my home town where a person has gone to vote, they looked in the files for the registration card and that individual is not registered. Are you going to deny that person to vote on that day?

What happens in a case, which also happened in my community, where a person was once registered in a particular party, wanted to vote in another party in a primary but was denied that? What happens on that day? Are you going to deny that person to register?

I would hope that you would defeat the bill.

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

Mr. NADEAU: Mr. Speaker, in answer to the gentleman's question, that individual of 15 years voting would not be able to vote in any way, shape or form under this bill.

Also, in my town, I am not sure if this is a state law, I really should have checked it, but the voter registration closes registration two weeks before the election in order to get their lists in order and type them up and get them ready for election day. No one is allowed to register for that period of time. The only other opportunity they have after those two weeks is on election day. So there are two weeks that people do not have the opportunity to pre-register. Denying them to register on election day, because they work nine to five, sometimes six days a week, they may not have the opportunity to register to vote. Let us not put our working people down, let's give them a chance.

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

Mr. HICKEY: Mr. Speaker and Members of the House: We hear a great deal of concern about the people who wait until the last day to register. But I feel that we, as politicians, have created this situation. Invariably we start out and we announce the fact that we are going to run for office, and probably we see ten or twelve people, but as time goes on, we realize that we have got to do more work, so we advertise, but invariably each politician gears his campaign to those last few days. Starting out, people show some degree of enthusiasm to participate, but as each candidate gears his race to those final days, he generates a great deal more interest. So these people who haven't been too inspired by the political process feel that they want to vote, I think we would be doing them a great injustice if we deprived them of that right after we have created the circumstance.

The SPEAKER: The Chair recognizes the

gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, I just wanted to answer a question. If anyone is left off the vote by an error, they can correct that error on election day.

As far as the closing date, that is ruled by statute and most clerks will take registration during those closed days and put them on a supplemental list to be available on election day.

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

Ms. BENOIT: Mr. Speaker, I would like to pose a question through the Chair to the gentlewoman from Wells, Mrs. Wentworth.

I don't see where it says in the bill that that person could be registered on election day. It says that no one will be registered on election day except those that have attained their 18th birthday on that day.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: It is already in the statutes.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Mr. Hanson of Kennebunkport, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

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

Mr. MARSHALL: Mr. Speaker, I ask leave of the House to pair my vote with the gentlewoman from Hampden, Mrs. Prescott. If she were here and voting, she would be voting nay and I would be voting yea.

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

Mrs. HUBER: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Pittston, Mrs. Reeves. If she were present and voting, she would be voting nay and I would be voting yea.

ROLL CALL

YEA — Aloupis, Austin, Berube, Birt, Bordeaux, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, F.; Cunningham, Damren, Davis, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Hunter, Hutchings, Immonen, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Masterman, Matthews, McMahon, McPherson, Morton, Payne, Peltier, Peterson, Rollins, Roope, Sewall, Silsby, Small, Smith, Sprowl, Stetson, Strout, Torrey, Wentworth, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Blodgett, Boudreau, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Doukas, Dow, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Reeves, J.; Rolde, Sherburne, Simon, Soulas, Stover, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Jalbert, Kelleher, Norris.

PAIRED — Huber-Reeves, P.; Marshall-Prescott.

Yes, 56; No, 88; Absent, 3; Paired, 4.

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

Thereupon, on motion of Ms. Benoit of South Portland, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

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

Consent Calendar First Day

(H. P. 623) (L. D. 765) Bill "An Act Relating to Determination of Refund Values on Beverage Containers" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-572)

(H. P. 66) (L. D. 74) Bill "An Act to Permit Store Owners to Limit the Hours During which they will Accept Returnable Beverage Containers and to Permit them to Limit the Number of Containers they will Accept from a Single Person or Group at One Time" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-573)

(H. P. 69) (L. D. 75) Bill "An Act to Allow Dealers to Restrict the Hours During which they will Accept Returnable Beverage Containers" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-574)

(H. P. 121) (L. D. 138) Bill "An Act Concerning Remedies under the Unfair Trade Practices Statutes" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-575)

(H. P. 787) (L. D. 987) Bill "An Act to Make Certain Changes in the Manufactured Housing Act" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-576)

(H. P. 333) (L. D. 432) Bill "An Act Concerning Notice of Right to Cure Defaults under the Consumer Credit Code" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-577)

(H. P. 728) (L. D. 915) Bill "An Act to Amend the Standard Valuation Law" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-578)

No objections having been noted, the above items were ordered to appear on the Consent Calendar, Second Day, tomorrow.

Reference was made to (H. P. 1087) (L. D. 1343) Bill "An Act to Provide a Grant to Community Health Services, Inc., for a Long-term Care Demonstration Project"

In reference to the action of the House on Tuesday, May 29, 1979, whereby it Insisted and asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Mrs. NELSON of Portland
Ms. BENOIT of South Portland
Mr. BROWN of Livermore Falls

Reference was made to (S. P. 268) (L. D. 809) Bill "An Act to Establish Special Retirement Provisions for CETA Employees"

In reference to the action of the House on Tuesday, May 29, 1979, whereby it Insisted and asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Mrs. BERUBE of Lewiston
Mr. PAUL of Sanford
Mr. GARSOE of Cumberland

Reference was made to (H. P. 1193) (L. D. 1444) Bill "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill"

In reference to the action of the House on Thursday, May 24, 1979, whereby it Insisted and joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Mr. DAVIES of Orono

Mr. CONNOLLY of Portland
Mr. LOWE of Winterport

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Education on Bill "An Act to Encourage the University of Maine Law School to Offer Extension and Evening Programs for Part-time Students" (H. P. 1237) (L. D. 1495) which was tabled earlier in the day pending the motion of Mr. Davis of Monmouth to accept the Minority "Ought to Pass" Report.

Thereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading later in the day.

The Chair laid before the House the following matter:

Bill "An Act to Implement a Plan for the Prevention and Treatment of Alcoholism and Alcohol Abuse" (H. P. 1206) (L. D. 1485) (C. "A" H-534) which was tabled earlier in the day pending passage to be engrossed.

On motion of Mr. Brennerman of Portland, tabled pending passage to be engrossed as amended and later today assigned.

The Chair laid before the House the following matter:

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) which was tabled earlier in the day pending passage to be engrossed.

On motion of Mr. McKean of Limestone, 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-581) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted. The Bill was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Requiring Certain Consumer Agreements to be Written so that they are Readable and Understandable" (H. P. 1427) (L. D. 1634) which was tabled earlier in the day pending passage to be engrossed.

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

Mr. HOWE: Mr. Speaker we are still waiting for the House Amendment that is being drafted and checked with a couple of people. I would ask that it be tabled until later or overnight.

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

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) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Paul of Sanford, the House voted to recede.

On motion of the same gentleman, Senate Amendment "A" (S-216) was indefinitely postponed.

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

House Amendment "A" (H-554) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and

House Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

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

On motion of Ms. Benoit of South Portland, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Stream Alteration Act" (H. P. 267) (L. D. 385) which was tabled earlier in the day and later today assigned pending further consideration.

In House: Passed to be Engrossed as amended by Committee Amendment "A" (H-457) as amended by House Amendment "A" (H-506) thereto on May 23, 1979.

In 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 on May 30.

On motion of Mr. Blodgett of Waldoboro, the House voted to adhere.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act to Amend the Law Relating to the State Board of Social Worker Registration" (H. P. 1018) (L. D. 1251)

Report was signed by the following members:

Mr. AULT of Kennebec — of the Senate.
Mr. JACKSON of Yarmouth
Miss ALOUPIS of Bangor
Messrs. D. DUTREMBLE of Biddeford
WHITEMORE of Skowhegan
HOWE of South Portland
LIZOTTE of Biddeford

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

Report was signed by the following members:

Mr. CHAPMAN of Sagadahoc
Ms. CLARK of Cumberland — of the Senate.
Messrs. BRANNIGAN of Portland
GWADOSKY of Fairfield
SPROWL of Hope

— of the House.

Reports were read.

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

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

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to ask you to defeat this motion to accept the Majority Report.

This is an unusual situation. The Business Legislation Committee often, almost always, comes out with unanimous decisions, so when we don't, I think people should take notice and hear the issue debated. This is an issue that has been before the committee for a long time. We have been working on it and we had a hearing that was abbreviated due to the House going back into session for the first time for an afternoon session. We have had work sessions. At

one time, there was an almost unanimous opinion in our committee that this bill, "ought not to pass." Now, there are a sizable number, but the majority "Ought to Pass."

What this bill would do would be to eliminate the nursing homes from the requirement of having social workers, licensed social workers, supervising and consulting with the social work designees.

The social worker is a licensed person now, due to legislation passed by the 108th Legislature. That law exempted hospitals and government agencies and now people are coming in and wanting to exempt nursing homes, which just about exempts everybody from a professional license which this body, one session ago, decided should be licensed, and I say this step is too much.

Nursing homes are a very important part, unfortunately, I guess, in many cases, of our society, and I would maintain that in nursing homes, even though health care is stressed, even though there are nurses and aides, people all trained in the area of health care, that the area of care of nursing homes, the main one, the most important one, is a social one. It is the area of social work. When we are about to lose our lives, as most people in nursing home are about to do, when people have lost, and 'lost' is probably the greatest word, loss of function, loss of friends, loss of relatives in the aged, and now facing loss of life, they need the assistance, the best assistance we can give them in the social area, in this feeling area. The people trained in this area are social workers, and the state and federal government has been fit to assign someone in each nursing home, someone must be designated to do social work, many of them are nurses who are trained in the health area mainly. Social workers are people who are trained in the feeling area, in the area of helping people to adjust, maybe being able to move back out of the nursing home if they are capable and with all of the aides, homemakers, health care in our community, people who know that best are social workers and they are the ones who can assist, if it is possible for someone to move back out of a nursing home into the community, they are the ones who can assist best.

This bill has been presented by the Department of Human Services because they feel they cannot afford the assistance of trained social workers in nursing homes. I say we can't afford not to. The estimates run anywhere from \$30,000 to \$60,000 or \$70,000 for the State of Maine, the whole state. \$30,000 to \$60,000 is nothing in our health care system, in our nursing home system. I claim that amount of money is minor.

Nursing home operators are opposing the use of social workers and therefore supporting this bill. They look at it from the point of view of cost. They will also say there are not enough social workers available, but people in the social work areas say they are available. Nursing home directors, one in my area, one of my constituents, who is a social worker and runs a home that is beautifully oriented all the way through for those who are in need and for those who are facing all of their losses, he informs me that in cases throughout our state where there are requirements of nursing homes and they can't be met because there aren't enough personnel, physical therapists, etc., then the state can make exceptions. Exceptions are made by state regulation and this will all be governed by state regulations.

Therefore, I am asking you to consider this matter very carefully for our elderly, those in nursing homes, and may I say, even the Department of Human Services is divided on this for the Bureau of Elderly is opposed to this bill and supports my position, "ought not to pass." May I encourage you and urge you to support my position and to defeat this morning the motion of the chairman of the committee, and I hate to do that, because in our committee, we

work so hard to gain unanimity and I hate to go against my chairman, who is almost always right but in this case is not, I would ask you, please, to defeat the motion to accept the Majority Report and to go with us, who have examined this very carefully, and, Mr. Speaker, when the vote is taken, I would request the yeas and nays.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the hard-hearted majority of the Committee on Business Legislation this morning.

My good friend from Portland has laid out the issue reasonably well for you. I would simply add a few comments by emphasizing some of the points on the other side of the case a little bit more than he has.

The nursing homes are required, and will continued to be required, to have social work designees, persons in each home who will be charged with the duty of performing social work functions, whether it is arranging for a trip out for the afternoon or alternative housing or getting back into their family home or any other number of functions. It is the supervision of those people which, from what I can tell, is on a rather infrequent basis that this bill would change or do away with, or at least the mandatory aspect of it.

The price tag to the state, who picks up the bill for a number of nursing home patients in the state, is estimated in the area of \$60,000. I will readily admit that that is part of the reason why I think the majority took the position it did, because of the very tight budget that the state administration is under and the Department of Human Services is under at this time. On the other hand, the department is very committed to ways in which the quality of life for people in nursing homes can be improved and has promised the committee that it is working on that in a number of different directions. Dollars can only help when they become available.

So, we are not removing the social work designees, the people who will actually do the work in the nursing homes, but we are saying that those licensed or certified or registered social workers who come around for an hour or two every now and then will not have to come around but the services within the nursing homes will still be performed.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I urge your support of 1251. The gentleman from Portland, Mr. Brannigan, pointed out that it was only going to cost \$60,000 or thereabouts, and that is true, but you know the Human Services Department is right when they say they can't afford it. Their budget last year was \$275 million and they had 6.7 percent increase, which is an \$18.5 million increase for this year, which brings the total to \$293.5 million. The reason it got the \$293.5 million was because of the fact that things like this, \$60,000 here, \$40,000 there, \$100,000 here. So I would point out that it may be a hard-hearted position that the gentleman from South Portland, Mr. Howe, has taken, but it is a position that is very responsible, the LD is very responsible and I hope that you would support the Majority Report of L. D. 1251.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support this motion. It has been pointed out that the state's share of this, the state cost of this, would be about \$60,000. Well, I submit to you that there are a number of people, a great number of people in our nursing homes that are not being funded by the state. Their care in the nursing home is being paid out of private funds and at the time, if we are concerned about the cost of nursing home care, the passage of this

bill will help to control and contain that cost to those who are paying their own way in the nursing homes, and there are a great number of them.

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

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

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

Miss ALOUPIS: Mr. Speaker and Members of the House: You all know me well enough to know that I am a softy and my greatest concern would be patient care, especially for our elderly.

The whole problem here is that, as Mr. Howe explained, of supervision. The social worker designee is in the nursing home performing his or her duties. They may also reach out into the community for more help.

As far as the social workers are concerned, it says that a Master's Degree social worker shall come in for an hour and a half per week in a supervisory capacity. An hour and a half a week is not really going to do very much. The designee can really reach out to our counseling centers, wherever, and get that additional help. The department, as Mr. Howe did explain to you, is working on this. Mr. Petit will, within the year, come out with a recommendation on this.

My other problem, I have to admit, is the fact that the social workers themselves are mandating that they shall come into the nursing home for that hour and a half of supervision.

I do hope that you will go along with the Majority "Ought to Pass" on this bill.

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

Mr. BRANNIGAN: Mr. Speaker and Members of the House: I would like to zero in on two points. I feel I am in real trouble this morning. I am not only opposing my chairman, but I am also opposing Mr. Petit, who is my constituent. However, I am representing what I believe in very strongly, and I want to be very strong about this point. The social work designee, social service designee, is not a trained person in social services. This is just the same. We wouldn't let a nursing home run without professional nurses, and I say health care is not the most important issue in a nursing home, even though the people need so much health care. It is the loss, it is the person that needs that kind of help, and we have untrained people, the social work designee is not trained. But I am telling you from my own knowledge, my own experience, my own work in mental health, that supervision of one hour a week can make a difference in training a person, overseeing them and assisting them.

I am not sure what the ratio is in nursing homes between RN's and aides and LPN's, but RN's are professional nurses, they are the ones who are supervising and overseeing, and we make very sure and we spend millions on making sure the health care is taken care of and yet we have objections to \$60,000, and \$30,000 has been one estimate, for professionalism.

Also, we have voted that social workers will be professionals, will be licensed, and yet we have cut out hospitals, we have cut out state workers, and now we are going to cut out nursing homes from their assistance. I say that goes against a move towards professionalism. But, more importantly, this bill goes against the great need of people in nursing homes for a very small amount of money.

I urge you to defeat this motion.

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

Miss ALOUPIS: Mr. Speaker, for a point of

clarification. One of the reasons that that bill was passed two years ago was for those social workers who were out independently practicing, hanging up a shingle, we did feel that they should be licensed and certified.

As far as the exemption for the hospital and the state, we felt that the person who was employing these people would make sure their credentials were proper.

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

ROLL CALL

YEA — Aloupis, Austin, Barry, Beaulieu, Berube, Birt, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K. C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Gavett, Gillis, Gray, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Master-ton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paul, Payne, Pearson, Peltier, Reeves, J.; Rolde, Rollins, Roope, Sherburne, Silsby, Small, Smith, Soulas, Stetson, Stover, Studley, Tarbell, Theriault, Tuttle, Vincent, Violette, Vose, Wentworth, Whittemore, Wood.

NAY — Bachrach, Baker, Benoit, Blodgett, Brannigan, Brenerman, Brodeur, Brown, K. L.; Chonko, Cloutier, Connolly, Davies, Drinkwater, Fowle, Garsoe, Gould, Gowen, Gwadosky, Hall, Hughes, Immonen, Locke, Lund, Masterman, Michael, Mitchell, Paradis, Peterson, Post, Sprowl, Strout, Tierney, Torrey, Tozier, Twitchell, Wyman.

ABSENT — Berry, Cox, Dudley, Norris, Prescott, Reeves, P.; Sewall, Simon.

Yes, 106; No, 36; Absent, 8.

The SPEAKER: One hundred six having voted in the affirmative, thirty-six in the negative, with eight being absent, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading later in the day.

Divided Report Later Today Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-567) on Bill "An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families" (H. P. 1254) (L. D. 1554)

Report was signed by the following members:

Mrs. GILL of Cumberland
Mr. CARPENTER of Aroostook
— of the Senate.
Mr. BRENERMAN of Portland
Mrs. PRESCOTT of Hampden
Mrs. PAYNE of Portland
Mrs. MacBRIDE of Presque Isle
Mr. BRODEUR of Auburn
Mrs. CURTIS of Milbridge
Mr. NORRIS of Brewer
Mr. CLOUTIER 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:

Mr. HICHENS of York

— of the Senate.
Mr. MATTHEWS of Caribou
— of the House.

Reports were read.

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

Committee Amendment "A" (H-567) was read by the Clerk.

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

On motion of Mr. Tierney of Lisbon Falls, the Chair removed from the table the tenth tabled and Unassigned Item:

Bill, "An Act to Extend the Period for Tax Abatement from One to 5 Years if the Abatement is Justified by an Admitted Error in Assessment Records or Procedure" (H. P. 1172) (L. D. 1432) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-349) on May 9, 1979. — In Senate, Bill and Accompanying Papers Indefinitely Postponed.

Tabled—May 17, 1979 by Mr. Tierney of Lisbon.

Pending—Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, the House voted to recede.

On motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

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

House Amendment "A" (H-579) was read by the Clerk and adopted.

On motion of the same gentleman, tabled unassigned pending passage to be engrossed.

On motion of Mr. Tierney of Lisbon Falls, the Chair removed from the table the eleventh tabled and Unassigned Item:

Bill, "An Act to Provide a Special Restaurant Malt Liquor License in the Town of Georgetown" (S. P. 547) (L. D. 1614)

Tabled—May 17, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

Mr. Tierney of Lisbon Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-580) was read by the Clerk and adopted.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.

On motion of Mr. Tierney, under suspension of the rules, Supplement No. 5 was taken up out of order:

On motion of Mr. Tierney of Lisbon, the following House Order:

WHEREAS, it appears to the House of Representatives of the 109th Legislature that the following are important questions of law and that the occasion is a solemn one; and

WHEREAS, it is the desire of the 109th Legislature to enact certain special legislation which is designed to redress some unusual and inequitable situations which are irremediate under the general laws of this State; and

WHEREAS, there is pending before the House of Representatives of the 109th Legislature the following resolves entitled: "RESOLVE, Providing a Special Restaurant Malt Liquor License in the Town of Georgetown;" and "RESOLVE, Authorizing the Town of Kennebunk to Abate Certain Property Taxes;" and

WHEREAS, the constitutionality of these resolves has been called into question by this court's State, 395 A.2d 107 (1978); and

WHEREAS, it is important that the Legislature be informed as to the answers to the important and serious questions hereinafter raised, insofar as they relate to the longstanding legislative practice of enacting special resolves; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives, according to the provisions of the Maine Constitution, on its behalf, an opinion on the following questions:

Question #1: Would House Paper 1172, Legislative Document 1432, as amended by House Amendment "A", under filing number H-579, attached as Exhibit A, if enacted into law, violate Article I, Section 6-A or Article IV, Part 3, Section 13 of the Maine Constitution?

Question #2: Would Senate Paper 547, Legislative Document 1614, as amended by House Amendment "A", under filing number H-580, attached as Exhibit B, if enacted into law, violate Article I, Section 6-A or Article IV, Part 3, Section 13 of the Maine Constitution?

The Order was read.

Under Suspension of the rules, the Order received passage and was ordered sent forthwith to the Justices.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Tabled Unassigned

On Motion of Mr. Howe of South Portland, the following Joint Order: (H. P. 1459)

WHEREAS, various legislation has been proposed pertaining to the relationships among and between consumers, automobile dealers and repair facilities and between automobile dealers and automobile manufacturers, distributors and franchisors; and

WHEREAS, that proposed legislation involves, more specifically, the economic and legal relationships between consumers, retailers and manufacturers with regard to sales, warranties, repairs, disclosures, and franchise agreements and obligations; and

WHEREAS, any of that legislation may significantly alter the legal relationships presently existing between those parties under Maine Law; 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 Business Legislation shall study the nature of the existing and proposed relationships including, but not limited to, those set forth in the Used Car Information Law, Maine Revised Statutes, Title 10, Chapter 217, the regulation of Business Practices between Motor Vehicle Manufacturers, Distributors, and Dealers Law, Maine Revised Statutes, Title 10, Chapter 204, and all other pertinent statutory provisions governing commercial transactions involving motor vehicles; 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 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 Mr. Tierney of Lisbon Falls, tabled Unassigned pending passage.

The Chair laid before the House the following matter:

Bill "An Act to Implement a Plan for the Prevention and Treatment of Alcoholism and Alcohol Abuse" (H. P. 1206) (L. D. 1485) (C.

"A" H-534) which was tabled earlier in the day pending passage to be engrossed.

House Amendment "A" (H-585) was read by the Clerk.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: This corrects an oversight in the Committee Amendment, which would tighten up the bill to make sure that they have control of the programs that we are talking about. There is a rehabilitation program to be in Lewiston.

Thereupon, House Amendment "A" was adopted.

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

(Off Record Remarks)

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

On motion of Mr. Stover of West Bath,
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 Requiring Certain Consumer Agreements to Be Written so that they are Readable and Understandable" (H. P. 1427) (L. D. 1634) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mrs. Mitchell of Vassalboro, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office of Children and Families" (H. P. 1254) (L. D. 1554) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-567).

Thereupon, Committee Amendment "A", was adopted and the Bill read once.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the following matter:

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) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I move this bill and all its accompanying papers be indefinitely postponed and would request the yeas and nays.

If you would take out Committee Amendment "A" (H-536) and look at this amendment, you will see that we are doing many things in this amendment. We are setting up a dedicated revenue fund for the Office of Energy Resources; we are transforming the office into a regulatory agency; we are establishing fines for people that don't comply to specific energy standards; we are giving a heck of a lot of power to the director of the office in that he is going to be the person to determine whether or

not your particular building complies with energy standards.

I would suggest to you, ladies and gentlemen, that anybody in this state who is going to renovate their building or build a new building for the purpose of conducting business, knows how much the cost of energy is, knows that it costs a lot to heat a building, to provide illumination for a building and I don't think people are going to start putting up new buildings and not insulating them, etc. If you want to put one more obstacle in the way of people expanding their business or bringing businesses into this state, you pass this bill. That is exactly what it will do.

There is about a 14 page amendment here and I thought we had tabled the bill once or twice already, today waiting for an amendment which never appeared, but you should take the amendment out and look at it. I think it is unnecessary, I think it is burdensome to the business community and I hope you will indefinitely postpone it.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I won't rehash the arguments I think we both had in caucus but I would like to speak to a couple of the points that were made by Mr. Boudreau.

Yes, there is dedicated revenue, and I suggest to you that if you look at the amendment, you will see that that revenue goes either to the Office of Energy Resources or to any municipality that so wishes to enforce the standards. I think that is an important distinction to make, because the intent of the bill clearly encourages municipalities who wish to be involved in administering this standard to do so, those who have the competency and the existing code's enforcement officers.

It would be nice to assume that every building built today and tomorrow and for some time to come would be built to an energy efficiency standard that would mean that at some point down the road they didn't come back to us in the legislature and say, "Help, pass a bond issue so we can requisite our building."

We are dealing with a situation right now where when energy was cheap, buildings were cheaply built, and justifiably so, but the burden is on us, the public and the taxpayers, to make those buildings tight and energy efficient. If we continue to do that now that we know what the problem is, I say we show irresponsibility of the highest order.

I think it is fair to point out that it is not a question of shall we have a standard or shall we not have a standard. Under the Energy Policy and Conservation Act of 1975, and this is federal legislation, the Department of Energy can deny a state's funding for failure to enact an appropriate energy building standard. In addition, they can impose a federal standard and the time for that is not too far away.

We have already been granted a one-year extension by the federal government and we managed to cope with that by creating a Commission in the 108th Legislature to set a Maine energy standard. That Commission met for 15 meetings, in addition to which it held five public hearings all over the state from Presque Isle to Portland. There was publicity and we had a good turnout from certain segments of the people who were going to be affected, in particular, home builders, engineers and architects. The commercial and industrial sector ignored those hearings and I say, it is too bad they didn't let us know their problems before now.

In effect, we have set a standard which I don't think has any serious opposition in terms of reasonableness. Probably the problem that Mr. Boudreau speaks to is the fact that we now have to, if we are going to act responsibly, enforce that standard. We have elected to do so in a manner that is least onerous and most broad based and most local where it is desired.

I think it is important to know that we don't have a question of do we have a standard or don't we have a standard? We will have some standards and we will be forced to enforce it or face the loss of further federal conservation funding and certainly an attitude that is not in line with our previous commitment to an area that we all know makes a difference, energy conservation.

I hope you will vote against the motion and pass this bill on.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: Many of the people in the state are concerned about these standards which may be imposed, and I think we have done something in this bill that possibly other pieces of legislation should have adopted long ago, and that has to do with the legislative review before they would go into effect.

On Page 13 at the very end of this bill, you have Section 4, in which it points out that well before the point of where we would enter into this, the legislature would hold a public hearing and would be able to have some input and, in fact, make some changes if they were desirable for the people who are developing commercial activity here in the State of Maine. We have this thing facing us, either we can be masters of our destiny and develop our own standards or have those imposed upon us by the federal system later on this year.

I would urge you to defeat this motion and to go along with the acceptance of the amended version of L. D. 666.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I would join with Mrs. Huber and Mr. Blodgett to urge that you reject the move to indefinitely postpone this bill.

I think the point that Mrs. Huber made that we risk losing federal energy conservation monies really needs to be elaborated on. We can't tell exactly how much money it is going to cost us. It will certainly be, at a very minimum, several hundred thousand dollars. It could very easily exceed a million dollars a year, and that will continue to happen until we do something on this or until the federal government has imposed their standard upon us.

I would just as soon have the control of that matter in our own hands and the hands of our Natural and Energy Resources Committee.

Furthermore, I would like to point out that this bill is the centerpiece of the Governor's Energy Conservation Program. He endorsed it here when he spoke to this body on his legislative programs, he supports the amended version, because he sees that we have made some very significant modifications that improved the bill in the way that it is going to be handling the energy conservation system.

So, I urge you to reject the motion to indefinitely postpone this bill and give it passage.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: It is interesting to hear the arguments of the proponents when they talk about losing federal funds. The federal government said years ago, that if we didn't obey the 55 an hour speed limit, we would lose all our federal highway funds. I really question if that will ever happen. The Governor even said on the front page of most of the newspapers in this state that he is going to crack down because people aren't following 55, so I would suggest that maybe, under the logic used by the proponents, the federal government will probably be taking our money away pretty soon.

I might add, you talk about the federal standards and the state standards. Well, in this amendment, they talk about things like lighting standards, heating, ventilating, air conditioning, performance standards, water heating equipment, etc., if you look at the federal

guidelines, the federal guidelines talk about taking these matters into account, not putting them into statute, saying you are going to have to do X, Y and Z, without much flexibility.

In spite of the comments of the gentleman from Waldoboro, talking about the legislature approving the rules and regulations, this amendment incorporates the document known as the Maine Energy Conservation Building Standard, and it incorporates it into the amendment. I really question if that doesn't violate the Administrative Procedures Act, and if Mr. Blodgett could answer that question, it probably would be good for most of us here who have to vote on this bill.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, I can't say that it violates the Administrative Procedures Act inasmuch as the Commission was authorized by the previous legislature to present a building standard for the State of Maine.

As to what you have before you, and I might remind the gentleman who just spoke that it is not in the statute, it is by reference. This gives us the flexibility that I think is extremely desirable.

Finally, I would respond to his comments on lighting standards and other heating requirements, that we have followed the letter of the law, the federal law, in putting these into the bill by reference again and, in fact, those standards have been approved by the federal government. So there is no question in my mind that we are absolutely complying with the intent and the letter of federal law as regards the questions that he has raised.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: When I look at this amendment, it reminds me of George Orwell book of "1984." It seems to me as though 'big brother' is here.

I think this is an outrageous infringement on people's rights. If we want to regulate state buildings, that is one thing, but to try to regulate private buildings, I think is going too far in this state.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: It is quite interesting, what the gentleman just spoke about, regulating our houses, building our own personal houses. Have you ever tried to borrow any money from a bank to build a house? You don't build a house except by certain guidelines you go by, my dear. If that isn't regulating I will give you another one.

My two sons are building their own homes. They are quite independent, as their old man has always been. In doing so, there were certain things they wanted to do regardless, and one was to insulate the roof six inches, they wanted to do that on their own because of saving of fuel. So when they went to the bank to submit their plans, the only thing the bank would do was give them a construction loan. When you go this far, we will give you this much money. They borrowed the least money they could. I think my son has a home there probably worth \$70,000 and he has \$10,000 in it, but every bit of the way up through, they had to go step by step and that was the only money the bank would give them.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I really didn't want to speak on this issue but I don't want to have Mr. Boudreau and Mrs. Lewis take it on alone.

The bill, I honestly believe, is an infringement upon the rights of the individuals in this state. I have seen many bills come along to the State of Maine from the federal government

saying that you either do this or you lose your funding. Well, I don't think we should judge the bill on that basis alone.

We had, when I was in the legislature before, a Water Quality Control Act. The feds came along and said, you will comply with certain standards by a certain time, you have one of two choices, either you will be a primary and you will, in fact, enforce all these rules and regulations within your own government or we will do it for you, and they provided us with seed money if in the event we were to do it, and with that money, we were to set up a program and ultimately that is just what we did, and now we slowly see those monies disappearing.

The other thing that was comical on that particular piece of legislation was that we were leading the nation in water quality control to start with, but the bill, the way the feds put it through, it was mandated that we had to set up a whole new bureaucracy and we could not take advantage of that bureaucracy we had already implemented and were maintaining on our own tax dollars. I suggest probably this is just a foot in the door to do basically the same kind of thing.

Another thing is, let's be practical about the whole thing. We know the energy situation in the State of Maine and the United States, we know it here, and I would suggest to you that the business community knows it as well, and any businessman that is in his right mind, that is sensible, that will ultimately survive in business, will take those things into consideration when he ultimately builds a new building or renovates a present or existing building. He takes those things into consideration and obviously will comply with the standards set forth here if, in fact, they are feasible, and I am not terribly sure they are feasible.

If a man, a builder, a businessman, or whoever, doesn't agree with these standards, I see little, if any, way of making him comply with those standards, and I can just see that coming along later on where we will have our own little police network of these people running around the state trying to make sure that everybody complies and we are spending \$10 to retain one. That doesn't make a great deal of sense either.

I see rules and regulations and somebody ought to read a book on a capitalist society, because this is basically what we are and I am afraid that you are turning into something different, but we are a capitalist society and it is a proven fact that rules and regulations suppress the capitalist society and ultimately will stifle and kill it, and that is exactly what you are trying to do here.

We need jobs in the State of Maine and we don't need rules and regulations on the expansion of business or bringing new business into this state that ultimately will give jobs to the people of the State of Maine so they can cope with the inflationary problems that we have and they can cope with the problems of this government, the federal government and the world in general are creating for them.

I suggest, if I made my point before, if somebody is an unscrupulous person, he is not going to comply with this, and I don't think we are probably going to find him. He is ultimately going to do business, regardless of what rules and regulations you pass within the State of Maine. It is an infringement upon the private sector, it truly is. If you want to regulate or put on a quota for the consumption of fuel oil, do it, enforce all of those current businesses, for example, that are expending vast sums of money and actually depleting our resources, force them into making their buildings energy efficient but don't do it in a back-door approach, and obviously that is what this is.

If a man is going to have some significant costs in his business for energy, obviously his product is going to reflect same, and when his product reflects same, he probably is not going to be competitive and will be out of business.

I think the old capitalist society is purely ca-

pable of regulating itself and making itself comply with the rules and regulations you are trying to promulgate here.

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

Mr. DOUKAS: Mr. Speaker and Members of the House: In my mind, this is the single most important energy bill that we have had in this session and will have in this session. To postpone this bill now would be an act that is so irresponsible that it makes me ill.

It took a long time for this bill to be worked out. Representative Huber worked it out for over a year in time. It came to our committee, we worked on it, we had a hearing on it, we went to work sessions on it. It went back, it was redrafted and we worked on it again, and now I hear individuals getting up, taking a couple of glances at this bill and saying, well, we don't want it, it infringes on the public's right to build their buildings the way they want. I don't have an answer for that—it wouldn't be printed.

That doesn't affect the person's private home, the way it has been put out here. This is primarily aimed at non-residential office buildings. If you want to build an energy-efficient home and have it certified, all right, you can do that and they will go along with it, but we are aiming at the non-residential buildings, and we have to. Some of us forget that we have a little cold weather every so often in this state and we don't have as much oil as we would want.

I just want to point out why we are aiming at non-residential buildings. We have builders who set up buildings for office space, for example, and then rent it out. They sell the building and the person who buys the building rents out the office space. He doesn't pay for the heating, he doesn't pay for the lighting. All he is interested in is making a profit off his building there. The person who goes in and rents the building is the one who is stuck with the heating and light bills and there is not a single thing he can do about it.

It is about time we asked for a little accountability on the people who are putting up these buildings.

Mr. Leonard is right, we do need jobs in this state, but we need oil, too, and unless we start taking a few steps to ensure that we get a little oil and keep the oil and conserve the oil we are using, it is going to be pretty cold in here.

I would like to know, are we going to just give lip service to the problems of energy that we face today or are we going to do something about it? We have seen our federal government do a lot of ballyhooing, they go out there and everybody says, gee, they can't even come out with an energy plan. Well, here we are in the very same situation, and I want to see if we are going to pass something out of here or just give lip service to the problem.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: My answer is to the previous speaker would be, yes, I guess we are just going to give lip service to energy problems until such time as we give some credence to the foundations of economics on which our system is based.

To digress just a moment, I don't think we should make our state policy on energy or economics, particularly in response to what may be threatened from the federal level. I am not sure they have got to handle on anything.

It seems to me that we should have more faith in the competitive forces of a free market and a free society, which this bill doesn't seem to take into account.

We are talking about large commercial buildings, and I can assure you, I don't think I need to assure you if you think about it a little bit, that anybody building a large commercial building, or any kind of a building for that matter, that is going to be used commercially is going to be subjected to competitive forces,

if you believe in competitive forces, that automatically is going to make him be more efficient than any other forces and any other part of the world could ever do. Nothing makes for more efficiency than competition. If a man has got an unusually high heat cost, then that is going to be reflected in his operating costs, and contrary to what the good Representative from Portland says, you can't just pass it on the tenant, if competitive forces work you have an inefficient building and that you have an unusually high heat-operating cost.

I would think that we should want to pay a little more attention to the economic forces that have made this country what it is. If a loss is suffered, and I emphasize this, through poor energy planning or any other kind, that loss is going to be visited upon the man who perpetrates it, or the entity that perpetrated it. The loss that would be perpetrated on the taxpayer, and we should understand this, is the tax that you are going to pay through the creation of a new bureaucracy to administer this program. And anybody that doesn't think that this program would launch a huge new bureaucracy within the next five years just isn't paying attention to what has gone on in the last five years.

If you are going to take the blueprints to a huge commercial structure and give them to this new state agency, my good Lord, we are going to hear in the 110th Legislature that they need to employ architects to figure out those plans, and they can't render a decision in 3 days or 5 days or 10 days or 30 days, it is going to take them 6 months.

I urge you to give this a lot of careful thought, and if you are in doubt at all, vote no. I would urge your support for the indefinite postponement.

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

MS. BENOIT: Mr. Speaker, Men and Women of the House: I would urge you not to vote for indefinite postponement.

We have heard a lot of talk about the federal government and the state government imposing rules and regulations. Usually when the federal government or the state government is forced to impose certain rules and regulations on the private sector, it is because there is a need or there is a problem that is not being dealt with. We have had this time and time again in the environmental protection area where we came up with our own rules and regulations rather than have the federal government impose their rules and regulations on us.

From what I heard in my caucus, quite possibly that will happen to us in this area also. I don't know what the Republican caucus was told.

Representative Leonard has stated that we all know that there is an energy problem. Well, I wonder if we all know. Right now we seem to be floundering. We look to the federal government, we want to know what is the President doing, what is Congress doing—what are we doing? I am concerned, I don't know about the rest of you, but I am worried about next winter and how much oil is going to cost me, whether there is even going to be enough oil for all of us. I think it is about time we started doing something for ourselves and not always look to someone else to do it.

I think that Representative Huber and the co-sponsors, Representative Hall, Representative Morton, Representative Davies, ought to be commended for the work that has been put into this bill and now the committee amendment. I hope that you do not vote to indefinitely postpone it and let us do something here in our state.

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

MR. DAVIES: Mr. Speaker and Members of the House: I would like to talk a little bit about a situation that exists in this state right now that if this bill had been in place 10 years ago

would not be bothering the state the way it is right now.

We have an office building in Bangor that is rented or leased by the State of Maine for Human Services on Broadway in Bangor. This building is owned by a realty company that is a subsidiary of one of the largest oil companies in the state. This building is one of the most obscene energy pigs in the State of Maine. The oil bill for this building two years ago, before all the prices started going up as rapidly as they have, was \$80,000 a year, and the building is so absurd that the only way you can get the air conditioning system to work in the summertime is to turn on the furnace and raise the temperature of the building to 80 degrees before the air conditioner will come on, an absolutely senseless approach to a building.

Here we have a situation where a developer has built this building, they have no responsibility because they have got a lease with the State of Maine, a long-term lease. They are going to be guaranteed their money regardless of whether this building wastes energy or whether it saves energy, and this building wastes energy.

If this law was on the books and we had a chance to consider that building, that building had to meet certain standards, we would never have leased it, it never would have been built, and it wouldn't be costing the State of Maine between \$80,000 and \$150,000 a year for energy costs.

If energy efficiency in that building was improved by 30 percent, which is a fairly reasonable approximation considering how gluttonous it is, we would pay for the full cost of the operation of this bill for its first year just in the savings on that one state building—\$23,000 is the cost for this bill for the first year, and we would save that much on one building that we are currently paying right now. Multiply that by the number of buildings that this state leases and the number of other facilities, private and public, that are being utilized in the state, if they had been built and measured by the standards under this bill, would not be costing anywhere near what it is costing us.

To get to a point that Mr. Leonard raised earlier about how this bill may be interfering with the freedom of Maine's citizens to have oil available to them when they need it, and if we have some efficiency standards so that what usually took 1300 gallons to run during the year only takes 1000 gallons that will be available for somebody else who wants to burn it to keep their house warm. I think that is an important personal freedom that we have to consider as well.

The way the energy situation is going in the state right now, all of us are going to begin seeing fuel oil virtually auctioned off to the highest bidder. It is going to mean that some people are not going to be able to compete in the marketplace. Our constituents are not going to be able to afford it and they are going to go without. It means they are going to live in cold houses, they are going to incur greater risks of disease and illness, it means they are likely to die, it means extra burdens on our elderly, which in turn means we are going to have to spend more money on our welfare and support programs and our assistance programs.

What about the freedom of individuals in this state to have oil and to know that their next door neighbor is not burning it gluttonously and using up their share of oil?

MR. BOUDREAU: Mr. Speaker, I don't really think I can follow that act, because every time we get into a bill like this, our elderly are going to freeze to death, our welfare rolls are going to go up if we don't pass this bill.

We talked about the big commercial buildings. This bill talks about 1000 feet, 33 by 33. We are not talking about a four-story building. And

when Mr. Davies gets up here and there is a prophet of doom over a bill like this, I mean, really, I guess I am going to have to get a speech together and get up here and give you all kinds of humane responses to any bill that comes up and say if we don't do this, the people in my district are going to starve to death.

I would suggest that oil is going to be going to the highest bidder in the next two months, with or without this bill, and that is a problem we are all going to have to deal with.

Believe me, ladies and gentlemen, don't put anymore obstacles in front of people when they want to do something with their own property. They have got enough to deal with now from DEP all the way through to OSHA and everybody else. This legislature doesn't have to pass anymore regulations telling people that their wall has got to be insulated with this much insulation, they are going to have this much illumination, they are going to have this, that and the other thing. Just lay off them.

All the people that were here last week screaming about the small businessman, well, here is your chance to vote for the small businessman today.

MR. DAVIES: Mr. Speaker and Members of the House: I thought that Mr. Boudreau at least had read the bill before he got up to criticize it, but from his statements in his last speech, he seems to indicate that he perhaps hasn't read it. He suggested that this bill is going to mandate a certain amount of insulation in the walls or in the ceiling, there are certain ways that you are going to have to operate in constructing a building.

The fact of the matter is, what we have proposed here, what we have stuck to from the very time that Mr. Palmer sponsored the order that established this commission that has studied this matter for the last year, we have been basing it on the premise of a performance standard which says, we are not going to tell you how you are going to do it, we are not going to tell you what materials you have to use. All we are going to do, we are going to say this is a standard that we think you ought to achieve. Use any method that you feel is appropriate, which encourages innovation, new methods, new techniques, but if you meet that standard, you will be certified. We are not telling them that they have to put six inches of insulation in the walls. If they find some way that they can insulate the walls with one inch of insulation, as long as it meets that standard, so be it. In fact, that is what we want to see happen. We want to see the builders and the architects of the State of Maine begin developing mechanisms for handling these problems in less expensive ways, and this bill goes a long way to encourage that.

So I think that Mr. Boudreau, before he gets up and criticizes a bill, should know exactly what is in it.

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

MR. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I commend highly what Representative Davies is trying to do, and Representative Huber. I cannot support the bill, however, I have many, many reasons.

To my good friend Representative Doukas, please, when you see my vote, don't get ill, I couldn't stand it today.

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

MR. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know what platform you ran on to get here, but one of the pledges, and I guess it was about the only pledge I made, was that I would not pass any law that would impose more regulations from Augusta. I cannot vote for this bill.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I seem to be caught in the crossfire here and I do ask Representative Leonard to excuse my back.

There are some of us in this legislature that I have talked to during this session who are very concerned about what appears to be drift in our energy policy on the national level and certainly drift on our energy policy on the state level. We don't really seem to have any coherent policy which sets our actions in a parameter that is headed towards the future.

I think this bill has been carefully prepared. From what I understand, it has received a great deal of input from the interests, and there are many, that are concerned, sectors of public and private interest. I think we have an opportunity here in this legislature to do what so many of us privately have had so much frustration with, and that is to take a step towards a definite policy for the future, to get going on a road that is going to prevent the day-to-day energy crises that we seem to be confronting now.

I do urge you to vote against indefinite postponement and let's set an example for the rest of the United States.

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

Mr. DOUKAS: Mr. Speaker and Members of the House: I sympathize with those who have told their constituents that they would not support any further mandates from Augusta to the local level, and I agree with them on many, many occasions, but to those same people I submit, if you go back to your districts and ask those same people, do you think the State of Maine should promote fuel conservation and fuel efficiency through bills like this, they would come back and 99 percent of them would say yes, we agree with you. This is one area where everybody in the state is saying, what are we doing about it, what is our legislature doing about it? We have sat down in the Energy Committee all this session, and we haven't seen that many energy bills come through, I will tell you. There aren't too many new good ideas that can come down in this area.

The gentleman from Harrison, Mr. Leighton, was right in one area, when he said that this is something that is addressed through the market and the economic forces. Well, he is partially right, that is what got us to where we are today.

We are going to talk about local control, that is the favorite subject in here. Everybody likes local control, it seems. Here is your chance, you can vote for this bill today and pass it out and we will have our local control, or you can postpone it and sit around and do nothing and then we will have our federal control. When Mr. Leighton builds his house and the feds come in and tell him exactly how they want it done and wrap him up in red tape, I will come over and wave and say 'hello' but I won't sympathize.

I hope we don't postpone this bill today.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I just want to respond to one of the things that Mr. Doukas said. He said that if somebody builds an office building and someone else goes in to lease it, they, in fact, will have no control over the energy consumption of that building. I suggest that that is right to an extent, but it is about the shallowest thought, he was born somewhere near the Saco River, evidently, because if a businessman if prudent, that ultimately goes out and leases that piece of property, he will check that and if, in fact, it is not to his advantage to go into that building because of that problem, he won't. Obviously, if that is a problem and it crops up while he is there, he obviously won't renew his lease and then that person that has that building won't receive a new tenant because the word is out that the building is energy ineffi-

cient. As Mr. Davies said, it is a real energy pig.

I guess what Mr. Davies said really kind of brings it out. The state probably is worst of all business managers in the State of Maine and the federal government is probably the very worst in the whole United States, and I certainly don't want to entrust them with anything to do with business, because they probably will put me into a building much like the one up in Bangor, forcing me into a lease, because if they had any brains at all, they wouldn't be in the building. If it were to their advantage, they would make sure that the building was made energy efficient through one form or another, and I assure you, there are ways of doing it in any lease. If they have leased it for a long, long period of time and they can't get out of the lease, then it probably is to their advantage to do it on their own dollars because eventually they will save. If energy is that important, regardless of the dollar value, then they will do it regardless.

We live in a different world than the rest of the United States. I am sorry folks, we do. It is, I said capitalist and I saw some people go right under the desks, so that obviously is a dirty word. It isn't, this is the one thing that has made this country great, the one thing that has given us a better standard of living than any of the world has ever known. The sooner we realize that, the better off we are going to be. In a capitalist society, and I will read you something that a very wise gentleman said, he said, "a wise and frugal government, which will, shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor the bread that it has earned" Thomas Jefferson. You know, I thought he was a Republican for years.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think I like to think of myself as a capitalist, I am not sure, but be that as it may, I am a cosigner on this bill, which perhaps will surprise some of the people in this room if they haven't looked at it.

Everyone seems to agree that buildings should be built to correct standards and everyone seems to agree that the market-place will force them to do that. I submit that is probably true and getting more so every month as the price of fuel goes up. But there are still loopholes, there are still opportunities to build rental housing, rental commercial buildings, but you do not have to be concerned with the fuel costs because you know you can pawn them off on someone else.

I would just like to point out that the standards that we are talking about here are reasonable standards, they are not excessive standards by any manner of means. In fact, the federal government might even imply heavier standards. One of the reasons why this bill is before us is in order to forestall the possibility that the federal government will move into Maine in this area.

You can build your own homes with holes in the wall if you want to under this bill, I think it says you can. The only thing it says, if you want to sell the house and want to say that it complies with standards, then it must comply with standards, it is as simple as that. That doesn't seem unreasonable to me.

Fortunately, as statistics would indicate, about 95 percent of the homes being built comply to these relatively reasonable standards and that is all to the good, but I think the time has come when we have to have standards and the purpose of this bill, as much as anything else, is to keep the federal government from moving in on us.

The gentleman, I think, just made his own case. He said that state is bad and the feds are worse, and I think that is probably true and I

would agree, so let's get on with this bill, let's pass it, let's not vote for indefinite postponement so the feds won't come in.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I am really surprised to find that Mr. Morton is one of the sponsors of this bill, because that advisory council has got everybody on it except a lawyer and a used car salesman.

Mr. Doukas of Portland was granted permission to speak a third time.

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to take the opportunity to point a couple of things out to the gentleman from Woolwich, Mr. Leonard. First of all, I wasn't born near the Saco River, I was born at Maine Medical and that is on high ground.

You speak as though these people who are renting these office buildings and shops have a choice. The fact is, that is not the case. In past years, all of these places that have been built have been built very poorly in terms of energy efficient standards and I am going to use an example. The malls that we built, the Bangor Mall, the Maine Mall, a lot of these malls have been built very poorly in terms of energy standards. They are losing heat like crazy in the winter. Those people who are renting the shops in those malls don't have any control over that and a lot of times they don't have a choice about where they are going— what are they going to do, move to another section of the mall? Same thing.

There is another example I can use to illustrate this. Several years ago, when the state was building state buildings, including school buildings, there was no design specifications for energy for these school buildings and they were built very, very poorly in terms of energy standards. You would think that the state and the local government would build a building that would be energy efficient, they are paying the bills. You would think that it would pay them to build that building right, but they didn't. As a matter of fact, most of the school buildings, I would say 90 per cent of the school buildings built before this legislature put standards into effect would not meet these standards. The standards went into effect a couple of years ago and every single building since then would be able to meet these standards. There is an example for you.

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

Mr. KANE: Mr. Speaker, I would request that the Clerk read the Committee Report.

Thereupon, the Report was read by the Clerk.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 Waterville, Mr. Boudreau, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Berry, Birt, Bordeaux, Boudreau, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carroll, Carter, F.; Churchill, Conary, Cunningham, Curtis, Damren, Davis, Drinkwater, Dutremble, L.; Elias, Fenlason, Fillmore, Garsoe, Gavett, Gould, Gray, Gwadosky, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Laffin, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, MacBride, Mahany, Marshall, Matthews, Maxwell, McKean, Mc-

Pherson, Nelson, A.; Nelson, N.; Pearson, Peterson, Post, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tozier, Twitchell, Violette, Wentworth, Whittemore, Wood.

NAY — Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Bowden, Brannigan, Brenerman, Brodeur, Brown, K. C.; Carter, D.; Chonko, Cloutier, Connolly, Cox, Davies, Dellert, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Fowlie, Gillis, Gowen, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Lancaster, Locke, Lund, MacEachern, Martin, A.; Masterton, McHenry, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Paradis, Paul, Payne, Rolde, Silsby, Simon, Tarnell, Theriault, Tierney, Torrey, Tuttle, Vose, Wyman, The Speaker.

ABSENT — Dudley, Kelleher, Masterman, Norris, Peltier, Prescott, Reeves, P.; Vincent. Yes, 75; No, 68; Absent, 8.

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

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

Mrs. **HUBER**: Mr. Speaker, having voted on the prevailing side, I now move reconsideration.

I sit in front of Mr. Leonard and I listened attentively to what he had to say, and I think probably that struck the most responsive cord in most of us sitting here today. I would point out that the one reason I didn't get up to discuss the issue with him is that I don't think we have any disagreement in a philosophical vein.

Where I am sitting, however, we do have a problem with a reality as opposed to an ideal, and the reality is (1) we have an energy problem and the partial solution to that problem is conservation of how we use the energy we do have; (2) the second reality is one, I think of a sincere effort, perhaps misguided in some respects and perhaps very poorly executed in others, but a sincere effort on the part of the federal government to get us off the imported petroleum, which is doing such havoc to our balance of payments, which has, I suspect, a great deal to do with inflation, although maybe a businessman could tell me better than I know. Finally, to make us energy efficient and self-sufficient, and the only way they seem to be able to do this is by sending us signals. That might take a little more time than I think is going to happen but, in fact, I think we will have sanctions and we can least afford those sanctions.

We talked about jobs a little bit. Well, one of the nice things about having an energy problem, if you will, is that energy conservation and the development of some of our own natural resources can, in fact, bring us some jobs we so desperately need. We may, in fact, be able to come out of this whole thing better off economically than we are today.

I don't think anybody has argued that we shouldn't have a standard and, basically, the question before us, on a realistic basis, is do we want the federal standard or do we want our own? I haven't heard a good argument in not having our own standards.

On the enforcement problems, nobody wants to be told what to do. I certainly don't, the people out in the hall, who have been spending the day telling you their problems with this bill, they don't want to have regulations, but it is not wrong to set up a standard and then say, and they have done this in some states, municipalities, you go and enforce that it is the local level and we think that is a good place for enforcement. I call that morally wrong. I think if we accept the fact that we have a standard and it is our own standard, we then try to devise a method of enforcing it that is fair, that is not

difficult to comply with, that is relatively cheap, and I don't think \$50 for Scott Paper Mill or the Maine Mall, or any other large commercial building is going to be a difficult problem.

We have knocked out all the loops out of the red tape. In my opinion, it is straight line and if we have to do something, I would prefer to see us do it. If anybody else has a better idea and the opponents of this bill, the lobbyists may be sincere in their objections, their philosophical objections, but they didn't take the trouble to come in six months ago or three months ago, or at the hearing or since, and I question whether they want to do anything except put this problem off for us down the road.

We can discuss this again in the next session and we will when and if rules are proposed. We have control in this legislature and if we can't take the reins, then I don't think the people of the state really have much faith in us.

I hope you will vote to reconsider.

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

Mr. **BOUDREAU**: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady mentioned one specific case that I had brought up in my argument against the bill. I agree, I don't have any real problem in charging \$25 or \$50 because we charge fees for other things. My only problem is in part of the bill where it talks about filing an intent, when you build something, you have to file an intent with the Office of Energy Resources and you can do one of two things, you can have a signed statement that the building has been designed to comply, you can have the contractor do that or you can send in some plans to show the office that you are complying.

In a specific case Mrs. Huber mentioned, if a company like Scott Paper or any big industry in this state signs a statement and sends it to the Office of Energy Resources ever going to say, yes, you are or no, you are not? How many people is that going to take? How many people would it take to send to Somerset to check out that plan to see if it was energy efficient? We don't have the manpower. It will create an unbelievable bureaucracy over there and I imagine to get the expertise to check into a place like that to see if in fact it is complying would be something that would be awesome. You would have to hire architects, engineers, and I just don't think you can do it. The Office of Energy Resources isn't in a position right now to handle this kind of thing, whether it is for a small business or a big business.

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

Mr. **WYMAN**: Mr. Speaker, Ladies and Gentlemen of the House: I really beg your indulgence and forgiveness for speaking on this particular bill. I know that the hour is getting on and we have debated this for a very long period of time, but I don't really think that is such a bad thing. I think this is a very important issue.

I just want to stand up and very briefly tell you that when I came into this chamber this afternoon, after having talked with the people in the hall. I was convinced that this was a bad bill and I was fully intending to vote for its indefinite postponement. I have listened very carefully to the debate and I don't listen very carefully to all the debates in this House, anymore than you do, but I have listened very carefully to this one. I have been very convinced by the arguments of the proponents. I don't believe that this bill has anything to do with whether we believe in economic growth or economic development or jobs. I think that is characteristic of red herrings which have been drawn across the pathway of this debate. I think it will serve us on a very complex and important issue such as this to be talking in demagogic terms and talking in terms of red herrings. I think all of us support the capitalist system and I think none of us supporting this bill are doing so because we want to undermine

our democratic way of life.

I want to respond to the gentleman from Waterville, Mr. Boudreau, when he says that the people do not want to be overregulated. I concur with him. I also think that the people that support this bill and the cosponsors, such as the gentleman from Farmington, Mr. Morton, I have never known Mr. Morton, in the short time that I have served with him here in the legislature, to be one that believes in over-regulation or believes in undue government interference. I have talked with some very conservative members on the committee who supported this. They think it is a good bill. I know that they also have a very close record of opposing overregulation and undue government interference. I don't think that is the issue. Sure, people don't want to be overregulated. The people, also, ladies and gentlemen, believe that we have a serious energy crisis in this country and in this state.

I handed out a questionnaire to the people of my district, and many of us do circulate questionnaires, and I asked the people, the last question was: "What do you think is the most important issue that the Legislature ought to be dealing with?" I had many of those questionnaires come back and they said "energy." Do something about energy. The legislature ought to assume a little responsibility and a little leadership in this area. I don't believe that this bill, which has been worked on, by the way, and I am not on the Energy Committee and I know very little in this particular area, but I wanted to speak on this issue because I think it is very, very important that we do something and I also want to applaud the committee which has worked and reworked this bill and came out with a unanimous report in favor of this bill. I don't think we ought to short-change that. I think many of us are. We don't realize the work that has gone into this. It is bipartisan cosponsorship, and I hope you would reconsider.

The only reason that I have taken this time to speak on this is because I think many of you were in my position, and that is really wavering on this issue not knowing which way to go. I am going to support it and I am going to support reconsideration and I hope you do also.

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

Mr. **STETSON**: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to pose a question to the gentleman from Pittsfield. How many churches in the state are energy efficient and what are you doing about that?

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

Ms. **LUND**: Mr. Speaker, Men and Women of the House: I, too, came into this debate without having made my mind up how I was going to vote. I have listened carefully to both sides of the debate and I am sitting here thinking on the one side is Mr. Boudreau saying that the people who are going to build buildings are obviously going to build inefficiently. I am thinking to myself, there is, indeed, an energy shortage. There are people who will not do something until they are absolutely forced to. Never mind if it seems economically proper, there are people who will build buildings without considering the energy cost of those buildings unless they are absolutely forced to. I know this because I served on the Board of Environmental Protection. There were people who would not clean up the rivers until they were absolutely forced to.

This legislation provides an incentive for the few people who do not look at the dollar and cents value and who would go ahead and build without adequately considering the energy efficiency of that building. It would provide a means for them to grumble, to complain, to blame somebody else, but at least they would be building energy efficient buildings, and that is really what we are after.

I seriously urge you to support the motion to

reconsider.

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

Mr. L. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I just called my building inspector a few minutes ago and I wanted to know how many permits were issued last year. He told me 110; 102 were residential and 8 commercial. Out of that, 110 put insulation in their buildings, that is why I voted against it.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: One of the problems we have, as everybody says, we have an energy crisis. I guess one of my objections to the bill, obviously philosophically I have great objections because I don't believe in government rules and regulations, but I have another problem and that is, why have you taken a particular segment of the people of the state and said, you will be energy efficient? How about the churches? How about the homes that are not energy efficient? How about the existing businesses and commercial structures that are not energy efficient? Do we condone that? Do we stand here, sit here in this legislature and say, well, the new ones are going to be energy efficient but you guys go ahead and spend all the oil and electricity or whatever, that is okay.

If we have a problem in energy, treat it on an energy level, go to the source, the source being the supply of electricity, the supply of oil, and regulate it, ration it. If I am going to have my thermostat at 78 degrees, obviously, regardless of how energy efficient my home is, I am going to consume more oil than I am if it is 68 degrees and so forth, and the same thing in my business—control my source and that will give me an incentive to upgrade my building and to make it energy efficient. I suggest that as a better approach rather than building another piece of bureaucracy. It will help, obviously it will help, but I suggest there are other ways of doing it, and I personally believe that it will do it on its own, regardless of what the government does.

If you believe that government is the answer to all the ills of this country, then vote for the bill, but I ask you, what have they done for inflation? What have they done to this country in the last few years, the last few decades? We were a lot more stable a few years ago and now we are third rate power economically and all ways. So, if you think government is going to be the answer to the energy crisis, the answer to all things, vote for the bill and I will defer to you when I have to abide by it.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here and listened to the opponents with their insults all afternoon, for an hour and a half, and I am going to tell them about a church and tell them about schools. If this rule had been in action three or four years ago when my church was built, I wouldn't have a leak in my roof. When the schools were built, they wouldn't have rooms in the schools that are so hot that they have to open the windows to let the heat out, and other rooms where it is so cold that they have to wear their coats and their fingers are too cold to write and use their pencils. So, if we had had these rules and regulations like you talk about years ago, we wouldn't have all these problems. I believe that anybody who is going to build a new building should be told what to do if he is not going to do it right. We have an energy crisis and I think they should be told to load their walls with insulation, they should make it energy proof.

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

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to respond to Mr. Leonard. When he stated that we

were a third rate power, I don't think we are a third rate power, I am just wondering if it is because we procrastinate when it comes to important issues.

This bill won't solve all the problems of energy and no one bill will. If there could be one single bill that could solve the problems of energy, I am sure that everyone of us in here would have had it in by now. No one bill will solve problems.

The question is, when do we start doing something? Every time a bill comes up, it is either infringing on someone's rights or it costs too much. At some point, we are going to have to stick our guts in and say, all right, maybe this is going to be an unpopular decision with some people, but we have to start making these decisions sometime, because five or ten years down the road, we won't have that opportunity to make this decision. If we don't start making step by step decisions now, at some point, it will all happen at once and then we will be in serious trouble.

There are people out there who are paying 85 cents a gallon for gas and they are saying that they are going to be paying up to \$1.00 a gallon for oil this winter and they will have to pay that for the rest of their lives and more. They are looking and saying, who is going to help us? We are saying no here.

I would hope that we would reconsider. I think this is a good bill and is definitely a step in the right direction.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Woolwich, Mr. Leonard, has asked a question of how come the federal government hasn't dealt with this? How come the state hasn't dealt with the energy crisis? I might suggest it is because of people like him and lobbyists that put stumbling blocks in front of anything that we try to do. We are trying!

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here like most of you all afternoon listening to the debate and much has been said about regulations and controls and many of you in this House know that I, for one, am a strong believer in home rule. If you will, I look at this as home rule on a state level. We have an opportunity this afternoon to take steps to make sure that we as a state can guide our own destiny and rule our own state.

Much has been said about us setting a precedent, we should sit back and let the federal government come in and regulate us. I would like to point out to you that not too many sessions ago this state had a similar opportunity when the federal government was going to come in and require inspecting all the meat processing plants within the state unless the state passed its own regulation and rules. Had the state not done this, in this particular case many small local meat processing plants would have been thrown out of business. Fortunately, the legislature had the foresight, took the bull by the horns, if you will, passed this necessary legislation and today the meat processing industry in the state is regulated by the state, not the federal government.

We have a similar opportunity here in dealing with energy and I would urge you to reconsider. This is an excellent bill.

Much has been said this afternoon about a capitalistic society. You know, not too long ago, they used to say this was the land of the free and plenty. Look around, ladies and gentlemen, we no longer can say the land of plenty. If we wish to have some future, we must somehow restrict our freedom.

We, as the people, are very reluctant to sacrifice. The cost of oil has been rising geometrically; yet, I have heard very few people squawk and very few people are slowing down on the highways. I don't think they will until

they are absolutely forced to and by that time it may be too late. One of the reasons I think it might be too late is because our supply of energy does not come from a capitalistic system, or a good portion of our supplies don't come from a capitalistic system. We have no control over it.

Again, I would urge you to reconsider this bill and support it so we might set our own destiny.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: During the 107th Legislature, I presented L. D. 114, a bill calling for the installation of fire detecting devices in residences of new construction. It met a worse fate than my unpopular chicken bill.

The latter came out of the Transportation Committee with one "Ought to Pass" vote. I had to withdraw the fire detection bill because no Legal Affairs Committee member, not even my fair weather friend from Stillwater, Mr. Gould, who had befriended me daily with his "Hello Georgie boy" would vote for it. The committee's position was that people should decide for themselves whether or not they wanted protection against a possible fire. We have the same situation here right now. If L. D. 114 could not become law, neither should this bill.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I realize the afternoon is very late, but I think there is some very important consideration we should give.

We have heard a lot this afternoon about regulation and about capitalism and what have you and how the federal government has done all these terrible things and what have you. I would like to suggest something that I think is very important for us to keep in mind keep our perspective, and that is, the business community has learned to live very comfortably, I believe, with many of the regulations that were laid down. Not all of them have been good, some of them should be cleaned up, some of them eliminated, but generally speaking, business has learned to adapt.

I think it is very significant that somebody like the good gentleman from Farmington, Mr. Morton, is a sponsor of this bill. It shows that he has got the interest of the business community in mind. He is a member of the business community. He is doing some very serious thinking, and I urge you to reconsider on the strength of some of the things that I have just mentioned.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Huber, that the House reconsider its action whereby this bill was indefinitely postponed. All those in favor of reconsideration will vote yes; those opposed will vote no.

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 for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Huber, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Doukas, Du-

tremble, D.; Elias, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Matthews, McHenry, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Paradis, Paul, Payne, Pearson, Rolde, Silsby, Simon, Soulas, Tarbell, Theriault, Tierney, Torrey, Tuttle, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Berry, Bordeaux, Boudreau, Brown, A.; Brown, K. L.; Bunker, Call, Carrier, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Drinkwater, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gould, Gray, Higgins, Hunter, Hutchings, Immonen, Jackson, Laffin, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Maxwell, McKean, McPherson, Nelson, A.; Peterson, Post, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tozier, Twitchell, Whittemore.

ABSENT — Dexter, Dow, Dudley, Jalbert, Kelleher, Masterman, McMahon, Nelson, N.; Norris, Peltier, Prescott, Reeves, P.; Vincent. Yes, 83; No, 55; Absent 13.

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

Mr. Boudreau of Waterville requested a roll call vote on the motion to indefinitely postpone.

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 Waterville, Mr. Boudreau, 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 — Berry, Bordeaux, Boudreau, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Drinkwater, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gould, Gray, Higgins, Hunter, Hutchings, Immonen, Jackson, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Maxwell, McKean, McPherson, Nelson, A.; Peterson, Post, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Smith, Sprowl, Stetson, Stover, Studley, Tozier, Twitchell, Wentworth, Whittemore.

NAY — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Brown, K. C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Doukas, Dutremble, D.; Elias, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Matthews, McHenry, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Paradis, Paul, Payne, Pearson, Rolde, Silsby, Simon, Soulas, Strout, Tarbell, Theriault, Tierney, Torrey, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Dexter, Dow, Dudley, Kelleher, Laffin, Masterman, Nelson, N.; Norris, Peltier, Prescott, Reeves, P.; Vincent. Yes, 55; No, 83; Absent, 13.

The SPEAKER: Fifty-five having voted in the affirmative and eighty-three in the negative, with thirteen being absent, the motion

does not prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Consent Calendar Second Day

(H. P. 134) (L. D. 145) Bill "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park" (Emergency) (C. "A" H-557)

(H. P. 1128) (L. D. 1505) Bill "An Act Concerning Maine's Maternal and Child Health Care Program" (C. "A" H-566)

(H. P. 1315) (L. D. 1569) Bill "An Act Relating to the Marketing of Potatoes" (C. "A" H-559)

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

(H. P. 1239) (L. D. 1543) Bill "An Act to Consolidate the Mining and Rehabilitation of Land into the Site Location of Development Statute" (C. "A" H-555)

On the objection of Mr. Higgins of Scarborough, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" H-555 was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 767) (L. D. 970) Bill "An Act to Provide for Staggered Registration for Motor Trucks" (C. "A" H-565)

(H. P. 910) (L. D. 1133) Bill "An Act Concerning Abuse Between Family or Household Members" (C. "A" H-571)

(H. P. 623) (L. D. 765) Bill "An Act Relating to Determination of Refund Values on Beverage Containers" (C. "A" H-572)

(H. P. 66) (L. D. 774) Bill "An Act to Permit Store Owners to Limit the Hours During which they will Accept Returnable Beverage Containers and to Permit them to Limit the Number of Containers they will Accept from a Single Person or Group at One Time" (C. "A" H-573)

(H. P. 69) (L. D. 75) Bill "An Act to Allow Dealers to Restrict the Hours during which they will Accept Returnable Beverage Containers" (C. "A" H-574)

(H. P. 121) (L. D. 138) Bill "An Act Concerning Remedies under the Unfair Trade Practices Statutes" (C. "A" H-575)

(H. P. 787) (L. D. 987) Bill "An Act to Make Certain Changes in the Manufactured Housing Act" (C. "A" H-576)

(H. P. 333) (L. D. 432) Bill "An Act Concerning Notice of Right to Cure Defaults under the Consumer Credit Code" (C. "A" H-577)

(H. P. 728) (L. D. 915) Bill "An Act to Amend the Standard Valuation Law" (C. "A" H-578)

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

Passed to be Engrossed

Bill "An Act to Adopt the Uniform Child Custody Jurisdiction Act" (H. P. 1456) (L. D. 1649)

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

Second Reader Tabled and Assigned

Bill "An Act Relating to Membership of Treasurer of State on Boards" (H. P. 1449) (L. D. 1647)

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

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1979 (H. P. 1447) (L. D. 1645)

Was 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 Encourage the University of Maine Law School to Offer Extension and Evening Programs for Part-time Students" (H. P. 1237) (L. D. 1495)

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

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I rise to ask the sponsor or anyone else who would choose to instruct me in this matter, why should we even be expressing an opinion as to how the trustees of the University of Maine are to operate their law school? I feel very uneasy about this. I realize it is sort of a mealy-mouthed approach to it, but I am afraid it might be a door opener to having us eventually exercise our own particular brand of expertise and foul up the university.

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

Mr. CONNOLLY: Mr. Speaker, in response to the question, it seems that at least for the last four years I have been in the legislature, the legislature has tried to send a message to the law school about the need for some people in this state who would not be able to, because of their life circumstances, take a full-time law course during the day. We are communicating a message to the law school that perhaps they ought to consider offering courses in the evening that would be available to those people for credit.

There have been bills put in the legislature, there have been meetings between members of the Education Committee and members of the law school, and the last best offer that we received was a letter from the dean of the law school that said that next year they might offer night courses not for credit for legislators who might be interested. It seems to me that we ought to do a little bit more than that. I think that for the last four years, this legislature—and that is fact, we have the letter and if you would like to read it, we can show you that. But it seems to me that the time has come that the legislature ought to at least—and this bill doesn't mandate that the law school set up evening courses.

The title of the bill is "An Act to Encourage," and the first line in the legislation says "It is the intent of the legislature that the University of Maine Law School offer extension courses"; it doesn't mandate that the University of Maine 'shall' offer courses in the evening.

It seems to me that this is an entirely reasonable piece of legislation to address a problem that has been before this legislature in many different forms for at least the last years, and I see no reason why it shouldn't be adopted.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I do see a reason, therefore, I will move the indefinite postponement of this bill and all its accompanying papers, because the gentleman from Portland has just reinforced my concern that this is an intermediate step which would be a prelude to finally dictating to the University of Maine as to how they are going to operate their system.

I hope you will give serious consideration as

to whether or not we should preserve the autonomy of these people or whether we should start determining what books they are going to read, what courses they are going to study and how they are going to conduct their affairs.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to that last remark, it seems to me that we give close to a million dollars through this legislature to the University of Maine and we have a completely 'hands off' policy as to what they do.

It seems to me that we have heard over the last several years that there is a legitimate concern on the part of some people in this state to have the university stop imposing its elitist attitude in its approach to offering programs to people across the state. And here it is, we are taking the meekest form, the mildest form possible, and that is to encourage the law school to offer courses, because to date they have failed to respond to the need that has been put before this legislature in the past.

If we are giving the university a million bucks, then we at least ought to be able to encourage them to offer courses at night for credit.

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

Mr. GARSOE: Mr. Speaker and Members of the House: Actually, I believe we give \$40 million to the University of Maine. I don't know what portion goes to the law school, but I think you will find it is about \$40 million, and I don't think that gives us the right to start dictating how they are going to conduct their course of instruction.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I voted against this bill in the Education Committee. The basic reason that I did, in the bill it says in the last two lines "and that the cost of any such courses or programs be included in the law school budget and be subsidized at the same rate as full-time students." I believe that is why I really voted against it, because I felt I had no objections to the University of Maine Law School giving extension or evening programs, but I felt if we are going to require them to do so, we should give them the funds to do so and not take away or cut into their on-going programs, which is considered one of the best in the country. For that reason, I urge you to defeat this bill.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: On this issue, I feel very strong, and for that reason, I am going to ask you to please be patient for just a few more minutes, because what you have just said, Mr. Rolde, that fat cats that can afford to go to school during the day, the taxpayers pay for his education, and the workingman, who can only go to school in the evening, leave the taxpayers' money out of it. Well, I happen to be a taxpayer, and I want that guy to have a chance to become a lawyer if he wants to.

Harrison Richardson sat beside me in the 102nd Legislature, and he went to California so he could go to law school in the evening. What kind of a society are we living in? Only the fat cats can become a lawyer and the workingman can never have a law course when he can't go to evening school.

You are taking my tax dollars and you are saying the fat cats can go and have what they want, but the poor workingmen who have to work to support their families, if they want to go to evening school, let him pay it out of his own pocket. I can't agree with your philosophy.

And to the gentleman over in the left-hand corner, you didn't object to getting into the labor contract and keeping it here day in and day out while you got your free lunch program through, so I want a free lunch for the guy in

the evening schools.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I don't see anything particularly wrong with the Maine Legislature encouraging the University of Maine to take any kind of action. I don't have any problems with telling them to, actually, but there certainly is no problem in encouraging them to. In fact, just today I got a letter from the University of Maine Cooperative Extension encouraging the legislature to take some action on some tax matters, so as far as I am concerned, turnabout is fair play.

I think this bill should be passed.

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

Mr. CARRIER: Mr. Speaker and Members of the House: It is unfortunate that this bill has to come up at this time of the day because it is my bill and I feel very strongly about it. I think it is a matter that requires a lot of consideration. If it is better for all of you to discuss it now, I wish we would, because I would give somebody else the same consideration. I wish we would discuss it now because tomorrow I will be here for a very limited time and I am sure that we would never get to it.

I don't want you to do anything that you think otherwise because this happens to be my bill, but I do want to consider the issue, the issue that is presented here. I could speak a lot on this bill but I will not, and it will be very hard not to.

We do have a lot of young people and older people that desire, have the craving and need to have some legal education in order to make themselves better people in their field of work.

What has happened with this, ladies and gentlemen, two years, almost three years now, in the last session this was presented by another member of the legislature. Of course, it was also presented in conjunction with the budget bill and I did not choose to get involved in that.

I put this bill in because I truly believe in it. I am one of the fellows that got a legal education because I chose to work nights and could go to school in the daytime. I think this is a very hard way to do it, I think it is an unhealthy way to do it, but if you have the desire and convictions, you believe that it is important, you will do anything and be consistent in doing it, and eventually, against all the obstacles, if you are lucky healthwise, you will get there.

The university is against this. You know who really is against this, the truth is, it is not the university that is against this, it is the professors of law that are against it. And let me tell you, they are all imports from other states. We don't have many law professors that come from the State of Maine and know the desires of the people of this state and know the needs of the people of this state.

Most of the people that would take this course, it would take five or six years, or more, for them to be lawyers. And I can't guarantee you or you can guarantee me, nobody in here can guarantee what will happen and what their decisions will be within the next five years, because our lives change, our demands change, and we have to change our lives, but there is no reason why anybody should not be allowed to have some good legal, and I mean full legal courses, such as torts, contracts, agent fees and everything else.

I can submit to you, those of you who know about some of the legal courses that would be offered in law school, if you had the chance to take it, you would pass. It is not that complicated, all it needs is your attention, and you can give it to them if you go there once or twice a week at nighttime or on Saturday.

They can find all kinds of reasons and all kinds of money to put all kinds of foolish courses within the university system, and let me tell you, one of the biggest mistakes that we made, and I don't know how it could be han-

dled, is when you give those people down there \$500,000 with no accountability whatsoever. They don't have to account for the \$500,000 a year that you give to the law school.

We have a good law school, I don't condemn that, but I submit to you that the professors in there, and I don't know about the Dean, two years ago a bill went out of here with the promise that they would do something. This is the third year, and now they have promised us that they will give us some comprehensive courses. Of all the insults, they suggested to me to come up with a comprehensive course on landlord-tenant relationships. I not only get a little disturbed but I bleed inside, and Mr. Doukas has got to feel ill about this—I felt ill reading the letter.

I use that as an example. They want to give a business law course, which has some value, but if you are going for a degree in business administration, it is a comprehensive course in the fact that they touch agency, they touch contracts, they touch law a little bit, but they give you so much that sometimes I wonder if it isn't more dangerous to know a little than it is not to know anything at all about it?

I said to them, if you are willing to give a real estate course for people, why don't we give the real estate course that you give in law school? That is what the guy goes there to learn and that is what he learns, and never mind the other stuff about agency and all the stuff. If you want that, take it in another course.

Ladies and gentlemen, there is a demand for this. I don't intend to be the recipient of this at all, unless I go back and take a review course. I have taken these courses before.

Let me tell you briefly about the law school. You go to the law school, if you are lucky enough, there are many people in this House that have tried to get into the law school with good marks and they never were able to. There are others in this House, their kids tried to get into the law school and couldn't get in there either, but this is where the difference is, these people want to be lawyers. I don't want to be a lawyer, and I want the people in this House, the people that desire to and they have the need to take some courses and expand their education into a special field if they want to, and this is what we are talking about. What is the difference if they give a course in torts or anything else, as long as the demand is there?

As far as the cost is concerned, this is ridiculous. They talk about different things, this and that and all that stuff. Let me tell you, they went to the hearing, they told the people certain things and they tell me different things. I said, how much did it cost you to put that course in last year for the people on welfare? Well, it cost \$1,000 and they had 20 recipients so they charged them \$30 apiece. What is the difference in doing the same thing with the law course if the demand is there?

Don't talk to me about the professors—get rid of them, get local people and serve the local people. I told them, you want some professors, we had professors in there before that taught school and a lot of the people right in this House and outside, they were their professors, and they made the grade, they are good lawyers today. Some of them are on the bench, they are on the Superior Court bench and everything else.

This is what the whole thing is about and much more. You are dealing with people that tell me something and then the next day I get a letter which is just the opposite. You know, I might speak French, but by golly, I understand English. They don't have to tell me a second time. I can read too, and if I can't read, I have got friends and educators next to me, there is one here and some in the other rows over here.

Ladies and gentlemen, this is important, because education is like anything else, once you get saturated with it, you will want it, you will know what the value of education is. Let's make it into a situation where people, because

of time or their work and everything else, make it so they can get this education. They can get it in New Hampshire at nighttime, they can get it in Massachusetts. We have all these nice people coming from out-of-state and bringing in all these foolish ideas that we should be a great law school like in New York and all these other places.

I could talk forever because this is very important to me, and I am not going to be the recipient, but for my constituents, the people around the House, the aides in this House who want to take it, anybody who wants to take it, and it isn't going to cost the law school anymore. Let them come here and show us where it is going to cost. It is a weak argument, it is an unimportant argument. I submit to you that they can have the course, divide it by the number of people that they have, and charge \$50 or \$100 or \$20 or \$30.

I took some courses last year put on by a certain group from the state, they are the same way. You go one place and it costs you \$68, you go another place and it costs you \$32, the other place \$30. I took three courses in one year and the prices were all different. They were put up by the same people, it comes out of the same pocket, so how come?

I hope that you don't vote for the indefinite postponement of this.

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

Mr. NADEAU: Mr. Speaker and Members of the House: This, to me, is the best people bill of the session, but due to the length of Mr. Carrier's address, of which I agree with wholeheartedly, the lateness of the hour and the frown the Speaker's face, I will simply ask for a division and hope you pass the bill.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I will be brief. I must agree with the gentleman who made the motion to indefinitely postpone this bill. This is a bill that comes around about every two years. The motivation for it, in my opinion, it is only my personal opinion, is usually bad feelings against the law school, which, in my opinion, is the best program of public education in this state, public higher education.

We have talked about fat cats and not being able to go to the law school unless you are a fat cat, but there are those of us here who put ourselves through law school with a combination of summer jobs, jobs during the year and loans, we may still be paying off those loans, but it is possible. The fact that the law school is here in the State of Maine, and it is the only public program in northern New England, offers an opportunity to those of us who are from Maine that some other states don't have.

I simply think that legal education, for those who can get admitted, and that is the very difficult part of it, but for those who can, that legal education is available. What I am proud of is that it is a high quality legal education and I want to see that continue.

Furthermore, I want to assure this House, if they don't already know it, that the university continuously reevaluates the question of whether or not an evening night school is economically viable. They continually come up with the same conclusion, that in a state like Maine, with a predominately rural population, it is not a viable economic matter. The cost of a legal education is roughly \$1000 or \$1500 per course per student. If you wanted to make them self-supporting, that is the kind of tuition you would have to charge. The reason they don't have to charge that kind of tuition is because we as a state help subsidize it.

We have forced, through our actions of the last few years, an increase in the cost of the tuition for students, but it is still heavily state supported, because it is available to all of us and to our sons and daughters, brothers, sisters, cousins, aunts and uncles. It is there, it is

a high quality program and I think there is no room for legislation that continuously attacks the law school for doing what it has been doing, a good job, a politically independent job in terms of determining who shall go to the law school, and I think we ought to be encouraging that law school and not taking pot-shots at it through legislation.

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

Mr. DAVIES: Mr. Speaker and Members of the House: My good seatmate to my right has said that this university law school is available to all the people of the State of Maine. I say 'poppycock'. It is not available to me, it wasn't available to my good friend Mr. Robbins. As I understand, it is not available to the son of the good gentleman from Ellsworth, Mr. Silsby, nor to the son of the gentleman from Brewer, Mr. Norris. The reason why is, because there are an awful lot of people, if they want to be able to go to a law school, that have got to make the money. They can't go out and get the loans, they can't generate it out of their own personal wealth, their inheritances, their stocks and their bonds, it means they have to work. It means eight hours a day of hard labor, whatever sort they are qualified to do, which means that they immediately are prohibited from taking courses during the day at the law school. It means that they can't take a few courses during the day, they have to take a full load at the law school. So all those people who have to work or might have some distance to travel, or don't have a large amount of money or an easy source of a loan, find themselves, even though theoretically they have the option to go into law school, they find in practical matters that they can't.

What this bill will do is state the intent of the legislature and I will read it to you, it is very brief. "It is the intent of the Legislature that the University of Maine Law School offer extension evening programs for part-time students leading to a law degree, and that the cost of any such courses or programs be included in the law school budget and be subsidized at the same rate as full-time students." We are not asking anymore for the part-time and evening students than the full-time day students are already getting.

It has been raised that this bill is an attempt to tell the university what to do. As a Representative of the largest single campus of the University of Maine System, I am very sensitive having the legislature tell the university what to do, but there are circumstances when the university has demonstrated time and time again that they are not listening to the people of the State of Maine, so we have to give them a little bit of a nudge, whether it is putting some language in the appropriation bill saying what we think they ought to spend some of their money or passing bill like this that says it is intent of the legislature that they do something.

I would urge all of you to ignore the arguments of my good seatmate to my right and pass this bill.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this bill, but the gentleman who just spoke has raised my hackles a little bit. I can assure that gentleman that the Appropriations Committee at no time, and if they ever did it would be over my strongest objections, would ever tell the university what to do with the money they send them.

This is the worst policy that we can get into, the worst thing this legislature can ever get involved in, to politicize the university. And when I have been importuned by people at various echelons in the university, be they employees, administrators or anything else, to do something of that nature, I have turned them down one hundred percent and told them why. As far as I am concerned, that is the last thing this

legislature should ever get involved in.

There is no question but what anytime this legislature puts something like this on the books, it is an implied threat, and I certainly don't want to be a party to that. I oppose it. The academic freedom of the university is absolutely paramount and should remain that way. This bill deserves to be indefinitely postponed, and I trust that everyone will vote for it.

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

Mrs. KANY: Mr. Speaker and Members of the House: I, too, am an admirer of the law school. It really is something that we can be proud of, but I think this is a good cost-saving measure. It is true, we have a fine library down there, one that we can be proud of, a law library. We have fine classrooms that could be used at night. I see no reason why we don't go along with this good measure, and I am not speaking from any sour grapes.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this, because I am not very fond of lawyers, as you all know by now, not even judges, but I am for education. If it will benefit a person who wishes to be in the legal profession to be able to attend night school, I am all for it.

Some work during the day and have only the evening to attend school. If they have the guts to work and go to school, more power to them. We are always urging our people to better themselves. I think this is a good way to do so.

I hope you will vote for this bill, it is a good bill, in my humble opinion. Remember, your taxes are paying these teachers at the Law School.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I want you to know one thing, I served three times in the Committee on Education, and my biggest disappointment with the trustees at the University of Maine was when I asked them to account for federal funds four years ago.

I talked with a man who came from Skowhegan and very active in the alumni of the University of Maine, and he also wrote them letters requesting accountability of these federal funds. I kept getting letters that I was going to get this accountability, I was going to get this—I never got accountability. You are giving that outfit a blank check. If you are so generous with the taxpayers' money, we have got a highway issue coming up, and I want you to be just as generous with that, Mr. Republicans over there, because you don't want accountability of the University of Maine, but you want Roger Mallar to do a soft-shoe dance when he wants any money.

This is where I put it. I am on target, I am not taking cheap shots, I am hitting the bullseye, and the bullseye is the University of Maine in Portland, the Law School. It is an ego society that doesn't want the workingman's son in there.

I know a man who was proud of his son, he worked his way through a law school, too, but he forgot to tell you he was a banker's son and he had plenty of connections and the boy got in there with flying colors.

It so happens that I came from a coal miner's son that came out of England years ago when my grandparents and my uncle were killed in the coal mines. I am a strong union man because they didn't have unions then and you could play bagpipes on the corner and beg money to support the union causes, and I say that the workingman's son has got as much right to go to the University of Maine in Portland in the evening as any man has a right to go in the daytime, because it is supported with taxpayer's money, and that taxpayer money belongs to everybody in this state, not to the fat

cat society.

Mr. Garsoe of Cumberland 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 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 Cumberland, Mr. Garsoe, that this bill and all its accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Beaulieu, Bordeaux, Brown, D.; Call, Carter, F.; Conary, Cox, Cunningham, Dellert, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gould, Hughes, Hunter, Hutchings, Immonen, Jackson, Leighton, Leonard, Lougee, Lund, MacBride, Marshall, Masterton, Matthews, Mitchell, Morton, Nelson, A.; Nelson, M.; Payne, Peterson, Reeves, J.; Rolde, Roope, Sewall, Sherburne, Small, Tierney, Torrey, Wentworth, Whittemore.

NAY — Aloupis, Austin, Bachrach, Baker, Barry, Benoit, Berube, Birt, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Bunker, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Curtis, Damren, Davies, Davis, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gillis, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Laffin, Lancaster, LaPlante, Lewis, Lizotte, Locke, Lowe, Mahany, Martin, A.; Maxwell, McHenry, McMahon, McPherson, McSweeney, Michael, Nadeau, Nelson, N.; Paradis, Pearson, Post, Silsby, Simon, Smith, Sprowl, Strout, Studley, Tarbell, Theriault, Tuttle, Twitchell, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Berry, Boudreau, Brown, K. L.; Churchill, Dexter, Dow, Howe, Huber, Kelleher, MacEachern, Masterman, McKean, Norris, Paul, Peltier, Prescott, Reeves, P.; Rollins, Soulas, Stetson, Stover, Tozier, Vincent.

Yes, 45; No, 83; Absent, 23.

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

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

By unanimous consent, ordered sent forthwith.

The following papers appearing on Supplement No. 6 were taken up out of order by unanimous consent:

The following Communication:

THE SENATE OF MAINE
Augusta

May 31, 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 Concerning Eligibility Under the Second Injury Fund Workers' Compensation Statutes." (H. P. 825) (L. D. 1026)

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

The Communication was read and ordered placed on file.

Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Require Life Insurers to Furnish Specified Disclosure Information to Purchasers of Life Insurance" (S. P. 116) (L. D. 216)

Came from the Senate with the Report read and accepted. In the House, the Report was read and accepted in concurrence.

Ought to Pass Amended Bill

Tabled and Unassigned

Report of the Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-233) on Bill "An Act Concerning the Accountancy Statutes" (S. P. 175) (L. D. 367)

Came from the Senate with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-233) as amended by Senate Amendment "A" (S-253) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-233) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-253) was read by the Clerk.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending adoption of Senate Amendment "A" to Committee Amendment "A".

Non-Concurrent Matter

Bill "An Act to Provide for Licensing of Bottle Clubs" (H. P. 469) (L. D. 576) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-529) Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed as amended by House Amendment "B" (H-562) in the House on May 30, 1979.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Determine What Environmental Laws Apply to Radioactive Waste Materials" (H. P. 799) (L. D. 1004) which was passed to be engrossed as amended by Committee Amendment "A" (H-549) in the House on May 30, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-549) as amended by Senate Amendment "A" (S-258) thereto in non-concurrence.

In the House: On motion of Mr. Rolde of York, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Increase the Good Time Deduction" (H. P. 1058) (L. D. 1308) on which the House Insisted on its former action whereby 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 and asked for a Committee of Conference in the House on May 30, 1979.

Came from the Senate with that Body having adhered to its former action whereby 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 Commit-

tee Amendment "A" (H-436) in non-concurrence.

In the House: On motion of Mr. Fowlie of Rockland, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter Tabled and Assigned

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) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-548) Report of the Committee on Judiciary was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-548) in the House on May 30, 1979.

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

In the House: On motion of Mr. Hall of Sangerville, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Authorize the Administration of Medications by State Corrections Officials in Certain Cases" (H. P. 1025) (L. D. 1270) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-493) Report of the Committee on Health and Institutional Services was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-493) in the House on May 30, 1979.

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

In the House: Mr. Brennerman of Portland moved that the House adhere.

On motion of the same gentlemen, tabled pending his motion to adhere and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Promote Woodlot Cooperative Marketing" (H. P. 875) (L. D. 1082) on which the Majority "Ought to Pass" Report of the Committee on Energy and Natural Resources was read and accepted and the Bill passed to be engrossed in the House on May 30, 1979.

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

In the House: On motion of Mr. Blodgett of Waldoboro, the House voted to insist.

Tabled Unassigned

On motion of Mr. Hobbins of Saco the following Joint Order: (H. P. 1462)

WHEREAS, child abuse and neglect appear to be a serious problem in Maine; and

WHEREAS, though there are present statutes to meet this problem, these statutes appear inadequate and do not provide sufficient or appropriate methods of reducing abuse and neglect; and

WHEREAS, there have been several bills presented on this problem and related problems that offer solutions and remedies, but there has been insufficient time to fully review these bills and to fully explore the issues contained in them; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary be directed to study the contents of L. D. 775, "AN ACT Concerning Child Abuse and Neglect;" L. D. 1239, "AN ACT Regarding Abuse and Neglect, Custody Proceedings and Termination of Parental Rights;" and L. D. 1607, "AN ACT Establishing the Children and Family Services

and Child Protection Act of 1979;" as introduced in the First Regular Session of the 109th Legislature, and also to study the area of child abuse and neglect; and be it further

ORDERED, notwithstanding Joint Rule 18, that the committee shall complete this study no later than February 15, 1980, and submit to the Legislative Council its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a copy of this Order shall be forwarded to the chairmen of the Joint Standing Committee on Judiciary and to the Commissioner of Human Services.

The Order was read.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage.

Consent Calendar

First Day

(S. P. 465) (L. D. 1499) Bill "An Act to Regulate the Sale of Franchises" Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-251)

(S. P. 86) (L. D. 171) Bill "An Act to Abolish the Legislative Council" Committee on State Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-247)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 1, under listing of Second Day.

(S. P. 78) (L. D. 167) Bill "An Act to Amend the Campaign Finance Law" Committee on Election Laws reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-250)

On the objection of Mr. Rolde of York, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-250) was read by the Clerk and the Bill assigned for second reading tomorrow.

The following paper appearing on Supplement No. 7 was taken up out of order by unanimous consent:

(H. P. 925) (L. D. 1134) Bill "An Act to Provide Loans for Family Farms" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-584)

No objections being noted, the above item was ordered to appear on the Consent Calendar of June 1, under listing of Second Day.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, the Chair laid before the House the first tabled and unassigned matter:

Bill, "An Act Releasing to the City of Bangor the State's Interests in a Portion of the Bed of the Penobscot River" (H. P. 528) (L. D. 650)

Tabled—April 18, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

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

Mrs. KANY: Mr. Speaker, I move that this Bill be recommitted to the Committee on State Government.

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

Mr. TARBELL: Mr. Speaker and Members of the House: This measure was placed on the table long ago and I did promise the members, at least of my caucus, before anything was done with it, I would explain to you what the bill was and what was to be done with it.

The motion to recommit has been made by Mrs. Kany. It is the intention that it go back to the State Government Committee and come out with a "leave to withdraw" report.

The purchase of the bill was to attempt to facilitate the construction of a small scale hydro-electric band to produce hydro-electric power on the Penobscot River.

The principal thing that needs to be done, however, before anything like this bill needs to be passed, is a feasibility study to be conducted by the Energy Department, both the federal and the state, to figure out really whether or not the physics are such that the thing would be financially and energy feasible to produce enough electricity.

It is my understanding that there are funds that will be released from the federal government to aid and facilitate such a feasibility study; therefore, there is not real need for the measure at this time. So I do beg your indulgence to send this back so it can come out unanimous "leave to withdraw".

Thereupon, on motion of Mrs. Kany of Waterville, was recommitted to the Committee on State Government and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Fowlie of Rockland, adjourned until one thirty o'clock tomorrow afternoon.