

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

HOUSE

Monday, February 4, 1980

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

Prayer by the Reverend Prokopios Nidas of the Holy Trinity Greek Orthodox Church, Portland.

Rev. NIDAS: In the name of the Father and of the Son and of the Holy Spirit, let us pray. Almighty God, the father of wisdom and tower of strength, to thee we bow our heads and to thee we lift our minds and souls. Look upon us in tenderness, goodness and mercy and accept our humble supplications, for it is only in thee we find guidance, success and strength.

Our Heavenly Father, we commit to thy loving care all those Representatives upon whose faithfulness and the welfare of our state depends. In the fulfillment of their duties, give them patience, loyalty and courage. Defend them day by day with thy heavenly grace, strengthen them in their trials and temptations, protect them in the hour of danger, that wherever they serve they may be loyal to their high traditions and at all times they put their trust in thee. Unto thee, the one and true Lord, we lift up our souls at this moment. Grant our beloved Representatives length of life, strength and wisdom so, God, they may continue to serve our state and nation, and may their long, faithful service be a manifestation of thy glory now and ever and always. Amen.

The members stood at attention during the playing of the National Anthem by the Mt. Desert Island High School Band.

The journal of the previous session was read and approved.

Papers from the Senate

The following Expressions of Legislative Sentiment recognizing that:

Scott Foster, from Troop 301, York, who received the Eagle Scout Award (S. P. 731)

William Mack, from Troop 301, York who received the Eagle Scout Award (S. P. 727)

Thomas Blaisdell, from Troop 301, York who received the Eagle Scout Award (S. P. 728)

Philip Blay, from Troop 301, York who received the Eagle Scout Award (S. P. 729)

Michael Moore, from Troop 301, York who received the Eagle Scout Award (S. P. 730)

Came from the Senate read and passed.

In the House, were read and passed in concurrence.

Ought to Pass as Amended

Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-401) on Bill "An Act to Establish the Boundary between Rockport and Rockland" (S. P. 658) (L. D. 1698)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-403).

In the House, the report was read and accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-401) was read by the Clerk and indefinitely postponed in concurrence.

Senate Amendment "A" (S-403) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Authorize Bond Issue in the Amount of \$6,000,000 for Improvements to Vocational-technical Institutes" (Emergency) (H. P. 1757) (L. D. 1887) which was referred to the Committee on Education in the House on January 25, 1980.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House:

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

Mr. CONNOLLY: Mr. Speaker, I move that the House adhere and would like to speak briefly to that motion.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the House adhere.

The gentleman may proceed.

Mr. CONNOLLY: Mr. Speaker and Members of the House: It is not my intention to get into any kind of debate with any member of the Appropriations Committee, but I would like to point out for the edification of the members of the House that at the last session of this body, a week ago Friday, this bill was referred to the Committee on Education for a public hearing. The bill was then sent over forthwith to the other body for reference. There was no indication at that time that there would be any sort of a fight or debate about reference, and under the instruction from leadership about the recess and in an attempt to speed up bills and schedule them for hearing, this bill was assigned a hearing date of tomorrow. It is scheduled and the public has so been notified that this bill will have a public hearing before the Education Committee tomorrow. If we do not adhere, that would then put us in the position of non-concurrence with the other body and the public hearing for tomorrow would have to be cancelled.

I don't feel that this is a pet bill of the Education Committee, but there has been a subcommittee of that committee that has been doing a great deal of work on studying the vocational-technical institutes, and it would seem to me that it is appropriate that this bill go before that committee.

But the principal reason that I stand and ask that you adhere is because there is a public hearing that is scheduled for tomorrow, and I would hope that we could move forward so that that public hearing could occur.

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

Mr. PEARSON: Mr. Speaker, I move that we recede and concur and would like to speak to my motion.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that the House recede and concur.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I think it is indeed unfortunate that some mistake by some clerk somewhere has put an advertisement out on a bill that is not yet referred to a committee. That is certainly unfortunate but certainly shouldn't be the prime concern here today.

I am in favor of putting this bill in Appropriations not just because I am chairman or a member of that committee but because of logic, and I would appeal to your logic and I want to do that by telling you that almost every bond issue that has ever been appropriated for vocational institutes have gone through the Appropriations Committee.

Now, what happens is, when you float a bond issue for vocational schools, of course, you create a situation where you have to staff buildings and you have to provide the equipment for it, which is another expense that is going to come along in addition to the bonding. Down the years, you are going to have maintenance on buildings and you are going to have a bonded indebtedness. I want to point out this to you people because we have next year, in the second year of the biennium we are in now, the bonded indebtedness this state has, just the interest we are paying on the bonds right now is \$28,270,000. Every time that you float a bond issue, you have to realize the financial impact that that is going to have on the state's budget. That is going to be something that is not going to be controlled but you have got to pay it.

So, it seems logical to me that if you are going to float bonds, you have got to look at the

entire financial picture of the state, and I think that is best done in the Appropriations Committee.

I will give you another example of some of the things that we have got to consider when it comes to vocational institutes right now. In Bangor alone, on the roofs of that fairly new set of buildings there for the vocational school in Bangor, there is between \$750,000 and \$1 million worth of repairs that have to be done on those roofs. We would like to deal with the entire financial picture of the vocational institutes and consider bond issues along with that, because I think it all meshes in together. It is the financial burden of the state that we are concerned about, and I think that that committee deals with it, with the exception of maybe one or two bills in the past, and is best equipped to do it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I very rarely say that I truly had no intention of getting up on this bill, and I mean it, but remarks by one speaker force me to get on my feet.

There was a committee named to study the vocational-technical institutes, the chairman of the committee in accordance with the whole committee on appropriations to look into the vocational-technical institutes. I defy any member of this House to stand and state that they have visited every vocational school in this state in the last year. I was named chairman of that committee. I visited every school in this state last year at my own expense wherein it concerns mileage, at my own expense; where it concerns food, at my own expense; where it concerns sleeping accommodations, for a very simple reason—because of my love for vocational education, because of the fact that I co-sponsored the very first bill that moved the vocational school from Augusta to South Portland and then got one passed in Auburn, helped the one in Bangor, helped the one in Washington County, helped the one in Machias and all over this state. Up to the time that that something unfortunate happened on my own campus in Auburn, I visited that school at least once a week.

The morale of the schools in our program is wrong. I could stand here for an hour and a half or a day and a half to tell you some things that are wrong. I want to meet with the directors of the vocational schools, the Commissioner of Education and the head of the vocational school department. There are some unanswered questions, a great many of them.

I stood on the campus of the Southern Maine Vocational School and we both agreed, the acting director at the time, the present director now, that the program was not big enough, that we needed a larger building. To build a building now or add a wing later on would really be costly.

You go in one door at the school in Auburn and the whole school is there, all the programs are there. I will even go so far as to say that my studies last year showed me that I made a mistake in even sponsoring a program for my own school that is named after me in Auburn, because to date, where I was told the school would be overflowing, there are six people in that wing.

We have a credit rating to look out for in this state, if we are going to touch upon finances. Furthermore, when somebody will stand here and make a statement that a bill was passed here the last day of the session, on Friday when I wasn't here, passed conclusively—if my memory serves me correctly, we have two branches in this building, and the other body disagreed. Last week we called a bill from the Appropriation Room that was supposed to be heard; we cancelled out the hearing. It has been done since time immemorial, but I would like to have a member in this body tell me, and I have spoken to every living speaker over the

weekend, that any bill that has ever been up for a hearing when it is in non-concurrence, and no matter what we did here, it would be in non-concurrence tomorrow anyway.

I want public hearings but they are a matter of convenience to the people and I think it is good to give them an opportunity to state their case, but this thing on the calendar, on Page 2, "Comes from the other body, referred to the Committee on Appropriations and Financial Affairs in non-concurrence," which means that no matter what we do here today, it has to go to the other body and they have to act on it. If we insist here today and they insist in the other body, the whole thing is dead anyway.

I could go on but I don't want to, I don't want to raise my voice. It would be very easy for me to. I was on the phone until twelve-thirty last night and I would suggest that it might be a good idea to have this bill go back to where it belongs—I would support the motion of my chairman from Old Town, Mr. Pearson.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: Not to belabor this point, but first to correct an impression that might have been left with you by the Chairman of the Appropriations Committee. The fault for the scheduling of this bill does not lie with the committee clerk. It was my responsibility to schedule the bill and I did that on the last day that we met because leadership said that the bills that were on the calendar that day should be set up for a hearing.

Again I would point out that we had no indication at any point until last weekend that I even realized that this particular issue was going to be a matter for debate. I would also like to point out that it is my understanding that the other body is prepared to run a supplemental calendar should the House today vote to adhere so the hearing can go on as scheduled tomorrow.

I would hope that you would vote against the motion to recede and concur.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I really hesitate to stand on this and I have a little fear in my heart: However, I am the sponsor of this bill. It bears my name as the prime sponsor, and I have a responsibility as the sponsor to also take into account the financial aspects of this bill and I certainly intend to do that.

I have no great problems about it going to Appropriations; I don't fear that committee because I feel the bill is valid and many points in its favor will prevail. However, the matter of convenience to the public are a public hearing is now a moot point; it has been advertised. There are instructors, directors and students, trade committee people, who will be coming forward. They are prepared to come tomorrow; I don't know how we prevent that. We have people coming from one end of this state to the other, including the Waterville area.

The matter is that is has been advertised and I am prepared to do a fair and equitable job in the presentation of the bill. It will be reviewed by the Appropriations Committee. I trust the person who knows the most about the VTI's, namely Representative Jalbert, who will review the bill when it is on the Appropriations Table, so I have no fear whatsoever and I contend we should have that public hearing tomorrow. I am really concerned about the people who have been preparing to come, so I hope we will have a division on the issue.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: One of the points that the gentlelady from Portland, Mrs. Beaulieu, made just now was that, well, the Appropriations Committee will probably review this in the end and that is not necessarily so. That is

my problem, you see.

If it goes to Education and comes back into the House and you vote in a two-thirds vote to send it out to referendum to present a bond issue to the people of the State of Maine, I don't think the big financial picture will be looked at by the Appropriations Committee.

I would repeat again, we have next year, in the second year of the biennium, \$28,270,000 worth of fixed costs on paying off interest right now. Then you have staff and equipment that you are going to have to buy in the future and we would like to have an opportunity to review it in that type of a light along with everything else.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I guess I would like to ask a question if I could since we seem to be between a rock and a hard place on this particular bill.

Is there anything to prohibit this House and the other body from recommitting that particular bill to Appropriations once Education has held a hearing on it, has taken a look at it in terms of the educational needs of the state and then Appropriations can take a look at it in terms of the overall bonding situation of the state? If that is not the procedure for dealing with bond issues, then perhaps we ought to set the precedent now and maybe get ourselves out of this particular situation and have a more reasonable way of dealing with bond issues in the future.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: First, in quick answer to the gentlelady from Owl's Head, Mrs. Post, I might say this—setting a precedent on things like this can be a very, very dangerous thing. We might have something that might come up and pass here that would prove to be very, very important—the banks might get involved, our credit rating would be involved and it would be a mess from top to bottom. This is a very, very dangerous situation.

As far as correcting the gentleman from Old Town, Mr. Pearson, as was done by the back row a couple of seconds ago, in that I was not here on that day, I know what happened. The bill was referred to the Appropriations Committee, then the Education Committee and then notes started to fly around and the windup is the reconsideration and wham-o on Education. All at once that becomes the law. Forget the other body, that is the thing that aggravates me a little bit.

So if we are going to start laying it on the line, and if we are going to be here for quite a little while and any more accusations like that are going to come flying around, I am going to be on my feet for quite a little while. This procedure is a horror show.

We have a lot at stake here. There is no Appropriations Table, this thing needs two-thirds of those present and voting, it doesn't stop anywhere, it goes right downstairs and then it goes, and that is where it originated in the first place. I know just how it originated, I know also how Waterville got into the thing—had a little steam. I know the situation and I wouldn't embarrass my colleague on the Appropriations Committee from Aroostook County, he knows the situation and he knows it very well. My supporting 'the county' has been very, very good and my vote and support of vocational education is well known.

We are breaking a precedent. If these authors know so much, because I have seen them know nothing, will answer this question, when has a bill been referred and advertised for a hearing when it is in non-concurrence? I would like to have somebody get up and answer me that question. It is as simple as that.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the

gentleman from Old Town, Mr. Pearson, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House 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. 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 Old Town, Mr. Pearson, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Blodgett, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.C.; Bunker, Call, Carter, D.; Carter, F.; Chonko, Churchill, Conary, Cox, Curtis, Damren, Dexter, Doukas, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Gavett, Gray, Gwadosky, Hall, Hanson, Hickey, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Jalbert, Kelleher, Kiesman, Lancaster, LaPlante, Leonard, Lewis, Lizotte, Lougee, Marshall, Masterman, McKean, McPherson, McSweeney, Morton, Nadeau, Nelson, A.; Nelson, N.; Pearson, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Stover, Studley, Theriault, Torrey, Tozier, Vose, Whittemore.

NAY — Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Brannigan, Brennerman, Cloutier, Connolly, Cunningham, Davies, Davis, Dellert, Dow, Drinkwater, Fenlason, Fowlie, Garsoe, Gillis, Gowen, Howe, Hughes, Kane, Leighton, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterton, Matthews, Maxwell, McHenry, McMahon, Mitchell, Norris, Paradis, E.; Paradis, P.; Paul, Payne, Peltier, Post, Prescott, Reeves, P.; Rolde, Stetson, Strout, Tarbell, Tierney, Tuttle, Twitchell, Vincent, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Austin, Barry, Brodeur, Brown, K.L.; Carrier, Carroll, Diamond, Higgins, Hobbs, Jacques, E.; Joyce, Kany, Laffin, Michael, Nelson, M.; Simon, Sprowl, Violette.

Yes, 73; No, 60; Absent, 18.

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

Non-Concurrent Matter

Bill "An Act to Reorganize the Department of Mental Health and Corrections" (H. P. 1786) (L. D. 1904) which was referred to the Committee on State Government in the House on January 25, 1980.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

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

Mrs. KANY: Mr. Speaker, I move that the House adhere.

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

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

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would vote against this motion to recede and concur so we can go back to adherence.

We debated this last week. Our vote indicated that the majority of the people in this House wanted to refer this reorganization bill to the State Government Committee. As a

member of that committee, I can tell you that many reorganization matters come before us all the time. We are perfectly able to look at a situation from an organization or structural standpoint and figure out the best solution for the best interest of the clients and for the people of the state.

Last week, the gentlelady from Hampden, my good friend, and I don't want to pick a fight with her either, did state that she felt that because her committee, Health and Institutional Services, dealt with policy issues having to do with the state institutions, that their input would be extremely more valuable than that of the State Government Committee. I would submit that the important thing in a reorganization is for a dispassionate view and an objective view, and I think that the members of our committee are able to consider the bill with that end in sight. And certainly, if members of the Health and Institutions Committee feel strongly one way or another about this bill, they certainly would be welcome to come and participate in the hearings and in the working sessions.

I do urge you to vote against the motion and I would like to ask for a division, please.

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

Mr. CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Health and Institutions Committee and the Joint Select Committee on Corrections. It really doesn't matter too much to me what committee it goes to. All I want is this bill to have a fair hearing. What I am afraid of is the fact that if the Senate wants this bill to go to Health and Institutions and we recede, this bill could get killed before we even have a hearing. I think this is an important enough bill to at least have a hearing; I wish you would consider that.

This bill has been talked up for many years. A great deal of emphasis has been placed on it this year. Let's at least let this bill have a good hearing. That is all I ask for.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I have served during this session as Chairman of the Joint Select Committee on Correctional Institutions, and I was to associate myself with the sentiments of the gentlewoman from Cape Elizabeth. I think it does need dispassionate look at this legislation. For that reason, I don't think it ought to go to our Committee on Correctional Institutions and I also don't feel it ought to go to the Committee on Health and Institutional Services, but the committee that consistently deals with issues of state organization is that of State Government, and I think that is where this bill ought to go for the very reasons that the gentlewoman from Cape Elizabeth enumerated.

I don't think the feeling in either house is terribly strong. I think if we stick to our guns on this, we will do very well, and I ask that you do that and vote against the motion to recede and concur.

The SPEAKER: The pending question is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

31 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Kany of Waterville, the House voted to adhere.

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

Mr. NORRIS: Mr. Speaker, rather than send the bill back to the other body in a negative position, I was going to move that we insist and thereby make an attempt to keep the bill alive, because if we get a double adhere, then the bill is dead without any public hearing.

I would move that we reconsider whereby we voted to adhere on this.

The SPEAKER: The Chair will order a vote. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

Messages and Documents

The Following Communication: (S. P. 733)
January 24, 1980

Honorable James A. McBreairty
Honorable William B. Blodgett
Chairmen, Committee on
Energy and Natural Resources
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Harvey E. DeVane of Ellsworth to be member of the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A. Section 341, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Energy and Natural Resources.

In the House, was read and referred to the Committee on Energy and Natural Resources in concurrence.

The Following Communication:

State of Maine
Department of
EDUCATIONAL AND
CULTURAL SERVICES
Augusta, Maine

January 30, 1980

TO: May M. Ross, Secretary of the Senate
Edwin H. Pert, Clerk of the House

FROM: S/HAROLD RAYNOLDS, Jr., Commissioner

RE: Report of Advisory Committee on Medical Education

In accordance with the provisions of 20 MRSA, Chapter 304, it is my duty to annually present to the Legislature and the Governor a plan relating to the participation of Maine contract students in medical education programs. It is my pleasure, therefore, to transmit herewith the second status report prepared by the Advisory Committee on Medical Education which summarizes the Committee's activities and recommendations for the period June 1, 1979 - January 1, 1980.

cc: Governor Brennan

Was read and with accompanying Report ordered placed on file.

The Following Communication: (H. P. 1790)
January 28, 1980

Speaker of the House and
President of the Senate
Gentlemen:

Maine's Charitable Solicitations Act took effect January 1, 1978. Essentially, it requires all charitable organizations to register with our office. Certain types (churches, educational institutions, small charities) are "exempt" from annual filings and financial reports; they submit only an initial registration.

Charitable organizations pay no filing fees; however, professional fund-raisers must pay a \$100 fee and post a \$10,000 bond. Organizations grossing more than \$30,000 annually must submit a financial report indicating how much was spent directly for the charity, for administration and for fund-raising.

As indicated in the accompanying report, we have intensified our efforts to gain compliance

with the Act. Registrations are 55% greater than in 1978. Administrative regulations were recently adopted to assist charities in submitting financial reports.

These efforts have, predictably, brought a degree of concern and resistance from those who are affected by the Act. If you have any constituents who are interested in the administration of this law or who need assistance, please feel free to have them contact my Deputy, Dr. James S. Henderson. He will be glad to accept any suggestions that would result in the fairest application of this law to all organizations while avoiding hardship on the smallest charitable groups.

We are currently studying the feasibility of transferring the responsibility for administering the Act to the Department of Business Regulation. That Department's regulation of auctioneers and itinerant vendors suggest efficiencies and convenience for the public. We will keep you informed of any proposals for change.

Very truly yours,
S/RODNEY S. QUINN
Secretary of State

Was read and with accompanying Report ordered placed on file and sent up for concurrence.

The following Communication:

January 31, 1980

TO: Edwin Pert, Clerk of the House
May Ross, Secretary of the Senate
G. William Buker, State Budget Office
FROM: S/HAROLD RAYNOLDS, Jr., Commissioner

RE: Recommendation for 1980-81 Funding Level for Adult Education

Pursuant to the provisions of Title 20, M.R.S.A., Chapter 308A, Section 2385, I am required to certify annually prior to February 1 to the Legislature and to the Bureau of the Budget a recommendation for the funding levels for the various program categories in Adult Education.

Please see the recommendation below:
EDUCATION: ADULT EDUCATION

1980-1981

All Other category 6300 (including
Grants to Cities and Towns) \$1,445,600
Was read and with accompanying Report ordered placed on file.

The following Communication:

January 21, 1980

To Members of the 109th Maine Legislature:
I am submitting herewith my annual report to the Legislature and invite your views and comments.

Your continuing interest in issues facing Maine agriculture is encouraging and appreciated by the State's farming community.

Sincerely,

S/STEWART N. SMITH

Commissioner

Was read and with accompanying Report ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

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

Tabled and Assigned

Bill "An Act Appropriating \$1,500 for the Mt. Desert Island High School Band to Represent Maine in the Cherry Blossom Festival Parade" (Emergency) (H. P. 1794) (Presented by Mr. Bordeaux of Mt. Desert) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.)

Committee on Appropriations and Financial Affairs was suggested.

On motion of Mr. Tarbell of Bangor, tabled pending reference and specially assigned for Wednesday, February 6.

Labor

Bill "An Act to Provide for Improved Information on Workers' Compensation and to Provide Funds for Full-time Workers' Compensation Commissioners" (H. P. 1795) (Presented by Mr. Gwadosky of Fairfield) (Governor's Bill)
(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Concerning the Incorporation of the Mission Congregational Church" (H. P. 1791) (Presented by Mr. Immonen of West Paris) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.)
(Ordered Printed)
Sent up for concurrence.

State Government

RESOLVE, to Honor James B. Longley (Emergency) (H. P. 1792) (Presented by Mr. Martin of Eagle Lake) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.)
(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Reorganize the Sales and Use Tax Law and to Encourage Conversion to Coal through Treatment of Coal as Oil for Sales Tax Purposes" (H. P. 1793) (Presented by Mrs. Post of Owl's Head) (Cosponsor: Mr. Fowlie of Rockland) (Governor's Bill)
(Ordered Printed)
Sent up for concurrence.

Study Report**Committee on Judiciary**

Mr. Stetson from the Committee on Judiciary to which was referred the study relative to Child Abuse, pursuant to Joint Order H. P. 1462, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Establishing the Child and Family Services and Child Protection Act" (H. P. 1787) (L. D. 1906) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Orders

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

Michele A. Rollins of East Dixfield, senior co-captain of the University of Southern Maine Woman's Basketball Team, who scored over 1,000 points in collegiate competition (H. P. 1796)
Presented by Mr. Rollins of Dixfield (Cosponsor: Senator O'Leary of Oxford)
Was read and passed and sent up for concurrence.

House Reports of Committees**Ought Not to Pass**

Mr. Masterman from the Committee on Fisheries and Wildlife on Bill "An Act to Prohibit Trapping by Game Wardens, except in the Line of Duty" (H. P. 1760) (L. D. 1885) reporting "Ought Not to Pass"

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Revise the Van Buren Light and Power District Charter" (H. P. 1608) (L. D. 1719) reporting "Ought Not to Pass"

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Require Public Utilities Commission Review of Proposed Construction Plans by Telephone, Electric and Gas Utilities" (H. P. 1637) (L. D. 1746) reporting "Ought Not to Pass"

Mr. Gwadosky from the Committee on Business Legislation on Bill "An Act to Amend the Maine Consumer Credit Code to Apply to Ar-

rangers of Credit and to Revise Provisions Relating to Agricultural Loans Residences Security and Fines" (H. P. 1657) (L. D. 1766) reporting "Ought Not to Pass"

Mrs. Kany from the Committee on State Government on Bill "An Act to Amend Training Requirements for Corrections Officers" (H. P. 1693) (L. D. 1803) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Mr. Howe from the Committee on Business Legislation on Bill "An Act Mandating Risk-sharing Among Property Insurers" (H. P. 1673) (L. D. 1780) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Mr. Kiesman from the Committee on Energy and Natural Resources on Bill "An Act Relating to State Monitoring and Disclosure of Nuclear Power Radiation" (H. P. 1654) (L. D. 1763) reporting "Leave to Withdraw"

Report was read.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This is a "leave to withdraw" report, and this particular measure did pertain to the state government improving and increasing its monitoring of radiation levels from the Maine Yankee Nuclear Power Plant. It is our understanding here in the state, and I think it is important for you to know for your constituents back home because nuclear power is a very viable and volatile political issue these days in our state and across the country.

The Nuclear Regulatory Commission plans to be sending to our state and every nuclear plant throughout the country two people from the Commission to actually monitor what goes on in the operation control room of every nuclear power plant and two people will be coming to ours. In addition to that, under Title 10 of our State Laws, the Department of Human Services has rulemaking powers and they can promulgate rules to increase the information and data that they request and receive from the nuclear power plant. So, it is unnecessary at this time to go forward with any statutory legislation if they have the ability under their rulemaking power to do that administratively.

I just wanted to pass that information along to you in light of the intensity of this issue these days throughout our state.

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

Ought to Pass in New Draft

Mr. Davis from the Committee on Education on Bill, "An Act Relating to the Vocational-technical Institutes" (Emergency) (H. P. 1393) (L. D. 1613) reporting "Ought to Pass" in New Draft (H. P. 1788) (L. D. 1907)

Mr. Connolly from the Committee on Education on Bill, "An Act Realigning to Budgetary Hardship in Maintaining Special Education Students" (H. P. 1594) (L. D. 1705) reporting "Ought to Pass" in New Draft (H. P. 1789) (L. D. 1908)

Reports were read and accepted, the New Drafts read once and assigned for second reading tomorrow.

Consent Calendar**First Day**

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

(S. P. 657) (L. D. 1696) Bill, "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority" (Emergency) — Committee on Public Utilities reporting

"Ought to Pass" as amended by Committee Amendment "A" (S-402)

(H. P. 1660) (L. D. 1769) "An Act to Increase the Debt Limit of the Kingfield Water District from \$80,000 to \$350,000" Committee on Public Utilities reporting "Ought to Pass"

(H. P. 1618) (L. D. 1728) Bill, "An Act to Establish \$10,000,000 as the Limit of the Maine Coastal Protection Fund" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-755)

(H. P. 1622) (L. D. 1732) Bill "An Act to Amend the Laws Relating to the Maine Student Incentive Scholarship Program" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-756)

(H. P. 1710) (L. D. 1815) Bill "An Act to Amend the Law Dealing with the Identity of Fish Produced by Aquaculture" — Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 1593) (L. D. 1704) Bill "An Act to Clarify the Statutes Relating to Natural Gas Pipeline Companies" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-757)

(H. P. 1684) (L. D. 1793) Bill "An Act to Eliminate Restrictions on Grants Made by the Bureau of Mental Retardation" (Emergency) — Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 1658) (L. D. 1767) Bill "An Act Concerning Mobile Barber Shops" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-758)

(H. P. 1714) (L. D. 1820) Bill "An Act Providing Release Benefits for Certain Persons Discharged from the Maine Correctional Center" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-759)

(H. P. 1669) (L. D. 1786) Bill "An Act to Amend the Capitol Planning Commission Law" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-760)

(H. P. 1627) (L. D. 1737) Bill "An Act Concerning the Brake Requirements on Farm Registered Vehicles under the Motor Vehicle Laws" — Committee on Transportation reporting "Ought to Pass"

(H. P. 1625) (L. D. 1735) Bill "An Act to Limit the Activities Authorized by the Wholesale Seafood License" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-761)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 5, under listing of Second Day.

Consent Calendar**Second Day**

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

(H. P. 1643) (L. D. 1752) Bill "An Act Concerning Recording, Comments and Notice Dates Under the Administrative Procedure Laws"

On the objection of Mr. McHenry of Madawaska, was removed from the Consent Calendar.

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

(H. P. 1646) (L. D. 1756) Bill "An Act Relating to Maine Educational Advisory Organizations"

(H. P. 1606) (L. D. 1717) RESOLVE, Authorizing the Attorney General to Convey the State's Interest in a Certain Parcel of Land and Buildings in Augusta to the Community Shel-

ters for Children, Inc. (C. "A" H-753)

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

**Passed to Be Enacted
Emergency Measure**

An Act to Increase the Amount which the District Court is Allowed to Deposit into the District Court Building Fund from \$3,000 per Month to \$120,000 per Year (H. P. 1640) (L. D. 1749) (C. "A" H-748)

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

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer, Mr. Hobbins or whoever else. I should know the answer to this question and I apologize, but I would like to know the wherewithall for the money for this bill, where it is coming from and that sort of thing.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentleman from Saco, Mr. Hobbins, who may respond.

The Chair recognizes that gentleman.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I think that is the magical question when you find a bill with a price-tag on it.

This bill was presented during the last session and was passed by both bodies of the legislature and was killed on that Thursday evening when many bills were killed.

This bill was put in as a Governor's bill at the request of the Chief Justice of the Maine Supreme Judicial Court. What it does basically, it increases the amount of money dedicated per month from an average of \$3,000 per month to \$10,000 per month into a District Court improvement fund which basically maintains the district court system. It would mean a loss of revenue, as you know. This bill will probably be, if passed by both bodies, placed on the Appropriation Table and will either have the support of leadership or not have the support of leadership.

The Chief Justice made a good case to the Governor of this State. The Governor put this bill in in his call and it was sponsored by me. I hope today we can at least pass the bill on the merits and the fate of the bill, if the price tag is too much, will be decided at the appropriate time.

The SPEAKER: 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 as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

111 having voted in the affirmative and 15 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

grossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Pearson of Old Town, Adjourned until ten o'clock tomorrow morning.

Passed to Be Enacted

An Act to Make Corrections in the Law with Respect to Bridgton Academy, Gould Academy and North Yarmouth Academy (H. P. 1597) (L. D. 1708) (C. "A" H-747)

An Act Revising the Maine Capital Corporation (H. P. 1616) (L. D. 1726) (H. "A" H-751)

An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders (H. P. 1620) (L. D. 1730) (C. "A" H-746)

An Act Relating to Enforcement of the Truck Weight Requirements Under the Motor Vehicle Laws (H. P. 1628) (L. D. 1738) (H. "A" H-750)

An Act to Amend the Law Regarding the Issuance of Registration Permits under the Motor Vehicle Laws (H. P. 1629) (L. D. 1739)

Were reported by the Committee on En-