

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

Tuesday, February 26, 1980

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

Prayer by the Reverend Bradford C. Payne of the United Church of Christ, Lincolnville Beach.

Reverend PAYNE: Let us be in the spirit of prayer. O God, our Father, you have called us to serve our fellow citizens in these halls, to act in their behalf to pursue and express in law the best interests of our beloved State of Maine. It is a high public trust those who have chosen us have placed in us; yet, we confess there are those time when the wisdom dims and tedium dulls our resolve and conflicting loyalties cloud our best motives.

Grant, O Lord, that we may daily find our strength in your grace and inspiration. Renew in us, we pray, integrity of character, the diligence of our best energies, wisdom of unprejudiced and searching minds and the unifying spirit of mutuality and common purpose. So, then, shall the statutes we enact and the service we render more clearly reflect the embodiment of those high standards the citizens of our state rightfully expect of us. So, too, shall we be true to the best that is in us, those paths you, Lord, would have us walk.

In these moments of prayer, we would give voice to our concern for others, especially for those who carry the awesome responsibilities of high office, for the Governor of our State, those who administer the departments of our government, the President of our country.

We sense, Lord, that the times are fraught with danger at every hand, the world teetering at the edge of catastrophic war and economy wracked in its dislocations of energy, inflation, unemployment and an environment which we have only begun to protect and restore. Amidst these perils, grant to our leadership the wisdom to make the right choices, the ability to work with others to accomplish those goals we all seek and a calmness of spirit to withstand.

Finally, Lord, we would direct our prayers this morning to our countrymen held captive in Iran. We salute their courage and patience in the discomfort of their confinement and the separation of loved ones and their anguish of not knowing what the outcome shall be. Strengthen and sustain them in their need and their families as they wait, and by thy grace and goodness, Lord, grant them safe return at the last. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Exempt from Registration Requirement Certain Substance Abuse Counselors Employed in that Capacity Prior to Enactment of those Requirements" (S. P. 767) (L. D. 1960)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

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

Non-Concurrent Matter

Bill "An Act to Amend the Pay Schedule of Physicians to Include Actuaries" (S. P. 707) (L. D. 1843) which was passed to be engrossed as amended by House Amendment "C" (H-797) and House Amendment "D" (H-799) in the House on February 21, 1980.

Came from the Senate passed to be engrossed as amended by House Amendment "D" (H-799) in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from South Portland, Mr. Howe, moves that the House recede and concur.

The gentleman may proceed.

Mr. HOWE: Mr. Speaker and Members of the House: This is the now infamous bill dealing with the actuaries which are sought by the Bureau of Insurance. There are no actuaries in the position now, as you may recall, because the pay offering isn't sufficient even to attract a serious candidate.

As the debate made clear, I think, the other day, there is apparently no disagreement among the 184 Maine Legislators that there is a need both for actuaries and to increase the available pay for those actuaries. As you will also recall, this issue, after it hit the floor of the House with a unanimous report from the Business Legislation Committee, became involved in a labor relations dispute.

I rise to recede and concur for two reasons. Number one, in my view, the issue of hiring actuaries is paramount and, second of all, although I don't consider a labor relations issue insignificant, I personally do not feel that the Maine State Employees Association or state employees, or the collective bargaining process are in any way seriously threatened with the bill as it comes back to us from the Senate. I don't want to see the bill jeopardized by dying between both houses.

I think it is important that the collective bargaining process be the place where issues directly affecting working conditions and wages of state employees be resolved, but I think I can point to you this morning why this bill doesn't directly affect either of those.

As you probably also recall, there are two pay tables right now for state employees, Table 1 and Table 1-A, and everybody working for the state in classified services, except of the physicians, are on Table 1 and the physicians are sitting over there on Table 1-A. We propose to move the actuaries to Table 1-A in order that subsequent to that move, the Commissioner of Personnel can assign a new pay range high enough to attract serious candidates for these positions. But I would point out, and this is critical to my position, and I hope yours on the issue, the bill itself does not set a higher pay range. In fact, the low point on Salary Table 1-A is below the high point on Salary Table 1. That is significant only because the two overlap and by moving them from one to the other it doesn't knock them up into a higher pay range at all. So, that action will have to be done with or without the MSEA's amendment by the administration subsequent to passage of the bill. And as you will recall, I think a bill must be passed in some form in order to accomplish this at all.

In my view, the bill will not affect the pay or working conditions of actuaries. That change will be left to administrative process, which is still subject to arbitration, and although perhaps the question is not absolutely clear, the union will still be in a position of being able to take before the Maine Labor Relations Board the question of whether these kinds of changes in the future should be subject to negotiations. But because this particular bill will not affect the pay range, that step will have to be done later by the same process as it is done now, and in my view, the bill will not jeopardize the collective bargaining process.

I hope you will vote to recede and concur.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would defeat the pending motion to recede and concur.

I concur with the gentleman from South Portland, Mr. Howe, in his feeling that we need these actuaries. I don't think in the course of this debate there has been any disagreement on that particular point. However, some of us are concerned about what impact this particular

bill without the amendment is going to have on the collective bargaining process.

Mr. Howe has attempted to reassure us that if we are to recede and concur, in other words, pass this bill without House Amendment "C," that does not place in jeopardy in any way, even indirectly, the collective bargaining process; however, I do not agree with that. It only makes common sense to us all that if the purpose of this bill before us was not to make it possible for actuaries to be moved into the physician's pay scale, it would not have introduced. The whole rationale behind the legislation, as we all know, is to make it possible for actuaries to eventually receive higher wages. That is the purpose and there is nothing wrong with that purpose. We all agree that we need more actuaries and we all agree that we ought to be able to offer them more money to make it more attractive for hiring them. So to say that this is not going to even indirectly affect the pay that actuaries are to receive is really a little bit deceptive and misleading—I am sure not intentionally but I think that issue needs to be clarified. That is number one.

Number two, I do not believe that we ought to be diminishing the significance of the impact of passing a bill without the amendment; we ought not to be diminishing the impact on the collective bargaining process.

The present contract, ladies and gentlemen, clearly states that hours and working conditions and wages are negotiable items. This particular bill deals with, at least in a potential way, wages of state employees, and I would hope that we would defeat the motion to recede and concur so that we might entertain a motion to adhere. If this is truly a good piece of legislation, which I believe it is, then I would doubt very much if it is going to die, I don't believe that it is. But I think, and I would beseech all of you who have voted for this bill with the amendment, to stand your ground because it is an important principle; collective bargaining, as a principle, is very important, as a practice it is very important. We might say that this is not all that significant and will cut a little corner here and a little corner there, but pretty soon you start chipping away at the process.

As I said the other day, I think we run a very real risk of inviting other groups of employees to come before the legislature in an attempt to move their table or their pay ranges or their pay scales and come before the legislature in an attempt to do it. So, I think we can still have our actuaries. I think we can hire them immediately, which the amendment does provide for, so I would hope that you would defeat or vote no on the pending motion so that we can adhere.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: We keep hearing about collective bargaining on this particular issue, but to me the point isn't collective bargaining at all; the point is, does the legislature relinquish one of its powers. The legislature represents the people and if it is the legislature's position to put a person in a certain category, then in no way should we relinquish that particular power that we have. I wouldn't give it to the Executive Branch and, after all, the Governor is elected, but I certainly would never give it to a non-elective body such as the labor union.

But the main point has nothing to do with collective bargaining but it has everything to do with whether or not the legislature wants to relinquish one of its powers.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I also hope that you will vote to recede and concur this morning. I guess that issue, whether it be clouded or not clouded, can be decided at a future date. The most important issue right now really is the

fact that we do need the actuary in the Insurance Bureau.

I checked with Ted Briggs, our superintendent, and we have paid out approximately \$45,000 last year and approximately \$67,000 the year before for a consultant. The salary range will be less than that.

Secondly, right now actuaries are getting between sixty to one hundred twenty dollars an hour for consultation fees. In essence, we would be able to have a full-time actuary for approximately \$20 an hour.

I also asked the superintendent, "Could we share this actuary throughout state government," and the response was yes. There are many other areas in which the actuary can help us, also the retirement area, the retirement system.

I do hope that you will vote to recede and concur.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: It doesn't appear that any of us disagree with the major issue that is before us, the need for actuaries and the need to upgrade their salaries. Our whole system of laws is based on precedent, and I think this is the first case where we have had the precedent of trying to move outside of the collective bargaining scale by moving into another area. I think it does bear a good deal of thought if we do this. At this time, I don't think we want to make this move. I think this should be left within the collective bargaining and let the people on the State Employees Relations Board make the decision on this.

I would ask for a roll call on the motion before us.

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 South Portland, Mr. Howe, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bordeaux, Boudreau, Bowden, Brannigan, Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Carter, F.; Churchill, Conary, Curtis, Damren, Davis, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gowen, Gwadsky, Hall, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kelleher, Kiesman, Lancaster, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterman, Matthews, McPherson, Morton, Nelson, A.; Nelson, M.; Payne, Peterson, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Torrey, Twitchell, Wentworth, Whittemore.

NAY — Bachrach, Benoit, Berube, Birt, Blodgett, Brennerman, Brodeur, Brown, A.; Call, Carrier, Carroll, Carter, D.; Chonko, Connolly, Cox, Cunningham, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gray, Hanson, Hickey, Hobbins, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, LaPlante, Locke, MacEachern, McHenry, McKean, McSweeney, Michael, Mitchell, Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Baker, Barry, Beaulieu, Berry, Dellert, Hughes, Laffin, Leighton, Masterton, Maxwell, McMahon, Nadeau, Paradis, E.; Peltier, Reeves, J.; Rollins, Strout, Tarbell, Theriault.

Yes, 70; No, 62; Absent, 19.

The SPEAKER: Seventy having voted in the affirmative and sixty-two in the negative, with nineteen being absent, the motion does prevail. (Later Reconsidered)

Non-Concurrent Matter

Bill "An Act to Permit the Department of Transportation to Acquire Railroad Operating Equipment" (S. P. 666) (L. D. 1720) which was passed to be enacted in the House on February 20, 1980.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-411) and Senate Amendment "A" (S-422) in non-concurrence.

In the House:

Mr. Roope of Presque Isle moved that the House recede and concur and requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Presque Isle, Mr. Roope, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

Mr. Jalbert of Lewiston requested permission to be excused from voting, which was granted.

ROLL CALL

YEA — Aloupis, Austin, Benoit, Berube, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Bunker, Call, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Davis, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, L.; Elias, Fillmore, Fowlie, Gowen, Gray, Gwadsky, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hutchings, Jacques, E.; Jacques, P.; Joyce, Kany, LaPlante, Lizotte, Locke, Lougee, Lund, MacBride, MacEachern, Mahany, Martin, A.; Matthews, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Payne, Pearson, Peterson, Post, Prescott, Reeves, P.; Rolde, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY — Bachrach, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Carrier, Carter, F.; Cunningham, Damren, Dexter, Fenlason, Garsoe, Gavett, Gillis, Hanson, Hunter, Immonen, Jackson, Kane, Kelleher, Kiesman, Lancaster, Leonard, Lewis, Lowe, Marshall, Masterman, Nelson, A.; Roope, Sewall, Studley, Torrey.

ABSENT — Baker, Barry, Beaulieu, Berry, Dellert, Dutremble, D.; Hughes, Laffin, Leighton, Masterton, Maxwell, McMahon, Nadeau, Paradis, E.; Peltier, Reeves, J.; Rollins, Strout, Tarbell, Theriault.

EXCUSED — Jalbert.

Yes, 97; No, 33; Absent, 20; Excused, 1.

The SPEAKER: Ninety-seven having voted in the affirmative and thirty-three in the negative, with twenty being absent and one excused, the motion does prevail.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Authorize Cutting of Trees on State Park Lands" (H. P. 1623) (L. D. 1733) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by House Amendment "A" (H-783) on February 20, 1980.

Came from the Senate passed to be en-

grossed as amended by House Amendment "A" (H-783) as amended by Senate Amendment "A" (S-421) thereto in non-concurrence.

In the House: On motion of Mr. Hall of Sangerville, tabled pending further consideration and tomorrow assigned.

Messages and Documents

The Following Communication:

February 25, 1980

The Honorable John Martin
Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Marine Resources has completed all business placed before it by the Second Regular Session of the 109th Legislature.

Total Number of Bills	7
Unanimous Reports	7
Ought to Pass	1
Ought to Pass as Amended	6

Respectfully,

S/GARY W. FOWLIE
House Chairman

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

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

Energy and Natural Resources

Bill "An Act to Adopt the Maine Municipal and Rural Electrification Cooperative Agency Act" (H. P. 1871) (Presented by Mr. Elias of Madison) (Cosponsors: Mrs. Post of Owl's Head, Mrs. Mitchell of Vassalboro and Mr. Gillis of Calais) (Governor's Bill)

Committee on Energy and Natural Resources was suggested.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I arise in disarray and confusion this morning. I can see from the weight of the bill in the Clerk's hand that we are getting what appears to be a public power bill with 20 days left in the session.

I know the Governor isn't ignorant of the way that this body operates, so I can only assume that he is completely ignoring the facts of life and is completely unaware of the problems we face here to be sending a message such as this into us here today. I am not going to attempt any untoward move. I realize the custom here of killing a bill on reference is not one lightly taken, but I do want to let this one go with a strong message that this is not the way to run a railroad.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I will respond briefly to Mr. Garsoe. First of all, I am sorry he is discussing weight in terms of sponsors of the bill. Second of all, I would like to say that the Governor has the privilege under the current rules to offer legislation of any kind.

This is an extremely important piece of legislation, perhaps one of the most exciting we will be dealing with in this session. A lot of work has been done ahead of time by bond counsel, by various people who are knowledgeable in the area, so we are not starting from scratch, we are not starting out in the cold. It is a very important piece of legislation that I think the Governor has a right to submit at this point in the session.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I might also add that this bill is being put in at the request of several municipal coops across this state, and I would think that the Governor would be shirking his duties when

those people came to him with a request for a bill such as this, something they felt was very necessary, if he said no, we shouldn't even try to consider it. That may be the posture that others want to take, but I think a lot of work has been done on this bill and I think we will be able to handle it in this session.

Thereupon, the Bill was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Harlan Baker of Portland be excused February 25, 1980, and for the duration of his illness.

In accordance with House Rule 56, the following Joint Orders (Expressions of Legislative Sentiment) Recognizing, Richard LeBerge of South Portland, who heroically saved the lives of his family in a predawn fire (S. P. 765)

The South Portland High School cross-country team, coached by W. Paul Brogan, Jr., 1979 state champions (H. P. 1872) by Ms. Benoit of South Portland. (Cosponsor: Senator Gill of Cumberland)

There being no objections, the Expressions of Legislative Sentiment were considered passed.

Mike Eruzione, Olympic Gold Medalist, captain of the U. S. Olympic Hockey Team and a graduate of Berwick Academy, South Berwick, class of 1973 (H. P. 1873) by Mr. Wood of Sanford. (Cosponsors: Mr. Studley of Berwick, Senator Hichens of York and Senator Lovell of York)

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: It is with great pleasure that as Chairman of the York County Legislative Delegation I present this order today.

Even those of us who are not sports minded spent a better part of the weekend watching the TV and watching the Olympics. We saw Mike Eruzione score the deciding goal against the Russians in that game, and then we saw him lead the team on to the final victory on Sunday. And while we are in times of international crisis and domestic crisis, it is nice to see that we have real home-grown heroes. Although York County cannot claim fame to Mike by birth, we can claim fame to him by the fact that he did attend one of our private schools, Berwick Academy, and graduated in 1973, and the York County delegation would like to extend our well wishes to him on what has to be the thrill of a lifetime for any athlete, a gold medal.

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

Mr. TUTTLE: Mr. Speaker and Members of the House: I would like to concur with Mr. Wood by saying that it couldn't have come at a better time, during a period of history when relations between the United States and the Soviet Union are at an all-time low.

A young group of American amateurs struck a blow. Struck a blow, if you would, for Mom and apple pie and the American way of life.

Early Friday night, on George Washington's birthday, with a capacity crowd of 9,000 in a state of total delirium, the U. S. amateur hockey team defeated, for all intents and purpose, a professional Soviet team that an all star team of our own professional National Hockey League could not, to record one of the most stunning upsets in sports history.

In the final game on Sunday, the team came back from a 2 to 1 deficit in the third period to score three goals to defeat Finland 4 to 2 and obtain a gold medal in Olympic hockey for the United States of America. When the buzzer sounded, they hugged each other and tossed their sticks and gloves up to the people who were chanting, "USA, USA," and danced with

those who had skidded onto the ice with American Flags large and small. A dream had come true. To these young men, we owe much.

Having attempted to make the 1976 Olympic team in wrestling myself, I know that Olympic success cannot be solely measured in terms of gold, silver and bronze. If that were the case, then Leslie Bancroft, Karl Anderson and Dan Simoneau would be considered losers. None of the three—all Maine members of the U.S. Winter Olympics Team at Lake Placid, won medals. But that is not the only yard stick of athletic success, all three are remarkable winners.

Karl Anderson of Greene, an impressive skier, saw his hopes dashed when he fell during the downhill event.

Both Leslie Bancroft, a 20 year old from Paris, and Dan Simoneau, a 20 year old from Livermore Falls, finished well behind the leaders in the cross country skiing events.

But, as I said before, success, either in sports or in life, cannot be measured by a medallion. In Lake Placid last week, the three young Mainers distinguished themselves in events of endurance, skill and grace.

They were winners because they did their best and refused to be satisfied with less. The fact that they did not win medals at the winter games is not important. They are fine young representatives of their country, their state and their generation.

Thereupon, the Order received passage and was sent up for concurrence.

House Reports of Committees Leave to Withdraw

Mrs. Bachrach from the Committee on State Government on Bill "An Act to Require Disclosure of Types of Assets and Future Rights by Legislators" (H. P. 1772) (L. D. 1875) reporting "Leave to Withdraw"

Mrs. Damren from the Committee on State Government on Bill "An Act to Require Financial Disclosure by Justices and Judges" (H. P. 1773) (L. D. 1876) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Consent Calendar First Day

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

(H. P. 1866) (L. D. 1956) Bill "An Act to Amend the Emergency Home Heating Act of 1979" (Emergency)—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-802)

On the objections of Mr. Davies of Orono, was removed from the Consent Calendar, First Day.

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

Mr. DAVIES: Mr. Speaker, I would like to pose a question to the Chairman of the Appropriations and Financial Affairs Committee.

What is the purpose and meaning of this bill?

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Last October, on two different occasions, we met in Special Session to deal with the emergency heating assistance for our elderly people and for some low income households in the state, and we have today an L. D. in front of us that was heard in Appropriations in a work session yesterday but we didn't have a formal hearing on it. The reason for not having a formal hearing on it was that we are under a certain time constraint.

This bill attempts to amend the emergency

act that we had in October of 1979. We passed it at a time, if you remember, in October when we didn't know whether we were going to have federal funds or not and we didn't even know if Congress was going to contemplate it.

At the time, we appropriated enough money to pay \$100 for renters and \$200 for households, and the total costs of that appropriation was \$866,000. In order to be eligible for those benefits, one had to apply by the 29th of this month, which is coming up shortly. This is an attempt to extend the deadline for people to be able to apply for those state funds.

As of the 15th of this month, we have had about 2300 people who have made application and we have encumbered about half of the amount of money that we appropriated. We have found that it has been the experience of administering this program that most of the elderly people in the state, whom I think most of us are very concerned about, have not made applications in as large numbers as we thought they were going to. Apparently, it was a matter of pride and I am sure that elderly people in Maine have a great deal of that and they wanted to see if they could last through the winter without appealing to the State for aid.

It is the experience of Mr. Greenlaw in the Governor's Office, who is administering this program, that they are pretty close to being pushed to the wall and they expect that these people are not going to be able to survive the winter without some assistance, so about half of the funds have been used. The outreach program that we have had has not been probably as good as it should have been and the elderly and disabled who are eligible for this program, who are over 55, who exceed the poverty guidelines, the federal poverty guidelines, but while they exceed that to qualify under the state statutes on the elderly tax and rent relief program, they have not applied yet and we are trying to give them a little more time to do that.

That is the essence of what we did, going to extend their time to conform with federal time guidelines also.

Thereupon, the Report was accepted, and the Bill read once.

Committee Amendment "A" (H-802) was read by the Clerk and adopted.

Under suspension of the rules the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith, to the Senate.

Consent Calendar Second Day

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

(S. P. 655) (L. D. 1694) Bill "An Act Relating to the Provision of Telephone Equipment by Telephone Companies to the Hearing Impaired and their Families" (C. "A" S-420)

(H. P. 1647) (L. D. 1757) Bill "An Act Amending the Requirement of Announcing Political Disclaimers" (Emergency) (C. "A" H-800)

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

Passed to be Enacted

An Act Concerning Mobile Barber Shops (H. P. 1658) (L. D. 1767) (S. "A" S-415; S. "B" S-417)

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

Mr. Peterson of Caribou 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 is passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Benoit, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Call, Carrier, Carroll, Carter, F.; Chonko, Cloutier, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gowen, Gray, Gwadosky, Hanson, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterman, Matthews, McHenry, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Norris, Paradis, P.; Paul, Payne, Pearson, Post, Prescott, Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tierney, Torrey, Tozier, Vincent, Violette, Vose, Wentworth, Whittemore, Wyman, The Speaker.

NAY — Brown, K.C.; Bunker, Churchill, Hickey, Higgins, MacEachern, Morton, Peterson, Roope, Silsby, Tuttle, Twitchell, Wood.

ABSENT — Baker, Barry, Beaulieu, Berry, Carter, D.; Conary, Hall, Hughes, Laffin, Masterton, Maxwell, McKean, McMahon, Nelson, M.; Paradis, E.; Peltier, Reeves, J.; Strout, Tarbell, Theriault.

Yes, 118; No, 13; Absent, 20.

The SPEAKER: One hundred eighteen having voted in the affirmative and 13 in the negative, with twenty being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Clarify Provisions for Fish Weirs in Unorganized Territories (H. P. 1716) (L. D. 1822) (C. "A" H-793)

An Act Pertaining to the Abandonment of Public Ways (H. P. 1738) (L. D. 1856)

An Act Authorizing the Bureau of Consumer Protection to Inform and Advise the Public and to Investigate and Prosecute Complaints Under the Fair Credit Reporting Act. (H. P. 1814) (L. D. 1926) (S. "A" S-419)

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

Orders of the Day

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

Bill, "An Act to Allow the Commissioner of Marine Resources to Exercise Limited Authority over the Conservation of Atlantic Salmon" (H. P. 1630) (L. D. 1740) (C. "A" H-785)

Tabled—February 22, 1980 by Mr. Dow of West Gardiner.

Pending—Passage to be Engrossed.

On motion of Mr. Dow of West Gardiner, tabled pending passage to be engrossed and specially assigned for Thursday, February 28.

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

An Act Relating to the Effective Date of Administrative Changes in the Employment Security Law (Emergency) (H. P. 1762) (L. D. 1888)

Tabled—February 25, 1980 by Mr. Tierney of Lisbon.

Pending—Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and specially assigned for Thursday, February 28.

Bills Held

Bill, "An Act to Allow Counties to Participate in the Solid Waste Management Subsidy" (H. P. 1735) (L. D. 1853)

—In House, Passed to be Engrossed on February 25, 1980.

Held at the request of Mr. Blodgett of Waldoboro.

On motion of Mr. Blodgett of Waldoboro, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-801) was read by the Clerk and adopted.

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

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

—In House, Passed to be Enacted on February 25, 1980.

Held at the request of Mr. Tierney of Lisbon.

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

Mr. TIERNEY: Mr. Speaker, I move that we reconsider our action whereby this bill was passed to be enacted.

There is no question that I voted against enactment of this bill, but I don't plan to speak on that. The primary reason I held this bill was, hopefully, to teach the House a very fundamental rule of parliamentary procedure and that is, a bill could be held after that last vote is taken and the last vote yesterday was passage to be enacted, which went under the hammer, which meant that anyone in the House was capable of moving reconsideration or holding this bill.

The good gentleman from Monmouth, Mr. Davis, when he moved to reconsider after the indefinite postponement motion, simply made that motion prematurely and I don't really think the change is going to take place, I just like to teach the House rules of procedure a little bit once in awhile.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: On behalf of the members of this House, I surely thank the gentleman for his fine elementary education that he has given us here today. The thought crossed my mind as we were suspending all operations here waiting for that gentleman to make his leisurely way in from what ever nefarious occupations he was involved in at the time, that not a week ago he scolded a member of his own clan for not being in his seat when business concerning him was coming up and I think the gentleman owes Mr. Howe an apology.

I am not through. I think it is perhaps more than coincidence that it is my bill that they have just chosen to give you this little mini course in parliamentary procedure. Never before has so much been said about so little. This little device was brought into effect, as I said yesterday and the day before and two days before that and last week and two weeks before that, to do nothing but allow mostly clerical workers to be relieved of Social Security. However, since the gentleman didn't consult me yesterday and allow me to be perhaps a co professor in this instruction, I have been caught somewhat offguard and so it would be my hope that someone would table this for one day.

On motion of Mr. Masterman of Milo, tabled pending the motion of Mr. Tierney of Lisbon Falls to reconsider whereby the Bill was passed to be enacted and tomorrow assigned.

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

Mr. JACKSON: Mr. Speaker, having voted

on the prevailing side earlier in the day on Bill "An act to Amend the Pay Schedule of Physicians to Include Actuaries" (S. P. 707) (L. D. 1843) whereby the House voted to recede and concur, I move reconsideration and hope you all vote against me.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Just so everyone knows which bill we are talking about, this is the physician-actuary bill, pay schedule bill, and I would request a division and hope you do vote to reconsider.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Yarmouth, Mr. Jackson, that the House reconsider its action whereby the House voted to recede and concur. Those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Wyman of Pittsfield requested a roll call.

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

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to remind you all that if we do reconsider this action and some subsequent action on this particular legislation, this bill will not die. This bill will not die if the House should reconsider and should the House vote to adhere. I would hope that you would reconsider.

I have talked with a number of you and I believe that there is some legitimate confusion as to what is involved with the amendment and what is the issue here in terms of the labor relations aspect of this particular legislation, so I hope you would reconsider.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against reconsideration. I am put in mind of the old time movie where the heroine is tied to the railroad tracks and the train is bearing down on her hard; she may not die but there is a good chance that she won't be saved. I hope you will vote against reconsideration.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Yarmouth, Mr. Jackson, that the House reconsider its action whereby it voted to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Benoit, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Hall, Hickey, Hobbins, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Locke, MacEachern, Mahany, Martin, A.; McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berube, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Carrier, Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gray, Gwadosky,

Hanson, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Matthews, McPherson, Morton, Nelson, A.; Payne, Peterson, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Torrey, Twitchell, Wentworth, Whittemore.

ABSENT — Baker, Barry, Beaulieu, Berry, Hughes, Laffin, Masterton, Maxwell, McMahon, Paradis, E.; Peltier, Reeves, J.; Strout, Tarbell, Theriault.

Yes, 68; No, 68; Absent 15.

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

Mr. Cloutier of South Portland was granted unanimous consent to address the House.

Mr. CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: As Will Rogers said many years ago, "Don't let yesterday use up too much of today" and I am a firm believer in that expression, but I would like to point out an editorial in the paper this morning, the Portland Press Herald.

There is a lady that lives in South Portland and she stated, "I am a sick woman and while I write this, I am a lot sicker. For years my husband worked for a company which closed in 1973, and with age and years of service he could collect his pension in 1975. Time went by and he then was denied his pension so he engaged a lawyer. After four years, he won his case in court recently. My husband received \$23,753.98, back wages in his pension each month starting in March, but the lawyer took \$20,000 from him, leaving him very little. I think it is a shame for anyone to ask such a thing."

I ask you, is that a shame or is that a travesty of our system? That is right, it is a travesty. I am going to pursue this. There are a lot of good lawyers out there, a lot of good lawyer friends, I have many, you have many but, ladies and gentlemen, I think it is time that we pick the bad apples from the barrel. And while I pursue this, ladies and gentlemen, I hope you will give me every amount of support, because this is not the way the American political system works.

(Off Record Remarks)

On motion of Mr. Carroll of Limerick, adjourned until 10 o'clock tomorrow morning.