

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, March 11, 1980

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

Prayer by the Honorable Michael Pearson of Old Town.

Rep. PEARSON: Lord, the creator of all, help us in this House as we face the decisions of this day and of this session. Lead us in achieving the good and decent decisions that we all aspire to make. We ask your guidance for the remainder of this session, and as our schedules become hectic, give us the wisdom and patience that we all need. We ask this in God's name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The Following Communication:

March 10, 1980

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

The Senate today failed to Reconsider its former action of March 7, 1980 whereby it Adhered to Indefinitely Postpone bill, "An Act Combining the Offices of Justice of the Peace and Notary Public and to Establish their Appointment by the Secretary of State." (H. P. 1718) (L. D. 1829)

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Transfer Probate Jurisdiction to the Superior Court" (S. P. 775) (L. D. 1968)

Came from the Senate Committed to the Committee on Judiciary.

In the House, was Committed to the Committee on Judiciary in concurrence.

Reports of Committees
Ought Not to Pass

Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Clarify Procedure in Freight Rate Proceedings Before the Public Utilities Commission Involving Railroads and Water Common Carriers" (S. P. 723) (L. D. 1872)

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

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" (S-435) on Bill "An Act to Establish an Environmental Health Program" (S. P. 698) (L. D. 1834)

Report was signed by the following members:

Mr. CARPENTER of Aroostook
— of the Senate.
Mrs. PRESCOTT of Hampden
Messrs. NORRIS of Brewer
CLOUTIER of South Portland
BRENERMAN of Portland
BRODEUR of Auburn
Mrs. CURTIS of Milbridge

— of the House.

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

Report was signed by the following members:

Mrs. GILL of Cumberland
Mr. HICHENS of York

— of the Senate.

Mrs. PAYNE of Portland
Mr. MATTHEWS of Caribou
Mrs. MACBRIDE of Presque Isle

— of the House.

Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

Mr. Brenerman of Portland moved that the Minority "Ought to Pass" Report be accepted in non-concurrence.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report in non-concurrence and later today assigned.

Non-Concurrent Matter

Bill "An Act to Clarify the Provisions Relating to Executive Conflict of Interest and to Establish Financial Disclosure Requirements for Policy-making Executive Employees" (H. P. 1774) (L. D. 1877) which was passed to be engrossed as amended by Committee Amendment "A" (H-817) as amended by House Amendment "A" (H-839) and "B" (H-840) thereto in the House on March 6, 1980.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-817) as amended by Senate Amendment "A" (S-436) and House Amendment "B" (H-840) thereto in non-concurrence.

In the House: On motion of Mrs. Kany of Waterville, the House voted to recede and concur.

Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Philip Berry of Buxton be excused March 11 and 12 for Personal Reasons.

AND BE IT FURTHER ORDERED, that Representative Donald Strout of Corinth be excused March 11 and 12 for Personal Reasons.

On motion of Mrs. Post of Owl's Head, the following Joint Order: (H. P. 1937)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a Resolve, Reimbursing certain municipalities on account of taxes loss due lands being classified under the tree growth tax law.

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

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing, the 100th anniversary of the birth of Douglas MacArthur, General of the United States Army and a truly great American; (H. P. 1929) by Mr. Gillis of Calais.

Andrew Michaud, of St. Agatha, a student at SAD #33 and a winner in the Bilingual Education Program Essay Contest, (H. P. 1930) by Mr. McHenry of Madawaska. (Cosponsors: Mr. Violette of Van Buren, Mr. Martin of Eagle Lake and Senator Martin of Aroostook)

Denise Berube, of Van Buren, a student at SAD #24 and a winner in the Bilingual Education Program Essay Contest, (H. P. 1931) by Mr. Violette of Van Buren. (Cosponsors: Mr. McHenry of Madawaska, Mr. Martin of Eagle Lake and Senator Martin of Aroostook)

Denise Pelletier, of Madawaska, a student at Madawaska High School and a winner in the Bilingual Education program Essay Contest, (H. P. 1932) by Mr. McHenry of Madawaska. (Cosponsors: Mr. Violette of Van Buren, Mr. Martin of Eagle Lake and Senator Martin of Aroostook)

Novelist Marguerite Yourcenar, of Mount Desert Island, who was recently elected as the first woman member of the French Academy, founded in 1635, (H. P. 1933) by Mrs. Nelson of Portland. (Cosponsor: Mr. Bordeaux of Mt. Desert)

There being no objections, these expressions of Legislative Sentiment are considered passed.

House Reports of Committees
Leave to Withdraw

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Amend the Maine Consumer Credit Code to Exempt Extension of Credit for Agricultural Purposes" (H. P. 1681) (L. D. 1790) reporting "Leave to Withdraw"

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

Mr. Howe from the Committee on Business Legislation on Bill, "An Act Pertaining to the Sale of Urea-formaldehyde Insulation" (H. P. 1782) (L. D. 1893) reporting "Leave to Withdraw"

Report was read.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill was moved unanimous "Leave to Withdraw" by the committee, but I would like to point out that we did request that within the information to anyone having this type of insulation placed in their home that there would be notice made in that very clearly that there can be problems for people who have respiratory problems or other problems like this with this particular form of insulation. I think the committee has addressed the problem; therefore, we felt that it was not necessary to pass a law in regard to this and gave "leave to withdraw" to the bill.

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

Ought to Pass in New Draft

Mr. Brannigan from the Committee on Business Legislation on Bill "An Act to Permit Optional Credit Life Insurance for the Comaker of a Debt" (H. P. 1599) (L. D. 1710) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Permit Optional Life Insurance for the Comaker of a Debt" (H. P. 1935) (L. D. 1986)

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

Divided Report
Indefinitely Postponed

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act to Prohibit Nylon Coated and Plastic Covered Bullets" (H. P. 1763) (L. D. 1895)

Report was signed by the following members:

Messrs. DEVOE of Penobscot
COLLINS of Knox
Mrs. TRAFTON of Androscoggin
— of the Senate.

Messrs. GRAY of Rockland
SIMON of Lewiston
HUGHES of Auburn
HOBBINS of Saco

— 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. JOYCE of Portland
Mrs. SEWALL of Newcastle
Messrs. STETSON of Wiscasset
SILSBY of Ellsworth

— of the House.

Reports were read.

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

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Here is a bill that is before its time. I expected when the move was made to accept the majority report that I would be able to gaze to my left and see our friend, a friend to all, the Lone Ranger coming forward down here with that "Hi-Ho Silver." I am certainly not opposed to that silver bullet,

but the nylon coated bullet is a different story.

We have no laws preventing its sale in any one of the states. More time is needed to evaluate the problem.

The Judiciary Committee listened to through a long afternoon when people from the leading gun manufacturers came to explain that there really was no problem, they had the problem in New York City, and the problem is not one of ballistics; the problem is one of lead poisoning. Many of these firing ranges had to be shut down because everyone that spends time there seems to have a lead poisoning problem. New York decided to do something about it; they put four separate exhaust systems in one of their ranges. It was approved and put into use. Within six months, the health department closed that range with those four systems because it still was a hazard because of the lead poisoning.

The Maine State Police have, for over a year, tried to get a law in to prevent the sale of these bullets, and as they testified, they can only be bought in Kittery in the State of Maine at the present time.

Yes, your state police contacted your FBI—the FBI would offer them no support for such legislation. They cited several state police departments that they contacted and they still did not get any support.

Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed.

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

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to join my good friend from Portland, Representative Joyce, in opposition to this bill. I think it is a bad bill and it is ahead of its time. There was no real need shown for this type of legislation.

First of all, I would like to explain to the House exactly what we are talking about. L. D. 1895 would impose a prohibition on anybody from knowingly manufacturing, causing to be manufactured, possessing, using, selling or furnishing cartridges containing nylon coated or plastic covered bullets.

I will take the plastic covered bullet first and try to explain to you what we are talking about. There is only one manufacturer of the plastic covered bullet, and that is Remington Arms Company, and Remington manufacturers, in a caliber 30.06, a bullet which has a plastic cover called a sabot around it, the idea to be, to simplify it, is that you take a high-powered cartridge and shoot a smaller caliber bullet from it and you can get a tremendous speed. This bullet was developed strictly for sporting purposes; it was developed so that people with one firearm could get the use of another type of bullet and use it for varmint hunting, long-range target shooting.

What it is is a 30.06 caliber, it has a 222 bullet in it. Because the bullet won't go down through the barrel, it won't touch the lands and grooves or the rifling, it has a plastic sabot around that which touches the rifling, makes the bullet twirl and it give the accuracy to the round.

The other type of bullet that we are talking about is the nylon coated, which is nylocad, they call it, and there is only one manufacturer of that bullet and it is only manufactured in a pistol or revolver round, 39 caliber. That bullet is a 38 caliber bullet with a nylon coating on it. The reason the nylon coating was put on it was because in using these rounds in pistol ranges indoors, they found that over a period of time people were ingesting lead and were getting lead poisoning, because each round that is fired out of a weapon leaves a residue in the barrel, it also shoots it out into the air, and over a period of time, this gets greater and greater as the pistol or revolver accumulates the lead. So

they developed this round with a nylon coating that when it is fired the nylon comes off but it doesn't leave any lead residue, and they found that that significantly reduces the ingestion of lead in these ranges.

We have police ranges and we also have private ranges. We have private ranges all around this state, and those people are starting to use this nylocad bullet.

I have to say that both of these bullets were created strictly for in the case of the accelerator bullet for sporting purposes and the nylocad bullet for the purpose of safety and to meet OSHA requirements.

We have other kinds of bullets that are outlawed in the State of Maine at the present time. One of those bullets is a tracer bullet; the other bullet is an exploding bullet. However, those bullets are only outlawed in our fish and game laws; they are not outlawed in the criminal code, so that you can possess or have exploding bullets in the State of Maine as long as you don't take them in the forest and fields. You can also have tracer bullets.

Of course, there is no ballistics on exploding markets or tracer bullets either, but this legislation doesn't reach that. This would only outlaw these two sporting types of rounds and still would allow people to use tracers and exploding bullets as long as they don't use them in the fields and forests.

You can pick up any of these paper magazines like the Shotgun News and they advertise, for example, velate exploding bullets in all calibers, 25 caliber down through 308 Winchester. They advertise that each bullet has recessed impact fuse, explosive charge underfuse, legal in all states except California, detonate on hard surfaces reducing ricochet. If we can use these in the State of Maine, why shouldn't we be able to use the accelerator bullet and the nylocad bullet?

I think if the state wants to pass legislation, they should put the tracer bullet and the exploding bullet into the criminal code and get it out of the fisheries and wildlife statutes which they have been in for years, and not put this type of legislation in the fisheries and wildlife statutes but put that in the criminal code, because if you will check the bill, you will find that this legislation is placed in the fisheries and wildlife law but it makes it illegal to possess or use, which means it would apply to anybody no matter where they use these things. So, we have a very big discrepancy in the way this legislation is being set up.

There are people, I have been contacted by people who do a lot of target shooting in their basements, and it may sound a little weird but they will take a cartridge and just leave the primer in it, which means that explodes the charge, and not put the charge in the bullet and then they will use a plastic bullet and they can shoot at short range with low velocity and do it in their basement with no problem. They would be outlawed from doing that.

At the hearing, we heard two state police ballistics men who, in all earnest, testified that they were worried about these because the accelerator bullet, obviously, with a small round covered with plastic, there is no ballistics that they can pick up. The nylocad bullet—there was great discrepancies in the testimony. Some people said that they could pick up ballistics; the state policemen said that they couldn't. It depended on whether you were talking about early production rounds or later rounds.

The accelerator or nylocad bullets are not prohibited by any federal law; they are not prohibited by the Gun Control Act of 1968. They are freely manufactured and sold in all our 50 states at the present time, and I raise the question, why should Maine be the first state, being a sporting state, we are trying to encourage our sportsmen in this area, we are having problems with the fisheries and wildlife revenues, why would we want to be the first state in the

Union to restrict this type of bullet, which is for nothing but sporting use, that is all it is for?

I am not going to go into this at this time, but at the hearing the police used a type of rifle to test these nylocad bullets, which have very poor ballistics showings and, consequently, the ballistics test that they had showed that they were very difficult to get, but I think the point that we have to make is, why do we need this legislation, and I don't think any of us want to impose legislation on the people unless it is necessary, and I will wait to see if someone can show us where this is, in fact, necessary.

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

Mr. SIMON: Mr. Speaker and Members of the House: I hope you won't lose your sight in the smokescreen that has arisen either from the dust around Silver's heels or in the stories about the firing ranges in New York City.

This bill was introduced, and received a majority vote of the Judiciary Committee, because it will deter crime, because it will keep people from getting away with murder.

The gentleman from Ellsworth, Mr. Silsby, has explained very fairly that the two top ballistics men from the State Police believe that this law is necessary to help them catch the people who commit homicide by the use of firearms. Mr. Silsby explained that there are other kinds of bullets that cannot be traced by ordinary ballistic techniques, exploding bullets and tracer bullets and, yes, shotgun rounds. However, most homicides are not committed by organized crime; they are not committed by people who say, "well, what is the best way I can use to avoid getting caught for committing this homicide?" They are more likely to be committed by the jealous spouse, or boyfriend, or girlfriend, by a person who acts in a fit of passion and reaches for the closest gun he or she can find.

Mr. Silsby referred to a Marlin rifle, that takes the same caliber of bullet that would ordinarily be used in a handgun, and in which case it is particularly difficult to trace the bullet, virtually impossible to trace the bullet, according to the men that have to do it in this state. Now, that is a very popular rifle; I almost bought one myself a few months ago, and I would submit that that is a clear and present danger to law enforcement in the State of Maine.

These bullets, Mr. Speaker, are like silencers. There is no difference in principle between a bullet that cannot be traced and an attachment to put on a gun that keeps people from hearing the firing of the gun.

The gentleman from Portland, Mr. Joyce, and the gentleman from Ellsworth, Mr. Silsby, have referred to a problem of lead poisoning in firing ranges. Now, there is also another problem in firing ranges, and that is ear damage—how do shooters protect themselves against ear damage in firing ranges? Is it by having Congress repeal the law against silencers? No, they wear shooters' muffs over their ears.

I would suggest, Mr. Speaker, that by the very same token, people who want to engage in target shooting or are required to engage in target shooting in indoor firing ranges wear masks over their faces like physicians and nurses do during operations. That way, we allow people to practice their target shooting and we don't allow murderers to get away scot free because the ballistics people in the State Police can't catch them.

It is true that at the hearing there was conflicting testimony on whether these bullets are traceable. The testimony on the side that they were not traceable came from the State Police; the testimony to the effect that they were traceable came from Smith and Wesson. The gentleman from Smith and Wesson testified that they were easily traceable; well, that is what he gets paid to do. The State Police get paid to catch murderers.

I talked just this morning with an assistant

attorney general who prosecutes murder cases for a living, and she told me that it was only a matter of time until the state will lose a murder case because of these new bullets that have just been introduced.

The gentlemen say it is not a problem—well, it is not a problem yet; they have only been in production for six months. The state may be crawling with them by the time we have the next opportunity to address this.

You know, there was a time when tactical nuclear weapons weren't illegal; that is because they hadn't been developed yet. Well, we are in the same position with nylon covered and plastic coated bullets, and I would ask you, Ladies and Gentlemen, if you want to talk about sporting, give the State Police and the Attorney General's Office a sporting chance to catch murderers.

I would ask you to vote against the pending motion for indefinite postponement.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I am sure Mr. Simon knows a lot more about this issue than I do, but as I sit here, there are about 10 legislative days left, with the situation down on the second floor in the Appropriations Committee that isn't good, we haven't solved the transportation budget yet, and we are arguing about nylon coated bullets.

Mr. Leonard brought up the subject earlier this year about whether or not we needed it this session. As we sit here listening to the debate we have just heard in the last half hour, we begin to wonder if he wasn't right.

I would hope that we could get on to something that seems to be more important at this point in time than nylon coated bullets, and I am sure that in January, when all of you come back, you can spend maybe a week or two on that subject and that will be the time to debate it.

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

A vote of the House was taken.

Whereupon, Mr. MacEachern of Lincoln 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 Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: If you can stand my raspy voice, I would like to make a point or two here.

This is my bill; I introduced the bill at the request of the State Police. There are two kinds of lead poisoning involved in this bill—one is the one you breathe. The other is the one that enters your body on one side and goes out on the other.

Every rifle and pistol has a fingerprint, and that fingerprint is the lands and grooves that are dug into the bullet as it progresses through the barrel of the gun. These can be traced, if you have a bullet, you can trace it to the suspect gun by a comparison microscope, just like you would a fingerprint to a person. These bullets that we have in question don't register lands and grooves because the plastic drops off the bullet after it leaves the barrel of the gun. So, it would be very possible for somebody to commit murder and the authorities find a suspect rifle or pistol and still not be able to trace that bullet back to that rifle and pistol. I think

this is a very serious problem.

We had expert testimony from our State Police ballistic experts at the hearing. These two gentlemen have in excess of 20 years of experience in the field, and I feel very confident that they know what they are talking about. This is a very serious problem, it is no joke, and, as has been said before, it is only a matter of time before somebody comes along and commits a murder without detection and without conviction.

I hope that you will not vote to indefinitely postpone this bill. It is a good bill and I think we ought to send it along its way.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to rise again on this; however, there are a couple of things I would like to add.

Back when I was a kid, I used to read the Dick Tracy comic books and comic strips, and I remember one time there was someone chasing Gravel Gertie around who froze water and made ice bullets and then he would shoot a victim and there would be no trace after the bullet melted. I think that is the kind of thing we are dealing here today with. If you stop it in the State of Maine, they are legal in 49 other states. What are they going to do? They are going to bring the bullets right in here anyway.

There have been no known homicides in the State of Maine reported by these ballistics experts. We have the exploding bullets that are completely legal in the State of Maine at the present time, which I assure you leave no ballistics of any kind. You can use a shotgun on your victim, which leaves no ballistics of any kind. I just don't see the need of this legislation.

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

ROLL CALL

YEA — Barry, Benoit, Birt, Bordeaux, Boudreau, Bowden, Brannigan, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C. Bunker, Call, Carrier, Carter, F.; Chonko, Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Diamond, Drinkwater, Dudley, Dutremble, L.; Fenlason, Garsoe, Gillis, Gwadosky, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Joyce, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Mahany, Marshall, Masterman, Masterton, Matthews, Maxwell, McHenry, McPherson, McSweeney, Nelson, A.; Nelson, M.; Norris, Paradis, E.; Paradis, P.; Paul, Peltier, Peterson, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Soulas, Stetson, Stover, Studley, Tarbell, Theriault, Torrey, Tozier, Twitcheil, Vincent, Whitemore.

NAY — Aloupis, Bachrach, Baker, Beaulieu, Berube, Brennerman, Brodeur, Carroll, Connolly, Cox, Davies, Dutremble, D.; Elias, Fowlie, Gavett, Gowen, Gray, Hall, Hobbins, Howe, Huber, Hughes, Jacques, E.; Jalbert, Kany, LaPlante, Lizotte, MacEachern, Martin, A.; McKean, Michael, Mitchell, Nadeau, Pearson, Post, Prescott, Reeves, P.; Simon, Sprowl, Tierney, Violette, Vose, Wood, Wyman.

ABSENT — Austin, Berry, Blodgett, Carter, D.; Cloutier, Doukas, Fillmore, Hanson, Kane, Laffin, Locke, Lund, McMahon, Morton, Nelson, N.; Payne, Small, Strout, Tuttle, Wentworth.

Yes, 85; No, 45; Absent 20.

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

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

Mr. STETSON: Mr. Speaker, having voted on

the prevailing side, I now ask you to reconsider your vote and ask you to vote against me.

The SPEAKER: The gentleman from Wiscasset, Mr. Stetson, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill and all accompanying papers were indefinitely postponed. All those in favor will vote yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-853) on Bill, "An Act to Promote Hunting, Fishing and Camping in Maine" (H. P. 1829) (L. D. 1933)

Report was signed by the following members:

Messrs. REDMOND of Somerset
PIERCE of Kennebec
USHER of Cumberland

— of the Senate.

Messrs. JACQUES of Waterville
CHURCHILL of Orland
VOSE of Eastport
PAUL of Sanford
PETERSON of Caribou
DOW of West Gardiner
MacEACHERN of Lincoln
GILLIS of Calais
TOZIER of Unity

— of the House.

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

Report was signed by the following member:
Mr. MASTERMAN of Milo

— of the House.

Reports were read.

On motion of Mr. Dow of West Gardiner, the Majority "Ought to Pass". Report was accepted and the Bill read once. Committee Amendment "A" (H-853) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-854) on Bill "An Act to License Users of Ionizing and Nonionizing Radiation Equipment" (H. P. 1682) (L. D. 1791)

Report was signed by the following members:

Mr. McBREAIRTY of Aroostook

— of the Senate.

Messrs. DOUKAS of Portland
MICHAEL of Auburn
Mrs. HUBER of Falmouth
Messrs. JACQUES of Waterville
AUSTIN of Bingham
KIESMAN of Fryeburg
DEXTER of Kingfield
BLODGETT of Waldoboro
HALL of Sangerville
PELTIER of Houlton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-855) on same Bill.

Report was signed by the following member:
Mr. O'LEARY of Oxford

— of the Senate.

Reports were read.

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

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

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I want you to know that I do support the majority report but it does have some problems. I recall yesterday that

the gentleman from Old Town, Mr. Pearson, got up and addressed one of the bills that came out of the Appropriations Committee on the Consent Calendar with a unanimous "Ought to Pass" Report, and his concern was that when you take a bill, even though it is a majority report, and you flag it down and start talking about it, it puts the bill in jeopardy. I don't intend to put the bill in jeopardy but I do think you should know what the majority report does, and one of the things that the majority report does is to say that we will get the funds from the General Fund.

I am very concerned about the status of the General Fund, and I think you ought to know that this is an important enough program that we should fund it by the user fee. The user fee was what the original bill intended to do. It intended to say that we would charge a user fee to Maine Yankee and to those who produce radiation, such as the X-rays that are given by dentists, doctors, hospitals and so forth, but what I would really like to know from the committee, the majority reporters, is whether or not they do feel that this program is important enough to be continued and whether or not they feel they are jeopardizing the program by putting it on the Appropriations Table?

One of the things that I would like to tell you about is the fact that this program did continue the X-rays monitoring that is, the dentists, the doctors, those that were doing the X-rays.

If you look at the majority report, you will see that there is only \$59,000 that they are requesting from the General Fund. Well, the program has been operating with \$100,000 and those funds came from the federal government in the form of 314-B federal funds. Those funds had been removed from the state; we no longer can count on them, and that is the reason the bill is introduced, to say that we would institute a user fee. I am concerned that we won't be looking at the over-exposure of X-rays to people that go into the dentists' and doctors' offices if we remove about \$40,000 from this bill, and that is what we are doing if we appropriate only \$59,000.

The department, I think, has demonstrated that the program whereby they enforced the rules and regulations that looks at over-exposure has worked. They have shown that 75 percent of these machines need to be looked at again. There is still a third of them out there that have to be looked at the second time around, and what I am fearful of is that by taking the additional appropriation off this bill, the \$40,000, we put the over-exposure program in jeopardy.

I found in the newspaper just the other day an article which came from Washington with a headline that said, "Some X-rays Overuse are Blamed on Doctors' ignorance." Well, this program provided the technical assistance to the doctors to know how to use and to operate the equipment, and without that amount of money, we are not going to be looking at the over-exposure program. That is what concerns me, because every time you go into the dentist or the doctor's office, he orders a full set of X-rays. You may have just been to the dentist last week and may have already had your X-rays, but you still have to have another complete set. I submit to you this is over-exposure, and without this program to monitor and enforce those regulations, it is going to continue.

I just think you ought to realize that this program is important enough to be funded; whether or not it is funded from the General Fund or the user fee is the question. If you vote for the majority report, you are putting this bill on the Appropriations Table and you are saying to the Appropriations Committee and to leadership, we trust that you believe this program is worthy enough to take off the table. If the funds aren't there, would you be willing to reinstitute the licensing fee? That would be my question to the majority report signers.

The SPEAKER: The gentlewoman from

Hampden, Mrs. Prescott, has posed a question through the Chair to anyone who signed the majority report.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: What we have here is a classic example of a department or part of a department that was created on federal funds, got well established, hired a lot of people. The federal funds are drying up and now it is coming back to us and saying, we want the state money to continue this operation that we have initiated. That is what the bill reported to do.

To answer the lady's problems, let me tell you this — the department presently has the authority to require all the doctors and dentists and other people with radiation equipment to have professional testing and calibration at any intervals they feel is necessary.

The statement that 75 percent of the testing that was done and found the X-ray machines were out of calibration, the testimony that I heard was that the majority of these that were tested was because the testing procedure that the State of Maine was using was inaccurate and they were just going back and retesting it, and having the film strips reread and they found them, for the most part, within calibration. The method that was used by the state has been to send the film strip to the individual operating the X-ray equipment and have them expose this piece of film strip. Then they send it to a federal laboratory in Massachusetts and the lab develops the film strip, analyzes it and sends back a report. As I said, the majority of these that did fail the first time was because of the testing method or the development or the reading of the report and not necessarily that the equipment was out of calibration. So, as far as that part of the thing is concerned, it doesn't stand up too well.

As far as Maine Yankee is concerned, the department came in and they wanted \$75,000 to do the monitoring down at Maine Yankee and this \$75,000 didn't stand up very well, because when they were questioned as to the validity of the \$75,000 figure, that figure shrunk to \$52,000, and even then, there are an awful lot of guesstimates on what percentage of the people's time was actually involved in the monitoring of Maine Yankee. Even giving them an inflation factor to crank into the figures, it still only came up to \$59,000.

I think it was the opinion of the majority of the committee, evidenced by the way they signed that bill out, that if the people of the State of Maine felt the need existed for additional monitoring at Maine Yankee, and I think the committee did feel there was a need, that it should be paid for out of funds from the whole State of Maine and not by tacking on a user fee that was very questionable in its validity.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate that response but I think you should know that we are not expanding the bureaucracy even though the federal funds have dried up, because ten years ago, we had 4.2 people working within that department and that is exactly what this bill is wanting now, so we are not growing with that department.

The federal government does monitor the in-house operations of Maine Yankee, but I submit to you that the State of Maine should be monitoring what is happening on the outside of Maine Yankee. What radiation is being emitted into the air is the responsibility of this state government, and that responsibility is within this department. The report that goes to the people of the State of Maine should come from an independent source, not from someone from within Maine Yankee or the supporters of that.

I have been told we have met 72 emergency response planning elements as part of our plan.

If the State of Maine cannot meet those elements that belong in our emergency plan, there is a possibility that we would have to close Maine Yankee.

The funds that you see on this bill \$59,000, are to do just the monitoring of Maine Yankee. Again, do you intend to leave it up to the department to promulgate rules that say, okay, the 90 percent of the man-made radiation in this state that is being emitted from doctors and dentists and hospitals can continue and they can monitor themselves? That is what you are doing, because you are going to be cutting back that program and you are not funding that program, you are leaving it up to them, the providers. If you have been reading those headlines that I pointed out to you, then you know that they are not doing a good job policing themselves and it is the state's responsibility to do that monitoring.

Again, my concern for this legislation, and I haven't heard it answered, is that when this bill goes to the Appropriations Table and there are no dollars there to fund it, what guarantee do we have that we will not lose the monitoring program, whether it is limited with \$59,000 or whether it does include those other providers? I have not heard any guarantee. I think that this program is worthy enough that it deserves at least that discussion.

I am very concerned that when the bills start coming off the Appropriations Table, and I look and I find that we have \$80,000 worth of them there now and more on the way, and I have been told that we have \$171,000, that was back in January, to fund those bills off the Appropriations Table — well, I want to know where your priorities are now. Are your priorities with the concern for the exposure of radiation for all citizens in the State of Maine or isn't it?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentlewoman from Hampden, Mrs. Prescott, purely for information. Is there a companion bill going along with this bill that you are aware of that would cost \$200,000 for more employees over in the Department of Human Services?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentlewoman from Hampden, Mrs. Prescott, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The bill to which Mr. Kelleher speaks is a bill that is to create an environmental health unit within the Department of Human Services. It has no connection whatsoever with the monitoring of Maine Yankee. We have qualified people in that field of radiation that are doing that monitoring, and if you are going to depend upon that other piece of legislation, then you are doing an injustice to the people of the state, because that would not address that question whatsoever.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: The gentlewoman has asked how committed the committee is to this route of funding and I think she deserves an answer. While I can only speak for myself, my understanding is that the committee does consider this function, this independent monitoring capacity, to be extremely important for the State of Maine. I think we made that point over and over in our work sessions as we tried to come to a meeting of the minds on this bill.

Certainly, I feel very strongly. Obviously, there are no guarantees, we take our chances on the Appropriations Table. However, I do feel that in other areas where a function has been performed by federal funding, when the decision has been made to turn it over to the state, very frequently, if it is a program that

we feel must and should be continued, the General Fund is the place that money comes from.

There is a strong commitment in the committee to the program, the independent monitoring capacity, as the gentlelady so well pointed out and made a very excellent case for, is strongly supported by the committee and I can assure her that we will be working to convey our feelings to members of leadership and of appropriations.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I am very pleased that the gentlelady from Hampden has recovered her voice but, at the same time, I take umbrage at the insinuation that the people at Maine Yankee are a bunch of martians.

They are good citizens and residents of this state and they are doing the monitoring down there. I don't think they are intentionally or even unintentionally permitting some dangerous condition to go by unnoticed. I really object to the insinuation that the monitoring being done at Maine Yankee is inadequate.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I, too, am delighted that the lady from Hampden has recovered her voice. I would like to suggest to her that I like to be asked and I don't like to be told. Whatever tone of voice she used, I will answer her question.

I keep a daily score card as to where we are financially. About 7 or 8 weeks ago, I stated that our financial picture, as it stood now, was a horror show and this changes daily, this score card, so that I have to get new sheets and now, as of yesterday's returns of \$800 in the red for the month of February, we are now in the red as far as money is concerned.

The answer that I will give the good lady from Hampden, Mrs. Prescott, is this—when and if it does hit the Appropriations Table, as a lowly member of the committee, I will refer this thing to the chairman so fast it will make the other members of the committee heads whirl.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just as a point of clarification, and I direct these comments to the good gentlelady from Hampden—the request for the \$200,000 for the Department of Human Services for a variety of people has no bearing whatsoever on this bill in terms of monitoring Maine Yankee—if I understand that to be correct, because maybe I misunderstood the testimony that I heard concerning that \$200,000 request pertaining to Maine Yankee, so I just want to be sure the facts are straight when I have an opportunity to vote on that other issue because of the money crisis.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for your patience. To answer again the good gentleman's concern from Bangor, Mr. Kelleher, the Department of Environmental Health, that unit, will not hire people who are specialists in radiation. That calls for four professionals, but they are professionals in epidemiology, toxicology and biostatisticians. They do not deal directly with radiation. That program need special technicians to deal with it. Those technicians have existed in the Department of Human Services, Health and Engineering Division, for ten years because the funding has been there from the federal government. Now the federal government is taking away the funding and it is becoming the responsibility of states not just the State of Maine. Other states have instituted the user fee; other states have asked for user fee from their atomic plants. They have asked for the user fee from their providers, and that is what this bill was origi-

nally asking.

I will support the majority report, but I only rose to point out to you the very serious points that are made in this bill and that if we do not go with the user fees, we are jeopardizing the program because I don't feel the General Fund monies will be there.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think I am somewhat disappointed to hear the good lady indicate that she intends to vote for this anyway.

As I recall, the Committee on Appropriations and Financial Affairs was given a request by the Department of Human Services to put \$50,000 in the budget to cover, if it is not this bill it is one very similar to it. And the committee, in its wisdom, I guess, decided against that procedure. So I guess my particular feeling is that if we want this particular program, we had best defeat the motion to accept Committee Amendment "A" and go on to the Minority Report, which, as I look at it, sets up paid for by the power plants, which I guess the committee felt was a little more feasible, at least at this particular time. The good gentleman from Lewiston has given you the background and it is getting worse instead of better.

I would be opposed to the motion to accept Committee Amendment "A". It would be nice to do that if you had a lot of money, but I can assure you that we don't, and if we want this kind of a process, I think we had better get back to the reality of things and accept Committee Amendment "B".

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 46 having voted in the negative, the motion did not prevail.

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

Mr. MORTON: Mr. Speaker, I move that this Bill and all accompanying papers be indefinitely postponed.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion to indefinitely postpone for all the reasons that I have stated earlier. I think the program is worthy of your support.

Yes, you have the minority report of one before you. Let this bill go to second reading and let's amend that minority report to your satisfaction. Let's not kill the bill; the bill is important enough to survive.

The SPEAKER: The Chair recognizes the gentleman from Waterville Mr. Jacques.

Mr. JACQUES: Mr. Speaker and Members of the House: I didn't rise before but I will rise now.

I signed the majority report and I would be happy to tell the gentlelady from Hampden, Mrs. Prescott, why. I attended the hearing as being a member of the Energy and Natural Resources. I wish Mrs. Prescott could have been there. We asked many questions at that hearing and the department couldn't answer too many of them. What they did say was that Maine Yankee was very effective in monitoring their effects. They check the seaweed, they check the fish, they check the trees, they check the air, they check the emissions, they check this, they check that.

Some of the people that are employed there, their families are right in the area. Now, for the life of me, I can't believe that they are going to do anything to jeopardize the health, welfare and safety of their families in that area.

Mr. Kiesman hit it right on the head—here is

another example where the federal government instituted something, they started paying the bill and now they want us to pick up the tab.

She says it is the state's responsibility, the people's responsibility, and I agree with that. I am new around here, but as far as I am concerned, when something is the state's responsibility and the people's responsibility, it comes out of the General Fund, not from Dr. Green or Dr. Jones or Dr. Smith, or Maine Yankee.

I will support Mr. Morton's motion to indefinitely postpone this bill, because I felt the right way, and the majority of the committee felt the right way was to come out of the General Fund if it was so important.

Somebody from the department even got up and said that \$59,000 is sufficient. We have the staff to do it, we can do it for this amount of money, and we asked that question specifically and that is the way they answered.

I was at that hearing and there were a lot of things that were unanswered from the department, and I think the people who are monitoring the thing now answered the questions a lot more satisfactorily to my satisfaction. There was one doctor there that has his thing monitored at his own discretion and he said that in the last 12 years it has never been off calibration, so something must be going right.

It is still my opinion, if something is the responsibility of the people, of everybody in the State of Maine, it comes from the General Fund. That is my understanding of the way this place operates anyway but, of course, I am new here so I might be wrong.

I would support the motion to indefinitely postpone.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I think it should be quite clear to everyone that if this motion succeeds, the program as we now have it with federal funding will not be continued. That is definitely the situation as far as the department is concerned.

The Committee Reports, although they differed on the sources of funding, don't have any difference at all in whether the program is worth continuing. All 13 of us felt that it was worth continuing. We also felt that there was a certain justification for asking the Appropriations Committee to consider funding the bill from the General Fund. We are perfectly aware of the financial situation of the state, but the program, to us, is a priority.

What you are looking at on the Appropriations Table will have to be prioritized, and if this program is one of the most important that is being done in the state right now, which we believe it is, this independent monitoring capacity, it is to cast no aspersions on the management of Central Maine Yankee, it is simply an independent ability to verify what is going on at that plant and something that I feel we owe to the health and safety of our citizens.

You apparently have been convinced by members of the Appropriations Committee, who obviously don't want to have any more bills on their table than they can help, and I don't blame them, that that is not a viable option. I maintain it still is a viable option; however, given the sense of the vote here this morning, clearly the next step is to continue the program with funding from some source. If we kill this bill, we will have no program and no funding.

I urge you to defeat the motion and at that point, I guess, the next step would be to accept the minority report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: With 10 legislative days left, no money to cast around unwisely, and if this program is as good as some people think it is, I am sure the federal government would keep on doing it.

After hearing from the gentleman from Wis-

casset, Mr. Stetson, he seems to be comfortable sleeping there every night along with the people he represents, I am convinced, and I hope you are, that this bill should be indefinitely postponed as of now and get on with the business of the day.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The very good lady friend of mine from Falmouth, Mrs. Huber, talks about the Appropriations Committee member convincing you about the money program. I would suggest that she speak to a friend of hers and ask him one question—what Appropriations Table?

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 if I might to any member of the Committee.

It was the feeling of the Appropriations Committee anyway, when we dealt with that \$50,000 request from the Department of Human Services, that it would be possible for Maine Yankee to institute this monitoring program and have it okayed, I guess, by the PUC and be reimbursed or have it at least be considered by the Public Utilities Commission on whether or not it should be built into the rates of Maine Yankee, and some of those rates and monies are paid by out-of-state people, as I understand, so it would seem to me that that would be a more equitable solution and that is why we talked in that manner that is why we killed the request from the department for the \$50,000.

I guess my question would be whether or not that alternative was posed and if that is in fact a viable alternative.

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

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The \$50,000 bill that Mr. Higgins is talking about is not in connection with this program whatsoever. That \$50,000 appropriation request that I think you said you turned down was to fund a study that went through the 108th Legislature. The study went through but there was no funding to go along with it, and this was a request to take care of the study and continue it along. There is no connection with what this bill does now.

But while I am on my feet, Mr. Speaker, I would hope that you would all see the importance of this piece of legislation. We have had some good debate, the program is worthy, it deserves your consideration, and if you do not like the minority report, then we can amend it in second reading and I will pose an amendment for you and I think that is the route we ought to take, because I think that the users should pay the fee since we don't have the money in the General Fund.

Without program, who is going to monitor the radioactive releases? Who will evaluate and report the unplanned releases? Where are we going to get the trained technicians that we need to do the evaluation? Who is going to monitor the effects of the medical radiations? We need the program, we need some source of funding, and if you indefinitely postpone this, you dissolve all of those options.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have listened very intently to the debate this morning from my good friends on the Appropriations Committee, and it sounds to me like we can't afford the Maine Yankee. There is a referendum that the people of the State of Maine are going to be voting on in a short while, and I think that this legislature wants to tell the general public out there that we don't want to monitor it, that we can't

afford to monitor it, and if we can't afford to monitor it, then I guess we will have to close it down, and that will cost all of us money in our electric rates.

So, think twice this morning, think twice. You have got a referendum coming up and I am sure that if the people across the state of Maine feel we can't afford to monitor it, they sure as heck will feel that we can't afford to keep it open.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if it is new information or old information, but I would like to make just one or two comments, and if it isn't new or old, you can rule me out of order.

I think Representative Dudley made a pretty good point when he said if the federal government was as concerned as Mr. Norris and Mrs. Prescott are, they, themselves, would be continuing the program down there.

I said in the House yesterday, and I will probably say it again tomorrow, which won't be old or new information, the only way we are going to reduce personnel or unnecessary programs is to take the opportunities that present themselves here today, and here is another productive piece of legislation from the department.

The testimony that was given before the Appropriations Committee, and I am not going to argue whether the money is there or it wasn't there, at least from the eight years that I have served on the Public Utilities Committee, and I think I understand the utilities of this state, maybe not as well as all of you but perhaps as well as some of you, there was no general concern for us to commit tax dollars, General Fund monies, for this program. It is like a double-barrel shotgun—we plugged one barrel and they ran the bill through another committee. My suggestion is to you, and I would hope it is a wise one, it is an honest one anyway, and that is to support Mr. Morton's motion to indefinitely postpone.

Mr. Speaker, I request 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 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 Farmington, Mr. Morton, 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 — Birt, Bordeaux, Boudreau, Brown, A.; Brown, K.C.; Bunker, Call, Carrier, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fenlason, Gavett, Gillis, Hickey, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Kelleher, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, MacBride, Marshall, Masterman, Matthews, Maxwell, McKean, Morton, Nelson, A.; Paradis, E.; Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Theriault, Torrey, Tozier, Twitchell, Whittemore.

NAY — Alopis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Carroll, Chonko, Cloutier, Cox, Curtis, Davies, Diamond, Dow, Elias, Fowlie, Gowen, Gray, Gwadosky, Hall, Higgins, Hobbs, Howe, Huber, Hughes, Joyce, Kane, Kany, Kiesman, Lowe, MacEachern, Mahany, Martin, A.; Masterton, McHenry, McSweeney, Mitchell, Nadeau, Nelson, M.; Norris, Paradis,

P.; Paul, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Sewall, Simon, Soulas, Tarbell, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Austin, Berry, Carter, D.; Connolly, Doukas, Fillmore, Garsoe, Hanson, Laffin, Locke, Lund, McMahon, McPherson, Michael, Nelson, N.; Payne, Strout, Wentworth.

Yes, 65; No, 68; Absent, 18.

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

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "B" (H-855) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-864) on Bill "An Act to Require Fire Warning Equipment in all Residential Dwellings." (H. P. 1729) (L. D. 1848)

Report was signed by the following members:

Messrs. SHUTE of Waldo
FARLEY of York

— of the Senate.

Messrs. DELLERT of Gardiner
McSWEENEY of Old Orchard Beach
STOVER of West Bath
VIOLETTE of Van Buren
SOULAS of Bangor

— 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. COTE of Androscoggin

— of the Senate.

Miss GAVETT of Orono
Mr. CALL of Lewiston
Ms. BROWN of Gorham
Mr. DUDLEY of Enfield

— of the House.

Reports were read.

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

Mr. VIOLETTE: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report as amended by Committee Amendment "A".

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

Mr. CALL: Mr. Speaker and Members of the House: I was one of the members of the Legal Affairs Committee who voted "ought not to pass" and at this time, I am going to ask that this bill be indefinitely postponed and request a roll call and I will speak to my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Call, moves that this bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: In the 107th session, I sponsored a bill similar to the present L. D. 1848. When I saw that no committee member would vote for it, I withdrew it.

It is interesting to note that three of the Legal Affairs Committee members at that time serve today on the same committee. Two of them voted "ought not to pass" on the current bill.

The main objection to the bill of the 107th session was that it was felt that homeowners should be permitted to decide for themselves whether or not they wish to install fire detectors. My bill called for detectors in new construction, new residential construction only. I had single-family dwellings in mind. But Committee Amendment "A" in this bill requires so-called smoke detectors in all multi-family buildings constructed or renovated after Janu-

ary 1, 1981.

There have been too many instances of children dying in fires in single-family dwellings. I feel that is where detectors are needed the most. The amendment to this bill excludes them.

I feel this bill should be defeated and that we rely upon the super salesmanship of smoke detector company representatives to bring about much needed installation.

Again, a similar bill got nowhere in 1975, and two of the committee members voted against this bill as well as the one presented four years ago.

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

Ms. BROWN: Mr. Speaker, Men and Women of the House: I was one of five to sign the "ought not to pass" report. I would just like to say that I am not against fire alarms. I have them in my own home but nobody said I had to have them. This is where the rub comes. It is about time people did a little thinking for themselves and not have the government do it for them.

Everyone agrees the government has overextended itself in many ways, so do we keep doing it? Somebody will say that this will only save lives, it will not cost anyone anything. I agree, smoke detectors are not expensive, but if this bill passes, it is only the beginning of it. Next year, they will extend it to all dwellings. There is no way it can be enforced without added cost to the towns. You can't tell me that anyone is going to volunteer to do this for long.

I would like to see a statewide bulletin put out by the Public Safety Department telling people of the need for fire alarms and leave it up to the people to decide. We have to turn ourselves around and not do all the thinking for the people.

I would go along with Representative Call's motion to indefinitely postpone this bill and all its accompanying papers.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I apologize for having to speak twice this morning.

I signed this bill "ought not to pass" and I thought I had very good reasons. I think it is against my basic philosophy to come down to this House and make people do anything; that is not my philosophy to make people do things. I like to see them do things of their own free will.

Let me tell you that there is a lot of good that these things do in some areas, but there are a lot of bad things they do too. I think it is false hopes in a lot of cases.

For instance, children get a lot of toys for Christmas and soon as the battery goes dead, they know, even with the help of their parents, well, we can take one out of this, this will make the toy run, and these batteries cost \$6.95. The machine itself doesn't cost much more than that if you buy a cheap one.

Let me tell you, the only way I would feel secure in my house if I had one—they make one that costs about \$150 or \$175 that winds up like an old fashioned alarm clock and that works always with no battery in it; it always works. They make another one, this is run by electricity, and if the electricity is off, and the fire in the house may be caused by electrical shock, so that is not very reliable. In my opinion, the one with the battery in it, either the battery is dead or the children have taken the battery out and put it in their toys. That is three fairly good reasons, and I don't think most people can afford one that will work. I think if people can, they should have it. If they want to have false hopes and put one of these in, that would be good too, but I don't want to be the one to make them do it.

I could say a lot more about this because I heard the arguments against it, but as it stands today, I would like to see those people who want them have them and those people that

don't want them use their own judgment, and I think people today have more judgment and more things to think about than some of us do here.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: The three previous speakers have given you every reason to vote for the bill. They are saying you don't want to force the people to do this or do that, but they are dying every day. This is why we have a 55 mile speed limit; it not only saves gas, it saves lives. We had to do this in order to save people's lives.

The reason I voted for this bill is, first of all, I wasn't happy with the amendment; I think it is the most watered down version of the bill, but at least it is something. It is protecting those families who are going to live in multi-family homes. If you as a homeowner do not want to put one in your home, that is okay, but these are for the people who live in apartments who can burn because there won't be any smoke alarm or anything of that nature. I think this in itself should tell you that this is a good bill and at least vote for it.

I hope you will vote against the motion to indefinitely postpone.

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

Mr. HOWE: Mr. Speaker and Members of the House: I would like to jump into this debate although I had nothing to do with the bill or the committee up to this point, but it seems to me that at some point the prevailing principle of late, that the government ought not tell anybody to do anything, has got to come up against some other principle, and maybe in this case it is the saving of some lives.

I don't know how many times since just the very first of this year I have read in the newspaper about people dying in fires and more often than not I think it has been children whose bodies have been found under a bed in the back of the house somewhere. People heard screams from outside but couldn't get in to them. Their parents didn't put in smoke detectors, more than likely, and the government hadn't told them to, but the children can't make those kinds of decisions and I think somebody has to make that decision for them.

If this principle that the government ought never tell anybody to do anything prevailed, we ought to repeal the Maine Revised Statutes Annotated and go home and never come back here, and I don't think even Representative Dudley is quite prepared to do that.

A little bit about smoke detectors—I happen to have five of them in my house, three that are heat detectors, actually, and two that are smoke detectors. I paid way too much for the heat detectors at the time, I think, but now I am glad they are there. The smoke detectors, I think, provide a lot more safety and they are a lot less expensive, and the little 9-volt batteries I think cost not quite a dollar and they are still working fine and the smoke detectors have been around the house for a couple of years. My kids couldn't reach them because they are mounted on the ceiling, as per the instructions.

I didn't get the more expensive model that has a little light that goes on or a beep that goes on, whatever it is, when the battery is getting weak, although I could have.

A neighborhood association, of which I am a member, just bought 18 of these units for different families in the area, and I think we paid \$13 apiece and then got a \$5 rebate on each of them. That is about \$8 and add another dollar for the battery, and it certainly didn't break anybody.

Certainly, parents can and ought to make the decision to put these things in, but the children can't, and I think this is one area where perhaps the government ought to make that decision.

The SPEAKER: The Chair recognizes the

gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I am very much in favor of this bill, but I am very concerned about the possibility of enforcement.

In the past year, most of the insurance companies have offered a 3 to 7 percent discount to people who install these in their houses, and talking with several of them in the past week, I found that they have had very little response from their office. I am curious as to just how we could enforce this.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I am wondering if there isn't a state law now that requires multi-dwelling units to have a smoke detector. I have a few apartments and sometime last year I received a notice that I would have to have smoke detectors in my apartments in 1980, so I wish someone would answer that for me.

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

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

Mrs. BEAULIEU: Mr. Speaker, to answer Mrs. MacBride's question, there is no state law. The only state law that we have currently is that there shall be smoke detectors in hotels or motels that are more than two stories tall. I am familiar with that simply because I helped to move that bill along in the 108th.

There are communities that have adopted codes like the Boca Code, but many of those codes are up to local level concerns, many of them have a multitude of waivers on them, and that does not necessarily mean that they are enforceable.

I am a cosponsor on this bill, and I think it is a vitally important bill. When people are putting wood stoves on wooden boxes in their houses and wrongly installing them in tenement houses, I think the City of Lewiston is averaging about one chimney fire a day because of wood stove problems. I think the state has an obligation to at least indicate that we feel smoke detectors are vital to the welfare of the people of this state, especially the children, and that we should do something about it.

Twenty-eight states have similar laws, similar to the one that we are passing today; 14 more are pending.

I think it is important to remember that this law will not really become effective until 1981. That was done on purpose, and I have worked very hard in the past couple of weeks with the firefighters of this state. We have 18,000 firefighters in the State of Maine. I have worked with the legislative committees and the leaderships of both the Federation of Firefighters, the Maine Council of Firefighters and the Maine Fire Chiefs Association. They will adopt for their project, for a one-year period, the project of going about door-to-door in communities throughout this state.

I think everybody here knows what a fantastic job these men have been able to do with the Burn Center Programs for our state. They have committed themselves to adopt the smoke detector program for a one-year period—that is why there is no penalty or enforcement powers on the bill now. What they will do is, starting this Spring on their annual inspections, they will hit every multi-family home unit and the inspection offices of their local towns and cities, explain the law, explain the minimum required piece of equipment that will be expected, offer guidance as to where it should be located—that is their first effort. Next Spring, they will go back and record how many installations have occurred since their initial contact. In other words, they will serve as the legs and arms and ears and eyes and mouths of this state to see what can be done voluntarily by the

citizens of our state in installing smoke detectors.

I think it is important to point out, as far as I am concerned, and Mr. Dudley was not at the hearing, large numbers of fire chiefs, building and code inspection people from larger communities and small communities were there asking for something to be passed.

I think also that the wood stove standing on a wooden box that killed an elderly man happened to come from Ms. Brown's area, and it was her fire chief who was quoted on the news as saying "a smoke detector could have helped to save that man's life."

I don't like to put mandations on people, but, honestly, there has got to come a time when we have to protect people against themselves.

This bill does not address single-family homes because of the outcry of the realtors. To be very honest with you, I can't feel sorry for a guy that owns a \$50,000 house, pays a \$400 a month mortgage to a bank and can't find the courage to go out and buy an \$8 smoke detector, so I was willing to drop that aspect of it. But I think people who live in multi-family dwellings, whose landlords live in Connecticut, they are deserving of a lousy \$8 piece of equipment to help protect them.

I am a tenant and my landlord installed them, and I was very proud of the fact that he cared enough about his tenants to put them in. I think there is a real serious concern also about the renovation of multi-family dwellings. I don't know how it is in the smaller communities, although I come from that area, but in cities like mine, when people are taking three-family flats and converting them into six-family, small apartments, I think it is not going to be a hardship on them to put in an \$8 or \$10 smoke detector.

Finally, let me say I trust the firefighters of this state to do a heck of a job on this project, as they did on the burn center projects. They have committed themselves to do the job and I am sure that those of us who are the sponsors and cosponsors of this bill will make very sure that they don't fail us.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: The gentlelady from Portland used many interesting terms like "lousy \$8 piece of equipment" which is probably what it is, based on what Mr. Dudley said, "protecting people against themselves, etc., if you are really concerned about safety." We all know, most of us, most people that I know in the Waterville and Winslow area, are putting in wood stoves.

The amendment doesn't even include single-family dwellings, it is absurd. How can anyone stand here and say they are concerned about the safety of people and fires and try to pass a bill with an amendment that talks about multi-family units only and not single-family units.

We have read in the paper where children have been burned and killed because of fires and it usually has been in single-family dwellings, but there aren't many politicians who want to put that kind of an amendment on because everyone is against the so-called mentality that Mr. Howe refers to, government telling people what to do. Let's stop kidding around with ourselves.

We have a criteria in this amendment that talks about 25 percent of the appraised value in the case where a building is renovated—well, how about if it is 20 percent? Does that mean that that building is safer and doesn't need a smoke detector? I mean, it is ridiculous, you have to go one way or the other on this thing. If you are philosophically against the bill because you don't want government to tell people what to do, vote against it, but don't, for it based on the kind of criteria that you have here trying to decide what is safe and what isn't safe. I would suggest that the criteria in the bill don't have anything to do with safety or non-safety and I

think you are going to have to vote on it one way or the other regardless. But to talk about trying to protect people from themselves, etc., and excluding single family-units, talking about 25 percent of appraised value, is absolutely ridiculous.

We have taken 45 minutes on this bill and I hope we can vote on it soon.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, my name having been mentioned by the gentlewoman from Portland, I feel that I should defend my personal integrity. I was at the hearing; I heard all the evidence. I saw a lot of people there looking for a job, inspectors. I don't want anymore intrusions in people's houses. They would soon want to come in and inspect to see what color toilet paper you have.

I think a person's home is their domicile and they don't want everybody knocking on their door and coming in to inspect something. A lot of these people I saw at the committee, in the back of their minds, I am sure they saw this as an opportunity for a job inspecting, having a state car and running all over the state, either that or getting their buddy a job or their ward healer a job, and this is another reason that I am against it.

It did irk me a little when it was kind of mentioned off-hand that I probably wasn't at the hearing. I was there and that is why I am so concerned about the bill, because I did hear all the evidence. I don't want everybody promising through my house and I presume there are others that feel the same way. I don't want to hire some people on the state level to inspect anything or the town level or city level, I am against that too. I could go on and on because when I get irked I probably talk more than I should, but the best way to handle this is to indefinitely postpone it and get on with the business of the day.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the cosponsors of the original bill. I cosponsored the bill because of the fact that I am on a fire department. The Maine State Federation of Firefighters, 18,000 strong, supported this legislation which would have originally included homes as well as multi-family dwellings. Other fire associations in the state also supported it. The State Fire Marshal's Office also supported this legislation.

I really don't think it is to give somebody a job; I think it is because the fire departments are recognizing the problem we have. In the 107th Legislature we were not in the age of wood. However, we have returned to the age of wood and I don't know what the future holds for us and I don't think anybody else does.

I think this is a step in the right direction. I am as much against intrusion in people's lives as anybody, but I remember Representative Lynch, who sat over on the aisle there during my first session, always saying that you cannot legislate good judgment in people and yet we can show examples of where the legislature has legislated into people's lives.

I would just like to give you a few examples that I thought of this morning; one is in the electrical code where you have to have your home inspected if you put in your electrical wiring before you can reside in it. Why? Because people will electrify it with no knowledge of what they are doing. It is poor judgment and the legislature has gotten into it.

The requirement that we wear fluorescent orange while we are out hunting. Why? Because people go out in the woods in deer season wearing brown, and you would say that is the foolish thing to do, that is poor judgment but people will do it.

Another one, that we wear flotation or have sufficient flotation devices aboard our water-

craft when we are out. Why? Because people will go out in a boat or a canoe with young children and not have a life preserver aboard and over they go. I didn't like that legislation but this legislature imposed it on the people, and in hindsight I would say that it is probably a good idea.

Then we get down to the motorcyclists, this session, requiring motorcyclists carrying passengers under 15 years of age have helmets on. Why? To protect against poor judgment. I think that is what we are talking about here, we are talking about people who will not exercise good judgment and will have these multi-family houses and not have any fire detection devices of any kind around. I think it is a real step in the right direction. I am not for this type of thing ordinarily, but I do see a problem, I think we all see a problem, and I hope we will pass it.

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

Mr. DELLERT: Mr. Speaker, Ladies and Gentlemen of the House: I am convinced that there is no such thing as an easy way to provide anybody with safety legislation. If it were possible to write safety legislation, we would not be killing 50,000 people a year on the highways of this country.

This bill has lots of things wrong with it, but the one right thing it has, it gives us a start here in Maine to legislate and put smoke detectors in multi-family houses. Please don't throw this bill out.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to prolong this but I had a couple of points and then I have a question for the committee.

Two things were previously touched on, and I won't bore you with those, but I simply can't understand the concept of going and mandating that anybody that lives in a dwelling that contains two or more families has to have a smoke detector. All I can think of is that simply because I own my own home, I am now expendable or at least my family is expendable, because it doesn't seem to be very, very consistent to mandate beyond the single-family dwelling. Either it is a good concept or it is a poor one, and I am not terribly sure that it is a poor one but I philosophically don't think we have the right, here in government, to tell the people how to act in their own private lives. Obviously, this is an infringement upon their private life. I am certainly sure that these things will ultimately cost money.

I guess what I would have to tell my people is, be sure, if you want protection, that you be sure to rent in a home that has at least two apartments because then you will be protected by the state. Otherwise, they are simply going to forget about you.

One of the things that I wonder is, has anybody thought these units are portable? If somebody lived in a multi-unit dwelling, they would certainly have the opportunity of putting one in their apartment and that is quite easy. They are \$8, \$10, or \$13 or whatever amount, and I have them in my home and I can move them from room to room and I do, on occasion, as to the general living changes in my family.

The thing that really bothers me about the bill is the continual maintenance, because we know for a fact that when you put something in, it isn't always going to be operable, so what kind—I see the enforcement of \$500 but that, I assume, is judged against somebody that simply doesn't put one in in the first place but what about that person you are trying to get at now that is very callous in not only that he doesn't put them in now but probably in the future, if he did put them in, he wouldn't maintain them. They are battery operated, probably they would no longer function after a year's period of time, and most likely if he were that type, that was callous, he wouldn't put the extra money in to put in an electrically oper-

ated unit, he would put a DC operated unit in, and that, very definitely, would become inoperable after a period of time. If the person that was renting there had the desire, then obviously he could buy the batteries but I am sure that that probably doesn't happen in many cases.

So, I think the bill somewhat falls short of being what you might call a comprehensive measure and either this committee is copping out and trying to put their foot in the door to come in with legislation that will be more comprehensive later on and I am not terribly sure that I understand why. Either the concept is a good one and we should pass it or it is not and it should die.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I have been very interested in what has been said here today because I would be one that would be directly affected by this bill. I can also say that I truly, for once, see the value of this equipment. I have it at my house and I did put it there voluntarily. This is the way I think it should be both in my house and in the multi-family dwellings.

Before I am done, I would like to have this question answered, how many members on the committee that voted in favor of the passage of this bill do themselves own multi-family units and will be subjected to this expense? I have always been disturbed, not about what has been said today, but because I was on that committee, and we had the same bills and they always failed. They come back every year and they fail. It is a few people, frustrated fire chiefs, especially from down our way, and I hate to admit it but they do come from down our way and all they think about is fire alarms.

Let me tell you, the truth is that down our way, these people, most of them have gone to the city council of the individual towns and they have turned down making this an ordinance, making this compulsory and mandatory for the people. As a result, I believe they come here and try to get us involved in this and have it mandatory.

We read in the paper that people die and it tears at your heartstrings to hear that their children die but, you know, the truth is, where are the parents when their children die? In the Portland Paper of last week or last month and some people did die, but where was the mother at the time? The mother was next door having coffee or some other stuff and the kid was in the house by himself. The grownups that died in such fires, in what condition were they? Were they drunk or were they sober or were they handicapped or what? That doesn't make any difference to these people. They want this stuff and this will give them something to work on.

A fire chief from down my way and surrounding towns — they are not paid for this, they are paid to get efficiency within the department.

Looking at the bill, it extends much more than to dictate to the people of this state that they have to have mandatory fire alarms.

In the first place, we do eliminate residential families. Down my way and in my town, the people that died recently or within the last year or two actually did die and were residing in residential homes, they never got out. The reason why, I don't—I do know but I don't like to say it here.

Under Section one, which bothers me very much, is that it says that standards of this will be established by the Commissioner of Public Safety. I don't want the Commissioner of Public Safety to tell me what I am going to have in my house. This should be by the arson one, he is the one that was in charge of this before and I don't want the commissioner to set my standards, I can set my own standards and they will be just as good as he can ever come up with, I can tell you that.

This bill also makes limitations as to when, and other things too, that you could not sell any residential family dwelling without such equip-

ment in it. They don't say mandatory, that you don't have to put it in there now, but you can't sell the thing unless it is in there, unless I interpret this wrong.

Really, the clincher here is under C and it says, "when you rent out an apartment as defined by the commissioner"—now, this is cute, you know, because the fact is, I can leave you in my apartment for a year's time and I don't rent it out to you so I don't have to put any equipment in there, you are there as my guest for a year's time and I don't have to put it in there.

This whole bill needs a little revising if you are going to pass it, because if you pass it as of now, this is a very vague bill. Then, of course, "25 of the appraised value"—which appraised value and for what purpose? Are we appraising the house for tax purposes and what percent are we going to use here? There is a word missing in there somewhere because we don't know which way we are going.

We are talking about a lousy piece of equipment, which was referred to, and a few years ago a very capable member of this legislature, when I was using the word 'lousy' called me aside and said, you know, that is not very nice, that connotes something real bad. He said, why don't you use another word instead, so I went and I looked in the dictionary and I came up with the word 'contemptible'.

Now, this equipment, because of the fact that it only costs probably \$15 and you get a \$5 rebate, does not make the equipment not a good piece of equipment. It is a good piece of equipment, I have some in my house, I gave three away to my relatives for Christmas as gifts, and I really believe in it, but to be mandated to put them in, I am not in favor of it and I think the bill goes far beyond that. You read the first section of this bill and this is where somebody is going to get the short end.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am a landlord, I have approximately 30 units, I guess, and two years ago when we had this detector bill for motels and stuff, I was opposed to it going into housing. But I made a statement at the committee meeting that I think we should, to protect our tenants have them in the apartment houses and I intended to do it. I have not done it as yet, but after this has been brought to my attention again, I intend to do it very soon.

I respect my tenants, they pay me money, they have made it possible for me to have some things that I have in life that I wouldn't have had, and I think I owe it to them to give them a safe place to live.

I don't like to mandate things. I wouldn't want to be mandated to put that in my home; if I want it in my home, I am responsible for my family and I will take the responsibility. If I want a fire detector, I will put it in, and if I don't, I don't want you to tell me I have got to have it. But when I am protecting other people, not you. If you don't care about yourself, that is your problem, but I think we have got to care about others.

I have seen many apartment houses that I would hate to live in they are so dangerous, so I am certainly not opposed to this and I can go along with this. It is not a bad bill, it gives you plenty of time to do it. In fact, as I understand this bill, I don't even come under it for mine are existing, unless I do some remodeling, but I intend to do it anyway. I think I owe it to my tenants.

I hope that you will give this serious consideration and do not vote to indefinitely postpone.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: I wish that the good gentleman from Westbrook, Mr. Carrier, in discussing the proposed legislation here today, would refer to the amendment and not to the

bill, because the amendment replaces the bill and this amendment does not deal with resale of single-family homes.

I think if there are some people today that are so concerned about single-family homes, if they really want to cover them, they ought to put in their own amendment. They ought to move for the indefinite postponement of the committee amendment and then they can support the bill as it was originally written. If they want to do that, then so be it, and I will probably support them.

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

Mrs. BEAULIEU: Mr. Speaker, I don't want to belabor this bill, I am going to be very brief. I am kind of pleased to hear Mr. Whittemore say that he intends to assist his tenants by putting them in soon. Unfortunately, too many landlords say, with good faith, that they will put them in soon but they never do. I really believe, like Mr. Whittemore, that they want to protect their tenants, then I think that they would have already done it. But I will trust that he does intend to put them in soon. He is the kind of landlord I would like to have. Unfortunately, there aren't too many.

The reason why single-family homes are not here really was a political decision. The continual maintenance factor in the transfer of or the sale of property was the realtors' concern, so they asked us not to deal with it and we didn't.

I think it is important for people to understand that there is no penalty on the bill right now; that may come in the future. I want to give the citizens of the State of Maine the opportunity to comply voluntarily. I want the firefighters of this state to be able to go out with at least a state position for what they are trying to do in assisting the citizens of the state and, unfortunately, Mr. Carrier, two children died in Portland on the second floor; their mother was on the first floor and couldn't get to them.

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

Mrs. BERUBE: Mr. Speaker, I have a question and perhaps it has been asked, I don't know, but I can't seem to find in the bill or the amendment who is responsible to check on the enforcement of this, to check who has put some in. For example, when the batteries run out, who is going to check that? Is there a fiscal note to this?

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

Mrs. BEAULIEU: Mr. Speaker, there is no penalty and no enforcement powers delegated to anyone until 1981. I think three times now I have said that that is done on purpose so that the firefighters can serve as our educators about the law coming forward and to see if the citizens of the state will comply voluntarily. They will begin this Spring with the education program, they will go back next Spring to record the impact, and a future legislature, depending on what figures of compliance are going to be, will then decide whether to extend the time or then slap penalties and enforcement powers to someone.

The SPEAKER: The Chair recognizes the gentleman from New Sweden, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe some of the insurance companies are offering a discount on smoke detectors at this time, and I believe in time the rest of them will follow suit, and that will be incentive enough to put smoke detectors in houses.

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

Mr. CALL: Mr. Speaker and Members of the House: I believe I should have added to the bill—indefinitely postpone the bill and all accompanying papers.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must

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

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

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

ROLL CALL

YEA — Aloupis, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carrier, Carter, D.; Churchill, Conary, Cunningham, Damren, Davis, Dexter, Diamond, Dow, Dudley, Garsoe, Gavett, Gray, Hall, Hickey, Hunter, Hutchings, Immonen, Jacques, P.; Kany, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, MacEachern, Marshall, Masterman, Masterton, Nadeau, Nelson, A.; Paradis, E.; Paradis, P.; Peterson, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Small, Smith, Sprowl, Stetson, Studley, Tarbell, Theriault, Torrey, Tozier, Twitchell.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Brannigan, Brennerman, Brodeur, Carroll, Carter, F.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Gillis, Gowen, Gwadosky, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, E.; Jalbert, Joyce, Kane, Kelleher, LaPlante, Locke, MacBride, Mahany, Martin, A.; Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nelson, M.; Norris, Paul, Pearson, Peltier, Post, Prescott, Reeves, P.; Silsby, Simon, Soulas, Stover, Tierney, Tuttle, Vincent, Violette, Vose, Whittemore, Wood, Wyman, The Speaker.

ABSENT — Austin, Berry, Doukas, Fillmore, Hanson, Laffin, Lund, Michael, Nelson, N.; Payne, Strout, Wentworth.

Yes, 66; No, 74; Absent, 12.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-three in the negative, with twelve being absent, the motion does not prevail.

Thereupon, on motion of Mr. Violette of Van Buren, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-864) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-857) on Bill "An Act to Revise and Clarify Certain Provisions of the Motor Vehicle Laws" (H. P. 1667) (L. D. 1776)

Report was signed by the following members:

Messrs. EMERSON of Penobscot
O'LEARY of Oxford
USHER of Cumberland

— of the Senate.

Messrs. MCKEAN of Limestone
LOUGEE of Island Falls
BROWN of Mexico
JACQUES of Lewiston
ELIAS of Madison
CARROLL of Limerick

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-858) on same Bill.

Report was signed by the following members:

Mr. STROUT of Corinth
Mrs. HUTCHINGS of Lincolnville
Messrs. HUNTER of Benton
McPHERSON of Eliot

Reports were read.

On motion of Mr. Carroll of Limerick, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-857) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-872) on Bill "An Act to Increase Registration Fees for Watercraft" (H. P. 1835) (L. D. 1939)

Report was signed by the following members:

Messrs. REDMOND of Somerset
USHER of Cumberland

— of the Senate.

Messrs. JACQUES of Waterville
TOZIER of Unity
PAUL of Sanford
VOSE of Eastport
PETERSON of Caribou
GILLIS of Calais
MASTERMAN of Milo
MacEACHERN of Lincoln
DOW of West Gardiner
CHURCHILL of Orland

— of the House.

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

Report was signed by the following member:
Mr. PIERCE of Kennebec

— of the Senate.

Reports were read.

On motion of Mr. Dow of West Gardiner, the Majority "Ought to Pass" Report was accepted and the Bill Read once. Committee Amendment "A" (H-872) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Report "A" of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-859) on Bill "An Act to Expand the Kinds of Projects Eligible for Financing Under the Municipal Securities Approval Act" (H. P. 1767) (L. D. 1898)

Report was signed by the following members:

Mrs. REEVES of Pittston
Mrs. KANY of Waterville
Mrs. BACHRACH of Brunswick
Messrs. LANCASTER of Kittery
PARADIS of Augusta
BARRY of Fort Kent

— of the House.

Report "B" of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-860) on same Bill.

Report was signed by the following members:

Messrs. AULT of Kennebec
SUTTON of Oxford

— of the Senate.

Mrs. DAMREN of Belgrade
Ms. LUND of Augusta
Mr. CONARY of Oakland
Mrs. MASTERTON of Cape Elizabeth

— of the House.

Reports were read.

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

Mrs. KANY: Mr. Speaker, I move acceptance of Report A, "Ought to Pass" as amended by Committee Amendment "A".

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

Mrs. MASTERTON: Mr. Speaker, I would like to ask that you not accept Report A and take a look instead at Report B.

I would like to ask the chairman of our committee, Mrs. Kany, to explain this bill before

— of the House.

we take a vote on anything.

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

Mrs. KANY: Mr. Speaker and Members of the House: I know my good friend, Representative Masterton, knows what is in the bill. So unless somebody else wants to know, I think I will sit down.

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

Mrs. SEWALL: Mr. Speaker, I would like to know what the bill does.

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

Mr. MORTON: Mr. Speaker, I would ask for a division and I would like to know what this bill is all about.

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

Mrs. KANY: Mr. Speaker and Members of the House: I am delighted to tell you what is included in the bill, because our committee did work long and hard on this measure and we ended up with two reports, both "ought to pass." One report contains housing and the other report does not.

As to what the basic bill is, it would amend the municipal securities approval act; that is the act in which the State of Maine takes advantage of the Internal Revenue regulations to allow municipalities — basically the municipal officers make the decisions on what and for what they would like to issue revenue bonds. There is no general obligation either of the State of Maine involved or of the municipalities, but it is basically an economic development measure in which certain projects are allowed by that municipality, and then with the approval of the Maine Guarantee Authority, if you can imagine, allow to have revenue bonds issued.

For instance, in the City of Waterville, our municipal officers just chose to allow the Hathaway Company to build a warehouse and then have the City of Waterville issue such a revenue bond in its name.

Our committee, on both reports, worked hard to develop definitions regarding energy generating facilities, mass transportation and energy conservation projects and energy distribution projects to be included within this municipal securities approval act. Then Report A, which is the motion that I made, also allows multi-family housing, just within an approved community development act plan within a municipality, for those municipal officers, if they so choose, to allow these revenue bonds to be issued.

I hope that is a full explanation. If not, I will be delighted to go further.

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

Mrs. MASTERTON: Mr. Speaker and Members of the House: And now I will be very glad to explain Report B.

This report would take the multi-family housing element out of the bill. I approve one hundred percent of the bill other than the housing, and there were several of us on the committee, in fact, if my count is right, I think it was the majority of us that felt that we would prefer not to put the multi-family housing into the bill at this time. That doesn't preclude it from being put in in the future.

In the first place, this element would be in direct competition with the State Housing Authority in some instances. In the second place, these revenue bonds can only be floated for a clear public purpose.

Now, it is not that I do not believe housing is not a good and worthy public purpose, because we know we need more housing in the State of Maine, but we do have the vehicle, the State Housing Authority, for low-income housing, and putting multiple housing into these revenue bonds would not prevent a private developer taking advantage of these bonds to build, say, a

luxury apartment house on the Eastern Prom in Portland. I think that would be taking unfair advantage of the public purpose element of the municipal securities act.

Thirdly, right now, with the economy as it is, with the move towards tightening credit going on nationally, I personally have great concern about expanding the parameters of this revenue bonding program too fast too quickly.

Finally, we are concerned about the state's credit rating. The credit of the state is reviewed carefully regularly, and we have just been very pleased to hear that we still have that Triple A from Moody's, which is a credit rating agency. However, you understand, we still have a Double A from Standard and Poor's. We would like to get that Double A up to a triple, and actions that the legislature takes, such as this particular one, can well be questioned by the bond rating agencies.

There are my reasons for wanting to keep the housing element out of this bill at this time.

The SPEAKER: Would the Sergeant-at-Arms please escort the gentleman from Madison, Mr. Elias, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Elias, assumed the Chair as Speaker pro tem and Speaker Martin retired from the hall.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: First of all, I would like to correct a couple of statements by Representative Masterton. One is, the report is a 6-6 report; I would like to have you all note that, so we have no majority report. One of our members was not present.

Secondly, the second correction that I would like to make is that our Moody's rating is a Double A and our Standard and Poor's rating is the Triple A. I want that to go into the record accurately.

I would like to point out that we are talking about revenue bonds; we are talking about general obligations of the State of Maine nor are we talking about moral obligations, such as the Maine State Housing Authority does get us involved in from time to time. So, these particular issues within the municipal securities approval act do not affect our rating, as do the others.

I want to remind you that the prime rate, that is the rate at which the major banks in the nation lend to their best customers with the best credit ratings is over 17 percent. Naturally, our committee and the legislature have been approached for tax exempt revenue bonds by all sorts of industries because it appears as if you can halve that interest rate, probably, about 10 percent if you go to the tax exempt revenue bonds about which we are talking.

What happens if a developer is interested in building multi-family housing, building an energy facility of some type and they go to a bank trying to secure that loan and they find that they are faced with almost a 20 percent interest rate? Naturally, the decision is not to go ahead with that project.

The public purpose is stated within the income tax regulations, IRS regulations, in that what is allowable are less than \$10 million projects, and that includes most industrial-commercial projects and multi-family housing as public purpose.

I do hope that you do go along with Report A. Heaven knows, the quality of the housing in the State of Maine is not the best. We know it too. I certainly hope that we would encourage the building of more multi-family units, hopefully that are a little more energy efficient than many which exist now throughout the state. I think we should do this for the people of Maine, not just for the developers. I hope you go along with Report A.

The SPEAKER Pro Tem: The Chair recog-

nizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, I stand corrected on both counts and thank the gentlelady from Waterville.

I think that we all of course realize that we are talking about revenue bonds which do not bear the obligation of the state. But what I am saying is, I am convinced that when our credit rating is reviewed, that all other actions that have impacts are also reviewed by these agencies.

I also want to remind the members of the House of the dim view the Congress is taking with regard to local and state governments floating revenue bonds. They have threatened to cut us off altogether.

So, I urge you again to vote for Report B, to vote no on the pending motion and to go along and accept Report B.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I was a cosponsor of this legislation and I did attend the public hearing. It was a good hearing. There was really only one group that was opposed to this legislation, and that was the savings banks in the state of Maine because they feel that it would provide competition because this does fund middle income, multi-family housing.

My reason for becoming involved—I think it is a great idea to have revenue sharing bonds, it is a good tax shelter for those folks who are in the higher income brackets because they are tax exempt.

Certainly, what the good gentlewoman says, that the IRS and the Congress are not happy with them; of course, it means a lot of revenue then for the folks who buy them and use them as a tax shelter.

I was a little amazed that the housing industry wasn't represented at that hearing. There were some individual entrepreneurs who were there, a gentleman from Bangor who I know, that is a low to middle-income project that is slated for the City of Brewer, there is one slated for the City of Lewiston and there is one slated to go into South Portland, and from the testimony of these people, without the multi-family housing in this legislation, those projects would not go. The difference in the rental figure, in the cost of the interest, for a unit would be \$300 if it were financed under the mechanism that is provided in Report A, as compared to \$450 for the same unit if the entrepreneur or the developer had to go out and borrow the money in the money market, which, of course, the largest supplier for that type of thing is the savings bank industry.

Being as the only people that appeared in opposition were the savings banks people, I would hope that you could report out Report A and give some very, very needed housing and an avenue to provide it.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: We have a severe need for this type of housing in the City of Brewer. I think it is obvious that if builders are going to have to pay 17 percent interest on their loans, these units will simply not be built.

We are told that the savings banks oppose it as being in competition with them, but we had the savings banks before the Taxation Committee not long ago telling us that they didn't have the money to lend. So if they don't have the money to lend, how are they going to be in competition with this. It sounds a little bit like the dog in the manger—the dog can't eat the hay but he is going to make sure that the cows don't get into the manger to eat the hay either.

I really feel that given the need for this type of housing and the fact that it will not be built unless we can issue these municipal revenue bonds to do it, then I think I have to favor this type of legislation.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Kittery, Mr. Lancaster.

Mr. LANCASTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain my reasons for signing this bill "ought to pass" on Report A. I am in complete concurrence with the gentlelady from Waterville, Mrs. Kany. It is a good bill, the hearing was well attended, there were several town and city managers present, building inspectors, etc. This is a very important function in regards to your local municipalities.

I have been involved in community development programs, three different ones in the State of Maine, and had we had this bill at that time, this Section G under Report A, it would have helped us a great deal. Instead, we had to rely upon the Maine State Housing Authority, and they have a Local Consent Resolution that has to be adopted that many municipalities really cannot live with.

This here would clear the way for the City of Brewer. I did have a long talk with the City Manager of Brewer. They have a proposed project; if this does not go through, their project is dead, and it will happen to others. The gentleman from Auburn, they all spoke in favor of the bill with this Section G, multiple housing. It is not in Report B, that is the only difference.

I urge you to vote yes on this bill.

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

Mrs. MASTERTON: Mr. Speaker and Members of the House: I think I ought to answer the remark about the savings bankers being worried about competition for them. I want to remind everybody—I certainly don't want to be the David Huber of the House, but we are in a serious economic situation, and I am telling my good friend over there from Brewer that the savings bankers aren't going to have any money for housing anyway if things go on. So, they are not going to be in competition with revenue bonds.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. JALBERT: Mr. Speaker and Members of the House: I think probably the lady from Cape Elizabeth, Mrs. Masterton, with her banking background on the other side of the fence, would know that the up front money comes up through banks and not necessarily through the programs such as Moody's and Standard and Poor's.

Very few years ago, the corporation that I am an officer of, found itself in a position where we had to wind up on Wall Street quite often. I got quite interested in it, to a point where I was asked to go on several occasions. I listened to Mrs. Masterton very intently, as I did also to the good lady from Waterville, Mrs. Kany, and, frankly, I have got to compliment both of them for the apparent knowledge they have acquired through these hearings.

It is true that when these people give us credit ratings, they look at where our investments are. They look at what we have got. But bear this in mind, when we go into good programs, real good programs, it is the one thing that makes our credit rating, and we might have lost it, and I am not going to point the finger at anybody, but I could well do it, we might have lost it by the carelessness of the Authority a few years ago. If you have some good programs to come forward, that is the one way we will go back with a Triple A from Moody's. That is what we want.

It is my pleasure to know the person who has more to do than anybody else in the country with setting a rating, a lovely lady that knows where of she speaks. It has been my pleasure to go on Wall Street on several occasions, particularly 50 Wall Street where all these places are, and you would be amazed if you would go there and you are sitting in one of these bonding

houses when suddenly the alarm goes on and a bond is out, however small or large it might be, and the interest rate is set. You should see the reaction of the salesman that immediately pick up the phone either with happiness or some sort of discouragement, and I want to see these things go on, programs like this. I think they are healthy, I think that is where we are going to get back our Triple A rating, which is important even though there are only two states in the Union that have Triple A ratings from both Standard and Poor and Moody's.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong the debate, but I can't let this debate go by without observing some of the ironies and paradoxes that go on in life in these United States today.

As you know, inflation, I hope you all know, inflation is the degree to which we spend money at the federal level for which we don't appropriate taxes, and in that exact proportion our currency is devalued. This inflation, of course, is controlled nationally through a budget and fiscal policy. If the budget is balanced and there is no deficit, of course there is no inflation. That is one way to fight inflation. The other way is through fiscal policy. It is through fiscal policy that our national government for too many years has tried unsuccessfully, as I think we all know, to control inflation. Fiscal policy consists of raising the discount rate at which the federal reserve lends to member banks and through selling key notes in competition with private banks in the money market, thereby gobbling up the sources of capital, and by restricting credit through making new rules regarding conditions upon which banks can restrict credit.

So this, then, for several years has been our national policy. The paradox, the irony, that so far seems to be ignored, certainly in this legislature, is that at the local level or the state level we then proceed, without even any comment, which is the amazing thing to me, to contravene the national fiscal policy by establishing things like the Maine Housing Authority—which is really kind of a joke if you stop and think about it and have some basic understanding of economics—to infuse money into the money supply that the federal government is working to keep out. The Congress, in its recent sessions, has recognized this ridiculous situation by bringing almost or considering bringing to a halt the kinds of bonding that is involved in the Maine Housing Authority which, incidentally, because they are tax free, really burden down and make greater the existing deficit by loaning federal tax collections. This is a rather involved argument but it is the kind of argument that isn't addressed in the Maine Legislature, too often not addressed in the Congress in these United States, too often not addressed in our schools, and it has given us the kind of debauchery of our currency that we now have, it has given us the kind of inflation rate that we now have, and if it isn't addressed somewhere along the line, we are going to go the way of Nazi Germany in the thirties, and you won't want to stoop over and pick up a dollar bill because it won't be worth a dollar bill.

For these and many more reasons, I urge you to support the position of Mrs. Masterton.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I would urge Representative Leighton to run for Congress. I don't know if you are in the first district or in the second district, but if you want the credit policies of the United States Government to be changed, then run for Congress, get elected and change the IRS regulations. That is where that should be done.

Many states have a blanket law in which they would allow these tax exempt revenue bonds for anything allowable under the IRS regulations, and what I ask you here today is, would you deny the people of the State of Maine housing just because you happen to philosophically think that each state should take it upon themselves to individually deny things allowable under the IRS.

Please go along with Report A, as has been requested by the people of Brewer, the people of South Portland, Lewiston, all interested in these projects, by our good town manager with a great deal of experience behind him, Representative Lancaster, and I hope you vote for the Committee A Report.

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

Mr. LEIGHTON: Mr. Speaker, I don't want to prolong it but I really think it is an important issue.

I would respond to Representative Kany that her idea of my running for Congress sounds to me like an excellent idea. I would ask her whether she would like to have me as the candidate of her party or mine? I am having some trouble with mine.

With respect to how well these kinds of programs help us to build housing, housing has been my life's blood, I have worked in it all my life, and may I just quickly observe that over that some 17 years, you could almost draw a kind of beautiful graph showing how as the government, especially the federal government, has tried to help us provide housing, there has become not more housing available, there has become less housing available.

I think what we have got to ask ourselves as we inaugurate special subsidy programs for special classes of people, like the Farmers Home Subsidy Program, the Federal Housing Administration 236 Program, we need to ask ourselves, how many people in our society do we extend these programs to? In most cases, if you would take the trouble to look, it can only be for a certain few for a short period of time, and if it were extended to everyone, then there would be very few people in our country that could afford a place to live and we soon would go the way of the socialist countries in the world, we soon would be like Stockholm, Sweden, where the average young married couple has to wait seven years to get a room, and it is a room, not a house, and it is just because of these types of programs. This is why, as Representatives Beaulieu indicated in an earlier debate, that three families are being made into six families, and if we want to keep going this way, we can all look to the day when we can live in one cubicle.

Mr. Cloutier of South Portland requested a roll call vote.

The SPEAKER Pro Tem: 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 roll call, a roll call was ordered.

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

Mr. NORRIS: Mr. Speaker, very briefly. Just so there is no confusion, this has nothing to do with subsidized housing, this has nothing to do with subsidized housing at all. This doesn't provide a breakdown so that there is any federal money to pay any of the rent or the amortization. This is not subsidized housing, it does not deal with the Maine Housing Authority at all. It has absolutely nothing to do with the Maine Housing Authority.

Let me give you this one little other analogy. Under the Maine Guarantee Authority, we can build condominiums and float these kinds of bonds, we can build condominiums at Sug-

arloan, so I would hope that we expand this to the young, middle-income people who are working and able to pay so that they will be able to have housing.

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

Mr. JALBERT: Mr. Speaker, I am sorry, but I can't let this go by. There has got to be some levity somewhere along the line when we are here for 10 or 11 or 12 hours. Last year, I got to like Mr. Leighton on a bill where he conned me into going along with marijuana for treatment, and I got to like him from then on, but then Sunday night I was listening to my friend Barry Goldwater and I liked what he was saying, and when he mentioned about political parties and running for congress, I would just like to ask Mr. Leighton, later on, not now but later on, let me know what political party he belongs to, because it behooves me that you would make Barry Goldwater look like a flaming liberal.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the "Ought to Pass" Report A be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Berube, Birt, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.C.; Bunker, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Delert, Dexter, Diamond, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Rollins, Roope, Sherburne, Soulas, Tarbell, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Whittemore, Wood, Wyman.

NAY — Aloupis, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Call, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dudley, Garsoe, Gavett, Gray, Higgins, Hunter, Hutchings, Immonen, Jackson, Leighton, Leonard, Lewis, Lowe, MacBride, Marshall, Masterman, Masterton, Peterson, Reeves, J.; Sewall, Silsby, Small, Smith, Stover, Studley, Torrey, Twitchell.

ABSENT — Austin, Barry, Berry, Doukas, Elias, Fillmore, Hanson, Kelleher, Laffin, Lougee, Lund, Michael, Morton, Nelson, N.; Payne, Peltier, Simon, Sprowl, Stetson, Strout, Wentworth, The Speaker.

Yes, 89; No, 40; Absent, 22.

The SPEAKER Pro Tem: Eighty-nine having voted in the affirmative and forty in the negative, with twenty-two being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-859) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

At this point, Speaker Martin returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman from Madison, Mr. Elias, for acting as Speaker pro tem.

Thereupon, Mr. Elias returned to his seat on the floor and Speaker Martin resumed the Chair.

(Off Record Remarks)

On motion of Mr. Garsoe of Cumberland, Recessed until four o'clock in the afternoon.

After Recess
4:00 P.M.

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Audit and Program Review reporting Pursuant to Joint Order (H. P. 1928) "Ought to Pass" on Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (H. P. 1936) (L. D. 1988)

Report was signed by the following members:

Messrs. MINKOWSKY of Androscoggin
McBREAIRTY of Aroostook
— of the Senate.

Mrs. HUBER of Falmouth
Messrs. PETERSON of Caribou
TORREY of Poland
NADEAU of Lewiston
BAKER of Portland
Ms. BENOIT of South Portland
Mrs. BERUBE of Lewiston

— of the House.

Minority Report of the same Committee reporting Pursuant to Joint Order (H. P. 1928) "Ought to Pass" as amended by Committee Amendment "A" (H-874) on same Bill.

Report was signed by the following members:

Mr. PERKINS of Hancock
— of the Senate.

Messrs. HICKEY of Augusta
GILLIS of Calais
Mrs. HUTCHINGS of Lincolnville
— of the House.

Reports were read.

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

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

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

Mr. GILLIS: Mr. Speaker, we have an amendment coming on this bill and it is in the process of going through now. We put it in right after the session and there has been a delay on it for some reason or another; it has not been sent to the printers. Could we possibly have this tabled until tomorrow morning?

The SPEAKER: The Chair would advise the gentleman that it would not be proper to put the amendment on at this time anyway, since it would have to be put on in second reading.

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

Mr. McKEAN: Mr. Speaker, I have a couple of questions for anybody on the committee. First of all, I would like to know what passage of this legislation considering the past marketing problems that we have had in the potato industry. I would like to know the impact on the marketability of the potatoes, including the future market, and I would like to know the impact of this bill on our federal agricultural programs, such as the present diversion program which is being worked in Washington. I would like to have an answer to that before we vote on the bill.

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

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

Mrs. BERUBE: Mr. Speaker and Members of the House: For the gentleman from Limestone, the diversionary funds have absolutely no bearing on this. I understand that there was a meeting in Washington and the newspapers quoted erroneously Vice President Mondale, as well as the Carter administration.

At that meeting, we verified with Senator Muskie's Office yesterday, and confirmed it again this morning, there is absolutely no relevance between the two. The USDA had no economic impact relative to this diversionary

fund. There are two separate issues.

For those who don't know what diversionary issues are, funding, I found out yesterday, it is monies which will come in, hopefully, from the federal government to—I won't use the word "dump"—but it is to feed excess potatoes to livestock.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that the good lady, Mrs. Berube, would look over those facts again, because I just went back to check on those facts and that is not quite so.

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

Ms. BENOIT: Mr. Speaker, I would pose a question through the Chair and ask Representative Hall from whom he got his information, because we did check with Senator Muskie's Office in Washington, they called Washington. I also understand that a member of the other body also contacted one of our congressional delegation and received the same answer.

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

Mr. HALL: Mr. Speaker, I believe I got the information from the same source you did, but when putting a direct question to him, he didn't give the answer that I was looking for.

Thereupon, on motion of Mrs. Berube of Lewiston, the Majority "Ought to Pass" Report was accepted, the Bill 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:

(H. P. 1819) (L. D. 1947) Bill "An Act to Authorize Lincoln County to Raise Money for Capital Improvements to the Court House and Annex"—Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-870)

(H. P. 1784) (L. D. 1903) Bill "An Act to Include Arrangers of Credit under the Maine Consumer Credit Code and to Amend the Law Concerning Agricultural Loans, Residences, Security and Fines"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-871)

(H. P. 1733) (L. D. 1849) Bill "An Act to Expedite Criminal Trials and Provide for the election of Jury Trials"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-876)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 12, 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:

(S. P. 736) (L. D. 1915) Bill "An Act to Appropriate Funds to the Health Facilities Cost Review Board" (Emergency) (C. "A" S-433)

(S. P. 695) (L. D. 1831) Bill "An Act to Expand the State's Industrial Development Promotion Program" (C. "A" S-432)

(H. P. 1764) (L. D. 1896) Bill "An Act to Expand the Kinds of Projects Eligible for Financing under the Maine Guarantee Authority Revenue Obligation Securities Act" (C. "A" H-862)

(H. P. 1724) (L. D. 1828) Bill "An Act to Provide for the Re-registration of a Motor Vehicle when the Previous Registration has Expired for more than 30 Days" (C. "A" H-863)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence, and the House Papers were passed to be en-

grossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Assure Advocacy Services for Children Committed to the Custody of the State of Maine" (S. P. 782) (L. D. 1977)

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

Amended Bills

Bill "An Act Relating to Agricultural Development" (H. P. 1719) (L. D. 1830) (C. "A" H-843)

Bill "An Act to Increase the Limit on Compensation for Assistant District Attorneys in Prosecutorial District Number 7" (H. P. 1648) (L. D. 1765) (C. "A" H-861)

Bill "An Act to Declare the Right of the Public to Attend Judicial Proceedings" (H. P. 1728) (L. D. 1847) (C. "A" H-845)

Bill "An Act to Authorize a Bond Issue in the Amount of \$4,500,000 for Energy Conservation Improvements for Public School Buildings and the University of Maine" (S. P. 734) (L. D. 1913) (S. "A" S-443 to C. "A" S-429)

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 concurrence and the House Papers were passed to be engrossed as amended and sent up for concurrence.

Passed to Be Enacted

An Act to Provide Supplemental Funds to the Judicial Department (H. P. 1635) (L. D. 1744) (C. "A" H-816)

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.

Finally Passed

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Lands in the Unorganized Territory (H. P. 1742) (L. D. 1860) (C. "A" H-814)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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:

JOINT ORDER—Relative to Standing Committee on Audit and Program proposed expansion of Office of Energy Resources. (S. P. 772)

—In Senate, Read and Passed as Amended by Senate Amendment "B" (S-439)

Tabled—March 10, 1980 by Mr. Garsoe of Cumberland.

Pending—Passage in concurrence.

On motion of Mrs. Mitchell of Vassalboro, retabled pending passage in concurrence and later today assigned.

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

HOUSE REPORT—"Leave to Withdraw"—Committee on Local and County Government on Bill, "An Act to Establish County Corrections' Improvement Fund" (H. P. 1761) (L. D. 1886)

Tabled—March 10, 1980 by Mrs. Prescott of Hampden.

Pending—Acceptance of the "Leave to Withdraw" Report.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to read something into the record as to the reason our committee refused to accept the bill for passage. A letter that we sent to Representative Prescott reads as such: "On February 26, the Committee on Local and County Govern-

ment unanimously voted "leave to withdraw" on L. D. 1886, An Act to Establish County Corrections' Improvement Fund, as you requested. The bill was designed to address some of the serious problems facing many of our county jails today, including overcrowding, lack of capacity to segregate prisoners on the basis of sex, age, whether juvenile or adults, and of status, whether convicts or detainees. The understaffing and lack of mandatory services and programs, in fact, these facilities fall short in varying degrees of meeting minimum, state and federal requirements. These deficiencies must be corrected.

"However, the committee found that the bill was not the appropriate vehicle at this time for addressing these problems for the following reasons: (1) Substantial progress has been made in buildings or renovating facilities; at least six counties have completed major efforts since 1976, and Lincoln County is now seeking bonding authority for similar purposes. (2) The Maine Sheriffs Association is now conducting an architectural feasibility study to define the specific building needs and prepare a plan for the detention facilities of up to 11 counties. (3) The committee has just reported out favorably a bill, L. D. 1038, providing for county self-government. This bill provides for budgetary autonomy so that it would be a particularly inappropriate time for the legislature to intrude upon the budgetary process. However, much area autonomy does provide for more accountability in county government that will allow the sheriffs to make the case directly at the county level for funding to meet their needs in bringing the jails up to standards.

"The committee is concerned about the jail problem but is encouraged by the good-faith efforts that are in progress. We intend to monitor these efforts and, in particular, we will examine the report of the sheriff's architectural study. We are confident that you will be doing the same. Sincerely, Chairman, Local and County Government Committee."

I would hope at this time the House would accept the Leave to Withdraw.

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

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

Non-Concurrent Matter

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 770) (L. D. 1964) which was passed to be engrossed as amended by House Amendments "B" (H-844) "C" (H-847), "D" (H-848), "E" (H-849), and "H" (H-856) and Senate Amendment "A" (S-426) in the House on March 10, 1980.

Came from the Senate passed to be engrossed as amended by House Amendments "B" (H-844), "C" (H-847), "D" (H-848) and "H" (H-856) and Senate Amendment "A" (S-426) in non-concurrence.

In the House:

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

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

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

Mr. TORREY: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Poland, Mr. Torrey, moves that the House recede and concur.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would not recede and concur. I have spoken, I thought, all that I wanted to on the merits of this amendment that I put on, but I will try to clarify it in as brief a time as possible.

Presently in the law, if you have a dog, you

pay a license fee and that is based on whether the dog is capable of producing or not. If your dog has been neutered in any way, you pay a reduced fee; if your dog is not neutered, you pay a higher fee.

The way that you get the reduced fee is to take an affidavit from your veterinarian to the town clerk and get the reduced fee.

This is a bill that we worked on last year for a long long time. In the errors and inconsistencies bill, there was a section which said that you would not have to take an affidavit from the veterinarian. All that you would simply have to do is sign a statement yourself saying that the dog was neutered and that would be acceptable. The problem I have with that is that I think that is not an error or inconsistency; I think that is a major change in the law, and the purpose of the errors and inconsistencies bill is only to deal with minor changes, so I put an amendment in to remove that section of the errors and inconsistencies bill.

It is interesting to note that when female dogs were given a reduced fee for being fixed, they had to show that they had been fixed by a veterinarian's statement. Now, when we have both males and females in the game, we changed the rules by saying you simply have to sign an affidavit. I think this will defeat the purpose of this bill we passed last year; I don't think it is a problem now and I don't think we should be changing the law at this point.

I would urge you not to recede and concur and to leave this amendment in the errors and inconsistencies bill.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: If this is an issue of ERA for dogs or cats, maybe it should be considered, but I think if it is as minor a change as Mr. Wood says it is, I really wonder if it is an emergency and whether we should deal with it in this session.

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

Mr. WOOD: Mr. Speaker, I agree with Representative Boudreau, we should not be dealing with it in this session; therefore, he would be voting with me, because by removing it from the bill, we won't be dealing with it this session.

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

27 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Wood of Sanford, the House voted to adhere.

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

Passed to Be Engrossed

Bill "An Act to Permit Optional Life Insurance for the Comaker of a Debt" (H. P. 1935) (L. D. 1986)

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

Indefinitely Postponed

Bill "An Act to Promote Hunting, Fishing and Camping in Maine" (H. P. 1829) (L. D. 1933) (C. "A" H-853)

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

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't take this up this morning because I didn't want to take the time. I thought we could move along quickly,

but it seems now I should make a few remarks.

We are sitting in a Legislature that generally says we are not going to expand their services and certainly then we shouldn't duplicate services.

The bill that we are talking about, "An Act to Promote from the Fisheries and Wildlife Department by advertising, I submit to you that this is already being done by the Maine Publicity Bureau. I went down to the law library and I picked up the private and special law of 1937 which put this in place, and I will read just a little bit of it. "The purposes of said corporation are to maintain and operate a bureau for the publication and dissemination of information by means of newspapers, magazines, booklets, radio exhibits and other use of media concerning the agricultural and industrial and recreational resources of the State of Maine." There is a lot more to it but I don't think it is necessary to read it.

I would like to read to you from the Maine Publicity, pamphlet which some of you may have. This is selling Maine in Switzerland. The Maine group carried specific sales materials with them primarily aimed at various types of wilderness experience vacations. What we have to offer the Europeans, which is totally unique to them, is our vast forestland, wilderness and wilderness rivers. The Maine vacation packages the group took to promote included hunting, fishing, whitewater river rafting, camping, plus canoe and back pack expeditions.

I will turn over to publications already in place for 1980—Maine Guide to Fishing and Maine Guide to Hunting, all new for 1980. These guides were combined, displayed in classified ads with brand new editorial copy and will present a storehouse of information to the sports-minded and to the spring and fall vacationers. The print run for each guide, \$15,000 for fishing and \$15,000 for hunters. The fishing came out February 15, 1980 and the hunting ones will be on line September 15, 1980.

It seems to me that when we do not have money enough to continue at the same level of operations, that we now say it is time to expand our operations of a department, namely Fisheries and Wildlife, by going into the advertising and promotion business.

I doubt if there is anyone in the hall of this House who believes in advertising and promoting anymore than I do. However, I don't believe we can afford duplication of a service already in place. The Maine Publicity Bureau, as written in law and as rendered in contract, already has the responsibility for the promotion of all the tourism industry, which includes hunting and fishing. I feel that it is not the time to be spending more money when, in fact, we have less to spend.

Mr. Speaker, I would request a roll call.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: Just a few comments on some of the remarks made by the gentleman from Milo.

To begin with, the Fisheries and Wildlife Department is not going into the publicity business. This merely gives the commissioner authority to advertise special events if he so desires, if he feels he should, if he feels he can afford it. As you will note, the bill has been changed in the amendment to say that the Commissioner "may", not "shall"—may do it.

This is strictly a report that came out of the Joint Special Committee that was involved this past summer with the Fisheries and Wildlife dilemma and this is one of the recommendations. They feel that the commissioner should have some authority to advertise if he felt it necessary and if he felt that he could afford it. So, as far as the Fisheries and Wildlife Department getting into the publicity business, they are not.

The SPEAKER: The Chair recognizes the

gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to get into a debate this afternoon, it is late and I know that everyone wants to go home, but I would just like to give you the scenario—they want to promote warm water fishes. There is no reason that can't be done. After the hearing, I checked with the Maine Publicity Bureau and I asked if there was any reason why we couldn't also promote the warm water fishes to go along with the department's wishes and they said, no problem. Now, the Maine Publicity Bureau is not really worried about this. If the Fish and Game wants to go into it and spend money for duplication, that is fine with them. All I am saying to the people on the floor is that we can't afford duplication.

I would just like to say something about changing "shall" to "may", that was done specifically for me so they would get the 13th member to say yes, but I submit to you that "shall" or "may" makes no difference if the department wants to do it. If we say they may, he is going to do it.

I move that this bill and all its accompanying papers be indefinitely postponed. I would request a roll call.

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

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

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this this afternoon, but the report was 12 to 1.

As was said, we did take out the "shall" and make it "may" and there is a feeling amongst some of us on the Select Committee that not enough promotion has been going on with the warm water fishing. This gives the department the right, because there is a section in their law that says no money can be spent from Fish and Game funds for this, the right to work in connection with some of these other organizations. It isn't going to be any great amount of money but it will be there if it is needed and I urge passage of the bill.

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

ROLL CALL

YEAS—Aloupis, Bachrach, Barry, Benoit, Berube, Blodgett, Bordeaux, Boudreau, Brown, A.; Brown, D.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Damren, Davis, Dellert, Dudley, Gavett, Gray, Hickey, Huber, Hunter, Hutchings, Jacques, P.; Jalbert, Joyce, Kelleher, Kiesman, Lancaster, LaPlante, Leonard, Lewis, Locke, Lougee, Lowe, Lund, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McKean, McMahon, McPherson, Nelson, A.; Paradis, E.; Peltier, Reeves, J.; Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stover, Studley, Torrey, Twitchell, Wood.

NAYS—Baker, Beaulieu, Bowden, Brannigan, Brenerman, Brodeur, Brown, K. L.; Brown, K. C.; Churchill, Conary, Connolly, Cox, Cunningham, Curtis, Davies, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Garsoe, Gillis, Gowen, Gwadnosky, Hall, Higgins, Hobbins, Howe, Hughes, Jackson, Kane, MacBride, MacEachern, Mahany, Matthews, McHenry, Mitchell, Nadeau, Nelson, M.; Norris, Paradis, P.; Paul, Pearson, Peterson, Post, Reeves, P.; Rolde, Rollins, Theriault, Tierney, Tozier, Tuttle, Violette, Vose, Whitte-

more.

ABSENT—Austin, Berry, Birt, Carrier, Fillmore, Hanson, Immonen, Jacques, E.; Kany, Laffin, Leighton, Lizotte, McSweeney, Michael, Morton, Nelson, N.; Payne, Prescott, Simon, Stetson, Strout, Tarbell, Vincent, Wentworth, Wyman.

Yes, 65; No, 60; Absent, 25.

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

Sent up for concurrence.

Bill, "An Act to License Users of Ionizing and Nonionizing Radiation Equipment" (H. P. 1682) (L. D. 1791) (C. "B") (H-855)

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

Tabled and Later Today Assigned

Bill "An Act to Require Fire Warning Equipment in all Residential Dwellings" (H. P. 1729) (L. D. 1848) (C. "A") (H-864)

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

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: As Chairman of Bills in the Second Reading, I would ask that this be tabled until later today.

The SPEAKER: The Chair would advise the gentleman that he has made a statement; therefore, he is not in a position to table.

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

Bill "An Act to Revise and Clarify Certain Provisions of the Motor Vehicle Laws" (H. P. 1667) (L. D. 1776) (C. "A") (H-857)

Bill "An Act to Expand the Kinds of Projects Eligible for Financing Under the Municipal Securities Approval Act" (H. P. 1767) (L. D. 1898) (C. "A") (H-859)

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.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56, the following Joint Orders (Expressions of Legislative Sentiment)

Recognizing,

Geneva Judkins, of Turner, for 25 years of dedicated and faithful service as the town tax collector; (H. P. 1927) by Mr. Torrey of Poland. (Cosponsor: Senator Ault of Kennebec)

Old Town High School Boys' Basketball Team, 1979-80 Eastern Maine Class "A" champions; (H. P. 1938) by Mr. Pearson of Old Town. (Cosponsors: Mr. Paradis of Old Town, Mr. Peterson of Caribou, and Senator Sewall of Penobscot)

Old Town High School Girls' Basketball Team, 1979-80 Eastern Maine Class "A" champions; (H. P. 1939) by Mr. Pearson of Old Town. (Cosponsors: Mr. Paradis of Old Town and Senator Sewall of Penobscot)

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

The Chair laid before the House the following matter:

Bill "An Act to Establish an Environmental Health Program" (S. P. 698) (L. D. 1134) (C. "A") (S-435) which was tabled earlier today and later today assigned pending the motion of the gentleman from Portland, Mr. Brenerman,

that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I voted "Ought Not to Pass" on this bill and I would like to explain my reasons for it.

It is not because I am not in favor of health for the State of Maine, because I most certainly am. When I came to the Legislature, my first choice for a committee was Health and Institutional Services, and I really worked hard for that committee and am most interested in the health of the people. However, I do want you to know that I want the best health for the State of Maine and I do feel that we all worked hard toward that course. However, this bill does have a price tag of \$200,000 on it and I don't need to remind any of you of the state of our budget.

Furthermore, the bill would create six new positions, four specialists and two clerks in a whole new bureau. I don't think we need another bureau or another bureaucracy, dealing with these programs.

Under DEP, we have a Bureau of Water Quality Control, we have a Bureau of Air Quality and we have a Bureau of Land Quality; we have a Bureau of Health, with health engineering, under Agriculture, we have a Board of Pesticides Control and many other boards.

I had planned to offer a less ambitious program in the form of an amendment, one person who perhaps would coordinate all of these various existing boards and bureaus which we now have. However, I feel there should be more cooperation among those various boards and bureaus before we go on to a whole new bureau or a department. I think if we could have a coordinator, then that coordinator could compile the various statistics and facts, which we perhaps need.

However, I am not offering that amendment at this time because Governor Brennan has suggested and requested a freeze on all new positions in an economy move for the state, and this would create two new positions, a coordinator and a clerk, whereas the present environmental bill would create six new positions. Since he does not want any new positions created, I suggest that this year, the various departments which we already have, the various bureaus, all work together. Let's see what they can do this year. Then, perhaps next year, if we have more money, we can have a coordinator for them, but in the meantime, I think we have the personnel to do this work and compile the various facts and figures and make the suggestions as to where we need to go in the future.

I hope you will vote "Ought Not to Pass" on this bill.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I want to congratulate very highly the gentlelady from Presque Isle, Mrs. MacBride. I don't think a pro who has been around here for a long time could have done a better job. She covered the boards thoroughly.

On the level that she covered it, Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and further request a roll call when the vote is taken.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: If you indefinitely postpone this bill, you are making a big mistake today. You are putting the risk of each and every one of yourselves and every citizen that you represent at the mercy of environmental health, the unknowns.

Mrs. MacBride said that she would not oppose the bill if we had another year to wait. I submit that we cannot afford to wait another

year. She is concerned about the price tag and if, indeed, she is concerned about the price tag, I would hope that she or someone else that is concerned would offer an amendment to adjust the price tag because this issue is very important. Mrs. MacBride mentioned that she would like to see more cooperation among the departments and that she felt that one person could coordinate that and could administer it better. I submit to you again that the existing personnel, that would be doing the coordinating, that would be doing the decision making, would not be the experts that this bill is asking for.

This bill is asking for medical experts. The bureaus do not have those medical experts and we do not have any single agency that is responsible for the public's health. This would be a single agency.

She is concerned, as are a number of you, that the Governor has imposed a freeze on new positions. This is a Governor's Bill. The freeze that the Governor was referring to was if it would not put the people of Maine at risk. If we do not have something that can address the environmental problems, then we are going to put all the citizens of Maine at risk.

The need for this bill has clearly been demonstrated. The State Government Committee has done exhaustive study to determine that need and this report and this bill is as a result of that report from State Government Committee. The urgency is there. It exists almost daily and I don't think there is a citizen in this state that is immune to the problems of environmental health. The problems have been with us in the 70's and they are going to be more prevalent in the 80's.

Let me just give you some of those examples of problems as far as they have affected environmental health. We have had the recent accident in Falmouth that we did not have any definition of what effects we were imposing on human health; the East Gray water supply problem. With the existing bureaus, it took three years to get the blood tests from those citizens in that area. We have acid rain, we have an asbestos problem, we have spruce budworm and we have 60,000 chemicals that are in our Maine industries that we don't know what effect they have on human health. We do not now have the existing medical knowledge that we need to determine what effects it will have on human health. These decisions now are simply made in a vacuum, they are made by 'technicrats,' not by medical people and what they do when they make a decision, is they simply spray and pray because they have no idea of how that affects human health.

I would like to tell you that, yes, the bill does call for four experts, four professional people that are experts in this field of medical health, toxicology, genetics, oncology and epidemiology. We would be establishing an advisory committee on medical health. That advisory committee would be made up of experts that would advise the Commissioner on what it is we need to do more research on.

In the bill, we would also be authorizing the Commissioner to contract with other agencies, such as the Poison Control Agency. They have valuable information; they can share that information with the state, but they won't be allowed to if they don't have the money to contract.

With the bill, we are going to be setting up a good monitoring system. We are going to have a way to get the data. We don't have a way to do that now. There is no meaningful way.

If we want information on birth defects, the only way we can get that information is to look at birth certificates. If we want information now on cancer, the only way that we can get that information is to look at the death certificates.

We know what most of the health problems are and we are only asking for a way to address those problems through a single agency that would be allowed to do the studies and do the

necessary research. Remember, without the medical people, we will not have the answers for your constituents, for the public, and we will not have the ability to respond to the public when they ask the question, "what will be the effect of the water supply that has been contaminated in my district or the spraying, such as in Washington County?"

So, I hope that you will keep this bill alive, and if you are concerned about the amount of money that it costs, then I ask that you offer an amendment and that you allow us to continue this necessary program.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hope the House has listened with great interest to the two principal speakers here this afternoon, Mrs. MacBride and Representative Prescott. I suggest to this House that if all these dangers are lurking outside the halls of this building, and that includes wood smoke, where was the emergency concerning this issue when we came into the last session?

I wouldn't be a bit surprised that if this bill looks like it is in danger, Mrs. Prescott or someone else will get up asking us to pass the bill and take all the money off and, believe me, someone outside the halls mentioned that to me today — could you support this bill if we took the money off it and passed it without any appropriation — and I told them, no. I am not about to vote that kind of proposition. I told you yesterday and I am standing here again today, the only way we are going to curb spending unnecessarily or trim departments is that this body right here, and the other, is going to do it.

Mrs. MacBride gave a very fine presentation on what she thought the needs were, not reflecting on any other members of the committee, but I happen to think that she is right on the money.

Representative Prescott said that these dangers were there in the 70's. Where was this bill? We are going to be facing it in the 80's. I think the House wisely today can save expanding a department of four or five highly professional people, as Mrs. Prescott described them, and save \$200,000. I enthusiastically support Mr. Jalbert's motion to indefinitely postpone, not quite so much on the money but on the expansion in a department that has a number of employees already.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: You can save more than \$200,000 this afternoon, you can save about \$800,000, because if you kill this, you will, in effect, be killing the spruce budworm spray program.

I have a letter here from the Commissioner and he goes on to state, and I will read from the letter. He appeared before our committee, testified to this particular piece of legislation, he said that he was asked that without proper experts to make a decision on his own last year dealing with the type of pesticide to spray the forests with that he was not going to make that type of decision in a vacuum anymore.

He goes on to say in this letter that we requested, because his testimony was given through a member of the committee, where he goes on to say that the legislature asked to study the spruce budworm program and found that there was continued need for chemical protection of the Maine forests from the ravages of the budworm. If we are to protect our current industrial capacity and support future expansion, it is recommended that the Maine Forest Service continue to bear the responsibility for the spray program and, at the same time, the state's environmental and health monitoring and regulation efforts be increased through agencies other than the Maine Forest Service. It says, there is no adequate existing capability in Maine to whom the Maine Forest

Service may turn for continuing advice and careful guidance on the wide range of environmental and health monitoring issues associated with the spray program.

He goes on to say that a comprehensive environmental health program could capably address all salient health issues and that the state could better assure the peace of mind of the people of Maine and assure in advance that any chemical spray program could be conducted in an environmentally responsible manner. It goes on to say that I, therefore, suggested at the hearing on L. D. 1834 that if the state is to continue carrying out the nation's largest aerial chemical spray program, it can do so only if it establishes an environmental health capability such as the proposed bill.

So, I would hope that we wouldn't continue to spray and pray.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: Simply for the record, I would like to answer the good gentleman from Bangor, Mr. Kelleher. The first part of this session, we did have a bill in dealing with this subject, the Environmental Doctor Bill, and what happened was that the study order was put out and this is the result of that study order. So, the issue has been addressed already. I would say perhaps the issue is being addressed now because our consciousness is suddenly being raised to the needs to deal with the health hazards caused by environmental pollution.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: Just to clarify something that Representative Norris spoke to — right now there is a sub-committee of the Appropriations Committee which is dealing with 1953, which is the spruce budworm act, and I would like to point out, first of all, that the monies that are allocated in the L. D. do not go to spraying. In fact, the monies appropriated in that L. D. go towards monitoring and research of this whole area. So, first of all, to clear up that issue that the money is not to be spent for spray, for anything to do with the actual spraying of the forests.

Secondly, this L. D. that we are talking about, 1834, I disagree with my good friend from Bangor, Mr. Kelleher. I think that notwithstanding the money that it is an excellent bill, because I think we do have to look at this whole issue of monitoring, even though Representative Norris from Bangor, I think, might have been misinformed as far as what the money is going to be put towards.

This bill, the \$200,000 price tag, and that may be unrealistic, but the concept of the bill is important, and in all fairness and up-frontness to you folks here, it is not a problem, in my opinion, with the spruce budworm, but I think it is an issue that needs to be addressed. It was studied last year, and I would hope that possibly you could take the information given today, not confuse it with spruce budworm, not confuse it, at this point at least, with \$200,000, but discuss the need or, in your opinion, the lack of need of this bill.

I support it. I am one member of the committee that does, I am not sure that anybody else does but I do. I am one member of this body and I hope you will consider it based on its merit. And, as the gentlelady from Hampden, Mrs. Prescott, said, I think it does, indeed, provide a source, a well needed source, a protective source that we should consider.

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

Mr. JALBERT: Mr. Speaker, I am back to my old sing-song—the gentlelady from Hampden, Mrs. Prescott, was talking about the hiring of four experts. I do some work for some of the people that she was talking about that were to be hired, and if you can hire those four people for \$200,000, somebody should start a

personnel agency, believe me, because you would make a lot of money. I know how much these people make. That is the first thing.

The second thing is a basic question—where is the money coming from? That is the basic question. That is my only argument.

There are no bad bills in here, they are all good bills—where is the money coming from? It is as simple as that.

I can't understand why somehow or other you can't get the message across, particularly when it comes time to hire these experts, who we have been told not to hire because there is a freeze on, call it whatever you want to call it, call it a freeze, call it a cutback, call it whatever you want to call it—well, this is part of it. As far as I am concerned, since I have read this thing, all I have seen us do is spend money putting new people aboard. I will tell you people right now, the type of people that are going to come aboard under this bauble right here, when you go \$200,000, believe you me, you had better have a little backing up somewhere in your back pocket.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think all the things that have been said by Mrs. Prescott are probably true. Unfortunately, as Mr. Jalbert has said, there are many bills that will probably end up on the Appropriations Table and as I look through them, I have been choosing one bill out of 12 that I like that there might be money for, thinking that that bill is a top priority and that bill should be funded if, in fact, there is a hundred, two hundred or three hundred thousand dollars to fund the bills. I have been feeling that maybe I can choose one bill out of all the bills on the table to support because there won't be money for others.

Mrs. Prescott has debated in this session for congregate housing, she debated this morning for a \$50,000 appropriation, this afternoon for a \$200,000 appropriation. I don't think that you can support all of those bills in this session.

If I have my way, maybe if we have two or three hundred thousand dollars, it may go to preschool handicapped children or it may go to Title 20—that is my own priority. Mrs. Prescott may have other priorities, but I think that as members of the House get up, you should try to focus on what bills cost money and what bills you want to support.

L. D. 1830 was on the calendar today. I was going to get up and say something but I figured it wasn't much use getting up trying to talk against that bill that has a lot of popular support, but that bill costs \$600,000, 30 new positions, the agricultural development bill. For myself, it is not a top priority; for someone in here it might be. But I think we should refrain from getting every day supporting all of these bills, which are good bills. If we had \$50 million of extra money, I would be the first one to vote for \$200,000 for the program Mrs. Prescott supports or for handicapped kids or for spruce budworm or anything, but I think that we can't have people getting up here every day supporting every issue that comes along at whatever price tag it may come along at. I think those bills, like the preschool handicapped, Title 20, all those things we haven't even talked about yet, and from the record of people that have been speaking today show me, as far as their past record on those kinds of issues, it would appear to me that they are going to have to support that. I don't see how they can support all of the bills.

I hope all of you will look at the bills that are going to cost money and choose a few, because if you support all of them, you are going to be disappointed.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I didn't know I was so conservative today. I have only spent \$300,000,

but I did that because these money bills came before my committee. If you don't want the bills that have an appropriation going before other committees, then I suggest you send all of them to the Appropriations Committee; you won't need us; for five of the bills you wouldn't need us.

Our committee got five bills that dealt with appropriations. They were sent to us because we were to understand the issue and vote on the merits of the issues. We did that. We have prioritized our five bills. This may not be number one, this may not be number four; the committee will speak to what priority it will be once it gets to the table, if it gets there.

Ladies and gentlemen, there are close to a million dollars worth of requests on the Appropriations Table now. The good gentleman has said that those bills got there based on their merit. Well, I am asking you to vote for this bill on the merit of the bill not on the appropriation. Let's deal with that issue when we have to come down to priorities. That is all I say.

If you think that the Appropriations Committee can deal better with how much money we have, then refer all of those bills to that committee and save us the time.

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

Ms. LUND: Mr. Speaker, Men and Women of the House: I feel fortunate because I did not speak earlier today on any of the issues; however, I would echo what Mrs. Prescott has said. I think the money crunch that we are facing this session is absolutely no excuse to back away from an important bill.

We know areas of Washington County where there are pesticides that are sprayed, we know areas sprayed for spruce budworm, we know of trailers that are parked in the western part of the state with who knows what inside. We need to know what the pollutants are and what the effect of the pollutants is upon our human bodies, upon our lives and the lives of those who are going to follow us. The cost of this bill is no excuse for putting it off.

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

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

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

ROLL CALL

YEA — Aloupis, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carter, F.; Churchill, Conary, Damren, Davis, Dexter, Drinkwater, Dudley, Dutremble, L.; Fenlason, Garsoe, Gavett, Gillis, Gray, Higgins, Huber, Hunter, Hutchings, Jackson, Jalbert, Joyce, Kany, Kelleher, Kiesman, Lancaster, Leonard, Lewis, Lougee, Lowe, MacBride, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McPherson, Morton, Nelson, A.; Paradis, E.; Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Theriault, Torrey, Tozier, Twitchell, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, K.C.; Chonko, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Dellert, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, P.; Kane, LaPlante, Locke, Lund, MacEachern, Masterton, McHenry, McMahon, Mitchell, Nadeau, Norris, Paradis, P.; Paul,

Pearson, Post, Prescott, Reeves, P.; Rolde, Soulas, Tierney, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Austin, Berry, Birt, Carrier, Dudley, Fillmore, Hanson, Immonen, Jacques, E.; Laffin, Leighton, Lizotte, McKean, McSweeney, Michael, Nelson, M.; Nelson, N.; Payne, Simon, Strout, Tarbell, Vincent, Wentworth.

Yes, 68; No, 60; Absent, 23.

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

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I move that the House reconsider its action, I ask for the yeas and nays and I ask the House to vote against my motion.

Whereupon, Mrs. Huber of Falmouth moved that the matter be tabled for one day.

Whereupon, Mr. Kelleher of Bangor requested a vote.

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

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Huber, that this matter be tabled pending the motion of Mr. Kelleher of Bangor to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, K.C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Dellert, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fowlie, Garsoe, Gowen, Gray, Gwadosky, Hall, Higgins, Hobbins, Howe, Huber, Hughes, Jacques, P.; Kane, Kany, LaPlante, Locke, Lund, MacEachern, Masterton, McHenry, McMahon, Mitchell, Nadeau, Norris, Paradis, P.; Paul, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Soulas, Theriault, Tierney, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carter, F.; Churchill, Conary, Damren, Davis, Dexter, Drinkwater, Dudley, Dutremble, L.; Fenlason, Gavett, Gillis, Hickey, Hunter, Hutchings, Jackson, Jalbert, Joyce, Kelleher, Kiesman, Lancaster, Leonard, Lewis, Lougee, Lowe, MacBride, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McPherson, Morton, Nelson, A.; Paradis, E.; Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Torrey, Tozier, Twitchell, Whittemore.

ABSENT — Austin, Berry, Birt, Carrier, Fillmore, Hanson, Immonen, Jacques, E.; Laffin, Leighton, Lizotte, McKean, McSweeney, Michael, Nelson, M.; Nelson, N.; Payne, Simon, Strout, Tarbell, Vincent, Wentworth.

Yes, 68; No, 61; Absent, 22.

The SPEAKER: Sixty-eight having voted in the affirmative and sixty-one in the negative, with twenty-two being absent, the motion did prevail.

The Chair laid before the House the following matter:

SENATE JOINT ORDER—Relative to Standing Committee on Audit and Program

Review proposed expansion of Office of Energy Resources (S. P. 772) which was tabled earlier in the day pending passage in concurrence.

Senate Amendment "B" (S-439) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I guess I would like to take you back a little bit because you perhaps don't have this joint order before you, but this is the joint order from the other body that calls attention to the fact that in 1976 the Office of Energy Resources had seven positions and a budget of \$65,000; currently, 47 positions and a budget of \$1.7 million.

An amendment was put on in the Senate which, if I had the power in this body, I would declare to be nongermane, but since I don't, I intend to move the indefinite postponement of that Senate Amendment and then urge you to give favorable consideration to this joint order.

You may hear from a legal mind that this is an improper or an illegal or some other classification of action that should be denied to us, but if we are truly starting in the '80's with the message that we are hearing from all around us that we are going to see a retrenchment in government, we are going to see the necessity for holding down public employment, I am ready to be a little bit irresponsible today and give this a supportive vote, because right or wrong, those of us who can't face up to the need to hold down public employment, I don't believe are going to be truly representative of the people that send us here.

On that basis, Mr. Speaker, I move the indefinite postponement of Senate Amendment "B".

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would not indefinitely postpone Senate Amendment "B" but would pass this as it would give the Maine Legislature a chance to review the Office of Energy.

In the past couple of days, we have had a great many statements which have been made which I think would lead one here to be very confused as to exactly what the Office of Energy does or exactly how many employees it has. We had a statement made yesterday, I believe, that there were around 70 and today it is 40-some-odd. I checked this morning and there are exactly 31 full-time employees over there, \$75,000 for its operation, which is a rather insignificant amount compared to what other departments are doing. A great deal of this money is passed on through to various projects which are being conducted in the area of conservation or review to study our energy needs here in the State of Maine. I think we should have a review of what the Office of Energy is doing, which this Senate Amendment does provide, but to castigate the Office of Energy, as we appear to be doing now, making it a scapegoat, I think is a shame in these times that we are going through.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am ready to make a scapegoat of any department that in four years goes from 7 employees to 31, employees. By maintaining the Senate Amendment, that is not the only avenue you have for control over this department. The basic order indicates that the legislative intent shall be that there be a Freeze on this department and that the Legislative Council then institute ongoing studies through the Committee of Performance Audit to bring further legislative intent to bear. So, don't think you are being faced with the choice of black and white, yes or no; both of these procedures will give legislative oversight.

My concern with the Senate Amendment is that it seems to be laudatory, it seems to be en-

couraging expansion of this department.

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

Mr. STETSON: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Waldoboro, Mr. Blodgett. Senate Amendment "B" states that whereas the Office of Energy Resources was established and partially funded by the Legislature in 1974 to provide emergency and long-range planning, management and development of energy resources in this state—I would like the gentleman to tell us just what they have done in those six years?

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: It appears that the presentation of this order and the question from the good gentleman from Wiscasset pre-supposed that at this hour and on this night we are going to fully review an executive department and speak at great length about all their accomplishments and their failures, and I really don't think that that is the proper forum to range off on at this time. We have a Committee on Performance Audit and, in their own due time, dealing in the Sunset procedure, I am sure that they will get to it.

Let's not have any illusions on what this is about, this is a clear statement from the good gentleman from Cumberland, that he doesn't think Governor Brennan is doing his job and doesn't know how to run the executive department, so we, as a Legislature, should change the whole balance of our Constitution and we should jump in and decide who should be hired and who should not be hired. I don't blame him for making that effort. It is just singularly inappropriate. I hope you would not vote with him this afternoon.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise only to respond to that violent attack from my partner in the other corner. When I feel that the Governor doesn't know what he is doing, I am going to speak out and call it just that.

This is actually supporting the Governor. The Governor, just within the week, has indicated his strong intent to exercise his executive direction in exactly this manner. This is supportive of our Governor and I am dismayed that the gentleman from Lisbon Falls chooses to portray it in any other light.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in defense of my good friend from Wiscasset. I know the hour is getting late, Mr. Tierney, and we are not looking for an hour long dissertation on what the Office of Energy is doing, but if it is that great and if it is doing that many wonderful things, then perhaps the good gentleman from Waldoboro can give us just a brief rundown, and I mean brief, just a couple of minutes worth of telling us the major projects that they have done in the last couple of years and why they are deserving of a 400 percent increase in employees?

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

Mrs. KANY: Mr. Speaker and Members of the House: Normally, I don't like to make partisan comments. In fact, I kind of pride myself on not being that partisan here in this House, but I just want to help everybody refresh their memories. I would like you to remember the day when a man by the name of Robert Monks, who was the first Director of the Office of Energy Resources, said that his work was completed. He had done everything that needed to be done in the area of energy and no longer needed an Office of Energy Resources.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I wouldn't be on my feet except that I think the questions that have been raised do deserve an answer and in just a couple of minutes I will try to give you a brief rundown about what the office does.

Before I do that, I would make one very explicit point. We all act as if this is something to take or leave and we would like very much to leave it. I gather, from some of the remarks that I have heard.

I think you have to realize that from Congress comes a number of programs in this area, obviously it is an area of crisis for the country, even if we don't think it is, and they are not to take or leave, they are mandated programs. Fortunately, with those programs does come some funding. It is the situation that we frequently don't follow in our own decision making. However, when the programs are mandated by Congress in general, the procedure is to, through the Governor, say, do you want to run this program in Maine or do you want us to run it for you from Washington? I think you will agree that we would probably much rather run it from Maine where we can at least find the people responsible, find the people who can answer our questions and, hopefully, have a program that makes sense. So, it is not take it or leave it—Congress makes laws that apply to the State of Maine and we are told to enforce them. If we don't want to do that, we can get in some hassles with Washington, obviously, but I think you will agree that this is not just a nice handout or something that we can avoid. It is part of living in the 20th Century, much as we may regret it.

To be specific on the programs, I will run through the most important ones. The planning implementation of the Maine State Energy Conservation Plan is the largest program in that office. It accounts for about \$480,000 of federal money. It covers things like the establishment of thermal performance and lighting standards, procurement programs on a state level, the transportation program with contracts, a lot of money in that right in the DOT itself, right turn on red, that is an old one but that is part of the plan. The Energy Audit Program for Maine schools, hospitals and independent schools, a business and industry program to help our businesses conserve energy, oil recycling program, an education program, which I won't go into the details on, a local energy management program to help communities conserve energy, an electric utility load management program, intergovernment coordination and renewable resources, all of which I could go into detail on but I won't—I am sure you will be glad.

Another area that there is extensive activity, or will be in, is called the energy extension service outreach. This will be regional office help to individuals who are trying their best to save fuel and perhaps have made some improvements but don't know what else they can do.

Another program which I am sure you are all familiar with is the emergency building temperature restriction; that is another mandate from Washington. We enforce it or they will enforce it—take your pick.

Research is going on for district hearing and coal generation. A final one that I will get into here is basically a computer program which is very inexpensive but will help them to reply and keep their records current.

Finally, the last one I will mention is the fuel management price monitoring program over which, as you know, we received fuel last year when it looked for a time as if some of our northern communities were not going to have any heating oil during the bitterest part of last winter.

I hope I have answered the question. I think this order as amended by Senate Amendment "B" makes sense. Very honestly, the Energy and Natural Resources Committee has not had perhaps either the time or the inclination to de-

velop as good coordination as we could with the Office of Energy Resources. I think this gives us the encouragement to do that and gives them the message clearly from this floor that we want them to.

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

MR. DAVIES: Mr. Speaker and Members of the House: In addition to those comments that my colleague from Falmouth, Mrs. Huber, has made, let me list a few more, and by the time we get done, perhaps you will have more projects that the Office of Energy Resources is doing than you ever cared to want to know.

Some of the things that Mrs. Huber mentioned are somewhat theoretical in our minds, they deal with things that aren't easily held in our hands. There are some other things that are much easier to conceive of, such as we are interested in redeveloping small hydro-electric potential here in the State of Maine; the Office of Energy Resources has been involved in doing a census of all the available sites so that we know what we have and which ones have the greatest potential for development. They are working extensively in the development of our peat resources in Washington County, which offer us a possible alternative to oil generated electricity with a natural resource that is currently available within the State of Maine so when we spend our money on energy it stays here in the State of Maine and employs people in the State of Maine. Van and car pools that are going on right here in state government—there is a tremendous reduction in the amount of oil that is consumed for bringing state employees to the State House complex and returning them home at night. Or the 40 solar homes that were built under the direction or supervision and review of the Office of Energy Resources giving us 40 experimental houses from which we can get research information to best determine how we can best use solar energy in our homes here in the State of Maine.

It was pointed out that there are 31 permanent positions in the Office Energy Resources, and we spend from state government \$75,000 to support that office. It seems to me the \$2,500 per position for all of the things that Mrs. Huber and I have mentioned is a tremendous bargain and I wish we could get the same thing in other parts of state government.

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

MR. DUDLEY: Mr. Speaker and Members of the House: I am going to tell you a few facts about the outfit. I am not satisfied and I would like to see them put out of business. I am not afraid of the federal government, and we don't have to deal with Washington because the regional office is in Boston, not Washington, and I see them quite frequently, being in the oil business.

Let me give you a brief story about my area. In my area, there were four filling stations, of which I was one, two of them went out of business and the other two, which I am one of, almost went out of business because we didn't have any fuel for a long time. I was in to see the operation and I think I got 5,000 gallons once and that is about a day's supply. I was offered 500 gallons another time. Another Getty dealer not too far from here during the same time never was out of fuel and got 70,000 gallons, and then the fellow that was working there that was head of the department, he took a job in civilian life himself so that he could help small jerks like me get fuel because he knows the ropes, how to get it now, and I wouldn't go to him even if I had to pay only a little fee—I wouldn't pay any because I don't like the way it is done.

I know in my area they are very disgusted because we had weeks with no fuel. We had other places in the state where there were days without fuel but not weeks without fuel, and nothing was done about it. They acknowledged that

they knew these other two stations were forced out of business and the other two were almost forced out; yet, another station that is not too far from here, who happens to be a good friend of mine, got 70,000 gallons during this so-called crisis. This is just one example. If I had the time, I could go on and on with examples, and I am not afraid in this case with the federal government, because they don't operate out of Washington, they operate out of a regional office in Boston. I can't see one bit of good they do down there. They answer the telephone and give everybody a line, people never get an answer from them, it is just a telephone conversation, and I just don't think it is worth one penny of our dollars. If the federal wants to put some money into it, well and good, but I am not for putting one nickel into it. I think it can be handled just as well out of the regional office in Boston. I even know the names of some of these people and I did get some relief out of the regional office but nothing from this office.

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

MR. STETSON: Mr. Speaker and Members of the House: Since I started this lengthy debate by one simple little question, I would like to suggest that maybe we terminate it, because I have never heard such log rolling, gobbledygook as I did from the gentlelady from Falmouth and the gentleman from Orono. All those beautiful programs, I don't think we need 31 employees to tell us we ought to have car pool for state employees.

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

MRS. LEWIS: Mr. Speaker, I am sure everybody is dying to know what I am going to say, so I felt I would better persist.

Last summer, I attended a meeting of the Legislative Council, and the concern at that time was gasoline, there was a shortage of gasoline. Senator Conley, and I am quite sure I am speaking of the right person, said that he was concerned about the shortage of gasoline but he was much more concerned about what the future might hold for this winter. He wondered whether there would be enough fuel and just what the Office of Energy was doing about it. The director, I believe, told Senator Conley that they were counting woodlots. So maybe they do need a lot of people to count woodlots in the State of Maine.

THE SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that Senate Amendment "B" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Blodgett of Waldoboro 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 Cumberland, Mr. Garsoe, that Senate Amendment "B" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Barry, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Dutremble, L.; Fenlason, Garsoe, Gavett, Gillis, Gray, Higgins, Hunter, Hutchings, Jackson, Jacques, P.; Jalbert, Kelleher, Lancaster, Leonard, Lewis, Lougee, Lowe, MacBride, Marshall, Masterman, Matthews, Maxwell, McPherson, Morton, Nelson, A.; Paradis, E.; Pearson, Peltier, Peterson,

Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Torrey, Tozier, Twitchell, Whittemore.

NAY — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, K.C.; Carter, D.; Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Joyce, Kane, Kany, Kiesman, LaPlante, Locke, Lund, MacEachern, Mahany, Masterton, McHenry, McMahon, Mitchell, Nadeau, Norris, Paradis, P.; Paul, Post, Prescott, Reeves, P.; Rolde, Theriault, Tierney, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Austin, Berry, Birt, Carrier, Carroll, Chonko, Churchill, Dow, Fillmore, Hanson, Immonen, Jacques, E.; Laffin, Leighton, Lizotte, Martin, A.; McKean, McSweeney, Michael, Nelson, M.; Nelson, N.; Payne, Simon, Strout, Tarbell, Vincent, Wentworth.

Yes, 65; No, 59; Absent, 27.

THE SPEAKER: Sixty-five having voted in the affirmative and fifty-nine in the negative, with twenty-seven being absent, the motion does prevail.

Thereupon, the Order was indefinitely postponed in non-concurrence.

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

MR. GARSOE: Mr. Speaker, I move we reconsider whereby this Order was indefinitely postponed.

THE SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that the House reconsider its action whereby this Joint Order was indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 51 having voted in the negative, the motion did prevail.

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

MRS. KANY: Mr. Speaker and Members of the House: I don't have that order on my desk. I don't know about the rest of you, if you remember the exact language was it in, but I would ask to have the order read in total to us so we can know what the heck we are voting on.

Thereupon, the Order was read by the Clerk.

THE SPEAKER: The pending question is on passage of the Joint Order in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

MR. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that the pending motion is passage of this joint order as read. Is that correct?

THE SPEAKER: The Chair would answer in the affirmative.

MR. TIERNEY: Mr. Speaker Men and Women of the House: I am going to ask the body to vote against the pending motion. I have no illusions, having just watched the votes on a division, as to the outcome, but I would like to clarify a couple of issues and I feel this issue is very strong and that is why I wanted a roll call, so that at least I could go home tonight and know exactly how the people of this House feel

and the folks back home will know too.

First of all, let's examine what they are doing. There is no question that the Office of Energy Resources has gotten larger, and I say to you, ladies and gentlemen of the House, if there is any branch of state government which should have gotten larger in the last four years, it is an office which helps the people of this state, the average people, to deal with the problems of energy. That is issue number one. So I am not afraid of the fact that it is larger, but there is even a larger issue here, ladies and gentlemen of the House. We are trying as a legislature to mandate a hiring freeze in one particular department. Well, I don't know if it is legal or not, I certainly have never heard it done before, but it is a blatant statement on the part of the House that you say that the Governor of this State and his appointees are unable to run their own department — that is the statement; that is what exists in this order, and that, ladies and gentlemen, is not true. The Governor of this State knows exactly what he is doing. If there are department problems within that department, then I have faith in him, in his administration, that he is going to be able to solve them.

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

Mr. GARSOE: Mr. Speaker, I wish to very briefly take issue with the gentleman from Lisbon Falls, that any action taken by this body should be characterized as blatant—vote your consciences.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I just would have a question on this proposed freeze. How does this relate to federal programs that might come down?

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

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

Mrs. HUBER: Mr. Speaker, I can't pretend to be an expert in this area, Mr. Rolde, but it would be my understanding that since we would not be able to hire employees to carry out a program mandated by the federal government, the program would be run for us if not from Washington perhaps from Boston or some point elsewhere. It would not be a state-run program, it would be a federally-run program.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit tired of always trying to be frightened into voting a particular way by people telling me and others in this body that unless we vote a particular program, the feds are going to cut off our supply and we will be told what to do by the feds and therefore we will not have any input into that program.

There are 31 employees in the Department of Energy. I think that is enough to run the department. I think if they got rid of some of the programs that some of the others have talked about, like counting woodlots and things like this, and dealt with the more serious aspects of the energy problem, I think 31 employees really is enough to run the department.

I really believe that the federal government will look upon that, if they are doing their job responsibly, as being a department that can be well run and can be well organized with that level of employment.

The SPEAKER: A roll call has been ordered. The pending question is on passage of Senate Joint Order (S. P. 772) in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Barry, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Churchill, Conary,

Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Dutremble, L.; Fenlason, Garsoe, Gavett, Gillis, Gray, Higgins, Hunter, Hutchings, Jackson, Jacques, P.; Jalbert, Kelleher, Kiesman, Lancaster, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Matthews, Maxwell, McMahon, McPherson, Morton, Nelson, A.; Paradis, E.; Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Torrey, Tozier, Twitchell, Whitemore.

NAYS—Bachrach, Baker, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, K. C.; Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Elias, Fowle, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Joyce, Kane, Kany, LaPlante, Locke, MacEachern, Mahany, Masterton, McHenry, Mitchell, Nadeau, Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Theriault, Tierney, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT—Austin, Berry, Birt, Carrier, Carroll, Dow, Fillmore, Hanson, Immonen, Jacques, E.; Laffin, Leighton, Lizotte, Martin, A.; McKean, McSweeney, Michael, Nelson, M.; Nelson, N.; Payne, Simon, Strout, Tarbell, Vincent, Wentworth.

Yes, 69, No, 57; Absent, 25.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-seven in the negative, with twenty-five being absent, the motion does prevail.

Sent up for concurrence.

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

Consent Calendar

First Day

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

(S. P. 702) (L. D. 1838) Bill "An Act Concerning the Membership of the State Energy Resources Advisory Board" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-445)

(H. P. 1777) (L. D. 1878) Bill "An Act Relating to Motor Vehicle Warranties and Repairs" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-877)

There being no objection, under suspension of the rules the above items were given Consent Calendar Second Day notification.

Thereupon, the Senate Paper was passed to be engrossed as amended in concurrence and the House Paper was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Require Fire Warning Equipment in all Residential Dwellings" (H. P. 1729) (L. D. 1848) (C. "A" H-864) which was tabled earlier in the day pending to be engrossed.

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

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

House Amendment "A" to Committee Amendment "A" (H-878) was read by the Clerk.

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

Mr. MCHENRY: Mr. Speaker, someone has asked me to explain these amendments. All the amendment does, the Committee Amendment left in the bill the date, which it shouldn't have, in Section 2, and then we added on two sections and we only mentioned one in the Committee Amendment. Then we deleted from the enact-

ment clause—in the Committee Amendment it says "delete from the first section." That is the only difference.

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

Mr. CARTER: Mr. Speaker, having voted on the prevailing side on Bill "An Act to Promote Hunting, Fishing and Camping in Maine" (H. P. 1829) (L. D. 1933) whereby the Bill was indefinitely postponed, I move we reconsider our action and further move that this be tabled for one legislative day.

Thereupon, on motion of Mr. Carter, of Winslow, tabled pending his motion to reconsider and tomorrow assigned.

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

Mr. GARSOE: Mr. Speaker, may I call the body's attention to the first tabled and today assigned matter, Senate Paper 772, Joint Order Relative to Standing Committee on Audit and Program Review proposed expansion of Office of Energy Resources, having voted on the prevailing side whereby this order received passage in non-concurrence, I move that we reconsider and ask the body to vote against me.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, having voted on the prevailing side whereby this Order received passage, moves that we reconsider our action. All those in favor will say yes; those opposed will vote no.

A viva voce vote being taken, the motion did not prevail.

(Off Record Remarks)

On motion of Mr. Fenlason of Danforth, adjourned until nine o'clock tomorrow morning.