

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

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

HOUSE

Monday, March 17, 1980

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

Prayer by Father Thomas J. Joyce of St. Mary's Catholic Church, Augusta.

Father JOYCE: Let us pause a moment to ask Almighty God's blessing on all here present. We offer this prayer in a spirit of humility. Give us the strength and courage to fulfill the duties that are ours. In all we do, guide us, always encourage us by your support. Look upon our weakness; reach out to help us with your power. May everything we do begin with your inspiration, continue with your help and reach perfection with your guidance.

On this St. Patrick's Day, we now extend to you all an Old Irish Blessing:

May the road rise up to meet you;
May the wind be always at your back;
May the sun shine warm upon your face;
The rain fall soft upon your fields.
Until we all meet again,
May God hold you in the palm of his hand.
The top of the morning to you all; may God bless you.

The members stood at attention during the playing of the National Anthem by the South Portland High School Concert Band.

(Off Record Remarks)

Messages and Documents

The Following Communication:

March 14, 1980

The Honorable John Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:

The Committee on Health and Institutional Services is pleased to report that it has completed all business placed before it by the second regular session of the 109th Maine Legislature.

Total Number of Bills Received in Committee — 15

Unanimous Reports — 11

Ought To Pass — 3

Ought To Pass As Amended — 4

Ought To Pass In New Draft — 1

Ought Not To Pass — 0

Leave To Withdraw — 3

Divided Reports — 4

Total Number of Amendments — 8

Total Number of New Drafts — 1

Total Number of Carry-Over Bills — 1

Sincerely yours,

S/SANDRA K. PRESCOTT

House Chairman

The Communication was read and ordered placed on file.

Orders

On Motion of Mr. Cox of Brewer, it was ORDERED, that Representative Merton Fillmore of Freeport be excused March 11 to 13 for Health Reasons.

AND BE IT FURTHER ORDERED that Representative Paul Boudreau of Waterville be excused March 17 to 21 for Personal Reasons.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing,

Dan Simoneau of Livermore Falls, member of the United States Olympic cross-country ski team; (H. P. 1963) by Mr. Brown of Livermore Falls. Cosponsor: Senator Ault of Kennebec

Johnnie Laweryson, of Bingham, who has unselfishly served with great dedication for the past 52 years as a volunteer fireman in that community, (H. P. 1964) by Mr. Austin of Bingham.

There being no objections, these Expressions

of Legislative Sentiment were considered passed.

House Reports of Committees
Ought to Pass in New Draft

Mr. Connolly from the Committee on Education on Bill "An Act to Clarify the Education Laws" (H. P. 1758) (L. D. 1883) reporting "Ought to Pass" in New Draft (H. P. 1965) (L. D. 2011)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Ought to Pass — Pursuant to
Joint Order (H. P. 1676)

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1980 (Emergency) (H. P. 1961) (L. D. 2009) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1676)

Report was read and accepted and the Resolve read once. Under suspension of the rules the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Ought to Pass — Pursuant to
Joint Order (H. P. 1676)

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1980 (Emergency) (H. P. 1962) (L. D. 2010) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1676)

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Consent Calendar

First Day

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

(H. P. 1825) (L. D. 1929) Bill "An Act to Provide an Income Tax Checkoff for Voluntary Contributions to the Department of Inland Fisheries and Wildlife" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-912)

No objections having been noted, under suspension of the rules, the House Paper was given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

Later Today Assigned

(H. P. 1793) (L. D. 1918) Bill "An Act to Reorganize the Sales and Use Tax Law and to Encourage Conversion to Coal through Treatment of Coal as Oil for Sales Tax Purposes" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-911)

On the objection of Mr. Morton of Farmington, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-911) was read by the Clerk.

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

Mr. MORTON: Mr. Speaker, I have a question with respect to Committee Amendment "A". I have only read the Statement of Fact, so I don't know what the wording is in the bill itself, but it points out that this amendment allows those persons to avoid taxation without

having to take delivery out of state and would prevent the imposition of sales or use taxes and so forth — my question deals with the fact that, as I understand it, this out-of-state delivery has been utilized a great deal and I am just wondering if this would all of a sudden give entities in the state the opportunity to avoid the sales tax on rolling stock, which normally it does not constitute use in interstate commerce. Frankly, I have in mind locomotives. Back in the days when we were checking the excise tax on railroads, it came to my attention that there was a great deal of opportunity for the inclusion of locomotives in trains somewhere back 50 or 60 cars in order to get them into the state as rolling stock so the sales tax could be avoided. I am just curious to know if this now would automatically allow them that tax exemption?

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: While we were taking a look at this particular amendment, we asked the Bureau of Taxation whether it would make it anymore difficult for them to enforce the present statutes as far as equipment that was not used in interstate commerce and therefore should be properly subject state taxation. We did not particularly address the issue of locomotives, we were talking more about trucks. If someone would like to table this until later in today's session, I could address that issue over in the Bureau of Taxation.

Whereupon, on motion of Mr. Morton of Farmington, tabled pending adoption of Committee Amendment "A" and later today assigned.

(H. P. 1909) (L. D. 1976) Bill "An Act to Further Define a Cord of Wood" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-914)

(H. P. 1868) (L. D. 1958) Bill "An Act Appropriating Funds to the Department of Human Services, the Department of Mental Health and Corrections and the Department of Educational and Cultural Services for Insufficient Payments for Placement of Emotionally Disturbed Children in Residential Treatment Centers for the Fiscal Year Ending June 30, 1981" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-915)

(H. P. 1911) (L. D. 1979) Bill "An Act to Clarify the Law Concerning Abuse Between Family or Household Members" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-918)

No objections having been noted, under suspension of the rules, the House Papers were given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

(H. P. 1879) (L. D. 1962) Bill "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-919)

On the objection of Mr. MacEachern of Lincoln, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-919) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Passed to Be Engrossed

Bill "An Act to Reorganize the Department of Mental Health and Corrections" (H. P. 1956) (L. D. 2006)

Was reported by the Committee on Bills in

the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forth-with.

Amended Bills

Bill "An Act to Amend the Laws Relating to Ambulance Service" (Emergency) (H. P. 1869) (L. D. 1959) (C. "A" H-906)

Was 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.

By unanimous consent, ordered sent forth-with.

Later Today Assigned

Bill "An Act to Expedite Criminal Trials and Provide for the Election of Jury Trials" (H. P. 1733) (L. D. 1849) (C. "A" H-875)

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

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

Later Today Assigned

Bill "An Act to Clarify the Board of Environmental Protection's Responsibility to Regulate Roads under the Site Location Law" (S. P. 696) (L. D. 1832) (C. "A" S-450)

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

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

RESOLVE, Authorizing the State to Convey its Interest in the Public Lots in the Town of Osborn to the Inhabitants of Osborn (H. P. 1603) (L. D. 1714) (C. "A" H-904)

Was 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.

By unanimous consent, ordered sent forth-with.

Enactor

Tabled Unassigned

An Act Relating to Bonds and Notes Issued by Sanitary Districts" (H. P. 1588) (L. D. 1808)

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

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

Later Today Assigned

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) (H. "B" H-840 and S. "A" S-436 to C. "A" H-817)

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

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

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

Mrs. Kany of Waterville requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that this matter be tabled until later in today's session pending passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

63 having voted in the affirmative and 24 in the negative, the motion did prevail.

Orders of the Day

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

House Divided Report—Majority (11) "Ought Not to Pass" — Minority (2) "Ought to

Pass" — Committee on Transportation on Bill, "An Act to Clarify the Law Relating to Public and Private Driver Education Programs." (H. P. 1708) (L. D. 1811)

Tabled—March 14, 1980 by Mrs. Sewall of Newcastle.

Pending—Motion of Mr. Carroll of Limerick to Accept the Majority "Ought Not to Pass" Report.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you won't accept the "Ought Not to Pass" Report.

This bill is something that has been bothering me, I guess since the third term that I have been here and this bill has been under discussion.

What has happened is that we have two kinds of licensed people who can teach people to drive cars; one, people who are licensed by the Department of Education and we call them certified. Then there is another group who are licensed by the Department of Motor Vehicles and they are called licensed. The difference between the two is that the certified are regular teachers in regular schools and they have a college degree and have the ability to teach any high school subject, whereas the other people are people whose training is in teaching people to drive cars. Both groups use the same textbook. The courses, I guess I would have to say, is identical, maybe one lasts a longer period of time but actually the number of hours is the same.

What has happened is that originally children were taught to drive cars during school hours by these certified drivers in the school. They didn't pay extra for the courses because it was a course, just as any other course a student might take. The commercial drivers taught in commercial establishments. They pay property taxes, they had to buy their cars, they have to license the cars that they use and it is the free enterprise system.

In the schools, they can get a fleet rate for insurance and the cars are usually donated. The teachers have a regular job for which they get paid, and if they want to do that during school hours, I know the people who run the commercial schools have absolutely no objection, but what has happened over the years is, they have come in direct competition with the free enterprise system.

The commercial people, as I say, are paying taxes, they are in business, it is small business in our state, whereas the people in the schools have their regular teaching jobs. I know that some teachers get paid extra for extra duties after school, such as coaches and people who are connected with various clubs, but the students don't pay anything to participate in those activities whereas in driver education, they do. They do pay for the course after school so they are in direct competition with the free enterprise system in our state.

The title of the bill is "An Act to Clarify" because this certification appears in two parts of our law. It is in Title 20 under the Education Laws and it is in Title 29 under the Motor Vehicle Laws so, consequently, it ought to be clarified sometime.

I have a letter from the Secretary of State saying that it is an area that should be clarified. I hope that this is the way to do it and I hope that you, ladies and gentlemen, will agree that it needs to be clarified and do it this session. If you don't, it is going to come back again because sometime we are going to have to get this straightened out.

So, on two reasons I would ask you please not accept the majority report and go with the minority report, one being that we ought to try to protect our free enterprise system and to allow people in small business to make a living; and, two, we ought to straighten out the laws on our books so we don't have conflicting laws under separate titles.

I would request a division.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Blodgett of Waldoboro requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berry, Birt, Blodgett, Brannigan, Brennerman, Brown, A.; Brown, K. C.; Carter, D.; Chonko, Cox, Curtis, Davies, Diamond, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Gillis, Gowen, Gwadosky, Hall, Hobbins, Howe, Hunter, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Laffin, Locke, MacEachern, Mahany, Masterman, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Mitchell, Nadeau, Nelson, M.; Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, J.; Rolde, Sherburne, Theriault, Tozier, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY—Aloupis, Bachrach, Barry, Berube, Bordeaux, Bowden, Brown, D.; Brown, K. L.; Call, Carter, F.; Churchill, Conary, Connolly, Cunningham, Damren, Davis, Dellert, Drinkwater, Fillmore, Gavett, Gray, Hickey, Higgins, Huber, Hutchings, Immonen, Jackson, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Lougee, Lowe, Lund, MacBride, Martin, A.; Masterton, Matthews, Michael, Morton, Nelson, A.; Nelson, N.; Norris, Paradis, E.; Payne, Peltier, Peterson, Reeves, P.; Rollins, Sewall, Silsby, Simon, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Twitchell, Wentworth.

ABSENT—Austin, Boudreau, Brodeur, Bunker, Carrier, Carroll, Cloutier, Dexter, Doukas, Dudley, Fowlie, Garsoe, Hanson, Leonard, Lizotte, Marshall, Roope, Small, Soulas, Strout, Tierney, Tuttle, Whittemore.

Yes, 64; No, 64; Absent, 23.

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

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

Mrs. LEWIS: Mr. Speaker, I move that the House accept the Minority "Ought to Pass" Report.

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

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

Mrs. Lewis of Auburn requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Limestone, Mr. McKean, that this item be tabled until later in today's session. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. McKean of Limestone requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of more than 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, obviously, more than one-fifth of the members present

and voting 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 Limestone, Mr. McKean, that this item be tabled until later in today's session pending acceptance of the Minority Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Baker, Beaulieu, Benoit, Berry, Blodgett, Brannigan, Brennerman, Brown, A.; Brown, K. C.; Carter, D.; Chonko, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Gillis, Gowen, Gwadosky, Hall, Hobbins, Howe, Hughes, Hunter, Jacques, E.; Jacques, P.; Joyce, Kane, Laffin, LaPlante, Locke, MacEachern, Mahany, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Sherburne, Theriault, Tozier, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY—Aloupis, Barry, Berube, Birt, Bordaudeau, Bowden, Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Churchill, Conary, Damren, Davis, Dexter, Drinkwater, Fillmore, Gavett, Gray, Hickey, Higgins, Huber, Hutchings, Immonen, Jackson, Jalbert, Kany, Kelleher, Kiesman, Lancaster, Leighton, Lewis, Lougee, Lowe, Lund, MacBride, Martin A.; Masterman, Masterton, Matthews, Maxwell, Morton, Nelson, A.; Nelson, N.; Norris, Paradis, E.; Payne, Peltier, Peterson, Rollins, Sewall, Silsby, Simon, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Twitchell, Wentworth.

ABSENT—Austin, Boudreau, Brodeur, Carrier, Carroll, Cloutier, Cunningham, Doukas, Dudley, Fowle, Garsoe, Hanson, Leonard, Lizotte, Marshall, Roope, Small, Soulas, Strout, Tierney, Tuttle, Whittemore.

Yes, 66; No, 63; Absent, 22.

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

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

House Divided Report—Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (H-907) — Minority (2) "Ought to Pass" as Amended by Committee Amendment "B" (H-908) — Committee on Labor on Bill, "An Act to Provide for Improved Information on Workers' Compensation and to Provide Funds for Full-time Workers' Compensation Commissioners" (H. P. 1795) (L. D. 1911)

Tabled—March 14, 1980 by Mr. Wyman of Pittsfield.

Pending—Motion of the same gentleman to accept the Majority "Ought to Pass" Report.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: It is Monday morning and I guess this is my morning because I am a member of the minority of two who are asking you to please accept the report with Committee Amendment "B" and I will tell you what the difference is.

This was a bill that came before the Labor Committee and had three separate sections to it — well, two sections and one amendment that was presented by the gentleman from Lisbon Falls, Mr. Tierney.

The first section of the bill is a duplication of what is presently being done. It is asking that various records be submitted from the Workers' Compensation. Right now, the Chairman of the Commission of Workers' Compensation's duty is to give all the statistics regarding the accidents that have occurred and have been reported to that commission. He does that biennially at the request of the Governor. This

would change it so it would be the Commissioner of Labor who would do it. It doesn't really make any difference which one does it. In both cases, we have all the reports that we need. In fact, the original bill that is presently law was a bill that was submitted by the gentleman from Lisbon Falls, Mr. Tierney, and you know that Mr. Tierney's record as a promoter of the labor movement in our state is a very strong one, so in no way would you say that this is an anti or pro labor bill.

The first section is a total duplication, and that is why Mr. Dexter and I have said that there is no point in duplicating law that is presently there.

The other two sections, we agree with the rest of the committee that they should be there. One does give the commissioner, who is now a full-time employee rather than part time, a full salary, and the other part of it is an amendment that would say the people who are presently working at the Workers' Compensation Commission, even when their term expires, they can continue. Those two parts of the bill I consider very essential, just as all the other members of the committee do. However, the first part, I think, is totally unnecessary and, therefore, I would hope that you would not accept the Report A but you would accept Report B.

I would ask for a division.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This is Monday morning and it may be Mrs. Lewis's Monday morning but I would hope that you wouldn't concede too much to her this morning.

As she has pointed out, the Committee on Labor did agree with the first two sections of the bill; specifically, Mr. Tierney's amendment. However, the majority of the committee feels that the rest of the bill is also very important and I would like to share with you why.

According to the statistics which we have received from the Bureau of Labor, since 1962, the number of first reports of injury and illnesses reported to the Workers' Compensation Commission has increased from 25,900 to 50,315 in 1979. While we have seen practically a doubling of these reports, the method of processing these reports is the same now as it was in 1962. Therefore, it would seem that some effort should be made to study the prospective use of an automated data processing system to assist the workload of that agency.

The purpose of the majority report, including the language which is in that report which specifically requires the information for the reporting, is that there is an opportunity to secure a federal matching fund of approximately \$8,000 which will make it possible for the State of Maine to develop an automated computer system to process the information on first reports of injuries and illnesses.

The purpose for having a computerized system as opposed to the way that we do it currently is very simple; it is to save money.

Many members of the committee, including the gentlelady from Auburn, Mrs. Lewis, have pointed out time and time again the cost of the workers' compensation system in the state and there is no question that costs have greatly escalated in recent years. That is a result of many factors, not the least of which is the increasing cost of health care in this country, as we are all aware. So, we have all been very concerned about methods that we can develop to cut the cost of workers' compensation.

All of us, I am very sure, are very concerned about cutting the costs of government where we can do it. When we campaign, and I am sure this year will be no exception, we will be telling the people that we favor the development of policies which will make government run more efficiently, more effectively, that will cut out wastefulness and save the taxpayers money.

I think if we are going to put more than

simple verbal assent to that principle, then we are going to have to support this bill, the majority report, which will require this reporting to be done. We asked the Director of the Bureau of Labor, Mr. Marvin Ewing, and we also asked the Director of the Bureau of Insurance, Mr. Ted Briggs, if this was going to result in any increased paperwork for businesses, especially small businesses in this state, we asked them both. I greatly respect both gentlemen and I think they would probably be in a position to answer that question, and they both agreed that it would require not one bit more paperwork for businesses. The information is being gathered now, it is just not being processed. It is there, it needs to be processed and if we develop a more specified processing system, then we are going to be able to have a better shot at getting this federal grant money so we can develop a computerized system, and if we develop a computerized system, that can only mean we are going to be able to save money. We are going to save money on processing the workers' compensation claims and if we save money on processing these compensation claims, then inevitably we are going to save businesses in this state some money. That is the reason that I support it. It only makes common sense that we take this approach.

Both Mr. Briggs and Mr. Ewing, together, came and testified at the hearing and neither one of them objected to this bill. They support it, they support the majority report, and I would hope that you would as well.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: It is with some trepidation this uneducated woodsman rises to oppose the orator from Pittsfield, Mr. Wyman. Words flow out of him like the water over Niagara Falls. Why do I get this uneasy feeling, something like Charlie Brown must get when he gets ready to kick the football held by Lucy, when I see Section I of this?

I could live with the amendment suggested by the gentleman from Lisbon Falls, Mr. Tierney, although his hair is dark and just as long as Lucy's, so I believe that we do need to speed this up. This is one more attempt, just one more attempt to hurt the little, small businessman, no matter what anyone might want to tell you.

I was told that this wouldn't do a thing, why do we need it?

I support the increased funds for the commissioners. They are way behind, they have a tremendous workload. There is nothing wrong with that.

Let's put this down on the Appropriations Table, it does have an appropriation. Let's put it down as a clean, simple bill for these gentlemen to look at, and I don't believe the leaders tell the gentlemen on the committee exactly what to do either, I have friends on that committee. So I hope you will oppose the pending motion.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I simply rise to try to bring some new information, hopefully to clarify some of the aspects of the debate.

I would like to answer my friend, the gentleman from Kingfield, Mr. Dexter. I happen to disagree, I don't think this is going to hurt the small businesses at all.

At our hearing we had support not only from labor but from the Associated Industries of Maine; there was no opposition to this bill.

As to the gentlelady from Auburn, Mrs. Lewis, I differ with her over the issue whether this is duplication. This is a clarification of legislative intent to gather this information. It was felt that it was important to have this particular language within the law to show the federal government that we have the intention of doing this in terms of that federal matching

grant that Mr. Wyman referred to earlier.

So, I would just like to leave you with that thought, this is not a duplication, it is simply a clarification of legislative intent.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I suppose you could call it a clarification if you wanted to, but there isn't any different information that is being asked that wasn't being asked before, so there is nothing additional. If there is nothing additional, I tend to call it duplication.

Mr. Wyman was telling us about the computer. The computer, I think, is somewhat of a red herring as far as this bill goes. Really, these are three different bills that we are talking about all in one.

This particular part that the majority of the committee favors, they talk about being able to get a computer and of course if we could put things on a computer it would save money, that would be great. But we cross-questioned other members of the committee and I cross-questioned the people who appeared as proponents to ask why making these slight changes would they be able to get a computer? They couldn't answer us. They said they were going to make application for the funds to fund the computer, the \$8,000, whether the bill passed or not. I said to them, well why don't you make the application out and see what happens? Then, if you have trouble, come back and maybe we can help you out.

There is no real correlation between the change in Section A and whether or not we get any federal funds for a computer, and if there is anybody here who can say that there is, I would appreciate hearing that. But when I cross-questioned and other people did, we never got a direct answer as far as that is concerned.

I would urge you to support Committee Amendment "B" and then, if we find that there is something we have to do in order to comply, let's find out what it is, but this isn't it.

I don't really know what is behind this. The only thing I would have to say is maybe it is the Commissioner of the Department of Labor who wants to get a little more power; that could be it, because he wants to be giving the reporting instead of the head of the Workers' Compensation Commission. Obviously the only person who is going to have that information is the head of the Workers' Compensation Commission, so it makes sense that he would be the one who would make the report.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would not rise a second time except to strongly object to the assertion that the gentlelady from Auburn has made that this is merely an attempt made by the Director of the Bureau of Labor, not the Commissioner of Labor—there is no such person—there is a Director of the Bureau of Labor—to try to get more power into his own hands. If ever there was a red herring, if there was ever a specious argument, if there was ever a false assertion, that is it, and I take strong objection to it.

I also take strong objection to the comments of the gentlelady at the hearing that, you know, the Bureau of Labor is interested in gestapo tactics to try to harass small business and so forth and so on. It is all false and the gentlelady knows it is false and she knows that she is raising a specter here, which is unrealistic and inaccurate.

In her remarks, she said that the only person who is going to have this information is the Director of the Bureau of Labor; that, again, is not correct. The Chairman of the Commission, the Director of the Bureau of Labor and the Superintendent of Insurance shall provide such further occasional reports through their joint or individual efforts, as they deem necessary, to the improved function and administration of

the Workers' Compensation Act and the Occupational Disease Law.

This information is not going to be in the hands of Mr. Marvin Ewing; this information is not going to be closeted away in his office where he alone has it, and I don't know what the purpose would be for him to have that information anyway, unless it was to work with others who are involved with the Workers' Compensation system to try to make it more efficient and try to improve it.

The people will say on the other hand that they support improved government efficiency and cutting out wastefulness and making our programs run more smoothly and then will stand up on the floor of this House and oppose exactly those efforts, I don't understand. I guess it eludes me how they can claim to be consistent in their statements when they are really talking out of both sides of their mouth. I just don't understand that and I hope that you would support the Majority "Ought to Pass" Report as amended by Committee Amendment "A".

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I don't believe my record here supports inefficiency in government, I am sure it doesn't. If you want to encumber government more, just support the pending motion, and I deeply resent any such implications.

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

A vote of the House was taken.

Mr. Wyman of Pittsfield requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 and 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 Pittsfield, Mr. Wyman, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Breneman, Brown, K.C.; Call, Carter, D.; Chonko, Connolly, Cox, Cunningham, Davies, Diamond, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Gillis, Gowen, Hall, Hobbs, Howe, Huber, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Laffin, LaPlante, Locke, MacEachern, Mahany, Masterton, McHenry, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Simon, Theriault, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Birt, Bordeaux, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Carter, F.; Conary, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fillmore, Gavett, Gwadosky, Higgins, Hunter, Hutchings, Immonen, Jackson, Kiesman, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, Masterman, Matthews, Maxwell, McPherson, Morton, Nelson, A.; Paradis, E.; Peltier, Peterson, Rollins, Sewall, Sherburne, Silsby, Small, Smith, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Tozier, Twitchell, Wentworth.

ABSENT — Austin, Bachrach, Boudreau, Brodeur, Carrier, Carroll, Churchill, Cloutier, Doukas, Garsoe, Gray, Hanson, Hickey, Kel-

leher, Lancaster, Marshall, McKean, Payne, Roope, Soulas, Sprowl, Tierney, Tuttle, Whittemore.

Yes, 69; No, 58; Absent, 24.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-eight in the negative, with twenty-four being absent, the motion does prevail. Thereupon the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-907) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Reports of Committees

Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Exempt from Registration Requirement Certain Substance Abuse Counselors Employed in that Capacity Prior to Enactment of those Requirements" (S. P. 767) (L. D. 1960)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

(Later Reconsidered)

Ought to Pass in New Draft

Committee on State Government on Bill "An Act to Amend the Maine Sunset Law" (S. P. 773) (L. D. 1965) reporting "Ought to Pass" in New Draft (S. P. 801) (L. D. 2005)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The following paper from the Senate appearing on Supplement No. 3 was taken up out of order by unanimous consent:

Ought to Pass in New Draft

Later Today Assigned

Report of the Committee on Judiciary on Bill "An Act to Amend the Procedure for Appointment of Guardians and Conservators under the Maine Probate Code" (S. P. 721) (L. D. 1871) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Probate Code" (S. P. 792) (L. D. 1990)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendments "A" (S-458) and "B" (S-466).

In the House, the Report was read.

On motion of Mr. Hobbins of Saco, tabled pending acceptance of the Committee Report and later today assigned.

The following paper from the Senate appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Ought to Pass in New Draft

Committee on Business Legislation on Bill "An Act to Align Mortgage Loan Authority for Maine Thrift Institutions with Federal Regulation and to Provide Temporary Authority to Adjust Interest Rate Ceilings in Certain Consumer Credit Transactions" (S. P. 739) (L. D. 1917) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Align Mortgage Loan Authority for Maine Thrift Institutions with Federal Regulation and to Adjust Interest Rate Ceilings in Certain Consumer Credit Transactions" (Emergency) (S. P. 800)

(L. D. 2004)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-463).

In the House, the Report was read and accepted in concurrence and the New Draft read once.

Senate Amendment "A" (S-463) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

(S. P. 758) (L. D. 1954) RESOLVE, Authorizing Roland and Lelia Bracy of Portland to Bring a Civil Action Against the State of Maine on Behalf of their Son, Erwin G. Bracy Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-455)

(S. P. 750) (L. D. 1925) Bill "An Act Concerning Revisions in the Maine Criminal Code and Other Criminal Laws" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-456)

No objections having been noted, under suspension of the rules, the Senate Papers were given Consent Calendar Second Day notification and passed to be engrossed as amended in concurrence.

On motion of Mr. McKean of Limestone, the House reconsidered its action whereby Bill "An Act Concerning Revisions in the Maine Criminal Code and Other Criminal Laws," Senate Paper 750, L. D. 1925, was passed to be engrossed as amended by Committee Amendment "A" (S-456).

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-456) was read by the Clerk.

Mr. McKean of Limestone offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-909) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 8 were taken up out of order by unanimous consent:

The following Communication:

March 14, 1980

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

The Senate today voted to Adhere to its former action whereby it Indefinitely Postponed Bill, "An Act to Require Fire Warning Equipment in all Residential Dwellings." (H. P. 1729) (L. D. 1848)

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

Special Sentiment Calendar

Recognizing,
Darcy Arnold of Stearns High School, the first school-girl to be named to the Bangor Daily News' all-tournament basketball team for 4 straight years, (S. P. 803)

No objection being noted, the Expression of Legislative Sentiment was considered passed.

On motion of Mr. Norris of Brewer, the House reconsidered its action of earlier in the day whereby the "Leave to Withdraw" Report was accepted in concurrence on Bill "An Act to Exempt from Registration Requirement Certain Substance Abuse Counselors Employed in that Capacity Prior to Enactment of those Requirements" (S. P. 767) (L. D. 1960).

Whereupon, Mr. Norris of Brewer moved that the Bill be substituted for the Report in non-concurrence.

Whereupon, Mrs. Prescott of Hampden requested a vote.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I am sorry to take the time of the House this morning, but this is a matter that is very close to my heart and I want to establish a legislative action on this particular bill because in the original bill, the members of this council were allowed—the Governor shall act promptly making the initial appointments from this list. Five of the initial board members shall be eligible for registration under this chapter.

This bill, as you see by the title, deals directly with grandfathering in. The members who went on this board were, indeed, grandfathered in, but no one else who is eligible under the requirements of the chapter were grandfathered in, so the consumer-provider members, not consumer members but provider members on the board, I believe, are there in direct opposition to the legislative intent of the original act, and by the action this morning, and I hope that you will vote against me on substituting the Bill for the Report, to establish the fact that no one should be grandfathered onto this committee. There are only 15 people in the last two years who have qualified and have been licensed as certified substance abuse counselors, there are only 15 in two years.

This whole thing comes up for sunset review under the Performance Audit Committee sometime late this summer or early fall, so I would hope that you would vote against my motion, I would ask for the yeas and nays, Mr. Speaker, I will transmit all of this to the Commissioner of Business Regulation.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, the gentleman from Brewer is making some statements for the record today, and he made reference to referring that legislative record to the commissioner. I would like to give you some background so that we can establish a good record, and I would like to go back to when the original law was passed. That was some two years ago when it went before the State Government Committee, and when the State Government Committee, at that time, resisted not accepting registered people, the Health and Institutional Services Committee also resisted this grandfathering in and we did so not hastily but we did so first with an opportunity for the proponents to bring forth amendments which could make this law that they are proposing more palatable to the committee.

We first voted "ought not to pass" on the bill and then the committee members said that they would prefer to have a "leave to withdraw" with the sponsor, and Representative Norris agreed to that.

We gave a "leave to withdraw" because we could not seem to come up with an amendment that would be satisfactory to the proponents.

I was willing to sign the bill out to give it some floor debate, but the proponents decided they did not want to do that, they preferred, instead, a leave to withdraw. So, obviously, we are at a point where we are trying to establish some legislative record.

I have a great deal of respect for the good gentleman who has made this motion. He has taught me a great deal about substance abuse,

and I think that if it were not for him, I would not understand that the disease of alcoholism is truly a disease, but it is self-inflicted—that he did not state.

But, ladies and gentlemen, this is a bad bill. Alcohol Anonymous are doing an excellent job, they are excellent people, they are well organized and they are very effective, but these people, when they do work, are not being paid. The committee felt that once they crossed that line and, indeed, they are paid for those services that they are providing, that they should meet minimum standards of licensure, or certain requirements. What this bill is doing is objection the basic test, which is just basic.

If you pass the bill, as we have substituted it for the report, or we propose to do just that, then you would be exempting the eligibility, which is the age, the experience and the requirement that there be two years of sobriety. You would be exempting the examinations.

If you were employed as a counselor between the years 1973 and 1977, all you would then need to do under this proposal would be to pay a fee. There would be no test and no eligibility requirements, and that is what the committee objected to, not grandfathering in these people without minimum standards.

The good gentleman also mentioned the sunset review. Yes, indeed, the Performance Audit Committee will be reviewing the Business Regulation Department under sunset review, but not Commissioner Weil, he won't be deciding that this specific area will be reviewed. It is my understanding that the committee determines what will be reviewed.

If it is reviewed under sunset, it is not scheduled until 1981, and then, if indeed it is scheduled in 1981 in the fall, it would not be until 1982 that the recommendations would be brought forward; that is two years away.

Ladies and gentlemen, I object to this motion and I hope that you will support me.

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

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

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

Mr. NORRIS: Mr. Speaker and Members of the House: Everything that the gentlelady from Hampden said is correct. My only problem this morning is that the members of the board are on there because they were grandfathered on, and I believe it is certainly the intent of this legislature that even the people on the board themselves should not be grandfathered on.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Mr. Norris of Brewer that the Bill be substituted for the Report in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker.

NAY — Alopis, Bachrach, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Call, Carter, D.; Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gowen, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, LaPlante, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterton, Matthews, Maxwell,

McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitchell, Vose, Wentworth, Wood, Wyman.

ABSENT — Austin, Boudreau, Brodeur, Bunker, Carrier, Carroll, Churchill, Dellert, Garsoe, Hanson, Laffin, Lancaster, Leighton, Leonard, Masterman, Marshall, McMahon, Roope, Silsby, Tuttle, Violette, Whittemore.

Yes, 1; No, 127; Absent, 22.

The SPEAKER: One having voted in the affirmative and one hundred twenty seven in the negative, with twenty-two being absent, the motion does not prevail.

Thereupon, the Report was accepted in concurrence.

(Off Record Remarks)

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking on the record simply to clarify what looked like a very unusual vote recently on the last roll call. You might have notice I was a minority of one.

I made a mistake and took the wrong position, and I simply wanted to put it on the record. I guess if I had stood up and asked some questions, I would have gotten the proper answers, and for the sake of moving things along, I did not wish to prolong the debate and I am kind of sorry I didn't, but I simply wanted it on the record that acting under some misinformation, I voted wrong and would have voted with the rest of you had I understood fully what was happening.

On motion of Mr. Nelson of Roque Bluffs, Recessed until 11:30 this morning.

After Recess 11:30 a.m.

The House was called to order by the Speaker.

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

The Following Communication:

March 13, 1980

Honorable Roland L. Sutton
Honorable Jasper S. Wyman
Chairmen, Labor Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Edward H. Keith of Bangor for reappointment as the public member of the Maine Labor Relations Board and Donald W. Webber of Auburn and Gary F. Thorne of Old Town for reappointment as alternate public members to that same Board.

Pursuant to Title 26 MRSA Section 968, these nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House

Came from the Senate read and referred to the Committee on Labor.

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

The following papers from the Senate appearing on Supplement No. 5 were taken up out of order by unanimous consent:

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" on Bill "An Act to Provide Funds for Residential Energy Conservation (S. P. 766) (L. D. 1963)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-465)

In the House, the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-465) was read by the Clerk and adopted in-concurrence, and the Bill assigned for second reading later in the day.

Non-Concurrent Matter

Bill "An Act to Expand the Kinds of Projects Eligible for Financing under the Maine Guarantee Authority Revenue Obligation Securities Act" (H. P. 1764) (L. D. 1896) which was passed to be engrossed as amended by Committee Amendment "A" (H-862) in the House on March 11, 1980.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-862) as amended by Senate Amendment "A" (S-469) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matter

Bill "An Act to Revise and Clarify Certain Provisions of the Motor Vehicle Laws" (H. P. 1667) (L. D. 1776) which was passed to be engrossed as amended by Committee Amendment "A" (H-857) in the House on March 11, 1980.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-857) as amended by Senate Amendment "A" (S-454) thereto in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matter Tabled Unassigned

Bill "An Act to Amend Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1980 and from July 1, 1980 to June 30, 1981, Decrease the State Aid Bonus from 40% to 20%, and Revise Drivers' License and Examination Fees" (H. P. 1723) (L. D. 1827) (Emergency) which was passed to be engrossed as amended by Committee Amendment "A" (H-812) as amended by House Amendment "E" (H-868) thereto in the House on March 10, 1980.

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

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending further consideration.

The following Enactors appearing on Supplement No. 10 were taken up out of order by unanimous consent:

Passed to Be Enacted Bond Issue

An Act to Authorize a Bond Issue in the Amount of \$7,000,000 for Energy Conservation Improvements for Public School Buildings and the University of Maine (S. P. 734) (L. D. 1913) (H. "A" H-884 to C. "A" S-429)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14, of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken, 111 voted in favor of same and 9 against, and accordingly the Bill was passed to be en-

acted, signed by the Speaker and sent to the Senate.

Passed to be Enacted Emergency Measure

An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine (S. P. 770) (L. D. 1964) (S. "A" S-426; H. "B" H-844; H. "C" H-847; H. "D" H-848; H. "E" H-849; H. "H" H-856)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 119 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

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.

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

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

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

Mr. CALL: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed and I ask for a roll call and 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 in non-concurrence.

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

Mr. CALL: Mr. Speaker and Members of the House: I feel that as a result of inconsistencies, exaggerations and errors over the years, plus obvious likes and dislikes indicated in news stories, the public has come to analyze press reports carefully before being too critical of what they read.

If someone's dirty linen is exposed prior to trial, he will be sympathized with rather than censured in many instances.

Newspapers, in time, eliminate certain practices, so I am surprised that this bill is before us.

I served for four years as a reporter for a prominent daily newspaper in this state. I suggested several practices which could be eliminated. Today, one paper leaves out the ages of people whose marriage intentions are listed; also, instead of stating both parties live at one address, the paper now prints the same address after each name. Divorce hearings are now eliminated, as they should be, namely because the practice was not fair. All hearings were not covered because a reporter was not always present. That was not fair to those whose turbulent marriage was revealed with all its unpleasanties.

There was the occasion when there was to be a family problem heard in the probate court. The city editor told me that a request had been made by one of the parties that I cover that hearing because, in her opinion, I was sympathetic. The editor told the party that the probate court was not one of my assignments. He told me later that if it was one of my assignments he would have removed me on that occasion and assigned an unsympathetic reporter to that court on that day.

There used to be an arrest sheet in a desk at Lewiston Police Headquarters which would be shown to reporters. If I saw someone had been arrested and felt he would be released without

going to court, I would refrain from publishing the name. The other daily newspaper, owned by the same corporation, would publish the name. Invariably my hunch was correct. The next time I looked at that sheet, a line had been drawn through the name.

This was back in the later 1940's. Along with other practices, the name of an arresting police officer was printed all the time. The police chief asked me to leave the motorcycle officer's name out of the paper because it wasn't his fault that all the speeders were on his beat and he appeared in too many minds to be a cruel person. The publicity was not good. I told the police chief that if he would get the other paper to eliminate the name of the arresting officer, I could probably get permission to do the same. He failed, but today is rarely that the arresting officer's name is published.

Just like my much maligned chicken bill, the mere presence of this bill, even though it should be defeated, in my opinion, will better the situation that the bill is supposed to remedy.

I sought work as a newspaper reporter because as a devotee of legitimate theater, I wanted work which approached the theatrical.

Let me cite an instance of unreality. In 1926, one Lewiston newspaper bought the other. Before the transaction, the competition was so strong that on occasion it was almost unbelievable. For instance, in those days there was no boxing commission authority, and at a prize fight held in Lewiston, the sports editor, or whoever represented him for the papers would be the official judge. The next morning, the paper would report thusly—Kid Cement wins easily over Battling Insomnia, while the evening paper's item would indicate the Kid Cement made such a poor showing that he should not have been in the same ring with Battling Insomnia, who gave Cement a terrific beating.

This here is more realistic and constructive, indicating that when one publishing house in a community owns both papers, there is much to be desired. Competition vanishes or at least diminishes greatly.

Before 1926, one of the papers in my city would report a chimney fire at 246 Bates Street. The second paper in those days would follow up such a trivial item, and they might learn that the locus was 246 Blake Street, not 246 Bates Street, and that the fire was in the woodshed and not a chimney fire. Today, both papers are apt to have it wrong.

Don't get me wrong. I had four of the happiest years of my life covering news, but the disillusionment at times discouraged me greatly.

I suggest that the members of this body defeat this bill because in time public demand will result in its ingredients, suffering the same fate as ages of those whose marriage intentions were revealed, the names on the police blotter, the name of the motorcycle officer and the divorce hearings. If this bill becomes law, some innocent person will have a hearing, the results of which may appear in newsprint, and after delayed deliberation, the judge may decide that the grounds are insufficient. I say that it is up to the news media to just mention that they feel that a judge was wrong in not letting the press in on occasion.

In conclusion, let me repeat, there are too many inconsistencies now; let's not add to them.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: This bill was heard before the Judiciary Committee and I think it is nicknamed the 'open courts' bill.

The bill was worked on very carefully by the good gentleman from Lewiston, Mr. Simon, and he did extensive legal research on this issue.

Basically, this bill stems from a problem

that has arisen because of a Supreme Court case called *Gannett v. Pasquale*. In that particular case, by a 5 to 4 decision, the Supreme Court denied to hold that the Constitution prevented a judge from conducting a pretrial criminal proceeding in secret. What this has done since then is raise the issue whether or not, in fact, what is the people's business can be held in the privacy of the judges' chambers.

I think our democracy and our court system is based upon openness, it is based upon the fact that unless there can be good cause shown, that irreparable harm can be shown in regards to a person, I think the state's business before the courts must be conducted in public unless closure is necessary in effect, to prevent a criminal defendant's right to a fair trial.

I think it is a very logical bill, it is a bill that I think the State of Maine would pioneer in this country. It is well thought out, it is well put together by a gentleman who studied the area much more closely than any of us here in this room, Representative Simon. There are safeguards that are implanted in this bill, if you will take out L. D. 1847 and also the accompanying amendment under filing number H-845.

I urge you today to go along with the 11 to 2 report of the Committee on Judiciary and enact this legislation.

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

Mr. MORTON: Mr. Speaker, I am glad that the gentleman from Lewiston made the motion that he did because it is a motion which I would like to support.

The gentleman from Saco has pointed out that this is logical and that the State of Maine would be pioneering, and I am not so sure that I think the State of Maine should be pioneering in this area.

As I understand it, the case which the Supreme Court decided on was one case and that decision does not apply to every case. In fact, every case has to be decided differently.

I have deep reservations about the chilling effect that this might have on judges in determining whether or not certain information before a pretrial hearing should be excluded from the public. I think in every case they know that under this bill they are going to be challenged, and I have real concerns about that. It seems to me that there are many matters of a private nature which do not effect the litigation that could be taken care of in a pretrial hearing and would be taken care of in a pretrial hearing, and I am not sure that I think it should have all that public scrutiny at that point. Obviously, the trial itself, where the facts are brought out, is going to have public scrutiny.

I think that I support very strongly the gentleman's motion to indefinitely postpone this, and I hope that you will think very deeply on it before you go against his position.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I was on this committee report seeking to pass this legislation. This is a very simple bill and one of the points I would like to make is that it only applies to a criminal proceeding; it has no application to civil matters. So, we are only dealing with criminal proceedings, we are dealing with motion hearings after the arraignment of the accused and before trial or before the impaneling of the jury. So it is in that period of time, after arraignment and before trial when the court hears various motions such as primarily to suppress evidence that by passage of this legislation the legislature would be saying that the public has a right to attend those proceedings unless the accused right to a fair trial is in jeopardy. That is all this bill says.

I think it is a fair bill, and based on our committee research, we felt that this pretty much was a restatement of existing Maine law, custom and common law. I think it is a good bill and I hope you will pass it.

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 its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Berry, Birt, Brown, A.; Brown, D.; Call, Carter, D.; Carter, F.; Cunningham, Damren, Dellert, Dexter, Drinkwater, Dutremble, L.; Fenlason, Gowen, Gwadosky, Higgins, Immonen, Jackson, Jacques, E.; Kany, Kiesman, Leonard, Lizotte, Lougee, Lowe, MacBride, McKean, McSweeney, Morton, Nelson, A.; Nelson, M.; Norris, Paradis, E.; Peterson, Reeves, J.; Rollins, Sherburne, Smith, Soulas, Stetson, Studley, Theriault, Torrey, Tozier, Twitchell, Wentworth.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Bordeaux, Bowden, Brannigan, Brennerman, Brown, K.L.; Brown, K.C.; Bunker, Carroll, Canary, Connolly, Cox, Curtis, Davies, Davis, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fillmore, Fowlie, Gavett, Gillis, Gray, Hall, Hickey, Hobbins, Hughes, Hunter, Joyce, LaPlante, Leighton, Lewis, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McMahon, McPherson, Michael, Mitchell, Nadeau, Nelson, N.; Paradis, P.; Paul, Payne, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Silsby, Simon, Small, Sprowl, Stover, Strout, Tarbell, Tierney, Vincent, Vose, Wood, Wyman.

ABSENT — Blodgett, Boudreau, Brodeur, Carrier, Chonko, Churchill, Cloutier, Dudley, Garsoe, Hanson, Howe, Huber, Hutchings, Jacques, P.; Jalbert, Kane, Kelleher, Laffin, Lancaster, Roope, Sewall, Tuttle, Violette, Whittemore.

Yes, 49; No, 77; Absent, 24.

The SPEAKER: Forty-nine having voted in the affirmative and seventy-seven in the negative, with twenty-four being absent, the motion does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act to Amend the Maine Health Facilities Authority Act to Include Certain Educational Institutions (S. P. 680) (L. D. 1798) (C. "A" S-451)

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

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: We haven't had any discussions on this bill and I was looking through it and it is quite lengthy in the enacting stage, and I was wondering if perhaps some member of the committee might be able to explain what it is that the bill will do.

I see that we are inserting numerous times the words "or participating institution for higher education" in the existing act, and I am wondering if maybe we can have an explanation of why that is so.

Next, I would have particular concern about Section 8 of the Bill, which is referring to the conflicts of interest for a trustee. I am wondering what does constitute a conflict of interest in this section of the bill?

Finally, my concern is with the appropriation. There is no appropriation on the bill, and I

am wondering how there is authority for so funding?

The SPEAKER: The gentlewoman from Hampden, Mrs. Prescott, has posed a series of questions through the Chair to anyone who may care to answer.

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

Mrs. KANY: Mr. Speaker and Members of the House: I just wanted to get up and tell you why I did not rise and talk about a conflict of interest—I have one in this bill and I abstain from all participation and voting. So that is why as chairman of the committee that heard this bill I will not answer your questions but will have to rely on other members of the committee to do so.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: There is now existing legislation to allow health facilities to borrow money at a reduced rate, and this bill includes educational institutions so they can participate in this same capability.

I can't answer the second question without referring to this bill, but this is what this legislation does.

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

Mr. TIERNEY: Mr. Speaker, does this bill allow any college, either a regular college or a junior college, to float bonds to build buildings, health facility buildings? Is that the purpose of this legislation?

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

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

Ms. LUND: Mr. Speaker, Men and Women of the House: This bill was brought to us by a member of the educational institutions in the state, private educational institutions, who were desirous of doing a number of things, including retrofitting their buildings and were hoping that there was a mechanism to gather all their projects together and to fund it in a low-cost way. The hospitals currently have that capability and this would be allowing any educational institution, as I understand it, except the University of Maine and the vocational institutions, to go before the Health Facilities Board and to show that they were of good financial standing; in other words, there would be just as serious a test for their financial statements as there would be for any hospital.

Whereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and tomorrow assigned.

An Act Relating to the Qualifications for the Licensing of Auctioneers (S. P. 708) (L. D. 1844) (C. "A" S-447)

An Act Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation (S. P. 779) (L. D. 1970) (H. "A" H-865)

An Act to Remove Sex Bias and Facilitate Enforcement of Support Obligations (S. P. 793) (L. D. 1991)

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)

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

An Act 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 Engrossed Bills as truly and strictly engrossed.

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

Mr. MORTON: Mr. Speaker, I would like to move that this Bill and all its accompanying papers be indefinitely postponed and would ask for a roll call and would speak briefly.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

The Chair recognizes the same gentleman.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This bill, which the title is a little misleading, the bill is now encompassed in the Committee Amendment "B", which is filing H-855 in case anybody wants to hold it in their hand, and it is an amendment which requires the registration of nuclear power reactors at a fee of \$59,200 a year, which would be, of course paid by the ratepayers. The whole purpose of this is to provide what seems to be an unnecessary testing and monitoring of nuclear reactors. It also provides in the bill for authorizing the department to register other sources of ionizing radiation, such as X-ray machines require annual certification and calibration of equipment. Then it goes on to say further in the statement of fact that this legislation is not intended to authorize the department to charge fees for registering this type of equipment. It should in no way be construed as legislative authorization to do so.

If federal or other funds are not available for state inspection and calibration testing, the department can promulgate rules requiring operators of the equipment, at their own expense, to have this testing done by private technicians.

Obviously, there are discriminatory provisions here. The whole thing is an attempt to provide for what I deem to be unnecessary testing and monitoring of nuclear radiation plants, nuclear generating facilities, and I would hope that you would very quickly dispose of this bill.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't go along with the pending motion.

We had a lot of debate on this bill last week, and if we do not provide for the monitoring of the radiation on the outside of the plants, there will be none.

The gentleman from Farmington is concerned about this, the user paying, and at their own expense. Well, the people that are using this, using these services, and who are getting financial benefits should be paying of the monitoring that takes place. After all, they are allowing us to have this radiation outside their plant and to be unprotected. This would allow for an independent state agency to do the monitoring of the radiation.

It would be irresponsible to reject the bill because we would leave the program unfunded, we would have no monitoring, and I think we would be putting at a great risk the people of the State of Maine.

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

Mr. BROWN: Mr. Speaker, I just have a question for anybody who might be able to answer. That is, is the NRC currently conducting any monitoring outside the plant at this time?

The SPEAKER: The gentleman from Livermore Falls, Mr. Brown, has posed a question to anyone who may care to answer.

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

Mrs. PRESCOTT: Mr. Speaker, I will attempt to answer that question. I believe that the NCR does monitoring on the in-house operations of the plant and that the outside monitoring is the responsibility of the state, and if we do not pass this bill, we are taking away our responsibility, we will not have the outside monitoring and, as I said, that would be a big mistake.

Now, I can understand the concern for the

user fee. I am disappointed that we are not allowing the monitoring for those man-made radiations that are being emitted from physicians' offices, from dentist's offices and hospitals and so forth, but it was my idea that I would compromise this if we could certainly address the problem at Maine Yankee. If we don't, then we don't have the trained technicians to do so.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I am not quite aware of the problem that the gentelady referred to, the problem at Maine Yankee. As far as I can see, there is no problem at Maine Yankee, except an imagined speculative problem.

I believe that there is adequate monitoring going on there at the plant, both inside and outside. It is being conducted by the company itself, and it is also being conducted by federal monitoring as well.

I would like to ask the good lady if she could tell us just what is the effectiveness of this state monitoring and just what does she expect to accomplish, except perhaps to call attention to the fact that the state is very much involved in another facet of our lives?

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 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 Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I think this business of inside and outside the plant is perhaps a little misunderstood. If I am not incorrect, I would like to ask the gentelady if inside the plant does not include out to the periphery of the fences of the plant, outdoors. In other words, any emissions that get to the fence are monitored, isn't that correct? Is that not what is inside the plant means, emissions getting to the fence? They are constantly monitored and all the state would be outside the fence measuring the same identical thing.

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

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

Mr. LEONARD: Mr. Speaker, not in response to that question. I just looked at the price tag on this particular piece of legislation and, frankly, I agree with what Mr. Morton said, that the NRC is monitoring the power plant at the present time, and I think if there are any problems, certainly they have, number one, the expertise to deal with the problem and they have force of law to deal with it as well. So anything we do, I think, is simply just a need to know but it isn't going to do us a great deal of good if we do know. We are probably going to turn to the federal government for the answers.

Number two is, I think if you asked the people in the State of Maine and said, if we have to duplicate these functions, is that as much of a priority as maybe keeping the cost of energy down, I think, especially now, keeping the cost of energy down is much more important. So, this is \$59,200 ill spent at this point in time. I am certain the ratepayers, on the average, would object to that kind of expenditure for duplication of service.

Number three is, it kind of bothers me just a little bit, there are four sponsors, and there isn't anybody within 30 or 40 miles of the power plant. Gee, if this is such a good bill, I think Mr. Stetson or myself, being neighbors, would like to have cosponsored it.

The SPEAKER: The Chair recognizes the

gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: Just to answer a couple of questions that were raised here. Mr. Morton is essentially correct. However, the monitoring that is done outside the perimeter can be substantial and I think can be complimentary to the monitoring that is done by Maine Yankee.

Secondly, those who imply that this isn't a necessary or desirable thing to do I think should look at our other states, most of which have put this money in their general funds which, as you may recall, was the majority opinion of the committee. However, the committee was unanimous, in fact, in saying that the monitoring should continue. The minority report, which has put a fee on that activity, is the one that is now before us.

I might add that I think three other states have, in fact, gone this user fee route and given our financial problems, there is no problem for the committee at this point with that approach.

Last, I would only suggest that although some people may find it unnecessary, to me the critical area is the independent monitoring capacity of this state. It gives the people a sense, I think, of knowledge, of having accurate information, and right now, at this point in the nuclear industries' very troubled life is something I think they like as much as we do.

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

Mr. HOBBS: Mr. Speaker, I would just like to remind everyone and call your attention to a year ago on this date the NRC was also monitoring Three Mile Island.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: As I said the other day, and I guess the situation hasn't changed, we are going to have a referendum for all of the citizens of the State of Maine as to whether or not we are going to close this plant. I guess I am not in favor of that, but I am afraid if this legislature indicates to the people out there that we are callous at all about monitoring and protecting the citizens of the state, that it certainly is going to be fuel and ammunition for the people that want to close this plant.

I think we are really faced with a great responsibility. I am not a scientist, I don't know whether they monitor inside or outside, but if there is any question that we are putting the people of the State of Maine on notice that we really don't care, then I think we are in for some problems.

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

Mr. STETSON: Mr. Speaker, I appreciate the concern of the good gentleman from Brewer, but I ask you all to consider the other side of that argument; namely this, that why should this legislature go on record as expressing a concern that we need to monitor through a state agency at a cost of some \$59,000 a year? Why should we add fuel to the fires of those who would close the plant by saying that this is such a hazardous enterprise that we have to spend \$59,000 of the ratepayers' money every year in order just to monitor it?

And in answer to the gentleman from Saco, I don't know what he was implying by saying that the Three Mile Island Plant was being monitored by the Federal Nuclear Agency. Either he is implying that that was inadequate or else he is implying that there was sufficient monitoring going on there. I don't know which side of the fence he is on. But in any event, not one life was lost as a result of Three Mile Island. Furthermore, Three Mile Island was not a tragedy, as some of you would characterize it. Three Mile Island was a mere spill of nuclear waste because of human error, because of human error after the incident commenced. It was not due to proper operation of the plant.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I have just one thing to add. If you do look at this as being a form of encouragement to the people who do want to close Maine Yankee, I would just like to bring up one point—CMP doesn't really care if you close Maine Yankee or not, but I will tell you this, you close Maine Yankee, and we are going to give them every opportunity, if you think they sock it to us now, you wait until that place is closed down. Then we are all going to go back and tell the people back home who are paying the bill, well, we are sorry about that but your electricity bill is going to be three times what it is now. I think we all should think about that, too.

The SPEAKER: A roll call has been ordered. 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 in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Birt, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Doukas, Drinkwater, Fenlason, Fillmore, Gavett, Gillis, Gowen, Gray, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Lancaster, Leighton, Leonard, Lewis, Lougee, Lund, MacBride, Marshall, Masterman, Matthews, Maxwell, McKean, McPherson, McSweeney, Morton, Nelson, A.; Paradis, E.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Torrey, Tozier, Twitchell, Wentworth.

NAY — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Bowden, Brannigan, Brennerman, Brown, K.C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Diamond, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowle, Gwadodsky, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Joyce, Kane, Kany, Kiesman, LaPlante, Lizotte, Locke, Lowe, MacEachern, Mahany, Martin, A.; Masterton, McHenry, McMahon, Michael, Mitchell, Nadeau, Nelson, M.; Norris, Paradis, P.; Paul, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Tarbell, Theriault, Tierney, Vincent, Vose, Wood, Wyman, The Speaker.

ABSENT — Boudreau, Brodeur, Davies, Dudley, Garsoe, Hanson, Jalbert, Kelleher, Laffin, Nelson, N.; Sewall, Tuttle, Violette, Whittemore.

Yes, 66; No, 71; Absent, 14.

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

Thereupon, the Bill was passed to be engrossed, signed by the Speaker and sent to the Senate.

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

The following paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

Second Reader

Tabled and Assigned

Bill "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 1879) (L. D. 1962) (C. "A" H-919)

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

On motion by Mr. MacEachern of Lincoln, tabled pending passage to be engrossed as amended and tomorrow assigned.

The following Enactors appearing on Supplement No. 12 were taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measures

An Act Concerning Membership on the Board of Trustees of the Van Buren Light and Power District (H. P. 1607) (L. D. 1718)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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 (H. P. 1784) (L. D. 1903) (C. "A" H-871)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Authorize Lincoln County to Raise Money for Capital Improvements to the Court House and Annex (H. P. 1819) (L. D. 1947) (C. "A" H-870)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Equalize the Tax Burden Between Organized and Unorganized Territories for the Purpose of Funding the Maine Forestry District without Cost to the State (H. P. 1853) (L. D. 1952) (C. "A" H-894)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify the Education Law (H. P. 1944) (L. D. 1992) (H. "A" H-899)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 having voted in favor of same and none against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Assist Schools Receiving Tuition Students in Complying with Federal Handicapped Laws on Program Accessibility (H. P. 1945) (L. D. 1993) (H. "A" H-900)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of same and none against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Amend the Maine Securities Act (H. P. 1779) (L. D. 1901) (C. "A" H-887)

An Act Increasing the Fees for Probate Proceedings (S. P. 752) (L. D. 1928) (C. "A" S-452)

An Act to Provide for the Education of Pre-

school Handicapped Children (H. P. 1756) (L. D. 1882) (C. "A" H-895)

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

The following Enactors appearing on Supplement No. 13 were taken up out of order by unanimous consent:

Finally Passed Emergency Measures

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1980 (H. P. 1948) (L. D. 1996)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. Mr. Strout of Corinth 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 final passage. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brown, A.; Brown, D.; Brown K.L.; Brown, K.C.; Bunker, Carrier, Carroll, Carter, D.; Carter F.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Davis, Dellert, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gowen, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitshell, Vincent, Vose, Wentworth, Wood, Wyman.

NAY — Strout.

ABSENT — Boudreau, Brodeur, Call, Damren, Davies, Dexter, Dudley, Garsoe, Hanson, Howe, Jacques, E.; Jalbert, Kelleher, Laffin, Lizotte, Payne, Post, Sewall, Tuttle, Violette, Whittemore.

Yes, 128; No, 1; Absent 21.

The SPEAKER: One hundred twenty-eight having voted in the affirmative and one in the negative, with twenty-one being absent, the Resolve is finally passed.

Signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1980 (H. P. 1949) (L. D. 1997)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1980 (H. P. 1950) (L. D. 1998)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1980 (H. P. 1951) (L. D. 1999)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1980 (H. P. 1952) (L. D. 2000)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Clarify the Standard of Review for Agency Rulemaking and to Clarify Compliance Requirements with Conflicting Rules (H. P. 1768) (L. D. 1890) (C. "A" H-892)

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

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

By unanimous consent, all matters acted upon, with the exception of L. D. 1901 on Supplement No. 12, were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Jacques of Lewiston, Recessed until four o'clock in the afternoon.

After Recess

4:00 P. M.

The House was called to order by the Speaker.

The following paper appearing on Supplement No. 14 was taken up out of order by unanimous consent:

Bill, "An Act to Provide Funds for Residential Energy Conservation" (S. P. 766) (L. D. 1963) (S. "A" S-465)

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

On motion of Mr. Higgins of Scarborough, tabled pending passage to be engrossed as amended in concurrence and later today assigned.

The following papers appearing on Supplement No. 15 were taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill, "An Act to Increase Registration Fees for Watercraft" (H. P. 1835) (L. D. 1939) which was passed to be engrossed as amended by Committee Amendment "A" (H-872) as amended by House Amendment "A" (H-883)

thereto in the House on March 13, 1980.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-872) as amended by Senate Amendment "A" (S-472) and House Amendment "A" (H-883) thereto in non-concurrence.

In the House: Mr. Dow of West Gardiner moved that the House adhere.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Owl's Head, Mrs. Post, that the House recede and concur. All 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 Brooklin, Mr. Bowden.

Mr. BOWDEN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take long on this bill. We debated it at some length the other day.

As you know, this came out of the study trying to address the problems of Fisheries and Wildlife and it proposes to increase the boat registration fees. It affects not only those people who have boats on inland waterways but boats along the coast as well. We have a lot of fishermen who really have not vested interest, no axe to grind or no gains to be made where this additional revenue is concerned. I think it works a hardship on them. They are already paying substantial boat taxes in their respective communities, and I would urge you to go along with the motion to recede and concur.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I have looked this amendment over. I can't see an awful lot of difference between this Senate Amendment and the amendment that we killed on a 2 to 1 vote the other day in the House. Representative Leonard had an amendment in here and it was soundly defeated. It did basically the same thing that this Senate Amendment does. It reduced this from \$5 a year to \$3 a year. I think we had some very valid arguments the other day to increase the thing to \$5. I just don't see any reason why we should even consider this amendment at this time, because it has already been defeated in the House. The only difference is that it is a Senate Amendment rather than a House Amendment.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: For those of you who own boats, the registration fee is now \$5 for three years. The original bill would increase that to \$15 and this bill would decrease it to \$9. So, we are still talking about a substantial increase in the registration fee, even with the Senate Amendment. It is a question of whether you want to double the fees or whether you want to triple them.

Therefore, in these times of inflation and the difficulties that all our people are having, including the people on the coastal areas who already have to pay taxes on their boats in addition to the registration fee, I would ask you to certainly do no more than double the registration fees that they are having to pay now, so I would ask you to recede and concur.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the

gentlewoman from Owl's Head, Mrs. Post, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Bachrach, Benoit, Blodgett, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carter, F.; Cloutier, Conary, Cox, Curtis, Damren, Davies, Davis, Dellert, Drinkwater, Dutremble, D.; Elias, Fillmore, Fowlie, Gavett, Gowen, Gray, Hickey, Higgins, Hobbins, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Kane, Kiesman, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterton, McPherson, Michael, Nelson, M.; Nelson, N.; Paradis, P.; Payne, Peltier, Post, Prescott, Rolde, Rollins, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Stetson, Strout, Studley, Tarbell, Tierney, Torrey, Wentworth, Wood.

NAY—Austin, Baker, Barry, Beaulieu, Birt, Brown, A.; Brown, K.C.; Carroll, Carter, D.; Churchill, Connolly, Doukas, Dow, Dutremble, L.; Fenlason, Gillis, Gwadodsky, Hall, Huber, Jacques, P.; Joyce, Kany, LaPlante, MacEa- chern, Masterman, Matthews, McHenry, McKean, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Norris, Paradis, E.; Paul, Peterson, Reeves, J.; Reeves, P.; Roope, Theriault, Tozier, Twitchell, Violette, Vose.

ABSENT—Berry, Berube, Boudreau, Brannigan, Brenerman, Brodeur, Chonko, Cunningham, Dexter, Diamond, Dudley, Garsoe, Hanson, Jacques, E.; Jalbert, Kelleher, Laffin, Lancaster, Maxwell, McMahon, Pearson, Simon, Sprowl, Stover, Tuttle, Vincent, Whittemore, Wyman.

Yes, 77; No, 49; Absent, 29.

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

By unanimous consent, ordered sent forthwith to Engrossing.

Special Sentiment Calendar

Recognizing,

Lillian Wall, of Sonogee, winner of the Jefferson Award for years of public service on behalf of handicapped children (S. P. 805)

There being no objections, the Expression of Legislative Sentiment was considered passed in concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-917) on Bill, "An Act to Revise the Administration of the Election Laws" (Emergency) (H. P. 1641) (L. D. 1750)

Report was signed by the following members:

Messrs. FARLEY of York
DANTON of York

— of the Senate.

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

— 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. PIERCE of Kennebec

— of the Senate.

Mr. STUDLEY of Berwick
Mrs. WENTWORTH of Wells
SEWALL of Newcastle

Ms. SMALL of Bath

Mr. BROWN of Livermore Falls

— of the House.

Reports were read.

Ms. Benoit of South Portland moved that the Majority "Ought to Pass" Report be accepted.

Whereupon, on motion of the same gentlewoman, tabled pending her motion to accept the Majority Report and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Reorganize the Sales and Use Tax Law and to Encourage Conversion of Coal through Treatment of Coal as Oil for Sales Tax Purposes" (H. P. 1793) (L. D. 1918) which was tabled earlier in the day pending adoption of Committee Amendment "A".

Thereupon, Committee Amendment "A" (H-911) was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Expedite Criminal Trials and Provide for the Election of Jury Trials" (H. P. 1733) (L. D. 1849) (C. "A" H-875) which was tabled earlier in the day pending passage to be engrossed.

Mrs. Sewall of Newcastle offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-922) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Board of Environmental Protection's Responsibility to Regulate Roads under the Site Location Law" (S. P. 696) (L. D. 1832) (C. "A" S-450) which was tabled earlier in the day pending passage to be engrossed in concurrence.

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

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

House Amendment "A" to Committee Amendment "A" (H-920) was read by the Clerk and adopted.

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

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

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (11) "Ought Not to Pass"—Minority (2) "Ought to Pass"—Committee on Transportation on Bill "An Act to Clarify the Law Relating to Public and Private Driver Education Programs" (H. P. 1708) (L. D. 1811) which was tabled earlier in the day pending the motion of Mrs. Lewis of Auburn to accept the Minority "Ought to Pass" Report.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would oppose the Minority "Ought to Pass" Report because this legislation is misleading. It is telling you that the private schools can perform the task that the public schools are performing.

The public schools are scattered everywhere throughout this state. We have driver education courses everywhere in this state, whereas these private schools that teach driver education, you just have them located in the cities. Who is going to take care of the rural students?

Once you pass these laws putting those private schools in the driver's seat, what are you going to get? You are going to get increased rates, you are going to get people running these schools who do not care whether these students attend classes or not; they are going to set up their courses. If they want driver's ed, that is where they will have to go.

Under this program we have now, they are allowed to charge a small fee, and we do not just teach these students to pass a written test; they are being taught to drive and drive safely and to be good drivers, respect the rights of others and respect the laws, not just to pass a written test.

Let's look at it another way. What is going to happen when you don't allow them to charge a small fee? They already have cut their budgets, and by cutting the budgets without this small fee, you have no driver education courses.

Private industry furnishes automobiles to these schools, the school districts throughout this state, so they can provide driver education to these students. For a small fee, the instructor works after hours helping these children to pass and to become proficient in the field of driving. They are receiving a credit towards graduation. This is an educational feature, and I don't think that you should be misled into accepting the Minority Report.

I hope you will vote down the Minority Report and then vote to accept the Majority Report.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: On the first vote on this bill, I got carried away with Representative Joyce Lewis' oration and supported her position.

I did have some concerns about the bill, so I contacted the superintendent of schools in Augusta relative to his position on it. In the last city budget, they eliminated two teaching positions and driver training. In order to continue the driver training, the only medium they had was to charge a fee and this fee is used to pay the instructor of the driver education program.

I will have to change my position on this vote.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Of course it can be taught for less money in the public schools—why couldn't it? When a teacher in the public schools teach a child to drive a car, He has a free place to teach; taxpayers are providing the school building. He has a car that is donated. He can get a fleet rate for licensing. Naturally, if he couldn't teach it for less, there certainly would be something wrong.

However, if a commercial driver could be allowed to go into the school and teach under the same conditions with no overhead, of course the course could cost the same amount of money.

What we are talking about is the difference between free enterprise and whether we want the state to teach this course for a fee. Suppose the home economics department is doing very well and wants to set up a bakery in competition with free enterprise, or any kind of vocational courses where they might be fixing cars or fixing refrigerators? Any of those things could be done if we allow this to continue.

If you will read in the Constitution of the State of Maine, it says that the state is requiring the towns to have the public schools teach at their own expense. It doesn't mention anywhere that they can charge a fee in the public schools. Are we going to say that people who are going to join clubs or who are on teams and have coaches or club directors, guidance counselors, are they going to be paid an extra fee after school? Why is this the only place that an extra fee can be charged?

In no way am I saying that driver education

shouldn't be taught in the schools. If a local school district thinks it is a worthwhile course, then I say, of course they can teach it, but teach it during school hours or after school, if that is what they want, don't charge a fee for it.

If you will look in the bill, you will notice that they can charge a fee in the summertime, because in the summertime you are in a whole different ball game, because in the summer people can take courses through the public schools, remedial courses, and they do charge there. So, anybody who couldn't conceivably afford to pay the fee for after school hours or wouldn't have the time can do it in the summertime. You know perfectly well that if there is somebody whose income is so low, that there will be people who will help to supplement if the fee should be higher, but if you allow the commercials the same basis as the privates, then I think you will find that the fees would be exactly the same.

I would hope that you would vote for the Minority Report.

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

Mr. McKean: Mr. Speaker, Ladies and Gentlemen of the House: I have got a lot of problems with this bill. First of all, I can read the statement of fact on it and become fairly well confused, but I am not confused about one thing. The way the law is now, it is a little more equitable for those people who may not be able to afford to go to a private driving school or a commercial driving school.

If you will notice in most of your high schools, if they are like mine, there is always a waiting list for driver education. The reason there is such a waiting list is because those who are not quite so affluent have got to rely on the schools to teach their youngsters to drive.

True enough, the instructor in the school can teach it a little bit more reasonable money wise after school hours than the guy with the commercial enterprise. But, on the other hand, for those that have to depend upon this to get their kids through a driver course, let me tell you, if you were paying the bills for insurance on a young driver and he has not been able to have the opportunity to go through this school, you take a look at what you are paying for insurance versus the kid who did get a chance to go to a school. This is strictly for the guy who has to carry the dinner bucket and may not be able to afford that commercial enterprise.

In that vein, Mr. Speaker, I would like to move the indefinite postponement of this bill and all its accompanying papers.

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

The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. Davis: Mr. Speaker and Members of the House: I rise to give a little history here on driver ed.

When driver ed first came into the school system back in the fifties, it was taught within the school day. It was considered as important as any of the part of the curriculum. Then, the educational community gradually moved the driver ed courses to afternoon, it caused problems with scheduling and pulling students in and out of study halls, etc. Then it migrated to summer vacations. So you can see the importance that the education community has placed on driver ed. I really don't think we would be serving our students by complicating this thing anymore.

I think we should go along with Mrs. Lewis and vote in her direction.

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

Mr. Carroll: Mr. Speaker, Ladies and Gentlemen of the House: You are seeing a wonderful smoke screen develop here today, but the one I am thinking of is that child in the rural area that will have no opportunity to have

driver education.

The city slickers are doing a good job here, don't you think they aren't, they always do. They have that distinct advantage. They don't have to work evenings and long hours like the rural folk. They can just lay around and think up or dream up ways of whipping us. But there is one thing you can't deny us—our children are going to be educated and they are going to be educated on an equal basis throughout this state with the city slicker's boy, and that is what I am asking for. I want that boy in the rural area, and that girl, to have the opportunity to have driver ed. We are penny-pinchers back in those rural areas, have to be, we don't have the money they have in the cities, so they can cut on things, and the result is, we have to have a little fee for driver ed.

Don't let this lovely lady from Auburn mislead you. She has misled others here before on bills but finally we catch up with her and we kill them. So I hope today that you won't let her mislead us, that you will indefinitely postpone this bill and give it a quick death right here and now.

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

Mrs. Beaulieu: Mr. Speaker, Ladies and Gentlemen of the House: I would like to put Representative Carroll on notice that I am a city slicker who is absolutely opposed to this bill. I have been opposing bills to this type for the four years that I have been here, and it seems that Mrs. Lewis is the one that is always putting them in.

Several days ago, we passed one of Mrs. Lewis' bills that signed out "ought not to pass" with Mrs. Gowen. I didn't fight or argue the bill because it did provide an out for some of the rural communities that might find themselves without a driver. But let me tell you, as far as this one is concerned, all I can say to you is, it is a wonderful vehicle for the private schools to get into our public schools to make a fast buck.

Mr. Speaker, I ask for a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Limestone Mr. McKean, 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 — Alopis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Blodgett, Bordeaux, Brannigan, Brennerman, Brown, A.; Brown, D.; Brown, K.C.; Bunker, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hunter, Jacques, P.; Joyce, Kane, Kany, Kiesman, Lancaster, Lizotte, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, McHenry, McKean, McPherson, McSweeney, Mitchell, Nelson, M.; Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Rollins, Sherburne, Silsby, Small, Soulas, Strout, Theriault, Tierney, Tozier, Violette, Vose, Wentworth, Wood, Wyman. The Speaker.

NAY — Birt, Bowden, Brown, K.L.; Call, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Drinkwater, Fillmore, Gavett, Gray, Higgins, Huber, Hughes, Hutchings, Immonen, Jackson, Kelleher, LaPlante, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Matthews, Michael, Nadeau, Nelson, A.; Nelson, N.; Norris, Paradis, E.; Payne, Peltier, Peterson, Reeves, J.; Roope, Sewall,

Smith, Stetson, Studley, Tarbell, Torrey, Twitchell.

ABSENT — Berry, Berube, Boudreau, Brodeur, Churchill, Dexter, Dudley, Garsoe, Hanson, Jacques, E.; Jalbert, Laffin, Maxwell, McMahon, Morton, Simon, Sprowl, Stover, Tuttle, Vincent, Whitemore.

Yes, 83; No, 47; Absent, 21.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

An Act to Clarify the Provisions Relating to Executive Conflict of Interest and to Establish Financial Disclosure Requirements for Policymaking Executive Employees (H. P. 1774) (L. D. 1877) (H. "B" H-840 and S. "A" S-436 to C. "A" H-817) which was tabled earlier in the day pending passage to be enacted.

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

Mr. Tierney: Mr. Speaker, Men and Women of the House: Before you now for enactment is the now famous or infamous conflict of interest bill that has been the subject of several hours of debate during this special session.

I would like to make a brief statement on the bill relative not so much to the substance as to the process which we go through, because my name has banded about on the floor of this House and also in the various articles, some of them which have been distributed to you by some close friends of mine, and I just simply would like to make one statement which should be so obvious and so clear to each of us that it should not have to be stated, and that is, when you vote on a bill, you vote for a bill on whether or not it is good for the people of Maine. Don't ever vote on a bill — and I have been here eight years and maybe I can lecture a little bit — I don't want anybody to vote on this bill because it allows someone, one particular person, to have a job, and no one should vote on this bill because it keeps a particular person from having a job.

You should look at this issue and decide, are the long-term interests of the people of this state served by this particular piece of legislation? If those long-term interests are not served, then you should vote against the bill. If the long-term interests are served, you should vote for the bill. It is so simple and so fundamental that legislation should not be passed based on personalities or because of the political needs of the moment, that I, for one, have been offended by various press reports that said that was the motivating factors among many of you.

Now, I have not voted on this piece of legislation and I do not intend to, nor do I intend to suggest to each of you how you should or should not vote on the matter at hand, because to do so, I know, would tear many of you who are and have been close friends and political allies of mine into a very difficult internal type of feeling as to whether and how you should vote on it. I don't think it is fair to put you in those positions. But, please do what you think is best for the people back home. That is why they sent you here and that is why they are going to send most of you back again.

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

Mr. Connolly: Mr. Speaker, I move for the indefinite postponement of this bill and all its accompanying papers.

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

The gentleman may proceed.

Mr. Connolly: Mr. Speaker and Members

of the House: First of all, I want to commend my very good friend — he and I came to this legislative body as freshmen in 1973 — for the remarks he just made because I, too, agree that your vote on this legislation should not in any way be based upon personalities. He and I, in fact, have discussed this issue at some length, and he understands my motives and I understand his.

But to speak to the bill and the reasons why I asked for indefinite postponement of this legislation — this is the so-called conflict of interest compromise legislation, but the bill, if it is passed, would, if effect, repeal the strongest piece of conflict of interest legislation, in my opinion, that currently exists in state law. It would emasculate the present law, or that part of the present law, that has been referred to as the 'former partners' clause.

This legislation does several things, and one of those things is to repeal that particular section of the law, which I think has been a very effective provision of our conflict of interest legislation during the past four or five years. If that provision is not kept, it would be my opinion that the big law firms, if you will, the big city law firms would be in a position to take advantage of such positions as the attorney general's office or certain commissioners' positions. I think that is the reason why the legislature initially enacted that particular provision of the conflict of interest legislation.

Since the time that the 'former partners' clause has been in effect, we have two attorneys general, the present Governor of this state and the current Attorney General, and it seems to me that that is as it should be, that it should be as much a non-political position as it can be.

It seems to me that the intent of the 'former partners' clause should be to allow an attorney general or a commissioner or someone else who holds an executive position to do his job without running the risk of being in conflict of interest because of associations with his law firm, and that is precisely what that clause in our present legislation does.

Last week, former United States Attorney Peter Mills was here in Augusta on several matters and he came over here to the third floor of the legislature to talk to several members about how important it was in his view that the current law be kept intact. He made the point that there is no demonstrated need, and I don't believe that any of the proponents of this legislation have demonstrated the need why the former partners clause should be repealed. He also pointed out very effectively that the existence of that former partners clause has not worked any undue hardship on anyone that has attempted to hold any office covered by conflict of interest legislation.

I would hope that at this final chance we have at this legislation, you would give a great deal of thought to exactly what it is that you would be doing if you pass this legislation and do repeal the former partners clause, and I would ask all of you to support the motion for indefinite postponement.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentleman of the House: I think this issue was pretty thoroughly debated a week or so ago, and I would like to suggest to the gentleman from Portland that following his arguments to their logical conclusion, that you would then exclude any qualified lawyer from serving on the bench for fear that he would be in conflict with his former law partners. I think this would lead to a rather unqualified judiciary in very short order.

To get back to the point I made the other day — so long as this particular partner clause is in the law, so you are excluding from consideration some of the best qualified legal minds in the State of Maine from holding office. I suggest to you that you are opening the door to in-

competence and to a second-rate appointive pool.

I think we ought to get rid of the amendment, I mean by that, get rid of the clause and go with this amendment. I suggest that we kill the motion to indefinitely postpone.

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

Mrs. KANY: Mr. Speaker and Members of the House: As Representative Stetson pointed out the other day, he wouldn't be affected because he doesn't have any partner, so he could still not come under this law which is supposedly so effective, nor would attorneys who belong to professional associations, which is that new corporation basically designed for physicians and attorneys are now taking advantage of this for tax and liability purposes.

That existing portion of the law which appears to be so controversial just talks about partners and executive employees, only it isn't clear exactly who is meant to be included within 'executive employees', if it means and includes attorneys general or not. So, the definitions are simply not clear. I think people who want to make criminals out of former partners are not even basically doing what they so intend.

I, personally, have objected since last year very strongly to this concept of making former partners criminals when they had no part in the decision-making on someone deciding to become a current employee of the state government. I think the onus and the responsibility and the public trust and the public interest should focus on that current employee, that employee of the state who rightfully embodies that public trust.

The bill that was developed by the Joint Select Committee on Government Ethics does focus on current employees. It doesn't make any new people criminals but basically provides a law that can be enforced better and more quickly with a civil violation, a thousand dollar fine, and preventing people from participating in areas in which they have direct conflicts of interest.

Just to be helpful, realizing that some people were concerned about former partners or former shareholders on the Professional Corporation Associations, a number of us did get together and we did try to address this problem, and we did add those particular individuals to the list of people that a current employee could not practice in front of, more or less, and if that individual decided to go ahead and do that would be subject, once again, to that \$1,000 fine.

I think we have met the objections; I think that we should think in a reasonable way. I do believe we are putting forth rational law, and our present law is very limited to people that are not actually the current employees other than in our strong provisions in Title 17-A, our Criminal Code, and we have not changed any of those provisions. They still exist; we did not amend them, and there are horrible things that people agree should not occur. We continue those criminal liabilities and we are harsh, perhaps, on bribery in official and political matters, improper influence, improper compensation for past action, improper gifts to public servants, improper compensation for services, purchase of public office, official oppression and misuse of information. We continue those criminal sanctions. So I do hope that you will go along with this bill. I hope that if you decide to vote against, you do for very reasoned thoughts and not just for some quick, irrational, off the top of your head objection to some small portion of it.

We really did make an attempt to meet the objections, but simply to focus on that current employee.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I rise to join those who favor indefi-

nite postponement of this bill. I do it reluctantly because I did serve on the commission last summer which drafted the legislation before us in its original form. I still feel very upset, I guess, that the portions of that law which applied to the judiciary have been lost in the perambulations of this bill through the legislative process. I thought at the time that that was a useful trade-off, to expand the law to cover the judiciary, but it seems that judges don't have to do too much around here to indicate their displeasure with a potential law and simply get it withdrawn. I was very disappointed that that took place, and that is the basic reason that I have seen that the final law, which is now before us, is not a good compromise at all. It does do away with the major provision which avoids conflict of interest.

The law, as is now presented before us, gives some mechanisms for dealing with conflicts of interest but not for avoiding conflicts of interest. There would be the where a potential attorney general or one of the other office holders might be in conflict of interest, and the only thing in this bill now is language which would say he would have to disqualify himself from the direct role. That is good language, useful language, and I am glad we put it in, but that kind of thing would have happened anyway, it is no real compromise. Anyone with any kind of integrity would certainly disqualify himself from that kind of very visible role, in a decision in which his law partners were a party.

But the real issue is, all of those kinds of decisions that take place are in the gray area of state government, and we know that they exist, it is not like a court system at all, as someone has suggested. In a court system, you have a case before you and you avoid conflicts on that case. It is a very simple, kind of clear-cut thing to do and judges, of course, do it and do it very easily. But in state government, where you have got numbers of people working for you, activities of your office going on all about you, the possibility of improper influence by your former law partners is always there, it always hovers over the actions of your subordinates as they deal with issues that might effect these former partners who are still lobbying for state government.

So, it is a situation where legislation is now being proposed to deal with conflicts. The original law, a good law, dealt with avoiding the conflicts of interest completely.

Now, someone has suggested that that kind of law continuing will lead to incompetence among attorneys general and others. I rise to defend the present attorney general. I don't think he gives me a feeling that incompetence is what we see in the attorney general's office, but he got his office directly because somebody else was ruled out by this conflict of interest statute.

There are plenty of good lawyers around; they don't have to come from the two or three firms that spend most of their activity lobbying before state government. There are plenty of other good lawyers who can fill these roles. Or, simply the alternative is to wait a year before one seeks the position, if one wants to, so there are plenty of ways for good lawyers to seek important jobs in state government, but we ought not to rule out this one law which we have before us which deals and avoids conflict of interest.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It really does this old heart of mine a good service to see the good government people not agreeing amongst themselves here today. The leading individual for legislative reform and for ethics and for confidentiality or anything else or any other guise that you would like to call it for the goo-goo's in good government, I am really surprised to see the gentledady over here taking her position on the ball court and my good

friend from Auburn taking a position on the other.

Frankly, I voted against every single conflict of interest bill that ever came into this body for the 12 years I have been here simply because I think the best ethics committee that any one of us can be attested to are the voters back home. When they give their consent to allow us to occupy a chair in this chamber for two years, I think they are also granting us the right to make that judgment on who serves in the elective offices.

I really only got up to ask for a roll call, Mr. Speaker, but the good government people are doing this old heart of mine a favor, and if we can just knicking at it, like the reformed and reborn conservatives, we will eventually do away with the law and the people back home are still going to have the ultimate decision, because they are either going to reject us or support us.

I request a roll call for the sake of the gentlelady from Waterville. She can take it home and look at it and remind herself of all the mistakes she didn't make and one that she may be making today.

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

Mr. HUGHES: Mr. Speaker, I can understand the gentleman's confusion, and all I can say is, keep on voting against every ethics bill; vote against this one with me.

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

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I think this is probably the first time I have gotten up on the same side as the good gentleman from Bangor, Mr. Kelleher, and it really feels good.

I am not a good government blind person; I do believe I am an ethical person, and I do believe I have made a compromise.

Ideally, there would be no conflict of interest anywhere near state government. Ideally, this would be a pure world where we don't have previous partners and we don't even have spouses or anybody with any financial interest in anything we do. That, however, is not what happens when we get up here.

I submit to you that we did have a hardship case two years ago. We had a time when there was no person who was a present partner in a law firm, not just in the big cities but in the small towns in the State of Maine, who could run for attorney general, and the reason was that the law was unclear and it looked as though his partners would be penalized if he took the position, whoever he or she, for that matter, might have been.

I submit to you that the present conflict of interest legislation punishes the wrong person, it punished innocent partners of a person who decides to take a state job, and that is not right.

We worked long and hard on this legislation. It does several positive things. For example, it defines the constitutional officers, it defines prohibited acts and it provides carefully for what should happen as punishment if a person performs any of the prohibited acts. I think it is good legislation, I hope you will defeat the motion to indefinitely postpone and send this bill on its way.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: This is the first time that I arise this session to speak on any bill. I do so because I feel that it is very important.

I signed the Majority "Ought to Pass" Report. I was very glad to be able to sign the report along with my colleague from Augusta, Sylvia Lund, because it is such an important bill.

I am not a lawyer, I am a layman. My background is very, very different from most of the people who would be affected by this bill, but I think that all people ought to be given the chance to serve in government and it isn't for

the chosen few, it is for everybody, that they ought to make a sacrifice. But, at the same time, I don't believe that people who have their own firms, whether it be in accounting or in law, are crooked by nature and that once they have responsibility positions of trust in government, that they would be creating or thinking about sinister acts.

I think the best guard that we have are not the laws that we have on our books; I believe this is the people in the press corps, the people that are here that watch over us, that watch our actions, that count our votes or talk to us. I think this is the best guardian that we have. That is why I am going to vote in favor of this bill and I am going to vote against indefinite postponement.

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 Portland, Mr. Connolly, 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 — Bachrach, Baker, Barry, Blodgett, Brown, A.; Brown, K.C.; Carrier, Connolly, Cox, Curtis, Davies, Diamond, Dow, Dutremble, D.; Duteable, L.; Elias, Fowlie, Gowen, Gwadosky, Hickey, Hughes, Joyce, Lancaster, LaPlante, Martin, A.; McHenry, McSweeney, Michael, Nelson, N.; Norris, Pearson, Prescott, Reeves, P.; Theriault, Tozier, Twitchell, Violette, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Beaulieu, Benoit, Birt, Bordeaux, Bowden, Brannigan, Brennerman, Brown, D.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Cunningham, Damren, Davis, Dellert, Doukas, Drinkwater, Fenlason, Fillmore, Gavett, Gillis, Gray, Hall, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Kane, Kany, Kelleher, Kiesman, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Matthews, McKean, McPherson, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Paradis, E.; Paradis, P.; Paul, Payne, Peterson, Post, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Stetson, Strout, Studley, Tarbell, Torrey, Vose, Wentworth.

ABSENT — Berry, Berube, Boudreau, Brodeur, Brown, K.L.; Dexter, Dudley, Garsoe, Hanson, Higgins, Jacques, E.; Jalbert, Laffin, Maxwell, McMahon, Peltier, Simon, Sprowl, Stover, Tierney, Tuttle, Vincent, Whittemore.

Yes, 40; No, 88; Absent, 23.

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

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 16 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-923) on Bill "An Act to Provide a Manpower Coordinator in the State Development Office and to Establish a Fund to Aid Manpower Ser-

vices for Economic Development" (H. P. 1717) (L. D. 1823)

Report was signed by the following members:

Messrs. AULT of Kennebec
SUTTON of Oxford

— of the Senate.

Mr. PARADIS of Augusta
Mrs. BACHRACH of Brunswick
Mrs. REEVES of Pittston
Messrs. CONARY of Oakland
LANCASTER of Kittery
BARRY of Fort Kent

Mrs. KANY of Waterville
Mrs. MASTERTON of Cape Elizabeth
Ms. LUND of Augusta

— of the House.

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

Report was signed by the following member:
Mrs. DAMREN of Belgrade

— of the House.

Reports were read.

On motion of Mrs. Kany of Waterville, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-923) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent.

Reports of Committees Leave to Withdraw

Mrs. Post from the Committee on Taxation on Bill "An Act to Revise the Law Concerning Sales Tax Exemptions and Repeal Certain Exemptions" (H. P. 1907) (L. D. 1973) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Consent Calendar

First Day

(H. P. 1908) (L. D. 1974) Bill "An Act to Revise the Law Concerning Sales Tax Exemptions" Committee on Taxation reporting "Ought to Pass"

No objections having been noted, under suspension of the rules, the House Paper was given Consent Calendar Second Day notification, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Soulas of Bangor, adjourned until nine o'clock tomorrow morning.