

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Wednesday, February 18, 1981

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

Prayer by the Reverend Ted Evertsen of the Lutheran Church of the Resurrection, Waterville.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Appropriate Funds for the Expenses of the Capitol Planning Commission" (S. P. 293) (L. D. 819)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Require Health Insurance Policies to Expressly State Exclusions" (S. P. 289) (L. D. 815)

Bill "An Act Amending the Electricians Licensing Statute" (S. P. 285) (L. D. 810)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, referred to the Committee on Business Legislation in concurrence.

RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Certain Parcel of Land in Dixmont (S. P. 290) (L. D. 816)

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

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

Bill "An Act to Preserve Philanthropic and Charitable Gifts to Hospitals" (S. P. 295) (L. D. 821)

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

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

Bill "An Act to Reorganize Certain Chapters of the Maine Criminal Code" (S. P. 280) (L. D. 811)

Bill "An Act to Require a Copy of Presentence Report be Furnished to the Defense as Soon as it is Filed" (S. P. 291) (L. D. 817)

Bill "An Act to Increase the Maximum Civil Penalties under the Maine Human Rights Act" (S. P. 288) (L. D. 814)

Came from the Senate referred to the Committee on Judiciary and ordered printed.

In the House, referred to the Committee on Judiciary in concurrence.

Bill "An Act to Amend the Workers' Compensation Law to Facilitate Ridesharing" (S. P. 286) (L. D. 812)

Came from the Senate referred to the Committee on Labor and ordered printed.

In the House, referred to the Committee on Labor in concurrence.

Bill "An Act to Prohibit the Sale of Kegs of Malt Liquor to Nonlicense Holders" (S. P. 294) (L. D. 820)

RESOLVE, Authorizing Richard Potvin, or his Legal Representative, to Bring Civil Action Against the State of Maine and the Maine State Lottery Commission (S. P. 292) (L. D. 818)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Concerning the Use Tax on

Used, Damaged or Returned Merchandise Donated to Charitable Organizations" (S. P. 287) (L. D. 813)

Came from the Senate referred to the Committee on Taxation and ordered printed.

In the House, referred to the Committee on Taxation in concurrence.

Reports of Committees Ought Not to Pass

Report of the Committee on Local and County Government Reporting "Ought Not to Pass" on Bill "An Act to Repeal County Home Rule" (S. P. 60) (L. D. 86)

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

Petitions, Bills and Resolves Requiring Reference

The following Bills were received, and upon recommendation of the Committee on Reference of Bills were referred to the following Committees:

Election Laws

Bill "An Act to Abolish the Application Procedure in Absentee Balloting" (H. P. 731) (Presented by Representative Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Encourage the Development of Renewable Energy Resources" (H. P. 732) (Presented by Representative Huber of Falmouth) (Cosponsor: Senator Trafton of Androscoggin)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Create the Maine Energy Authority" (H. P. 761) (Presented by Representative McHenry of Madawaska) (Cosponsors: Senator Violette of Aroostook and Representatives Murphy of Kennebunk and Boisvert of Lewiston)

Committee on Energy and Natural Resources was suggested.

On Motion of Mr. Davies of Orono, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Require Fishways in all Newly Constructed Dams" (H. P. 762) (Presented by Representative Jacques of Waterville)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Impose Reasonable Interest Charges on Judgment Debtors" (H. P. 763) (Presented by Representative Soule of Westport)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to Arbitration under the State Employees Labor Relations Act" (H. P. 764) (Presented by Representative Jalbert of Lewiston) (Cosponsor: Representative Paradis of Augusta)

Bill "An Act Relating to Injured State Workers" (H. P. 765) (Presented by Representative Higgins of Scarborough) (Cosponsors: Representatives Damren of Belgrade and Lund of Augusta)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Clarify the Duties of the Register of Deeds" (H. P. 766) (Presented by Rep-

resentative LaPlante of Sabattus) (By Request)

Bill "An Act to Amend the Provisions for Election as Voter Member of a County Charter Commission" (H. P. 767) (Presented by Representative Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Concerning the Taking of Marine Worms in Clam Flats" (H. P. 768) (Presented by Representative Stover of West Bath) (Cosponsor: Representative Small of Bath)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Concerning the Sale of Certain Off Road Vehicles" (H. P. 769) (Presented by Representative Higgins of Scarborough)

Bill "An Act to Provide an Investment Tax Credit for Investment in Qualifying Energy Property" (H. P. 770) (Presented by Representative Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

House Reports of Committees**Leave to Withdraw**

Representative Hayden from the Committee on Taxation on Bill "An Act Relating to Sales Tax Exemption on New and Used Farm Machinery and Equipment" (H. P. 226) (L. D. 263) reporting "Leave to Withdraw"

Representative Kane from the Committee on Taxation on Bill "An Act Relating to Trade-in Credit for Special Mobile Equipment in the Sales and Use Tax Law" (H. P. 239) (L. D. 274) reporting "Leave to Withdraw"

Representative Higgins from the Committee on Taxation on Bill "An Act Concerning the Sales Tax Assessed on the Purchase of Replacement Aircraft" (H. P. 238) (L. D. 273) reporting "Leave to Withdraw"

Representative Brown from the Committee on Taxation on Bill "An Act to Repeal the Sales Tax on Bird Seed" (H. P. 482) (L. D. 529) reporting "Leave to Withdraw"

Representative Kilcoyne from the Committee on Taxation on Resolve, to Reimburse the Frenchmans Bay Flying Club for Part of the Sales Tax Paid on the Purchase Price of Replacement Aircraft (H. P. 488) (L. D. 540) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Repeal Archaic Provisions Restricting the Right to Marry" (H. P. 318) (L. D. 347)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

DRINKWATER of Belfast
REEVES of Newport
JOYCE of Portland
O'ROURKE of Camden
LUND of Augusta
CARRIER of Westbrook
LIVESAY of Brunswick
SOULE of Westport
HOBBINS of Saco

— of the House.

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

Report was signed by the following member:
Representative:

BENOIT of South Portland

— of the House.

Reports were read.

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

Mr. HOBBS: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 347 in no way permits blood relatives to marry. I see, however, no reason why the State of Maine should prohibit marriages between non-blood relatives.

The only objection raised at the hearing was that of Reverend Atkinson. He cited a passage in Leviticus 18; however, this passage deals with restrictions marrying blood relatives, these restrictions which are being kept in this bill. In fact, in certain passages, the Bible encourages marriage between in-laws after the death of a spouse, for example, in the Book of Ruth in the Old Testament.

The restrictions against marrying non-blood relatives are not being enforced in Maine, nor should they be. I urge you to join me in this small effort to clean up the cluttered Maine statutes. Please join me by voting no.

I would ask for a division.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: This is obviously not the most burning issue the 110th Legislature will have before it; however, since I was the sole signer of the "ought to pass" report, I thought you might like to know why. I have never been the lone signer of a report before, hopefully never will be again — so does the Speaker. It is even more unusual that I should be on the side of Representative Lewis, because we will probably never agree again on a bill — one never knows.

I agree with Representative Lewis, this is a housekeeping measure, it is a measure to clean up the statutes. This is archaic language that is on the books.

As a matter of fact, I was quite astonished and perplexed when I went to the work session and found that some of my more liberal colleagues had not voted to support this bill, so I proceeded to ask them why, as I had not been at the work session or the hearing. I was amazed at the answers I got and I surely hope that they will share those reasons with you and then you can judge for yourselves as to how you should vote on this innocuous bill.

Representative Lewis has retained the important language, that which would prevent marriage between certain blood related persons and, of course, this is proper. However, in my humble opinion, it is not necessary for this legislature to tell non-blood related persons whom they may or may not marry.

Please vote no on the motion to accept the Majority Report and then we can accept the Minority Report.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I have to concur that this isn't the most pressing bill that will be coming before this session.

I would like to bring your attention to the bill. As you can see, it has a 12 to 1 "ought not to pass" report. I think there are several aspects of this bill which I would like to go over with you. Presently under Title 19, Section 31, a person is prohibited from marrying his mother-in-law, stepmother and grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandfather, wife's daughter, wife's granddaughter, and also this section deals with who an individual is permitted to marry.

It sounds like an innocuous bill. I suppose we can make jokes about individuals wanting to marry their father-in-law or mother-in-law, but I think there are some social issues which we

must address in this particular bill.

First of all, the committee saw no compelling reason why this particular legislation should be enacted which would repeal those provisions under Title 19, and I think secondly the committee looked at the social policy involved and whether or not the Maine Legislature should be placed on record as condoning activity which is inconsistent with the family unit. Those are some of the aspects we looked at.

I would have to say that I respect the sincerity of the sponsor of this bill and also the intentions of the good gentlelady from South Portland, Ms. Benoit, but the fact of the matter is that we in the committee felt there was no compelling reason why this particular bill should be enacted, that there are some social policy considerations which should be addressed and should be looked at by this legislature in deciding this bill, and it was the feeling of 12 of the 13 members of the committee that the present statute should remain intact and not be changed.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond very briefly to the House Chairman of the Judiciary Committee. First I would like to mention social policy. Since this present law in Maine is not being enforced and we see that it won't be in the foreseeable future, we also see the breakup of the family in the State of Maine, I would like to know exactly how this particular law on the books is going to help us in our social policy in the State of Maine, because I certainly would like to see families staying together. If anyone from the committee can show me exactly how we are going to keep families together by keeping this law on the books, I will certainly join them.

Secondly, I think that I owe all of you a brief statement of why I went after this bill, so to speak. We all learned in the Indian Land Claims last year that old laws are as powerful as new laws. Old laws are sitting on the books and they also deserve to have every bit the weight of law as any law that we have passed in the past few years. I think it is interesting that it is the Judiciary Committee that wants to keep this bill. We all know that the Judiciary Committee is made up of many lawyers, and we all know that lawyers love to find old laws on the books so that they can enforce them to help their clients. Now, I think that we should help the people in the State of Maine by cleaning up our lawbooks so that no innocent person can be trapped by some sharp lawyer who finds some archaic provision on the books.

Please join me by voting no to clean up our lawbooks.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 62 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Consent Calendar

Second Day

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

(H. P. 349) (L. D. 397) Bill "An Act Removing the Authority of Justices to Retain Certain Publications as their Own"

(H. P. 352) (L. D. 400) Bill "An Act to Phase out County Payments for the Support of the Judiciary" (C. "A" H-33)

(S. P. 146) (L. D. 317) Bill "An Act to Amend the Charter of the Sanford Sewerage District" (H. P. 333) (L. D. 372) Bill "An Act Concern-

ing the Acceptance of Gifts by State Officials or Members of any Branch of State Government" (C. "A" H-34)

(H. P. 203) (L. D. 248) Bill "An Act to Establish Statutory Compliance with Modern Technology and Procedure for Scoring Examinations" (C. "A" H-35)

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

Passed to Be Enacted Emergency Measure

An Act to Dissolve the Howland Water and Sewer District (H. P. 43) (L. D. 49) (C. "A" H-9)

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. 141 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.

Emergency Measure

An Act to Establish a Sign on the Maine Turnpike for York Beach Region (H. P. 123) (L. D. 155) (C. "A" H-11)

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. 142 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.

Passed to Be Enacted

An Act to Require Legislative Confirmation of State Housing Authority Commissioners (H. P. 44) (L. D. 50)

An Act to Increase the Deer Registration Fee (H. P. 173) (L. D. 194)

An Act to Clarify and Make Corrections in the Personnel Laws (H. P. 223) (L. D. 260) (C. "A" H-10)

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

Orders of the Day

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

An Act to Allow the Exclusion of Covered Persons under a Personal Automobile Policy (H. P. 586) (L. D. 601)

Tabled — February 13, 1981 by Representative Brannigan of Portland.

Pending — Passage to be Enacted.

On motion of Mrs. Brannigan of Portland, retabled pending passage to be enacted and specially assigned for Friday, February 20.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass — Minority (5) "Ought to Pass" as Amended by Committee Amendment "A" (H-19) — Committee on Labor on Bill "An Act Pertaining to Employment of Minors in Hotels and Motels" (H. P. 28) (L. D. 32)

Tabled — February 17, 1981 by Representative Hobbins of Saco.

Pending — Motion of Representative Leighton of Harrison to Reconsider Action whereby Acceptance of Majority "Ought Not to Pass" Report failed.

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

Mr. LEIGHTON: Mr. Speaker, I would like to ask "leave to withdraw" my motion for reconsideration.

Whereupon, Mrs. Mitchell of Vassalboro objected.

The SPEAKER: The pending question is on the motion of the gentleman from Harrison, Mr. Leighton, to reconsider. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Higgins of Scarborough 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 in favor of a roll call vote will vote yes; those opposed will vote no.

The 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 Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, just for a point of clarification, it is my understanding that the good lady down in the right-hand corner is objecting to the gentleman from Harrison, Mr. Leighton, from withdrawing his request. Is that what we are voting on?

The SPEAKER: The Chair would answer in the negative, that matter having been ruled on by the Chair. The question is on the motion to reconsider.

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

Mr. BROWN: Mr. Speaker, again, as a matter of clarification and information, especially for those freshmen in this room, this being the first time a matter like this has come before us, could you explain clearly to the body what the effect of a negative or positive vote on this issue would mean.

The SPEAKER: The pending question is on the motion to reconsider whereby the House failed to accept the Majority "Ought Not to Pass" Report. If you are in favor of the motion to reconsider, you will vote yes; if you are opposed, you will be voting no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brenerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Erwin, Fitzgerald, Fowlie, Gwadodsky, Hall, Hayden, Hickey, Higgins, Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soule, Strout, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Brown, K. L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L. M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Leighton, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Salisbury, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT — Carrier, Ketover, Prescott, Soulas.

Yes, 80; No, 67; Absent, 4.

The SPEAKER: Eighty having voted in the affirmative and sixty-seven in the negative, the motion to reconsider does prevail.

The pending question is the motion to accept the Majority "Ought Not to Pass" Report from the Committee on Labor.

The Chair recognizes the gentleman from

Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: Not to belabor the issue, but I am sure there must have been absences yesterday, and I think I would like to briefly review, if you could have patience with me, yesterday's extensive debate.

This is a bill that would attempt to put Maine law in line with the federal law and the law in the other states with respect to the non-hazardous part-time employment of 14 and 15 year old teenagers. It was put in by Representative Kiesman at the request of some teenagers.

At our hearing on the bill, there were a number of proponents, including a supporting statement by the representative from Manpower Affairs. There was a report of a federally funded state study of the situation that recommended that this change be made.

The only opposition at the hearing came from a lobbyist from the AFL-CIO, who took a position that apparently hasn't been taken by his counterparts in other states. He approached it on the basis of the exposure of 14 and 15 year old girls to unsavory types of environments as chambermaids. In response to this, the author and the committee came up with a committee amendment that exempted chambermaid activity from the bill. So under this bill, no 14 or 15 year old would be allowed to work at chambermaid type activities.

At the work session, a question was raised about insurance, as to whether these working 14 year olds would be covered by workmen's comp and other types of employers' liability insurance. That question was answered — age has no impact whatsoever on the insurance, they are eligible for insurance.

This left us, as we came to the House, with a situation where there was no real objection to this bill, and I attempted yesterday in debate to discern what the objection was, and as near as I can see, when it is all boiled down, it boils down to an objection to teenagers, 14 and 15 year olds, working in any part-time jobs other than mowing lawns; that is what it seems to be. The only other possible objection would be to a 14 or 15 year olds working for less than the minimum wage, and somehow I can't believe that any of us subscribe to the theory that 14 and 15 year olds have to be paid at the same rate as grown men and women.

What really worries me about this bill, frankly, is that it is the first polarized bill to come out of the Labor Committee. We have had great unanimity on the things that we have done so far and have approached things in a very bipartisan manner. I am not naive enough to think that when we have a body of one party, and another body of another, that we are going to be able to come to agreement and constructive action on volatile, major issues. I think the proponents of agency shop and the Right-to-Work are going to collide with no effective action taken in this session. But I do think that the people of Maine expect Republicans and Democrats alike to come to grips in some of these areas of labor management relations where Maine is out of step with the rest of the country. An example of this would be reform of workmen's comp. I hope that we can get together reasonably and in the spirit of compromise effect some reform in that system, and I think that this bill lies in this area. I think its real importance is that it could represent a bipartisan attempt to do something constructive in the area of labor-management relations. This shouldn't be a partisan situation and I hope that it doesn't develop into that, it really shouldn't be. It is a problem that affects us all.

I would just like to point out that if someone thinks this is child labor abuse or something, we don't have that problem in this country, that I know at least, and the reason that we don't have it is because of our work ethic and our attitude toward productivity. In some other parts of the world, they don't do this type of thing. I just hope that we can get in step with the rest

of the country and allow our 14 and 15 year olds to get part-time, during certain hours of the day, non-hazardous work experience other than mowing lawns.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hayden.

Mr. HAYDEN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is awfully easy to stumble into a long, philosophical debate of what this bill does or may not do to the history and future of Maine. What I would like to do is just direct our attention to specifically what the bill does and to some of the considerations and discoveries that I made when I looked at the bill as a member of the Labor Committee.

First of all, some people have characterized this bill as giving kids an opportunity to work. At its best, the only type of work it is addressing, and this is in the amendment that we have before us, is work relating to hotels and motels.

When I first looked at the bill, I confess that I saw it as a bill to allow young people to work and it seemed like a pretty good idea to me. I don't have any doubt that that is the intention of the bill's sponsor, but the more I looked at the bill as I heard the testimony, which I beg to differ from the talk that we have heard so far, it did raise many other questions, and I would just like to share them with you for just a moment.

First of all, it is true that if passed, we will be expanding the pool of people who can work for subminimum wage. That is the decision we have before us, we can elect to do that or not to do that. I think when we consider that, we will want to take into account the fact that these are hard times for this state, jobs and pay scale are low, we have to consider whether that is a wise decision to make right now for this state.

I think there is another concern and it was this concern that brought me around to my vote today and to speaking on the measure. What Maine law does now is permit a pool of people from age 16 to 19 to work for less than the minimum wage. That is already in the law and is not affected by this bill. They can work for 75 percent of the minimum wage. If we pass this bill, we are adding to that pool with people under the age of 15, and I would like to cite here some statistics that show the kind of problem that we have with young people working today.

The Bureau of Labor has statistics saying in 1979 the unemployment rate for kids, age 16 to 19 years old, is 14.3 percent. If you go back in time, that rate has risen to as high as 20.8 percent in 1976. So here is a bill, when I first saw it, that seemed like it was a pretty good idea. I have come around to thinking the other way and I am going to vote for the Majority "Ought Not to Pass" Report on this bill because I think we can't afford right now to add the competition to an already devastating labor market. These are young high school kids who are trying to work, trying to get a job, trying to get themselves through high school, and I think we ought to take that into account, what we are doing to the present unemployment situation, the competition for all too few jobs by voting to expand this. I think those are all factors that I didn't see when I first looked at the bill but they are the decisions that have made me come around to vote for the Majority "Ought Not to Pass" Report now.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: The jobs that we are talking about today are mostly in the seasonal tourist areas of the state, the place where only jobs are available in the summer. I think all of us know that many, many of these jobs are being filled by out-of-state students coming up to Maine to work. I personally believe that we should be trying to employ Maine youth. Some of these areas, particularly in the western mountainous area of this state, these areas are very depressed and these kids and their parents

need jobs, and I would like to see us be able to give our own kids jobs rather than forcing our employers in the state of Maine to import from out-of-state.

Therefore, I hope that you will go along with us to pass this good bill into law.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to repeat to you something I said when I discussed this bill yesterday. This bill addresses a narrow issue. There has been a lot of smoke blown on this issue, but it addresses a narrow issue, and that issue is, are we going to exclude these youngsters that we are speaking of from a certain job in the market in the state of Maine?

They can work in restaurants, gift shops, etc., that are not physically attached to a motel building, that is within the law right now. We have a peculiarity in Maine law that is not included in federal law or in the laws of other states. We have taken it upon ourselves, this legislature has taken upon itself, and whether it is legally right or not, it certainly isn't morally right for us to become a job allocation agency where we will set aside a certain block of jobs and say, these jobs can be done by 16 to 19 year olds but you 14 and 15 year olds cannot compete for them because we know what is best for you. I challenge you whether this legislature is better qualified to know what is best for a youngster, where he shall work, than is the parent of that child, that is where the ultimate decision should rest, with the parents. If a youngster wants to work, his parent is the one who should decide, should I allow him to work in the restaurant in this motel or that restaurant or some other place? I will challenge you that there are other restaurants where they can presently work that does not have as good an atmosphere as the restaurant, for example, like the restaurant at the Senator Inn where I live.

I question whether we should ignore the recommendation of the Department of Manpower Affairs study. They spent a considerable amount of money and a considerable amount of time with qualified people to research the problems of youthful employment in the state of Maine, and this was one of the recommendations of that study and we decide that we will just ignore that. I request that you consider this bill carefully and not go along with the Majority "Ought Not to Pass" Report.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I restrict myself to mostly money bills, which won't be before you for quite awhile. On this occasion here, I can't help but rise to give my opinion because yesterday I went both ways but now feel very strongly in favor of the Majority "Ought Not to Pass" Report.

There has been some talk about — the gentleman from Harrison, Mr. Leighton, yesterday, the procedure that he used, and I don't pay much attention to that. I consider the gentleman from Harrison, Mr. Leighton, a gentleman. I respect his conservative opinions, as I am sure that he respects my semi or a little better than semi conservative opinions.

He does say that there is very little child labor abuse or problems in Maine. I have here a memo from Paul K. Lovejoy, Deputy Commissioner of the Bureau of Labor, in which he spells out "minors working without a permit from July 1, 1979 to July 1, 1980 — minors working without a permit, 108; under age for business, 9; working before 7:00 a.m., 3; working after 9:00 p.m., 25; excessive hours, 32; hazardous occupations, 1; records incomplete, 1." That is hardly conducive to anyone believing very strongly that there is no problem there.

As far as youngsters being hired in the summertime, you will find that they are mostly high school youngsters or college students, par-

ticularly college students from out-of-state. One of the first things that I do in the summer when a young lady comes to wait on me and the people that I am with, is ask them where they are in school and what their major is and what their intentions are, and I enjoy conversing with them, particularly if they are not from Maine, even as much as I might enjoy the fine food that is served to me in any restaurant, or any motel for that matter, in the state of Maine. I feel in this instance here that this would tend to take away jobs from not only 16, 17 or 18 year olds but also from adults.

Insofar as the idea of the youngsters 14 and 15 being out of the motel or hotel room, they can still be accompanied and it is not too far away from the outside of the corridor to be inside of a room.

I went along originally yesterday, so I called some people who are respected in the hotel and motel industries. I called four people last night when I got home. Two were not from my area at all, quite a ways from my area, one of them was right close to my good friend Mr. Kiesman's area and the other one was from the coastal area, where I go often, and the other two were from this area here and from my own home area and I got the same answer— "I want no part of any youngster 14 or 15 around my hotel or motel." They come to my house, they mow my lawn, they clean up around and I love to have them. I have them every summer, I don't care what their age is, they are paid by me and they are paid more than the minimum wage and when they get through I bring them into the house. They can eat you out of house and home and they charge you pretty good for mowing the lawn.

I do hope that the bill will die and the Majority Report will be accepted.

Mr. Diamond of Windham 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 Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Minerva is on our dome; Representative Edie Beaulieu is in our House — thank God.

The gentlelady from Portland by the way of Eagle Lake, we did not enjoy her presence several years ago. That gentlelady from Portland, by the way of Eagle Lake, has always championed the welfare of the child in this House. Every year that the gentlelady from Portland, by the way of Eagle Lake, has been in this House, she has championed that year as the 'year of the child'. Remember those bus bills and those child abuse bills? Yes, when I recall them, I think of our Representative Edie Beaulieu from Portland, by the way of Eagle Lake.

This is a good bill, and all that I ask is that you look towards those boards when they light up and, please, follow the light of Representative Edie Beaulieu of Portland, by the way of Eagle Lake.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Indeed, it is difficult to get up after such eloquence as I just witnessed, and I never, ever, would try to match that.

He did strike something, though, that caught my attention when he spoke of the 'year of the child'. Those of you who follow 60 Minutes, as I do, may recall that the year of the child was something concocted by a huckster who succeeded in making millions from this act.

But going beyond that, I would like to perhaps boil this discussion down to the two points

that I seem to have drawn from the discussion that I have heard from those people who oppose this bill.

My friend from Durham, Mr. Hayden, I think brought out those points. He is concerned about increasing the number of individuals in what he refers to as the employment pool. That is probably true, but is that really all that wrong? Is it wrong to increase the numbers of those people who want to work? If it is, then perhaps there should be some discussion on two people in a family working. After all, isn't that increasing the employment pool? Should we be looking, perhaps, at writing legislation that will require only one person per family being employed? If it is true, should we be looking at legislation that would prohibit people from seeking a second job because of dire economic times? Certainly not.

Mr. Hayden was also concerned about increasing that pool of individuals who work for less than minimum wage, referring, of course, to the juveniles.

I agreed with some of the comments that I heard yesterday about juveniles between the ages of 14 and 17 who are working for less than minimum wage and some of those concerns. I have two children, one is 15. In fact, he falls within this category of which we are speaking. Another one is 11. I agree, I don't think I want my children working for \$3.10 an hour at this point. They should be taught the importance of the work ethic rather than the importance of making a so-called minimum wage. I don't think that is the issue. I want my children to grow up knowing what it is like to work for a living. I had to, all of you had to, I am sure, and it is not that bad.

Mr. Hayden spoke of difficult economic times. Truer words couldn't be spoken. Ladies and gentlemen, we are trying to do something to correct part of that situation.

For heaven's sake, think about what we are doing this morning. The work ethic in Maine is second to none in the United States. People enjoy working in this great state, people are proud of being able to work, and this bill just addresses itself to one very narrow area. It is a bill that provides good jobs for young people who are looking for work in these hard economic times.

I urge you to oppose the "ought not to pass" report.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I don't want to prolong the debate on this particular bill, but I think that something very important has to be said about this legislation, and I think the gentlewoman from Auburn, Miss Lewis, perhaps unwittingly, referred to it in her remarks when she talked about that family that lived in the depressed western area of the state and talked about kids and their parents, and then she went on to talk solely about kids and somehow forgot about the parents.

Let me lay out a situation for you. Let's assume that this bill were to pass and this family in the western mountains had a mother and a child who was 15 years old and both wanted a job, the child wanted a job during the summer and the mother wanted a job for as long as she could hold a job, and they went to a local motel and they applied for one of these jobs that this bill pertains to. The employer, every single time, would hire the child because it would cost the employer less money, and that is the issue with this bill. If those people who are supporting this legislation would stand up on this floor and say that they would support an amendment that would require the minimum wage to be paid so that everybody would compete on the same level, I would vote with you today, but I don't believe that the proponents of this bill are prepared to say that. Money is the issue with the bill, not kids.

The SPEAKER: A roll call has been ordered.

The pending question is on acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brenerman, Brodeur, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Dudley, Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soule, Strout, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Higgins, L. M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Leighton, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Salisbury, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT — Carrier, Ketover, Prescott, Soulas.

Yes, 80; No, 67; Absent, 4.

The SPEAKER: Eighty having voted in the affirmative and sixty-seven in the negative, with four being absent, the motion does prevail.

Sent up for concurrence.

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

Mr. HOBBS: Mr. Speaker, is the House in possession of L.D. 347?

The SPEAKER: The Chair would answer in the affirmative.

Mr. HOBBS: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action whereby we accepted the Majority "Ought Not to Pass" Report, and I hope you all vote against me.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves that we reconsider our action of earlier in the day whereby the Majority "Ought Not to Pass" Report was accepted on Bill "An Act to Repeal Archaic Provisions Restricting the Right to Marry," House Paper 318, L.D. 347.

Whereupon, Miss Lewis of Auburn requested a roll call vote.

The SPEAKER: A roll call has been requested. All those in favor of 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 Saco, Mr. Hobbins, that the House reconsider its action whereby it accepted the Majority "Ought Not to Pass" Report on L.D. 347. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Beaulieu, Benoit, Bordeaux, Brenerman, Brodeur, Brown, D.; Cahill, Callahan, Conary, Connors, Connolly, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Foster, Gavett,

Hanson, Higgins, L. M.; Huber, Hunter, Hutchings, Ingraham, Jackson, Jalbert, Jordan, Kane, Kiesman, Leighton, Lewis, Locke, MacBride, Masterman, Masterton, Matthews, McPherson, McSweeney, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Paul, Perkins, Peterson, Randall, Salisbury, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Studley, Tarbell, Telow, Thompson, Walker, Wentworth, Weymouth.

NAY — Baker, Bell, Berube, Boyce, Brannigan, Brown, A.; Brown, K. L.; Carroll, Carter, Chonko, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Drinkwater, Dudley, Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, Hobbins, Jacques, Joyce, Kany, Kelleher, Kilcoyne, Laverriere, Lisnik, Livesay, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; McCollister, McGowan, McHenry, McKean, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, O'Rourke, Paradis, P.; Pearson, Perry, Post, Pouliot, Racine, Reeves, J.; Reeves, P.; Richard, Roberts, Smith, C. B.; Soule, Strout, Swazey, Theriault, Treadwell, Twitchell, Vose, Webster, The Speaker.

ABSENT — Boisvert, Carrier, Clark, Holloway, Ketover, Lancaster, LaPlante, Murphy, Prescott, Ridley, Rolde, Soulas, Tuttle.

Yes, 64; No, 74; Absent, 13.

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

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Diamond of Bangor, Adjourned until ten o'clock tomorrow morning.