

# 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**

Thursday, February 26, 1981

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

Prayer by the Reverend Neil Garabedian, Jr., of the Congregational Church, New Gloucester.

The journal of yesterday was read and approved.

**Papers From the Senate**

RESOLVE, Providing Support for the Portland West Neighborhood Foster Grandparent Program" (S. P. 335) (L. D. 963)

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 Concerning the Liability of Land Owners for Recreational or Harvesting Activities on their Land" (S. P. 336) (L. D. 964)

Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 340) (L. D. 978)

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 Authorize a Bond Issue for Somerset County to Renovate the Existing Somerset County Detention Facility" (S. P. 337) (L. D. 965)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, referred to the Committee on Local and County Government in concurrence.

**Non-Concurrent Matter**

Bill, "An Act to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law" (S. P. 74) (L. D. 111) which was passed to be amended by Senate Amendment "A" (S-25) in non-concurrence.

In the House: On motion of Mrs. Beaulieu of Portland, the House voted to recede and concur.

**Non-Concurrent Matter****Later Today Assigned**

Bill, "An Act to Increase the Per Diem Pay for Services Rendered by Active Retired Judges" (H. P. 350) (L. D. 398) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on February 23.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-42) Report of the Committee on Judiciary read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-42) in non-concurrence.

In the House: On motion of Mr. Diamond of Windham, tabled pending further consideration and later assigned.

**Messages and Documents**

The following Communication: (S. P. 342)

State of Maine  
Senate Chamber  
President's Office  
Augusta, Maine

February 24, 1981

Honorable Melvin A. Shute  
Honorable Gary W. Fowle  
Chairmen, Joint Standing Committee  
on Marine Resources  
State House  
Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Spencer C. Fuller of Vinalhaven for appointment to the Marine Resources Advisory Council and James L. Warren

of Eastport and Peter W. Kelly, III, of Cape Elizabeth for reappointment to the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

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

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

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

The following Communication: (S. P. 353)

State Board of Education  
State House  
Augusta, Maine

February 17, 1981

The Honorable Joseph Sewall  
President of the Senate  
State House  
Augusta, Maine 04333

The Honorable John L. Martin  
Speaker of the House  
State House  
Augusta, Maine 04333

Dear President Sewall and Speaker Martin:

Pursuant to the provisions of Title 20 M.R.S.A., Chapter 303A, Section 2265, Subsections 1, 2 and 3, the State Board of Education has recommended the following funding levels to the Governor: (copy attached)

A. The State Board of Education is recommending a funding level of \$13,949,451 for 1982 and \$14,860,246 for 1983;

B. The State Board of Education is recommending a long-range construction plan estimated to cost \$32,784,805 over the next six years;

C. The State Board of Education is recommending \$941,730 be supplied for the costs of maintenance, repairs and capital construction over the next biennium.

Given our experience in dealing with the Vocational Technical Institutes from the time these revised statutes went into effect, we strongly recommend the above-mentioned funding levels which will enable the Vocational Technical Institutes to better serve the citizens of the State of Maine. The State Board of Education is committed to an ongoing process of reviewing and revising these recommendations whenever necessary to fully assure that they are representative of the system's needs.

I will be happy to meet with the appropriate legislative committee and/or you to further explain these recommendations.

Thank you for your consideration.

Sincerely,  
S/INGE L. FOSTER  
Chairman

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, was read and with accompanying Report ordered placed on file in concurrence.

The following Communication:

Department of Business Regulation  
Augusta, Maine

December 3, 1980

The Honorable John L. Martin  
Speaker, House of Representatives  
State House Station 2  
Augusta, ME 04333

Dear Representative Martin:

Pursuant to 10 MRSA 9102(6), the Board of Directors of the Energy Testing Laboratory of Maine hereby submits to the Governor and the 110th Legislature a report of its study of "the scope and operations of the testing laboratory to assist in enactment of additional legislation governing its operations."

On the basis of the attached report, the Board of Directors does not consider it necessary to make any recommendations for the enactment of additional legislation governing the operation of the Energy Testing Laboratory of Maine.

Sincerely,  
S/GORDON L. WEIL  
Chairperson, Board of Directors  
Energy Testing Laboratory of Maine  
Was read and with the accompanying Report ordered placed on file.

**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:

**Audit and Program Review**

Bill "An Act to Exempt State Mandated Revolving Fund Accounts at the Maine State Museum from the State Cost Allocation Program" (H. P. 867) (Presented by Representative Rolde of York)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act Concerning Secondary Vocational Education" (H. P. 868) (Presented by Representative Davis of Monmouth) (Cosponsor: Representative Beaulieu of Portland)

(Ordered Printed)

Sent up for concurrence.

**Election Laws**

Bill "An Act Preventing Candidates in Primary or General Elections, or Members of their Immediate Families, who are Justices of the Peace or Notaries Public, from Registering Voters or Witnessing Absentee Ballots" (H. P. 869) (Presented by Representative Weymouth of West Gardiner)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Authorize a Limited Hunting Season for Hunting Using Cross Bows" (H. P. 870) (Presented by Representative Higgins of Portland) (By Request)

Bill "An Act to Require Persons Being Licensed to Hunt for the First Time to Have Completed a Gun Safety Course" (H. P. 871) (Presented by Representative Jacques of Waterville) (Cosponsors: Senator Usher of Cumberland and Representative Connors of Franklin)

(Ordered Printed)

Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act Relating to Furloughs for Inmates of County Jails" (H. P. 872) (Presented by Representative Brodeur of Auburn) (Cosponsors: Representatives Boyce of Auburn and Randall of East Machias and Senator Perkins of Hancock)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Define Force under the Sex Offense Provisions of the Criminal Code" (H. P. 873) (Presented by Representative Kane of South Portland) (Cosponsors: Representatives Nelson of Portland and Masterton of Cape Elizabeth and Senator Kerry of York)

Bill "An Act to Provide a Mandatory Fine for Illegal Possession of or Attempt to Purchase Intoxicating Liquor" (H. P. 874) (Presented by Representative Conary of Oakland) (Cosponsors: Representatives Jacques of Waterville and McSweeney of Old Orchard Beach)

Bill "An Act to Exempt Illegal Possession of Liquor from the Maine Juvenile Code" (H. P. 875) (Presented by Representative Conary

of Oakland) (Cosponsors: Representatives Jacques of Waterville and McSweeney of Old Orchard Beach)

Bill "An Act to Update and Revise the Validation of Defects Act" (H. P. 876) (Presented by Representative Soule of Westport)

(Ordered Printed)

Sent up for concurrence.

#### Labor

Bill "An Act to Permit Persons 15 Years of Age and Older to Work until 10 P.M." (H. P. 877) (Presented by Representative Rolde of York)

Bill "An Act to Revise the Method for Paying Permanent Impairment Benefits under the Workers' Compensation Act" (H. P. 878) (Presented by Representative Cunningham of New Gloucester)

Bill "An Act to Provide for an Offset For Holiday Pay under the Employment Security Law" (H. P. 879) (Presented by Representative Higgins of Scarborough) (Cosponsor: Representative Cunningham of New Gloucester)

Bill "An Act to Provide Occupational Safeguards for Operators of Video Display Terminals" (H. P. 880) (Presented by Representative Beaulieu of Portland)

(Ordered Printed)

Sent up for concurrence.

#### Local and County Government

Bill "An Act to Abolish the Position of Elect-ed County Treasurer in Aroostook County and Replace it with an Appointed Treasurer" (H. P. 881) (Presented by Representative McHenry of Madawaska) (Cosponsors: Senator Carpenter of Aroostook and Representative Theriault of Fort Kent)

Bill "An Act Concerning the Organization of Certain Unincorporated Townships" (H. P. 882) (Presented by Representative Boyce of Auburn)

Bill "An Act Authorizing County Commissioners to act as an Appeals Board" (H. P. 883) (Presented by Representative Masterton of Cape Elizabeth)

Bill "An Act Clarifying Municipal Authority to Invest Funds" (H. P. 884) (Presented by Representative Reeves of Pittsford) (Cosponsors: Senator Ault of Kennebec and Representatives LaPlante of Sabattus and Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

#### State Government

Bill "An Act Relating to the Provisions of the Charter of the Brunswick Sewer District" (H. P. 885) (Presented by Representative Livesay of Brunswick)

Bill "An Act to Prohibit Utility Companies from Providing Free or Reduced Rates for Service to its Employees" (H. P. 886) (Presented by Representative Paul of Sanford)

Bill "An Act Concerning Land Conveyed by the State to the Town of Bridgton" (H. P. 887) (Presented by Representative Leighton of Harrison)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act to Require the Notification of a Municipality when Property in that Municipality Changes Hands" (H. P. 888) (Presented by Representative Kane of South Portland)

(Ordered Printed)

Sent up for concurrence.

#### Transportation

Bill "An Act to Provide for Deduction of Points from the Driver's License of a Minor Illegally Transporting Liquor" (H. P. 889) (Presented by Representative Canary of Oakland) (Cosponsors: Representative Jacques of Waterville and McSweeney of Old Orchard Beach)

(Ordered Printed)

Sent up for concurrence.

#### Study Report

##### Committee on Local and County Government

Representative LaPlante from the Committee on Local and County Government to which was referred the study requiring the State Planning Office to conduct an educational program on Manufactured Housing, and directing the Committee on Local and County Government to monitor and report on the program pursuant to Resolves 1979, c. 54. have had the same under consideration, and ask leave to submit its findings and to report that the accompanying RESOLVE, Requiring the State Planning Office to Conduct an Educational Program on Manufactured Housing, and Directing the Committee on Local and County Government to Monitor and Report on the Program. (Emergency) (H. P. 892) (L. D. 996) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Resolve referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

#### Study Report

##### Committee on Local and County Government

Representative LaPlante from the Committee on Local and County Government to which was referred the Study to require availability of municipal ordinances, pursuant to Resolves, 1979, c. 54. have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Require Availability of Municipal Ordinances" (H. P. 893) (L. D. 997) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

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

#### Study Report

##### Committee on Local and County Government

Representative LaPlante from the Committee on Local and County Government to which was referred the Study relative to conforming the definition of Manufactured Housing with Federal Law, pursuant to the Resolves of 1979, c. 54. have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Conform the Definition of Manufactured Housing with Federal Law" (H. P. 894) (L. D. 998) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

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

#### Orders

##### Indefinitely Postponed

On motion of Representative Hobbins of Saco, the following Joint Order: (H. P. 891)

WHEREAS, Maine Senior Senator, the Honorable William S. Cohen, has written to the chief executives of the Nation's 20 top oil companies, warning them against excessive price increases; and

WHEREAS, the Honorable Congresswoman, Olympia J. Snowe, has also written to oil company executives urging them to post only reasonable prices; and

WHEREAS, Maine Junior Senator, the Honorable George J. Mitchell, has consistently voiced his concern about the impact of the sudden decontrol of oil prices in Maine, and has consistently expressed his opposition to this sudden decontrol; now, therefore, be it

ORDERED, the Senate concurring, that the President of the Senate and the Speaker of the House of Representatives be authorized and directed to urge Members of the Maine Congressional Delegation, on behalf of the Maine

Legislature, to take any action they can against these burdensome and unfair oil price increases, up to and including Congressional Action; and be it further

ORDERED, that the President of the Senate and Speaker of the House of Representatives urge Maine's First District Congressman, David F. Emergy, to drop his support of these oil price increases and join in the effort to bring financial relief to Maine people.

The SPEAKER: Is there objection to the Order being presented at this time?

The Chair hears objection.

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

Mr. ROLDE: Mr. Speaker, I move that the rules be suspended.

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

Mr. HIGGINS: Mr. Speaker, is the motion to suspend the rules debatable?

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, that the rules be suspended for the purpose of presenting the Joint Order. This requires a two-thirds vote of all those present. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Rolde of York requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, that the rules be suspended for the purpose of presenting H. P. 891. This requires a two-thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Baker, Beaulieu, Bell, Benoit, Boyce, Brannigan, Brodeur, Brown, A.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Canary, Connolly, Cox, Crowley, Curtis, Davis, Day, Diamond, G. W.; Diamond, J. N.; Drinkwater, Erwin, Fitzgerald, Foster, Fowle, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, Higgins, L. M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; Masterman, Masterton, Matthews, McCollister, McKean, McPherson, McSweeney, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Sherburne, Small, Smith, C. B.; Soulas, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, Wentworth, The Speaker, J. Martin.

NAY—Berube, Boisvert, Brown, K. L.; Connors, Cunningham, Damren, Dexter, Dillenback, Gavett, Gillis, Jalbert, Jordan, Leighton, Lewis, Murphy, Peterson, Salisbury, Smith, C. W.; Walker, Weymouth.

ABSENT—Austin, Bordeaux, Brennerman, Brown, D.; Davies, Dudley, Hobbins, Laverriere, McGowan, McHenry, Michael, Nelson, M.; Paul, Soule, Treadwell.

Yes, 116; No, 20; Absent, 15.

The SPEAKER: One hundred sixteen having voted in the affirmative and twenty in the negative, with fifteen being absent, the motion to suspended the rules does prevail.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have never seen a roll call turn around a vote quite that quickly before.

I would just like to say that I think it is time for a little bit of plain speaking on this question of orders that have been before this body. I know that there is a feeling on the part of the minority party that perhaps the Speaker has been a little bit arbitrary and dictatorial in this matter.

The SPEAKER: The Chair would suggest that the gentleman from York, Mr. Rolde, discuss the order.

Mr. ROLDE: Mr. Speaker, I wanted to say that while the gentleman can be that, he wasn't in this particular case.

I do want to make a point, that in the past, before we established some rules, these types of orders used to come in here all the time and, quite honestly, they are used to make a political point or to try to embarrass one's opponents. We did establish rules because we were having so many of these situations, and today I think we operated under what the rules are, which is, in order for an order to come in in this particular fashion, one must move to suspend the rules, and this is not what was done the other day. Therefore, I did want to make the point, and I am speaking for Mr. Hobbins, who is not here but had to go to Washington on official Democratic business, that two parties can play this game and that if we do play it, we do play it according to the rules.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I move that this order be indefinitely postponed and request permission to speak to my motion.

The SPEAKER: The gentleman from Vassalboro, Mrs. Mitchell, moves that this Order be indefinitely postponed.

The gentleman may proceed.

Mrs. MITCHELL: Mr. Speaker and Members of the House: I know it may come as a surprise to some of you that I would make this motion, but as I look at this order, as I look at the other orders that appear, and I find myself having lost a lot of sleep last night dealing with important issues over which we do have some control, like education funding, like the many bills that are before us, I really don't see that it is appropriate for this legislative body to spend so much time dealing with orders that my colleague in the other corner said "are going nowhere."

It is for that reason that I would ask you to support my motion to indefinitely postpone this order.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Vassalboro, the Democratic floor leader of this body, beat me on two issues this morning — the first one is the motion she made, and the second one, she proved to me why I have been so much in support of her as assistant floor leader and the floor leader.

We need this type of business like we need two holes in our heads. If we want to get after somebody, the time to do it is at the polls, not with this thing here that nobody is going to look at anyway.

I don't intend to tell Washington what to do and Washington is not going to tell me what to do, regardless of party. It makes absolutely no difference to me. We have got so many things that are so important in comparison to the money that this is costing to print, the time — I have withdrawn nine bills here because of time, torn them up, and I thought they were good bills. I don't think this order is at all necessary. If one person wants to go one way, that is his business; if he wants to go the other way,

that is his or her business. If we don't like it, there are still elections.

I heartily support the motion of my leader, and I ask for a roll call. I want to be on record on this one.

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

Mr. TARBELL: Mr. Speaker and Members of the House: I appreciate very much the good graces and good style of the gentlelady from the opposite corner this morning on this measure. We could suffer from joint order fever and joint resolution fever from now until the end of the legislative session with these kind of matters bouncing back and forth between here and the other body, and I think it is a good idea that we do dispense with and dispose of the partisan rhetoric on these kinds of issues.

Obviously, the next few months are going to be very difficult for us here in our own state government with our own fiscal and economic problems that we face and that our citizens face, and it is an understatement to say that the problems are on an even larger magnitude and plain down in our national capitol in Washington with what they have got to be dealing with in trying to cure the economic problems on the national level that face our people and our government.

However, today we have before us a joint order, and I am sorry that Mr. Hobbins was not here to present it and debate it, that he had to be away on official party business and could not be with us.

The measure before us the other day was a joint resolution and this is a joint order. I really don't think it is appropriate in time, and we have talked about this before, for either joint orders or joint resolutions that require suspension of the rules in this body, but I was glad to go along with suspension of the rules today if that is going to be the precedent, that I think is improper, that is being set by this body and attempted to be set by the Speaker; however, I was glad to hold out the olive branch and go along with suspension of the rules. I hope that in the future we can continue to do that so that we don't have two sets of rules, one for Democrats and one for Republicans, in this body.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I guess I played along a little bit with the charade here this morning, and I was glad to see us grant the suspension of the rules so we could allow the joint order from the gentleman from Saco, even though he is not present in the body, to be heard, and I am glad to see that we have all talked about this joint order, which has a great deal of impact I am sure, on everyone else throughout the United States and certainly here in Maine. But I guess I question a little bit the intent of even bothering to bring this up. You know, it has cleared the air, or maybe some people feel that it has cleared the air on what happened the other day — I don't think it has, I will never be convinced of that, but I appreciate the good intentions of the other party in this House. I guess I shouldn't be skeptical, maybe I should take it from whence it came. I don't know, I guess I feel that if this same order had been on the calendar with ours the other day, that this one would have gathered a heck of a lot more support in suspending the rules than ours would have.

My main concern in this body today, as it was yesterday and the day before that, is that members of this body or the other body have the opportunity to speak when they have something to say, and I sure don't think I am a great philosopher or that I have always got something extremely witty or critical to say on behalf of my people or my party, but, by gosh, I was elected to be here, and I have every right to speak on an issue. I think if the rules need to be suspended, it is a common courtesy to get up and to allow someone to speak on the record or

suspension of the rules so that we can debate a piece that is as silly as this. Maybe the other party would say that ours was silly too, I don't care, that is not the issue.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post, and inquires for what reason the gentleman rises?

Mrs. POST: For a point of order.

The SPEAKER: The gentleman may state her point of order.

Mrs. POST: Is the gentleman speaking to this issue before us?

The SPEAKER: The gentleman from Owl's Head, Mrs. Post, has made a valid point. The gentleman will please refrain his remarks to the order before the body.

Mr. HIGGINS: Thank you very much, Mr. Speaker. I am glad the gentleman brought it up. I only wish she had brought it up earlier —

The SPEAKER: Would the gentleman please discuss the issue.

Mr. HIGGINS: I would be happy to. As I was saying, I think it is unfortunate the issue wasn't brought up sooner when the gentleman from York, Mr. Rolde, was debating whether or not this order, you know, the rules and all that sort of thing. I guess I am simply following along the lines of what everyone else has been saying here so far. I haven't yet found one person, I guess, so far, unless I was sleeping through part of that, that had a good word or a bad word to say about the order. So far, all we have been talking about is the joint rules, so I thought probably I could say the same thing.

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

Mr. HALL: Mr. Speaker, at this time, could we please vote on this. We have talked long enough. The day is going to be pretty well used up with other things that are going to be before us. I want to go to that hearing this afternoon, so let's see if we can't get along with the rest of the business.

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 Vassalboro, Mrs. Mitchell, that this Joint Order, House Paper 891, be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Clark, Conary, Connors, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadnosky, Hanson, Hayden, Hickey, Higgins, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Leighton, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McCollister, McPherson, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theri-

ault, Thompson, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

NAY—Baker, Brown, A.; McKean, Nadeau, Soulas, Tuttle.

ABSENT—Austin, Brown, D.; Chonko, Davies, Dudley, Hall, Hobbins, Kelleher, Lavriere, McGowan, McHenry, Michael, Nelson, M.; Paul, Soule, Treadwell.

Yes, 128; No, 6; Absent, 16.

The SPEAKER: One hundred twenty-eight having voted in the affirmative and six in the negative, with sixteen being absent, the motion does prevail.

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Barry J. Hobbins of Saco be excused February 26 and 27 for personal reasons.

In accordance with House Rule 56, the following item (Expression of Legislative Sentiment)

Recognizing:

Rockland Lodge of Elks 1008, which will celebrate its 75th anniversary and dedication of the new lodge home on March 1, 1981; (H. P. 890) by Representative Fowlie of Rockland. (Cosponsors: Representatives Post of Owl's Head and Jordan of Warren and Senator Collins of Knox)

There being no objections, this item was considered passed and sent up for concurrence.

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

Representative Paradis from the Committee on Aging, Retirement and Veterans on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain and Protect the Integrity of the Maine State Retirement System (H. P. 294) (L. D. 338) reporting "Ought Not to Pass"

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

#### Leave to Withdraw

Representative Soulas from the Committee on Legal Affairs on Bill "An Act to Establish Guidelines for the Refusal of Concealed Weapon Permits" (H. P. 71) (L. D. 119) reporting "Leave to Withdraw"

Representative Cox from the Committee on Legal Affairs on Bill "An Act to Amend the Law Regulating Concealed Weapons" (H. P. 351) (L. D. 399) reporting "Leave to Withdraw"

Representative McSweeney from the Committee on Legal Affairs on Bill "An Act to Transfer the Power to Issue Concealed Weapon Permits to the Commissioner of Public Safety" (H. P. 253) (L. D. 293) reporting "Leave to Withdraw"

Representative Masterman from the Committee on Taxation on Bill "An Act to Clarify the Real Estate Tax Exemption for Employee Housing at Literary and Scientific Institutions" (H. P. 581) (L. D. 661) reporting "Leave to Withdraw"

Representative Walker from the Committee on Aging, Retirement and Veterans on Bill "An Act Relating to Death or Disability of a Law Enforcement Officer Resulting from Hypertension or Heart Disease Suffered in Performance of his Duties" (H. P. 279) (L. D. 309) reporting "Leave to Withdraw"

Representative Walker from the Committee on Aging, Retirement and Veterans on Bill "An Act to Remove the Limitation on Outside Earnings of Disability Retirement Allowance Recipients" (H. P. 265) (L. D. 301) reporting "Leave to Withdraw"

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

#### Leave to Withdraw

Representative Martin from the Committee

on Labor on Bill "An Act to Provide Collective Bargaining Rights to Court Employees" (H. P. 180) (L. D. 231) reporting "Leave to Withdraw"

Representative Lewis from the Committee on Labor on Bill "An Act to Establish a Minimum Wage for Emergency Service Personnel" (H. P. 324) (L. D. 352) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Consent Calendar First Day

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

(H. P. 393) (L. D. 436) Bill "An Act to Authorize the Merger of the Kennebunk, Kennebunkport and Wells Water District Pension Trust with the Maine State Retirement System" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 117) (L. D. 149) Bill "An Act to Increase the Rate of Tax and Amend the Membership Requirements of the Sardine Council under the Sardine Tax Law" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-54)

No objections being noted, the above mentioned items were ordered to appear on the Consent Calendar of February 27, under listing of Second Day.

#### Consent Calendar Second Day

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

(S. P. 108) (L. D. 238) Bill "An Act to Define Alewives for the Purpose of Managing or Leasing Alewife Fishing Rights" (C. "A" S-20)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed as amended in concurrence.

(S. P. 144) (L. D. 315) Bill "An Act to Amend and Clarify the Procedure to File and Appeal Claims by Patients, Inmates of Prisoners" (C. "A" S-22)

On the objection of Mr. Connolly of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence and the bill read once. Committee Amendment "A" (S-22) was read by the Clerk and adopted in concurrence and the Bill was assigned for second reading tomorrow.

#### Passed to Be Engrossed

Bill "An Act to Abolish the Legislative Council and Reestablish the Legislative Research Committee" (S. P. 147) (L. D. 318) (S. "A" S-23 to C. "A" S-21)

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

#### Passed to Be Enacted

An Act to Preserve Maine's Archaeological Heritage (S. P. 316) (L. D. 827) (H. "A" H-45)

An Act to Repeal Archaic Provisions Restricting the Right to Marry (H. P. 318) (L. D. 347)

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

#### Orders of the Day

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

Bill, "An Act to Increase the Eating, Lodging and Recreational Place Licensing Fee" (H. P. 63) (L. D. 97)

Tabled — February 24 by Representative

Prescott of Hampden.

Pending — Passage to be Engrossed.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: We have had some problems with the administration of the eating and lodging establishment law, and without some sort of a fee increase, we will have five sanitarians to inspect 8,000 eating and lodging establishments.

We have another bill in our committee which deals with the administration. These bills are related and the committee does need some time to work on the bill. I would like to ask if someone would table this item for me to give the committee some time.

Whereupon, on motion of Mr. Diamond of Windham, tabled pending passage to be engrossed and specially assigned for Monday, March 2.

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

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

Tabled — February 24 by Representative Diamond of Windham.

Pending — Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, retabled pending passage to be enacted and tomorrow assigned.

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

Bill, "An Act to Clarify the Procedure for Waiver of Unemployment Compensation Benefit Overpayments" (H. P. 848) (Committee on Labor suggested)

Tabled — February 25 by Representative Beaulieu of Portland.

Pending — Reference.

The SPEAKER: The Chair would make note that this bill originally appeared on the calendar with the gentleman from Durham, Mr. Hayden, as sponsor, and the gentleman from Harrison, Mr. Leighton, as cosponsor. The cosponsorship was in error. The bill now contains only the sponsor's name without the gentleman from Harrison, Mr. Leighton.

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

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

An Act to Retain the Motor Vehicle Operator License and Examination Fees and Motor Vehicle Title Fees Currently in Effect (EMERGENCY) (H. P. 510) (L. D. 561) (C. "A" H-32)

Tabled — February 25 by Representative Mitchell of Vassalboro.

Pending — Motion of Representative Twitchell of Norway to Reconsider Failing of Passage to be Enacted.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I feel that we have been engaged in a new filming of the shoot out at OK Corral, and I hope that we can get beyond that for just a moment, let the dust settle and look carefully for a moment at the issue that is before us.

Statements have been made on both sides of the aisle that I am sure many people regret were made, but I can't seriously believe that any one of you would go back to your district and say, I voted against good roads back home because I got angry at what one legislator said on the floor of the House. I am sure that no one means to do that because that is really an excuse and we are all responsible men and women who have come here to do a job. We can't hide behind our anger with an individual legislator, even if it is very intent and continues.

I would like to read something quoted in the Bangor Daily—"The reality has set in, the minority floor leader says, they know we have the votes to stop it." Of course we know that either party has the votes to stop it, but I think the question today is, is that what we want to do, or do we want to work together in a constructive way?

Time and time again I have heard said on the floor of this House, and I thought about it very long and hard, as you have done, that we need a long-range solution, but we have also admitted, as members of the Transportation Committee and Taxation Committee and Appropriations Committee have told us, we can't give you the whole package today, February 26, but we can move to giving us a complete part, a part that is complete, of the package.

I would ask you to vote to reconsider, and if I am successful in this move to reconsider, I will then ask for suspension of the rules and try to kill the committee amendment. Killing the committee amendment says there will be no sunset on these fees. And today, ladies and gentlemen, you have the opportunity to face the fact that you need this fee increase today, you need it in June and you need it in 1982, 1983 and 1984, because if you will be very honest with yourselves, I think you all know that that department needs this money. If we kill the bill under those circumstances, you have said that you do not see this fee increase as a part of the total package.

For those reasons, to let us move toward one part, one piece of the puzzle today that we can act concretely on and know that we have moved toward funding a tiny portion, knowing that we must come back and deal with some other issues, I would ask you to give me the vote to reconsider, and if you do, I will then go on to move to kill that committee amendment so we can begin concrete action here today.

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

Mr. HIGGINS: Mr. Speaker, I would ask for a roll call on the reconsideration motion, please.

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 Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the words from the good lady from Vassalboro, Mrs. Mitchell, this morning. I, too, would like to come up with some sort of a solution to this highway problem, but I don't think removing the sunset on the first of July is going to make one bit of difference, to me anyway.

The original bill was brought in that eliminated the sunset ad infinitum, if you will, and when this bill went to committee, for some reason they put a committee amendment on it that the fees would sunset at the end of June of this year. Now, I don't think anybody here in their right mind really feels that there is one ounce of difference between the original bill and the committee bill. If you can take some sort of umbrage in the fact that, well, there is a difference, I think you have missed the point. If we continue these fees through the end of June, surely they are going to be in the major package, just like they would have been if we had adopted the original bill.

I don't really think there is any difference. I appreciate, I guess, what she is trying to do, but I don't feel that it makes one bit of difference either way, so I am voting against reconsideration.

The SPEAKER: The Chair recognizes the

gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: I would like to make one thing very clear about this vote. At least as an individual legislator, my perception would be, if you vote no to reconsideration and do not allow us to vote at this point on whether or not the fee should be continued, then you're saying that come June, when there is a package put together, you don't think that this belongs in the package, because if you don't, I think you are going to look pretty silly taking off a fee for a few months and putting it back on in June. I think you ought to understand that.

The clock is running out. I can't control February and neither can you. We are under a very artificial time line here, so I want you to remember when you vote that you are saying that you don't believe this should be a part of the total package.

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

Mr. TARBELL: Mr. Speaker and Members of the House: I don't wish to prolong this on the reconsideration motion, which I intend to oppose, but I would like to make one point.

For the last couple of years, we have been attempting, and not doing a very good job of it, to fund the highway program in Maine with fee increases. They are taxes, but we have been doing it with fees under the guise to avoid a so-called tax increase.

I don't care whether or not the legislature decides what kind of package we have by the end of this session, I just think it is time for us to stop continuing with fee increases and continue with the piecemeal basis that we have. By the way, I don't think we are going to have a package, at the rate we are going, at the end of the session, and fees certainly are no longer a part of any package, they are just not going to work. You can't fund a thirty to sixty million dollar program problem with fee increases.

We were given a promise and a pledge last year that we would have a realistic package before us, a realistic proposal, and I am not going to pick apart the proposal that has been picked apart already on the floor of the House. It isn't realistic, you know it and I know it, and I just don't think we wish to continue this fee fever charade that we have been over the last two years.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: My real profession in life, I guess, is an educator, and as an educator I am a history teacher, and I guess it is probably my first love and I don't want to overdraw this whole thing, but I was just reflecting yesterday and, for that matter, the day before on some of American history, and I would like to draw a parallel, if I could.

One hundred and twenty five years ago, actually a hundred and twenty one years ago, give or take a few years, when the American Civil War began, I was thinking yesterday, just immediately preceding that, in 1850, this country had gone through an awful lot of trauma, it was really a period of great transition. California was applying to become a new state, and the question was whether it should be a slave state or a free state. There were fugitive slaves that were escaping from the South and being harbored in the North, and there was the selling of slaves in the District of Columbia, and all of those things that went into the fabric, the tearing of the fabric, between the North and the South. I suppose the people who lived during that period of time saw some very narrow issues about whether something was good or something was bad and didn't take the overview of the fact that it was a period of great transition. I think you have to live through the period and look back at it in order to appreciate what has happened to you.

In here, we ought to be able to recognize that we are also going through, right now in this

country, a period of great transition. We have got a situation dealing with oil and fuel and the consumption thereof that we have never known in this country before. People are starting to not drive as much, they are buying more economical cars, and it has caused all sorts of problems, just like in the 1850's when Henry Clay came forward to promote a series of compromises that were to keep the Union together in the 1850's that became known as "The Compromise of 1850," which is a misnomer because it wasn't a compromise, it was a series of compromises.

I think what we are going to be going through this year and next year and the year after that, and probably for the next 10 years, is a series of bills and compromises, and there is no one solution, and I dare say there is no one governor, no one man, that is ever going to come up, in my own estimation, with one plan that is going to solve the problems of transportation in this state.

In looking at it from the point of view, and I don't wish to step on anybody's jurisdiction, much less Representative Carroll's, but looking at it from the point of view of the general fund and its relationship with highways and its plight, I can't help but think that you people must realize, you must come to the realization pretty soon, that if you don't fund the highways, they have got to find it, that they have indicated they are looking for it, in the general fund, and that is going to affect all of the myriad of programs that the state government finances. It is also going to affect all the bills that you might want to put in to do the very special things that you would like to do for your district or for this state.

You are not hurting any one particular thing. I think you have got to take a big picture, recognize the fact that we are in transition, recognize the fact that we are not going to have one solution, and that this is just one of those small items, but a very vital item, to financing the continual solvency, or the attempt at being solvent, of the department of Transportation.

I wish I were a Henry Clay, I am not a Henry Clay, there will never be another Henry Clay, that could come up with a great compromise or a series of compromises, but I think every one of us in our own way can be Henry Clays in this House and rise above the occasion and the politics of the immediate moment and look for the longer view and try to understand that you have got to put a whole series of things together before you have come to the whole fabric.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I have been somewhat amazed today. I have talked to several legislators, Democrats, Republicans, and about everyone I have talked to said yes, we need the bill in some form, whether a 30 day, a 60 day or June 30, we need some form of a bill. Yet we get together in our groups and we come to find out we don't get the votes, they don't show up on the board.

Someone mentioned here earlier about an olive branch, and I would kind of like to see that come back a little bit. We are reasonable men and women; I believe that and you believe that. The previous gentleman just spoke about he not being Henry Clay and a compromise maybe not being there—I think there might be.

I may be naive, but I think there is a chance, if we stop and think about what we are doing, to pass this bill. We all say that we need it, and I would ask us to look above and beyond. Today's minister said he hoped that we would make our judgments on a just mind and do what is right. I have confidence that you will do that and I will do that, and I ask us all to do that.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Bangor, Mr. Tarbell, says that he did not coerce the effect



of not pursuing the issue, he is going to vote against the measure, and then gives us a little dessert by telling us that he doesn't think there is going to be a highway program this session.

Well, I am in the same position as the gentleman from Old Town, Mr. Pearson, I don't want to tread on toes of the Transportation Committee, I would like to help. The gentleman from Scarborough, Mr. Higgins served with me on the Appropriations Committee for two terms, and I know that if he stood up he would have to say that he has heard me a hundred times say, we must have unanimity when it comes to money problems. I don't care whether it is highway or appropriations.

What the gentleman from Old Town forgot to tell you is, and the issue here before us is highway, what he forgot to tell you is this, and he will have to agree with me, that the general fund is three times as bad off as the highway fund. If any members of the Appropriations Committee can tell me how we are going to get out of this mess in 227—as a matter of fact, if any member of the committee, and I have been on it for 32 years, can get up and explain the budget to me, I would like to hear him, anybody, because I don't understand it. I have laid in bed sick for days studying it, I have taken it home, I have looked at it frontwards, backwards and sideways and everything else and you can't make any sense out of it, but we will before it is all over, contrary to what the young man from Bangor, Mr. Tarbell, says, we will. We will have a package, just like we could have a package here. I am not interested in a measure of this importance and saying I don't want to belabor the issue, of course we want to belabor the issue. This is more important than a bill that we once discussed 25 years ago for three days. This is a highway program.

My question is this — I have the program for next week for the Appropriations Committee — four afternoons and one morning, five meetings, besides meeting here and trying to take care of our constituents. I would like to know from somebody here, just where are we going. We all say, and the gentleman from Windham is right, Mr. Diamond, and I have heard it myself, I have talked to a member of the committee, the gentleman behind me, the gentleman from Corinth, Mr. Strout, everybody has told me that we need the program. All right, fine. Let's discuss it for a moment. As I heard, if we don't have this program here, the other alternative is a 5 cent gasoline tax this year and a 5 cent gasoline tax next year how many of you would buy that?

What I would like to know is, if we don't have this and if we are not going to vote for the gas tax and we want a program, Henry Clay or no Henry Clay, there are plenty of Henry Clays here Mr. Pearson. At the expense of being a little conceited, I remember 12 years ago that I abstained from going along with the Appropriation Act, 12 to 1; won that deal and won a couple of others if I remember, and I am no Henry Clay. As a matter of fact, I don't want to be Henry Clay, he was too old.

I want to stand here today before I vote and I am asking the gentleman from Scarborough, Mr. Higgins, if you can't do it from here, then ask for a recess, off the record, for five minutes and let's find some way to allow the motion to reconsider to get by. Let's keep this thing alive, because we cannot get out of here without a program.

I don't know what the program is, I might be able to send some light on the matter if we were in Room 227 but I am not in Room 227. I am in Room 227 and I am not in George Carroll's room or other good members of the Transportation Committee, and I say we cannot turn this down. I know what the situation is, I know when you want to bump your head against the side, but I have seen minds changed in two minutes in this place, for the good, too. Keeping a measure like this alive, allowing Mrs. Mitchell's motion to reconsider,

could probably save a very important program. There are no signs on any highway, rural road or otherwise, that says "This road is for Democrats and this road is for Republicans;" there is no such a thing. This is not a partisan issue. It behooves me to say that in some areas is might be construed as such.

I know that you can't talk about yesterday, but if I could I might say that maybe things might have been different, but I can't talk about yesterday.

I am addressing myself to the leader of the Republican party, who is a friend of mine and who I want for a friend, this is the time to show the leadership that I know you have, Mr. Higgins. This is the time, right now, and make no mistake about it. If we are going to vote for this reason or that reason, let's just remember one thing—I never knew anybody who won an argument before, and that is why I stopped arguing so much, that is why I don't get mad anymore; I might get even but I don't get mad. This is the time to show some true, honest to God, leadership, Mr. Higgins, and you can do it by asking for a short recess, not to obstruct the plan that the good Speaker has, but a short recess, even if it is in here. I would be willing to walk out have to it right in here. Show us somehow, some way, that we can keep this thing alive and stop the loss that we are going to suffer and do something that we have got to do, and that is to take care of our highway program.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: It has been so long since I knew what the motion was before the House—

The SPEAKER: The pending question before the House is the motion to reconsider whereby this Bill failed of enactment.

Mr. HALL: Mr. Speaker, I would so move.

The SPEAKER: The gentleman from Sangerville, Mr. Hall, has moved the previous question. For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having voted for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now? The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 117 in the negative, the main question was not ordered.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The gentlemen from Lewiston, Mr. Jalbert, who is, indeed, a good friend of mine, I feel as though he is kind of picking a fight almost, you know, come on, you can do it. I appreciate the confidence the gentleman has in me and I appreciate the words of most everyone that I have heard, especially from the other side of the aisle this morning on an olive branch and can't we compromise and can't we come up with a solution? I would submit to you, ladies and gentlemen of the House, that I have tried for two weeks to come up with some sort of an alternative to this program because I saw it going nowhere. I have preached this in caucus, I have preached it in leadership, I have preached it to everyone that I have seen, and no one has been willing to budge. Now we, or me, I am being accused of, in a round about way, being somewhat inflexible, and that is not the case.

A week ago today, I sat in the majority lead-

er's office and offered an alternative that I felt I might be able to sell to my caucus. It was not received with a great deal of enthusiasm, and I am not blaming the good lady at all but I am explaining to you the situation as it occurred. Since that time, we have not seen a budge by anyone, the Governor's Office, the Democrat party and the Republican party. I am not sure if that is good or if it is bad, but what I am telling you is, I have tried my best to come up with an alternative that was agreeable to everyone and, if you will remember, I have been talking about this for a long time. Today is not the first day and it doesn't pertain just to highway, it pertains to the state of this state. The problems that we face are bigger than each of our parties. But I, frankly, have played out my last card with my caucus and in my own mind.

I have thought and thought and thought a lot about this. Obviously, yesterday was not one of the better days to be thinking about the highway situation, at least for me. I tried to raise myself above all that and somehow I just couldn't see a solution, and I hate to admit defeat as much all of you do.

I honestly and sincerely feel that there is not one to be had on this issue. We have a much bigger problem than what is being presented here today and maybe we need time, maybe we need time to sit down and say, well, we lost one, we have got to do better on the next one and maybe, just maybe, and I guess that is what I am hoping and that is why I am willing to vote against this bill again today, maybe by doing so, we will issue some sort of an edict to ourselves and to the Governor's Office that we need cooperation, mutual cooperation, not political rhetoric, not old ideas, but some real, new solutions, but I haven't seen them yet. If you have, you tell me, but I honestly haven't. So, as I said yesterday, I really hate to see something like this happen, but I am willing to go along with it only because I honestly feel, and it is not for political reasons and most of you on the other side of the aisle won't believe that, but I do honestly feel that some good can come out of this if we simply say to ourselves, we can do better the next time, we can come up with an alternative.

Some time ago, after we were discussing this thing a week back, I think I got the feeling for a while that the opposition party felt that there were members of my caucus that perhaps would see their light and go along. I heard a lot of rumors flying around outside that if we didn't go along with this, we were going to have a payback, that was going to cost us \$700,000 out of the highway fund that we didn't have, to pay back all those people who have paid since last July. I have heard today around the halls that if we don't enact this today, that for some reason this fee is not going to be able to be put back onto this, it is discriminatory, that it isn't fair. Perhaps that is true and perhaps it is not. Certainly the legislature couldn't take any great pride if they put it back on, but certainly we have done things that were probably worse or more ridiculous, so, I don't think that bothers me an awfully lot. Then I heard there was a move afoot that if this couldn't happen, perhaps we wouldn't pass a bond issue for the highway fund, there would be enough evil people out of there, whoever they might be, that would stop a bond issue for the highway department, and that was kind of a threat that was thrown around. That is the kind of thing that we don't need around here. If people can't vote for something or against it on its merits, then we don't need those kinds of threats. Maybe they were unfounded but, nevertheless, I heard them.

So, for the reasons I have said before, I really think we ought to vote against this today. It doesn't really please me but, as I said, I think some good can come out of this. As far as removing the sunset clause, there isn't a difference, there is no difference at all between removing the sunset clause and leaving it on



until the end of June. I don't think anybody here really thinks that that makes a difference. It is the same bill, maybe with a little different title.

The thing I guess that scares me about that a little bit is, if we do that, we have to reengross the bill and we are just going through another charade that we went through earlier this morning. I don't like to admit defeat, so I am not going to, I am not going to admit defeat today. I am going to say to you, let's take a challenge from our defeat, if you want to call it that, a challenge to sit down after this is all over and really come up with a comprehensive highway plan in this body and the other body and with the guy on the second floor.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I would like to address some comments to Representative Higgins, also to the entire body—the defeat is not yours, Mr. Higgins, the defeat is the members of our district back home, not yours. Let's look beyond ourselves for just five minutes. Let's go back in time to the so-called conference in my office when you offered some sort of compromise. As I understood it, and maybe I misunderstood something, you suggested a one-month sunset, to which I replied, no, we would be right back here in 30 days from now in the same boat we are now in. As I understand it, subsequently your caucus did not want that either, and maybe I misunderstood that also. But there is big difference in the bill with a sunset on it and the bill without a sunset on it, because without a sunset, you are taking action here today that is permanent, you are addressing the long-range solution. I don't know how else to go about that.

There is no omnibus bill that includes every tax measure, every transportation allocation, all those issues aren't voted in one fell swoop, you have to take a step at a time. Believe me, my children, as they have learned to walk, have taught me that. So you have a chance today to do something that is permanent, something that is going towards a final solution.

In going back to the so-called threat, if a discussion of the facts is interpreted as threats, then we are in trouble in this deliberative body. To say that there will be no bond issue if we can't pass this is not a threat but it is simply a recognition of the fact that why should you build new roads when you can't take care of the ones that you have. For goodness sake, let's think of the people back home and vote to reconsider.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: It troubles me to no end to come down here to Augusta and spend hours and hours meeting people, talking to people, listening to people's suggestions, do this, do that, and then to hear people say a particular piece of legislation should die, then reconsider it later and then pass it later. To me, that points to a great weakness in a system that allows legislation that is needed for the people of the state of Maine to die, to consider, and then come up and try to put in another package. I was greatly disappointed, I have walked around here over the past few days, some people I never walked up to and asked them to vote but those people came to me and told me they were going to vote for this particular piece of legislation. I didn't ask them for a vote, I am not going around here asking you people if you want your roads plowed, I am not going around asking you if you want your potholes filled, no sir. I have a good road by my house, I can fill the potholes in front of my house, gentlemen, if that is what you want and I don't have to holler for you to hear, I have a microphone and I know it.

I am just a country boy from a little country town but, ladies and gentlemen, there is a little

poem I learned a long time ago and that poem goes this way: "Defeat is victory turned inside out and you might have won had you stuck it out." Ladies and gentlemen of the House, that is just exactly where we stand this morning.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to the debate here and the claims that this is not the final solution, the whole solution, when an old Chinese proverb came to my mind which is, "that the journey of a thousand miles starts with a single step." Let us take that single step.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the House reconsider its action whereby the Bill failed of enactment.

The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I would like to pair my vote with the gentleman from Veazie, Mr. Treadwell. If he were here, he would be voting no and I would be voting yes.

#### ROLL CALL

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

NAY—Aloupis, Armstrong, Bell, Bordeaux, Brown, K. L.; Cahill, Callahan, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L. M.; Holloway, 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.; Salsbury, Sherburne, Small, Smith, C. W.; Soulas, Stevenson, Stover, Studley, Tarbell, Telow, Walker, Wentworth, Weymouth.

ABSENT—Austin, Brown, D.; Davies, Dudley, Hobbins, Huber, Laverriere, McGowan, Nelson, M.

PAIRED—Strout-Treadwell.

Yes, 80; No, 60; Absent, 9; Paired, 2.

The SPEAKER: Eighty having voted in the affirmative and sixty in the negative, with nine being absent and two paired, the motion does prevail.

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

Mrs. MITCHELL: Mr. Speaker, I move that the rules be suspended for further consideration and further move that when the vote is taken, it be taken by the yeas and nays.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the rules be suspended for purpose of reconsideration. Those in favor will vote yes; those opposed will

vote no. This requires a two-thirds vote of all those present and voting.

#### ROLL CALL

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

NAY—Aloupis, Armstrong, Bell, Bordeaux, Brown, K. L.; Cahill, Callahan, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L. M.; Holloway, 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.; Salsbury, Sherburne, Small, Smith, C. W.; Soulas, Stevenson, Stover, Studley, Tarbell, Telow, Walker, Wentworth, Weymouth.

ABSENT—Austin, Brown, D.; Davies, Dudley, Hobbins, Huber, Laverriere, McGowan, Nelson, M.; Soule, Treadwell.

Yes, 78; No, 62; Absent, 11.

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

The pending question before the House is on passage to be enacted.

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 pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I would like to pair my vote with the gentleman from Veazie, Mr. Treadwell. If he were here, he would be voting no and I would be voting yes.

#### ROLL CALL

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

NAY—Aloupis, Armstrong, Bell, Bordeaux, Boyce, Brown, K. L.; Cahill, Callahan, Carrier,

Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Higgins, L. M.; Holloway, 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.; Salsbury, Sherburne, Small, Smith, C. W.; Soulas, Stevenson, Stover, Studley, Tarbell, Telow, Twitchell, Walker, Wentworth, Weymouth.

ABSENT—Austin, Brown, D.; Davies, Dudley, Hobbins, Huber, Laverriere, McGowan, Nelson, M.

PAIRED — Strout, Treadwell.

Yes, 77; No, 63; Absent, 9; Paired, 2.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-three in the negative, with nine being absent and two paired, the motion does not prevail.

Sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Increase the Per Diem Pay for Services Rendered by Active Retired Judges" (H. P. 350) (L. D. 398) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Kelleher of Bangor, the House voted to adhere.

(Off Record Remarks)

On motion of Mr. Dillenback of Cumberland, Adjourned until twelve-thirty tomorrow afternoon.