

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

Tuesday, March 17, 1981

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

Prayer by Father Frederick Carrigan of St. Peter's Catholic Church, East Millinocket.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act Appropriating Funds toward Reconstruction and Renovation of Leavitt Hall at the Maine Maritime Academy" (Emergency) (S. P. 435) (L. D. 1264)

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.

Later Today Assigned

Bill "An Act to Authorize the Eastern Maine Vocational Technical Institute to Operate a Program for Practical Nursing in Ellsworth" (S. P. 426) (L. D. 1248)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in concurrence.

In the House, on motion of Mr. Connolly of Portland, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Provide Arthritic Drugs to Low Income Elderly" (S. P. 419) (L. D. 1263)

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 Bring the Maine Traveler Information Services Act into Conformity with the United States Constitution" (Emergency) (S. P. 427) (L. D. 1249)

Bill "An Act Relating to Lighted Advertising Signs" (S. P. 441) (L. D. 1268)

Bill "An Act to Clarify the Status of Engineers Regarding the Design of Buildings" (S. P. 438) (L. D. 1266)

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.

Bill "An Act to Provide a \$500 Fine for Hunting Turkeys" (S. P. 425) (L. D. 1247)

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

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act Pertaining to Witness Fees Paid by the District Courts" (S. P. 440) (L. S. 1267)

Bill "An Act to Facilitate the Removal of Clouds on Title to Proposed Unaccepted Streets in Subdivisions" (S. P. 428) (L. D. 1250)

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 Water District for the Town of Milbridge in Washington County" (S. P. 424) (L. D. 1246)

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

In the House, referred to the Committee on Public Utilities in concurrence.

Bill "An Act to Reduce the Length of the Maine Legislative Session" (S. P. 436) (L. D. 1265)

Came from the Senate referred to the Com-

mittee on State Government and ordered printed.

In the House, referred to the Committee on State Government in concurrence.

Petitions, Bills and Resolves**Requiring Reference**

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

Aging, Retirement and Veterans

Bill "An Act to Amend the Benefit Option Provided upon Death of a Former Member who was Receiving a Disability Retirement Allowance" (H. P. 1114) (Presented by Representative Nelson of Portland)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Prohibit State Mandates and Tax Shifts" (H. P. 1115) (Presented by Representative Livesay of Brunswick) (Cosponsors: Representatives Bell of Paris and Higgins of Scarborough and Senator Collins of Knox)

Committee on Appropriations and Financial Affairs was suggested.

On motion of Mr. Pearson of Old Town, tabled pending reference and later today assigned.

Appropriations and Financial Affairs

Bill "An Act Relating to Boarding Home Reimbursement" (H. P. 1116) (Presented by Representative Randall of East Machias)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Concerning Drug Abuse by Registered Pharmacists" (H. P. 1117) (Presented by Representative Brown of Bethel)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Amend the Incorporation of the Town of Poland School District" (Emergency) (H. P. 1118) (Presented by Representative Callahan of Mechanic Falls) (Cosponsor: Senator Trafton of Androscoggin)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Covering Degrees Programs for Real Estate Agents" (H. P. 1119) (Presented by Representative Leighton of Harrison)

Committee on Education was suggested.

On motion of Mr. Brannigan of Portland, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Election Laws

Bill "An Act to Require Periodic Reappointing of Districts for Election of Representatives to Congress" (H. P. 1120) (Presented by Representative Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

(Later Reconsidered)

Energy and Natural Resources

Bill "An Act to Create the Nuclear Activity Consent Law" (H. P. 1121) (Presented by Representative Michael of Auburn) (Cosponsor: Representative Higgins of Portland)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Concerning Certain Estates under the Control of Public Administrators" (H. P. 1122) (Presented by Representative Soule of Westport)

Bill "An Act Concerning Plea Bargaining for Cases Involving Operating under the Influence

of Intoxicating Liquor or Drugs" (H. P. 1123) (Presented by Representative Davis of Monmouth)

Bill "An Act Forbidding Questions which Invade Privacy During Public Benefit Program Screening" (H. P. 1124) (Presented by Representative Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Concerning Qualifications of Law Enforcement Officials" (H. P. 1125) (Presented by Representative Davis of Monmouth)

Bill "An Act Concerning Performance Standards for Renewing a Liquor License" (H. P. 1126) (Presented by Representative Small of Bath) (Cosponsor: Representative Stover of West Bath)

RESOLVE, Authorizing Nancy Huber to Bring Suit Against the State of Maine (H. P. 1127) (Presented by Representative Gillis of Calais)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Relating to Aquaculture" (H. P. 1128) (Presented by Representative Post of Owl's Head)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Establish and Implement an Electrical Energy Budget for the State" (H. P. 1129) (Presented by Representative Davies of Orono)

Bill "An Act to Establish a State Emergency Electric Energy Conservation Plan" (H. P. 1130) (Presented by Representative Davies of Orono)

Bill "An Act to Assist Homeowners in Peak Power Conservation" (H. P. 1131) (Presented by Representative Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Providing for Certain Public Utility Bond Financing by the Maine Municipal Bond Bank" (H. P. 1132) (Presented by Representative Smith of Mars Hill) (Cosponsors: Representative Martin of Eagle Lake and Senators McBreairty of Aroostook and Violette of Aroostook) (Later Reconsidered)

Bill "An Act Concerning Search and Rescue Operations" (H. P. 1133) (Presented by Representative Brown of Livermore Falls)

Bill "An Act to Abolish the Office of Energy Resources" (H. P. 1134) (Presented by Representative Leighton of Harrison)

Bill "An Act to Establish an Employee Award Program for Suggestions for Improving State Government Operations" (H. P. 1135) (Presented by Representative Post of Owl's Head) (Cosponsors: Representatives Kany of Waterville and Mitchell of Vassalboro)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Concerning Partial Reimbursement for Property Taxes Paid by Certain Fraternities" (H. P. 1136) (Presented by Representative Davies of Orono)

Bill "An Act to Provide a Tax Credit for the Purchase and Use of Studded Snow Tires" (H. P. 1137) (Presented by Representative McColister of Canton)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing the Legislature to Impose a Property Tax in Excess of the Cost of Services upon Properties in the Unorganized Territories (H. P. 1138) (Presented by Representative Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Reform the Regulation of Carriers of Passengers and Freight" (H. P. 1139) (Presented by Representative Davies of Orono) (Cosponsors: Representative Tarbell of Bangor and Senators Trafton of Androscoggin and Emerson of Penobscot) (Governor's Bill) Committee on Transportation 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.

Transportation

Bill "An Act Relating to the Board of Harbor Commissioners for the Harbor of Portland" (H. P. 1140) (Presented by Representative Nelson of Portland) (Cosponsors: Senator Gill of Cumberland and Representative Kane of South Portland)

(Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

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

Recognizing:

Clarence Roberts, of Old Orchard Beach, who was named Citizen of the Year, by the town's historical society; (H. P. 1142) by Representative McSweeney of Old Orchard Beach.

Clifford E. Noyes, 87, of Wilton, active in political and civic affairs, who, on March 9, 1981, completed 19 years of service as a Selectman; (H. P. 1143) by Representative Armstrong of Wilton.

In Memory Of:

David W. Morrison of Mechanic Falls, who was an outstanding citizen and family man; (H. P. 1144) by Representative Callahan of Mechanic Falls.

There being no objections, the above items were passed or adopted and sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act Requiring Traps, Except Water Sets and Killer Types, Under the Fish and Game Laws, to be Checked Every 24 Hours in Unorganized or Deorganized Places" (H. P. 106) (L. D. 140) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act to Clarify Recovery for Cardiovascular Injury under the Workers' Compensation Laws" (H. P. 668) (L. D. 772) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Dillenback from the Committee on State Government on Bill "An Act to Establish a Kennebec River Future Commission" (H. P. 237) (L. D. 272) reporting "Ought to Pass" in New Draft (H. P. 1141) (L. D. 1285)

Report was read and accepted, the New Draft given its first reading and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Require Individually Marked Prices on Certain Retail Merchandise" (H. P. 445) (L. D. 507)

Report was signed by the following members:

Senators:

SUTTON of Oxford
SEWALL of Lincoln
CLARK of Cumberland

—of the Senate.

Representatives:

PERKINS of Brooksville
POULIOT of Lewiston
TELOW of Lewiston
JACKSON of Yarmouth
RACINE of Biddeford
GAVETT of Orono
BRANNIGAN of Portland

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-103) on same Bill.

Report was signed by the following members:

Representatives:

FITZGERALD of Waterville
MARTIN of Van Buren
GWADOSKY of Fairfield

—of the House.

Reports were read.

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

Mr. BRANNIGAN: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that the Majority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: This bill deals with what is known as item pricing. If it were passed, it would require those stores that have scanners, and I am sure others will talk more about what scanners are, but they are electronic reading devices that read certain symbols on merchandise, usually found, almost always found at this time in large supermarkets, and it would require these stores to continue the practice that they have usually had, and that is to put the price on each can, each item that they sell. That is either done by it being printed on it, as a bag of peanuts may have it printed on it, or, as usual with cans and other items, they are stamped with a little stamp that gives you the price.

Testimony at the hearing was pretty conclusive that item pricing is still continuing, and where the large supermarkets have tried to cut it out, there has been some customer pressure to put it back on. As you know, those of you who shop in large supermarkets that have scanners, they don't always and in all cases continue to put the prices on each individual item, but on the whole, that is still being done. There is fear that it will be less and less as time goes on, and that may be true.

First of all, I think there are two concepts involved that we have to consider—one, whether we should be legislating in this area at all and telling merchandisers whether they should mark their items this way or that way. The second concept is, if you do believe we should do that, should we do it before there is any real problem, because there doesn't seem to be any real problem at this time. Those are the two concepts, and I think that on both those concepts, at this time we should vote "ought not to pass" on this bill.

The other reason I feel we should vote "ought not to pass" is, the bill is flawed, it really is not a good bill, it is not an even-handed and well written document. It doesn't cover all stores, it only covers those who have scanners. Mom and Pop stores would not have to put these stamps on, stores of a larger nature but still don't have scanners would not be required to label every item. It is not clear about those stores that have scanners. The original bill would require them to have stamped every item, and they have never done that. So, in an attempt to deal with that issue, the amendment was put on, but it still is not clear. It exempts this item and that item, but then it exempts items not usually priced. Well, that is a hummer—you would have a lot of problems with what is not usually priced.

The last flaw I would point out, it doesn't

treat a new type of merchandising coming in, and that is the bulk sales people, people who don't have any fancy stores but just put things out in cases, rip open the cases, and we are also going to be having groups come in, I understand, in the future who will be selling by the case. It just doesn't deal with those, so I think it is flawed in this uneven approach, so I would encourage you to vote "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise on the day of the green, St. Patrick's Day, to ask you, before you vote green on the pending motion, that you give the orange a little chance here today, the minority, and perhaps vote and then we can get on with the green.

I rise to speak for the minority and ask that you consider the bill, L. D. 507, very carefully before you vote.

I would like to compliment the chairman of the Business Legislation Committee for his excellent explanation of the concepts involved in the issue and for his report of the committee as to some of the flaws that they feel the bill contains. Certainly, I would be the last one to come before you and say that I have the perfect bill that is going to solve all the problems. I think the last person who did that is also a saint—I am not a saint today, I know that.

The reason the bill doesn't cover all the stores is because not all the stores are involved in using the scanners or the computer equipment, so you would not want to pass a bill to cover stores that don't have the problem that this computer equipment does bring to the stores in their relationship to customers. And as far as pricing things by the case, there is nothing in the bill that says you have to sell anything by the piece. You can sell it in any quantity that you want as long as you put the price on that quantity. If you want to sell a case of beans, just let the customer know what the price of the case of beans is in some fashion. That is all we are asking.

I would like to ask you to consider this bill seriously, and before you think that we consumers are trying to break up big business or we are trying to regulate the stores out of business or we are trying to regulate against technology and progress, computer per se, or any of the other standard red herrings that come up when we debate these kinds of issues, consider the importance of the bill first.

I am not defending a bill today that some, if you want me to quote, "doggone politician dreamed up just to make it hard for business." I am defending a bill that admittedly a small group of people in two towns in my legislative district asked me to submit in their behalf. I am defending a bill that I, as a former storeowner, could live with as a businessman, a businessman who is interested in giving convenience and service to his business customers.

The idea behind this legislation, L. D. 507, is not a new idea, it is not unique. Similar legislation is now in effect in Minnesota, New York and Michigan, and also in three of our sister New England States—Massachusetts, Connecticut and Rhode Island. The computers are being used there along with this legislation.

This legislation has a history here in Maine also. A similar bill was introduced four years ago but it was said at that time, when so few supermarkets had scanners, that the bill would be premature and it was withdrawn. Today, I feel that the primary objection of the majority of the committee seems to me to be that An Act to Require Individually Marked Prices on Certain Retail Merchandise is still not yet needed. However, now that you see the checkouts in the big supermarkets using these scanners, and with this rapid introduction of computerized cash registers for the first time in Maine, it allows the supermarkets to eliminate the pricing stamps and stickers that we have always

seen on every individual item in the supermarkets.

We all recognize that this computer technology is important; it brings many benefits to the supermarkets, to the operators. But there is also an inherent danger, and that is that the supermarkets will be tempted, and I say that they are tempted, and you will see evidence of it everyday, to eliminate the individual item pricing.

Another argument made by those who object to this legislation is that your food prices will cost more unless you allow the supermarkets to fire a few part-time schoolboy clerks who are now pricing these items. I reject that argument as false. In fact, consumers are paying for many items to be priced that the supermarkets don't do right now. The supermarkets themselves do not do the item pricing.

Now, when I had my little grocery store, I was one of these stores that did not do a large volume of business such as you see in a supermarket, so I couldn't afford to put in a hundred thousand dollar scanning equipment or a computer. I did item price. There are many places that don't item price in small stores, but they are not competing with the supermarkets.

I would like to relate to you a personal experience of mine as the owner of a small grocery store. I wanted to buy cookies and crackers from a particular bakery concern, which is a large concern throughout the United States. For me to buy cookies and crackers, I had to call up that concern, make a toll telephone call, and order my cookies and crackers, and they would drop them off at the door and I would have to carry them in, open them, price them myself, put them on the shelves, and arrange displays. I would have to pay, for example, a dollar for a box of cookies while the very same box of cookies was being sold to the supermarkets for something like 80 cents. I had to pay an extra premium for the cookies, I had to price the cookies, I had to put them on the display shelves, but my supermarket friends bought the cookies cheaper and then an agent of the company went over and put the prices on the cookies for them, arranged the displays for them and cleaned the shelves for them. Now, how can food costs go up if you are getting something for nothing like that? Or is that a slight of hand?

During the hearing, and it was given a full and fair hearing, and I would like to commend the committee for being willing to work on the bill a little bit and allow some amendments to be proposed. Industry representatives, during the hearing, listed the many advantages that computers bring to store operators. It facilitates the bookkeeping in the store, it is a boon to inventory control, it helps the managers in their scheduling of work assignments, it provides for automatic reordering of merchandise so that they don't run out of items. It facilitates promotional activities and it assists the management in making decisions. I suppose you can have a formula for just about any management decision and plug it into the computer. And it cuts the time that the customer has to wait at the point of sale. You know, you can scan right through these checkouts now.

But if you will read L. D. 507, you will notice that there is nothing in the L. D. that repeals the bookkeeping or the inventory control, or the management decision use of these scanners. There is nothing to prevent the checkout time from being reduced. All of these advantages that the computers and scanners have will remain in effect: we are not reducing any of these advantages—in fact, I guess it is in excess of 90 percent now—of using the computers in the management end of it in the operations of the store.

All I am asking in this legislation is that if you are going to use the scanners and you are going to take advantage of all those pluses, please don't take the prices off the can of tuna fish, or the can of beans or whatever it is, so

that when people go shopping and they want to do some comparison shopping, I know if you go yourself you know just exactly what I am talking about, and if you go into the supermarket and you look around and you watch the elderly people with their little computers, their little calculators, trying to stay within a food budget, if you go to the supermarket, you, yourself, will probably lift up a can and want to look at it and know what you are paying for it. You want to actually put the two cans side by side and see the difference in price. Is this asking too much? I think not.

If we can give all these advantages to the store operators, I say we can still give convenience, we can still give service to all of these customers who come into the stores. So, on the pending motion, I would ask you to vote orange or red and then we can have a motion to accept the minority report and everybody can vote green on the day of the green.

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

Mr. DILLENBACK: Mr. Speaker and Members of the House: I did not attend the hearing and, unfortunately, I did not come today prepared to even speak on this bill, but I feel as a necessity I must rise and say a few words.

In a little small store that our good friend, Mr. Cunningham, speaks about, it probably doesn't make any difference whether you mark the cans or you don't mark the cans. He probably had very few items in the store that he was in. A large supermarket, which buys a computer, probably spends \$120,000 to \$150,000 for that computer. They can pay for that computer in three years, believe it or not.

One of the big items that happens in a grocery store is that you can take 3,000 items as the average number of items in a store, maybe 3,500, that you would price. Twenty percent, at least, of those items change every week—every week there is a price change that comes through. If you can imagine how long it takes to price those items, it is a major factor.

It is true, it helps on your bookkeeping, it helps on your accounting and it helps on everything else, but today, to be competitive and to save the housewife the cost on her groceries, anything that you can do to keep the price of those groceries down is an asset not only to you but to every person that has to go into a grocery store.

The cost of electricity in a grocery store, the cost of every bit of business that we have to do today, it has the same problems that you have in your home. The cost of doing business in a grocery store has increased dramatically, but the cost to you as a consumer has not increased in proportion, and the reason it has not increased is because people have endeavored, management has endeavored, to do everything possible to keep the cost of their store down.

Now, 150,000 changes perhaps in one day on grocery items is not a big item, but it isn't done by some schoolboy, it is done by many people. There is nothing that prevents the grocery store from putting a pricetag on that shelf, if somebody so desires, and if the customers, after all, they are the people that come into the store, if they would like to have a pricetag put on the shelf and ask for that, it is something that would certainly be considered, but to price every can is ridiculous, and I hope you go along with the majority recommendation.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: I remember several years ago when the gentleman from New Gloucester and myself were freshmen members, and I can remember, I think two years later, when we agreed on a bill. I don't think we have agreed on anything since or before that time, and this just happens to be one of those issues.

I sponsored this bill along with Senator Wood four years ago, and at that time the supermarkets came in and said it is too early to deal with

this issue, we will never take the prices off the cans, that is what the people want. Well, if you have been in a supermarket recently, you will notice that they have taken the prices off the cans, and that is just the reason for this bill.

If you go into a store and you have \$20 in your pocket and you have to go down each aisle and you have the items and you throw them in the basket as you go along, you have no idea how much they cost. You may see the price on the shelf as you go by, but there is no way you can remember as you go along how much you are spending. You get to the last aisle, you don't know how much you have spent and you don't know when you get to the cash register whether you will have to return half of the cans you have already put in the basket. So I think it is helpful to the consumer if the prices are marked on the cans, so at least the consumer can add up the prices as the person goes along.

Another problem is—let's say you get to the counter where the tuna fish is and you see 15 different brands of tuna fish. You don't know which one is more expensive than the other, they are all different prices, and I think it is helpful not only to have unit pricing on the shelf but also have the price on the can so that when you take the item, you will know how much it costs when you get to the end.

Another problem I have is with sale prices. How do you know that the scanner has placed the correct price on the slip when you leave? They are always having sales, and at least if the price were on the can, you would know if the sale price was correct. However, after you have left the market and you check your slip, you may find out that the scanner made a mistake, that the price was never placed into the computer.

Finally, I would only add that in many supermarkets that have scanners, the scanner does not say, for example, Bumble Bee Tuna, \$1.15; it will just say tuna fish or it will say produce or whatever it is instead of the name of the item. So, in that way, you are not really being helped when you get home and try to compare prices.

I would ask this House to vote against the "ought not to pass" report.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: You paid for the scanners in the grocery stores, you make them mark the cans and the boxes on top of that, and you are going to pay just the same, you are going to pay all the way around.

The gentleman from Cumberland, Mr. Dillenback, hit it right on the head—Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

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

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

Mr. JALBERT: Mr. Speaker, I am sorry that the young man from Waterville made that motion, because the previous speaker, the gentleman from Portland, Mr. Brenerman, gave this body every conceivable reason why this bill should be passed. I would like to know what is wrong with item pricing? I would like to ask the gentleman who is House chairman of the committee to answer that question—what is wrong with item pricing?

I am not a person that goes shopping, very obviously, for one very good reason—it scares the devil out of me.

You know, these scanners are not perfect and these merchandisers in these big stores, they are perfect. In that I don't go shopping because of a problem in my home this summer, I found myself for the first time pushing a cart in a store, and I had never done it in my life. After having been there about 40 minutes, I had about 3 items in the basket, I ran into the manager

and I had what I wanted, no prices on it but I had what I wanted, and he told me, aisle 1, aisle 3, aisle 6, this that and the other, so I went back and I had the same thing, and about a week later I went back, I wanted them again, the same thing. I had the slip, so I figured I wouldn't go bother the good gentleman that showed me before, I will see what I can do myself. Would you believe, the merchandising department in the store had been at work, they had changed the leaders from one aisle to another. What used to be in aisle 3 now is in aisle 6; what used to be in aisle 4 now is in aisle 7. So I decided I might as well go to work and see how those jokers operate.

I want to see an answer given on item pricing, and this committee here has got time to do it. You haven't had one money bill come out yet, Part I, Part II, Part III, IV, whatever it is we have possibly got downstairs. They are still laying dormant. You people have got plenty of time to recommit this bill and come up with a bill that makes sense.

Just because they bought these machines that this very handsome man here says they paid \$130,000 or \$140,000 for, that doesn't make that machine perfect. If somebody has only got \$20 to spend and there is nothing priced, if he is up there and the place is busy up back and out front and the items come up to \$23.40, what is he going to do? Put everything back in the basket, wheel it back out again and decide what he really wants, what is coming off and what isn't coming off? What is wrong with pricing? I used to see these kids in there working and they did a good job—click, click, click, working after school making a few dollars and now the computers have taken over, knocked them out of jobs again.

I want one question answered by my knowledgeable House chairman—what is wrong with item pricing? Don't tell me that you can't get that bill back in committee and bring it back here with something that makes sense. Of course this bill is not good as it is, the amendment is not good as it is, but I say that you can have a bill come up here that makes sense if you will recommit. And I would like to have you answer my question.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to the gentleman from Portland, Mr. Brannigan, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I didn't realize with this bill that I would be taking on one of the most eloquent and the most experienced men in our body. I will try, Mr. Jalbert, to answer your question.

I don't think there is anything wrong with item pricing, and I do do the shopping in my family, almost all of it, and have for 10 years, and I appreciate item pricing and where I shop they do item pricing on almost all items. Supermarkets have never done item pricing on everything, such as baby food, for example, when I was buying it, everything was 27 cents and everybody knew that, so they never did item price on that, and certain other things that they just never item priced. But where I shop, they price almost everything and have had a scanner there for many years.

I want to clarify one thing. If you haven't shopped a lot, then maybe we are not clear between item pricing and unit pricing. If they were doing away with unit pricing, then I am sure you would see an entirely different stance this morning.

Unit pricing is usually a combination of both item and unit. When you look at the cans of tuna fish, you will see that it says very clearly—Bumble Bee Tunafish, and it will say how much that can, which is 7 oz., costs, \$1.09 a can, and it will say right beside it how much that is a pound. That item price is the item, \$1.09. How much it is a pound—I should have taken something that is half of 16—anyway, the two dollars

and something a pound is going to be how you really do your shopping and how you really compare, because if the other tuna fish, this is \$2.10 a pound and the other is \$2.40 a pound, that is how you decide. It is not how much it is per can, because sometimes the bigger can that is 20 ounces will cost you more per pound than a smaller can and the smart shopper shops by unit price.

What we are talking about this morning is that that shelf price, the item price on the shelf of \$1.09 on Bumble Bee tuna, we are saying it has to be stamped on every can. First of all, I think in most of the supermarkets that is still being done. I will give you an example. This was a poignant example, I thought, in the committee hearing.

In this fast growing town, 20 miles or so from Portland, the two giant food merchandisers moved in and they drove everybody else out of business, and that is another issue. Of course, they moved in with all new equipment, scanners and so forth, and one of them decided that they would do away pretty much with the item pricing, the stamping of every individual item. The other one did not, they continued their practice of stamping everything pretty much. Competition was keen in that town and it ended up that the ones who had decided they would not stamp every item had to, and now both of those large chains are item pricing every item that they usually item price. It was a good example of what people that use it—I am not the one to say that free market place and so forth is working. Customers demanded that and they got it in that particular town, and so I say that there is nothing wrong with item pricing. I am very much in favor of item pricing and I hope item pricing continues. It is a matter of whether we need a law that says it has to happen.

As far as the committee is concerned, the committee, at one point was unanimously "ought not to pass" and it became divided after the amendment was put on.

I hope that I have answered Mr. Jalbert's question.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended, like an earlier speaker, to rise on this question this morning, but I can't resist this kind of an issue.

I can't resist, while I think Representative Brannigan's explanation was an excellent one, I can't resist adding my own answer to my good friend, Mr. Jalbert's question.

The reason for not having item pricing is because it is cheaper and the problem with this kind of a bill, really, and it is much like the fingerprint bill that we had earlier, is it demonstrates a basic lack of faith in the wisdom of the consumer and how the free market system works. If people don't like this system, they will go someplace else. If some entrepreneur discovers that people don't like this process, they will come up with a store that doesn't have it. You can really boil it down to one very simple question, who sells goods to the consumer and, after all, that is the concern we have, isn't it, most cheaply? Is it the little Mom and Pop store that item prices or is it the large supermarket that employs cost-saving measures like this?

I think this is a ridiculous bill, and I support my good friend, Representative Brannigan, in its indefinite postponement.

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

Mr. FITZGERALD: Mr. Speaker, Ladies and Gentlemen of the House: I have received numerous telephone calls on this subject since the story appeared in the Central Maine Morning Sentinel this last week. These calls came from senior citizens and other customers of the one store in Waterville that recently added scanning equipment. Their number one complaint is overcharging on items that they have purchased. A senior citizen goes into a grocery

store, purchases the groceries for the week, calls a taxi to go home, gets home, looks over the receipt tape and discovers that there are three or four mistakes on the charge. They are then faced with the dilemma—do they stay home and absorb the loss or do they take another taxi to the store, correct the mistake, get another taxi to bring them back home? Either way, they are faced with additional costs to their grocery bill. The same problem arises with shoppers from rural areas who come a long distance to do their shopping in town, discover a mistake and have to come back in again.

I would like to mention a couple of specific problems that have arisen in Waterville. Perhaps the most serious involves the sale of milk. I have heard complaints from customers relating to me that the scanner could not differentiate between plastic containers of milk and paper cartons of milk and that those people buying the paper cartons of milk were charged the extra five cents of the cost of the plastic container. How many people has that happened to so far just in Waterville alone? Another customer related to me an experience he had when the machine moved a decimal point and charged him \$58 for a 58 cent item. This is an extreme case because you would obviously be able to tell if you had a \$58 item on your bill, but what about a 25 cent item that is charged \$2.50? You might not mention or be able to notice that \$2.50 item right away.

I would ask you today to vote not to accept the "Ought to Pass" Report.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have an interesting point of view on this because I worked as a stock boy for a long time and I also managed a large grocery store. I can remember the late nights as we took cans off the shelf and put the prices on and changed them and then if there was a sale we had to take them off again and change them around again. This costs money.

This whole bill reminds me of the old bills that used to be passed on automobiles where they said, yes, you can drive your automobile but you have to walk in front of it and wave a lantern so no one will be harmed by it, and that is really what we are doing here.

The prices are put on the shelf. There have been examples of stores that have gotten away from pricing and they have lost business and they have had to go back to it. It is an area where the customer has tremendous power and should be allowed to exercise this power.

The slips that you receive from a scanner itemize what the product is, it will tell you what the price is. It is far easier to get a rebate taking those slips back than a standard cash register tape. If you take back just a tape that lists a series of prices, it is very often hard to figure out exactly what the item was for 29 cents. This tells you exactly what the item is and it is much easier to get a rebate.

Finally, if you are from the Portland area, and I can't speak for Bangor and some of the other parts of the state, the Portland area, the consumers, you and me, have benefited from quite a price war that is going on there. If you have been into any of the large stores down there, you know that they are really struggling to get the lowest price. One of the stores, a big warehouse operation, and I won't mention its name, they sell mostly case lots or broken case lots. A bill like this would make them mark every item in those cases because they are not selling full cases, they are selling part cases, and it would mean that they would have to go through and break all those cases open and mark them and it would put their prices up a lot further, which I am sure the other large stores would like because it would mean that they wouldn't be pushed on their prices as hard.

So, passage of a bill like this would cost the

consumers money, it would be waving a lantern in front of a car because you are afraid of the new and innovative that is coming along and I just don't think we need it. Beyond that, it is a flawed bill, it has problems with it, and if we are going to keep it alive, it is going to have to be totally rewritten and I sort of shudder at the thought of trying to rewrite a bill by amendment on the floor of this House.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: So I won't forget, I think I will start on Mr. Jackson first. When you say that this thing here is going to help the consumer, or words to that effect, nothing could be further from the truth. This is going to do what it always does to the consumer, it is going to clobber them again—that is what happens.

This is big business that we are talking about. Prices used to be on every can. As far as I am concerned, I was somewhat amazed to see my very dear friend from Harrison, Mr. Leighton, get up on this bill—you know, the champion of all perfectas, who lives in a small town. After, Mr. Leighton, you see me and I will tell you, in answer to Mr. Brannigan, I will tell you who really owns the two big outfits in this state. I went into one of them one time when I was chairman of the Research Committee, we had a meeting in Portland, one of the big ones, and there are only two real big ones, and that one big one, we had a meeting and they came up and they wanted 60 days' credit on malt beverages. That didn't last very long, I can tell you that right now. That was one committee I knew how to name. Usually, when I want something killed, if I am chairman, I name about 37 people on the committee and me chairman—then I know it is dead. If I wanted it passed, I name myself as chairman and two first cousins on the committee, that is three of us, and I am home free.

As far as the other biggy, Mr. Brannigan and Mr. Leighton, as far as the other big one, I know who owns them and you know who owns them and you know who owns them lock stock and barrel, and they are not altar boys. I have immunity here but anybody who asks me and wants it printed outside, where I don't have immunity, I would be delighted to make that statement. They are the two places, both of them, that I don't go to. I go to an ordinary store once in a blue moon, and I have got to be forced by one arm because I drive by there all the time. I turn to the other side and drive by there, but the other places that I go to are the Mom or Pop stores and this kind of legislation means the extinction of Mom and Pop stores, or else I go to a drug store that buys from a good Maine outfit, controlled by Maine people, not a syndicated outfit like the two biggies that you are talking about my good friend, Mr. Leighton, and you are talking about, Mr. Brannigan. I know who controls one of them, I know who controls them; the other one, I haven't found that out yet, but I know enough about them to say no to them anyway. I wouldn't be found dead in the other store.

Mr. Jackson mentions that the bill could be rewritten, and I got a halfway answer from Mr. Brannigan on item pricing. We admit in the back by Mr. Fitzgerald that the computer made a mistake of some hundreds of dollars—well, they make mistakes on 35 cents, 40 cents and 70 cents and you pay, and you try to get your money back, particularly from one of those biggies.

They will tell you to get lost quick and bring the basket back after you dump what you have got.

I know, Mr. Speaker, you are saying to yourself—what is he doing on this thing, but, you know, you get excited on certain things like this. You people have got a committee; you have got a duty to perform.

I would like to see you people go back and

spend at least one working session, one more working session on this bill, and see if you can come up with something. Then if you can't, I would be delighted to go along with it. I am just one person and I am not going to change the world around today, particularly on this type of day. Somewhere along the line I have not had my question answered on my right, which I respect very much, and on my left, the man that sat next to me for many years and makes good common sense, but today he is speaking like a former grocery man, he is not speaking like a legislator.

Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I want to tell you that I, personally, have gone shopping in a supermarket that has these scanners and I bought about \$30 worth of food and when I got home I had this habit of checking everything, and it came out that I had bought five cans of beans that were marked 49 cents, and on that scanner they charged 59 cents. I can tell you, if that item had not been marked 49 cents, there is no way in the world that I could have known the difference.

Like Mr. Jackson said, it is easy to get a rebate with this, but it isn't easy if it isn't labeled on the can.

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

Mr. MICHAEL: Mr. Speaker, I would like to know why we always have to wait until it is a big mess before we start to clean it up. I would like to have a little bit of preventive legislation for a change.

It is true that most stores now mark the items individually. It is also true that the prices on the shelves are starting to disappear. We have been told about some of the problems of overpricing that have already occurred.

I want you to know that this bill has been passed in several states, that it is certainly workable. We have many examples of that. I would like to concur with the good gentleman from Lewiston who suggests that we put this back into committee, come up with a bill that will work in this state. It shouldn't be hard work. We can look to the examples on record now that are working in other states and copy some of that. There are many reports that have been done around the country. We can gather all sorts of information and it should be no problem whatsoever.

I am really amazed that some of the champions of the free enterprise system have been caught up in using this bill as an example of something which threatens that. You know, when I support the free enterprise system, I like to look at the kinds of stores that the gentleman from New Gloucester used to run where the small businessman in the community is in an environment where we compete. When you are talking about an outfit or a couple of outfits that control a majority of the market, you are not talking about the free enterprise system anymore. There is one element you need; it is called competition. When there is no competition there, you don't have any free enterprise. So please don't get caught up in thinking that this has anything to do with challenging the free enterprise system, it doesn't. In fact, this bill will probably support that system.

In St. Louis, one or two firms controlled a great percentage of the business there and over a period of years that happened, and all of a sudden overnight, virtually overnight, the prices disappeared from the shelves. Now, when a couple of stores control most of the places where you can buy food, you really can't exert influence by shopping somewhere else—you don't have much choice. I would like to avoid the kind of thing that happened in St. Louis here. Although it is not happening now, I

am sure that as these systems continue to mushroom around the state, we will get to a point where the prices will disappear and the problems that have been outlined before, such as the difficulty in comparing prices and keeping track of the cost in the carts, of spotting overcharges, will develop here.

Other things also happen—it is very easy to raise prices using these computer systems. The system is located in the back of the store somewhere and it is not at all impossible to raise the price of chicken between four o'clock and six o'clock, for instance, on Thursday evening, run out and put the one price on the shelf and run back in the room and switch the computer and do those sorts of manipulative things.

This bill is empowering—it empowers the consumer to have the information that he wants to determine if he is getting a good price on things. So the question that we have to ask is, what do we want the supermarket place to look like? Do we want it to be manipulative or do we want to have it look like some system that supports the consumer or one which takes power away from him?

I certainly hope that you do vote against the motion to indefinitely postpone so that we can do whatever we have to do to make this bill work.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum for the purpose of acting as Speaker pro tem.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to delay this any longer. I think we probably should have a roll call.

I just want to say a few things. Out of the 80 stores in the company that I formerly worked with, only 5 have computers. Why are they doing the business? Because the prices are lower. That is the point I want to get across.

If you people are arguing that a computer is not accurate, or it does not make errors, the only errors a computer makes is human errors. What do you think the little stock boy does when he marks the cans? How many times have you thought the price was wrong on those cans? Let's not kid ourselves. The computer is the most accurate form of marketing there is, and if they want to change the price from 48 to 58, they can do it. If they want to reduce it from 58 to 48, they can do it, they can do it with one button—that is management. And since when does the legislature tell the people out in the free enterprise system how to run their business? Don't do it; let the market reach its own level. If their people didn't like what they were doing, they wouldn't be shopping at those stores.

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

Mr. JACQUES: Mr. Speaker and Members of the House: I am a small grocery store owner, and I will tell you, I own it. As long as I keep making that payment to the bank, it is my store, nobody else's.

Every week I get three pages of price changes, every single week, week after week, sometimes twice a week. I have a girl that does that and that is all she does. She comes in every night, six o'clock until ten, and changes the prices. She is there anyway, so it is no big problem.

I don't really care how you vote on this bill because I get my groceries at my cost, I don't have to go anywhere else, but as Mr. Jalbert said, I am not speaking as a store owner, I am speaking as a legislator, and this bill as it is now is no good, period. If they think they can

write it up and come back with something else, more power to them, I urge that, but the bottom line is, who is going to pay the bill?

We have a big grocery store in my town, it is in the Concourse Shopping Center, and every night you go by there and there's about 12 to 15 young boys, young ladies, and they are doing one thing, changing prices night after night after night. Now they are going on the scanner system, and I will grant you the scanner system makes mistakes, but the decision you have to make is, do you want to decide between the mistakes made by the scanner, do you want to have people mark those individually, but you are going to pay the price, your people are going to pay the price. The decision is up to you; I don't really care.

I don't think this bill is very good and I am going to vote to indefinitely postpone it. If they can come out with something better, I will give it a crack. The decision is yours; I don't really care.

The SPEAKER pro tem: 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 pro tem: The pending question is on the motion of the gentleman from Waterville, Mr. Jacques, that this Bill, L. D. 507, and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

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

Mr. HIGGINS: Mr. Speaker, I would like to pair my vote with the gentlewoman from Lincolnville, Mrs. Hutchings. If she were here, she would be voting yes and I would be voting no.

ROLL CALL

YEA — Aloupis, Austin, Bell, Benoit, Berube, Bordeaux, Boyce, Brannigan, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carter, Conary, Connors, Cox, Crowley, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Fowlie, Gavett, Hanson, Holloway, Huber, Hunter, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kane, Kiesman, Lancaster, Laverriere, Leighton, Lewis, Lisnik, Livesay, Lund, Mahany, Masterman, Masterton, Matthews, McPherson, McSweeney, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Perkins, Peterson, Post, Pouliot, Racine, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Soulas, Soule, Stevenson, Stover, Studley, Swazey, Telow, Treadwell, Tuttle, Twitcheil, Webster, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Boisvert, Brenerman, Brodeur, Carrier, Carroll, Chonko, Clark, Connolly, Cunningham, Davies, Diamond, G. W.; Diamond, J. N.; Erwin, Fitzgerald, Gillis, Gowen, Hall, Hickey, Higgins, L.; Hobbins, Kany, Ketover, Kilcoyne, LaPlante, Locke, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McKean, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Murphy, Nadeau, Paradis, P.; Paul, Pearson, Perry, Prescott, Richard, Rolde, Smith, C. B.; Smith, C. W.; Theriault, Thompson, Vose, Walker.

ABSENT — Armstrong, Gwadosky, Hayden, Kelleher, Martin, A.; Moholland, Reeves, P.; Strout, Tarbell.

PAIRED — Higgins L. M.; - Hutchings.

Yes, 84; No, 55; Absent 10; Paired 2.

The SPEAKER pro tem: Eighty four having voted in the affirmative and fifty-five in the negative, with ten being absent and two paired, the motion does prevail. (Later Reconsidered)

The following paper appearing on Supplement No. 3 was taken up out of order by unan-

imous consent:

Special Sentiment Calendar

Recognizing:

Maine Maritime Academy, which, on March 17, 1981, is celebrating the 40th anniversary of its establishment; (S. P. 460)

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: Surely it is a pleasure for us to recognize the 40th anniversary of the fine school in Castine, the Maine Maritime Academy. Graduates from this school during and since World War II have played a major role in our maritime history. I suggest if you are in the area, it would behoove you to visit the academy, talk with the officers and some of the 640 young men and women who make up the academy today. Then go aboard the training ship, the State of Maine. I know as you leave Castine, you will be impressed with the setting and industry of the academy, and I feel that you will be proud to be an American.

Thereupon, the Joint Order received passage in concurrence.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would like to thank the gentleman from Fairfield, Mr. Gwadosky, for acting as Speaker pro tem.

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

Consent Calendar

First Day

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

(H. P. 397) (L. D. 440) Bill "An Act to Provide that Certain Licenses Issued by the Department of Inland Fisheries and Wildlife be Issued on the Basis of Fiscal Year" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-109)

No objections being noted, the above item was ordered to appear on the Consent Calendar of March 18, under the 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:

(H. P. 504) (L. D. 555) Bill "An Act Relating to Games of Chance Sponsored by Charitable Organizations"

(H. P. 149) (L. D. 175) Bill "An Act to Amend the Charter of the York Water District"

(H. P. 246) (L. D. 280) Bill "An Act to Clarify Appellate Procedure in Adoption Cases and Provide Transition Provisions for Certain Guardians under the Probate Code" (Emergency) (C. "A" H-99)

(H. P. 620) (L. D. 703) Bill "An Act to Facilitate the Distribution of Child Custody Reports" (C. "A" H-100)

(H. P. 178) (L. D. 225) Bill "An Act to Amend the Laws Relating to Examinations of Motor Vehicles by Police Officers and to Increase the Penalty for Avoiding a Police Roadblock" (C. "A" H-101)

(H. P. 471) (L. D. 524) Bill "An Act Concerning the Interest Charge on Outstanding County Taxes" (C. "A" H-102)

No objections having been noted, the House Papers were passed to be engrossed and sent up for concurrence.

(H. P. 148) (L. D. 174) Bill "An Act to Revise the Charter of the South Berwick Water District" (C. "A" H-104)

On the objection of Mr. McHenry of Mada-

waska, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-104) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 529) (L. D. 595) Bill "An Act to Exempt Fuel Adjustment Charges of Electric Utilities from the Requirement that such Charges be Prorated" (C. "A" H-105)

(H. P. 479) (L. D. 535) Bill "An Act to Adjust the Fiscal Year of the Cobbossee Watershed District" (C. "A" H-106)

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

Passed to Be Enacted Emergency Measure

An Act to Amend the Employment Security Law Relating to Payment of Extended Benefits of Interstate Claimants" (H. P. 355) (L. D. 403)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 130 voted in favor of the 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 Prohibiting Businesses from Raffling or Giving Away Live Animals, Fowl or Reptiles as a Fund-raising Device (S. P. 171) (L. D. 421)

An Act to Amend the Charter of the Portland Water District (S. P. 209) (L. D. 574)

An Act to Amend the Law Relating to the Authorization for Degree-granting Authority for Higher Education Institutions (H. P. 269) (L. D. 328)

An Act to Make Corrections in the Topsham Sewer District Charter (H. P. 478) (L. D. 527)

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 Establish Guidelines for the Issuance of Concealed Weapon Permits" (H. P. 467) (L. D. 519) (C. "A" H-88)

Tabled—March 16 by Representative Diamond of Windham.

Pending—Adoption of House Amendment "B" (H-107)

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I now move for the indefinite postponement of House Amendment "B".

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, moves that House Amendment "B" be indefinitely postponed.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: As this bill has progressed through and as the amendment has been prepared, changed and so forth, I began to feel that we were on one of the major issues of the session, especially yesterday in the halls and here in the House after the session was over. I have never seen so much smoke since we had the caboose bill.

I hear such things about this amendment as, well, if a hunter comes up and parks his car on one side of the road and he has to walk across the road, how does he do this with a weapon? I think that is pretty easy. He can either park on the side of the road or carry it across the road,

so I don't see any problem there.

I even heard the smokescreen—gee, they are going to use these weapons to kill wounded animals. Well, if I saw a wounded animal in the woods and I had a weapon, whether you agree with hunting or the killing of animals or not, which is not really the issue here, I think it would probably be humane to put that animal out of its misery out in the deep woods. So, let's not talk about smokescreens that we have heard, let's go to some pure facts.

Number one, I want all of you to know, and I will publicly acclaim I think this is one fine bill, it is a long time in coming, and I think the time is here and I would like to see this bill go through. I congratulate Representative Merle Nelson from Portland, I congratulate the committee, because I think they did a tremendous job.

I did, however, express a concern to the committee while they were having their work sessions and even since to the committee, talking to them about the amendments, and the concern is this—there are two sports where the integral part of the sport is a firearm; that is hunting and trapping. The hunter uses firearms for various reasons. Many of them use them for safety, for signalling in the woods. Many of them use them for hunting rabbits during deer season, I do myself, because I have to carry a deer rifle in one hand and I certainly can't carry a shotgun in the other, so I carry a sidearm. If I hunt and shoot at a rabbit with my deer rifle, the only thing I have left, if I hit him, is teeth, hair an eyeballs, so I use a sidearm. There are many, many reasons why these hunters and trappers use sidearms.

What you are doing without this amendment is, you are saying to these people, you must have a concealed weapon permit if you are going to carry a sidearm out in the field under a coat. The majority of the hunters and trappers, especially in the northern part of Maine, it gets cold during hunting season and it gets cold during trapping season, and you wear a heavy coat. Many times that coat is over the weapon for many reasons. Number one, if you have the weapon hanging on your side in a small holster, it catches on brush, it sometimes even ruins the weapon, which is a very expensive piece of equipment, and it is dangerous to have that weapon out there catching on trees and brush, so it is worn underneath the coat. It is also to keep it from the weather. So now what we are telling these people is, not only do you buy a hunting license, which is quite expensive, now you have to go get a concealed weapons permit which is \$15. Let's not even look at that point of it, let's look at this point.

I was talking to some members of the Department of Inland Fisheries and Wildlife yesterday—to be specific, Bill Peppard and Russ Dwyer, down in the cafeteria. We were trying to estimate how many hunters actually carry sidearms in the woods. The closest we could come up to was somewhere in excess of 15,000, which is not many compared to the amount of hunters and trappers you have in the State of Maine.

What we are trying to say is, all you 15,000 people who are going to carry a sidearm are going to have to get a concealed weapon permit. Not only is this good for the period of time you are in the woods hunting, this is good for 365 days a year, and I am going to tell you something that really scares me about this. In fact, in the event you may not believe me, I happen to have a copy of Title 12 here, Chapter 7406, it even belongs to the House Speaker. I would like to read something to you—"Hunting from or having a loaded firearm in or on a motor vehicle—a person is guilty, except as provided in subsection 20," which I will get to in a minute, "of hunting from a motor vehicle or motor boat or having a loaded firearm in or on a motor vehicle if he hunts from trailers, motor vehicles, motor boats"—that includes snowmobiles—"also, has in or on a motor vehi-

cle or trailer any firearm with a cartridge or shell in the chamber or in the attached magazine clip or cylinders." Remember what I said, "except in subsection 20?" Now let me read you another little goodie.

"Subsection 20, Exceptions to this carrying of a loaded weapon in a vehicle: Exceptions—a person who has a valid permit to carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by such permit."

Ladies and gentlemen and friends, do you want that many people carrying loaded weapons in their vehicles 365 days a year with hunting being the excuse for having that weapon? What is even worse, now you have people in the woods with loaded weapons in their vehicles. Eighty five percent of your hunters or trappers would not use this as an excuse to fire at an animal, but there is a certain segment who, if they had that loaded weapon in their vehicle and they were coming back late in the evening and they hadn't gotten their deer and it was the last day of deer season and one started to cross the road, tell me there isn't someone who wouldn't use that 357 very quickly to get that deer before the end of the season, because it happens.

There are a lot of problems with not putting this amendment on the bill, and I think the biggest problem is, you are going to have a lot more concealed weapon permits out there than you really want.

The purpose of the basic bill, from what I can understand, is to, number one, be fair and honest throughout the state on issuing these weapon permits and, number two, to limit the thing so not everybody in the world can have one.

That reminds me of another little bit of smoke that I have seen thrown up. That means that a hunter or trapper will be able to get a concealed weapon permit or he won't have to have one, he is exempted from this. Well, if you read the amendment, it said, yes, he is exempted in the field in the act of hunting or trapping, so we have even limited that.

Now, Title 12 very adequately covers what the hunter can do with the weapon in the field. He says he cannot carry a weapon in a vehicle loaded, going to the field. It says that trapper cannot carry a loaded weapon either in a vehicle or on a snowmobile or however he goes to his trap line, but if you pass this L. D. without the amendment, you are giving him the gratis to get a permit and to carry these loaded weapons in his vehicle and on these vehicles. On top of that, can you imagine a group of hunters, and it happens, coming out of the woods at night, had a hard day and wanted to stop and have a beer or two or three, and here you have a loaded firearm in that vehicle with three or four people in there that have consumed a few beers? I don't think this is a situation that you want to put us in. That is the reason I would like you to very carefully consider what you are doing with this amendment.

Mr. Speaker, I request the yeas and nays.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: First I want to commend the Representative from Limestone, Mr. McKean, for the forthright manner in which he has dealt with the committee on this. He has kept us apprised of his intentions to present the amendment and what he intended to put in it. But, we considered this concept in the committee very carefully. It was not an oversight that this exemption for hunters and trappers was not in the bill.

I felt, myself, that it would be easy to define the act of hunting, but when we started talking about it in the committee, it seemed that everyone in the committee had a little different definition of the act of hunting. The question was raised, does this mean coming out of the woods, walking down the road, going to other

parts of the woods and so forth? While this refers to Title 12, if you go to Title 12, you find that this would not allow you to carry a loaded weapon in a vehicle. One thing that we were worried about was that hunters and trappers might be confused and think that they were exempt from the law in areas in which they were not, because we felt that they might just say, well, the law says hunters and trappers are exempt from this without checking to see what Title 12 referred to.

Another objection to exempting hunters and trappers from this was that it would exempt them from all of the safeguards that are in the bill requiring them to be of good moral character, not to have been convicted of crimes and all of the other restrictions on getting a permit that is in the bill. These were the chief objections that were raised in the committee to the bill, the fact that a criminal could come right out of jail, get a hunting license and he would be exempt from the requirement as long as he was in the act of hunting, which, as I said in the beginning, we had a little difficulty defining.

So in summary, I would say that the bill, as presented, has a unanimous report from the committee, it has the support of the Sportsmen's Alliance of Maine, whose representative was present at all of the working sessions, it has the support of the Police Chiefs Association, whose representatives were present at all of the working sessions, and it has the support of the Maine Municipal Association.

I would like to ask you to vote for the indefinite postponement of this amendment.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up twice in the same day and I will try not to do that again.

I hope that you will go along with the good gentleman from Fairfield, Mr. Gwadosky's, motion. This is a terrible amendment, terrible. I have hunted and fished all of my life; I don't want this amendment.

What you are saying is that anybody that has a hunting license will have the right to have a firearm under their jacket or in their pocket. I have hunted all over this state and, believe me, there are some hunters that have scared the living daylight out of me. As the gentleman from Sangerville said a couple of years ago, "There are some guys out there that ain't got no more brains than God gave a goose," and that is a fact.

What you are telling us by taking this amendment is, everybody else, every regular citizen has to go through the process of getting a concealed weapon permit, but because some guy who buys a hunting license, he is exempted. I don't care if he is in the act of hunting, coming or going, if he is going to the town dump to shoot rats, he can put that firearm away and hide it. How do you expect your law enforcement people to do the job?

Over the weekend, I called a lot of my friends, a lot of hunters, and I talked it over last night with somebody I have a lot of respect for, and that is my father, and he has hunted and fished all of his life and he felt that this was a terrible amendment, too. So, I just want you to know that all hunters and trappers are not for this. It is a very bad amendment.

The bill is a very good bill. I, too, must congratulate the committee because I was a co-sponsor of one of the concealed weapon bills and I think Representative Nelson came out with by far the best. The committee improved on it and it is something that everybody can live with. It is fair, it treats everybody equally, but this amendment is terrible, so I would hope that you all will go along with Mr. Gwadosky and put it where it belongs, the deep six.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Swazey.

Mr. SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say, just as

a point of information, that the Legal Affairs Committee spent more time on this L. D. 519 than we have on any other bill that we have dealt with. The committee considered and discussed at length House Amendment "B" and felt that it would only add confusion to the legislation. It would be difficult to know just when one was in the act of hunting or trapping.

In checking with the Fisheries and Wildlife Division, they researched back over a year and could find no conviction of a violation while hunting or trapping when carrying a concealed weapon. The warden that I spoke to couldn't even remember a conviction in the last 10 years.

As Mr. Cox has said, the following groups approved this bill in its present form: Sportmen's Alliance of Maine, the Maine Municipal Association, the National Riflemen's Association, and the Maine Police Chiefs Association. They didn't necessarily receive all the changes each group wished but they all compromised and agreed that this legislation was much more preferable than the present statute.

If hunters and trappers are exempt from this legislation, next could be snowmobilers, hikers, joggers or most anyone else.

In conclusion, please let me leave you with one thought if amendment "B" is added—one could go to the town clerk's office, purchase a hunting license and walk your woods, fields, meadows and even your yard with a concealed weapon legally. The question is, who or what would be hunted? If you vote for Amendment "B", it could be you.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: In reply to a few of the remarks that have been made, House Amendment "B" just came out yesterday, so it was not in front of the committee. The original amendment that came out was House Amendment "A", which did have some confusing words in it and which was changed, so when they say that this amendment was perused carefully by the committee, I think I doubt that because it just came out yesterday morning.

My good friend from Lewiston evidently didn't read the whole bill, the whole amendment, because it does not exempt them except when they are in the fields, and this concerns me. Here we are worrying about a guy in a field with a 38 or 44, whatever he may have in a holster on his side, which is what the average hunter does, I know very few that carry a weapon in their pocket because that is a very dangerous and foolhardy practice, most of them carry them in a holster—here we are worrying about this guy in a field with a weapon in his holster that is capable of accurate killing in about a maximum of 100 yards, I am talking about accurate killing, and if he is carrying a 30 caliber deer rifle, he can kill from 400 yards accurately. Boy, I am telling you, I will take the pistol against me anyway than I will that high powered deer rifle. So, there again we are talking about smoke.

As far as the Sportsmen's Alliance of Maine, I went home this weekend and they read this, my hunters and trappers in the area read it in the Bangor Daily News and they called me to a meeting in which I explained the L. D. and I also explained the amendment. Isn't it funny that an organization who says that we are talking for every hunter and sportsman in the state of Maine, here was a group of them that they had forgotten to talk to. I understand that they have around a 5,000 membership. Go take a look at how many hunters and trappers you have in the state of Maine and I don't think you will find that that is even the majority. Still, my main concern, and it is going to continue to be, is the fact that you are opening the door for people to go get concealed weapon permits on the premise of hunting so they can use it for one month out of the year and turn around and have this permit for 365 days to carry a loaded

weapon in their vehicle. I think that that is what we don't want to do. That is not even the purpose of this bill. We want to limit the practice, not throw it open for an excuse. That is why I would hope that you would not indefinitely postpone this amendment.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to get up on this, but I feel now is the time that I have to speak.

L. D. 519 is a bill that we have needed for a long time. Throughout my district, I have had a problem with the selectmen, and I am sure that everyone here has recognized the problem that their selectmen and their councilors have had in issuing gun permits. The hangup has been "of good moral character" and most of the selectmen don't want to take the responsibility. We know the proof is on them to prove that a person is not of good moral character and sometimes it is difficult if someone moves into town and hasn't been there very long and they don't want to get caught up in a situation by issuing a permit. Yet, the law says, and as you all know, in the case of the Hank Fonda case, several judges said that they must, and even though the statute was written "may", that in fact the intent was for the statute to read "shall." Therefore, the selectmen and the councilors have to issue a permit or be taken to court. In a court case, certainly they will be issued a gun permit to anyone who is of good moral character.

This clarification has been needed for a long time. I probably would have voted for this amendment if I hadn't listened to the debate this morning, but I don't think we can afford to play games with this bill. I think it is a bill that we need so badly that we had better not put any amendments on it at all.

I appreciate what my good friend, Representative McKean, has said, for I, too, carry a sidearm sometimes when I am hunting or, in fact, fishing. As you know, if you have a hunting license, it is legal for you to carry a gun as long as it is visible.

When you say that you can't carry a gun in the Fall hunting, it is going to get caught up in the brush, I would say that that is a smoke-screen because I am very careful to have my sidearm under my coat, very careful to have an inch or an inch and a half or so showing under my coat so it is visible; therefore, under the law, you are not carrying a concealed weapon. I certainly hope and ask you to consider this carefully and go along with me in my vote for indefinite postponement of this amendment.

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

Mr. PAUL: Mr. Speaker, Members of the House: I think it is safe to say that we all support pretty much the concept of this bill, and I know most everybody would agree that most anything is much better than what we have now, but I don't think that that is cause for us to renege on an opportunity to make a good bill even better. I think this is a very legitimate reason to have a concealed weapon. I think we have to take their concerns into consideration.

One problem that I have with the bill is that it occurs to me that we may be creating a problem for our fishermen, because under the definition of a concealed weapon, it could be construed that a fishing knife, carried either in the pocket, in your jacket or your coat pocket or whatever, could be construed to be a concealed weapon and threatening; therefore, this person would be in violation of the law and he would have to have a permit. I question whether or not we want to do that.

We sell well over 200,000 hunting and fishing and trapping licenses in this state. We are talking about a very significant amount of people that this bill will affect.

I would just submit to you, and I hope maybe somebody on the committee could answer my

question, what is going to happen to the fisherman who carries maybe a little bug knife in his pocket while out their fishing. Is he going to have to have a concealed weapon permit. He does under this bill.

The hunting definition has created no problem in the Inland Fisheries and Wildlife laws. It is working fine and it spells out specifically that a person must be in the act of pursuing game, and that doesn't mean walking the streets downtown. So the argument that my good friend Mr. Jacques made, that a lot of people would get these permits that shouldn't have them, I think is not a point because I think the present definition on the hunting suffices.

A point was raised on ignorance of the law. Well, in Section 2 of the bill it spells clearly that each applicant will be issued a copy of the law, so he will know full well that this doesn't give him a right to carry a concealed weapon on the streets downtown. It would only give him the right to have that side arm or the hunting knife and, again, there is another problem, the hunting knife. Think of the thousands and thousands of deer hunters that are carrying a deer knife on their belt, underneath their jacket in the Fall. Under this bill, that is a concealed weapon and they would be required to have this permit. Please consider this. Our attempt is not to try to ruin this bill, it is a good bill, the concept is sound, we do support it but we hope that we can make the bill even better and I hope you would support the amendment.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this but I do have a question I would like to ask through the Chair. Does this allow out-of-state hunters to carry a concealed weapon without a permit?

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

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Each state has their own concealed weapons laws. It would not permit an individual other than a federal law enforcement officer or a police officer, who is cleared through the Maine State Police, that could come into the state with a concealed weapon.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give a little more complete answer to Representative Rolde's question. What this amendment says is, "hunters and trappers, while in the act of hunting and trapping, would be exempt from the concealed weapons law", so any hunter or trapper, according to this, whether he was from out of state or from Maine, would be exempt from the concealed weapon law.

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. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Fairfield, Mr. Gwadosky, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Cahill, Callahan, Carter, Conary, Connors, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald,

Foster, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, Higgins, L.M.; Hobbins, Holloway, Hunter, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Ketover, Kilcoyne, Lancaster, LaPlante, Laverriere, Leighton, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McGowan, McPherson, McSweeney, Michael, Mitchell, E.H.; Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Rolde, Salsbury, Small, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Studley, Swazey, Telow, Theriault, Thompson, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

NAY—Brown, A.; Carrier, Carroll, Clark, Day, Diamond, J.N.; Gillis, Huber, Kane, Kany, Kiesman, MacEachern, McCollister, McHenry, McKean, Michaud, Mitchell, J.; Paul, Sherburne, Smith, C.W.; Tuttle, Vose, The Speaker.

ABSENT — Chonko, Hayden, Hutchings, Kelleher, Martin, A.; Moholland, Reeves, P.; Strout, Tarbell.

Yes, 118; No, 23; Absent, 10.

The SPEAKER: One hundred and eighteen having voted in the affirmative and twenty-three in the negative, with ten being absent, the motion does prevail.

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

Mr. COX: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby this amendment was indefinitely postponed and hope you will all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Cox, having voted on the prevailing side, moves that the House reconsider its action whereby House Amendment "B" was indefinitely postponed. The Chair will order a voice vote. Those in favor will say yes; those opposed will say no.

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

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

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

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Provide for a 2-year Limitation on Certain Actions Against Attorneys at Law" (S. P. 279) (L. D. 788)

Pursuant to Joint Rule 22, were placed in the Legislative Files without further legislative action.

Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Exempt Residents' Personal Needs Money from Bankruptcy Proceedings" (S. P. 246) (L. D. 716)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on RESOLVE, Authorizing James J. McCaffrey to Bring a Civil Action Against the State of Maine (S. P. 166) (L. D. 420)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act to Authorize the State Liquor Commission to Establish an Agency Discount Liquor Store at Jackman" (S. P. 327) (L. D. 935)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Non-Concurrent Matter

Bill "An Act Providing for a Period of Silence in Public Schools" (S. P. 272) (L. D. 699) which was passed to be engrossed as amended by House Amendment "A" (H-98) in the House on March 13, 1981.

Came from the Senate with that body having Adhered on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-40) in non-concurrence.

In the House:

Mr. Connolly of Portland moved that the House adhere.

On motion of the same gentleman, tabled pending his motion to adhere tomorrow and assigned.

Special Sentiment Calendar

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

Richard Osgood, who is retiring after many years of faithful service as fire chief of Blue Hill; (S. P. 459)

There being no objections, this expression of Legislative Sentiment was considered passed in concurrence.

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

Non-Concurrent Matter

Bill "An Act Converting Monhegan Plantation into the Town of Monhegan" (Emergency) (H. P. 1014) (L. D. 1224) which was referred to the Committee on Local and County Government in the House on March 10, 1981.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Provide Free Access for Legislators to State Parks, Camping Areas, Beaches and the Maine Turnpike" (H. P. 1020) (L. D. 1230) which was referred to the Committee on State Government in the House on March 10, 1981.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Cunningham of New Gloucester, the House voted to adhere.

The following Senate Paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Divided Report

Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act Relating to Payment by an Employer When a Physician's Certification of Illness is Required" (S. P. 204) (L. D. 571)

Report was signed by the following members:

Senator:

DUTREMBLE of York

— of the Senate.

Representatives:

BEAULIEU of Portland

TUTTLE of Sanford

MARTIN of Brunswick

LAVERRIERE of Biddeford

McHENRY of Madawaska

HAYDEN of Durham

BAKER of Portland

— of the House.

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

Report was signed by the following members:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

— of the Senate.

Representatives:

LEIGHTON of Harrison

LEWIS of Auburn

FOSTER of Ellsworth

— of the House.

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

In the House: Reports were read.

Mrs. Beaulieu of Portland moved that the House accepted the Majority "Ought to Pass" Report.

On motion of the same gentlewoman, tabled pending her motion to accept the Majority "Ought to Pass" Report and tomorrow assigned.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Tabled and Assigned

RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in Certain Public Lands in Milford, Penobscot County (H. P. 315) (L. D. 345) which was passed to be engrossed in the House on March 12, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-52) in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and specially assigned for Thursday, March 19.

Consent Calendar

First Day

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

(S. P. 301) (L. D. 845) Bill "An Act to Amend the Group Life Insurance Program for State Employees and Teachers" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(S. P. 299) (L. D. 843) Bill "An Act Concerning Retirement and Benefits for State Employees Returning to Work after Attaining the Age of 60" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 18, under listing of Second Day.

The following paper appearing on Supplement No. 6 was taken up out of order by unanimous consent:

The Following Communication:

The Senate of Maine

Augusta

March 16, 1981

The Honorable Edwin H. Pert

Clerk of the House

110th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass report on Bill, "An Act to Require the Office of Energy Resources to make an Analysis of Sources of Fuel for the Replacement of Maine's Power Entitlement from the Maine Yankee Nuclear Power Plant", (H. P. 425) (L. D. 472)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Mrs. Kany of Waterville moved that the House reconsider its action whereby Bill "An Act to Require Periodic Reapportioning of Districts for Elections of Representatives to Congress" (H. P. 1120) was referred to the Committee on Election Laws.

On motion of the same gentlewoman, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

Mrs. Kany of Waterville moved that the House reconsider its action whereby Bill "An Act Providing for Certain Public Utility Bond Financing by the Maine Municipal Bond Bank" (H. P. 1132) was referred to the Committee on State Government.

On motion of the same gentlewoman, the Bill was referred to the Committee on Public Utilities, Ordered Printed and sent up for concurrence.

Mr. Brown of Livermore Falls moved that the House reconsider its action whereby Bill "An Act to Require Individually Marked Prices on Certain Retail Merchandise" (H. P. 445) (L. D. 507) was indefinitely postponed.

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

Mrs. MITCHELL: Mr. Speaker, I move that the motion to reconsider be tabled one legislative day.

Mr. Jackson of Yarmouth requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this Bill be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 48 in the negative, the motion did prevail.

The Chair laid before the House the following matter:

Bill "An Act to Authorize the Eastern Maine Vocational Technical Institute to Operate a Program for Practical Nursing in Ellsworth" (S. P. 426) (L. D. 1248) which was tabled earlier in the day and later today assigned pending reference in concurrence.

On motion of Mr. Connolly of Portland, referred to the Committee on Education in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Murphy of Kennebunk, Adjourned until ten o'clock tomorrow morning.