

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Thursday, April 16, 1981

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

Prayer by the Reverend Clyde W. Park of the Hermon Baptist Church.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine
Augusta

April 15, 1981

The Honorable Edwin H. Pert

Clerk of the House

110th Legislature

Augusta, Maine 04330

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 Allow Voter Registration and Party Enrollment on the Same Form", (H. P. 520) (L. D. 586).

Respectfully,
S MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Tabled and Assigned

Bill "An Act to Recover Amounts Retained by Distributors under the Beverage Container Law" (S. P. 564) (L. D. 1537)

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

In the House, on motion of Mr. Brannigan of Portland, tabled pending reference in concurrence and specially assigned for Tuesday, April 21.

Non-Concurrent Matter

Bill "An Act to Define a Loose Cord of Wood for Fuel Wood Sold on that Basis" (H. P. 1319) (L. D. 1517) which was passed to be enacted in the House on April 14, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-116) in non-concurrence.

In the House: On motion of Mr. Mahany of Easton, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships" (H. P. 217) (L. D. 254) which was passed to be engrossed as amended by Committee Amendment "A" (H-179) in the House on April 9, 1981.

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

In the House: On motion of Mr. MacEachern of Lincoln, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Relating to Radiological Exposure" (H. P. 555) (L. D. 631) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-194) Report of the Committee on Health and Institutional Services was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-194) in the House on April 13, 1981.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Health and Institutional Services read and accepted in non-concurrence.

In the House: On motion of Mrs. Prescott of Hampden, the House voted to insist.

Petitions, Bills and Resolves
Requiring Reference

The following Bill was received and, upon recommendation of the Committee on Refer-

ence of Bills, was referred to the following Committee:

Taxation

Bill "An Act to Adjust the Tax Accounting Method Used for Corporations which are Part of a Unitary Group of Affiliated Corporations" (H. P. 1352) (Presented by Representative Huber of Falmouth) (Cosponsors: Representative Post of Owl's Head and Senator Wood of York)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

On motion of Representative Carter of Winslow, the following Joint Resolution: (H. P. 1357) (Cosponsors: Senators Shute of Waldo and Trafton of Androscoggin and Representative Drinkwater of Belfast) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING
THE HONORABLE JOHN R. BLOCK,
SECRETARY OF AGRICULTURE
OF THE UNITED STATES,
TO GRANT A GENERAL MORATORIUM
ON PRINCIPAL AND INTEREST PAYMENTS

ON FARMERS HOME ADMINISTRATION
FARM OWNERSHIP AND OPERATING
LOANS OWED BY BROILER GROWERS
IN THE STATE OF MAINE

We, your Memorialists, the Senate and House of Representatives of the State of Maine now assembled in the First Regular Session of the One Hundred and Tenth Legislature, most respectfully present and petition the Secretary of Agriculture of the United States as follows:

WHEREAS, the broiler chicken industry of the State of Maine is vitally important to the economy of the whole State and in 1979 ranked thirteenth in production among the fifty states and represents twenty percent of the cash farm income of all Maine farmers; and

WHEREAS, the broiler industry of the State of Maine is facing a major economic crisis and, as a result, the number of broiler growers is being sharply reduced due to closings or reductions in operations in broiler processing plants in the State, threatening the livelihood of these growers and their families; and

WHEREAS, Maine broiler growers currently are indebted to the Farmers Home Administration for \$15,000,000 in farm ownership loans and \$3,800,000 in operating loans; and

WHEREAS, the present crisis in the state's broiler industry renders it difficult, if not impossible, for Maine broiler growers to make timely payments on their Farmers Home Administration indebtedness; now, therefore, be it

RESOLVED: That We, your Memorialists, hereby respectfully urge and petition the Secretary of Agriculture of the United States, by the power vested in him by the Congress of the United States under the United States Code, Title 5, Section 301, to grant a general moratorium, or other such relief, on the payment of principal and interest on Farmers Home Administration farm ownership loans and operating loans owed by broiler growers in the State of Maine for a period of twelve months, unless, due to individual circumstances, a shorter period is deemed appropriate; and be it further

RESOLVED: That a duly authenticated copy of this Memorial be immediately submitted to the Honorable John R. Block, Secretary of Agriculture of the United States.

The Resolution was read.

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

Mr. McHENRY: Mr. Speaker, I would like to pose a question through the Chair. As I understand it, there are about five families in the poultry industry and we are asked to memorialize the Congress of the United States and ask

them to do away with their debts for a year or so, delay payment. Have we ever done such a thing for the farmers?

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

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

Mr. CARTER: Mr. Speaker, in answer to the good gentleman's question, we are asking for relief for the farmers in this case, actually the growers of the birds and not the processors.

Thereupon, the Resolution was adopted and sent up for concurrence.

Special Sentiment Calendar

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

Recognizing:

Irene C. Enrico of Brunswick, who has been selected as a "SupShip Bath Employee of the Year;" (S. P. 566)

Mrs. Romaine Roethel, National Vice President of the American Legion Auxiliary who will visit Millinocket on April 24, 1981; (S. P. 567)

The Hon. Michael J. Kogutek of New York, National Commander of the American Legion, who will visit this State; (S. P. 568)

Gary Conn, of the University of Maine hockey team, named to the 1981 Eastern All-American team by the ECAC Division I hockey coaches; (H. P. 1355) by Representative Tarbell of Bangor. (Cosponsors: Representative Gavett of Orono and Senators Devoe of Penobscot and Sewall of Penobscot) (By unanimous consent, ordered sent forthwith to the Senate)

The University of Maine hockey team, coach Jack Semler and assistant coach Gary Wright for an outstanding 23 - 11 season, qualifying for the ECAC Division I tournament; (H. P. 1356) by Representative Tarbell of Bangor. (Cosponsors: Representative Gavett of Orono and Senators Devoe of Penobscot and Sewall of Penobscot) (By unanimous consent, ordered sent forthwith to the Senate)

Gary Conn, Joes Crespi, Bill Demianiuk, Brian Hughes, Jon Leach, Tom Leblond, Jamie Logan, Marc Son, Jim Tortorella, John Tortorella and Paul Wheeler, graduating seniors and founding players of the University of Maine hockey team; (H. P. 1354) by Representative Tarbell of Bangor. (Cosponsors: Representative Gavett of Orono and Senators Sewall of Penobscot and Devoe of Penobscot) (By unanimous consent, ordered sent forthwith to the Senate)

There being no objections, these items were considered passed in concurrence or sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Representative Martin from the Committee on Labor on Bill "An Act to Stabilize the Maximum Weekly Benefit under the Workers' Compensation Act" (H. P. 709) (L. D. 834) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-211) on Bill "An Act to Permit Free Licenses to Trap Fur-Bearing Animals to Persons 70 Years of Age and Older" (H. P. 772) (L. D. 917)

Report was signed by the following members:

Senators: HICHENS of York

USHER of Cumberland

Representatives:

DAMREN of Belgrade

GILLIS of Calais

CLARK of Millinocket

CONNERS of Franklin

— of the Senate.

SMITH of Island Falls
JACQUES of Waterville

— of the House.

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

Report was signed by the following members:

Senator: REDMOND of Somerset

Representatives: — of the Senate.

MacEACHERN of Lincoln

PETERSON of Caribou

PAUL of Sanford

ERWIN of Rumford

— of the House.

Reports were Read.

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

Mr. MacEACHERN: Mr. Speaker, I move we accept the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am giving this speech for the Chairman, since he has laryngitis.

This is a bill on which I have very strong feelings. As you can see, I was a signer of the Minority "Ought Not to Pass" Report. Trapping is not only a sport and pastime but it is also done with the idea of making money.

The argument was put forth at the hearing that people who are over 70 are not going to be taking many animals; probably they won't. However, if a person takes one raccoon or one beaver, he more than gets his license money back.

We give those over 70 free hunting and fishing licenses, but the trout they catch or the deer they shoot are not sold but are eaten. I think there is a great difference between the two.

Although I have a great deal of respect for the sponsor of this bill, I am compelled to move the indefinite postponement of the bill and all its accompanying papers.

Now, ladies and gentlemen, I would like to give some of my thoughts as this is the extent of the gentleman's speech.

Originally, I favored the bill with a six trap limit. After the limit was removed, I contacted a number of my constituents and none were strongly for nor against the bill. After deliberating over this for some length of time, I did sign the Minority "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: It is not very often the chairman of my committee and I will disagree, because usually, in his great wisdom, he goes the right way. Unfortunately, this isn't the case today.

I cosponsored this bill for one particular reason. We now give people over 70 years of age a free hunting and fishing license, and I agree with that and I will tell you why. These people have brought hunting and fishing licenses all their lives, they have supported that department and they have really had very little accountability for the way their money was spent. They always had good faith in the department, they never asked any questions why, and they let the department run the department with their money.

The argument has been brought up that these people 70 years of age should be limited to the amount of traps or how many of one animal they could take because of the pressure they would put on the resource. Well, I dare say that anybody 70 years of age that can run a good trap line, I am sure there are a few, but you must agree that they are an exception.

I visited a nursing home the other day, spent the afternoon there, and the majority of the men that were in the nursing home, and there isn't a majority of men in that nursing home, by the way, were around 69 or 73 years of age. It was very clear to me that none of these guys

were going to go out and start trapping.

I think this particular L.D. would only make it fair for everyone.

It has been said that not any department gives anything free except Fisheries and Wildlife. Well, Fisheries and Wildlife is dedicated revenue and these guys pay the bills.

Representative Kiesman told us a story at the hearing about his Dad, who I believe is 84 years old, who used to have three traps and every year looked forward to going out and setting those three traps, getting them ready. I don't think Mr. Kiesman was a big taker of the harvest.

I remember that my grandfather had a free hunting and fishing license for many years. He died when he was 87 and he stopped hunting when he was about 75. The thing that always got me was that every year he would look at that license and he would say, well, maybe next year, maybe next year I will be able to hunt, maybe next year I will be able to fish.

We asked Commissioner Manuel at the hearing what the effect of this L.D. passing would have, if he thought it would put an undue financial burden on the department? He started laughing and said, no I really don't believe that it would, and I don't really believe that it would.

The guys that trap over 70 and make a lot of money doing it are not going to take this license, they are just not that way. This is going to be for the guy that wants to go out with his grandson and show him how to do it, maybe. He has to have a trapping license. This might be for the guy like Mr. Kiesman's father who sets out two or three traps. I don't see anything wrong with that.

I hope you will vote against the motion to indefinitely postpone so we can accept the Majority "Ought to Pass" Report.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to speak in defense of this bill, and I hope that you will vote against the indefinite postponement.

The Department of Fisheries and Wildlife now issues free licenses to many groups throughout the state. As an example, to residents over 70 years of age, free hunting and fishing; blind residents, paraplegics, resident disabled war veterans, holders of the Congressional Medal of Honor, the residents in the armed forces, receive a reduced price; the patients at the veterans administration hospital, patients and inmates at certain state institutions, our Indian friends, reduced prices at children's camps.

For years, these people who have reached the age of 70 and over have been the people who helped support the Fisheries and Wildlife Department, and I see no reason right now to issue them a license to trap. When you reach 70 years of age, not too many of them are going to be agile enough to go out and trap. There is going to be a minimum number, and information has come in from the Fish and Wildlife Department that at the most it would cost the department about \$37,000, if 20 percent of these people went out and applied for this free license. There is no reason in this world why we can't issue these people a free license. I support it wholeheartedly. I signed the "ought to pass" report, and I ask you once again to vote against the indefinite postponement.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I am going to ask for a roll call, and prior to that I will make just two or three remarks.

The gentlelady from Rumford, Mrs. Erwin, pointed out her feelings, and I respect that. I would like to tell you a little more of the facts.

On the day the bill was presented, this bulletin I have in my hand, this report from the Finance Office, was delivered to the committee.

It says, as Mr. Gillis has already stated, that approximately 7,500 complimentary combination hunting and fishing licenses to persons 70 years of age or over are currently issued. Then he went on to say if 20 percent of 1,500 complimentary licenses were issued, the department would lose \$37,500. There is no question about those figures. At one point in time when I working on the budget, this is what we did, we always inflated the figure to get what we wanted. I guess I would submit to you, that is what has happened today because I sat with Commissioner Manuel and the Chief Warden Russ Dyer that day, and I asked them where this came from. They said — listen to this — this is the commissioner and his chief warden, and they didn't know where it came from. I told them that prior to coming over, I had gone up in the Finance Office and I had talked with Bent Schlosser and he didn't know anything about it. He said, talk with Ronnie Lord. I asked Ronnie Lord where it came from, and he said someone from the department called. I said, was it the commissioner? He said, no. I said, could you tell me? He said, well, I really don't know who it was. Someone called and gave me that figure. So I submit to you, is that a good way to do? Someone calls you and you put a figure down and yet you don't know whether it is on target or not.

This morning, I took the liberty to call the business manager, Peter Brazier, of Fisheries and Wildlife, and I asked him how many licenses, how many trapper licenses were issued in 1980. I was really surprised and I think you will be — there were 5,164 licenses issued in 1980. I asked him if that is the general trend, and he said that was up from 1979. In 1979, 4,823 licenses were issued. Okay, if we take the figure of 5,000 and multiply it by the \$25 license fee, we only come up with a figure of \$5,000. I submit to you there is a slight disparity between \$5,000 and \$37,500.

Peter Brazier is the business manager, and I asked him if he could further tell me what the number of 70-year-olds or over was that were currently issued licenses? He said, the only way we could get that would be to take an average and maybe take out 200 or so names and see how many were in that group. Well, I said, I don't think that would be fair to tell people when we pick out a certain number. We might be up or down, we wouldn't be on target. I said, without me telling you what Glen Manuel, the Commissioner, said, and what Russ Dyer, the Chief Warden, said, I understand that, but give me what you would consider a high figure, because I am going to tell you, after you tell me what your figure is, what Glenn Manuel and Russ Dyer say the figure would be. He said, well, it would be probably less than 200. There again, multiply \$25 by 200 and what do you get? \$5,000. Once again this glaring disparity.

These people, if they do in fact get a complimentary license, and as Mrs. Erwin says, do take game or fur, they are going to still pay the tagging fee. We don't believe that there are going to be many people out there trapping on a complimentary license who are very serious about trapping. I have one trapper in my district who is in his 80's, and I asked him if he would like to have a free license. I told him what was happening, and I won't say it the way he did, I will phrase it differently because we are in the House — he said, heck no. I wouldn't accept a free license. I would rather pay more than \$25 for my license because the fur is valuable.

It is a business we are talking about, but certainly these people that are 70 years old won't be trapping except maybe to instruct their nephew or grandson to show them how to trap or something, and as it is now, they wouldn't be able to do this because you can't set traps unless you have a license, so they aren't able to even instruct a nephew or a grandson or whatever.

Another thing, the reason the bill was written

primarily for six traps was because trapping is a business, and certainly none of the sponsors wanted to do anything to harm the Maine Trappers Association. So it was quite surprising for the Maine Trappers Association to come out in complete support of this 70-year-old complimentary license. The Maine Trappers Association is behind this bill, the Sportman's Alliance of Maine took no position on it, but they respect the trappers because it is their business. I submit, to you that the trappers are 100 percent in favor of this bill, and I hope you will vote against the indefinite postponement of it, and I ask for a roll call, Mr. Speaker.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mrs. Erwin, that this Bill 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 Portland, Mr. Brenerman.

Mr. BRENERMAN: Mr. Speaker, I would like to pair my vote with the gentleman from Presque Isle, Representative MacBride. If she were here, she would be voting yes; if I were voting, I would be voting no.

ROLL CALL

YEA—Armstrong, Austin, Brown, K. L.; Erwin, Foster, Lund, MacEachern, Nelson, A.; Paradis, E.; Paul, Pearson, Perry, Peterson, Post, Smith, C.W.; Stover, Twitchell.

NAY—Aloupis, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brodeur, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Conners, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G. W.; Diamond, J. N.; Dillenback, Drinkwater, Dudley, Fitzgerald, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, H. C.; Higgins, L. M.; Hobbins, Holloway, Hunter, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Leighton, Lewis, Lisnik, Locke, Macomber, Mahany, Martin, A.; Masterman, Masterton, Matthews, McGowan, McHenry, McPherson, McSweeney, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, O'Rourke, Paradis, P.; Perkins, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Smith, C. B.; Soulas, Soule, Stevenson, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT—Fowlie, Hayden, Huber, Hutchings, Kane, Livesay, Manning, Martin, H. C.; McCollister, Michael, Nelson, M.; Pouliot, Small.

PAIRED—Brenerman-MacBride.

Yes, 17; No, 118; Absent, 13; Paired, 2.

The SPEAKER: Seventeen having voted in the affirmative and one hundred eighteen in the negative, with thirteen being absent and two paired, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-211) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

The following Enactor was taken up out of order by unanimous consent:

Passed to Be Enacted

Emergency Measure

An Act to Create the Casco Bay Island Transit District (H. P. 1198) (L. D. 1351) (C. "A" H-203)

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

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

Mr. BRENERMAN: Mr. Speaker, I would like to pose a question to the Chairwoman of the Taxation Committee, Mrs. Post. The Constitution says that if the legislature grants a property tax exemption, the state must reimburse half of the loss of revenues to the municipality. I was wondering if, under this legislation, the City of Portland lost property tax from the Casco Bay Lines because a transit district would be set up, would the state have to reimburse.

The SPEAKER: The gentleman from Portland, Mr. Brenerman, has posed a question through the Chair to the gentleman from Owl's Head, Mrs. Post, and the Chair recognized that gentleman.

Mrs. POST: Mr. Speaker, Men and Women of the House: Although we are dealing with a new constitutional amendment, it is our understanding that this transit district would fit into presently existing property tax exemption classification and therefore would not require reimbursement by the state to the city of Portland.

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

A vote of the House was taken.

127 having voted in the affirmative and one in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-206) on Bill "An Act Creating a Student Seat on the University of Maine Board of Trustees" (H. P. 836) (L. D. 1002)

Report was signed by the following members:

Senator: CLARK of Cumberland

Representatives: — of the Senate.

THOMPSON of South Portland

ROLDE of York

GOWEN of Standish

CONNOLLY of Portland

BROWN of Gorham

LOCKE of Sebec

— 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: TROTZKY of Penobscot

PIERCE of Kennebec

Representatives: — of the Senate.

BROWN of Livermore Falls

MURPHY of Kennebunk

MATTHEWS of Caribou

THERIAULT of Fort Kent

— of the House.

Reports were read.

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

Mr. CONNOLLY: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" as amended Report and would like to speak to that motion.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the Majority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. CONNOLLY: Mr. Speaker and Members of the House: This piece of legislation, as it has been amended by the committee, if it passes,

would expand the membership of the Board of Trustees that governs our University System from its current membership of 15 to 16 members, with the additional member being a student representative.

Right now, 14 of the 15 current members serve for seven-year terms. The 15th member is an ex-officio member, the Commissioner of the Department of Educational and Cultural Services. The student member, as provided for in the bill and the committee amendment, would serve for only a two-year term, and the committee amendment makes it very clear that that student would have to be a full-time student.

The bill, as it is currently drafted, would provide for the student representative to rotate from campus to campus. The students would be nominated by the student body, but the final selection would be up to the Governor. That is exactly what the bill and its amendment does.

It seems to me that in this day and age, when there is a move afoot for consumer representatives on various state boards and state commissions, that this type of legislation is proper in keeping with that kind of effort.

All the university publications, whether they come from the administration or from the student body itself, continually make reference to the fact that the university exists for the student. Yet university students will tell us, particularly those students who are active in university affairs and student government, that they have a legitimate complaint, that the board of trustees at the university continually hears only one point of view, and that point of view is the point of view of the administration of the university, that the student point of view, the student voice, is not allowed to be expressed in a free and proper manner before the board of trustees, particularly at their meetings, and that is the major reason that this piece of legislation is necessary.

There is nothing new or revolutionary about this legislation. The State of Connecticut provides for two students to be on their board of trustees; the University of Massachusetts has a representative from each of its campuses on the board of trustees. It seems to me that this is a progressive legislation that has been before the legislature in years past, has come very close to passing, it is an idea whose time has come.

The bill, if it passes and if there is a student representative on the board of trustees, would not result in any shift in the balance of power among the membership of the board of trustees. It would simply allow for a student voice in the deliberations of the university's board of trustees. It is something that I don't think, if you think very hard about it, you could be opposed to, and I would hope that you would support the majority position, the bipartisan position, of the Committee on Education.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Murphy.

Mr. MURPHY: Mr. Speaker, I would pose a question to any of the seven signers on the majority report or the sponsors of L. D. 1002. Could one of those signers explain to the House the duties of a trustee of the University of Maine?

The SPEAKER: The gentleman from Kennebunk, Mr. Murphy, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: I am not a member of the committee, but I am the sponsor of this legislation, and I am pleased to respond to the good gentleman from Kennebunk, Mr. Murphy.

The duties of the members of the board of trustees of the university are many and varied. They are, in essence, the governing body that makes policy decisions that govern all aspects of the operation of the university, whether it is

course policy, hiring policies for a faculty and staff members, decisions on tuition levels, on operational procedures. It covers the whole gamut of operations of the university, educational policy, administrative policy and financial policy, and as such, they are affecting the lives of 25,000 Maine citizens, the people who are students at the university.

Contrary to what was the case perhaps ten years ago where the bulk of the students were people between the ages of 18 and 22, there has been a major change in the type of person who is a student at the university. In fact, many of the members of this body are part-time students at the university. The student body is older; the average age of the average student in the university system is now 28 years old. Many of these people are returned veterans from the military service, they are people who have worked on the outside and have decided to go back to the university or to go there for the first time to broaden their perspective, to give them the training that they need to get the type of employment to do the sort of work that they would like to do.

We have in this body an individual who for three terms was my seatmate, in fact he sat in the seat that Representative Connolly now sits in, Representative Hughes from Auburn, who, prior to his election in the legislature in 1974, was the first appointed student to a board of trustees of any public university in the entire country. He made history when Governor Curtis appointed him in 1969 to that position. And if you go and talk to the members of the board of trustees who served with Representative Hughes while he was a trustee, during the five years that he was a trustee, you will find that each and every one of them, regardless of their political persuasion, their opinion about his ideas, would say that Steve Hughes was the type of individual who had a broad perspective, who thought seriously about all the matters that were brought before the board of trustees, not simply on student-related matters but all of those aspects of the operations of the board. His counsel was valued by those members, and he had significant influence over the board. However, that appointment was made as a regular appointment in a unique situation at a time when Governor Curtis felt it was appropriate that we say to the youth of the State of Maine — we value your opinion, we consider the thoughts that you have on the university a valuable addition to the operations of the university system, and it is a gesture to what at that time was a rather disputative, perhaps unruly, group of students that might have included myself, who had expressed some doubt as to whether government really gave people an opportunity to participate in the affairs that affected their lives. By that simple gesture, Governor Curtis made a tremendous impact on the student body and will be long remembered because of that.

Times have changed, the student body has changed, but I think it is still true that we need to say to those students, the 25,000 of them in the university system, that we do think they are not children, that they are aspiring adults, many of them have already reached their majority, that they are fully capable of giving reason, thought and consideration to the important matters that come before the board of trustees, and that they should have some role to play in it.

As Representative Connolly has indicated, we have moved to name consumers to boards and commissions that affect the various aspects of state government and the various agencies that we have created here, because we believe there is a proper role for consumers on those boards to express the viewpoint of the person who is receiving the services of that agency or that board.

This is the largest group of individuals that is affected by a board or commission in the state, to my knowledge, 25,000 individuals. It is ap-

propriate that we name a student, one of the consumers of those educational services, to have an opportunity to interact with the other 15 members of the board, to express his point of view, to be a person who can come and express particularly student viewpoints on issues that affect them, as well as to express a different viewpoint on all the other matters that come before the board.

It is not going to be a major change. We have gone through the experience before. The experiment has proved to be successful. I think it is time for us to say to those students in the university system, we do respect their thinking, we do want them to be part of the process. It is better to make them part of the process than to put them on the outside in opposition. I think you will find a much more cooperative student body, a much more responsive student body, when they know they have a voice on the board that is making major decisions that affect their lives as students.

I urge you to go along with the majority report on this bill.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Murphy.

Mr. MURPHY: Mr. Speaker and Members of the House: I thank the gentleman from Orono for responding to my question about the duties of the trustees of the University of Maine. Could I pose a second question, Mr. Speaker.

The SPEAKER: The gentleman may pose his question.

Mr. MURPHY: Can a citizen who is a student now be appointed by the Governor to the board of trustees?

The SPEAKER: The gentleman from Kennebunk, Mr. Murphy, has posed another question through the Chair to anyone who may care to answer.

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

Mr. DAVIES: Mr. Speaker, I will try to make this response a little bit briefer than the previous one.

Currently, the Governor can make that appointment. Representative Connolly and I did contact the Governor on this subject and the Governor indicated that he felt that it was most appropriate for the legislature to make a policy decision on whether students should be appointed to this board. He is not adverse to the idea, but it is his consideration that it is a legislative function, a policy decision that we ought to be making before he takes any action.

He has indicated in the past that he is supportive of the idea, but he does think that this body ought to be making the decision rather than he, himself.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Murphy.

Mr. MURPHY: Mr. Speaker, Men and Women of the House: Students are currently very much involved in policy formation at the University of Maine. You are being asked to establish a quota on the board of trustees. Will a request soon follow from the professors, the staff personnel for a seat?

I agree with everything that has been said about a student being a positive addition to the board of trustees. There is a process or a procedure already in place, and I would urge the supporters of this L. D. to again approach the Governor, maybe expressing their arguments a little bit more firmly. The Governor now has that responsibility to submit qualified nominees for consideration, and I think we are arguing this bill on the wrong floor; it should be argued down on the second floor, and I would urge you to vote nay on the "ought to pass" report.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: During my last three terms here on the floor of the House, I repeatedly supported this particular measure, and I would like to share with you why.

When I was in college some years ago, we did have a student member on the board of trustees and it proved to be a positive good, it proved to have a beneficial effect for the rapport between the board of trustees and students and between students and the board of trustees in the administration of the operation of the university.

The key question, I guess, that has been posed as to why create a separate class for one student trustee as opposed to other interest members of the academic community, I think can best be explained in that if there is any group among those in the community, whether they be the faculty, the administration, the alumni or board of trustee members or students, who are the critical interested members of that community, I think students probably is the group that is most insulated from the board and that the board probably would feel and find itself most insulated from students as a given class.

We are asking in this bill to add one additional member to the board. The board now is constituted by 15 members; this would add a 16th. That would be one out of 16, and I think in the end, we would find that it would not have a harmful effect, that it would, in effect, be a positive rapport building mechanism between the board and the students, and I do not think you would find faculty members, administration members, alumni members or other interested members of the academic community also requesting representation, separate class quota representation on the board of trustees, because I think they find that they are already well represented, that they have an excellent rapport between themselves and the members of the board. I think in the end this would benefit the members of the board, who would have a closer connection and a closer communication with students and student life and, let's face it, most members on the board of trustees do not have that close rapport and communication with the everyday life of student affairs on our campuses throughout the state, and conversely, I think that the students would feel a positive effect in having a rapport and a representative there on the board of trustees establishing those lines of communication that I think are necessary.

I don't think it would be harmful, I don't think you are going to find other groups wanting a separate class representation. I don't think that one member out of 16 is going to have a detrimental effect and I think that we ought to give this measure a chance and a try, and I think we would be surprised that it would, in fact, establish a good rapport, and if it did not, in the future we could take another look at this measure.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I just briefly want to explain my support for this bill.

Two years ago, we had the same bill in our Education Committee. I must say that I felt very lukewarm about it, sort of an old chestnut that had been around before. But there are two reasons this time why I am able to support the bill and support it with enthusiasm. Of these two reasons, I would like to characterize one of them as a negative reason and one of them as a positive reason.

Two years ago when we had the bill, the committee did not want to pass out the bill to have a student on the board of trustees because at the time we were told that there were four subcommittees of the board of trustees and each of those subcommittees had a student member who was able to vote. We effectively changed the bill that we had the last time to a bill that would simply say that those four students on the four committees would have to stay in place. We were told this bill was not necessary, that the board of trustees would always have those committees with the student members

voting on it. The bill was defeated and shortly after that the administration, in my view, went back on its word, it dissolved those committees that had the students on them. That is one of the negative reasons that I am supporting this bill, because I was very annoyed and very angry when I learned that these committees had been dissolved, because I thought that was a breach of faith.

The positive reasons that I am supporting this bill go back to an experience I had several weeks ago. Some of you may have noticed that I was excused for an entire week on legislative business. During that week, I was at the University of Maine at Farmington. I was part of the team which had been set up by the State Department of Education, it is called the Program Review Team. Our duties were to go to the University of Maine at Farmington and examine all their programs of teacher education. This wasn't just another study group. We were sent there to decide whether those programs would continue. The powers that were given to this group were to either allow those programs to continue, to give them conditional approval or to shut them down.

As part of this program review team, we had four students. Their votes were equal to the rest of ours; in other words, they had the same voting privileges that we did, the same power that we did. Those four students that we had in this group proved to be some of the most valuable members of that team.

Among the standards that we investigated and looked into at the university were student participation, and in areas where we found the university was deficient, we would make recommendations for them to change it and give students more input.

At the same time that we were there, there was a national accrediting body called NCAT which was doing the same thing for the national level. That group also had students involved, and they also had the power to deny or to give nationwide accreditation to the University of Maine at Farmington.

I felt that it worked out very well; I think this bill can work out very well.

I would just add one more thing to something that the gentleman from Kennebec, Mr. Murphy, said. He said, if we do this, we might want to add professors or members of the staff to the board of trustees. I will point out that the professors, the faculty and members of the staff have collective bargaining rights, they can work with the university in matters that affect them. I suppose I would end with another question to the gentleman from Kennebec — would he want to give collective bargaining rights to the students?

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This bill or similar legislation has been around this House nearly as long as I have. I saw no need for it then and I see no need for it today. During this length of time, some Governors have appointed students. I see no reason why, if the need arises, why the present Governor can't do the same thing. The prerogative is his, he is Governor. I don't think it is ours nor should be ours. He is just looking for a chance, I think, to pass the buck and I don't want him to pass it to me. I will pass it right back to him.

I think it is good the way it is; we should leave it alone. I thought so down through the years and I still think so. Nothing has happened, and I live quite near there. Nothing has happened to change my mind, and I am near enough to the University of Maine so I know some of the things that go on down there. I am not perfect stranger there. I am perfectly satisfied that the Governor can make the appointments now and other governors have made appointments from the student body. If this Governor that we have got now feels that one should be appointed, I am sure he will do it.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Mrs. Thompson.

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: I appreciate the comments made by Representative Tarbell and concur with those. I would like to make some response to my committee seatmate, whom I highly respect, Representative Murphy, and some of the comments of Representative Dudley.

Granted, the Governor has the option of appointing a student to the board of trustees; however, it is my understanding that only one Governor in the past has used that option, and with 300 current applicants before the Governor for the one vacant seat on the board, there is no incentive for the Governor to appoint a student. I think it is up to this legislature to go beyond the argument of the local option and look at the real crux of the issue. Would the board of trustees be enhanced by having a student member? Would the board's deliberations be more effective if they had a member who could explain a student's perspectives and bring to the board a view of student concerns? I think yes.

Many of us here have been involved in teaching. Either as a profession or either as a parent, we have all struggled with the issue of teaching our children. And if we think back, we may remember that one of the cardinal rules of effective teaching is to involve students in the decision-making process. It increases the student's motivation and their self-esteem, and this is even more appropriate at the university level because students are approaching adulthood or are adults and certainly have much to offer in the way of creative ideas.

In placing a student on the board, we do not open the way for other interest groups. Students are different from other interest groups in that they are not employees of the board. This bill, then, would not open the way for other interest groups to petition for membership. And when tuition rates are discussed, for instance, the student would remove himself or herself from the deliberations.

In our committee discussions, I heard no concrete reasons as to why a student, elected by his or her peers and appointed by the Governor, should not be a member of the board. I can only think of positive reasons to include on the board a representative of the group of people who are most affected by the board's decisions.

The whole issue, it seems to me, is perfectly logical, reasonable and noncontroversial. I urge you to support the Majority "Ought to Pass" Report of the Committee.

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

Mr. BROWN: Mr. Speaker and Members of the House: I heard the comment made — old chestnut. This is an old chestnut, it has been around a long time. The question was asked, what do the trustees really do? They involve themselves with three primary areas, tuition, construction and major capital expansion programs and academic policy.

I stress that the opposition to this bill does not oppose student involvement in university affairs. In fact, it has been pointed out that a panel of students and a panel of faculty members meet before each trustee meeting to consider the agenda item and to bring the students' philosophies on many of those items. Further, the students participate regularly in special studies made from time to time. This point was brought out very eloquently by Mr. Rolde, who pointed out that in his efforts in the evaluation of the University of Maine at Farmington there were four students involved. I submit that students do have an opportunity to be heard.

Let's consider the two-year term. Is two years really sufficient to understand the workings of the University of Maine. We are dealing with a high complex system, and I would advise you that two years is a very short time.

At the end of that two years, perhaps that student member, if he is appointed, will have just really begun to understand the system.

In listening to the testimony of some of the students who testified before the committee and subsequently to that public hearing, we heard comments that the trustees really don't know what it is like to be in the university. The garble that the trustees really don't know what it is like to be in the university is a little bit hollow. Having been there myself as a student not than many years ago, I would tell this body, and those of you who have been in similar situations, that it is not a bad life, really.

We also heard some testimony saying that it would be nice if we could have a trustee from each one of the university branches, and we heard similar such testimony. Folks, if we pass this bill, we are accepting the pressure from special interest groups, and, really, if we do that, we must accept the fact that there are faculty that should be represented, there are other employees, such as janitors, food service people and so forth that should be represented; administration certainly should be represented, and many others.

The gentlemen from Portland said that the primary purpose of the university is to serve students, and that is not entirely true. The University of Maine System is a land great system. It serves many areas of research, including agriculture, forestry, energy, engineering, fisheries, marine interests, health and nutritional studies, and isn't it proper, since the university serves all of these interests around the state, that a member from each one of those areas be represented on the board of trustees?

Finally, ladies and gentlemen, we seem to make mountains out of molehills. Our committee had the privilege last Monday of meeting with the president of a major Brazilian university, and we had a good chance to discuss education values between our two countries. That gentleman told us that Brazil, the law in the country of Brazil requires mandatory education for students between the ages of 7 and 14. He further went on to tell us that even though that law exists, there are seven million children which are currently not being educated. That, ladies and gentlemen, is a major problem. The one we are dealing with today is quite minor, and I would advise you to vote against the pending motion.

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

A vote of the House was taken.

68 having voted in the affirmative and 46 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-206) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-207) on Bill "An Act Authorizing the Town of Lincolnville to Employ a Superintendent of Schools and Supervising Principal" (H. P. 167) (L. D. 191)

Report was signed by the following members:

Senator: PIERCE of Kennebec — of the Senate.

Representatives:
MURPHY of Kennebec
MATTHEWS of Caribou
THERIAULT of Fort Kent
BROWN of Livermore Falls
ROLDE of York
CONNOLLY of Portland

BROWN of Gorham
 LOCKE of Sebecton
 THOMPSON of South Portland
 GOWEN of Standish

— 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:

TROTZKY of Penobscot
 CLARK of Cumberland

— of the Senate.

Reports were Read.

On motion of Mr. Connolly of Portland, the Majority "Ought to Pass" Report was accepted and the Bill Read once. Committee Amendment "A" (H-207) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

At this point, Congressman David Emery was escorted to the rostrum by the Sergeant-at-Arms.

The SPEAKER: The Chair is pleased to welcome Congressman Emery, a former member of this body. (Prolonged applause, the members rising)

Congressman David Emery then addressed the House as follows:

Mr. Speaker, I thank you very much for the courtesy of allowing me to address the House of Representatives for a few minutes, and, likewise, I would like to extend my sincere appreciation to the members of the Maine Legislature.

I have many fond memories of this House. I served here for four years, and I must say that in talking with many of my colleagues in Congress, who have served in legislatures across the country, as you know, this House has a reputation of decorum, or honor and productivity that makes us the envy of our counterparts throughout the country.

It has been some time since I have had the opportunity to stand here. I did serve on two or three occasions, when I served in the House, as temporary Speaker. In fact, I have some very fond memories of the four years that I spent in Seat 75. So I urge all of you, if you ever have an opportunity to talk to other members of legislatures around the country, I think you would be very interested at the comparison and very important of the role that you have played here in Maine.

Although the 1981 budget process continues to challenge members of Congress intent on devising the best division between the public and private sector, the decision mandates confronting us in Washington are no more important — or difficult to make — than the policy alternatives which will have to be addressed by the fifty state legislatures charged with actually allocating the funds. By the same token, the budget process this year will make the beginning of a significant departure from "business as usual." In lieu of centralized, heavily regulated and strictly monitored federal disbursement of social services, housing, community development, and education funds, the block grant approach proposed by President Reagan will turn authority over to the state governments for the administration of over 100 narrowly-defined categorical grant and income transfer programs.

For too many years, state governments have had little or no role in monitoring the flow of federal dollars from Washington, D.C. to the various provider agencies. Although the combined total of federal and state transfers to local governments has increased some 97% since 1972, a far more dramatic increase has occurred in direct transfers from the federal to the local level.

Even though the relative increase in federal aid has allowed many local entities to provide services far in excess of those which could be provided from own-source funds, in many

cases direct federal-local assistance corridors have totally bypassed the state Legislature's review. For example, the community services administration in Washington, D.C., is, in effect, dictating policy of Maine residents. In order to receive needed funds for example, energy assistance, local community action agencies must comply with regulations which often bear no relationship to actual conditions in the State of Maine.

State and local officials, not Washington bureaucrats, are clearly in the best position to develop methods of service delivery contoured to the unique needs of the people to be served by their states.

Cumbersome federal regulations are sometimes inefficient, ineffective and often exceptionally expensive strings tied to funds which would be better used to meet human needs here in Maine rather than administrative advantages and mandates.

In Washington, we are neither disputing the superior fiscal position of the federal government, nor the need to provide services for the less fortunate. The president's program for economic recovery does, however, place some overdue restrictions on the size and scope of the federal government as a benevolent provider.

Although popular support is running high for the proposed cuts in the federal budget, understandable concern has been voiced relative to the immediate impacts of many funding reductions on various programs in Maine. I have received the reports from Governor Brennan and members of the Legislature, and I am aware of the potential shortfalls in some categories. However, I still believe that many of the local budget projections overlook one important factor, the factor that a decentralized, block grant approach to fund distribution will substantially reduce the administrative costs currently associated with administering many federal programs.

The formula for distributing the funds to the fifty states will be developed on a national level, and general guidelines will be provided for the utilization of the funds, but the ultimate decisions for allocating the funds among competing interest will be the prerogative of the Governor and the Maine State Legislature and the state government as a whole.

As I stated, the administration has recommended reducing the overall funding levels for categorical grants by 20%. However, the portion of funds currently going to meet administrative requirements will be reduced through the elimination of problems associated with administering specifically targeted programs with different matching rates, procurement requirements, architectural design, standards, reporting standards and accounting practices. In short, the state or local provider won't have to utilize some 30% of the federal funds just to comply with federal regulations, so a greater percentage of the funds will go directly to the people being served rather than the administration citizens will be provided with a greater ability to direct the expenditure of federal dollars which have all too often been blunted in their effectiveness due to countless layers of bureaucratic red tape in administration.

Your role as state legislators is about to become even more challenging as you assume new responsibilities for the optimal utilization of federal block grant funds. I know that in a recent legislature you voted to turn back much of your authority to the Governor and the state government for the distribution of federal funds and many states have done the same. Undoubtedly, you will be facing a decision this session as to whether to continue that course of action or whether you will wish to retain much of the authorization and appropriation authority for the use of federal monies coming into the state. Of course, that is a decision that you will have to decide among yourselves and with consultation with the executives.

You are all familiar with the basic parameters of the president's block grant design program. Social service and health programs will be consolidated into four general block grant programs. Education funds will come in the form of two grants — one for state and one for local education programs.

The community development block grant program will be combined with the urban development action grant (UDAG) programs to force a community support grant system.

Revenue sharing will continue at the local level, and there is a distinct possibility that state funds will be restored as well.

Although I fully endorse the President's program and I am prepared to do all that I can to see that essential elements are passed, I must be fully honest in telling you that I also have some reservations, as most other members of Congress do, about some aspects. The immediate termination of the Economic Development Administration is a matter of considerable concern to all of us who have witnessed the successful development of the Bangor International Airport, the Augusta Civic Center and the Presque Isle Industrial Park. In fact, since 1966, Maine has received some \$131 million altogether, and I am concerned and I intend to express my concern to the appropriate subcommittees on economic development when Congress goes back into session. Nationwide, EDA may not be the most effective instrument created to encourage needed development, but in Maine and other areas where unemployment and economic problems are very difficult, indeed, projects such as the Portland Fish Pier and other fish pier projects. Searsport, Cargo Port Facility and others, hold a very real opportunity for creation of jobs in the private sector and may well be worth the federal money involved.

I am also concerned about the formulas which will ultimately be adopted for allocating funds in the block grant program. For example, unless we make sure that yearly temperature, housing conditions, fuel costs, dependency on foreign oil and the like are taken into account when dividing fuel assistance monies, Maine could suffer a disproportionately harsh reduction in funding. Of course, this is the responsibility of those of us in Maine and of other northern states to determine that the fuel aid assistance program and other formulas be written in such a way to guarantee the most useful and equitable distribution of those federal funds to avoid unnecessary shortfalls.

Inclusion of the weatherization program in the HUD Community Support System also warrants further review and possible amendment. Although fuel aid funds are important in the short run, weatherization is actually preventive in nature and will allow us to post considerable fuel assistance savings in the long run.

With respect to the ultimate form to be taken by the block grant program, at this time the information is, unfortunately, limited. The President's budget recommendations are based on the block grant concept and funds have been earmarked accordingly. However, the actual formulas for distributing block grants to the states will be devised by the various House and Senate committees vis-a-vis amendments in the current authorizing legislation. With the assistance of support groups such as the Northeast-Midwest Economic Coalition and the New England Congressional Caucus, you may be assured that I will be closely monitoring the battles which lie ahead to ensure that the division between funds for the sunbelt and frostbelt are equitable and fair.

Pragmatically speaking, although the ultimate funding distribution decisions will be made by the fifty state legislatures, the diverse interests of 535 national legislators in the House and Senate will ultimately be combined with the states to provide the states with a responsible level of funding. In short, your Rep-

representatives in Congress, as well as your counterparts in the fifty state legislatures, will all have an opportunity to affect the decision, and this, of course, is the way it should be.

I expect there will be as many opinions of the President's budget as there are members of the legislature. But this is not a President who shrinks for a challenge, and part of the mandate he received on November 4 included the reordering of federal priorities, a reduction in the role of the federal government in state affairs, and an increase in the legislative prerogatives of the states to set their own priorities accordingly. The shifts in focus contained in the President's package embodied these concepts and provide you, as legislators, with an unprecedented opportunity to maximize the benefits of federal programs while minimizing the suffocating effects of bureaucracy regulation and red tape.

As a member of Congress, I feel the President has essentially moved in the right direction with his budget. As a foremember of the State Legislature, I feel he is giving you the authority and the tools to exercise more control over the impact of the federal government and its programs on the State of Maine. I wish I had had that same opportunity when I served the way you now serve, and I hope that you will consider the benefits of greater local control, reduction of federal expenditure, and generally the block grant approach, when you consider the various elements that will be before you over the next several months.

I would be very happy to take questions on this subject or any other for the next 10 or 15 minutes, or whatever time the Speaker has allocated for that purpose, and, once more, I want to thank you very much for the courtesy of allowing me to address the House this morning and promise that if there is anything I can do as a member of Congress to assist in your deliberations with information as it becomes available, I would be most happy to do that in whatever capacity it may be useful.

At this point, the House was at ease for a question and answer period.

At the conclusion of the question and answer period, Congressman Emery was escorted from the hall of the House by the Sergeant-at-Arms. (Prolonged applause, the members rising)

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Requiring Protective Headgear for Motorcycle Riders" (H. P. 414) (L. D. 453)

Report was signed by the following members:

Senators:

O'LEARY of Oxford
USHER of Cumberland
EMERSON of Penobscot

— of the Senate.

Representatives:

MOHOLLAND of Princeton
HUNTER of Benton
REEVES of Pittston
FOWLIE of Rockland
HUTCHINGS of Lincolnville
MACOMBER of South Portland
STROUT of Corinth
McKEAN of Limestone

— of the House.

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

Report was signed by the following members:

Representatives:

McPHERSON of Eliot
CARROLL of Limerick

— of the House.

Reports were read.

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

Mr. CARROLL: Mr. Speaker, I move that

the House accept the Minority "Ought to Pass" Report and I would like to speak on the subject very shortly. The fatalities have increased 48 percent since we repealed the helmet law.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would take a good close look at the report. There is a reason why this report is 11 to 2, the reason being that the ponderance of evidence, I have a great portion of it right here, showed that the number of registrations to the number of fatalities on motorcycles, the percentage actually decreased and that, to me, was the most important thing. This legislature did not make a mistake back in 1977. There is no evidence, none, and I have the statistics, which I hope I don't have to use later, to prove otherwise.

I hope that you will accept the Minority "Ought Not to Pass" Report.

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

Mr. TUTTLE: Mr. Speaker, Men and Women of the House: I am the sponsor of the bill, so maybe I could clarify a few questions to the gentleman from Limestone, Mr. McKeane.

Essentially, the bill would require that every person driving a motorcycle wear a motorcycle helmet. I guess essentially motorcycle use has increased dramatically since the 1960's where the growth and use became evident that head injuries have been the leading cause of death in motorcycle accidents and that safety helmets can reduce both the number and the severity of head injuries that are the most common cause of fatalities. By 1975, helmet use was required in 47 states; only four years later, because of changes in the federal law, 27 of those states had repealed their laws; Maine was one of them.

During this period, a number of deaths from motorcycle accidents nationally increased 46 percent, as Mr. Carroll said, while the number of motorcycles registered increased only 1 percent; it is a very important point.

Because of these extraordinary figures, the Congress ordered the Secretary of Transportation to study and report all aspects of the problem in relationship to helmet use by motorcycle operators. The Secretary published his findings in a report to Congress and the following are some of the conclusions:

First of all in the report, it is stated that helmets are effective. Helmets do not cause neck injuries. Voluntary use of helmets is as low as 25 percent. Helmet laws are constitutional. In states where helmet laws have been repealed, there is a 300 percent increase in head injuries and a 400 percent increase in those severities. Unhelmeted riders are two times more likely to incur head injuries and three times more likely to incur a fatal head injury than an operator wearing a helmet. Brain damage, as was brought up in the public hearing by many doctors from around the state, from head injuries results in long and indefinite hospitalization and high and medical social costs.

Frequently, those who are opposed to helmet use state that the helmet used increases neck injuries. This is not true and no evidence supports these statements. Quite the contrary; most alleged neck injuries are manifested by complaints of pain but no visible signs of injury. Only 2 percent of all injuries to operators are neck injuries and, as an emergency medical technician, I can concur with that statement.

Also, no evidence supports the claim that helmets interfere with vision and hearing. A full coverage helmet restricts peripheral vision by only 3 percent, resulting in 177 degrees of horizontal field in view. This is far more than the 140 degrees required by licensing agencies.

Because of the nature of the vehicle and the operator's unprotected position on it, there is little that can be done to reduce injury and fatality rates other than to require helmets,

which drastically reduces the insurance rates, as was mentioned by Commissioner Briggs of the Department of Insurance.

For these reasons, I hope that we can address this issue objectively and pass this bill on, not only for our sakes but for the lives of the citizens of the State of Maine.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum to act 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 Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, I would request a roll call.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Limestone, Mr. McKeane.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I think there are some things that are very important here. Motorcycle registrations in 1977, which I think most of you remember was when we repealed the helmet law, you had 27,000 registrations. At that time, you had 24 fatalities. You must remember that this doesn't mean you had 25 deaths due to head injuries. This is a 25 total fatalities, whether it was chest, wherever it might be, it doesn't mean that it was head injuries. In 1978, you had 30,000 registrations and 27 fatalities. In 1977, you had one fatal in 1,088 registrations. In 1978, you had one fatality in 1120 registrations. In 1979, you had 34,996 registrations and you only had one additional fatality, with no evidence that that was even a head injury that caused that additional fatality, so you had one fatal in 1,248 registrations.

Let's go to last year, 1980, you had 38,133 registered motorcycles and you had 29 fatalities, which is one in 1,315 more, so the evidence here does not show us that you have a problem since we have repealed the helmet law.

As far as the evidence that was presented in the hearing itself, you had some doctors, they spoke on an article that featured motorcycle accidents, for gosh sakes, in Kansas. They have no statistics to prove that the fatalities were due to head injuries. You had doctors from Portland, Eastern Maine Medical Center, he had statistics on helmeted versus unhelmeted riders but there was no corresponding speed statistics. He gave the cost to the state of Maine and to the federal government of your Medicaid and Medicare programs, which meant absolutely nothing because, you know, something that bothers me, we always have a perennial attempt to save somebody from themselves. We don't care who it is, but it is better if we pick on the minority because it is easier.

If you want to save some money in the Medicaid and the Medicare and the social programs, then what you do is require people to use helmets in automobiles, because there are times more head injuries in automobiles—to the head. The federal government some time ago said we could put seat belts on them, right and we eliminate some problems, but they couldn't even do that. So, we have more problems than having helmets with motorcycles. If you want to save money, go for the big money, don't go for the small one.

You have more problems, you have more deaths by impacted intestines. If that is the case then, why don't we have a bill in here to mandate Ex-lax and suppositories? Why do we always pick on a small group in which there are no statistics to prove that we even have a reason to pick on them?

Something that really charged me up down in the hearing, we had a film from the university of Southern California, it was a very good film and it gave what happened to a rider when he

hit an object without a helmet on and what happened to him when he hit an object with a helmet on. I thought it was very good, it was a 1980 film. The gist of the film was that you couldn't see the motorcycle, they were a hard thing to see to a motorist, and in the film they had no lights on the motorcycles, which goes to show you that the State of Maine had even beat them in that because we now have laws that require you have a headlight on. I asked the guy showing the film, well, do you have a helmet law in California, because I figured with this film from the University of Southern California, of course they would have a helmet law, and guess what, they don't so, that didn't show me too much.

I think there was a remark made by an individual in the hearing that just seemed to hit the situation perfectly. He said, you know, when the good of society preempts the rights of an individual, then this state and this country are headed down the road to despair. That hit home, because they don't prove anything, the argument here is, should we try to make someone safe for themselves or not and, if we are, then let's pick on where the big money is, let's pick on the majority of accidents are, where the majority of injuries are. Let's say you have to wear a seatbelt, let's say that you have to wear helmets in automobiles because that is where the problem is; it is not on the motorcycles.

I am a biker myself and you all know that because you have seen me down here with one. I wear a helmet, I wear it everytime that I get on it. You don't have to tell me to do it, it is my choice and I think it should be that way for everybody. It is our choice, let us have that choice. We have that degree of intelligence, let us use our own heads; you don't have to mandate that to us.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go on record at this time supporting everything that Mr. McKean has to say and further move that this bill and all its accompanying papers be indefinitely postponed and I further request a roll call.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. As the time progresses, I am pretty sure most of us have many things that we should be doing now but I feel this is a very important issue.

We talk about figures, I present figures, Mr. McKean presents his figures, but something that I received from the Maine State Police was a very interesting set of figures for the year 1980. The number of people killed was 29, those who were not wearing helmets was 28. As Mr. McKean mentioned, the result of death physiologically, there was some question as to whether a head injury was in the direct cause, I think it was 16 out of the 28 or close to 75 percent.

I guess my only question is, how many people can die? How many figures do we need to obtain before we pass a bill of this nature?

At the public hearing, those individuals who supported this bill — the Maine State Police Association, the Maine State Department of Rehabilitation, the Emergency Medical Physicians of the State, the State Nurses Association, the Maine Emergency Medical Technicians of the state, the Maine Hospital Association, the Maine Ambulance Council, the Commissioner of Insurance said, we all pay for the biker's right of free choice.

As most of you know, before I was elected to the legislature, I was a full-time emergency medical technician with the Sanford Fire Department, so this is a very emotional issue for me. I have seen first hand the personal injury and death resulting from operators and passen-

gers of motorcycles who were not wearing helmets. If any of you have any doubts as to the effect of not wearing a helmet, I would be glad to arrange some time for any of you to accompany me on an emergency run when we pick up what is left and when we confront the parents of the victims in the emergency room of the hospital and tell them the reason why their son or daughter is dead is because they weren't wearing a helmet.

This is a very important issue to me. So when you vote today, vote for the lives that will be saved when this bill is passed and pray for the lives of those who are dead because something hasn't been done already.

I hope you vote to defeat the motion to indefinitely postpone this bill.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: For the last four years, I have voted to keep the helmet law. I don't know which way I am going to vote today, but I am going to tell you that after seeing those gentlemen downstairs and those gentleladies and all the smoke and all the smell and the whole works, if they haven't got the intelligence to save their own lives, let them take care of it themselves.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support the motion for indefinite postponement. My husband and I both own motorcycles. I am giving up mine this summer because, frankly, I have decided I do not choose to take the risks which is involved whenever a rider takes a motorcycle onto the road, but my husband has made the decision to continue riding a bike, and he has for 15 years, and let me assure you, he wears a helmet, not because it is required by Maine law but because it has been mandated by a higher and greater law — my law.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am cosponsor of this bill. I have supported the helmet law for a number of years and I would like to read part of a letter that was sent to me by an individual whom I have never met from Bangor. He says in his letter, "On June 7, 1980, I was in an accident on the Interstate on my motorcycle. It happened because a front end warble in my tire. I skidded almost 400 feet on my head doing 70 miles an hour. I ended up with a broken collar bone, cracked ribs and a collapsed lung. Mr. Pearson, the only thing that saved my brains from becoming a mass of jelly on the Interstate was a helmet. What I am stating is, a helmet does work and it does save lives." He asked me in his letter if I would stop by his house, he wasn't home at the time, I picked up the helmet from his mother. This is the helmet that saved his life. You can see the scars on it.....

The SPEAKER Pro Tem: The Chair would inform the gentleman that the use of visual aids, under the decorum of the House, is not in order unless you have permission from the Speaker before the session.

Mr. PEARSON: Mr. Speaker, I won't do it again. I had had conflicting opinions on that before the session began, and I tended to rely on the people that said it was all right.

Mr. McKean from Limestone and the two gentlelady's from Bath have indicated that

they both concur with what Mr. McKean said, and one of the remarks that he made during his presentation on figures, which I consider to be kind of picky little things, was that he said one man that appeared before the committee said the United States of America was in trouble when the good of society preempted the rights of an individual. I think that is a terrible philosophy because, you know, we have safety plate glass in our automobiles, we have bumpers on automobiles, we have seatbelts in automobiles, we have all kinds of safety devices in this country, and if a helmet will save one life, it is worth it.

I teach in a high school, and during the spring, about this time of year, a lot of boys, and some girls, come to the high school on their motorcycles, and some of those are pretty fast machines and pretty expensive. What I fear most of all is that pretty soon one body or two boys will start to come without their helmets on, and then it will become one of those things that if you are wearing a helmet you are a sissy and nobody wants to be a sissy in high school, so pretty soon nobody is wearing a helmet and the thing catches on. And if you have ever seen a high school kid that has died and the funeral that comes after it, it is one of the saddest things that you can ever see, and I don't want that to happen. I really don't want it to happen to anybody, but that, I guess, is my principal interest.

This boy from Bangor, whom I have never met, is living testimony of the fact that his life was saved by a helmet.

I hope that I am not going to violate a trust, and I understand that I am not by the nodding of a head from the other side of the room, there is a legislator here from York County, whom I used to sit beside last year, the helmet bill came up, his son was sitting up in the balcony just by chance that day. He leaned over to me and he said, that is my boy up there. He said, he almost died on a motorcycle one time and he would be dead right now if it wasn't for a helmet. There are enumerable cases like that.

We pass laws all the time to protect people. This is a safety law, and I hope that you will all enact it and defeat the motion by the gentlelady from Bath.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker and Members of the House: The State of Maine does not require snowmobile riders, stockcar drivers, bobsled riders and skateboard users, airplane pilots, convertible drivers or skydivers, etc., to use protective headgear. There is documented proof in each one of these sports or activities where individuals have been seriously hurt or killed because they didn't have protective headgear when they came in contact with something solid.

I know I am up against some stiff competition in this House this morning on this bill, and as one of those young whippers that Representative Carroll refers to, I offer my brief years of experience to help defeat this bill.

I don't ride a motorcycle. As a matter of fact, they scare me. I have, however, downhill ski raced and jumped out of airplanes for the last seven years, and I would not do either of these activities without the use of protective headgear. My brain bucket is worth a great deal to me.

I think that many of the facts and figures presented to you today are misleading. You and I both know that statistics can be swayed either way. I was at the parachute meet in Florida in 1976 when a person whose chute failed to open hit the ground. He didn't have a helmet on, but the helmet wouldn't have done him much good. He hit the ground at about 120 miles an hour. A motorcycle going north at 55 and a Mack truck going south at 55 have an impact of 110 miles an hour. Human error of the motorcycle swaying into the other lane would not be helped by a

helmet.

I would urge you to support the motion of the gentlewoman from Woolwich to indefinitely postpone this bill.

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

Mr. HAYDEN: Mr. Speaker and Members of the House: I want to add my support to the motion to indefinitely postpone this bill as one more young whipper who has ridden motorcycles, haven't in the last few years, I don't think there is any question that wearing a motorcycle helmet makes common sense. As I understand it right now, it is the law that juveniles have to wear motorcycle helmets.

I think in the end what we are faced with here is an issue that comes before all of us daily, and it is, what is our job here in the legislature? We have a motion here, wearing a crash helmet when you are driving a motorcycle. I think if you use your head, you would wear one, it makes common sense, but I am sure that it is the job of the legislature here to legislate common sense. I think there is a limit to what we can expect our influence to be, and I don't think we are in a position of legislating people to use their heads.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I noted very carefully the remarks of my good friend from Old Town, Representative Pearson. I am very happy to hear that he is not concerned with figures and statistics because, in that case, my good friend, you owe the Transportation Committee around \$15 million, and since it isn't any concern to you, we will take it.

The other thing that bothered me about the presentation, he said that these youngsters in high school could get into the habit of not using a helmet or peer pressure would cause them not to if we don't put this on the books. I would suggest to you, we repealed the helmet law in 1977, so if they are not in that habit now, I think in three or four years they are not going to get into it. I don't think that argument holds too much water.

I would certainly hope that in the interest of these people who we say have common sense, and the majority of them do—you know, you can always take any thousands of people, and there are 39,000 or 40,000 bikers in this state, and you may find a few who won't use good common sense, but I can show you a lot of hunters who don't use good common sense. I can show you a lot of automobile drivers who use even less common sense, and that is where the big bucks are, if you want to stop the flow of big bucks, so the bikers is not the place to start.

Let's indefinitely postpone this bill and get it out of here.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker and Members of the House: I would just like to correct my friend and colleague from Durham on a couple of points. One, the law doesn't require helmets on juveniles, it is only those 15 and under, so anybody 16 or 17 or any other minor can ride a motorcycle without a helmet. And the second one, I don't think he can consider himself so young anymore.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I, too, am a cosponsor of this legislation, and I will try to be quick because I think we have talked about this long enough.

I am a biker, I ride quite frequently. I don't like over-regulation anymore than you folks do, and I will be the last person to vote for regulation after regulation.

As the gentleman from Sanford, Mr. Tuttle,

I, too, am biased. You can throw all the figures you have. The gentleman from Limestone, Mr. McKean has done that and Mr. Tuttle has done that, but until you have been on the scene and tried to treat these people, then all those figures mean nothing. If there has been one or two killed out of fifty or eighty thousand, whatever he said, then I am not sure if those are absolutely correct either, because I have been to at least two myself, and I am sure there are other places in the state where this has been happening.

If someone is injured, as someone else pointed out, it is not just a case of letting those who ride decide, and that is the big slogan they are all trying to throw at us now—let those who ride decide. Well, if you decide to ride without a helmet and you become injured, then we all pay. There is more to it than all that.

All I am saying is this—I am biased, the gentleman from Sanford is biased, because we have seen it, seen it first-hand. And if you had been there with us, your lights would be the same as ours.

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

Mr. SWAZEY: Mr. Speaker and Members of the House: I have two sons who own motorcycles. I also have a son-in-law who owns a motorcycle and, needless to say, they wear helmets. I don't believe we should be here today legislating everything for everyone. If they want to wear a helmet, I believe if they are properly reared, they know their responsibilities to themselves and the community, they will wear helmets.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Members of the House: I have listened to a lot of these horror stories, but I think that you will find there are just as many people or a lot more killed in automobiles and have the same problems that wouldn't be on a motorcycle. I guess I would ask you, how many of you would report a bill that said everyone that rode in an automobile had to wear a helmet?

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Woolwich, Mrs. Cahill, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Armstrong, Austin, Baker, Bell, Benoit, Berube, Bordeaux, Boyce, Brannigan, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carter, Clark, Conary, Connors, Connolly, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dillenback, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis, Hall, Hanson, Hayden, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Hunter, Hutchings, Ingraham, Jalbert, Jordan, Kiesman, Lancaster, LaPlante, Laverriere, Leighton, Lewis, Lisnik, Livesay, Locke, Lund, Macomber, Mahany, Martin, A.; Masterman, McCollister, McGowan, McHenry, McKean, Michael, Michaud, Moholland, Murphy, Nelson, A.; Norton, Perkins, Perry, Peterson, Post, Racine, Reeves, J.; Reeves, P.; Ridley, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C.W.; Soule, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

NAY — Aloupis, Beaulieu, Boisvert, Brodeur, Carrier, Carroll, Chonko, Cox, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Fitzgerald, Gowen, Hickey, Jackson, Jacques, Joyce, Kane, Kany, Ketover, Kilcoyne, Masterton, Matthews, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Prescott, Randall, Richard, Smith, C.B.; Soulas, Stevenson, Stover, Thompson, Tuttle.

ABSENT — Brenerman, Gwadosky, Huber, Kelleher, MacBride, MacEachern, Manning,

Martin, H.C.; Pouliot, Mr. Speaker.

Yes, 97; No, 44; Absent, 10.

The SPEAKER Pro Tem: Ninety-seven having voted in the affirmative and forty-four in the negative, with ten being absent, the motion does prevail.

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

Mr. McKEAN: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action and hope you all vote against me.

The SPEAKER Pro Tem: The gentleman from Limestone, Mr. McKean, moves that we reconsider our action whereby this Bill and all its accompanying papers were indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

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

Sent up for concurrence.

(Off Record Remarks)

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

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and referred to the following Committees:

Energy and Natural Resources

Bill "An Act to Allow the Export of Wood from Public Lands under Certain Circumstances" (Emergency) (H. P. 1359) (Presented by Representative Martin of Eagle Lake) (Cosponsors: Senator McBreairey of Aroostook and Representatives Locke of Sebec and Hall of Sangerville)

(Ordered Printed)

Sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

Transportation

Bill "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats" (H. P. 1360) (Governor's Bill) (Presented by Representative Reeves of Pittston) (Cosponsor: Representative Gowen of Standish)

(Ordered Printed)

Sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-205) on Bill "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State to that of the Kittery Store" (H. P. 798) (L. D. 952)

Report was signed by the following members:

Senators:

SHUTE of Waldo
CHARETTE of Androscoggin

— of the Senate.

Representatives:

STUDLEY of Berwick
TREADWELL of Veazie
SWAZEY of Bucksport
COX of Brewer
PERRY of Mexico
McSWEENEY of Old Orchard Beach
GWADOSKY of Fairfield
STOVER of West Bath
SOULAS of Bangor

— of the House.

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

Report was signed by the following members:

Senator:

VIOLETTE of Aroostook

— of the Senate.

Representative:

DUDLEY of Enfield

— of the House.

Reports were read.

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

Mr. COX: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report and would speak to my motion.

The SPEAKER Pro Tem: The gentleman from Brewer, Mr. Cox, moves that the Majority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I will first explain the substance of the report. As you will not by the title, it says "A Bill to Equalize the Price of Liquor with the Kittery Store." This doesn't necessarily mean to lower the price. The Kittery store could be brought up to the price of the other stores. I think everyone is assuming that probably the other stores would be lowered.

We based our decision, the majority of the committee, on fairness. That is that in fairness anyone in Bangor or Eastport should not have to pay more than someone from Kittery, except for perhaps a normal freight charge for shipping it a little farther.

Obviously, the point will be raised that this could mean a loss of revenue. The bill says it is nearly \$10 million. This is assuming that there is an equalization downward, that all the other places were lowered. Actually, it is difficult to assess how much money, if any, might be lost, because we know that there are countless people who buy their liquor in New Hampshire simply because it is more convenient to get to the Portsmouth store than it is to the Kittery store. So at least a large amount of this assumed loss of revenue would be made up by people buying their liquor in the State of Maine rather than buying it in New Hampshire.

All I can say is, in your consideration of how you intend to vote, you will have to balance your feelings of fairness with how much you think it might cost the state.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have always viewed taxation as unfair in any aspect of it, and it is true, this is unfair.

I was reluctant to having reduced prices in the Kittery store, but we were told by people who knew, or thought they knew, that we would actually make several million dollars more, they thought as much as \$3 million. It ended up with them making as much, I think, I don't want to be quoted on the figure, but as much as \$10 million more.

This experimental thing did work, it is getting us an extra amount of money, to the tune of some eight or ten million dollars. From my vantage point in this state government affair, I view eight or ten million dollars as a lot of money, and I don't know where else we could pick it up.

Reluctantly, I think we ought to keep it as it is. We can't afford to lose that amount of money.

The Christian Civic League has done quite a lot to keep Maine in good order, and they said if we lower it in all stores, all we are trying to do is sell more and more liquor to get the money, and that they would be opposed to. That is their aspect of it. If we lower the price of liquor in all the stores, we are trying to get the eight or ten million by selling more liquor. That they are opposed to, and from what I see from the actions of liquor, I don't know as I would want to be one of those to have to sell more liquor to get the same amount of money, because it is a known fact, I don't have the statistics on it, that it does cause some accidents on the highways, and the more you sell, the more accidents you may be causing.

I reluctantly voted that this bill should not pass, I signed the minority report, having been here when it was tried in its experimental stage and having seen how much extra money it brought, even though it is unfair, but you can

pick out any tax that we have in the State of Maine and some group of people, I am sure, could say it was unfair to them. As a matter of fact, every time I pay my taxes, I think I am being unjustly taxed in some areas. I guess it just depends on whose oxen get going.

We do need the money, I am quite sure. If you don't think we need the money, then you should vote with the minority report.

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

A vote of the House was taken.

70 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

Thereupon, the bill was read one. Committee Amendment "A" (H-205) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

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

House Reports of Committees Ought Not to Pass

Representative Kelleher from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Appropriations from the General Fund for Teachers' Retirement and Eliminating Certain Programs Funded from the General Fund" (Emergency) (H. P. 616) (L. D. 708) reporting "Ought Not to Pass"

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

Ought to Pass Pursuant to Joint Order H. P. 264 Tabled and Assigned

Representative LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1981 (Emergency) (H. P. 1358) (L. D. 1540) reporting "Ought to Pass"—pursuant to Joint Order (H. P. 264)

Report was read.

On motion of Mr. LaPlante of Sabattus, tabled pending acceptance of the Committee Report and specially assigned for Monday, April 27.

Consent Calendar First Day

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

(H. P. 688) (L. D. 802) Bill "An Act Relating to the State Valuation of the Town of Easton" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-218)

On the objection of Mrs. Post of Owl's Head, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-218) was read by the Clerk and adopted.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I was advised by the Speaker that now is the appropriate time to move that this Bill be referred to the Committee on Appropriations and Financial Affairs.

Thereupon, the Bill and all its accompanying papers were committed to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

(H. P. 766) (L. D. 936) Bill "An Act to Clarify the Duties of the Register of Deeds"—Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-217)

(H. P. 448) (L. D. 495) Bill "An Act to Provide Notice to Cosigners and Others Similarly Situated in Consumer Credit Transactions"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-219)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of April 21, under listing of the Second Day.

Consent Calendar First Day

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

(H. P. 664) (L. D. 768) Bill "An Act to Provide for Recovery of Unemployment Compensation Overpayments over a Reasonable Period of Time" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-215)

(H. P. 1067) (L. D. 1270) Bill "An Act to Ensure that those Homes Receiving Fuel Assistance are Winterized" Committee on Energy and Natural Resources reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 21, under listing of Second Day.

Consent Calendar Second Day

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

Tabled and Assigned

(H. P. 889) (L. D. 1058) Bill "An Act to Provide for Deduction of Points from the Driver's License of a Minor Illegally Transporting Liquor (C. "A" H-204)

On the objection of Mr. McHenry of Madawaska, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-204) was read by the Clerk.

Mr. McHenry of Madawaska offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-221) was read by the Clerk.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure that I want to oppose this amendment, but it is my understanding that there has got to be another amendment offered, and I am just concerned whether we can do it with one amendment or do it with another one, and maybe somebody should table this for a day.

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

Mr. CARROLL: Mr. Speaker, I hope we can have this bill tabled until Tuesday. I was intending to do this in the beginning.

Thereupon, on motion of Mr. Higgins of Scarborough, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and specially assigned for Tuesday, April 21.

At this point, Speaker Martin returned to the rostrum.

The SPEAKER: 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 and Speaker Martin resumed the Chair.

(S. P. 226) (L. D. 612) Bill "An Act Relating to Reappointment for Municipal Officers" (Emergency) (C. "A" S-110)

(S. P. 200) (L. D. 567) RESOLVE, Authorizing the Attorney General to Convey Certain

Lands of the State to the Town of Gorham (C. "A" S-112)

(S. P. 315) (L. D. 871) RESOLVE, Authorizing the Exchange by the Department of Conservation of a Certain Parcel of Land in Rockport for a similar Parcel of Land Adjoining the Marine Park with Gudren H. Kononen (C. "A" S-111)

No objections being noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed as amended in concurrence.

(H. P. 423) (L. D. 470) Bill "An Act to Require a Record of Sales to be Kept by Dealers in Used Merchandise" (C. "A" H-208)

On the objection of Mr. McHenry of Madawaska, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-208) was read by the Clerk.

Mr. McHenry of Madawaska offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-222) was read by the Clerk and adopted.

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

The Bill was assigned for second reading the next legislative day.

(H. P. 543) (L. D. 619) Bill "An Act to Provide Equality Between Home Improvement Loans and Other Consumer Credit Loans" (Emergency) (C. "A" H-209)

(H. P. 759) (L. D. 895) Bill "An Act Concerning the List Price of Vehicles under the Excise Tax Laws" (C. "A" H-210)

(H. P. 232) (L. D. 269) Bill "An Act to Require Interagency Licensing of Residential Facilities and Programs for Children" (C. "A" H-212)

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

Passed to Be Engrossed

Bill "An Act Relating to Law Libraries" (S. P. 562) (L. D. 1532)

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

Emergency Measure Tabled and Assigned

An Act to Increase the Fees of the Bureau of Insurance (S. P. 210) (L. D. 575) (H. "A" H-196)

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.

Whereupon, Mr. Brannigan of Portland requested a roll call vote.

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

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

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: This L. D. has an emergency enactor on it. First of all, let me just review the bill again. It was asking for a fee increase for the Department of Business Regulation, Bureau of Insurance. This is the first time that this bureau has asked any increase in their fee rates for 11 years. They run solely on these

fees that are paid by, as outlined in the bill, the various filings and licenses and so forth.

The reason we made it an emergency measure is that these billings go out in July, they go out to part of the people in July and part of the people a year from July. Therefore, if we don't have this passed as an emergency measure, then part of the insurance companies that are regulated will not be charged.

The bureau has been able to go 11 years without any increases in fees, as I explained before, because they were not able to attract the number of people they needed to do a good job, and they weren't doing a good job. They admitted they weren't doing a good job. The insurance industry was distressed that they weren't doing a good job, they weren't able to respond quickly, they were not able to review things properly, and that is costly to the consumer in the end, more costly, I believe, than having increases in fees.

Last year, we enabled the Insurance Commissioner to hire more people. By raising certain salary levels, he has been able to get more people, and so has risen back up from his low level of 16 to 26, which is what he had before in the early 70's, when he was doing a better job, and we want to see him stay that way. We want to see the insurance industry regulated properly. We want to see people protected properly, and in order to do this, we need to have this measure passed, and we need to have it, unfortunately, as an emergency issue so that everybody will be treated fairly and that \$126,000 will not be lost and that people will not have to be laid off and have to cut the Insurance Department back again.

I urge you, please, to join with me and others in voting this as an emergency measure.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go along with Mr. Brannigan this morning. As he mentioned, it has been 11 years since there has been a change in these fees. We all know the changes in technology during that time. I have been acquainted with this business for the past 31 years. In the early years, in fact up to about that number of years ago, most of the fire insurance companies and the casualty companies belonged to two organizations, the New England Fire Insurance Rating Organization and the National Bureau of Casualty Underwriters. They followed these people and depended on these two associations to develop rates that would be fair and equitable for our clients.

Times have changed, we now have computers, and the companies now develop their own rates on their own experience, so instead of the Insurance Department having to review maybe four or five different filings for rates, they have hundreds of these rates that they have to contend with. They need these personnel to better serve our consumers to see that we all get what we are supposed to get for our dollar.

I certainly hope that you will go along with Mr. Brannigan and help us get a two-thirds majority.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a unanimous but one committee report out of the committee on Business Legislation. There is complete support for this throughout the industry. It is needed. We seem to be coming down now where if we pass this under an emergency header, all the companies will be treated equally, instead of some of them getting the rate increases and some of them not getting the rate increase and escaping from it. I hope that you will support the emergency enactment.

There is another thing that bothers me here and that is the feeling that seems to be floating through the House with some people that, gee, we don't like it but we don't know why we don't like it, we can't put any reason to it, so let's

vote it down. I would point out to you that even if we pass it, that most of these things seem to be finding their way down to the other end of the corridor and being held there and viewed even further.

This particular piece of legislation, I feel, is necessary, it is needed and if someone is opposed to it, I would like to hear them stand up and explain specifically why they have such a problem and why it shouldn't be passed.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I know it is before the holiday and everybody would like to get on their way, but this bill has reached a stage now where we know this bill is going to be passed at one point or another, and to vote against this today, to vote against this emergency, it means that there is approximately \$170,000 that the department won't get as soon as bill is signed into law. I just want to remind you that that money is coming from insurance companies, so for us to say today that we are not going to enact this bill as an emergency means that these insurance companies just won't pay it now, they will have to wait until September. What it means is that we are going to let the insurance companies off the hook until September. So, I would urge you to support this bill and vote for this as an emergency measure today, please.

The SPEAKER: The Chair recognizes the gentlewoman from Orono, Miss Gavett.

Miss GAVETT: Mr. Speaker, Ladies and Gentlemen of the House: I would remind you of some of the figures that I brought up last week and the reason that I was opposed to this measure was because I thought it was too big an increase over the biennium from the budgets that the insurance bureau has had over the previous years.

I would point out to you again that within the last five years the budget for the Bureau of Insurance has more than doubled, it has gone from \$293,000 in 1976 to a proposed budget of this year of \$744,000. Points have been made that if this measure is not enacted today that the insurance companies will not be fairly treated, some will have to pay in September and some won't have to pay—I would say to you that the fees will be in effect from here until they are changed again, so everybody will eventually be paying the same fee.

I would hope that those of you who have voted with me in the past on this bill will continue to vote with me. At least, this will mean, if the emergency does not go through, that there will be a cutback, I have heard a few different figures, of approximately \$130,000 from the \$505,000 that they wanted. I think a \$370,000 increase in the biennium for a budget of last year that was only \$690,000 is a substantial increase. I would hope you would vote against enactment.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: When this bill first came to our committee, I was one of those individuals that was opposed to an increasing of fees. What I did was go down to the insurance Department to take a look first-hand to see what the problems were and why they needed the additional fees to be able to perform their assigned mission. After having been down there for about an hour and a half, I was convinced that I had to support this particular bill.

One of the items that actually convinced me was the fact that the insurance industry is 100 percent behind this bill and the reason that they are behind this bill is because they want to be regulated by the state rather than by the federal. It is very unusual, because when this bill was presented, I was surprised that the insurance industry was supporting an increase in fees. They were because they want to be regulated properly, they want to make sure that the insurance companies that are selling the State

of Maine are regulated by the state. This is to eliminate a lot of these fly-by-night policies that are being sold throughout the country. If we do not pass this bill, it means that we will not be able to regulate the way we should.

There are a lot of complaints coming into the Department of Insurance and it requires people to go out and physically take a look at some of the complaints that are being reported and this is to protect the consumer in the long run, so I do hope that you will vote for enactment.

The SPEAKER: The Chair recognizes the gentleman from Orono, Miss Gavett.

Miss GAVETT: Mr. Speaker, Ladies and Gentlemen of the House: All the insurance companies were for this bill but in the long run I think that everyone knows that we are all going to be paying for this. The insurance companies will pass this cost along to those people who buy the insurance, and I would suggest to you that last year, five additional people were added to the bureau; this year, four have been, and I don't see where our insurance rates have gone down by being able to have more people in the bureau and to regulate the insurance industry further.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: As a former member of Business Legislation for four years, I understand truthfully how very complex the issue of insurance is and I am sure that you all do, because in any part of your life, you are either buying automobile insurance, house insurance, health insurance, etc. It is an industry which does need regulation and we do have a department which is trying to do a good job within the amount of money allocated them. However, they do need this extra money to beef up that department. And just think back to when you get your policy every whatever, three times a year, twice a year, the complexity of the issue and do you honestly not feel that this is an area that should be regulated?

The SPEAKER: A roll call has been ordered. The pending question before the House is on passage to be enacted. This being an emergency measure, a two-thirds vote of all the elected members of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Baker, Beau-lieu, Bell, Benoit, Boisvert, Boyce, Brodeur, Brown, A.; Callahan, Carroll, Chonko, Conary, Connolly, Cox, Crowley, Damren, Davis, Diamond, G. W.; Diamond, J. N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Fowle, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H. C.; Higgins, L. M.; Hobbs, Ingraham, Jackson, Jacques, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, LaPlante, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Martin, A.; Masterton, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soule, Stevenson, Swazey, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Weymouth, The Speaker.

NAY — Austin, Berube, Bordeaux, Brannigan, Brown, K. L.; Cahill, Carrier, Conners, Cunningham, Curtis, Day, Dudley, Foster, Gavett, Holloway, Hunter, Hutchings, Jalbert, Jordan, Lancaster, Lewis, Masterman, Matthews, McCollister, McPherson, Nelson, A.; O'Rourke, Paradis, E.; Peterson, Randall, Reeves, J.; Salisbury, Sherburne, Small, Smith, C. W.; Stover, Strout, Studley, Tarbell, Treadwell, Webster, Wentworth.

ABSENT — Brenerman, Brown, D.; Carter, Clark, Davies, Dexter, Huber, Kelleher, Laverriere, Leighton, MacBride, Manning, Martin, H. C.; Pouliot, Soulas.

Yes, 94; No, 42; Absent, 15.

The SPEAKER: Ninety-four having voted in the affirmative and forty-two in the negative, with fifteen being absent, the Bill fails of passage to be enacted.

Mr. Brannigan of Portland moved that the House reconsider its action whereby the Bill failed of passage to be enacted.

On motion of the same gentleman, tabled pending his motion to reconsider and specially assigned for Tuesday, April 21.

Emergency Measure

An Act to Authorize a Bond Issue for Somerset County to Renovate the Existing Somerset County Detention Facility (S. P. 337) (L. D. 965) (C. "A" S-104)

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. 106 voted in favor of same and None against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act to Permit the City of Bangor to Increase the Number of Members on the Bangor School Committee (S. P. 366) (L. D. 1085) (C. "A" S-101)

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

On motion of Mr. Tarbell of Bangor, tabled pending passage to be enacted and specially assigned for Tuesday, April 21.

Emergency Measure

An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1983 and June 30, 1982 (H. P. 345) (L. D. 393)

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

Emergency Measure

An Act to Clarify Application of the Workers' Compensation Law to Injuries Received by an Employee who Voluntarily Participates on an Employer-Sponsored Athletic Team (H. P. 666) (L. D. 770) (C. "A" H-188)

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

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: This is a unanimous report from the Joint Standing Committee on Labor, but I did want to read a few words into the record to clarify what this bill does so there won't be any misunderstanding once we pass it into law.

Several companies that sponsor softball games have been a little reluctant to do so because they were afraid that any employee who voluntarily decided to participate in a company-sponsored softball game, if they were injured, might fall under the workers' compensation laws. So, we wish to clarify this point by simply saying that any employee who voluntarily plays in a company-sponsored baseball or softball game is not subject to the workers' compensation laws.

I wanted to point out that this bill does not pertain, I repeat, does not pertain to professional athletes. Therefore, the Maine Mariners are certainly covered under workers' compensation.

We decided to put an emergency on this bill because we wanted it to be ready for the baseball season that is now approaching us. Ladies

and gentlemen of the House, if there is one thing that I am, it is pro baseball, it runs in the family. My father was a pitcher for the minor leagues and had the opportunity to pitch against the great Walter Johnson, and he beat him one to nothing.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Just to make it a little bit more clear, I assure you that the same employees will be covered while they are on the job.

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

A vote of the House was taken.

126 having voted in the affirmative and one in the negative, the Bill was passed to be enacted signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Tax Law Providing a One-time Property Tax Exemption for Disabled Veterans, World War I Veterans and Persons Claiming from World War I Veterans (H. P. 1327) (L. D. 1521)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of the members elected to the House being necessary, a total was taken. 121 voted in favor of same and None against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Clarify the School Construction Law (H. P. 166) (L. D. 230) (C. "A" H-176)

An Act to Authorize Certain Crossings of Public Ways under the Highway Laws (H. P. 509) (L. D. 560)

An Act Relating to the Confidentiality of Communications Between Patients and Dentists (H. P. 562) (L. D. 638) (C. "A" H-190)

An Act Concerning the Limitation on Damages for Loss of Comfort, Society and Companionship in Wrongful Death Actions (H. P. 740) (L. D. 878) (C. "A" H-189)

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

An Act to Require Trucks Carrying Explosive Material to Come to a Complete Stop Before Crossing Railroad Tracks (H. P. 786) (L. D. 931) (C. "A" H-186)

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

The SPEAKER: The Chair recognizes the gentleman from Veazie, Mr. Treadwell.

Mr. TREADWELL: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask some member of the committee to tell me just exactly what the bill does?

The SPEAKER: The gentleman from Veazie, Mr. Treadwell, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: All the bill actually does is say that those vehicles which are carrying hazardous materials shall do two things. Actually, this vehicle is required to have placarding which meets the lines of the federal standards. There is a federal standard for placarding of those vehicles which carry hazardous materials. We are speaking of explosive, corrosive type materials. All we are saying here is that that vehicle must stop at railroad crossings. There have been a couple of incidents in this state where there were trucks carrying explosive materials have had near misses with

trains because they failed to stop, especially in a town or, for instance, a city like Portland, this could be a very dangerous thing. What we are trying to do is ensure that those vehicles come to a complete stop before crossing a railroad track.

Thereupon, the Bill was 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:

JOINT ORDER—Relative to Amending the Joint Rules—Adding at end of Joint Rule 17 (H. P. 1347) Read in House April 15.

Tabled—April 15 by Representative Diamond of Windham.

Pending—Passage.

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

Mr. PEARSON: Mr. Speaker, we were asked yesterday to save our calendar that was printed. I did not save mine and I would like to have it explained. I have learned long ago that Joint Rules are very important and I would like to have a thorough and complete explanation of this?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I must confess I did not save my calendar either but I do know what the rules are.

The rules say that legislation which comes to this body as a result of a study or a law requiring a study will be submitted without a person as a sponsor. It will simply come without a designated individual as sponsor and go to the committee of jurisdiction. It will originate in the House where the original study order originated. For example, if Representative Paradis presents a study order for State Government, then, once the study order is completed, any legislation which comes out of that study will start here in the House without Representative Paradis' name on it, of course, with no sponsor, that is all it says.

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

Mr. PEARSON: Mr. Speaker, I would pose a further question. What would determine the committee of jurisdiction? For example, if you had a Joint Study Order that was peopled by several Representatives from different committees, who would determine the committee of jurisdiction?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed an additional question through the Chair to anyone who may respond if they so desire.

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

Mrs. MITCHELL: Mr. Speaker, Members of the House: The committee of jurisdiction would be chosen exactly as it is chosen on any piece of legislation, by the Clerk of the House and the Secretary of the Senate, with the final judgment being this body. You can overturn those rulings as you do with any reference.

Thereupon, the Order was passed and sent up for concurrence.

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

Bill "An Act to Deregulate the Bag Limit and Size Requirements of Striped Bass" (S. P. 369) (L. D. 1088)

Tabled—April 15 by Representative Diamond of Windham.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

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

Bill "An Act to Revise the Maine State Lottery" (Emergency) (H. P. 293) (L. D. 337)

Tabled—April 15 by Representative Cox of Brewer.

Pending—Adoption of Committee Amendment "A" (H-202).

Thereupon, Committee Amendment "A" was adopted.

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

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

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

Mr. JALBERT: Mr. Speaker, Members of the House: I have nothing but respect for the honesty of the House chairman of this committee, the Representative from Brewer, Mr. Cox. I was in Augusta yesterday and then I wound up and got paged in Lewiston. I was just told that this bill was going to be tabled, and twenty minutes ago I was told that this bill was going to be indefinitely postponed.

In the first place, this is my bill, put in by request, and the report of the committee was 13 to 0. I don't like bills anyway, so it doesn't really hurt my feelings and I am not even going to ask the gentleman from Brewer, Mr. Cox, to talk to me about it, I will talk to him about it outside the railing when we are through, but I have to be somewhat honest, Mr. Speaker, with myself at least and the people involved in this, even though they know about it, the fact is, I didn't know about it. I was asked to put in the bill, not one word of debate, unanimous committee report and now this.

I thoroughly agree with the gentlelady from Brunswick, Mrs. Martin, in her remarks about being in your seat—I mean the answer to that, if I may relate it a little bit, Mrs. Martin, as far as I am concerned, I don't have to worry because if the man with the mallet knows I am against something, he stops the bell in two seconds; if I am with him, he is going to keep on ringing it until I show up, so I don't worry too much about that. She had a legitimate argument and I think I have a legitimate argument. I am going to let the thing ride and I am not going to debate it. I know that it is one o'clock, we have committee hearings, we have at least, and I know that you people are busy and some of you are hungry, I am, I am going to let it go. But I just want to say Mr. Speaker, I don't think this is a kosher way to do business.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I was just hoping that I wouldn't have to talk too long this morning, but I do think Mr. Jalbert and the members of the House deserve a little explanation.

What happened was, after the bill was tabled yesterday, the committee came into some new information that we had not had before. I discussed it with the committee in the work session yesterday, and there was a unanimous decision of all of the members of the committee who were at the work session that I would move to indefinitely postpone this bill today.

Thereupon, on motion of Mr. Cox of Brewer, the Bill and all its accompanying papers were indefinitely postponed and sent up for concurrence.

The following Senate Paper was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 571)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 21, 1981, at five o'clock in the afternoon.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The following papers were taken up out of order by unanimous consent:

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and referred to the following Committees:

Appropriations and Financial Affairs

RESOLVE, to Authorize Expenditure of Certain Federal Funds for New or Expanded Programs (Emergency) (H. P. 1361) (Presented by Representative Pearson of Old Town) (Cosponsor: Representative Kany of Waterville) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act to Make Allocations from the Regulatory Fund, Public Utilities Commission, for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency) (H. P. 1362) (Presented by Representative Kelleher of Bangor) (Cosponsor: Representative Pearson of Old Town) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act to Extend the Deadline for the Enactment of Legislation Concerning Education Allocations, Appropriations and Rates" (Emergency) (H. P. 1363) (Presented by Representative Pearson of Old Town) (Cosponsors: Representative Kelleher of Bangor and Senator Perkins of Hancock) (Governor's Bill) (Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Establish an Environmental Licensing Fund in Order to Expedite the Processing of Applications Filed with the Department of Environmental Protection" (H. P. 1364) (Presented by Representative Huber of Falmouth) (Cosponsor: Representative Hall of Sangerville) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

RESOLVE, Providing for Standards to Achieve Erosion Control on Roads in Organized Areas under the Site Location of Development Law (Emergency) (H. P. 1365) (Presented by Representative Hall of Sangerville) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Tabled and Later Assigned

Bill "An Act to Assure the Rights of Mentally Retarded Persons to Family Style Living Units" (H. P. 1366) (Presented by Representative Benoit of South Portland) (Cosponsor: Senator Violette of Aroostook) (Submitted by the Department of Mental Health and Corrections pursuant to Joint Rule 24)

Committee on Local and County Government was suggested.

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

Ms. BENOIT: Mr. Speaker, I am sorry I didn't have a chance to discuss this with Representative LaPlante, so I would ask that someone table this for one legislative day.

On motion of Ms. Benoit of South Portland, tabled pending reference and later today assigned.

State Government

Bill "An Act Creating a Division of Records Management Services within the Department of Finance and Administration" (H. P. 1367) (Presented by Representative Kilcoyne of Gardiner) (Cosponsor: Representative Nadeau of Lewiston) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Exempt Jet Fuel used for International Flights from the 2¢ per Gallon Excise

Tax" (H. P. 1368) (Presented by Representative Kelleher of Bangor) (Cosponsors: Senator Trotzky of Penobscot, Representatives Aloupis of Bangor, Diamond of Bangor) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Assure the Rights of Mentally Retarded Persons to Family Style Living Units" (H. P. 1366) which was tabled earlier in the day and later today assigned pending reference.

On motion of Mr. LaPlante of Sabattus, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Kelleher of Bangor.

Adjourned until Tuesday, April 21, at five o'clock in the evening.